

INSURANCE COUNCILS APPEAL BOARD OF ALBERTA

In the Matter of the *Insurance Act*, R.S.A 2000, c. 1-3, as amended
and
In the Matter of the *Insurance Councils Regulation*, 126/2001, as amended

BETWEEN:

WEM Auto Ltd. o/a Mayfield Toyota

Appellant

- and -

THE GENERAL INSURANCE COUNCIL

Respondent

DISCONTINUANCE OF APPEAL

1. The Appeal of WEM Auto Ltd. ("the Appellant") of the January 11, 2022 decision of the General Insurance Council was assigned to a panel of the Insurance Councils Appeal Board by the Superintendent of Insurance on February 23, 2022.
2. The hearing of the Appeal was scheduled for May 31, 2022.
3. On May 30, 2022, the Designated Representative of the Appellant confirmed by email to the Insurance Councils Appeal Board that the Appellant wished to withdraw the Appeal of the decision of the General Insurance Council and would process payment of the civil penalty.

Appeal Fee

4. Section 16(2) of the *Insurance Councils Regulation* (the "Regulation") lists the requirements an appellant must satisfy in appealing a decision of a council. The listing includes submission of an appeal fee of \$200 payable to the President of Treasury Board and Minister of Finance.
5. Section 24 of the Regulation provides that, in determining an appeal, a panel shall also determine the disposal of the appeal fee paid by the appellant to commence the appeal to one or both of the parties taking into consideration both the results of the appeal and the conduct of the parties. In light of the Appellant's decision to withdraw the appeal

prior to hearing and to pay the civil penalty imposed by the General Insurance Council, the Appeal Panel is of the view that the appeal fee paid should be returned to the Appellant.

Order

6. For the reasons set out above, it is ordered that:

- a. The Appellant's Appeal is discontinued and the January 11, 2022 decision of the General Insurance Council is final.
- b. The appeal fee is awarded to the Appellant.

DATED at Edmonton, Alberta this 31st day of May, 2022

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Per:


Gwen Harris, Appeal Panel Chair