



# GUIDELINE FOR SELF-REPRESENTED LITIGANTS



Alberta  
Insurance  
Council



This Guide contains basic procedural information and does not constitute independent legal advice.

We strongly advise that you obtain independent legal advice



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# Introduction

Appearing before an Administrative Tribunal, like the *Insurance Councils Appeal Board*, can feel like an intimidating task.

This *Guideline for Self-Represented Litigants* outlines the procedures to appeal a Decision of the Insurance Councils before the *Insurance Councils Appeal Board* of Alberta.

## Alberta Insurance Council

The Alberta Insurance Council (“AIC”) is an industry regulator responsible for the oversight and market conduct of insurance agents, brokers and independent adjusters (“insurance intermediaries”) in the Province of Alberta. The AIC derives its’ authority from delegations granted to it by the Minister of Treasury Board and Finance (“ATBF”), and in accordance with the *Insurance Act*, RSA 2000 c. I-3 and its’ Regulations. The AIC provides investigative, governance and administrative services to the insurance councils, which include;

- Insurance Adjusters Council (“IAC”)
- General Insurance Council (“GIC”), and the
- Life Insurance Council (“LIC”),

(collectively referred to herein as the “Insurance Councils”).

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## Do I need legal advice?

The *Guideline for Self-Represented Litigants* does not replace the legal expertise of a lawyer. The intention of the Guide is to clarify the process of appeal before the *Insurance Councils Appeal Board*. The AIC strongly recommends that prospective appellants, like yourself, obtain independent legal advice to assist in application of the *Insurance Act*, its' Regulations.

Whether you are addressing an alleged violation of the *Insurance Act*, or are advocating your eligibility to obtain a “license” (also known as a “certificate of authority”), you have the right to defend your position. If you choose to self-represent, then you are responsible for advancing your legal arguments before the *Insurance Councils Appeal Board*.

Neither the AIC nor the *Insurance Councils Appeal Board* represent your interests on appeal. You must advocate, or retain legal counsel to advocate on your behalf.

You have the right to retain legal counsel to represent you before the *Insurance Councils Appeal Board*.

**We strongly advise you to exercise your right to receive the best guidance possible, and to obtain independent legal advice.**

# Insurance Council Decisions

The Insurance Councils govern the following classes of insurance, in brief:

- Insurance Adjusters Council – oversees independent adjusters operating in Alberta
- Life Insurance Council – oversees life insurance agent certificates of authority, accident and sickness insurance agent certificates of authority, restricted life insurance agent certificates of authority, and restricted accident and sickness insurance agent certificates of authority
- General Insurance Council - oversees general insurance agent and restricted general insurance agent certificates of authority

These industry-specific Insurance Councils are regulatory bodies that license and oversee the classes of insurance delegated to them through Ministerial Direction.

The AIC operates as the financial and administrative arm to these Insurance Councils and equips them to act within their delegated authority. Through a Ministerial Examiner delegation to the AIC, the AIC may appoint staff to investigate and compel responses from individuals. The AIC's findings are compiled and presented to the Insurance Councils' to aide them in their decision-making. AIC staff then carry out the instructions of the Insurance Councils.

Only the Insurance Councils can make disciplinary and eligibility decisions regarding the classes of insurance over which they govern. The Decisions of the Insurance Councils will always be made in writing and will be sent to the individual that is affected by the Decision.

In short:

- AIC actions the directions of the Insurance Councils
- AIC staff do not have the ability to levy sanctions, to approve or to deny the issuance, retention, renewal, or reinstatement of insurance certificates of authority
- AIC staff gather evidence and information to equip the Councils in their decision-making process
- AIC employees are guided by the AIC's consumer-protection mandate

# Updated Records

It is a license-holders' statutory responsibility to maintain up to date contact information within the Insurance Register. The Register is relied on by the AIC to contact you regarding Council Decisions and to connect with you regarding matters on appeal to the *Insurance Councils Appeal Board*.

To update or change your profile information, log on to the [CIPR website](#) and also your [AIC Licensing Profile](#).

Visit the [AIC FAQ](#) page for help with updating your information.

