



Corporate Report

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BUDGET COMMITTEE
JAN 17 2011

DATE: January 6, 2011

TO: Chair and Members of Budget Committee
Meeting Date: January 17, 2011

FROM: Martin Powell, P. Eng.
Commissioner of Transportation and Works

SUBJECT: **Community Mediation Service**
Resolution 0260-2010

- RECOMMENDATION:**
1. That Council approve, as part of the 2011 operating budget request by Regulatory Service, additional funding of up to \$65,000 to provide financial support to the Dixie Bloor Neighbourhood Centre to establish and operate a community based mediation service in the City of Mississauga.
 2. That the Director of Enforcement or designate work with the Board of Directors of Dixie Bloor Neighbourhood Centre to develop and implement a clear process for the reimbursement of costs, up to a maximum of \$65,000, to establish and operate a community based mediation service in the City of Mississauga
 3. That the Director of Enforcement or designate, along with a member of Council to be appointed by Council, work with the Board of Directors of Dixie Bloor Neighbourhood Centre to establish a community mediation service in Mississauga.

BACKGROUND:

At its meeting on September 22, 2010, General Committee received a deputation by Alan Smith, LLB, President and Lynn Petrushchak, Executive Director, Dixie Bloor Neighbourhood Centre, regarding the re-establishment of a community mediation service for Mississauga residents. Council indicated its support for such a service.

A previous service was available through another similar agency but it ceased its operation in 2009 and the opportunity for City staff and Council to refer appropriate cases for mediation disappeared. Since that time, staff has worked with community partners to seek the re-establishment of mediation services.

Dixie Bloor Neighbourhood Centre has applied for a corporate grant in the amount of \$65,000 (indicating a total project cost of \$120,000) in order to establish this service. The funds requested would assist in the hiring of a case co-ordinator who would also establish and train the roster of volunteer mediators.

Following the September deputation to General Committee, staff was asked to consider the request and determine the best method to assist. Dixie Bloor Neighbour Centre is also pursuing funding through federal grant programs, United Way, the Greater Toronto Apartments Association and other private agencies so that a more sustainable model can be developed and allow the mediation service to grow. This report suggests that Regulatory Services, which deals with many issues that could benefit from a mediation approach, be approved to assist with initial funding for this new service through its 2011 budget request.

COMMENTS:

Mediation is generally understood as a structured meeting between people involved in a conflict. Trained mediators help to resolve the conflict in a way that is safe and fair for both sides. Mediation is not about deciding who is right or wrong. It is based on having a difficult conversation in a way that is respectful and best satisfies the interests of all participants. Mediation results in the writing of an agreement that is acceptable to those involved.

Mediation is often used in conflicts between spouses, employees and those engaged in legal disputes. In addition, the field of community mediation was established and has grown to help with neighbourhood disputes, housing disputes between landlords and tenants, personal property disputes and student-teacher-parent issues.

Mediation of disputes is viewed as a positive and less costly alternative to relying on police intervention or that of an already overburdened court system.

In the community mediation model, volunteers are trained as mediators, in accordance with a standardized program developed by the Ontario Community Mediation "Coalition. Mediators usually work in pairs and are broadly representative of the community in which they live, work or volunteer. Community mediators are impartial and do not evaluate the situations they mediate, except to ensure the good faith, competence and safety of the parties involved.

It is a free service and completely confidential. Also, community mediation is a voluntary process. In the context of municipal law enforcement issues, this is often a difficult hurdle, as one party often believes he/she has "the law" on their side. However, the mediation process, most often started by the enforcement officer involved with the parties, seeks to transform the parties to gain skills and knowledge to better deal with the root cause of the conflict, both now and in the future.

As staff and elected officials are aware, the subject matter of a conflict between neighbours is more often rooted in systemic history and rarely resembles the subject matter of the identified issue. In these cases, the conflict is likely to continue and a court-dictated outcome and possible monetary fine will be largely unsatisfactory in the longer term.

