

PRINCIPLES OF MEDIATION

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Good faith. The parties and the mediator undertake to deal with each other with good faith and integrity, and to honour all commitments made during mediation.

Trust.

(i) The parties promise that they will not dissipate any property that is a subject of mediation during the time that they are in mediation, unless they have the written consent of the other party. In particular they undertake not to sell, gift, transfer, mortgage, lien, pledge as security or otherwise dissipate any such property, nor to change any life insurance, pension, will, or RRSP beneficiary designations.

(ii) Neither party will start legal proceedings, nor take any new steps in any existing legal proceeding while they are in mediation, unless they have the consent of the other party.

Safety. Mediation should be a safe place to have difficult conversations. The parties acknowledge that the mediator will confidentially “screen” for physical violence and emotional abuse in the parties’ relationship. It often is necessary to make specific provisions to ensure that each party feels safe and empowered in mediation. The parties agree to honour and respect what the other needs in order to provide a safe mediation process and to keep any commitments made to ensure safety and equal empowerment during mediation.

Fairness. The parties understand that the chances of reaching an agreement are best if each of them believes that the process is a fair one. The parties undertake to take all steps to ensure a fair process, including allowing the other full opportunity to speak and respond, and full access to all support, advice and disclosure reasonably necessary to reach an informed and voluntary agreement. The parties agree that a fair process is free of fear, emotional abuse, intimidation, manipulation, accusations, blame, guilt, violence, and deceit, and they agree to refrain from such conduct at all times during mediation.