

Housing disrepair cases - why mediate?

There are many reasons for housing disrepair solicitors to use mediation. The first, and most obvious reason, is that the Housing Disrepair Protocol directs you, at 4.1 and 4.2, to do so.

4.1 The parties should consider whether some form of alternative dispute resolution procedure would be more suitable than litigation and if so, try to agree which form to use. Both the landlord and the tenant may be required by the court to provide evidence that alternative means of resolving their dispute were considered.

The courts take the view that litigation should be a last resort, and that claims should not be issued while a settlement is still actively being explored. Parties should be aware that the court will take into account the extent of the parties' compliance with this Protocol when making orders about who should pay costs.

4.2 Options for resolving a dispute include the following—

(a) mediation: information about mediation can be found at <http://www.civilmediation.org/contact.php>

Mediation benefits

- **Confidentiality** - protecting the reputation of the parties
- **Flexibility** - meaning that a solution can be completely bespoke to the parties
- **Speed** - it can be arranged within 24 hours
- **Success rate** - 89% in England and Wales
- **Low cost** - our HDR scheme has been developed with HDR cases in mind

If, during litigation, you submit a genuine offer of mediation but the other party unreasonably refuses or ignores it; it is well established that costs sanctions are likely to follow.

Fees

With its exceptionally high success rate, mediation can bring about quick turnover of case files. Using mediation can allow a law firm to achieve a negotiated settlement quickly and inexpensively.

Under Mediatelegal's bespoke Housing Disrepair Mediation service fees are fixed as follows:-

Mediation Format	Mediation Length	Fee (per party)
Remote	2 hours	£225.00
Remote	3 hours	£295.00
In Person / Remote	4 hours	£450.00
In Person / Remote	7 hours	£950.00

The figures listed above exclude VAT. There may be additional disbursements such as venue hire.

About Mediatelegal

We are based in Liverpool, with panel members located nationwide. Our panel members have performed almost 2000 mediations between them. We are a Civil Mediation Council Registered Mediation Provider.

How We Work

Unlike other mediation providers, Mediatelegal will undertake all of the admin work of proposing and arranging a mediation. We simply need to have one email or telephone call with you to confirm:-

- The proposed mediation format & length
- Details of all parties
- 3 dates on which you might be available for the mediation

We then write to the other party to invite them to mediation on the proposed terms. Once we receive a response, we will arrange the mediation session. If the mediation offer is not accepted, we will confirm this to you in writing so that it can be presented to the court if necessary.

If you would like to discuss this proposal in more detail, we would be happy to attend your office or arrange a zoom call at your convenience.

Letter Before Action

We are happy for law firms to include our details and refer to our HDR Mediation Scheme in their letter before action. We believe doing so adds weight to the legitimacy of the mediation offer, reducing risk of a potential costs challenge at settlement.

