

Property Claim Umpire Selection by the Superintendent – Instructions for Representatives

The following information provides an overview of the dispute resolution process under the *Insurance Act* for resolving property claim disputes between insureds and insurers, and for requesting that the Superintendent of Financial Institutions appoint an umpire to resolve the dispute ([general information on the process](#)).

Applicants should review relevant sections of the Insurance Act before making any submissions.

LEGISLATION

[Section 12 of the Insurance Act](#) (IA) establishes a mandatory dispute resolution process in the event of a dispute between an insured and insurer in a property claim. The dispute may relate to:

- the value of insured property;
- the value of the property saved;
- the nature and extent of the repairs or replacements; or
- the amount of the loss or damage.

Each party to the dispute must name a dispute resolution representative who, in turn, must appoint an umpire. Where the representatives cannot agree to an umpire or an agreed-upon umpire cannot fulfill their duties, either representative may make an application to the Superintendent for the appointment of an umpire.

APPLICATION TO THE SUPERINTENDENT TO APPOINT AN UMPIRE

After giving written notice to the other representative of the intention to make the application to the Superintendent, the representative is requested to complete an application form, or by providing the following information:

1. Confirmation that as a representative you are not the:
 - a. Insured;
 - b. Insurer;
 - c. An employee of the insured; or
 - d. An employee of the insurer;
2. A brief description of the claim and the principle issue(s);
3. A copy of the notice provided to the other representative and confirmation of the date it was given;
4. The names of up to three (3) candidates for umpire;
5. The credentials of the three (3) candidates, which demonstrate their competency to act as an umpire, including:
 - Professional or technical qualifications;
 - Experience in quantitative and qualitative appraisals;
 - Knowledge and experience related to the specific issue(s) under dispute;
 - Experience in dispute resolution or mediation processes;
 - Each complete the Conflict statement.

WHAT HAPPENS NEXT

The other party's representative has 15 days to also submit up to three (3) candidates for the umpire. Once both parties have provided their candidates, or the 15 days elapses without submissions by the other representative, the Superintendent will assess the qualifications of the persons and appoint one candidate to be umpire. The Superintendent's assessment will be based on the submissions provided. The Superintendent will appoint an umpire from the names provided as soon as practicable.

ASSESSMENT FRAMEWORK AND APPOINTMENT OF AN UMPIRE

The legislation does not prescribe evaluation criteria or qualification requirements for an umpire. The Superintendent evaluates candidates based on the extent to which their submitted credentials and disclosures demonstrate a candidate is:

1. Competent to act as an umpire in this dispute; and
2. Can carry out their role as umpire in an independent and objective manner, free from apparent or actual bias.

Once an umpire is identified by the Superintendent, both parties will be notified in writing.

CONTACT US

Any questions concerning the statutory dispute resolution process can be directed to insurance@bcfsa.ca or at 604 398-5067