

Preparing for Stage 2 – Mediation: A User Guide

This guide is for Users of the Condominium Authority Tribunal’s Online Dispute Resolution System (CAT-ODR). It helps Users understand what they should do in Stage 2 – Mediation and provides guidance on how to use the CAT-ODR system.

Note: Images included in this guide may be slightly different than those in the system.

Contents

The Five Tabs	2
Tab 1: Case Summary	2
Tab 2: Message Centre	3
Tab 3: Settlement Offers	4
Things to Consider when Reviewing a Mediator’s Proposal.....	5
Tab 4: Documents	6
Tab 5: Questions and Requests	7
Have Questions?	8

The Purpose of Stage 2 - Mediation

In Stage 2 – Mediation, the Users will work collaboratively to resolve the issues in dispute with the help of a Mediator. The Tribunal’s online system gives Users the ability to exchange messages and documents to resolve the case, and to work with the Mediator to try to resolve the issues in dispute.

When a case moves into Stage 2 - Mediation, a Member of the Condominium Authority Tribunal (CAT) will be assigned to the case as a Mediator. The CAT Mediator can do many things to help resolve the case, including:

- Helping to clarify the issues in dispute
- Helping Users understand their rights and responsibilities
- Helping Users identify things they can agree about
- Communicating with the Users, either together or separately
- Giving their thoughts about each User’s arguments or position
- Proposing possible ways to resolve the issues to the Users

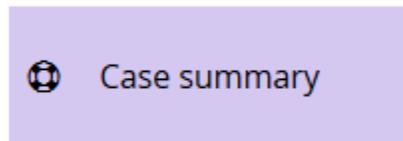
In Stage 2 - Mediation, only the CAT Mediator can suggest a possible settlement to the Users.

The Five Tabs

Once you log-in to the CAO's website and access your case in the CAT-ODR system, you will see five menu tabs along the top of the screen. You can click on each of these options to access that tab. You can find more information on each of the tabs in the different sections of this guide.



Tab 1: Case Summary



What Is It?

This tab provides an overview of your case, including:

- The names and contact information for Users and their representatives (if any)
- The Applicant's description of the subject matter of your case (referred to as the "Problem Description")
- Which stage of the CAT process your case is currently in
- The name of the CAT Mediator assigned to the case
- Whether you have any related cases

Why Do I Use It?

You can use this tab to review the information described above, update your contact information, invite or change your representative, or access other CAT resources.

How Do I Use It?

If your contact information or your representative changes, you can update the information on this tab:

- If you want to change your or your Representative's contact information, use the "Update Applicant's Info", "Update Respondent's Info" or "Update Intervenor's Info" button.
- If you want to add or remove a representative, or make a representative your Primary, Representative use the "Manage Representatives" button.
- If you want to know who is representing another party (if anyone), you can view the representative under the party or use the "View representatives" button that appears under that party's name.
 - **Note:** You cannot change the information of another User or their representative(s).

- For more information on Representatives, please review the [CAT Representatives guide](#).

Update Applicant's info

Manage Representatives

Tab 2: Message Centre



What Is It?

The Message Centre is where you exchange messages with your Mediator and/or with other Users in your case.

Why Do I Use It?

This tab allows you to communicate with the other Users and your Mediator by sending messages. The Message Centre is a useful way for you to communicate with the Mediator and other Users in your case. For instance, you may want to use the Message Centre tab to discuss the issues and potential ways you can resolve them with both the Mediator and the other Users.

How Do I Use It?

Messages are posted in threads called Topics. You can see a list of the existing Topics on the left side of the webpage, and you can access any of the Topics by clicking on its name. You can create a new topic at any time by clicking the "Create new Topic" button.

Create new Topic +

When you create a new Topic, you will need to give your new Topic a title and write the first message in the topic.

Both you and the Mediator can also create private message threads where you can communicate directly with the Mediator. The other Users will not be able to see these messages.

Before sending a message, please make sure that you are writing in the right Topic!

Important Notes:

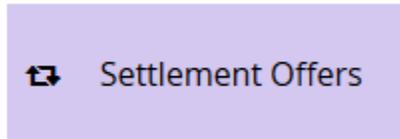
- When you post a message in the Message Centre, the other User will receive an email notification prompting them to log in and review your message.

