

**Wellington on the Lake Residents Association Inc.**  
**DISPUTE RESOLUTION POLICY**  
**Approved by the Board of Directors – 11 AUGUST 2017**

**1.0 Purpose**

1.1 As outlined in Section 9 of the By-laws, the purpose of this policy is to lay out the steps for efficiently managing conflicts and disputes that arise among members, directors, officers and/or committee chairpersons, such as:

- (a) A concern or significant issue raised by a group of members that may have a negative impact on the collective interests of the WOTL community<sup>1</sup>;
- (b) An action of a board member, officer and/or committee chair that appears to conflict with the best interests of the Corporation; and
- (c) An appeal of any disciplinary actions relating to infractions of the Code of Conduct as set out in the Membership Policy.

1.2 This policy recognizes that the first step in managing disputes is prevention by setting out a clear, fair and transparent decision-making process.

**2.0 Authority**

2.1 The Board of Directors has the authority to develop and maintain this policy and related procedures. As indicated in By-law 4.01, the Board may delegate this responsibility to a committee, panel or individual as described herein.

2.2 The Board of Directors does not have the authority to address any contractual issue or dispute between individual member(s) or residents and the ‘Developer’ defined in By-law 1.02 (h), ‘Owners’ defined in By-law 1.02 (m), employees of the ‘Property Management Company’ defined in By-law 1.02 (n) or any ‘Stakeholders’ defined in By-law 1.02 (u).<sup>2</sup>

2.3 Notwithstanding paragraph 2.2, the Board of Directors may address a dispute relating to maintenance of common areas in the WOTL community if the issue is raised by a group of members; and documented according to section 6.0 of this policy.

2.4 As indicated in section 5.0 of this policy, the Board may delegate the resolution of specific conflicts and disputes to a Dispute Resolution Committee.

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<sup>1</sup> Historical examples: RV parking, Daimler freehold residents.

<sup>2</sup> An example is if resident decides to build a fence on their property which isn’t allowed.

### **3.0 Dispute Causes and Prevention Strategies**

- 3.1 Since the Corporation is a non-profit with an operational board of directors, disputes and conflicts among members, directors, officers and/or committee chairpersons often arise from misunderstandings about the purpose of the organization and how decisions are made.
- 3.2 As indicated in By-law 4.01(c), the Board's approval and upholding of the Corporation's by-laws, policies and procedures will help prevent misinterpretation, misunderstanding and conflicts, guide the delivery of programs and services and provide the foundation for clear, fair and transparent decisions.
- 3.3 As indicated in By-law 4.01(a), the Board's approval of the Corporation's vision, mission, core values and statements of strategic direction will ease a major source of disputes, offer guidance on expected conduct of members and help committees with decision-making.
- 3.4 As outlined in the 'Code of Conduct' of the Membership Policy, unacceptable conduct or inappropriate behaviour will not be tolerated. Members who have been disciplined due to unacceptable conduct or inappropriate behaviour may appeal this decision according to section 6.0 of this policy.
- 3.5 Individual members are often conflicted between their roles or perspectives as members and their roles and responsibilities as decision-makers and representatives of the Corporation. Section 4.0 below describes situations where conflicts of interest may arise and sets out steps for managing them efficiently.

### **4.0 Conflicts of Interest**

- 4.1 Members who have accepted a position of authority as a director, officer or committee chair are obligated to act in the best interests of the Corporation rather than their personal interests.
- 4.2 Directors, officers and committee chairs shall set aside personal self-interests and perform their duties in a way that promotes confidence and trust in the integrity, objectivity and impartiality of the decision-maker.
- 4.3 Directors, officers and committee chairs are in a 'conflict of interest' whenever they themselves or members of their family, business partners or close personal associates, may personally benefit either directly or indirectly, financially or otherwise from their position:

- (a) Financial benefits include but are not limited to accepting any payment for services rendered to the Corporation, including contracted work or honoraria, or accessing the Corporation's financial or other resources for personal use, e.g. supplies, equipment.
- (b) Non-financial benefits pertain but are not limited to individuals who hold a board or staff position in another organization that may have competing interests or may place the individual in a position of influence or decision-making that could conflict with the interests of the Corporation.

4.4 All board and committee members who are aware of a potential, real or perceived conflict of interest are responsible for raising the issue for clarification first with the individual and then, if still unresolved, with the Board Chair or Chair of the Dispute Resolutions Committee.

4.5 If there is uncertainty that a conflict of interest exists, the matter may be brought before the Dispute Resolutions Committee by Board of Directors for guidance.

4.6 The steps for dealing with conflicts of interest are as follows:

- (a) The director, officer or committee chair must openly disclose a potential, real or perceived conflict of interest as soon as the issue arises and before the Board or Committee addresses the matter; and
- (b) The Board or Committee will determine by vote if there is any question or doubt about the existence of a real or perceived conflict. The person potentially in conflict shall be absent from the discussion and vote; and
- (c) The disclosure and decision as to whether a conflict exists shall be duly recorded in the minutes of the meeting. The time the person left and returned to the meeting shall also be recorded in the minutes.

4.7 Any perceived conflict of interest not fully disclosed as described in paragraph 4.6 may be referred to the Chair of Dispute Resolutions Committee for guidance.

