

Negotiating Effectively: A User Guide

cat  Condominium Authority Tribunal

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Have a Question?

If you have a question about any of the information in this Guide, please contact us. We have a team available to answer any questions you may have.

Phone – Local: 416-901-9356

Phone – Toll-Free: 1-844-880-5341

Email: CATinfo@condoauthorityontario.ca

Or use the questions tab in CAT-ODR

This guide may be updated from time to time. You can access the most up-to-date version on the CAO website.

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The Purpose and Advantages of Negotiation

Almost all CAT cases in the CAT's dispute resolution process will begin in **Stage 1 – Negotiation**.

Parties can work towards mutually beneficial resolutions in this stage by exchanging messages, documents, settlement offers and by identifying common ground.

The CAT process also includes **Stage 2 – Mediation** and **Stage 3 – Tribunal Decision**. See more about this on our [website](#).

Negotiations have several potential benefits.

An Outcome that Works for Everyone

- The parties get to decide how to resolve the issues. If the case goes all the way to **Stage 3**, the CAT will decide the outcome.

Community Wellbeing

- Resolving disputes collaboratively helps to build and preserve relationships and sets the groundwork to effectively resolve issues in the future.
- Long or expensive legal disputes can have a negative impact on the entire condominium community.

Negotiation is Confidential

- Parties can work together to resolve the issues without worrying that their messages, documents, and settlement offers might be used against them at a later stage.

Fast and Cost-effective

- **Stage 1** is less formal than mediation or adjudication and only involves you and the other parties. The parties may not need a legal representative and may be able to avoid potential legal costs.
- **Stage 2** and **Stage 3** can take several weeks to months to complete.
- Moving the case to **Stage 2** or **Stage 3** requires additional CAT fees and more of a time commitment from the parties.

Settlement Agreements are Binding

- Settlement agreements are binding, and parties must comply with them.
- If a Party does not comply with a settlement agreement, the other party can file a new CAT case to obtain an order that requires them to comply.
- [You can learn more about settlement agreement cases on our website.](#)

