



MEDIATION AND DISPUTE RESOLUTION FOR CONDOMINIUMS

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Good Community, Good Property, Good Business = Good Condominium

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Seminars and Dispute Resolution Services


- SK CPA Processes
- Mediation & Arbitration
- Other Resolution Options
- Dealing with Difficult People



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- Dispute Resolution – SK CPA - sections 98 - 102
 - Action in debt for repairs
 - Small claims court for bylaw sanction
 - Arbitration
 - Administrator
 - Scheme of settlement



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- section 98 – Action in debt
 - Corporation
 - from owner
 - for
 - Repairs to unit
 - Work done by municipal or public order



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Section 99 – Sanctions

Corporation action

- From owner, tenant or other person who resides in or on a unit
- For bylaw breach
- To Court under Small Claims Act, 1997
- For penalty of not more than \$500



DUNN V. CONDOMINIUM PLAN NO. 89PA14638 (OWNERS) QB03127

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Section 100 - Arbitration

– Between corporation and owners

– Between owners

- Single arbitrator
- Parties equally share cost
- Can register caveat against title



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Section 101 - Administrator

- Court appointed
- Replaces board
- All owners pay
- Short or long term



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Arbitration

• A process where an impartial, knowledgeable 3rd person listens to the parties in the dispute and makes a final and binding decision for them.

• Done by agreement, by contract or under the SK Arbitration Act.

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• **Mediation**

- Negotiation
- With outside help
- Voluntary
- Goal - settlement



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• **Mediation**

- Supports "community"
- Creates understanding
- Creates models for next time
- Shares knowledge
- Preserve relationships



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• Arbitration

- Private judge
- Binding decision
- Input to process
- Private hearing



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What can Arbitrators Do?

- Interpret and apply the Act
- Interpret and apply contracts
- Determine facts
- Direct procedure
- Order costs
- Order preservation of property and documents
- Make interim and final awards
- Award \$, orders to do or stop doing

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**Starting
Either
Process**



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Process to start arbitration or mediation

- Identify bylaws and Act provisions
- Discuss with other side the preferred process
- Research arbitrators or mediators
- Discuss with other side the preferred person
- Contact agreed person and they take over the process
- See www.highclouds.ca for more information

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Other Options



- Lawsuits
- Strategic planning / Community renewal
- Be Predictable - Follow the Rules
- If it's Broke - Fix it!

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Other Options



- Share what you should
- Educate Someone
- Use Creative and Inclusive Approaches

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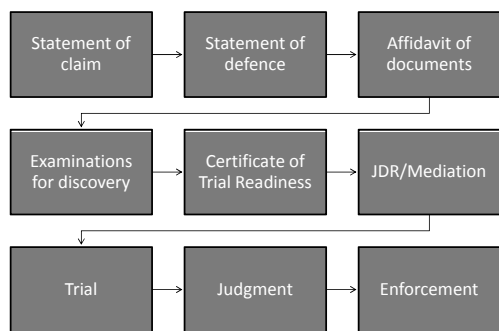


Enforcement using the courts – lawsuits

- legal advice
- settlement options
- Limitations Act
- time and cost
- winner recovers part or all of its legal costs

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Strategic Planning works

- Renew it periodically
- Community renewal required as owners change



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Be Predictable –

- follow the rules and processes
- don't allow predictability to overrule discretion and case by case review
- if you live by the sword

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If it's Broke - Fix it!

- eliminate the unreasonable rules
- get with the times
- reflect the community
- include ADR clauses



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Share what you should and when you can –



- clarity of expectations
- regular reports
- disclosure (information is knowledge – is power)


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Educate Someone

- board, owners, tenants,
- structured and unstructured
 - what, when, how often, who does it?



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Use Creative and Inclusive Approaches

- open houses
- community meetings
- forums
- working meetings
- small group workshops
- owner advisory groups



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Use Creative and Inclusive Approaches

- owner directed projects
- annual and special meetings
- coffee parties
- owner appeal mechanisms
- the golden rule - what got you involved?
- Have FUN!



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Is there a place for:

- personal contact?
- being curious not judgmental?
- really listening?
- a grievance committee?
- making exceptions?
- making special arrangements?
- non-directors to carry the message?



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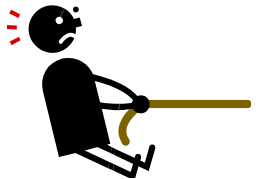
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Dealing with Difficult People



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Why are we difficult?

- Own view of the outcome or process
- Strong convictions
- Differing values or principles
- Differing information and understanding
- Differing feelings of empowerment
- Strong emotions
- Take it personally
- Have limited resources – time, money

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Tips and Tools to deal with difficult people

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Tip #1 –

Stock up the tool kit – if we only have a hammer, we look at every “problem” as a nail



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Tip #2 –

Be prepared to go beyond the easy ...



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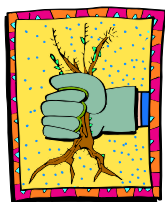
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Tip #3 –

Identify the source of the difficulty ...

***Then try to resolve or
remove the difficulty***



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Tip #4 –

Treat the people like people ...



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Tip #5 –

***Don't make either of
you victims ...***

No blame, just responsibility



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Tip #6 –

***Acknowledge what you
cannot deal with ...
and
when to ask for help***



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• Tip #7 –

Look in the mirror ...

***Are you the source of
the difficulty?***



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• Tip #8 –

Look for preventative steps for the future ...



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Some Resources:

- Community Associations Institute bookstore
<http://www.caistore.net/>
<http://www.caionline.org/>
- Canadian Condominium Institute bookstore
www.cci.ca
- Let's Talk – a free guide to difficult conversations
<http://alis.gov.ab.ca/pdf/cshop/letstalk.pdf>

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Deborah M. Howes B.A., LL.B., ACCI, FCCI, C. Arb., C. Med. is a Chartered Arbitrator and Chartered Mediator with the ADR Institute of Canada. She is the President of High Clouds Incorporated, an Alberta based company providing seminars and dispute resolution services. Ms. Howes holds Certificates in Arbitration and Conflict Management from the Alberta Arbitration and Mediation Society, and Bachelor of Laws and Bachelor of Arts degrees.

Deborah is an active facilitator, arbitrator, mediator, and trainer. She has over 25 years experience in all aspects of dispute resolution, labour relations and condominium. She speaks on dispute resolution and condominium matters at provincial, national and international conferences. In previous roles, Ms. Howes was a Vice Chair with the Alberta Labour Relations Board, and practiced law with the Edmonton firm of Duncan & Craig. In 2007 she was appointed to the Public Service Labour Relations Board.

Ms. Howes is a past President of the Canadian Condominium Institute (National) and of the CCI North Alberta Chapter. She has been a condominium owner and director and practiced law in condominium before being appointed to the ALRB. She has been an Associate of the Canadian Condominium Institute since 1991 and a Fellow of CCI since 1999. Since 2000, Deborah Howes has been a member of the Minister's Advisory Committee on the Condominium Property Act. She is the co-author and editor of Condominium Management 100 - 300. Ms. Howes was an advisor for Alberta Human Resources and Employment on the "Let's talk" publication - a workplace guide to resolving disputes using an interest based model.

Deborah Howes is a member of the Law Society of Alberta; Canadian Industrial Relations Associations (North and South Alberta); Alberta Arbitration & Mediation Society; ADR Institute of Canada Inc.; Conflict Resolution Network; Council of Canadian Administrative Tribunals; Foundation of Administrative Justice and Canadian Condominium Institute.

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