



**Canadian Motor Vehicle  
Arbitration Plan**

235 Yorkland Boulevard  
Suite 109  
Toronto, Ontario  
M2J 4Y8

**Programme d'arbitrage  
pour les véhicules  
automobiles du Canada**

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## Consumer Legal Assistance Program

### Policy

CAMVAP may provide, on a case-by-case basis, an eligible Consumer with financial assistance under the CAMVAP legal assistance program when the following circumstances apply:

1. The Manufacturer has not implemented the CAMVAP award within the time frames set out in the Agreement for Arbitration and;
  - (a) The arbitrator has not granted any extension of time in accordance with section 6.2.1 of the Agreement for Arbitration;
  - or,
  - (b) The arbitrator has not amended or altered the award in accordance with any application brought forward by the Manufacturer in accordance with the provisions for corrections of an award set out in any applicable Provincial or Territorial Arbitration Act; or
2. The Manufacturer serves notice that it is seeking a Judicial Review of the award; and,
3. The General Manager has been advised by the applicable Provincial Administrator that the provisions of paragraph 1(a), (b), or (2), as set out above, have been met; and
4. The terms and conditions as set out below have been fully satisfied.

### Purpose

This policy is to establish eligibility and procedural requirements to be followed in authorizing a Consumer to retain legal counsel at CAMVAP's expense.

### Terms and Conditions

1. When the conditions as set out in sections 2 and 3 of the above policy have been met:
  - a. The General Manager will, after reviewing the matter, provide notice to the Manufacturer, by email, with a copy to the Provincial Administrator, advising that the Consumer is eligible to seek legal counsel at CAMVAP's expense in accordance with this policy if the arbitrator's award is not implemented within seven (7) calendar days.
  - b. A copy of this notice will be sent to the Consumer by the Provincial Administrator.
2. The General Manager may:
  - a. upon written application by the Manufacturer received within the seven (7) calendar day period, delay authorization of the consumer to seek legal counsel at CAMVAP's expense up to an additional ten (10) calendar days if the Manufacturer confirms, in writing, that implementation of the award can and will be completed within that time frame. Notice of the ten (10)

calendar day extension will be sent by email to the Manufacturer by the General Manager, with a copy to the Provincial Administrator.

- a. A copy of the notice for the ten (10) day extension will be sent to the Consumer by the Provincial Administrator.
3. Upon expiry of the applicable notice period(s) as set out above in sections 1, 2, or 3, the General Manager will contact the Provincial Administrator by email who will advise the Consumer of their eligibility for legal assistance under Consumer Legal Assistance Program. The Consumer may then retain the services of legal counsel, of their own choice authorized to practice in the jurisdiction in which the legal proceeding is commenced, to represent them with respect to implementation of the CAMVAP award subject to the conditions set out below:
  - a. The Consumer completes and signs the application and acknowledgement form attached to this policy and provides it to the Provincial Administrator. The Provincial Administrator shall provide a copy of the application and acknowledgement to the General Manager by email upon receipt.
  - b. The Consumer's counsel provides directly to the General Manager, either by mail or email, prior to commencing representation of the Consumer,
    - i. An estimate for the legal fees and expected costs to represent the Consumer's interests in enforcement of the award issued with respect to their CAMVAP case which shall include:
      1. The name, address, telephone number and email address of counsel;
      2. Confirmation that counsel is authorized to practice in the applicable Province or Territory;
      3. The estimated fees and costs to represent the Consumer's interests in this matter;
      4. Counsel's commitment to provide CAMVAP with any amendments to the estimate of legal fees, and reasons therefore, prior to any additional fees or related costs being incurred;
      5. Acknowledgement that any Costs awarded by the Court will first be applied to counsel's fees and the costs associated with handling this proceeding;
      6. Acknowledgement of CAMVAP's interest in counsel to represent the Consumer's interests in the most cost efficient manner seeking implementation of the arbitrator's award;
      7. Any specific instructions with respect to billing at completion of the case or on a periodic basis; and
      8. A commitment to send a copy of the Court's order to the General Manager.
4. Should the Court award costs payable by the Consumer, those costs will be also be covered within the terms of this Policy.

### **Exceptions**

The CAMVAP General Manager may determine that this Policy should not be implemented in certain circumstances. Such determination shall be made at the sole and exclusive discretion of

the CAMVAP General Manager. Prior to making such a determination, the General Manager shall circulate the reasons for the decision to the CAMVAP Board of Directors for their comment. The Consumer will be provided with written reasons for the non-application of this policy.

**Non-Eligibility**

A Consumer shall not be eligible for legal assistance in the event the Consumer commences an appeal or an application for judicial review of an Arbitrator's award.

**Effective Date**

The effective date of this policy is the 21<sup>st</sup> day of November, 2012.



**APPLICATION FOR THE CONSUMER LEGAL ASSISTANCE PROGRAM**

In accordance with the attached Consumer Legal Assistance Policy. A copy of the policy is also available on the CAMVAP Website at [www.camvap.ca](http://www.camvap.ca)

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CAMVAP FILE NUMBER:

CONSUMER'S NAME:

MANUFACTURER:

NAME OF CONSUMER'S LAWYER:

**LAWYER'S CONTACT INFORMATION:**

LAW FIRM:

ADDRESS:

PHONE

FAX/EMAIL:

By signing this application in accordance with the **CAMVAP Consumer Legal Assistance Program** I hereby acknowledge that I have read and agree with the Terms and Conditions as set out in the Policy. I understand that in accepting financial assistance from CAMVAP in accordance with this policy that it is my obligation to provide the information needed by my Counsel to properly represent my interests.

\_\_\_\_\_  
CONSUMER'S SIGNATURE  
(EFFECTIVE NOVEMBER 21, 2012)

\_\_\_\_\_  
DATE