

## Mediation Case Study 4 - Housing Complaints

Rosemary had moved into a block of flats and found herself getting into disagreements with the factor, Jeremy, over issues to do with parking and helping out some of her neighbours. She also felt that at owners' meetings Jeremy was not being punctilious in following proper procedure for running the meetings, recording minutes and holding elections to an Owners' Forum. The issues led to a succession of email complaints to Jeremy which led to further complaints about the initial complaints not being resolved or delayed in their resolution. Some of these matters had been considered by a Tribunal which determined that Jeremy had not broken the Factoring Code but Rosemary felt that she had lost her case because she did not understand the legalistic approach of a Tribunal and was considering making another application. Rosemary regarded herself as a good neighbour who helped out other owners for example by giving a neighbour with mobility problems a lift to the shops. She accepted that she took a black and white view of issues and tended to speak loudly which she put down to being hard of hearing and she appreciated that these characteristics were sometimes taken as being hostile. The complaints were causing her considerable stress but she had her own code of right and wrong and believed that Jeremy was mismanaging his responsibilities and that she had a duty to sort them out.

Jeremy was concerned about the time and cost of handling the complaints received from Rosemary which were endless and seemingly irresolvable. He thought he had a reasonable relationship with Rosemary and felt the difficulties had arisen through misunderstandings. Jeremy was proud of his work and found the problems with Rosemary inexplicable since his factoring services were well thought of by other owners. However he entered mediation with the view that he did not take Rosemary's criticisms personally and wanted to do what was needed to sort things out.

Rosemary's acknowledged black and white view of issues resulted in any misunderstandings or failure of communication being expressed as Jeremy being a liar. Having established trust at the pre-mediation session the mediator was able to discuss alternative interpretations and even challenge her sometimes inflexible views

During the mediation Jeremy accepted that he should have taken minutes of meetings and they agreed to resolve the matters which led to the mediation by Jeremy apologising to Rosemary for misunderstandings and recognising issues of procedure which Rosemary had raised which were now being incorporated into a new owner's handbook. In appreciation of Rosemary's role, Jeremy would send a letter to the other owners recognising Rosemary's help and would raise money for Rosemary's favourite charity.

### Engaging Positively with Conflict

The parties were very satisfied with the process and outcome of the mediation which has enabled them to build a more positive relationship and avoid further legal action.

### **Engaging Positively with Conflict**

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