

Choosing a Dispute Resolution Option

Government boards, agencies, and commissions make rules that govern our daily lives, like safety standards, minimum wage, and telephone services. This is called administrative law. If your dispute involves administrative law it would not necessarily be heard by a court. Complaints or disputes involving these types of issues are usually heard by tribunals. But before you take your problem to a tribunal, or a court, take some time to consider whether it is your best option.

The reality check

Tribunals are an efficient alternative to court, but the experience might take more time and energy than you expected. The length of a hearing depends on the tribunal, but it could take several months to complete. If you decide to hire a lawyer, there can be legal costs as well.

A tribunal's decision isn't guaranteed to go your way either. Many factors go into a tribunal's decision over which you will have little control. For example, you can't control how the "other side" will present his or her case or how the tribunal will view it. There are also relationships to consider. Once a dispute gets to the level of a tribunal hearing, people's feelings are often hurt and trust is damaged. The other person might wonder why you didn't come to them to try to work things out.

The alternatives

There are several alternatives to a tribunal hearing for resolving disputes. Different methods of alternative dispute resolution (known as ADR) include negotiation, mediation, and arbitration. In fact, a tribunal will often want to know what you have done to try to settle the dispute yourself first. Your choice of alternative will depend on what stage you're at in your dispute and the options available to you.

Negotiation

Sometimes it is enough for two people in a dispute to meet for a respectful conversation to sort out their differences and come up with the best possible solution for both of them. Negotiation is the quickest, easiest, and probably the most satisfying way to resolve a dispute. For more about negotiation, see the other Resolving Disputes videos and PDFs on this website.

Mediation

In mediation, a dispute is only settled if both parties agree, so it gives people control over the outcome of their dispute. Some tribunals provide mediation as part of the tribunal process. Mediators are trained to help people work together to reach a solution to a dispute that is acceptable to everyone involved. They do not have the power to make decisions about a case or impose a resolution. Instead, their role is to ensure that the discussion remains focused, organized, and respectful.

Mediation is a choice that both parties in a dispute have to agree to. If you are not sure how to approach the other person to suggest it, consider contacting a mediator beforehand to find out how to go about it.

How mediation can help

Mediation can be used to resolve many different types of disputes, including disagreements involving wrongful dismissal, human rights, neighbours, land use, tenancy, and more. Some benefits of mediation are:

- You save time, money, and emotional stress through earlier resolution of the dispute.
- It can usually be arranged quickly.
- It takes place in private and the details of the dispute and its resolution are not made public.
- The informal setting and atmosphere of mediation results in more productive communication between the parties.
- It helps to separate the people from the problem, so relationships are usually preserved after a settlement is reached.

For more information on mediation, see the [Guide to Mediation in BC](#).

Getting a mediator

If you go through the tribunal process, the tribunal may impose mediation to resolve your dispute. In these cases, the mediator is usually a senior tribunal staff person or tribunal member. If you are trying to resolve a dispute early on – before you find yourself in the tribunal process – it is a good idea to hire a professional mediator.

There are no universally accepted certification programs for mediators, and mediators come from many different backgrounds. Try to match the mediator's skills with the subject area under dispute. For example, knowledge of tenancy issues will be helpful in landlord-tenant disputes. To find a qualified mediator in British Columbia, visit the website of [Mediate BC](#) or the [British Columbia Arbitration and Mediation Institute](#).

Arbitration

Arbitration provides more control than a tribunal hearing, but much less control over the resolution of a dispute than the other options described in this section. In arbitration, two or more parties who have been unable to negotiate a solution to a problem agree to let an independent and neutral person, an arbitrator, provide an answer. An arbitrator hears evidence from witnesses for the parties, who are represented by a spokesperson or advocate. After listening to the arguments, the arbitrator will produce a binding decision, which means it can't be changed. For more on arbitration, see the [Arbitrators Association of BC](#) website.