



Mediation by the Board

The Board offers mediation services

The Landlord and Tenant Board (the Board) offers mediation services to landlords and tenants when an application has been filed. Mediation is voluntary — both the landlord and the tenant (the parties) must agree to mediate in order for mediation discussions to take place.

Mediators from the Board are available to meet with the parties to try to help them reach a workable agreement that is acceptable to both sides.

How mediation works

The mediation discussions are led by a Mediator who:

- explains to the parties how mediation works,
- helps the parties focus on the issues,
- guides the discussion,
- helps the parties reach an agreement, and
- prepares an agreement that is legally enforceable.

A Mediator explains to the parties what their rights are under the *Residential Tenancies Act*, but they do not give advice. The parties may want to talk to a lawyer before starting mediation, or have a lawyer, agent or friend with them during the mediation.

The parties should also think of solutions that might help settle their differences before they come to the mediation.

If the parties reach an agreement, the Mediator prepares a written agreement for them to sign and the hearing is cancelled. However, in some cases, the parties may ask to go to the hearing room to ask the Board Member to issue a consent order which reflects the terms that the parties agreed to.

If the parties can't agree, they can stop the mediation at any time and go to the hearing room to have the application decided by a Member.

How to get started

Mediation is available on the day of the hearing at most hearing locations. Parties who want to mediate should arrive early to be sure that there is time to meet with the Mediator before the scheduled start time for the hearing.

Benefits of mediation

- The parties have the power to come up with their own solution to the application, rather than having someone else decide that for them.
 - If the parties want, they can also come up with solutions to other problems they have that were not a part of the application,
 - A mediated agreement will be written to meet the parties' needs and timeframes.
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Confidentiality

Discussions that take place during mediation are private.

If the parties reach an agreement, each party gets a copy of the signed agreement; the Board does not keep a copy.

If the parties do not reach an agreement, the hearing goes ahead. At the hearing, one party cannot tell the Member what the other party said during mediation.

If the agreement is broken

If one party breaches any of the terms of the agreement, then the other party can file a request to re-open the application. Re-opening the application means that a Board Member will deal with all of the issues that were raised in the original application.

Where an eviction application is mediated, and the tenant fails to meet certain conditions, the mediated agreement may allow the landlord to get an eviction order from the Board without a hearing. For this reason, it is important that the parties carefully consider whether they can live up to the conditions of the mediated agreement before they sign it.

For More Information

Additional information about mediation

For more information about mediation, see Rule 13 of the Board's Rules of Practice, which are available on the Board's website at www.LTB.gov.on.ca.

For more information about the role of the Mediator, see the Mediator's Code of Conduct, which is also posted on the website.

Contact the Landlord and Tenant Board

This brochure provides general information only. For more information, or to obtain copies of the Board's forms and publications, you may:

- visit the Board's website at www.LTB.gov.on.ca,
- call the Board at **416-645-8080** or toll-free at **1-888-332-3234**, or
- visit your local Landlord and Tenant Board office. For a list of Board office locations visit the Board's website, or call the numbers listed above.