

Information on the Umpire Selection Process

July 29, 2019

General Insurance and Auto Insurance Claims

The requirements for the Superintendent of Insurance to select an umpire are described in [section 519 of the Insurance Act](#). An overview of the requirements is provided below. Please note that all references to days include weekends and holidays.

- Once the dispute resolution process is started by either party, a representative must be appointed by each party.
- Under section 519(5) of the Insurance Act, within 15 days after the appointment of the representatives, the two representatives must appoint an umpire.
- In accordance with section 519(11) of the Insurance Act, either representative may make [an application to the Superintendent of Insurance for the appointment of an umpire](#), if:
 - a. The representatives fail to appoint an umpire in accordance with section 519(5) of the Insurance Act; or
 - b. The umpire fails, or refuses to act, or is incapable of acting.
- Before making an application for an umpire, by section 519(12) the applicant (the representative requesting the selection of an umpire) must give notice in writing to the other representative of the intention to make the application, which notice must contain the names and credentials of three (3) persons the applicant is submitting to the Superintendent of Insurance for consideration as an umpire under section 519(11).
- In its application to the Superintendent of Insurance for the appointment of an umpire, the applicant representative must provide to the Superintendent of Insurance:
 - a. The names of three (3) persons the applicant believes are capable of performing the functions of the umpire;
 - b. The credentials of the three (3) persons;
 - c. Confirmation that as a representative they are not the:
 - i. Insured;
 - ii. Insurer;
 - iii. Employee of the Insured; or
 - iv. Employee of the Insurer.
 - d. A copy of the notice provided to the other representative under Section 519(12), and confirmation of the date it was given.
- The Insurance Act allows the other representative to reply and give the Superintendent of Insurance the names and credentials of three (3) persons they believe are capable of performing the functions of an umpire. If the other representative chooses to give their

own choices for umpire, they must provide the names and credentials of the three (3) persons to both the applicant representative and the Superintendent of Insurance within 15 days after receiving a notice under section 519(12) of the Insurance Act.

- After allowing time for both sides to recommend names for selection, the Superintendent of Insurance will verify umpire candidates for conflict of interest by asking the potential umpire to complete an Appointment of Umpire Conflicts of Interest Disclosure Form. The Superintendent will select an umpire after taking into consideration the credentials of the umpire candidate, including but not limited to:
 - a. An actual or apparent conflict of interest of the umpire candidate;
 - b. Professional or technical qualifications of the umpire candidate; and
 - c. Knowledge of the umpire candidate regarding the dispute resolution process and rules of procedural fairness.

Hail (Crop loss) Claims

The requirements for the Superintendent of Insurance to select an umpire are described in [section 636 of the Insurance Act](#). An overview of the requirements is provided below. Please note that all references to days include weekends and holidays.

- The requirements are similar to those for general or auto insurance; however, the timelines and processes are expedited.
- To facilitate the process, the applicant (the representative requesting the selection of an umpire) needs to provide to the Superintendent of Insurance:
 - a. The names of two (2) persons the applicant believes are capable of performing the functions of the umpire;
 - b. The credentials of the two (1) persons; and
 - c. A full copy of the application (including the above items) needs to be shared with the other representative. The Superintendent of Insurance requires a copy of the documents provided to the other representative and confirmation of the date it was given.
- The Superintendent of Insurance will select an umpire after taking into consideration the credentials of the Umpire candidate, including but not limited to:
 - a. An actual or apparent conflict of interest of the umpire candidate;
 - b. Professional or technical qualifications of the umpire candidate; and
 - c. Knowledge of the umpire candidate regarding the dispute resolution process and rules of procedural fairness.

Related Documents

- Form FSRP10948: [Application to the Superintendent of Insurance to Select an Umpire](#) (General Insurance and Hail Crop Insurance)
- [Information Bulletin](#): Changes to *Insurance Act* come into effect July 1, 2012