

MEDIATION: A SMOOTH ROAD TO RESOLUTION

Buying a new home is among life's most exciting, most rewarding journeys. Yet for most new home purchasers, the journey through the home construction process comes with a certain measure of nervousness. The best way to ensure you end up with the home you purchased is to maintain open, collaborative communication with your builder and work through any issues or concerns as they arise.

Sometimes this dialogue becomes difficult – especially where matters arise on which you and your builder do not agree. If you're unable to work through these differences, the Program provides effective dispute resolution services. These begin with mediation – a highly effective process for resolving issues that sometimes arise between homebuilders and their customers.



What is mediation?

Simply put, mediation is an open discussion facilitated by an impartial third party – the mediator. It's highly effective in bringing all participants to mutually acceptable and agreed upon solutions.



VOLUNTARY • Both parties agree to participate

FLEXIBLE • Participants explore a range of potential solutions

SOLUTION-ORIENTED • Participation shows that both parties are motivated to resolve issues

EMPOWERING • It is the participants, not the mediator, who create solutions and control the outcome

CONVENIENT • Mediation works with participants' schedules – there's no prescribed "court date"

CONFIDENTIAL • The process and its outcomes are private and privileged

WHEN CAN I REQUEST MEDIATION?

As long as all participants agree, mediation can occur at any point during or after your contractual relationship.

WHO ARE THE MEDIATORS?

The Alberta New Home Warranty Program has an in-house team of trained mediators, through the Alternative Dispute Resolution Institution of Canada (ADR Canada).

WHAT ARE THE COSTS OF MEDIATION?

For our Builder Members and their homeowners, the Program provides mediation services free of charge.

WHERE DOES IT TAKE PLACE?

As mediation works best in a neutral environment, we typically facilitate mediation sessions at the Program's office.

HOW DO I PREPARE FOR MEDIATION?

Mediation is a discussion. Be prepared to discuss issues and potential solutions with an open mind. You may bring back-up documentation, but keep in mind that the goal is not to "present your case and prove your point" – it's to arrive at a solution that works for both parties.

WHAT IF THE PARTIES CANNOT RESOLVE THE ISSUE?

If mediation is unsuccessful in bringing the parties to a mutually acceptable agreement, alternative dispute resolution processes are available. You'll find a complete list of the options we offer at anhwp.com/disputeresolution.

Note: Attempting to resolve an issue through mediation does not limit your right to explore other dispute resolution avenues.

Are there rules we must follow?

Mediation is most effective when all participants observe the following rules and guidelines:

- ✓ All participants must consent to the mediation process and have the authority to settle the dispute
- ✓ Participants must be respectful
- ✓ All statements made during the course of mediation are privileged; neither the mediator nor his/her notes can be subpoenaed in subsequent proceedings
- ✓ Participants agree that all discussions are "without prejudice," meaning all agreements are confidential and cannot be cited in any subsequent proceedings
- ✓ On reaching an agreement, both parties must carry out the terms of the settlement as soon as possible
- ✓ The mediator is to be a facilitator
- ✓ Any participant or the mediator has the right to terminate the mediation process at any point
- ✓ If mediation is unsuccessful, the participants can choose to proceed with other dispute resolution options

What happens during the actual mediation hearing?

- 1 The mediator explains his/her role as a facilitator and goes over the rules of mediation
- 2 All participants present their issues and interests for resolution
- 3 All participants share and discuss potential solutions
- 4 When participants agree upon a solution, they may elect to have the mediator officially document the resolution either during or immediately after the mediation

How do I start the mediation process?

You can initiate a request for mediation on the Homeowner Portal – the Program's online resource for homeowners. For more information, visit anhwp.com/HOportal.

