

# **Complaints and Dispute Resolution Policy (previously referred to as Grievance Policy) – Policy as Passed (November 23, 2020)**

## **Purpose**

- To resolve disputes, conflicts, and complaints between members promptly and fairly while recognizing the interests of all View Court Co-op members.
- To remain aligned with our Occupancy Agreement (OA), Rules, Policies, and Mission, Vision, and Values to help build and strengthen our community.

## **Principles**

- 1) Dispute resolution via mediation or arbitration is available only when complaints are about behaviour that breaks the Rules, OA, or Policies in some way. When complaints do not break the Rules, OA, or Policies, members are responsible for dealing with the situation without the co-op's involvement; Membership Committee may, at their own discretion, provide support in these instances.
- 2) The co-op prohibits any punitive action against individuals who pursue their rights under this policy. This protects individuals who: make a complaint that they reasonably and honestly believe to be true; who take part as a witness in an investigation; who are associated with complainant, respondent, or witness; or who participate in any form of dispute resolution.
- 3) Health and safety issues and emergency concerns are beyond the scope of the Complaints and Dispute Resolution Policy and Membership Committee.
  - a. If the complaint is concerning a health and safety issue (ie. concern about fire safety), the member should contact the Board of Directors immediately.
  - b. If the complaint is an emergency situation, then call 911 or one of the appropriate numbers from the phone list.

## **Procedures**

The following sets out the steps available in dealing with complaints or disputes that members, their families, or their guests may have with other members, their families or guests, or the Board, committees, employees, or contractors. The steps should be followed in the order laid out.

### **1) Member takes initiative to resolve the complaint**

- The member with the complaint is expected to try to talk with other party(ies) directly first to try and sort out the problem.

### **2) Complaint Form is submitted by member**

- If step 1 is not successful, or there is a reason that the member cannot approach the party(ies) to seek resolution, the member submits a Complaint Form to Membership Committee.

### **3) Response to Complaint Form**

- Membership Committee will provide a written response to all submitted Complaint Forms. This response outlines whether the complaint falls under the jurisdiction of the co-op (principle #1), and if so, what dispute resolution steps will be taken (including when and how).

### **4) Informal meetings**

- Membership Committee will have informal meetings with members involved, separately as well as together if possible, to see if the informal support of the committee can lead to a resolution of the complaint.
- If informal meetings are not successful, proceed to Step 5.

## 5) Mediation

- This step requires both parties are willing to enter into mediation (if both parties are not willing, or if mediation fails, the process skips to Step 6).
- Membership Committee facilitates the establishment of a mediation sub-committee composed of:
  - o a co-op member, chosen by each party, who they would like to act on their behalf as an advocate during the mediation process
  - o A third person who will act as an impartial facilitator for the mediation process. This third person can be somebody from the co-op that all concerned agree upon, or a professional mediator (cost borne by co-op)
- The three representatives, plus the parties, meet for mediation to try and resolve the dispute
- Mediation is successful if both parties are able to agree on terms, and thus resolve the dispute

## 6) Arbitration

- Membership Committee refers the dispute to the Board for initiation of arbitration
- It is in the best of both parties/advocates to participate in the arbitration process, but the arbitrator can make a decision and impose conditions even without participation of the parties/advocates.
- The arbitration steps are:
  - o A professional arbitrator will be hired (costs borne by the co-op) to act as an outside impartial adjudicator.
  - o Each party may chose a co-op member to act as an advocate for them during the arbitration process
  - o The arbitrator gathers info from the parties/advocates, and makes a ruling about the complaint that is binding.
  - o Upon recommendation of the arbitrator, an application is made to the courts to formalize the ruling (this allows any future complaints about the conditions not being met to be handled through the courts)

**NB: any policy must adhere to View Courts existing Rules, shown below, regarding member disputes:**

---

### **RULE 25    Member disputes**

#### **25.1    Initiation**

A member wishing to initiate a resolution of a dispute with another member may submit the dispute in writing to the Co-op if the dispute involves a complaint about a breach of the Rules, Occupancy Agreement or Policies by another member or person for whom the other member is responsible.

#### **25.2    Response**

Upon receipt of the written dispute, the Co-op must review the dispute and may try to promptly resolve the dispute by asking the parties to participate in:

- a    one-on-one meetings;
- b    conflict resolution or mediation between the parties involved; and/or
- c    arbitration.