



Property Value Protection Program

Claimant's Guide to the Mediation Process

Purpose of a mediation hearing

The purpose of mediation is to provide an opportunity for the Claimant and staff of the Property Value Protection (PVP) Program to discuss the PVP claim decision, share information and attempt to arrive at a mutually acceptable resolution of the disputed claim. The role of the Mediator will be to guide the discussion and help the parties reach a settlement, if possible.

Initiating mediation

Parties wishing to initiate mediation must file a Request for Review Mediation form with the PVP Program Office within twenty business days of the date the claim decision was mailed.

Independent mediators

Mediators used in PVP Program mediations are members of the ADR Institute of Canada, and are independent, impartial professionals. They are familiar with the Port Hope Area Initiative's projects as well as the operations of the PVP Program. The PHAI MO will maintain a roster and mediators will be selected in the order of their position on the roster.

Information sharing

At least five business days before the scheduled mediation, each party will provide to the mediator and the other party a written mediation submission.

The written mediation submission shall include a summary of the relevant facts; an explanation of why they believe that there exists or does not exist an Error in the Claim Decision, and other relevant information. The written mediation submission shall not exceed five pages, not including any attached copies of reference documents contained in the Claim File. The Mediation Brief may refer to the material in the Claim File, but no additional evidence, including written materials, may be referenced by either party.

Mediation agreement

Prior to the mediation session, the parties shall execute the PVP Mediation Agreement, and agree to abide by any standard mediation process rules set by the Mediator.

Mediation

The mediation will be an informal, voluntary, agreement-reaching process in which a qualified mediator will assist the parties to attempt to reach an agreement in a collaborative and consensual manner. The mediation will attempt to determine whether there was an Error in the Claim Decision to the satisfaction of the Claimant and the PHAI MO. The Mediation will be scheduled to last for three hours, and will take place at a venue in the Municipality of Port Hope selected by the PHAI MO. Mediation is optional if both parties agree to go directly to Arbitration.

*Please note that this is an overview and not the Program Rules themselves.
For the complete PVP Program Rules, please visit the PHAI MO or www.phai.ca.*

Costs

The fees and expenses of the Mediator and mediation session will be paid by the Port Hope Area Initiative. In addition, the PHAI MO will pay the reasonable costs of the Claimant in relation to the mediation, up to the maximum amount of \$700. All costs must be supported by dated receipts. For certainty, no costs incurred before the Request for Review was signed by the Claimant will be reimbursable.

Notification

Within five business days following the completion of mediation, the Claimant will be provided with a copy of the Mediation Report. If the mediation results in settlement the parties will enter into a written settlement agreement. If a settlement is not reached, the mediation report will contain only that the parties were unable to reach a settlement.

What if i am not satisfied?

In the event Mediation does not produce a successful settlement, a Claimant has the option to proceed to arbitration by filing a Request for Review Arbitration form no later than ten business days from the date the Mediator's Report was signed.

Parties are cautioned that potential settlement terms discussed, but not accepted, by the parties in mediation will not extend into the arbitration stage. In other words, the Arbitrator will hear the position of the parties anew and without prejudice. However, if mediation results in a settlement of some of the issues in dispute, arbitration could be used to address the remaining, unresolved matters.

For more information on the arbitration process, please see the *Claimant's Guide to Arbitration*.