

## Examples of recent Mediations

- **Neighbourhood**

This dispute was between the leaseholder of one flat and the occupiers of lower flat which apparently included harassment, the claim being in the region of £50,000. The Defendants claimed similar allegations but had not issued a counterclaim. The Claimant obtained a without notice injunction discharged on the Defendants' promise to vacate, which they did and were still away from the property. Both sides were well represented by Counsel for a full day's mediation. An Agreement was carefully drawn up and included the Defendants staying away for two years and undertaking to desist from the particular behaviour complained of by the Claimant also for two years. This was not something a court could have achieved.

- **Harassment**

A civil injunction had been applied for by one party to prevent the other party from continuing a pattern of behaviour which was affecting quality of life, relationships and had infiltrated into their respective local, shared communities. Neither party was legally represented at the mediation and did not meet during it. The mediator was able to facilitate an agreement being reached which provided for the civil proceedings being brought to an end and a new understanding of how each party would interact in the future when their lives inevitably overlapped.

- **Housing**

The dispute was between two house-owners and a former residential occupier of one of the rooms in the house. The proposed claim (no proceedings had been issued) was about unlawful eviction (demand to leave prematurely), return of deposit, breach of deposit regulations; breach of the local London Borough's licensing system was also raised. Essentially the former occupier was seeking money compensation.

With the help of the mediator the parties managed to settle the dispute in 2 ½ hours and so avoid court action and further costs.

- **Employment**

The dispute was between a long-standing employee and the employer and involved a number of claims; unfair dismissal, racial discrimination, harassment and victimisation. The parties were persuaded to meet albeit briefly and affirmed a willingness to avoid a lengthy tribunal. Most of the mediation then took place in separate rooms with a draft agreement and apology being drawn up late in the evening, to be picked up the following day.

- **Property**

Service charge dispute.

A leaseholder disputed the service charge levied as a result of work carried out to improve fire safety of doors and common parts in an apartment block. The

leaseholders' residents' committee had agreed to the work on behalf of all leaseholders in order to comply with fire safety regulations and had recommended specific doors and contractors. The leaseholder disputed the cost involved and maintained that cheaper options had been available that would have been as effective.

The 4 hour mediation was extended by 1 hour to allow the dispute to be resolved and a binding agreement was drawn up and signed by the parties on the day.

- **Education/Contract**

Civil court proceedings had been issued and stayed for mediation to take place.

School fees had gone unpaid due to family ill-health and the child's education had been interrupted. The difficulty was compounded due to the lack of available alternative school placements in the area. The parties were relieved to have reached agreement within half a day and no longer have the worry of court proceedings. The drafting of the settlement agreement took some time once there was agreement, to provide for all eventualities.

- **Probate**

The validity to the deceased parent's Will was challenged. Siblings were divided into two sides of the dispute. Issues arose as to the interpretation of changes made to the will which included a number of properties, tax liabilities and subsequent gifts to grandchildren.

This was a complex, multi-faceted case where the siblings did not meet during the entire mediation, the mediator acting as go-between. After 9 hours, heads of agreement were reached which, with the continued assistance of the mediator in subsequent weeks, became a concluded agreement. The family were able to avoid the court proceedings they all knew their parents would not have wanted.

- **Property**

Protracted legal proceedings marked this long running financial dispute between leaseholder, landlord and managing agent. The original enquiry from the leaseholder explained that having taken over the lease in 1998, a dispute arose over service charges in 2000 and relationships had generally gone downhill from there. Suffice to say a LVT hearing was followed by a court case, without a successful resolution being found. Various communications and attempts to settle the matter followed, the leaseholder took legal advice but the matter remained unresolved. Four hours of mediation resolved a 16 year long dispute for substantially less than the next stage of legal proceedings providing all parties with real relief.

- **Probate**

A contentious probate dispute involving a challenge to the validity of the Will, multiple beneficiaries and misunderstandings between family members, which had led to a significant breakdown in communication and mistrust.

The dispute had been running for nearly two years and one of the beneficiaries was both disabled and suffering from stress, which presented challenges.

With the help of the mediator the parties and their supporters managed to find an acceptable settlement in a day's mediation, much to the relief of all those involved.

- **Judicial Review/ alleged unlawful action by the State**

A dispute involving three parties about an alleged attempted unlawful removal of a person subject to immigration control. There was a dispute about liability for any harm and/or if appropriate, damages. This was the first opportunity the parties had to meet outside Court proceedings. The parties had a discussion in which everyone set out their positions. A lot of the mediation took place in separate rooms.

The parties all felt there was value to having had discussions outside the Court proceedings.

- **Housing Disrepair**

A claim for damages for breach of covenants of repair (contracted and statutory) between an assured tenant and her housing association landlord. Every possible issue which had been raised by either side was contested, ranging from the scope of covenants, notice of disrepair, access to carry out repairs, liability for special damage to quantum of general damages. Although offers had been made, the parties came to mediation far apart. Clarification of each party's position led to renewed offers and settlement in three and a half hours, to the satisfaction of both parties.

- **Workplace**

Individual sessions took place with the employee and the line manager in this small charity where conflict was inhibiting the delivery of its work. The atmosphere at work had been affected and the ripple effect in a small office meant the joint session was challenging for both parties. However, both had been fully prepared and were able to express the nature of their respective difficulties and identify areas where communication could be improved and a working relationship developed.

- **Property**

The dispute between two individuals was over distribution of the proceeds of the sale of a house and of the rent moneys received by the one who had let it out. The house had been nominally purchased by the Defendant (in 1990 – sold 2016) pursuant to an agreement between them that the Claimant would provide all (or nearly all) of the necessary finance and would assume all financial responsibility after completion. The Claimant's case was that there had been no agreement to share the proceeds and the Defendant claimed 50%. The Claimant had been prepared to make a concession at an earlier stage of the proceedings.

The Defendant lived overseas and Skype was made available to his solicitor and Counsel, however weather storms at the other end made this unsatisfactory. The solicitor had instructions as to settlement but as the final offer went beyond them, agreement could not be reached at that time. Happily, terms were agreed on the next working day.

