



Kimberley Stewart with the five resident arbitrators and managerial staff at Arbitration Place

This must be the Place

KYRIAKI KARADELIS

THURSDAY, 19 APRIL 2012

Some of Canada's most prominent arbitrators gathered in Toronto yesterday to witness the formal launch of Arbitration Place, a new hearing centre that could turn the city into a key seat for business disputes.

The purpose-built venue in the heart of Toronto's financial district is the private venture of Canadian businesswoman **Kimberley Stewart**, who owns Ottawa-based court reporting business ASAP Reporting Services and the Canadian Centre for Verbatim Studies, a college that specialises in training real-time court reporters.

Stewart has invested her own capital in Arbitration Place and says her vision is to establish a "world class" facility that will put Canada on the map for international arbitration.

The centre, which has already hosted numerous cases ahead of the launch, has 13 hearings rooms and several break-out rooms of varying size – all named after types of wine.

It also offers advanced technology such as interactive whiteboards and video-conferencing, a concierge team and an in-house counsel, **Be-Nazeer Damji**, who can be hired as a tribunal secretary.

It also has several offices where five Canadian arbitrators, including **Yves Fortier CC QC** and former justice of the Supreme Court of Canada, **Ian Binnie**, have already leased space. A list of non-resident arbitrator members includes the chair of the Toronto Commercial Arbitration Society, **Earl Cherniak**, the past president of ArbitralWomen, **Louise Barrington**, and **Barry Leon**, the chair of ICC Canada.

"This is as comfortable an arbitration centre as I've ever seen," says Fortier, who sat in a case there for eight weeks last year. "From the moment you walk in at nine to the moment you leave at six, there's nothing they don't do to make your life easier. Surroundings and atmosphere can be so important to reduce the tension of a dispute."

Fortier adds that Be-Nazeer Damji's availability to perform the role of tribunal secretary is "one of the many great advantages" of Arbitration Place.

"What most centres don't have is a private entrepreneur who sees the potential and is prepared to invest in it," says Leon, who heads the international arbitration group at Perley-Robertson, Hill & McDougall in Ottawa. "In Singapore and Hong Kong the government is prepared to back such initiatives, but public funds aren't available in North America. It's a great advantage to Toronto that Kim's had the vision to build this place."

Leon took *GAR* on a guided tour of the centre pointing out benefits including comfortable chairs, portable equipment, plenty of natural light and storage space.

He says the facility is intended not only as a hearing centre, but as a space where training and educational activities can take place. Indeed, it has already started hosting a programme called "Arbitrator of the Month", where prominent arbitrators address the public.

ICC Canada (which is the ICC International Court of Arbitration's national committee) and the LCIA have both lent their support to the centre – with their names featuring prominently on plaques in the centre's entrance and on Arbitration Place's [website](#).

Canadian arbitrator **J William Rowley QC**, who is on the LCIA's board of directors, says that the affiliation will benefit both the institution and Arbitration Place – giving both stronger brand recognition in the Canadian business community. It also increase the institution's international reach (it already has an operation in India, joint ventures in the Gulf states and Mauritius and a partnership with Maxwell Chambers in Singapore).

The LCIA will not provide funding to the centre or have a permanent presence, he says, but will promote the use of the venue for hearings it is managing. In return, Arbitration Place will recommend the LCIA as a suitable institution to administer cases for those who don't want to go down the ad hoc route, which is the most common form of arbitration in Canada.

The centre will also make rooms available for LCIA staff when they visit Toronto. "There is a relationship of mutual support rather than partnership. There's no equity in it just a supportive role which doesn't impose a cost burden on us," Rowley said.

ICC Canada's affiliation with the centre is of a similar nature, says Leon.

Arbitration Place is the second venue for arbitration in Toronto with offices for arbitrators attached. A branch of the court reporting service Neeson operates a smaller centre, with a focus on domestic ad hoc commercial arbitrations. A third service, Victory Verbatim, has also started hosting arbitrations within its offices.

Fortier highlights the new centre's role as an "arbitrator residency", comparing it to barristers chambers in London, where arbitrators can operate as independent, self-employed individuals. Maxwell Chambers in Singapore also leases out offices to arbitrators and Fortier predicts that we will see this model emulated elsewhere, as arbitrators in law firms increasingly face conflict issues.

He himself elected to lease an office at Arbitration Place after stepping down from his long-held role as chairman emeritus of Norton Rose OR (formerly Ogilvy Renault) last year, following its merger with another Canadian firm, McLeod Dixon, in mid-2011.

Norton Rose's mergers meant he had to turn down five significant arbitral appointments during a period of six months, he says. "There is no room in my estimation for a partner in a large law firm who is an adjudicator. You have to be purer than snow."

Most Canadian practitioners that *GAR* spoke during its visit to the centre agree that the country has the potential to be an ideal arbitral seat: bilingual in French and English, with both civil and common law systems and supportive courts.

Earl Cherniak, a partner at class action boutique Lerner who is the first chair of the Toronto Commercial Arbitration Society launched three years ago with the aim of promoting the city as a seat for international arbitration, says the city has a lot going for it.

"Canada is a logical place for an arbitration between US and European parties who want a neutral ground," he says. "It's a lot easier for foreigners to get in and out of than the US and is a huge transportation hub - the largest in Canada. It's only equalled as a multicultural, multiracial city by New York, with every language spoken here. Finally, the city works and you can walk around safely."

He says the next job is "selling" Toronto and Canada to in-house lawyers at large corporations and their external arbitration counsel. "Internationally, we're a bit of an afterthought and we shouldn't be. We've got lots of room for growth."

In an exclusive interview with *GAR*, the centre's founder **Kimberley Stewart** said she appreciated that, now the centre has opened, there may be gap of up to ten years before the cases start to roll in. This is the time it will take for counsel to hear about Arbitration Place and stipulate Toronto as a seat in their client arbitration clauses and for disputes to arise under those contracts.

However, Stewart remains confident, explaining that she believes in the arbitral process as an alternative to lengthy litigation.

The launch party for Arbitration Place last night saw some 200 guests greeted by a harpist on arrival and later treated to a showcase debate between one of the arbitrators in residence - Ian Binnie - and a litigator colleague from Lecznner Slaght Royce Smith Griffin, on the respective merits of arbitration and litigation.

Special vodka cocktails - with pear and lime - were created by sponsor Absolut Vodka to celebrate the launch and contortionists weaved their way between distracted lawyers.