



TEN REASONS TO MEDIATE
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There are many good reasons to consider mediation as a means to address condominium conflict:

1. **Mediation can save you money.** The costs involved in proceeding to trial are significant. When parties participate in good faith, mediation provides an opportunity to resolve a conflict in a less expensive way.
2. **Mediation can save you time.** The court process can literally take years. Mediation is a private process controlled by the parties that provides the opportunity to resolve disputes faster.
3. **Mediation can preserve the community relationship.** As mediation embraces a conciliatory approach, it provides the opportunity for parties engaged in conflict to work together rather than focus on convincing a third party they are right. This can result in a better ongoing relationship than going to court, which is particularly appealing if parties must continue to be in close community with one another – as is often the case in the context of condominium disputes.
4. **Mediation “Stays in Vegas”.** The entire mediation process takes place on a confidential and without prejudice basis. Unless you agree otherwise, nothing said, presented or offered in the course of a mediation session leaves the mediation.
5. **Mediation provides perspective.** At mediation, parties involved in a dispute have the opportunity to share their perspective of the situation. This can provide greater insight into *why* the conflict has arisen, *what* is important to each participant and *how* the dispute may be feasibly addressed.
6. **Mediation explores options.** Various settlement options can be explored in the course of mediation, including creative options which may not have been considered previously or which arise out of a greater understanding of the perspective of others – thinking outside the box.
7. **Mediation can narrow issues.** By participating in mediation, you and those you are in conflict with may be able to clarify the nature of the dispute and narrow down issues. This can serve to simplify matters moving forward and contribute to the reduction of time and cost of resolution, even if the dispute proceeds to court.

8. **Mediation lets you be heard.** At mediation, you have the opportunity to say what you need to say. Mediation provides you with a chance to “get it off your chest”.
9. **Mediation is safe.** You have nothing to lose by participating in mediation and everything to potentially gain. Even if the mediation session does not procure settlement, there are plenty of advantages that can come from the opportunity – from an interaction plan to make future exchanges with the other parties more comfortable to a greater understanding of how the dispute may progress moving forward.
10. **Judges like it.** If your dispute is ultimately destined to be heard in court, even if you are not legally required to attempt mediation, recent case law has suggested that courts consider whether you first attempted to resolve the conflict in a conciliatory manner in the course of awarding costs.

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Marc actively manages condominium conflict and advocates for mediation in the early stages of condominium disputes. He earned an Honours Bachelor of Arts at the University of Toronto (Trinity College), holds an Executive Certificate in Conflict Management from the University of Windsor Faculty of Law and is a member of the ADR Institute of Ontario, the ADR Institute of Canada, the Toronto & Area Chapter of the Canadian Condominium Institute, the Association of Condominium Managers of Ontario and the Institute of Law Clerks of Ontario.

Marc brings unique insight in mediating condominium conflict through the knowledge and experience he has gained as a condominium director, resident and law clerk. His mediation practice is focused exclusively on condominium disputes.

Marc Bhalla carries professional liability insurance and is a regular contributor of articles to **CONDOCENTRIC.ca**



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