



DOMESTIC COMMERCIAL ARBITRATION

Rules of Procedure

(As amended June 1, 1998)

as printed August 1998

THE BRITISH COLUMBIA INTERNATIONAL COMMERCIAL ARBITRATION CENTRE

**348 - 1275 West 6th Avenue
Vancouver, B.C. Canada
V6H 1A6
Phone: 604-684-2821
Fax: 604-736-9233
Email: admin@bcicac.com**

www.bcicac.com

35. Settlement

- (1) The arbitration tribunal may encourage settlement of the dispute and, with the written agreement of the parties, may conduct mediation, conciliation, facilitation or other appropriate procedure(s).
- (2) If the parties settle the dispute during the arbitration proceedings, the arbitration tribunal shall terminate the proceedings and, if requested by the parties and acceptable to the tribunal, record the settlement in the form of an arbitration award.

36. Arbitral Award

- (1) Pursuant to Section 12 of the Act, where the arbitration tribunal consists of three or more arbitrators, an award shall be made by a majority of the tribunal. Where there is no majority decision, the decision of the chair of the arbitration tribunal shall be the award.
- (2) The arbitration tribunal may make a partial award.
- (3) The arbitration tribunal may make an interim order that shall be merged or addressed in the award when all issues, including costs, have been determined.
- (4) The arbitration tribunal shall make its final award within 60 days after the hearings have been closed.
- (5) An award shall be in writing and include the reasons. The arbitration tribunal shall file a copy of each award with the Centre.
- (6) The Centre may withhold publication of an award to the parties on the basis of outstanding fees.

37. Interest

On the basis of evidence presented, the arbitration tribunal may order simple or compound interest to be paid in an award.

38. Costs

- (1) The arbitration tribunal shall determine liability for costs and may apportion costs between the parties.
- (2) In awarding costs, the arbitration tribunal shall take into account the principles set out in Rule 19(2), and the failure of any party to comply with these Rules or the orders of the tribunal. The tribunal shall provide reasons in the event it departs from the principle that costs follow the event.
- (3) In the event the arbitration tribunal awards costs, it shall specify the amounts of the fees and expenses so awarded or the method for the determination of those amounts.
- (4) Costs include:
 - (a) the fees of the arbitration tribunal which shall be separately determined and stated for each member of the tribunal, together with reasonable travel and other expenses incurred by the tribunal;