

ICDR CANADA FEE SCHEDULE

Amended and Effective January 1, 2015

For all cases determined to use the ICDR Canada Rules, this Fee Schedule shall apply. Cases will fall under these Rules, where parties have agreed to arbitrate disputes under these Canadian Arbitration Rules ("Rules"), or have provided for arbitration by ICDR Canada, the International Centre for Dispute Resolution (ICDR) or the American Arbitration Association (AAA) of a Canadian domestic dispute as determined by the ICDR.

ICDR Canada offers parties two administrative fee options for filing arbitration claims or counterclaims.

For both schedules, administrative fees are based on the amount of the claim or counterclaim and are to be paid by the party bringing the claim or counterclaim at the time of the Notice or claim is filed with ICDR Canada. *Arbitrator compensation is not included in either schedule.* Unless the parties' agreement provides otherwise arbitrator compensation and administrative fees are subject to allocation by an arbitrator in an award.

All amounts are denominated in U.S. dollars (USD).

Standard Fee Schedule: A two-payment schedule that provided for somewhat higher initial filing fee, but lower overall administrative fees for cases that proceed to hearing.

| Amount of Claim | Initial Filing Fee | Final Fee |
|------------------------------|---|-----------|
| Up to \$75,000 | \$1,000 | \$1,000 |
| >\$75,000 to \$150,000 | \$2,025 | \$1,450 |
| >\$150,000 to \$300,000 | \$3,050 | \$2,300 |
| >\$300,000 to \$500,000 | \$4,600 | \$4,025 |
| >\$500,000 to \$1,000,000 | \$5,750 | \$7,125 |
| >\$1,000,000 to \$10,000,000 | \$8,625 | \$10,350 |
| >\$10,000,000 | \$12,650 plus .015% of the claim amount above \$10,000,000 up to \$100,000 | \$16,100 |
| Undetermined Monetary Claims | \$8,625 | \$10,350 |
| Nonmonetary Claims | \$3,750 | \$2,875 |
| Deficient Filing Fee | \$600 | |
| Additional Party Fees | If there are more than two separately represented parties in the arbitration, an additional 10% of each fee contained in these fee schedules will be charged for each additional separately represented party. However, Additional Party Fees will not exceed 50% of the base fees contained in these fee schedules unless there are more than 10 separately represented parties. See below for additional details. | |

Flexible Fee Schedule: A three-payment schedule that provides for lower initial filing fee and then spreads subsequent payments out over the course of the arbitration. Total administrative fees will be somewhat higher for cases that proceed to a hearing.

| Amount of Claim | Initial Filing Fee | Proceed Fee | Final Fee |
|------------------------------|---|--|-----------|
| Up to \$75,000 | Only available for claims above \$150,000 | | |
| >\$75,000 to \$150,000 | | | |
| >\$150,000 to \$300,000 | \$1,900 | \$1,950 | \$2,300 |
| >\$300,000 to \$500,000 | \$2,300 | \$3,450 | \$4,025 |
| >\$500,000 to \$1,000,000 | \$2,875 | \$4,950 | \$7,125 |
| >\$1,000,000 to \$10,000,000 | \$4,600 | \$8,050 | \$10,350 |
| >\$10,000,000 | \$6,900 | \$11,500 plus .015% of the claim amount above \$10,000,000 up to \$100,000 | \$16,100 |
| Undetermined Monetary Claims | \$4,600 | \$8,050 | \$10,350 |
| Nonmonetary Claims | \$2,300 | \$2,600 | \$2,875 |
| Deficient Filing Fee | \$600 | | |
| Additional Party Fees | If there are more than two separately represented parties in the arbitration, an additional 10% of each fee contained in these fee schedules will be charged for each additional separately represented party. However, Additional Party Fees will not exceed 50% of the base fees contained in these fee schedules unless there are more than 10 separately represented parties. See below for additional details. | | |

Standard Fee Schedule (Cont.)

- The **Initial Filing Fee** is payable in full by a filing party when a claim, counterclaim, or additional claim is filed.
- The **Final Fee** will be incurred for all cases that proceed to their first hearing and is payable in advance at the time the first hearing is scheduled.
- **Fee Modifications:** Fees are subject to increase if the claim or counterclaim is increased after the initial filing date. Fees are subject to decrease if the claim or counterclaim decreases prior to the first hearing.
- **Cases with Three or More Arbitrators** are subject to a minimum Initial Filing Fee of \$5,750 and a Final Fee of \$7,125.

Refunds—Standard Fee Schedule:

Initial Filing Fees: Subject to a \$600 minimum non-refundable Initial Filing Fee for all cases, refunds of Initial Filing Fees for settled or withdrawn cases will be calculated from the date ICDR Canada receives the notice of arbitration as follows:

- within 5 calendar days of filing—100%
- between 6 and 30 calendar days of filing—50%
- between 31 and 60 calendar days of filing—25%

However, *no refunds will be made once:*

- any arbitrator has been appointed (including one arbitrator on a three-arbitrator panel).
- an award has been rendered.

Final Fees: If a case is settled or withdrawn prior to the first hearing taking place, all Final Fees paid will be refunded. However, if ICDR Canada is not notified of a cancellation at least 24 hours before a scheduled hearing date, the Final fee will remain due and will not be refunded.

