



REQUEST FOR BIOGRAPHICAL INFORMATION

Opportunity for arbitrators to be selected for the Canadian Transportation Agency rosters

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Contact Information

Please note that completion of this form is lengthy. You may be required to save and return to complete. If you have any questions or need help please contact Martina Faith at Martina.Faith@otc-cta.gc.ca

Date of this version	October 11, 2018
First name	Richard
Last name	Krempulec
Middle initial	H.
Honorifics	Q.C.
Professional title	Mediator and Arbitrator
Firm name	RHK Mediation & Arbitration
Address line 1	180 Duncan Mills Road
Address line 2	4th Floor
City	Toronto
Province	Ontario
Postal code	M3B 1Z6
Secondary address (please indicate street, city, province and postal code)	102 Alcom Ave, Toronto, Ontario M4V 1E4
Telephone (office)	416 362 8555
Telephone (mobile)	416 553 2927
Telephone (other)	416 962 5547
Fax	416 362 8825
E-mail	rkrempulec@gmail.com
Web site URL	https://adrchambers.com/neutral/richard-h-krempulec/
LinkedIn URL	
Facebook	
Other social media links	
Region of residence	Ontario



Willingness to travel within and to other provinces? Please specify provinces.	<input checked="" type="checkbox"/> All provinces <input type="checkbox"/> British Columbia <input type="checkbox"/> Alberta <input type="checkbox"/> Saskatchewan <input type="checkbox"/> Manitoba <input type="checkbox"/> Ontario <input type="checkbox"/> Quebec <input type="checkbox"/> New Brunswick <input type="checkbox"/> Nova Scotia <input type="checkbox"/> Newfoundland and Labrador <input type="checkbox"/> Prince Edward Island <input type="checkbox"/> Yukon <input type="checkbox"/> Northwest Territories <input type="checkbox"/> Nunavut
Languages spoken	<input checked="" type="checkbox"/> English <input type="checkbox"/> French

Education

Please list degree(s), institution(s) attended and year degree(s) conferred below.

Degree	Institution attended	Year degree conferred
Bachelor of Laws	Osgoode Hall Law School	1961
Master of Laws (ADR)	York University	1999
Called to the Bar of Ontario		1963

Please list courses or degrees in **Economics**, if any.

Courses	Institution attended	Year
Normal courses for a Bachelor of Commerce degree taken for two years and thereafter I was accepted into the LLB course at Osgoode Hall	University of Toronto	1956 and 1957



Please list courses or degrees in **Finance and Accounting**, if any.

Courses	Institution attended	Year
As in B Comm course	University of Toronto	1956 and 1957

Please list courses relating to **logistics, transportation or transportation law**, if any.

Courses	Institution attended	Year
Apart from some brief references in the bachelor of commerce course and in my practice as a civil litigator there was no in depth instruction.		

Arbitration Designation

Please list below the designation(s), certification(s) or accreditation(s) in arbitration received from any recognized institution(s) and the year(s) conferred.

Designation	Organization	Year conferred
Master of Laws Degree (ADR)	York University	1999

Arbitration Training

Please list below the **arbitration training** or course(s), if any, along with the institution providing the training and the year that you received this training.

Course	Institutions	Year
Alternative Dispute Resolution Advanced Alternative Dispute Resolutio	Stitt Feld Handy Group Certificate University of Windsor	2009

Commercial Litigation Experience

Please specify approximate number of commercial cases in which you have acted as counsel.

I was certified by the Law Society of Upper Canada as Specialist in civil litigation in 1988 and retired from the practice of law and as a senior partner in the law firm of Blaney McMurtry on



March 31, 2011. Almost all of my cases in which I acted as counsel over a period of about 35 years were commercial cases. I estimate there were about 160 cases.

Please list range of years over which these cases occurred.

1976 to 2011

Please list law firms with which you were associated, according to years.

Firm name	Duration
Stapells and Sewell	1963 to 1986
Blaney McMurtry	1986 to 2011

Did you typically represent plaintiff, respondent or both? Please provide your answer as a percentage.	Response
Plaintiff	30
Respondent	70

Please list by subject area, the three most complex commercial cases with which you have been involved as counsel in arbitrations or litigation, the kind of evidence presented, what experts were involved, quantum in issue and duration of case.

Area of commercial litigation (e.g. patent infringement)	Kind of evidence presented	What type of experts were involved	Quantum (value of claim)	Duration (time in court)
Interpretation of a D & O Insurance Policy	Documentary and affidavit evidences	none	\$15,000,000.	Approx. 3 years
Application of Municipal Bylaw restricting development in a harbour	Documentary and affidavit evidence	none	Difficult to determine but at least several million \$.	Approx. 10 years



Ground Subsidence due to withdrawal of water from an aquifer causing damage to a pipeline company	Linking subsidence to cause of damage and amount	Soil experts	1,500,000.	Approx. 1.5 years
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Experience as an Arbitrator, Adjudicator or Judge

Please specify approximate number of cases in which you have acted as an arbitrator, judge or tribunal adjudicator. Please note that there are cells, in the table below, in which you are asked to provide the court level and tribunal.

