



Mediation
GUIDANCE




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PROBLEMS WITH REPAIRS AND MAINTENANCE OF YOUR TENANCY?

LET MEDIATION HELP TO BUILD A BRIDGE

Every year in Scotland, landlords and tenants settle many problems quickly and in a friendly way.

Sometimes though, a situation arises where it is more difficult to reach agreement. The

Private Rented Housing Panel can make a ruling on whether or not a landlord has failed to comply with their duties, but it is often easier and more satisfactory if things can be worked out in another way – a way that everyone will agree with. This process is called mediation, and it is quick, informal and easy to use.



HOW CAN MEDIATION HELP?

Mediation is a way of settling disputes informally without the expense, time and bad feeling often involved in using formal procedures.

Mediation is practical, confidential, quick and free.

Mediation regularly helps resolve all sorts of difficulties between people, ranging from minor disagreements to very serious and long-running disputes.

Mediators are trained impartial people who are skilled in helping establish common ground in even the trickiest of situations.



CAN MEDIATION HELP TO RESOLVE MY PROBLEM?

The chances are it can. Mediators are happy to discuss most issues that arise between landlords and tenants, and you will be given the opportunity to explain your point of view fully, as well as to hear the point of view of the other person. Mediation is aimed at helping identify a solution everyone can agree on.

WILL THE OTHER PERSON AGREE TO IT?

If you are a tenant all you need to do is tick the “mediation” box on your application to the Private Rented Housing Panel. Your landlord will then be informed you would like to resolve things using mediation, and will be asked whether they agree. Very often, both sides are happy to use mediation rather than go through with a formal hearing. This is because mediation is good at finding solutions everyone can live with.

If you are a landlord you will only be asked to consider mediation if the tenant has already agreed. This is because it is the tenant who initiated the application in the first place, and mediation needs both sides to be prepared to take part.

The image features two blue silhouettes of people in business attire. On the left, a person is shown from the chest up, leaning forward with their right hand extended towards the center. On the right, another person is shown from the chest up, leaning forward with their left hand extended towards the center. Their hands are just inches apart, creating a sense of tension and reaching towards each other. The background is white with faint horizontal and vertical lines forming a frame around the central content.

WHAT HAPPENS?

If you both agree, and it looks like mediation is a possible solution, a date and venue will be fixed for the meeting.

First of all the mediators will see each side separately to talk about the situation. The mediators are skilled in helping establish common areas of interest and in helping find potential ways forward.

With the agreement of both sides, everyone will then meet. Mediation meetings are organised so that everyone has a chance to put forward their view, and it is the job of the mediators to ensure everything goes smoothly. Nine out of ten mediation meetings end in agreement.

If there are special reasons why people can't meet in person, the mediators can sometimes work with people to resolve their differences without a meeting.

The image features two blue silhouettes of people in a mediation session. One person is on the left, leaning forward with their hand extended towards the other person. The second person is on the right, also leaning forward with their hand extended towards the first person. The background is white with a vertical orange bar on the right side. The text is positioned in the center-left area.

SHOULDN'T I DO THINGS FORMALLY?

For many disputes formal solutions are not always appropriate, or the best option. This can be because laws and regulations aren't clear about, or don't apply to, your exact situation, because it is hard to provide evidence either way, or simply because having a "winner" and a "loser" will make the situation between you worse. That's why mediation

works so well – it offers solutions for the future that will be acceptable to everyone involved, and will often work where all other approaches have failed. This is why a wide range of public organisations recommend that people use mediation.



DOES MEDIATION ALWAYS WORK?

Like every other way of resolving disputes, mediation is not a guarantee of success. Even if mediation doesn't work you can still try a different approach, and you will be able to have your application considered by the Private Rented Housing Panel Committee, just as if you'd never tried mediation.



HOW TO CONTACT US

If you would like more information about our mediation service please contact us at the following address:

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