

Handling Noise Complaints Through Conflict Resolution in Toronto

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Introduction

The Conflict Resolution Service, a program of St. Stephen's Community House, was initiated in Toronto in 1985. The Conflict Resolution Service ("CRS") is a community based program providing dispute resolution services to help resolve neighbourhood, landlord/tenant, intra-organizational and inter-personal disputes. The CRS approach to mediation is based on conciliation and empowerment of the individuals involved in conflict situation, emphasizing improved communication which leads to shared problem solving and more amicable relationships.

Volunteer Involvement

The CRS service area is Metropolitan Toronto, except for areas served by other community mediation services. Much of the actual work of mediation and case development is carried out by trained volunteers, who represent many of the racial, ethnic and cultural groups living in Metro Toronto. Using volunteers in this capacity is part of the CRS philosophy of "neighbours helping neighbours", and of spreading the skills on conflict resolution into the community as widely as possible. Confidence in the service is enhanced by the fact that the volunteers' backgrounds are matched to those of the disputants as much as possible, in terms of race, of ethnicity, age, gender, of other relevant factors, e.g. status as landlord or tenant.

The Conflict Resolution Process

The process of conflict resolution at CRS has three stages. The initial intake interview is done over the phone by a staff person at CRS, who then assigns two trained volunteers to visit each person involved in the dispute in their homes. During these visits the volunteers explain the service to them, hear their point of view on the dispute, and try and persuade them both to use mediation to resolve their dispute. The third stage is the mediation itself, which is carried out by a panel of three volunteer mediators, usually at the CRS office.

The mediation is a structured meeting of about three hours in length. To begin the process both people are asked to explain their point of view on the dispute to the mediators, while the other person listens. They are then encouraged to face each other and discuss the issues. The role the mediators play is neutral and supportive of both sides of the dispute. When the disputants have begun to communicate and feel more comfortable with each other, the mediators guide them in discussing possible solutions which meet as much as possible the needs of each person. A signed agreement is written by the mediators, which the disputants take home with them. The CRS has an 80% rate of success in reaching agreements, once both parties have agreed to come to mediation.

Benefits of Using Conflict Resolution

The benefits of this process are several: it is quick and, because volunteers carry out so much of the work, it is cost effective. In addition, unlike the court, it leaves decisions in the hands of the people with the dispute, thus ensuring that the solution will be in accord with people's individual needs and values. Because the process promotes communication and replaces the polarization of the adversary system with cooperative win/win negotiation, it builds rather than harms interpersonal relationships. In particular it strengthens communities, as 60% of the cases are between neighbours.

Resolving Noise Complaints

Approximately 70% of the conflicts involving neighbours are about noise. Most often the noise that is disturbing the first party is heard either through the floor or ceiling of an apartment, or through party walls in a detached house. Noise complaints are generally among the most difficult for the police and/or the courts to resolve. Even in cases where a noise complaint goes to court the underlying problems are not dealt with and are often made worse by the adversarial nature of the court process and the fact that only one party can "win" while the other loses. The underlying problems, which involve the ongoing relationship of the neighbours and their difficulty in communicating with each other to resolve the problem on their own, have a much better chance of real resolution through mediation than through the court system. Mediation allows the neighbours to experience positive communication with each other, and usually results in new understanding and clearing up of wrong assumptions and misunderstanding. Cultural and language differences are often contributing factors in neighbour disputes of all kinds, which is addressed at the CRS through using multicultural teams of mediators and language support when necessary.

Referral Sources and Statistics

The CRS is referred conflicts by the police, legal services, the offices of elected officials, the Noise Control Branch at City Hall, and other referral sources. Because of the difficulty of convincing second parties to use mediation to resolve their disputes (since conflict resolution is at present an entirely voluntary process), only about 20% of the cases referred to the CRS actually reach mediation. Of the cases involving noise that are referred to the CRS, approximately 25% are resolved either as a result of the case development, or through mediation. At present the CRS is involved in strengthening its relationship with the City's Department of Public Works and the Environment. The City and Metropolitan Toronto Police Force have been increasing their demands for this service especially in matters that are far more than just noise-related and where the enforcement of the Noise By-law does not solve the problem. By introducing a non-"authority" figure the initial barrier of effective communication is removed thus improving chances for successful negotiations. With increasing pressures for financial restraint, while still maintaining service, it has become essential that such a referral service becomes part of the overall administrative framework for handling noise complaints. Essentially, St. Stephen's would play a more active role in the process and, with established clear guidelines, the efficiency in handling complaints would improve substantially.

At time of writing this proposal had not been approved by City Council but generally accepted by a City interdepartmental streamlining committee as a recommendation to be considered.