**Index to Alternative Dispute Resolution**

*(All references are to paragraph numbers.)*

**arbitration**

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

**arbitration awards**

* declaration of invalidity, 583, 584
* making the award, 361-475
  + absence of arbitrator, 390-393
  + appeals from decisions of arbitrator referee, 465-475
  + arbitrators exceeding powers, 406-416
  + correction of errors, 417-420
  + costs, 428-442
  + enforcement of award, 443-464
  + execution of award, 385-389
  + formalities of award, 421-427
  + interpretation, 394-405
  + publication, 378-384
  + scope and effect, 371-377
  + time for making, 361-370
* remission or setting aside of award, 476-582
  + costs, 582
  + 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
  + jurisdiction of court, 476-495
  + remitting award for reconsideration, 571-581
    - discretion to remit, 580, 581
    - general, 571-579
  + time for moving to set aside award, 567-570
  + waiver of irregularities, 564-566

**arbitration reference**

* arbitrator or umpire, 191-283
  + 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
  + 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
  + arbitrator’s duty of full consideration, 340-344
  + basis of decision, 314-332
  + general, 284-288
  + presence of parties, 289-295
  + procedure, 296-313
  + responsibility of arbitrator, 333-339
* questions of law, 345-348
* references under order of court, 349-360
  + power to appoint arbitrator for reference, 349-351
  + powers of referee where whole action referred, 357-360
  + reference for trial, 352-356
* stay of proceedings, 126-190
  + application to stay action, 126-140
  + arbitration as condition precedent to action, 151-157
  + time for application, 141-150
  + validity and enforceability of arbitration clause, 158-178
  + when court has jurisdiction, 179-181
  + 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
  + 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
  + generally, 585-588
  + 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