

## **How to Start the Mediation Process: (Condominium)**

**Under section 69 of the Condominium Property Act and Regulation 77, mediation is an accepted dispute resolution procedure in condominium. This document provides some information on how to start a mediation and sample forms to use. First, read An Introduction to Mediation (Condominium) which also appears on this website. If you have questions about whether your case should be arbitrated or the merits of your case, contact your legal advisor. Mediators will provide information about the process, but do not comment on the merits for one party and do not provide representation to any party. One party alone cannot choose the mediator or hire the mediator.**

1. Consult your condominium bylaws / contract to see if there is a mediation provision. If there is a provision, read it and follow it.
2. Complete the Invitation to Mediate form. It will help you clarify what you see as the dispute and what you want.
3. Research who you want to be the mediator. Check with others you know who have used mediators. Check with various mediator associations for available mediators – [www.aams.ab.ca](http://www.aams.ab.ca) or <http://www.amic.org/aboutus.html> or <http://www.cnetwork.ca/> or [www.ADRWeb.ca](http://www.ADRWeb.ca). You may call several possible mediators to ensure there are no conflicts of interest and that they have the time to do the mediation. Just like when hiring another professional, be sure to check:
  - qualifications, training as a mediator, experience as a mediator, insurance coverage, commitment to a code of ethics, cost, availability, knowledge in condominium or the topic of your dispute, neutrality, professional memberships, etc.
4. Finish completing the Invitation to Mediate form and send it to the other party(s) in your dispute. Keep copies of all the documents for your own files.
5. Follow up on the times – welcome a response from the other side in the form of a letter or the Reply to Invitation to mediate.
6. When you get the response, see if both of you have agreed to a mediator or do you have to exchange a new list of potential mediators or use an outsider under Regulation 77 to appoint a mediator for you.
7. When you have the mediator's name as agreed or appointed by the outsider, one or both of you need to contact the mediator to confirm the hiring of / appointment of the mediator.
8. From that point the mediator generally takes over the arrangements and will work with both parties to keep the process moving forward.

# Invitation to Mediate (Condominium)

**To:** \_\_\_\_\_  
(name of the other party)

\_\_\_\_\_  
(address of the other party) (postal code)

**From:** \_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your address) (postal code)

\_\_\_\_\_  
(your phone #) (your fax #) (your email)

**Date:** \_\_\_\_\_

**I/We notify you that I/We wish to mediate the following dispute with you under section 69 of the Condominium Property Act and Regulation 77 and our bylaws/contract.**

## 1. What is the Dispute?

*How I describe the dispute: (provide a summary of who, what, where, when, how of the events leading to the dispute)*

2. *Relevant sections of the Condominium Property Act:* \_\_\_\_\_

3. *Relevant sections of the Condominium Bylaws:* \_\_\_\_\_

4. *What I/We want as a result: (describe what you seek at the end)*

**5. Who should mediate?**

*(Choose a) or b)). Under section 69 of the Condominium Property Act and Regulation 77, we have to agree on the mediator. I/We wish to have:*

a) \_\_\_\_\_ a single mediator help us            or            b) \_\_\_\_\_ a team of two-co-mediators help us

I/We suggest the following persons as the mediator(s): (list name, contact information and provide a bio, if you have it)

i) \_\_\_\_\_

ii) \_\_\_\_\_

iii) \_\_\_\_\_

**6. Your side of the dispute:**

I/We am also interested in seeing how you describe the dispute between us and what you want as a result. I invite you to provide the information to me in the same way I have given this to you by completing the Response to Request to Mediate and sending it back to me within seven (7) calendar days.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name



# Response to Invitation to Mediate (Condominium)

**To:** \_\_\_\_\_  
(name of the other party)

\_\_\_\_\_  
(address of the other party) (postal code)

**From:** \_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your address) (postal code)

\_\_\_\_\_  
(your phone #) (your fax #) (your email)

**Date:** \_\_\_\_\_

**This is our Response to the Invitation to Mediate sent by you under section 69 of the Condominium Property Act and Regulation 77 and our bylaws/contract.**

**1. What is the Dispute?**

*How I describe the dispute: (provide a summary of who, what, where, when, how of the events leading to the dispute)*

**2. Relevant sections of the Condominium Property Act:** \_\_\_\_\_

**3. Relevant sections of the Condominium Bylaws:** \_\_\_\_\_

**4. What I/We want as a result: (describe what you seek at the end)**

**5. Who should mediate?**

*(Choose a) or b) or c)). Under section 69 of the Condominium Property Act and Regulation 77, I/We wish to have:*

a) \_\_\_\_\_ a single mediator help us      or      b) \_\_\_\_\_ a team of two-co-mediators help us

*(please check one of the following and complete the information)*

I/We agree to the following mediator(s) suggested by you: \_\_\_\_\_

I/We do not agree to any of the mediators suggested by you. I/We suggest one of the following persons as the mediator: (list name, contact information and provide a bio, if you have it)

i) \_\_\_\_\_

ii) \_\_\_\_\_

c) \_\_\_\_\_ we should ask the Alberta Arbitration and Mediation Society to appoint a mediator for us for this dispute.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed name