Flexible Fee Schedule (Cont.)

- The **Initial Filing Fee** is payable in full by a filing party when a claim, counterclaim, or additional claim is filed.
- The **Proceed Fee** must be paid within 90 days of the filing of the notice of arbitration or a counterclaim before ICDR Canada will proceed with the further administration of the arbitration, including the arbitrator appointment process.
 - If a Proceed Fee is not submitted within 90 days of the filing of the Claimant's Notice of Arbitration, ICDR Canada will administratively close the file and notify all parties.
 - If the Flexible Fee Schedule is being used for the filing of a counterclaim, the counterclaim will not be presented to the arbitrator until the Proceed Fee is paid.
- The **Final Fee** will be incurred for all cases that proceed to their first hearing and is payable in advance at the time the first hearing is scheduled.
- **Fee Modifications:** Fees are subject to increase if the claim or counterclaim is increased after the initial filing date. Fees are subject to decrease if the claim or counterclaim decreases prior to the first hearing.
- **Cases with Three or More Arbitrators** are subject to a minimum Initial Filing Fee of \$2,875, a \$4,950 Proceed Fee and a Final Fee of \$7,125.

Refunds—Flexible Fee Schedule:

Under the Flexible Fee Schedule, **Filing Fees** and **Proceed Fees** are **non-refundable** once incurred.

Final Fees: If a case is settled or withdrawn prior to the first hearing taking place, all Final Fees paid will be refunded. However, if ICDR Canada is not notified of a cancellation at least 24 hours before a scheduled hearing date, the Final fee will remain due and will not be refunded.

Additional Fees Applicable to the Standard Fee and Flexible Fee Schedules

Additional Party Fees: Additional Party Fees will be charged as described above, and in addition:

- Additional Party Fees are payable by the party, whether a claimant or respondent, that names the additional parties to the arbitration.
- Such fees shall not exceed 50% of the base fees in the fee schedule, except that the ICDR reserves the right to assess additional fees where there are more than 10 separately represented parties.

- An example of the Additional Party Fee is as follows: A single claimant represented by one attorney brings an arbitration against two separate respondents, however, both respondents are represented by the same attorney. No Additional Party Fees are due. However, if the respondents are represented by different attorneys, or if one of the respondents is self-represented and the other is represented by an attorney, an additional 10% of the Initial Filing fee is charged to the claimant. If the case moves to the Proceed Fee stage or the Final Fee stage, an additional 10% of those fees will also be charged to the claimant.

Incomplete or Deficient Filings: Where the applicable arbitration agreement does not reference ICDR Canada, the ICDR or AAA, ICDR Canada will attempt to obtain the agreement of all parties to have the arbitration administered by ICDR Canada.

- Where ICDR Canada is unable to obtain the parties' agreement to have ICDR Canada administer the arbitration, ICDR Canada will not proceed further and will administratively close the case. ICDR Canada will also return the filing fees to the filing party, less the amount specified in the fee schedule above for deficient filings.
- Parties that file Demands for Arbitration that are incomplete or otherwise do not meet the filing requirements contained in the rules shall also be charged the amount specified above for deficient filings if they fail or are unable to respond to ICDR Canada's request to correct the deficiency.

Arbitrations in Abeyance: Cases held in abeyance by mutual agreement for one year will be assessed an annual abeyance fee of \$600, to be split equally among the parties. If a party refuses to pay the assessed fee, the other party or parties may pay the entire fee on behalf of all parties, otherwise the arbitration will be administratively closed. All filing requirements, including the payment of filing fees, must be met before a matter will be placed in abeyance.

Expedited Procedures—Fees and Compensation: There are no additional administrative fees beyond the Fees outlined above to initiate a case under the Expedited Procedures. The compensation of the arbitrator will be determined by the Administrator, in consultation with the arbitrator, and in consideration of the specific nature of the case and the amount in dispute. There is no refund schedule for cases managed under the Expedited Procedures.

Fees for Additional Services: ICDR Canada reserves the right to assess additional administrative fees for services performed by ICDR Canada that go beyond those provided for in the ICDR Canada's rules, but which are required as a result of the parties' agreement or stipulation.

Hearing Room Rentals: The fees described above do not cover the cost of hearing rooms, which are available on a rental basis. Check with ICDR Canada for availability and rates.

If you have questions about arbitration costs or services, visit www.icdrcanada.org or call toll free: (844) 859 0845.

Mediation—Administrative Fee Schedules

A \$250 non-refundable deposit, which will be applied toward the cost of mediation, is required to initiate the ICDR Canada's administration of the mediation and appointment of the mediator.

The cost of mediation is based on the hourly or daily mediation rate published on the mediator's ICDR Canada profile. In addition, the parties will be assessed an administrative fee for ICDR Canada's services of \$75 for each hour charged by the mediator. There is a four-hour or one-half day minimum charge for a mediation conference. Expenses referenced in Section M-18 of the Mediation Procedures may also apply.

If a matter submitted for mediation is withdrawn or cancelled or results in a settlement after the request to initiate mediation is filed but prior to the mediation conference, the cost is \$250 (to which the deposit will be applied), plus any mediator time and charges incurred. These costs shall be borne by the initiating party unless the parties agree otherwise.

If you have questions about mediation costs or services, visit www.icdrcanada.org or call toll free: (844) 859 0845.