- After you post a message, you cannot change or delete it.
- There is a 9,000-character limit for each message.



User Tip: Your choice of words may influence how the other User in your case responds or participates in the negotiation process. Keep your communications respectful and positive. Do not use the case or the CAT-ODR system to insult or attack the other User.

Tab 3: Settlement Offers



What Is It?

On this tab, CAT Mediators can propose ways to resolve the case to the Users.

Unlike in Stage 1 – Negotiation, in Stage 2 - Mediation, only the Mediator can make proposals.

Why Do I Use It?

You can use this tab review and provide your input on the CAT Mediator’s settlement proposal.

Your Mediator can propose to resolve the issues in dispute and close the case in two different ways:

1. Your Mediator can propose that you resolve the case by **settlement agreement**. That settlement agreement will resolve the dispute and the case will be closed. This means that the case will not proceed to Stage 3 – Tribunal Decision.
2. Your Mediator can propose that you resolve the case by **consent order**. That consent order will resolve the dispute and the case will be closed. This means that the case will not proceed to Stage 3 – Tribunal Decision.

There are some important differences between settlement agreements and consent orders:

1. What they include

- A **settlement agreement** is an agreement between the parties, and can include any kind of agreement that the parties are willing to accept;
- A **consent order** is issued by the CAT Mediator in your case and can only include things that the CAT has the legal authority to order someone to do.

The Users may sometimes agree on a settlement, but the CAT does not have the legal authority to order them to do the things they commit to doing. In these cases, your Mediator may suggest that you resolve your case by way of a settlement agreement, rather than a consent order.

2. What happens if the Parties don't follow them

- If a party does not comply with a **settlement agreement**, then another party can file another case with the CAT asking for an order that requires the other parties to comply;
- If a party does not comply with a **consent order**, then the other parties can enforce the order through the courts.

For more information on what happens after your case, please review the CAT's [After your case page](#).

How Do I Use It?

If the Mediator has made a proposal, you will see a full copy of the settlement agreement or consent order that the Mediator is proposing to the Users.

Make sure you read the Mediator's proposal carefully. If you have any questions or want to discuss the proposal with the other User and the Mediator, you can do so in the Message Centre. The CAT-ODR system automatically creates a new Topic for each Mediator's Proposal.

Once you've had a chance to consider the proposal and discuss it, you can let the Mediator know what you think about the proposal by:

- Voting for the proposal by clicking the "Vote Yes" button
- Voting against the proposal by clicking the "Vote No" button



If you **Vote Yes**, the Mediator will know that you endorse their proposal.

If you **Vote No**, you will be asked to explain why. You can use this feature to provide constructive feedback on the Mediator's Proposal, and to explain what changes you want made to the proposal for you to agree to it.

Regardless of how you Vote, nothing will happen automatically, so you don't have to worry about your case closing unexpectedly. The Member will consider the Users' responses to the proposal and then let the Users know what the next steps are.

Things to Consider when Reviewing a Mediator's Proposal

Here are some things to consider when reviewing the Mediator's proposal:

Does the Mediator's proposal clearly describe what will happen?

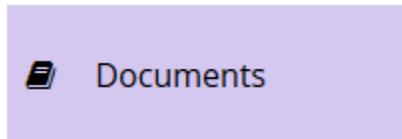
The Mediator's proposal should be clear and descriptive, and identify exactly who will be responsible for what, and include details, deadlines, and timelines for any further steps to be taken.

If you don't think the proposal is specific enough, you can either **Vote No** and explain what needs to be more specific, or you can discuss the proposal in the Message Centre.

Does the Mediator's proposal address all the issues in dispute?

If the Mediator's proposal doesn't address all the issues in dispute, you can either **Vote No** and explain what issues haven't been addressed, or you can discuss the proposal in the Message Centre.

Tab 4: Documents



What Is It?

This tab lets you access the documents or files that have been uploaded to the case.

You can use it to add your own documents or files here or download the documents or files that other Users have added.

Important Note: Documents uploaded to this tab can be seen by all Users.

Why Do I Use It?

You can use this tab to review documents added by other Users, or to add documents that you may be useful while you negotiate.

