

**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:

SEAN NETHERCOTT

Appellant

- and -

THE LIFE INSURANCE COUNCIL

Respondent

**DISCONTINUANCE OF APPEAL**

1. The Appeal of Sean Nethercott (“the Appellant”) of the June 7, 2019 decision of the Life Insurance Council was heard on December 13, 2019 in Calgary, Alberta.
2. On December 13, 2019, shortly after the conclusion of the hearing, the Appellant contacted the assigned Appeal Panel to advise that he wished to withdraw his Appeal of the June 7, 2019 decision of the Life Insurance Council.
3. Further, the Appellant advised the Appeal Panel that he wished to withdraw his Appeal of the July 31, 2019 decision of the Life Insurance Council for which a hearing date had not yet been scheduled.

**Appeal Fee**

4. Section 24 of the *Insurance Councils Regulation* provides that, in determining an appeal, a panel shall also determine the allocation 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. Given the result, the Appeal Panel is of the view that the appeal fees paid to the Superintendent of Insurance in respect of the Appellant’s two appeals should be awarded to the Life Insurance Council.

**Order**

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

- a. The Appellant's Appeals are discontinued and the June 7, 2019 and July 31, 2019 decisions of the Life Insurance Council are confirmed.
- b. The appeal fees are awarded to the Life Insurance Council.

DATED at Edmonton, Alberta this 16<sup>th</sup> day of December, 2019

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Per:

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Gwen Harris, Appeal Panel Chair