Index to Alternative Dispute Resolution

(All references are to paragraph numbers.)

arbitration

- arbitration and conciliation, 14
- arbitration and valuation, 5-13
 - o definitions, 6
 - o distinction between, 5
 - o factors considered, 8
 - factors indicating arbitration, 10
 - o intention expressed in document, 12
 - valuation and arbitration, 7
 - where valuators considered arbitrators, 9
 - o written agreement not determinative, 11
- definition, 3, 4

arbitration awards

- declaration of invalidity, 583, 584
- making the award, 361-475
 - o absence of arbitrator, 390-393
 - o appeals from decisions of arbitrator referee, 465-475
 - arbitrators exceeding powers, 406-416
 - o correction of errors, 417-420
 - o costs, 428-442
 - o enforcement of award, 443-464
 - o execution of award, 385-389
 - o formalities of award, 421-427
 - o interpretation, 394-405
 - o publication, 378-384
 - o scope and effect, 371-377
 - o time for making, 361-370
- remission or setting aside of award, 476-582
 - o costs, 582
 - o grounds for setting aside award, 496-563
 - admission of mistake by arbitrator, 560, 561
 - arbitrator proceeding on wrong principle, 534-536
 - error in law, 514-533
 - fresh evidence, 562, 563
 - general, 496-513
 - misconduct of arbitrators, 537-555
 - not disposing of entire reference, 557-559

- not taking evidence on oath, 556
- o jurisdiction of court, 476-495
- o remitting award for reconsideration, 571-581
 - discretion to remit, 580, 581
 - general, 571-579
- time for moving to set aside award, 567-570
- o waiver of irregularities, 564-566

arbitration reference

- arbitrator or umpire, 191-283
 - o appointment,
 - appointment by court, 220-224
 - appointment by parties, 213-219
 - appointment of expert or valuator, 225
 - disqualification for pecuniary interest, 206, 207
 - duty of fairness and impartiality, 195-205
 - general, 191-194
 - other grounds for disqualification, 208-211
 - termination of arbitrator's mandate, 226-228
 - third arbitrator or umpire, 229-231
 - waiver of right to demand arbitration, 212
 - o powers of arbitrator or umpire, 232-265
 - duration of powers, 256-265
 - extent of powers, 232-255
 - rights and liabilities of arbitrator or umpire, 266-283
 - enforcement of payment of fees, 269-274
 - liabilities of arbitrator, 275-278
 - removal of arbitrator or umpire, 279-283
 - remuneration, 266-268
- conduct of reference, 284-344
 - o arbitrator's duty of full consideration, 340-344
 - basis of decision, 314-332
 - o general, 284-288
 - o presence of parties, 289-295
 - o procedure, 296-313
 - responsibility of arbitrator, 333-339
- questions of law, 345-348
- references under order of court, 349-360
 - o power to appoint arbitrator for reference, 349-351
 - o powers of referee where whole action referred, 357-360
 - o reference for trial, 352-356
- stay of proceedings, 126-190
 - o application to stay action, 126-140

- arbitration as condition precedent to action, 151-157
- o time for application, 141-150
- o validity and enforceability of arbitration clause, 158-178
- when court has jurisdiction, 179-181
- o when stay granted, 182-190
- submission to arbitration, 15-125
 - nature and classification of submission, 15-120
 - application of legislation, 50-67
 - construction, 103-116
 - effect of arbitration clause, 84-86
 - form, 98-102
 - general,15-22
 - intention of parties, 23-31
 - limitation periods, 32-36
 - matters which may be referred, 68-78
 - ouster of court's jurisdiction, 37-49
 - parties, 87-97
 - proceedings classified as arbitrations, 79-83
 - void submissions, 117-120
 - o revocation of submission, 121-125

definition, 1

forms of, 2

international commercial arbitration and foreign arbitral awards

- Alberta, 621-623
- British Columbia, 624-628
- Canada, 629-631
- enforcement of foreign arbitral awards, 652-656
- general, 619, 620
- Manitoba, 632
- Ontario, 633-646
- Saskatchewan, 647-651

mediation

- binding mediation, 666, 667
- definition, 657
- enforcement of mediation, 673, 674
- limitation periods, 668
- mediation restrictions, 658-663
- powers and duties of mediators, 664, 665
- statutory mediation, 669-672

statutory arbitration

- compulsory references, 585-596
 - o generally, 585-588
 - o specific statutes, 589-596
- enforcing award on compulsory arbitration, 618
- matters considered on appeal, 607-609
- review of compensation award, 610-615
- reviewing award, 597-606
- setting aside award, 616, 617