



SO CLOSE YET SO FAR  
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Provincial courts are nestled in the heart of Yonge and Sheppard yet to the condominium residents in the Yonge North Corridor they could not be farther away. This is not because of the physical location of the courthouse but rather due to backlogs in the scheduling of cases. If you were to stroll into our local small claims court today to file a claim, you would not likely have your day in court before we ring in 2015. In fact, you may not even have your mandatory pre-trial settlement conference before next year.

Community conflicts that arise in condos can be quite awkward and uncomfortable for those involved in them, if for no other reason than they exist between neighbours. The time it takes to resolve a dispute in court does not help.

While the Condominium Act does not make mediation mandatory at all times, many recent court decisions have sent a strong message that court should be considered as a last resort – the place to go for conflict resolution only after exhausting all other alternatives.

The concept of reconciliation, or attempting to work through issues, is being very much encouraged. Mediation and other forms of conflict management are increasing in popularity. In the condominium setting, they simply make sense as they provide an opportunity to address disputes quickly and amicably.

If parties can agree on a way of moving forward, this often can prove to be a more satisfying and sustainable resolution than one imposed by a judge. Courts are limited in looking only at legal rights without necessarily appreciating the ongoing relationship between the parties or their interests beyond the precise subject matter of the dispute.

Taking steps to address conflict early and embracing a mindset of attempting reconciliation can go a long way in preserving harmony within a condominium community and providing peace of mind.

A lawyer who I work with has a file being addressed through our local court house that has now seen two Winter Olympic Games come and go without that matter having yet been put to rest.

Even if you are compelled to take the walk to file a claim, the time you will have to wait to have your day in court provides ample opportunity to “choose your own adventure”, to challenge yourself to appreciate all interests involved and to think creatively in attempting to find resolution.

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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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