

Dispute Resolution

BACKGROUND

In a condominium community, people with different interests and backgrounds live or work in close contact with one another. This can sometimes lead to disagreements and disputes about issues such as repairs, bylaw violations, and governance of the corporation.

While some disagreements can be worked out between the people involved through discussion and negotiation, sometimes outside help is needed to resolve the dispute.

Albertans have said new dispute resolution options are needed to give owners and corporations another way to work out issues.

Dispute Resolution Model

One option that could be used to resolve conflicts is a Condominium Dispute Tribunal that could hear disputes between two sides, such as owners and boards.

A tribunal could help these two sides work through their dispute, or could grant an order deciding the outcome of the conflict. A tribunal model would have to recognize that the people in the dispute still have to live and work together, and should try and reach as positive of an outcome as possible.

There are several tribunals that may serve as models for how a condominium dispute tribunal could work. In Alberta, the Residential

Tenancy Dispute Resolution Service can hear claims from landlords and tenants including security deposit issues, rent reductions, and repair issues. An adjudicator makes a binding decision at a hearing based on the case.

In British Columbia, condominium disputes are handled through the Civil Resolution Tribunal, which hears cases including non-payment of condo fees, bylaw enforcement, and financial responsibility for repairs. The service is provided online. When a person applies, the case is assigned for mediation, where a mediator tries to help the two sides work out their dispute. If the issue cannot be mediated, the case can go to binding adjudication.

Accessibility

A dispute resolution process would need to make sure unit owners, corporations, and other participants in the process have effective access to work out conflicts.

This is needed to make the process valuable to those who have to use it. As such, it is important that the process reduce or eliminate anything that could unnecessarily prevent people from being able to access this dispute resolution option.

For example, if services were offered online, options would be needed for someone who does not have easy access to a computer.

Dispute Resolution

Application Fee

Dispute resolution services, especially tribunals, often charge a fee to apply. This fee helps to cover the costs of the process and to ensure that the people who are using the service pay at least part of that cost. In addition, an application fee can help to prevent frivolous applications, as the applicant must feel the application is worth the cost of the fee before they file for dispute resolution.

On the other hand, fees can make it hard for people to access dispute resolution services. Many of those who need these services may already be having financial troubles as a result of the dispute or other life situations, and may not be able to afford a fee. As a result, to ensure the service is reasonably accessible, the fee should be one that any person should be able to pay.

For example, the Residential Tenancy Dispute Resolution Service charges \$75 for all applications, which can be reduced for people with low incomes. British Columbia's Civil Resolution Tribunal charges a tiered application fee depending on the level of services accessed, such as a \$125 fee for an initial application and an additional \$100 for adjudication.

As an alternative, all condominium corporations in Ontario will be charged a monthly or yearly fee to pay for that province's new Condominium Authority.

Pilot Project

If a dispute resolution service is created, a pilot project may be used to make sure the

model is working properly before making the service fully available.

A pilot project would launch a more limited service at first, and would be expected to expand when the pilot period ends. If the dispute resolution service starts with a more limited focus, this could help to make sure the right policies and procedures are in place so that the process is working well when it is made available to everyone.

A pilot project for dispute resolution could focus in up to three ways:

- Cover a specific geographic area of Alberta, such as only a specific major city.
- Limit the types of issues the service would initially hear, such as only hearing bylaw enforcement cases.
- Only offer specific types of dispute resolution to start, with additional forms of dispute resolution added at a later time.

If You Have More Feedback

If you have some thoughts or comments you would like to provide after the Open House, please feel free to write down your feedback and send it to us:

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