	Arbitrator	Judge	Tribunal Adjudicator
Number of cases	7		1 served on an appeal panel of 3 from a decision of an arbitrator
Over what period of years	8		
Number of commercial cases	8		
Over what period of years	8		
Level of court	n/a		
Please specify tribunal	n/a		

Please list by subject area the three most complex commercial cases in which you acted as arbitrator, judge or adjudicator, the kind of evidence presented, experts involved, quantum in issue and duration of hearing.

Please specify your role	Area of commercial litigation	Evidence presented	Experts included	Quantum (value of claim)	Duration (time in court)
Arbitrator	Motion by corporation to dismiss for delay arbitration brought by CEO for compensation	Evidence given by the parties	No experts	\$435,000 and possible share option	Overall several days, approx. 3 Days



Arbitrator	Dispute by insurers for damage to electrical equipment	Evidence given by experts as to origin and cause of the loss and by claims managers as to coverage	Professional engineer, forensic expert as to origin and cause of loss	\$1,017,713.95	1 day
Arbitrator	Cancellation of Auto/Dealer Franchise Agreement	Documentary	No experts	Value of Franchise	1 day

Work Samples

Please provide a written award (redacted) or decision that you have written. Files should be attached to this submission. Only .pdf or .doc files are accepted.

Transportation Specific Legislation

FOR RAIL SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar".	Response
<i>Railway Costing Regulations – SOR/80-310</i>	Not familiar
<i>Railway Third Party Liability Insurance Coverage Regulations – SOR/96-337</i>	Not familiar
<i>Railway Traffic Liability Regulations – SOR/91-488</i>	Not familiar
<i>Carriers and Transportation and Grain Handling Undertakings Information Regulations – SOR/96-334</i>	Not familiar
<i>Railway Interswitching Regulations – SOR/88-41</i>	Not familiar

Please provide details explaining how you became familiar with this material.

N/A

FOR MARINE SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Canada Marine Act – S.C. 1998, c. 10</i>	Not familiar



<i>Coasting Trade Act</i> – S.C. 1992, c. 31	Not familiar
<i>Pilotage Act</i> – R.S.C. 1985, c. P-14	Not familiar
<i>Shipping Conferences Exemption Act, 1987</i> – R.S.C., 1985, c. 17 (3rd Supp.)	Not familiar

Please provide details explaining how you became familiar with this material.

N/A

FOR AIR SPECIALIZATION – LEGISLATION, REGULATIONS, AND PROCEDURES

Please rate your current familiarity with the following using "Very familiar", "Fair" or "Not familiar":	Response
<i>Air Transportation Regulations</i> – SOR/88-58	Not familiar

Please provide details explaining how you became familiar with this material.

N/A

Familiarity with Transportation and Transportation Law

Please describe your background involvement in the transportation industry or transportation law, if any.

None

Disclosure

If you have ever worked for, been associated with, or have a current or past interest in a transportation carrier or shipper in rail, marine or air, please provide details below:

None

Conflict

If you OR YOUR FIRM currently represent, or have in the past represented, a carrier please advise.

No

If you OR YOUR FIRM currently represent, or have ever represented, a company in a matter relating to shipment of goods, please advise.

No.



Fees

Please provide daily and hourly rates	Response
Daily	\$2,950
Hourly	\$490

Availability

How many months in advance are you booked for?

Signed Agreement

PLEASE NOTE THAT YOUR APPLICATION IS NOT COMPLETE WITHOUT PROOF OF INSURANCE AND THE SIGNED AGREEMENT THAT YOU WILL FIND BELOW.

The information I have provided describes accurately my qualifications and experience.

I understand that:

- Roster members will be selected based on the criteria set out in this request for biographical information.
- The biographical information provided by me in this request for biographical information will appear online ON the Agency's Web site.
- Rosters and roster members may be reviewed every two years.
- Being accepted as a roster member does not guarantee that I will receive work under the *Canada Transportation Act*.
- The Canada Transportation Agency is in no way responsible for any fees, expenses or outstanding payments, all of which shall be billed by the arbitrator to the parties to any proceeding under the *Canada Transportation Act*.

If my request is accepted, I will comply with all the conditions of the program, including but not limited to the following:

- Compliance with the Canadian Transportation Agency's Code of Values and Ethics.
- Maintenance of insurance at the required level.

Please provide proof of insurance	Response
Policy number #	10419605
Issuer	A. Travelers Insurance Company of Canada



Signed on	
in the province of	
Signature (Please sign the form digitally by typing your first and last name.)	* Signed on original copy

Application Checklist

Please do not include a resume. If you have any questions or need help, please contact Martina Faith at Martina.Faith@otc-cta.gc.ca.

If you wish to be considered for the roster, please ensure that you completed the following:

Checklist

- Filled out the Application Form
- Provided your work sample
- Provided your digital signature above
- Faxed us (819-953-6613) or attached as a PDF, the proof of insurance