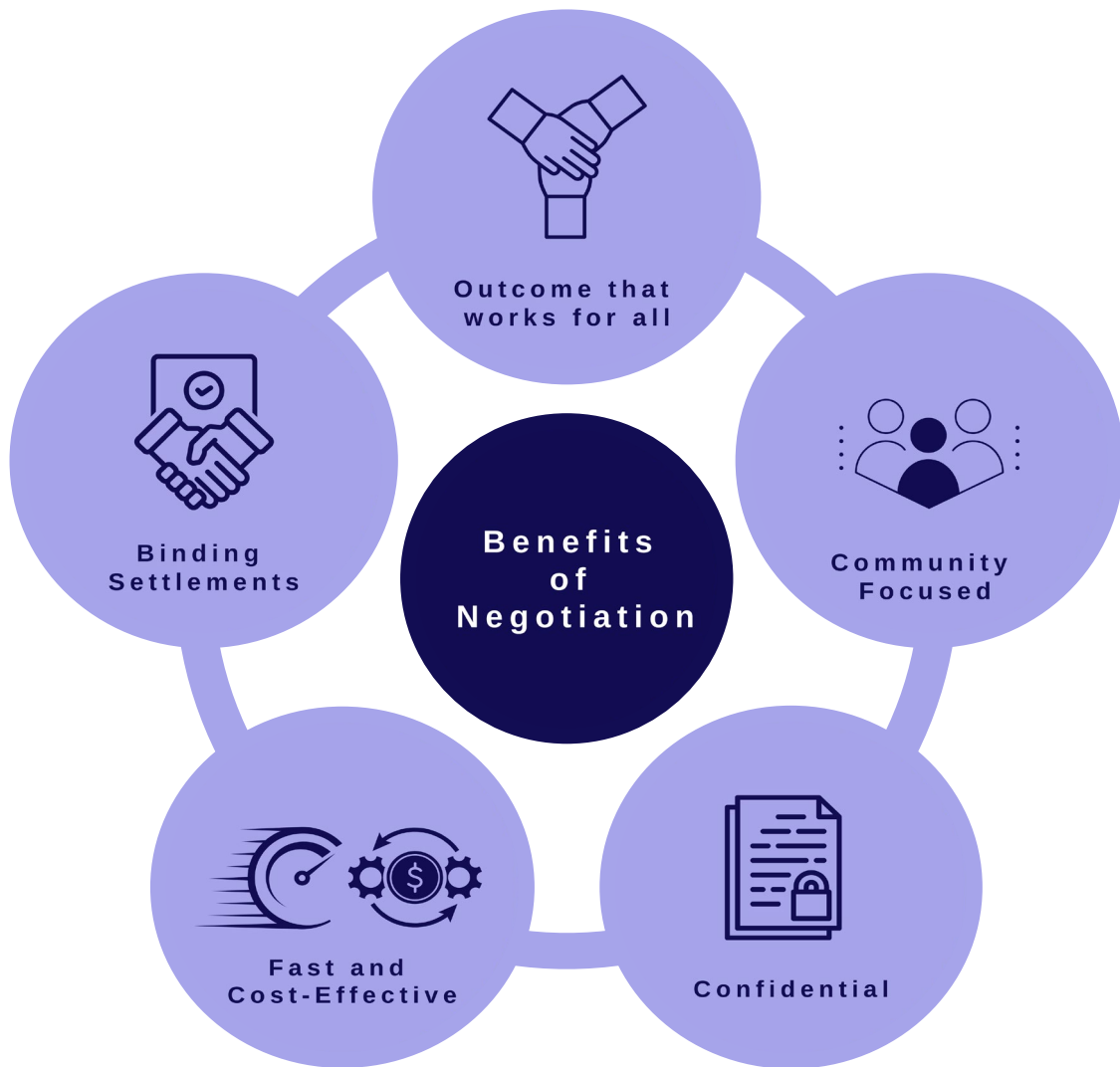


Figure 1: The Benefits of Negotiation

Principles for Effective Negotiation

Prepare

- Make a list of all the issues you want to discuss with the other parties.
- Set realistic goals for how you would like to resolve the issues.
- Think about where you and the other parties may find common ground.
- Think about what terms you might like to see in an agreement.
- Review the [CAO's Guided Steps to Common Issues](#) to learn more about your issue, what the *Condominium Act* says, and how your condominium corporation's governing documents might be relevant.
- Review the CAT's previous decisions and orders for similar cases [on our website](#).

Participate

- Actively participate in the negotiation process with the other Parties.
- Try to understand what the other parties are looking for, and do not be afraid to ask questions.
- Consider getting a second opinion if you are unsure about how to proceed.

Be Open

- Discuss your opinions, ideas, and objectives openly with the other parties.
- Consider offering a range of potential ways to resolve the dispute instead of a single solution.
- Be willing to share relevant information or documents with the other parties.

Focus on the Issues

- Try to focus on the issues in dispute and the interests of all parties.
- Be respectful of the other parties and avoid making or responding to personal attacks.
- If the dispute involves many issues, try to break it down into smaller, more manageable issues.
- Even if you cannot resolve all the issues, you may be able to find some common ground and agree on some of them.



Figure 2: Principles for an Effective Negotiation

Making a Settlement Offer

Once you have had an opportunity to discuss the issues with the other parties, you can make a settlement offer. A settlement offer is a party's suggestion for how the dispute can be resolved. Every party can make their own settlement offer and can vote on settlement offers made by others.

If all the parties agree on the same settlement offer, the CAT will incorporate that offer into a settlement agreement.

A good settlement agreement:

- Addresses all the issues in the dispute.
- Includes all important details, clarifications, and requirements.
- Sets out clear timelines for when parties will do what they have agreed to do.

Here are two examples of well-structured settlement agreements:

Example 1 – Records Dispute

- Ontario Condominium Corporation No. 900 agrees to provide the Applicant with electronic copies of all board meeting minutes for the period between July 2020 to September 2021. The condominium will email the records to the Applicant within 15 days of this agreement.

Example 2 – Parking Dispute

- The Respondent agrees they will no longer park their vehicle in Ontario Condominium Corporation No. 900's visitor parking area and will pay the condominium corporation \$500 to repair damage caused by their vehicle. Payment will be made by cheque and provided to the condominium corporation within 30 days of this agreement.

When to Consider Moving to Mediation

Applicants should consider moving to **Stage 2** if:

- One or more of the parties refuse to participate in the negotiation for an extended period.
- The parties are unable to find a solution that is acceptable to all.
- The parties want the CAT to issue a formal order.