



## **SURFACE RIGHTS BOARD INFORMATION SHEET #4**

# **ARBITRATIONS**

### **Preliminary Steps**

If an application is not resolved during mediation, the mediator may refer it to arbitration. The Board will conduct a pre-arbitration case conference to do any of the following:

- set the date and method for the arbitration hearing;
- discuss the issues with the parties to clarify or narrow what will proceed to arbitration;
- require the parties to produce relevant documents.
- require the parties to provide lists of witnesses or summaries of a witness's evidence;
- set dates, in advance of the hearing, for the production of evidence, documents or expert reports;
- make any other orders for the fair and efficient conduct of the arbitration; and/or
- answer questions and provide information to the parties.

One or more Board members will be assigned to hear the case. The parties will present their evidence and argument in either a video conference, a telephone conference or solely in writing as described below.

### **Video or Telephone Conference Arbitration Hearings**

While not as formal as court proceedings, video or teleconference hearings are reasonably formal and parties are expected to act appropriately. Parties may represent themselves or have an agent or lawyer represent them. Video hearings are open to the public.

Parties will usually be required to submit all documents they intend to rely on at an arbitration to the Board and the other party in advance of the hearing. The Board's panel will review these documents in preparation for the hearing.

The panel will determine who will present their case first. Usually the party making the application (the applicant) proceeds first. The applicant may make a brief opening statement explaining the issues and then present their evidence. The applicant may call witnesses to present evidence. The other party to the dispute (the respondent) will have an opportunity to cross-examine any witnesses.

The respondent then proceeds in the same manner and the applicant will have an opportunity to cross-examine the respondent's witnesses. The applicant will be given an opportunity to respond to any new matters raised by the respondent. The Board's panel may also have questions of the parties or witnesses. Finally, both parties can make a brief statement summarizing their case.

People who give evidence at a hearing must swear an oath or affirm that their evidence will be the truth. For more information on evidence, see the Board's Information Sheet #5 - Evidence in an Arbitration.

**Written Submission Arbitration Hearings**

The Board may conduct an arbitration hearing by way of written submissions. The written submission method is a practical alternative to a video or teleconference hearing when there is no disagreement about the facts, no issues of credibility, and the arguments can be made in writing.

Normally, the applicant will be required to provide their submission first, including any evidence and argument. The respondent will then have the opportunity to provide their written submission including evidence and argument and any response to the applicant's submission. The applicant will have a final opportunity to respond to the respondent's submissions. The submissions will then be provided to the Board's panel to review and make a decision.

**The Board's Decision**

Following the arbitration hearing, the panel will prepare a written decision with reasons. The Board will send the parties the decision as soon as possible. Depending on the complexity of the issues and the workload of the panel, the decision may take up to three months.

For questions or other Information Sheets, please contact us or see our web site at:

**SURFACE RIGHTS BOARD**

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Application Forms and Information Sheets are available from any Service BC Centre (Government Agent) and Applications may be delivered to the Board either directly or through Service BC	