

## **SCHEDULE F: DISPUTE RESOLUTION PROTOCOL**

### **Stage 1 – Notification and Initial Meeting**

1. Should any dispute or disagreement of any kind arise with respect to any Contract the party with the dispute will provide written notification of the dispute to the other party.
2. CLBC's Quality Service Manager and the equivalent level SP representative will engage in good faith negotiations with the objective of resolving such dispute or disagreement to both parties' satisfaction.

### **Stage 2 – Internal Escalation**

3. If such good faith negotiations have not resolved the dispute or disagreement within a period of 60 days from the date of notification of the dispute or disagreement, the dispute or disagreement will be referred to the CLBC Director of Regional Operations and a Senior Executive representative of the SP or their designates who will attempt in good faith to resolve such dispute or disagreement.
4. Within 60 calendar days of having the dispute or disagreement referred to them, CLBC's Director of Regional Operations and the Senior Executive representative of the SP will meet to discuss and attempt to settle the conflicting positions.
5. If the dispute or disagreement is not resolved to the satisfaction of the parties, the parties may determine that mediation may resolve or clarify the issues of the dispute.

### **Stage 3 – Mediation and/or Arbitration**

6. A mediator must be selected by mutual agreement of both parties, from a preapproved list of qualified mediators, maintained by the British Columbia Mediator Roster Society (BCMRS), unless the parties agree otherwise. Where the parties are unable to agree upon a mediator, within 15 days of the decision to mediate, a party may request the BCMRS to appoint a mediator from the preapproved list of qualified mediators.
7. If both parties agree that mediation will not resolve the dispute, or mediation has failed to resolve the dispute, either party, by notice in writing to the other party, may refer such dispute or disagreement to binding arbitration pursuant to the Commercial Arbitration Act (British Columbia).
8. A qualified arbitrator must be selected by mutual agreement of both parties. Where the parties are unable to agree upon an arbitrator within 15 days of the notice to arbitrate, a party may request the British Columbia Arbitration & Mediation Institute to appoint a qualified arbitrator from its members.
9. Costs of either mediation or arbitration will be shared equally by each party.

#### **Stage 4 - Courts**

10. The parties agree that good faith negotiations and arbitration will all be without recourse to the courts and that the award of the arbitrator will be final and binding, except that:
  - a. Either party may appeal an arbitration award to the courts of the Province of British Columbia on a question of law; and
  - b. Either party may apply to the courts of the Province of British Columbia:
    - i. For an interim measure of protection; or
    - ii. For any order for equitable relief which the arbitrator does not have the jurisdiction to provide.