1. notice of arbitration

DATE: **[insert date]**

TO: **[include address, telephone, fax number, and e-mail address, if known]**

FROM: **[include address, telephone, fax number, and e-mail address, if known]**

This matter is proceeding to arbitration because: (place an “X” in the appropriate response)

( ) sixty (60) days have passed from the date of the Notice of Mediation, a copy of which is attached hereto and the Parties have not selected a mediator; or

( ) thirty (30) days have passed from the Delivery of the mediator’s notice indicating that the mediation has failed. A copy of the mediator’s notice is attached hereto.

* 1. Proposed Arbitrators (include name and contact information):
     1. <\*>
     2. <\*>

|  |
| --- |
|  |
| (Signature) |

The Parties shall unanimously appoint, within ten (10) days of Delivery of the Notice of Arbitration, an arbitrator from the names submitted. The arbitrator shall be qualified and experienced to act as an arbitrator.

If the Parties are unable to reach unanimous agreement on the selection of an arbitrator within ten (10) days after the date the Notice of Arbitration is Delivered, the arbitrator shall be selected at random by draw by the Party who Delivered the Notice of Arbitration and in the presence of the other Parties from among the names of the arbitrators submitted by the Parties.

If a Party fails to submit names in accordance with this Section, such Party shall be deemed to accept as the arbitrator, the person selected, by the other Party or Parties, in accordance with this Section.

Within ten (10) days after the date of the appointment of the arbitrator each Party shall Deliver to the arbitrator and to the other Party or Parties a written arbitration brief which shall set forth each Party’s position concerning the matters in dispute and shall include:

(a) a statement of fact and law;

(b) copies of all relevant documents that are in that Party’s possession or within the Party’s control;

(c) a statutory declaration of the Party presenting the brief declaring that the documents included in the brief are all the documents relevant to the dispute that are in that Party’s possession or control, including those documents that are or might be unfavourable to that Party’s position in the arbitration; and

(d) a statement of the relief sought.