Tip Sheet for Tenants

MEDIATION

Prepared by Tenant Duty Counsel Program and funded by Legal Aid Ontario

This publication contains information intended to assist the general public. It is not legal advice about your situation. You should talk to a lawyer or legal worker for advice on your particular situation.

WHAT IS MEDIATION?

If you have a hearing at the Landlord and Tenant Board (the "Board"), you can ask for "mediation" before your hearing. "Mediation" is a way to try to make an agreement with your landlord rather than go to your hearing.

At most Board locations, the Board has at least one "mediator" on hand. This is a person who is there to help you talk with the landlord and try to come to a deal.

The following are some important points you should know about the mediators and the mediation process.

- Mediators are **neutral** parties, who are hired by the Board. They do not represent or provide advice to the landlord or the tenant.

- Mediation is **voluntary**. This means that you do not have to go to mediation; you can have a hearing if you want. Both you and the landlord must agree to mediation.

- If you are interested in trying to work out an agreement with your landlord, tell one of the security guards/commissionaires or one of the Board counter staff and they will lead you in the right direction.

- Discussions that take place during mediation are **private**. If the mediation does not work out, then the parties will go ahead to a hearing on the same day. At the hearing, neither party can tell the Board what was said in the mediation.

- If, at any time **before** signing a mediated agreement, you feel pressured or unhappy, you can stop the mediation and go to a hearing.

- Mediation can be a good idea, especially if you owe money to the landlord and just need some time to pay it back to the landlord.

- If you want to mediate, ask a mediator for help. The mediator will ask the landlord if he/she is willing to discuss a deal.

- You can have a lawyer, paralegal or friend help you in mediation.

- During mediation, the mediator will usually ask both you and the landlord what issues you wish to discuss, and try to get you and the landlord to reach an agreement

- One **danger** of mediation is that you can agree to give up your rights under the *Residential Tenancies Act*. Before you do this, you should obtain legal advice.

- If you and the landlord reach a deal, the mediator will draft a document called a "mediated settlement" and will ask you and the landlord to sign it. You may want to get legal advice before you sign it. There may be Tenant Duty Counsel on site that can assist you.

- Make sure to keep a copy of the mediated settlement. The mediator does NOT keep a copy.

TIPS ABOUT MEDIATION

- **NEVER** agree to anything in the agreement that you cannot live up to. If you are settling an eviction case and you don't live up to what you agreed to do, you could be evicted without any notice to you.

- **ALWAYS** read and understand the agreement before you sign it. If you need help reading it, tell the mediator you do not understand the agreement and that you need help. Tenant Duty Counsel may be able to assist you.

- **EXERCISE** your right to have a lawyer, agent or tenant duty counsel review the agreement before you sign it. Get them to explain anything you are not sure about.

- **SLOWLY** consider your options. Do not let the mediator or landlord rush you into an agreement.

- **IMMEDIATELY** get legal help if you have agreed to a mediated settlement, but cannot live up to the agreement.

WHERE CAN I GET MORE INFORMATION?

Contact your local **Community Legal Clinic** for free advice on landlord and tenant matters. To find the telephone number for your clinic call Legal Aid Ontario at (416) 979-1446 or 1-800-668-8258.

You can also call the **Tenant Hotline** at 416- 921-9494 for free information and referrals to your local legal clinic.

You can find information on line at www.acto.ca or www.cleo.on.ca.

You can call the Landlord and Tenant Board toll free at 416-645-8080 from within Toronto calling area or 1-888-332-3234 from outside Toronto. Their internet address is www.ltb.gov.on.ca