



## Tips for Successful Negotiation

So you're involved in a dispute before the Civil Resolution Tribunal (CRT) and are waiting for Facilitation. This is a good time to negotiate with the other party to see if you can resolve some or all of the issues.

### Why Negotiate?

- It will prepare you for the facilitation process and may lead to a resolution of your claim.
- If you do reach a settlement, you will not have to pay for the Tribunal to adjudicate your dispute.
- By having some control in the outcome, you will likely feel better about the result.

### Preparation is important! Before you contact the other person:

- Use the negotiation preparation worksheet to organize your thoughts (attached).
- Identify your goals. What do I want to accomplish?
- What result am I prepared to accept? Are my expectations realistic? What does the other party want?
- What is the best possible outcome for me? What is the worst possible outcome for me?
- Be creative. Brainstorm possible solutions. Bring a problem-solving approach.
- Think about what is important to the other person. Focus on the problem, not the person.
- Think about common ground. What things can you agree on?

### How does the negotiation process work?

- After you've prepared your thoughts, invite the other person to talk about the issue and come up with ideas on how to resolve it.
- You might invite them by phone, knocking on their door, or writing them an email or letter. Think about what method of contacting them will lead to the most productive discussion.
- Make sure the person you talk to has authority to negotiate a solution.

### Here are some suggestions for starting the conversation:

- Choose the right time and place. Schedule a time when nobody is rushed or distracted.
- Be calm, polite and respectful.
- If you have a continuing relationship with the other party, it is likely important to keep that relationship as positive as possible.
- Explain that it's important to you to resolve the problem, and why.
- Let them know you want to better understand their point of view.
- Mention any points of agreement you identified in your preparation worksheet.
- Ask open questions to make sure you each share the information that's important to you.
- Be clear in your communication and clarify things that are not clear or that you don't understand.
- Write offers down and think about them carefully before responding.
- If you can't agree to an offer that's made, consider a counter-offer.
- If you are able to agree on an outcome, make sure you also discuss who should pay the fees for your application to the CRT.

## Here are some tips for having a productive conversation

- Listen carefully to learn, not to respond. Don't interrupt.
- It's helpful to summarize and show that you understand what the other person is saying.
- Be calm, polite and respectful, even if you feel attacked.
- Avoid judging or blaming. Use "I" language, such as "I would like us to..." or "I think...".
- Avoid broad "you" statements, such as "You always..." or "You never...".
- Be willing to acknowledge your role or contribution to the issue.
- Stay focused on your goal of reaching a resolution.
- If the conversation becomes too difficult, take a break and reschedule for another time.

## What can you expect?

- The other party may not accept your first offer to settle. It's normal for there to be some back and forth communication before you reach agreement.
- You may not get what you want, but you might be able to find a solution that works for everyone.

## What if we agree on something?

- Write down the things you agreed on.
- Include key steps and deadlines.
- You can't make an agreement that is contrary to the *Strata Property Act*, Strata Property Regulation, strata bylaws or rules, or any other legislation, judgment or arbitration award.

If your agreement involves the payment of money, clearly set out:

- The payment amount
- What the payment is for
- How and when it will be paid
- What happens if it isn't paid

If your agreement involves an action to be taken (like a repair or replacement), clearly set out:

- Who has to do what
- When it must be done
- What happens if it isn't done by the specified date

- Send the other party a copy and ask them to confirm in writing that it accurately reflects what you agreed on.
- Keep a copy for your records.
- Share the good news with the CRT! The facilitator can help you create a Consent Resolution Order that will say what you agreed on.

# Negotiation Preparation Worksheet

This worksheet is a tool to help you identify points of agreement and the topics you'll need to discuss.

Be sure to fill in the boxes for both your perspective AND how you think the other person would answer these questions. You're more likely to reach a solution if you understand what's important to them.

	<i>My perspective</i>	<i>How I think the other person would answer</i>
What's the dispute about?		
What outcome do you want to achieve?		
What's important to you in this negotiation?		
What information would be helpful? What questions can you ask to get that information?		
What do you agree on? Is there any common ground you can build on?  (For example, you might disagree on almost everything, but you both want to resolve the issue quickly. That can keep you both focused on finding a solution.)		
What are some creative ways to resolve this dispute?		
What is the best way to communicate? Will you talk in person, on the phone, or in writing?		