## **5.0 Dispute Resolution Committee Terms of Reference**

5.1 The Dispute Resolutions Committee responds to specific requests from the Board of Directors to carry out the procedures described in section 6.0 below.

5.2 If there is a concern about impartiality or confidentiality, the complaint may be brought before the Chair of the Dispute Resolutions Committee for guidance.

5.3 The Dispute Resolutions Committee consists of a Chair appointed by the Board of Directors and up to two (2) additional members if required.

## 6.0 Dispute Resolution Procedures

6.1 Any member or group of members may bring a conflict or dispute, as defined in section 1.0 above, to the attention of the Board by completing a complaint form that describes the issue – see Annex A, then forwarding it in confidence to the Board Secretary.

6.2 The following fundamental principles will be respected when resolving disputes:

- (a) *The right to be heard* – the chance to present one’s case, submit evidence and arguments and to know and respond to allegations made by other parties;
- (b) *Confidentiality* – any personal information provided during the resolution process will be kept private and confidential, and;
- (c) *Impartiality* – the decision is made by independent individuals, free from conflict of interest, having considered all the evidence presented.

6.3 Within 10 (ten) days of receiving the complaint, the Board will determine whether the dispute:

- (a) will be resolved by the Board of Directors; or
- (b) will be delegated to the Dispute Resolution Committee.

6.4 Within 15 (fifteen) days of receiving the complaint, the Board Secretary will notify the implicated party or parties that resolution of the dispute is:

- (a) being pursued by the Board or the Dispute Resolution Committee according to the section 6.0 of the Dispute Resolution Policy; and
- (b) expected to be completed on a specific date mutually agreeable to all parties. The Board Secretary or the Chair of the Dispute Resolution Policy will be responsible for scheduling the resolution process as described in 6.5 below.

6.5 The Board or Dispute Resolution Committee will expedite the resolution process by taking the following steps:

- (a) Identify the source of the conflict – Fully explore and analyze the facts of the situation to understand key pieces of information such as the date/time of the incident, relationships between individuals involved in the incident. This may mean meeting individuals to give each a chance to share their side of the story, and demonstrate impartiality.

- (b) Look beyond the incident – Determine the severity of the situation. The source of the dispute may be a minor misunderstanding or misinterpretation that occurred months before but has grown to the point where the parties have begun to attack one another personally instead of addressing the real problem. If the complainant has contacted legal authorities, then the resolution process should be stopped immediately at this point.
- (c) Request solutions – After getting each party’s viewpoint on the conflict, ask them to identify how the situation could be changed and settled. Actively listen to ideas and suggestions, steering the discussion toward acceptable courses of action that would resolve the issue.
- (d) Identify solutions everyone can support – Point out the merits of possible solutions in terms of the benefits to the Corporation and the WOTL community.
- (e) Agreement – Once the parties are agreed on an appropriate resolution, meet with the individuals and have them answer the following questions:
  - What actions will help prevent this dispute from arising in the future?
  - What will you do if disputes arise in the future?
- (f) Document – Summarize key aspects of the agreement on the complaint form and ask the parties to sign/initial and date the document. If the solution is complicated, a separate contract that includes specific actions and time frames may be prepared by the Chair of the Dispute Resolution Committee and signed by all parties.

6.6 The Board, in consultation with the Chair of the Dispute Resolutions Committee may, at any point in the process, request information or assistance from a special panel or an outside mediator. Any related costs of a panel or mediator will be borne by the individual seeking resolution of the dispute.

## **7.0 Effective Date & Amendments**

7.1 The Board of Directors approved this Policy by resolution at a Board of Directors meeting on August 11, 2017.

7.2 The rules, principles, guidelines and procedures detailed in this Policy remain in effect until the Board approves an amendment or repeal by resolution at a Board of Directors meeting.

7.3 Members may suggest amendments to this Policy at any time. Suggested amendments with supporting rationale will be submitted to the Board Secretary in writing and presented at the next Board of Directors meeting.

## Dispute Resolution: Complaint Form

**NOTE: THIS FORM IS CONFIDENTIAL WHEN COMPLETED**

**I. Type of Dispute:**

*Please check off the box that indicates the type of dispute as listed in paragraph 1.1 of the Dispute Resolution Policy.*

- A) Concern or significant issue raised by a group of members that may have a negative impact on the collective interests of the WOTL community
- B) Action of a board member, officer and/or committee chair that appears to conflict with the best interests of the Corporation
- C) Appeal of any disciplinary action relating to infractions of the Code of Conduct as set out in the Membership Policy
- D) Another issue or concern not covered in the Policy

**II. Name(s) of Complainant(s):**

*Please provide the name(s) and contact information of the individual(s) seeking resolution of the dispute or conflict. Add a separate sheet if required for groups.*

Name	Phone number & Email

**III. Description of Incident:**

*Please describe the incident that resulted in a conflict or dispute. Include location, dates and times and other pertinent facts relating to the conflict. Add a separate sheet if required*

**IV. Submission Information:**

Date Received \_\_\_\_\_ by \_\_\_\_\_

Date Acknowledged \_\_\_\_\_

**V. Procedural Information:**

**Source of Conflict / Facts Found**

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**Solutions Considered**

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**Decision / Agreement**

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**VI. Sign-off**

**Date** \_\_\_\_\_

Name	Signature(s)