

Mediation Guideline

1. The purpose of Mediation is to reach a resolution of all issues, or to resolve as many issues as possible, with the assistance of one Member (Mediator) of the Surface Rights Board.
2. **Parties with authority to resolve all matters must attend and participate in the Mediation.** If a party is a corporation, the corporate representative must have full knowledge of the matter and unrestricted authority to resolve the dispute.
3. Consent from all parties is required to proceed to Mediation.
4. The Mediation process is confidential. Information provided at the Mediation is without prejudice and cannot be used for any other purpose or referred to at a Hearing or subsequent proceedings.
5. At the beginning of the Mediation, the Mediator will outline the procedure to be followed which may include the following:
 - Brief overview by each party of what they view as the issue(s) in dispute and their position concerning same
 - Discussion between the parties of the basis for their position
 - Confidential meetings of the Mediator with each party
 - Discussion of possible methods to resolve the dispute
 - Decision by the parties whether to agree to the proposed methods of resolution
6. In the course of the Mediation a party may meet privately with its representative(s), with or without the Mediator. If the Mediator meets privately with a party, anything said by a party or its representative to the Mediator will remain confidential unless the parties waive the confidentiality.
7. The only documents which will be kept by the Surface Rights Board from Mediation will be a Mediation Agreement, a Report of Mediation and a Memorandum of Agreement (if entered into by the parties). All other documents and notes will be destroyed.
8. Should the matter proceed to a Board Hearing, the Mediator will neither sit as a Member of the presiding panel nor discuss the Mediation process with the presiding panel.
9. The Mediator can not be compelled as a witness in any further proceedings.