Over the last two decades, community mediation services have come and gone, largely due to unstable funding models. In those centres where the service has grown, a sustainable base of committed individuals and finances is found. The Ontario Trillium Foundation

has been useful for seed/start-up grants or special tasks (e.g. defining a standard for training mediators), but is not available for on-going current or capital budget purposes.

In Mississauga, the previous agency developed a strong partnership for case referrals through the Enforcement Division and also directly through individual Council members who believed a situation brought to their attention would best be served through a formal mediation procedure. As well, Peel Regional Police and other agencies dealing with conflict supplied case referrals.

From the staff perspective, these cases most often involved disputes between neighbours over the height (or colour or type) of a fence; noise from a domestic pet or frequent parties or daily activities. Others involved parking issues, contractors or civil disputes.

For example, in 2010 approximately 800 fence and noise complaints (of over 6,200 total requests for service) were registered for investigation with the Compliance and Licensing Enforcement section of the Enforcement Division. Such cases can require between seven to twenty hours of an officer's time, until the file is closed. Where court action is required, additional prosecution and officer hours are logged. Quite often the matter has escalated during the investigation to involve senior staff, the Ward Councillor and or the Mayor and in these instances, the time spent is multiplied at each level to ensure full disclosure and understanding.

Examples of sustainable funding from other municipal councils were found. The Conflict Mediation Services of Downsview receives ongoing City funding; in 2009 they received \$65,000 from the City of Toronto through Community Services Partnership, Community Safety Investment and Tomorrow's Leaders. In Waterloo Region, the Community Justice initiatives receive similar funding from the Cities of Kitchener, Waterloo and the Regional Municipality of Waterloo.

The value of an available, well-trained community mediation service exceeds a dollar comparison when considering the impact on social justice in a healthy and safe community. The service is dependent on

training volunteers who are interested in working with community members to resolve their disputes without the need for court intervention. The model allows for the community to learn from its members and seek to improve relationships. Through its financial support, the City can enhance its strategic priority to "Connect: Completing Our Neighbourhoods".

City staff may be able to assist in other ways as well. Other government, police and private funding sources will be explored. For example, discussions are underway with the Executive Director of the Greater Toronto Apartments Association and local businesses all with interests in conflict resolution.

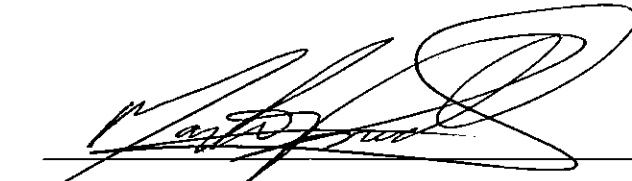
The Executive Director of St. Stephen's House, a community mediation service in Toronto for over 25 years, has been of tremendous assistance in these discussions to date and has offered continued support. The Chief of Police, Peel Regional Police, also supports this initiative and has provided a community liaison officer to work with staff and develop a case referral model.

FINANCIAL IMPACT: Staff believe that the availability of a community mediation service in Mississauga will allow municipal law enforcement officers and court prosecutors to concentrate on those cases where other by-law enforcement tools are more appropriate or where a mediated solution was not reached. To this end, sufficient funding to accommodate the \$65,000 request has been included in the 2011 budget request of Regulatory Services.

CONCLUSION: The City of Mississauga would benefit from the re-establishment of a community mediation service to offer to its citizens when conflicts arise between them. It is a free service, with community-minded volunteers who are trained according to the standards for training of the Ontario Community Mediation Coalition.

Dixie Bloor Neighbourhood Centre has offered to re-establish this service as part of its mandate. Staff has included sufficient funding for the \$65,000 request in the 2011 operating budget plan. If

approved, a clear procedure for the reimbursement of costs up to this amount will be developed by staff with the agency. Staff recommends that the Director of Enforcement or designate, along with a member of Council work closely with the Board of Directors of the Dixie Bloor Neighbourhood Centre to develop this program.



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Commissioner of Transportation and Works

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