INFORMATION REPORT

TO: Chair and Members Planning Committee

COMMITTEE DATE: February 4, 2014

SUBJECT/REPORT NO: Mediation Update (PED11181(c)) (City Wide)

WARD(S) AFFECTED: City Wide

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SIGNATURE:

Council Direction:

On September 12, 2012, City Council approved Report 12-013 of the Planning Committee which included the following direction:

“(a) That the Senior Director of Parking and By-law Services and/or his designate be authorized and directed to execute an agreement with Community Justice Initiatives (CJI) to provide community mediation services for a 24 month pilot project for the Municipal Law Enforcement Section in a form satisfactory to the City Solicitor;

(b) That staff report back before the end of the 24 month pilot project with a full assessment of costs, efficiencies and effectiveness of providing mediation services for the Municipal Law Enforcement Section.”

Information:

Staff signed an agreement for a third party mediation service with Community Justice Initiatives (CJI) and the pilot project started in December 2012. The program is available to Hamilton residents who find themselves in dispute with their neighbours. There is no cost to participating parties. However, the City pays CJI a $100 referral fee for any case that proceeds to mediation.

The focus of the mediation service being provided by CJI was intended to be for cases involving Municipal Law Enforcement matters. However, in discussion at Planning Committee it was agreed that requests from Members of Council and other Departments would be accommodated on a case-by-case basis as time and workload would permit, provided that the case was in some way related to a by-law enforcement...
issue or a potential enforcement issue. All fees would be recouped from the Councillor's or participating department budgets. It is important to note that Hamilton Police Service is also now utilizing the service.

Mediation is a voluntary process where both parties must be in agreement before mediation commences. Upon receipt of a referral, staff undertakes a cursory review to determine whether or not the particular matter is truly a neighbour dispute. If it is determined that mediation could possibly resolve the issue(s) staff sends out letters and information to the parties involved offering mediation and requesting that both parties contact staff. Follow-up calls are made to promote the benefits of participating in mediation.

To date a total of 22 referrals have been made; five from Municipal Law Enforcement, 13 from Councillors and four from the Hamilton Police Service. To date however, only five cases have proceeded to mediation because, in most cases, only one party is interested in participating.

In an attempt to increase participation, staff is revising the process. CJI will now initiate the follow-up calls to answer questions and better explain the merits of mediation as CJI has the experience and expertise to better manage such conversations. Also, City staff and CJI continue to collaborate on process improvements, and to assist in this regard CJI is completing evaluations with as many participants as possible to determine the effectiveness of the mediation service.

As directed by Council, staff will report back before the end of the two year pilot with a full assessment of the costs, efficiencies and effectiveness of this mediation service.

KB/dt