Documents uploaded in Stage 1 – Negotiation will also be available to the Users (and the Mediator) in Stage 2 – Mediation. As required by the [CAT Rules of Practice](#), these documents are private and confidential (meaning they can't be shared with anyone without consent of the other User, even after the case is closed).

How Do I Use It?

If you want to access (download) a document, simply click on the "Download" button next to any of the documents.

If you want to add (upload) a document:

1. First click on the "Add Document" button located in the lower-left of the screen.
2. Click on "Browse," and then choose the document you want to upload.
3. Provide a Document Name and Description in the boxes.
4. Click on the "Add Document" Button.

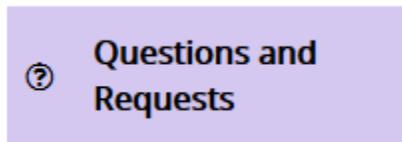


User Tip: You can upload the following file types: PDF, DOC, DOCX, TXT, JPEG, PNG, GIF, TIFF, MP3 or MP4.

If you want to edit a document, you can click on the “Modify” button. This allows you to change the name or description of a document. If you want to change the content of a document, you should delete the document entirely and then add a new document.

The CAT Mediator can also rename or delete a document.

Tab 5: Questions and Requests



What Is It?

In Stage 2 – Mediation, you can use this tab to communicate with CAT staff or the CAT Mediator.

Why Do I Use It?

You can use the Questions and Requests tab if you need technical assistance from CAT staff, if you would like to report abusive behavior by another User, or to make a request to your CAT Mediator.

If you are an Applicant, you may use the Questions and Requests tab to withdraw from the case. If you are the only Applicant, you may request that the Mediator allow you to withdraw and close your case. If you are a non-primary Applicant and you withdraw, the case will continue.

If you are the Primary Applicant, you can also use this tab to move the case forward to Stage 3 – Tribunal Decision. To do so, there are several requirements:

- Your Mediator must permit you to move your case forward.
- If there are multiple Applicants, all applications must agree to move the case forward.



User Tip: Only Applicants can withdraw from the case or move it to the next stage.

How Do I Use It?

Simply click on one of the four options available:

1. Withdraw (Primary Applicants only)

- You may use this button if you want to request that the Mediator permits you to withdraw and close your case. This option is only available if you are the only Applicant in your case. If you close your case this way, it will not be re-opened in the future.

- If there are multiple Applicants in the case, all non-primary Applicants must individually withdraw before the Primary Applicant can request to withdraw and close the case.
 - If you no longer want to be the Primary Applicant in your case, another Applicant must be made Primary to replace you. To change the Primary Applicant in a case, you must contact CAT Staff regarding this issue. You can email them at CATinfo@condoauthorityontario.ca.
- 2. Move to Stage 3 – Tribunal Decision (Primary Applicant only)**
- Applicants can only move their case forward to Stage 3 – Tribunal Decision with the Mediator’s permission.
 - If you are the only Applicant, you can use this button to move your case forward to Stage 3 – Tribunal Decision. If you click on this button, you will be asked to pay the \$125 fee for Stage 3, after which the CAT will assign a CAT Member to your case.
 - If there are multiple Applicants, you can use this button to initiate a poll between the Applicants on if the case should move to Stage 3. If all the Applicants agree to move to the next stage, the Primary Applicant will be required to pay the \$125 fee for Stage 3, after which the CAT will assign a CAT Member to your case.
 - Please note that once the case has moved into Stage 3 – Tribunal Decision, you cannot go back to Stage 2 – Mediation. Typically, that means that the CAT Member adjudicating will decide the outcome.
- 3. Report Abuse**
- Use this button to notify the CAT that the other User is behaving inappropriately (e.g., if the other user is being aggressive, threatening, or is using profanity).
- 4. Ask CAT staff a question**
- Use this button to send a question to CAT Staff (e.g., if you have a question about how to use the system or about the process). These questions cannot be seen by the other Users or your Mediator.



Have Questions?

If you have any questions, please contact us directly:

- Phone – Local: 416-901-9356
- Phone – Toll-Free: (844) 880-5341
- Email: CATinfo@condoauthorityontario.ca