

HOUSING RIGHTS PRIVATE RENTED SECTOR

‘WORKING TOGETHER FOR POSITIVE CHANGE’

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‘Disputes are normal’

How to manage when they arise?

- Engage early and do not ignore
- Provide a framework
- Mediate - ‘working together’
- Arrange for ultimate decision

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- What sort of disputes?
 - Rent payments
 - Deposits – refunds
 - Condition of premises
 - Damage
 - Guarantees

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Disputes contd.

- Sums are often relatively small – but emotion and feeling are high
- Sense of injustice, unfair
- Disproportionate:
 - Delay
 - Cost
- Complainant must be ‘heard’

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What role can mediation play?

- **What is mediation?**
 - Process
 - Role of mediator
 - Cost

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What is mediation contd.

Process:

- Neutral
- Assists negotiation
- Meeting? Or telephone?
- Engages and listens
- Explores options
- Agreements reached are binding

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What is mediation contd.

Role of mediator:

- Neutral
- Assists discussion
- No decision making power
- Credible knowledge:
 - Of housing
 - Of alternatives to not agreeing

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What is mediation contd.

Cost:

- Each party pays?
- Free to both? – but funding required
- Quality – leads to acceptance

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- Other forms of ADR:
 - Expert determination
 - Neutral evaluation
 - Arbitration
- All better than court?

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In what cases can mediation help?

- All bar emergency or where legal principle to be established
- Not confined only where there is a continuing relationship
- But not a decision and if parties cannot agree then –
Panel or Tribunal

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- Panel – note:
 - DFC Consultation January 2017
 - Previous conference 15/2/17
 - No Executive
 - Funding priorities
 - A solution?

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- DRS – Dispute Resolution Service
 - Administered by Law Society
 - Accredited by Trading Standards
 - EU Consumer Mediation Directive
 - Trained lawyer mediators
 - Fixed fee
 - Could act as arbitrators pending panel established

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Arbitration:

- Statutory framework
- Fair process
- Proportionate
- Hearing or papers only
- Binding decision
- Legal knowledge

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- NI behind Scotland, Ireland, E+W
- Private Rented Sector has grown
- Issues not addressed and so present options:
 - Court or
 - Informal, unstructured
- Landlord, tenant, housing advisers and DFC could establish interim arrangements
- Would DRS have a role?

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THANK YOU