ANNEX

<u>Default Mode of Appointment of Arbitrators in Multi-Party Situations</u>

1. The claimants must, by agreement if there is more than one claimant:
   - Jointly appoint an arbitrator on or before the date of sending of the request for the dispute to be referred to arbitration, and
   - Inform the respondent(s) of the appointment on the same date that the request for the dispute to be referred to arbitration is sent to the respondent(s).

   The practical effect of this amendment is to require the claimant(s) to state its appointed arbitrator in the notice of arbitration or request.

2. The respondent(s) must, by agreement if there is more than one respondent:
   - Jointly appoint an arbitrator, and
   - Inform the claimant(s) of the appointment within 30 days after the date of receipt of the request for the dispute to be referred to arbitration by the respondent, or by the last respondent to receive the request if there is more than one respondent.

3. Thereafter, the first and second arbitrators must nominate the third arbitrator within 60 days after the date of receipt of the request for the dispute to be referred to arbitration by the respondent, or by the last respondent to receive the request if there is more than one respondent. The third arbitrator is to be the presiding arbitrator.

4. If the claimants or respondents are unable to appoint their arbitrator as required under this new section 9B, the appointing authority must, upon the request of any party, appoint all three arbitrators.

   In doing so, the appointing authority may, having regard to all relevant circumstances, reappoint or revoke any appointment already made, and designate one of the three arbitrators as the presiding arbitrator.

5. Where the first and second arbitrators are unable to agree on the appointment of the third arbitrator within the specified period of time, the appointing authority must, upon the request of any party and having regard to all relevant circumstances, appoint the third arbitrator, who shall be the presiding arbitrator.