



Here's what you need to know about mediation

Mediation is a process where a Board Member helps parties to reach a voluntary, mutually acceptable solution on some or all of the issues in dispute. The OMB may try to settle disputes or reduce the number of issues at a hearing by bringing parties together informally through mediation. Mediations are conducted on a confidential basis.

Why would I choose mediation?

Mediation allows parties to:

- Meet before the hearing;
- Better understand the issues;
- Take an active role in resolving the dispute;
- Repair relationships;
- Identify common interests.

Mediation can take place at any time, before or during a pre-hearing or hearing. It may replace a hearing if the parties come to an agreement during mediation.

How do I request mediation?

To request mediation before a scheduled hearing event, the request must be made in writing to the Board. After the Board receives the request, it will go through a process called mediation assessment. This process allows the Board to review the available information and decide if mediation is the best way to deal with the matter. If a date for mediation is set, the Board will send notice to all involved parties. If the Board decides not to mediate the matter, a hearing date will be scheduled and notice will be sent to the parties.

If a request for mediation is made during a hearing event, the Member will advise parties of the Board's process.

What happens at a mediation meeting?

At the meeting, all parties try to reach an agreement to avoid or shorten a hearing. At the beginning of the mediation, the OMB Member(s) advises parties on how the mediation will proceed and sets out the ground rules. The Member guiding the mediation helps make the discussion of the issues easier and may offer new solutions.

Are mediations open to the public?

All documents and anything said in mediation are confidential. Unlike a hearing, a mediation meeting does not include the public.

What if an agreement is reached at mediation?

If the dispute is resolved, the OMB can often give a decision that day. It may hold a brief hearing about the settlement at the end of mediation.

What if an agreement is not reached at mediation?

If mediation does not resolve the issue, then the OMB will schedule a public hearing. Similar to a court proceeding, an OMB hearing requires that all parties must swear to tell the truth. A different Member than the one who guided the mediation will be assigned to hear the matter.

Nothing relating to the mediation, except those matters that have been agreed to, can be revealed to the Board Member presiding at the hearing.

Once the mediation is over, the parties may have a better understanding of the issues and be more prepared at the hearing. As well, the mediator can help the parties write a statement about the evidence and issues of the dispute. If the parties agree, the mediator will include the statement in a Mediation Report available to the Member conducting the hearing.

Where can I find more information?

For more details on mediation, please refer to the OMB's *Rules of Practice and Procedure* (Rules 66-72). They are available at www.omb.gov.on.ca, or by calling (416) 212-6349 or toll free 1-866-448-2248

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