Crucial information that you must accurately maintain is as follows:

1. Your business address
2. Your personal address
3. Your personal telephone number(s)
4. Your personal email address(es)
5. Your business telephone number(s)
6. Your business email address(es)
7. Your legal name and any name changes





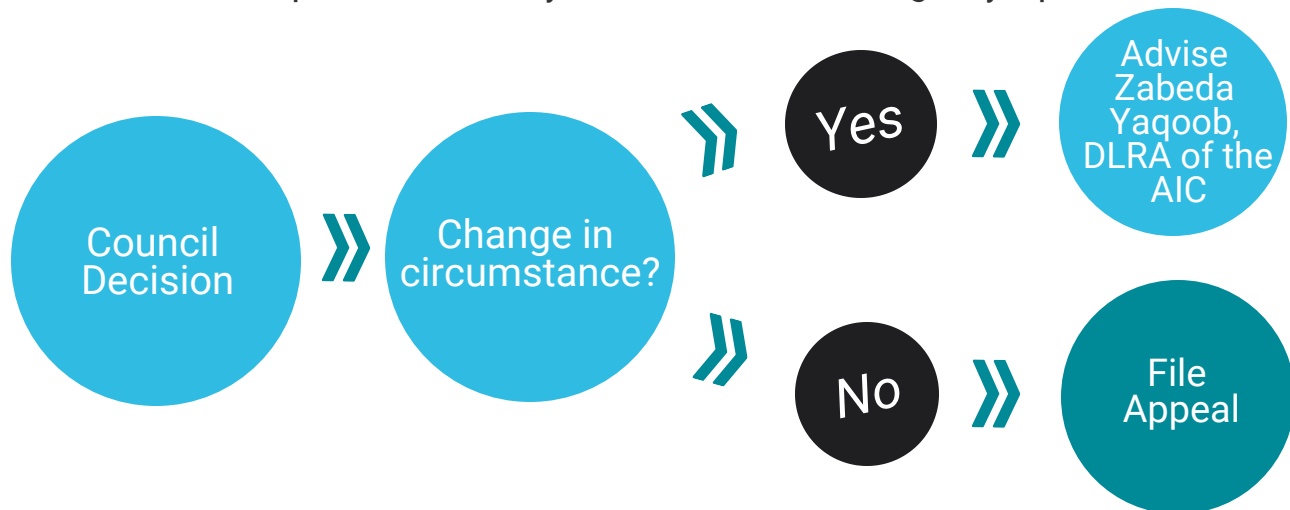
# What if my circumstances have changed since the Insurance Council has rendered its' Decision?

If you have received a Decision which contains outdated information, or information that no longer applies to your current circumstances, and you intend to file a Notice of Appeal, please contact Director of Legal and Regulatory Affairs, Zabeda Yaqoob of the AIC immediately, at [zyaqoob@abcouncil.ab.ca](mailto:zyaqoob@abcouncil.ab.ca) and advise of the following:

- Your Case Number, as noted on the top left-hand corner of the Decision
- Your first and last name
- Your CIPR number (your Canadian Insurance Participant Registry number)
- What change in circumstance has occurred from the date the Decision was rendered to the current date

Some examples of a change in circumstance(s) may be as follows;

- Your sponsor has withdrawn sponsorship
- Your sponsoring Agency/Insurer is now defunct
- You have been terminated by your Agency/Sponsor
- You have discontinued your sole-proprietorship
- You have electively left your position with your Agency/Sponsor
- You have attempted to transfer your license to a new Agency/Sponsor



# DEADLINES



There are critical deadlines that must be followed when filing your Notice of Appeal.

We recommend that you seek independent legal advice to assist you in determining the appropriate deadlines or, in the alternative, to contact the Office of the Superintendent of Insurance regarding your Notice of Appeal

# Process of Appeal

The AIC does not provide legal advice to any individual. However, as disclosed in the final page of all Insurance Council Decisions, the *Insurance Act*, RSA 2000, c. I-3, provides;

**s. 482** A decision of the Minister under this Part to refuse to issue, renew or reinstate a certificate of authority, to impose terms and conditions on a certificate of authority, to revoke or suspend a certificate of authority or to impose a penalty on the holder or former holder of a certificate of authority may be appealed in accordance with the regulations.

And the *Insurance Councils Regulation*, AR 126/2001, specifies

## **Notice of appeal**

16(1) A person who is adversely affected by a decision of a council may appeal the decision by submitting a notice of appeal to the Superintendent within 30 days after the council has mailed the written notice of the decision to the person.

(2) The notice of appeal must contain the following:

- a) a copy of the written notice of the decision being appealed;
- b) a description of the relief requested by the appellant;
- c) the signature of the appellant or the appellant's lawyer;
- d) an address for service in Alberta for the appellant;
- e) an appeal fee of \$200 payable to the Provincial Treasurer.

(3) The Superintendent must notify the Minister and provide a copy of the notice of appeal to the council whose decision is being appealed when a notice of appeal has been submitted.

(4) If the appeal involves a suspension or revocation of a certificate of authority or a levy of a penalty, the council's decision is suspended until after the disposition of the appeal by a panel of the Appeal Board.

