

Dispute Resolution - Process

We have **never** had a dispute with, or involving, a Melbourne Buyers Advocate Client! However, if there ever is a dispute, we promise you that if a Dispute arises, we will :-

1. Make sure that the Parties involved (usually Vendor, Vendor's Selling Agent, Buyer and perhaps us as Buyer's Agent/Advocate) ALL are clear on all the relevant Background Facts and agree on the facts that are NOT in dispute. This will clear any misunderstandings, assumptions, misinformation and inaccurate or incorrect advice that the parties may have already received - and help identify exactly what facts ARE in dispute.

- This may resolve the dispute, or
- Prepare the framework for an attempted Negotiation

2. Having honed in on the key issues above, if that alone is not enough to resolve the dispute, we will then arrange a Dispute Resolution Meeting and will then try to negotiate with all parties involved to achieve a compromise. This means asking all parties to try to keep all "emotion" out of it, what they allege against the other, what they each want as an outcome and then finding and agreeing on a solution where all parties get some of what they want, but give up on some portion of their "claim". Ideally both parties should feel as if they have "won" some portion of their "claim" and not given up too much. This could be done by successive "back and forth" phone calls, or may, if the situation or parties are not "volatile", perhaps face to face. It might be best done on the "neutral territory" of our office OR if appropriate to the dispute, might be quicker and clearer on site of the actual Property.

- This may resolve the dispute, or
- Help to Prepare an excellent brief for a Professional Mediator

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Dispute Resolution - Process continued...

3. If the parties still cannot agree, we will suggest bringing in an independent professional Mediator. If all parties agree to attempt Mediation, (and noting that VCAT or another Court of competent jurisdiction may have a mandatory requirement for mediation to take place before a formal Hearing), and then a date and time for Mediation can be booked. The process of Mediation is essentially the same as in point 2 above, but is handled by a professional mediator rather than the Parties in Person unassisted.

- This may resolve the dispute, or
- Help to Prepare an excellent brief for a lawyer - hopefully never necessary!

4. If Mediation fails, one of the parties may then initiate legal action through VCAT or another Court. Whether and where such action is commenced will depend on the type of dispute, the amount of the monetary claim (if a monetary remedy is sought) and the nature of any other remedy sought. Naturally, this is to be avoided if possible as it can be extremely expensive, unpleasant, stressful and unpredictable, and both parties may feel unsatisfied with the findings and Orders of the relevant jurisdiction. Accordingly, litigation it should always be an absolute "last resort".

- If one party is being completely unreasonable, 1 Party might Win plus Costs, or
- A compromised position might be ordered, with each party to bear their own Costs