

Chapter 3

DISPUTE RESOLUTION

Many organizations respond to disputes on an ad hoc basis, because people worry about setting precedents. But just as you need to inform people about the process for handling garbage disposal, you also need to let them know the process for handling conflict, because conflicts are unavoidable. The best way to respond to conflict is to deal with it. Denying or avoiding the conflict does not make it disappear. As long as the conflict remains unresolved, it will continue, and may become worse.

Establish a Process

Your organization needs a consistent, clearly articulated policy and process for dealing with disputes that is respectful of all parties, and is understood and supported by residents, staff, and directors. Everyone's role and authority should be defined, and the Board needs to let staff know what role they are expected to play. The process must be accessible to everyone. Meetings, publications, and posters can all be used to get the message out.

Many housing co-ops have a Member Relations Committee to deal with disputes. If not, the co-op Board handles this responsibility. Co-op policies often provide for mediation and/or arbitration if parties are unable to resolve the issue.

Issues Between Residents

With all types of disputes, the first step is to go to the source. If a resident has an argument with a neighbour, manager, or director, or vice versa, the individuals involved should talk with each other first.

Different people have different levels of ability to handle this type of communication, but it is the best place to start. People have to be prepared to reach agreements, realize they may not get everything they want, and be willing to give and take for the process to work.

An example of the wrong approach ~ A resident complains to the manager about another resident who sets out their garbage and lets it collect all week before taking it to the dumpster. The building manager responds by issuing a memo to all residents telling them to follow the proper process for garbage disposal, and other residents get angry because they haven't done anything wrong.

A better approach ~ The two residents discuss the issue first and see if they can reach an agreement. If they are unable to resolve the issue, the manager can inform the neighbour about the waste disposal procedures at the building.



When residents talk to staff or a co-op director about an issue with another resident, advise them to try speaking to their neighbour to reach an agreement. If people are unable to talk to each other, the resident can try writing a note, although people will sometimes react negatively to notes. If residents are unable to reach a resolution, the next step is for one to put the complaint in writing to the manager at a non-profit development, or the member relations committee or Board at a co-op.

Let residents know their complaints must fall within your jurisdiction under the *Residential Tenancy Act*, *Co-op Association Act*, *occupancy agreement or Rules*, or the *Human Rights Code* for the staff or Board to intervene. People tend to confuse tenancy issues with parenting or social issues, and don't realize it's not up to a manager to make value judgements about residents' lifestyles. Refer any criminal code or bylaw enforcement issues to the police or municipality.

For example, a manager or coordinator cannot tell a resident not to let their children shout or be noisy. But if a neighbour lets the kids play loud music at 3 am, the activity breaches the RTA because it disturbs others' right to "quiet enjoyment" of their homes. And if a co-op occupancy agreement provides for quiet enjoyment, this activity would contravene the agreement.

If a resident takes an issue to the manager or member relations committee and nothing appears to have been done within a reasonable period, the next step is to write to the society or co-op Board.

If residents have an ongoing dispute over differences in personal or cultural values — rather than an issue governed by the RTA or co-op occupancy agreement — and the personal dispute does not affect other residents, you cannot resolve the situation for them, unless you are prepared to act as a moderator or offer conflict resolution services. In addition, both people have to be willing to resolve the issue or it will not be resolved. However, if their dispute begins to disturb others and you receive complaints from people, the problem can then be dealt with as a tenancy issue under the RTA or occupancy agreement.

Many housing co-ops' policies provide for mediation and/or arbitration, before considering termination. You require documented grounds to proceed with an eviction under the RTA. (For more information on evictions under the RTA or terminations under the Co-op Act, refer to Tab 4, Administration, Chapter 1, [pages 6 and 8](#).)

Residential Tenancy Officers can provide information about how the RTA applies to non-profit buildings, before issues become irresolvable. If you discuss a tenancy issue with a resident and it's still not resolved, ask the resident to call an officer, at 604-660-3456 or 1-800-665-8779, for information on landlord and resident rights and responsibilities under the Act.

The Co-op Housing Federation of BC maintains a list of experienced mediators familiar with housing co-operatives, who can work with co-op members to reach a mutually agreeable solution to disputes.

Issues Between Residents and Staff or the Board

Advise residents to approach staff first, if they have an issue with staff. For example, if a resident has a complaint about how a caretaker is doing the job, the first step is to discuss the problem with the caretaker and try to reach an agreement. If they are unable to resolve the situation, the resident could then write to the caretaker's supervisor.

If a resident has concerns about a director, it's best to speak to the director first. If residents have a dispute with the Board of Directors of a society or co-op, they should try to resolve it within the organization. If residents believe the Board's conduct falls outside of its legislative authority, they can contact the provincial ombudsman.

Housing co-ops are self-managed, democratic organizations that give all members the right and responsibility to participate in the affairs of their community. Encourage members to work together democratically, which includes dealing with their problems. Members who still have concerns can request the issue be brought before a general meeting for discussion.

If someone on staff has an issue with a resident, try talking to the resident first to resolve your differences. The next step is to go to the Board for assistance, if you have been unable to resolve the problem one-on-one.

Keep in mind that residents may be afraid to complain about someone on staff or the Board because of the power imbalance that exists. We recommend your Board:

- Designate a director to respond to issues between residents and staff or Board members, when residents are uncomfortable or unable to resolve issues directly. This director would be responsible for suggesting ways to resolve issues and deciding when to bring in an outside mediator.
- Build relationships with residents that create an atmosphere of trust, so people will feel comfortable speaking out.

How to Respond to Residents' Concerns

Boards will often assume staff are right and residents are wrong when letters of complaint are received, or when there's an issue between staff and a resident. But a conflict gives Boards and staff the opportunity to gather information and encourage dialogue between people. Treat all concerns as legitimate, and:

- Be open-minded, assume nothing about the issue, and avoid reacting.
- Respond to residents' questions, requests and complaints as soon as possible, and ensure written and verbal communication with residents is respectful, clear and informative.
- Investigate to find out as much as you can about the situation from all perspectives. Find out the source of the problem.



- Assure staff your intention is not to undermine them, rather, you want to gather information and treat all concerns as valid.
- Report your findings back to the resident.

Defining Your Process

Here are some of the questions to address when setting up a dispute resolution process for the organization:

- What level of complaint goes to staff, what level to a member relations committee, and what level to the Board? Residents need to know where to take their issues.
- Will staff handle tenancy issues governed by the RTA? Who handles co-op Rules/occupancy agreement issues?
- What processes are staff expected to use to deal with a legitimate tenancy complaint with a resident?
- Do you issue letters of warning, and if so, how many? The number of warnings may vary for different issues. For example, you may only issue one warning if someone lights a fire in the building, but give people three warnings for playing loud music late at night. Letters should provide clear information in respectful language to explain:
 - The issue.
 - How the activity is viewed under the RTA/co-op occupancy agreement or Rules.
 - You would appreciate the activity stopping.
 - The outcome if the activity doesn't stop. (Only include eviction or termination in the final warning.)
 - The person to contact with questions or concerns.
- If staff are unable to resolve issues, do they have the authority to evict people, or does the Board make decisions on evictions?
- Are staff trained or paid to act as moderators on personal differences to help people reach agreements?
- What methods do staff have the authority to use? For example, can they recommend someone move to another part of the complex, or promote the services of external agencies?
- Do you want to offer conflict resolution services?

You can arrange communication skills and conflict resolution training through the Co-operative Housing Federation of BC, the BC Non-Profit Housing Association, the Justice Institute of BC, and local centres such as colleges, universities, and professional organizations.