**To connect with the office of the Superintendent of Insurance of Alberta directly please navigate to [Alberta.ca](http://Alberta.ca) – Superintendent of Insurance.**



# Who adjudicates the Appeal?

The *Insurance Councils Appeal Board* is an impartial adjudicator and is a separate entity from the Insurance Councils, is established through the *Insurance Councils Regulation, AR 126, 2001*.

The *Insurance Councils Appeal Board* is comprised of both elected and appointed members. Two of the Appeal Board members have extensive insurance experience and are elected by industry peers. The third member is a member of the public who Chairs the Board, and typically has a background in law.

Collectively, the three members create the *Insurance Councils Appeal Board* that will adjudicate (or "hear") your Appeal.

In accordance with the *Insurance Councils Regulation, AR 126/2001*:

*“(4) No member of the Appeal Board who has an interest in the subject-matter raised in a notice of appeal, whether directly or because of the member’s position, affiliation or involvement in or with an organization, firm or business, may participate in the panel that will decide the appeal.”* s.17(4) Insurance Councils Regulation AR 126/20

# What is the Tribunal Hierarchy and how does it apply to me?

Simply put, the Tribunal Hierarchy is the flow of a Decision made by a lower level of an administrative court which proceeds to a higher level of review. Your appeal process will proceed as follows:

## Insurance Councils Appeal Board

A hearing proceeds before the *Insurance Councils Appeal Board*



## Notice of Appeal

You (the Appellant) files a Notice of Appeal with the Office of the Superintendent of Insurance to appeal the Council Decision



## Insurance Council Decision

Decision of the LIC, GIC or IAC

# What is the Appeal Board deciding?

The *Insurance Councils Appeal Board* will conduct a “fresh hearing” or “*de novo* hearing”, which means “*from the beginning, anew*”. The *Insurance Councils Appeal Board* may alter, confirm, or overturn the findings of the Insurance Council.

In other words, the Insurance Councils Appeal Board ...

“

[...] may by order confirm, reverse or vary the decision of the council being appealed or make any decision that the council had the authority to make in the first instance.”

s. 23 Insurance Councils Regulation, AR 126/2001



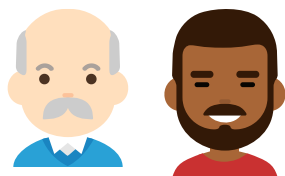
# Who is present during an Appeal Hearing?

The *Insurance Councils Appeal Board* conducts live hearings, which allows the Appeal Board to question the appellant, witnesses, and the Lawyer(s) present. The people that will or may be present in the room during your appeal hearing are:



## Chairperson of the Appeal Board

Chairs the Appeal Hearing, manages the flow of proceedings, and addresses matters of law and order.



## Appeal Panel Members

Industry professionals elected by their fellow license-holders. Members will collaborate with the Chairperson to reach an outcome of the appeal (the "Decision")



## Court Reporter

Transcribes the appeal hearing, swears in witnesses and Appellants, under oath or affirmation, and produces transcripts



## Lawyers

Two lawyers may be present; one who will advocate on behalf of the Insurance Council, and the other that may represent you, the Appellant, should you choose to retain legal counsel



## Appellant

Being you, the party that filed the Appeal of the Insurance Council Decision



## Witnesses

Parties that lawyers or Appellants may call to support their position



## Order of Proceedings

Once a duly constructed Appeal has been filed with the Office of the Superintendent of Insurance, the Chairperson from the *Insurance Councils Appeal Board* will contact both the Director of Legal and Regulatory Affairs (lawyer) of the AIC, and you, or your legal counsel, to set a date for the Appeal hearing.

The Chairperson will then provide you with information as it relates to the process of the appeal hearing and the expectations placed on all parties. The details of when, and where, the hearing will be held will also be communicated along with any deadlines for filing written materials or producing a witness list.

If you wish to engage with the *Insurance Councils Appeal Board* during the process of Appeal, you **must** include the Director of Legal and Regulatory Affairs on all communications. If you retain legal counsel, the *Insurance Councils Appeal Board* and the Director of Legal and Regulatory Affairs will engage with your legal counsel directly.





If you have any questions regarding this *Guideline for Self-Represented Litigants* please obtain independent legal advice to better interpret the document and explain your legal rights to you.

If you require information in an administrative capacity only, or wish to relay a change in your circumstances following receipt of a Council Decision, please contact:

**Ms. Zabeda Yaqoob,**  
Barrister & Solicitor,  
Mediator,  
Director of Legal and  
Regulatory Affairs,  
Alberta Insurance Council  
E [zyaqoob@abcouncil.ab.ca](mailto:zyaqoob@abcouncil.ab.ca)

**Please note: the AIC will not provide you with legal advice.**

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