



THE ROLE OF TRANSFORMATIVE MEDIATION
IN CONDOMINIUM CONFLICT
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In *Transformative Mediation and Condominium Conflict*, I explained that transformative mediation focuses upon shifting the interaction between parties in conflict and looks at improving their exchanges and communications. In the context of condominium community disputes, this approach can be quite helpful, particularly when people in dispute continue to live or work fairly close to one another.

As opposed to focusing strictly on settlement, mediation can encourage the consideration of the ongoing relationship of the parties, including how they will interact in the future. This provides value in the context of the condominium community, even in the event that the conflict is not resolved at mediation. As not all disputes are destined for settlement and the trial process takes time, an interaction plan formed in the course of mediation can alleviate stress for parties who remain in community with each other. There can be an agreement about respectful communication and interaction to avoid such concerns as those associated with the potential of running into the other side every time you check your mail or an elevator door opens. Similarly, clarity surrounding how best to communicate and establishing response timeline expectations can be comforting.

It is not uncommon for someone involved in a conflict with a condominium corporation to feel unheard or to be unsure as to how to appropriately communicate. Conflict can escalate solely due to a lack of clarity as to the receptiveness of the other – particularly if assumptions are used to fill any gaps of understanding. By way of example, a condominium resident may feel that a delayed reply to a concern brought to the attention of property management is the result of the Board simply not caring, while the delay may be attributable to the schedule of Board Meetings or the Board seeking a legal opinion to ensure that the resident’s concern is adequately addressed.

I recently facilitated a mediation where a unit owner was very surprised to meet a director and learn that they had much in common. The Board member could relate to some of the challenges the owner had in complying with the rules. Putting a face to the Board and realizing that empathy can exist between disputants may not make the conflict disappear; however, it can certainly make it more comfortable to await a resolution or clarify future interactions to avoid unintentionally inflaming the situation. In many ways, transformative mediation focuses upon the “human side” of the conflict, something which can easily be neglected when one is at odds with a condominium corporation that seems faceless. The opportunity presented through interaction at mediation is not limited to a discussion of settlement options.

Regardless of whether a mediation concludes with a written settlement in place that puts an end to the dispute, parties can leave with a better understanding of one another, comfort surrounding future interactions and potentially a communication plan that can reduce stress and anxiety.

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Marc holds an Executive Certificate in Conflict Management from the University of Windsor's Faculty of Law (Stitt Feld Handy) and earned an Honours Bachelor of Arts at the University of Toronto (Trinity College). He actively manages condominium conflict and advocates for mediation in the early stages of condominium disputes.

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 on condominium disputes.

Marc sits on the Board of Directors of the Toronto & Area Chapter of the Canadian Condominium Institute and is a member of the ADR Institute of Ontario; the ADR Institute of Canada; the Toronto & Area, Golden Horseshoe, Huronia and London & Area Chapters of the Canadian Condominium Institute; the Association of Condominium Managers of Ontario and the Institute of Law Clerks of Ontario.



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