



Nip Conflicts In The Bud

Prevent Disputes From Escalating To Save Time And Money

By Colm Brannigan

Many people — property owners and managers included — do not like conflict. In fact, they will do almost anything to avoid it. As a result, many managers simply ignore the obvious solution: confront the problem before it spirals out of control.

Disputes between property owners, tenants, or neighbours (whether residential, mixed-use or commercial properties) are often difficult to deal with and resolve in a quick and reasonable fashion. This is because both parties often see conflicts as a zero-sum game where one side gains and other loses. Meeting one another's demands, especially in a timely and appropriate manner, also has costs — even if it is just time. Therefore, property owners and occupants tend to postpone action until the conflict finally erupts into a heated battle, creating an even larger problem for both parties.

But preventing fights from occurring in the first place can produce results that are far more satisfying. It can also maintain the

sense of community that many complexes try to foster. Whether the property is commercial, residential or mixed-use, tenants have to get along — and they are more likely to do so if they see that their landlord or property manager is trying to work with them, not against them.

“WINNING” ISN'T EVERYTHING

While every conflict has unique causes and backgrounds, there are common approaches that can make prevention and

successful resolution a more likely outcome. The instinctive reaction to conflict is to try to impose a solution, or 'win'. However, it is not the best strategy; when faced with an impending conflict, property managers should ensure that their goal is to pull both sides together towards a resolution, not back themselves into a corner.

When it becomes apparent that a conflict is brewing, property owners should avoid opening the dialogue with a demanding or overtly confrontational conversation.

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Escalating the problem prematurely usually ratchets up the temperature of the dispute. Just as Isaac Newton's Third Law of Motion states: to every action there is an equal and opposite reaction.

Once a situation has escalated, it is difficult to work out a mutually satisfactory solution without resorting to the legal process. Property managers should also remember that when lawyers get involved, there are usually higher expenses for something that they likely could have resolved on their own.

Management should start by communicating in a manner that invites a response and explanation. A polite phone call where the property managers ask for cooperation rather than demanding compliance with the terms of the lease is usually the best course of action. Opening with formal letters or demands can often lead to an argument.

Clear communication, information and education are the keys to the successful prevention and management of all types of disputes. In many situations, tenants do not explicitly understand what is required of them in the landlord-tenant relationship, legally or otherwise. Making sure that both sides understand the underlying nature of the dispute and the reasoning behind one another's positions are important factors to remember when attempting to reach a solution.

Property managers need to remind themselves that getting what they want with the least resistance should be the ultimate goal, not the satisfaction of winning the fight. Displaying a willingness to work with the other party can also help the management if the conflict eventually resorts to the legal process. The property owner will have evidence of how reasonable they have been to show a judge or tribunal. This is important when attempting to recover legal or other expenses incurred while dealing with the dispute.

AIM TO MEET BOTH PARTY'S NEEDS

In the instructional negotiating book *Getting to Yes*, authors Roger Fisher and William L. Ury tell their audience to use principled negotiating rather than positional negotiating when dealing with all types of disputes.

Positional negotiation can be thought of as the 'win-lose' approach. It involves maintaining a fixed idea of what you want and arguing for that result without taking anything else into consideration.

On the other side of the spectrum, principled negotiation aims for a 'win-win' outcome. It focuses on the interests of both parties to try and find a mutually satisfactory outcome.

There are five simple and effective guidelines to principled negotiation:

- Separate the people from the problem
- Focus on interests, not positions
- Invent options for mutual gain
- Use objective criteria
- Know your best alternative to negotiated agreement.

For property owners and managers, the idea of digging in and getting their own way can be attractive — especially if they are convinced that they are in the right. But this strategy can result in years of legal fights, high expenses and

unnecessary stress. Clearly, this form of winning isn't everything. Negotiating in a thoughtful, collaborative fashion will produce far more sustainable solutions in the long run for both occupants and management alike. ❁

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