

## ALTERNATIVE DISPUTE RESOLUTION

**The timely, cost effective and efficient way to resolve your application for review of annual compensation.**

### **1) Is it necessary to go to a hearing to resolve my application for review of annual compensation?**

Absolutely not! In fact, the Tribunal's preferred approach to resolving these applications is by agreement between the parties.

- *(Note: if you don't have an active Operator on your site the matter will have to go to a hearing)*

### **2) How does the Tribunal help parties discuss their dispute and reach an agreement prior to the hearing?**

We make all reasonable efforts to provide the parties with the support required to resolve their dispute prior to a hearing including:

- Pre-hearing conference calls:
  - The meeting is called a Dispute Resolution Conference (DRC) and is held with the parties and a Tribunal member or Settlement Officer knowledgeable about mediation and surface rights.
  - The purpose of the meeting is to determine the most effective way to resolve the dispute. Be prepared to:
    - Explain what it is that you are actually claiming and why;
    - Discuss what is important to you and why;
    - Listen to the other party and try to understand their perspective;
    - Share information and documents that support your position; and
    - Work together to resolve your dispute.
  - For more information on the pre-hearing dispute resolution process, please see Surface Rights Rule 18 and 19 ([click here for link](#)).
- Mediation:
  - Mediation is an informal, confidential conflict-resolution process brought before an independent, neutral mediator knowledgeable in mediation and surface rights. Mediation provides the parties with an opportunity to discuss their issues, clear up misunderstandings, and find areas of agreement in a way that would never be possible at a Tribunal hearing, and to ultimately resolve the dispute;
  - The mediation is conducted by telephone/video conference or in person to best accommodate the circumstances of a particular application; and
  - For more information on the mediation process please see Rule 20 ([click here for link](#)).

### 3) Why would you want to try to reach an agreement with the other party prior to going to a hearing before the Tribunal?

Settling disputes through facilitated discussions is typically faster, cheaper and can leave parties in a better state of mind over the agreed decision. The benefits of mediation include:

- **Quicker:** Mediations typically take only one day and then the parties can put the dispute behind them and get on with their lives. It takes longer to appear before the Tribunal at a hearing and wait for a decision.
- **Less Expensive:** Mediation is less expensive than a typical Tribunal hearing.
- **Less Formal:** The informality of mediation allows the parties to be engaged with each other. The mediator helps parties focus on their needs and interests. The parties are not bound by the rules and procedures of a formal hearing.
- **Confidential:** Unlike Tribunal hearings which are public, mediations are confidential.
- **Builds relationships:** Landowners and Operators usually have long term business relationships. Settling disputes about compensation is often challenging, but the adversarial hearing process can make it even more so and potentially damage relationships. Because mediation is collaborative, it assists in preserving and strengthening these relationships.
- **Greater Flexibility and Control:** In mediation, unlike a Tribunal hearing, the parties are in control of the process and the discussion, and ultimately the outcome.
- **Better Results:** Because there is no winner or loser, no admission of fault or guilt, and any settlement is mutually agreed, the parties are typically more satisfied.
- **Enhanced support:** Mediation involves using a trained, neutral mediator knowledgeable in Surface Rights and mediation to engage with the parties to help them find solutions acceptable to both of them.
- **Helps to prepare for a Tribunal hearing:** There is no downside to participating in mediation. If the application does not fully resolve at mediation, the process will still assist the parties to be prepared for an effective, cost-efficient hearing focusing on the actual issues in dispute.

### 4) How do I find out more about resolving my application prior to hearing?

Tribunal staff is highly committed to assisting parties to understand the dispute resolution process. Helping the parties resolve disputes prior to a hearing is our top priority!

For more information, we welcome you to contact the Tribunal:

Phone: 780-427-2444

Email: [lpert.applications@gov.ab.ca](mailto:lpert.applications@gov.ab.ca)

You may also wish to visit the Tribunal website at <https://lpert.alberta.ca/>