

## ARBITRATION AGREEMENT

Interlocutory Application - BC Supreme Court

### 1. Submission to Arbitration

Attached hereto as Schedule "A" is a Notice of Application in the litigation in the British Columbia Supreme Court referenced in the style of cause therein (the "**Litigation**"). The parties to the Litigation agree to submit to arbitration the matters set out in the Notice of Application for final resolution by arbitration administered by the British Columbia International Commercial Arbitration Centre ("**BCICAC**") before an arbitral tribunal composed of a single arbitrator.

### 2. Appointment of Arbitrator

The arbitral tribunal shall be (check the appropriate box):

- selected under the procedure set out in Rule 14(1) of the BCICAC Domestic Commercial Arbitration Rules of Procedure (Revised as of September 15, 2016) (the "**Domestic Arbitration Rules**");
- appointed by the BCICAC from among its panelists;
- appointed by the BCICAC from the Centre's Panel as described in Rule 8 of the Domestic Arbitration Rules by virtue of the urgency of the matters submitted to arbitration;
- selected by the parties and identified as: \_\_\_\_\_

### 3. Applicable Rules

The arbitration shall be conducted under (check the appropriate box):

- the Domestic Arbitration Rules
- rules based upon the *Supreme Court Civil Rules*, and modified by the arbitral tribunal as necessary to reflect the submission to arbitration
- rules of procedure to be set by the arbitral tribunal in consultation with the parties

### 4. Costs

The parties agree that the costs of the arbitration shall be (check the appropriate box):

- determined in accordance with Part 7 of the Domestic Arbitration Rules
- those that would have been payable under the *Supreme Court Civil Rules*, as modified by the arbitral tribunal as necessary to reflect the submission to arbitration

**5. Appeal Rights**

The parties agree that their rights of appeal in respect of any award rendered by the arbitral tribunal shall be<sup>1</sup> (check the appropriate box):

- those under the appeal process set out in the Domestic Arbitration Rules (Rules 42-44) on a question of law or a question of mixed fact and law
- by consent to a judge of the British Columbia Supreme Court, and by agreement the applicable standard of appeal shall be that which would have applied had the matter not been submitted to arbitration
- only those available under the applicable arbitration statute

**6. Commencement of Arbitration**

The arbitration will be deemed to have been commenced when a copy of this Arbitration Agreement and the commencement fee of \$630.00 (GST included) are received by the BCICAC.

**7. Proviso**

This Arbitration Agreement applies only to the dispute set out in the Notice of Application attached as Schedule "A". The parties agree that any other matters arising out of or in connection with the Litigation have not been and shall not be submitted to arbitration unless the parties enter into a further arbitration agreement setting out the terms of such submission.

In witness of which the parties have executed this Arbitration Agreement as of \_\_\_\_\_, 20\_\_\_\_

*[signature page follows]*

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<sup>1</sup> Note that after the commencement of the arbitration in accordance with section 5, the parties may, by subsequent agreement, exclude rights of appeal to court altogether.

