

## Highlights: Notice to Mediate for Residential Construction Disputes



- Regulations introducing a Notice to Mediate process for parties involved in residential construction disputes in the Supreme Court was introduced on May 20, 1999.
- The Notice to Mediate process provides parties to residential construction disputes with an effective and less costly dispute resolution process.
- The Notice to Mediate process is available immediately and can be used in any Supreme Court action involving a residential construction dispute, no matter when the action was commenced. However, delivery of the Notice to Mediate must take place no later than 180 days before the trial date.
- Any party to a Supreme Court action involving a residential construction dispute can initiate mediation by delivering a Notice to Mediate form to:
  - a) every other party to the action, and
  - b) the Dispute Resolution Office in the Ministry of the Attorney General.
- Delivery of the Notice to Mediate must take place no later than 180 days before the trial date. The actual Notice to Mediate form can be found as Form 1 of the regulations.
- Within 21 days after the Notice to Mediate has been delivered to all parties, the participants must jointly appoint a mutually acceptable mediator. If the participants cannot agree on a mediator, then any of the parties can apply for an appointment of a mediator.
- Within 60 days after the appointment of a mediator, the mediator must hold a pre-mediation conference unless all the participants agree to waive this requirement. Within 150 days after the appointment of a mediator, the mediator must hold a mediation session.
- Costs of the mediation are paid for equally by all participants unless other arrangements are agreed to by all parties.
- The Notice to Mediate process was first used for motor vehicle actions. In the past year, it has been used over 1,000 times and has been very effective in resolving motor vehicle disputes.

Copies of the Notice to Mediate (Residential Construction) Regulations enacted by the *Homeowner Protection Act* can be obtained by contacting Crown Publications at phone: (250) 386-4636; fax: (250) 386-0221 or by visiting the Homeowner Protection Office website at <http://www.hpo.bc.ca>.

For more information contact the Dispute Resolution Office of the Ministry of Attorney General at (250) 387-6888; Website: [www.ag.gov.bc.ca](http://www.ag.gov.bc.ca) or the Homeowner Protection Office at 1-800-407-7757; Website: [www.hpo.bc.ca](http://www.hpo.bc.ca).