



Ontario Land Tribunal

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Mediation Practice Directions

1. Mediation at the Tribunal is a protean concept. Flexibility and innovation will be the norm, rather than the exception. Mediations can take place prior to, concurrent with or subsequent to a hearing event, but prior to the issuance of decision. Questions of facts, mixed facts and laws, policies, including legal questions pending before the judiciary can be canvassed and mediated as long as the matter in question can be entertained by the adjudicative branch of OLT.
2. Tribunal Mediators have been and will be chosen from experienced members of the Bar, professional planners and other experts relating to the disciplines within the scope of OLT. The emphasis is on subject matter expertise, knowledge of advocacy in the jurisdictions of OLT, familiarity with municipal and governmental processes, knowledge of past precedents and regard for the interest base of parties.
3. A Mediation assessment shall be conducted or skipped at the Tribunal's discretion. The objectives, formats and functions for assessment may vary from case to case, as determined to be most fitting for the occasion. It may be done by the mediation co-ordinator or by a Mediator. The Tribunal reserves the ultimate discretion to deny a request for mediation if it is determined that the request is frivolous, vexatious or for the purpose of delay; if the mediation would have little or no chance of success; or if adjudication is the more efficacious or more cost-effective for resolution.
4. Organization meetings may be convened to streamline and enhance the efficiency of the mediation session so that proper formatting and definition of issues can be had. Directions emanating from the organization meetings are the preconditions for the mediation sessions and are expected to be abided by and followed. The underlying assumption is that better preparedness is the key to success.
5. Whether a mediation session is to be conducted by one or more Mediators is at the discretion of the Tribunal. Generally, mediations that are multi-parties, polycentric and consisting of issues that are complex or involving a large span of affected landowners may attract the formulation of a mediation panel subject to the availability of resources of the Tribunal.

6. Tribunal mediations are designed to maximize efficiency and to minimize costs. Towards this end, the Tribunal may order outside technical support or technological assistance for online mediation sessions. The manner and details of cost-sharing are to be determined by the parties involved.
7. Where a party to the mediation is lacking an expert resource and where the Mediator is of the opinion that there is value to be added, the tribunal may request another party to provide the requisite financial assistance, to enable an expert to be retained so that a fruitful mediation session can be deployed. The identity of the expert to be retained, the scope of involvement and the fiduciary relation of the retainer should receive consultative input from the Tribunal Mediator, having regard to the past experience, knowledge base and suitability to the mediation process.
8. Parties to the Tribunal mediations should adapt to the modes of preparation and interactional schemes as evolved and designed by the Tribunal Mediators. Tribunal Mediators have the sole discretion to determine whether the attendance of any person, including an elected official, is conducive to the wellness of a mediation session and is to be allowed or not.
9. While mediations are consensual, proper etiquettes, ceremonious courtesy and respectful behaviour to Tribunal staff, Mediators and to other parties are the prerequisites to participation and are expected to be exhibited at all times. The Tribunal mediation branch reserves the right to deny or cease the continued participation of any person, including a party, party representative, advocate, or expert witness if disrespectful or disruptive behaviour is detected. Where a breach of confidentiality is detected, the Tribunal reserves the rights of sanction as befitting, including reporting to the professional or the institutional bodies to which the offending party belongs. Towards that end, the Tribunal may not allow future attendance of a repeat offender.
10. Where the parties are on schedule for mediation, any request to adjourn prior to the scheduled hearing on consent shall be passed on to the Tribunal Chair for decision and direction.
11. Any communication brochure or other form of written directions issued by OLT that may conflict with the practice directions contained herein shall have no force and effect.