



[Revised] Rules of Procedure – Rule 15

RULE 15 MEDIATION

- 15.A.1 For applications filed with the Tribunal prior to June 1, 2025, a mediation shall be scheduled in every application where the parties have agreed to participate in mediation.
- 15.B.1 For applications filed with the Tribunal on or after June 1, 2025, a mediation shall be scheduled in every application filed with the Tribunal.
- 15.B.1.1 Where the Tribunal directs a party, intervenor or affected person to attend mediation, that party's attendance shall be mandatory.
- 15.2 The Tribunal may determine that intervenors or affected persons should receive notice of the mediation and should be entitled to participate.
- 15.3 A party or a person with authority to settle on the party's behalf must be present at the mediation.
- 15.4 Parties, intervenors and affected persons and their representatives in attendance at mediation must agree to abide by the confidentiality agreement before the mediation commences.
- 15.5 All matters disclosed during mediation are confidential and may not be raised before the Tribunal or in other proceedings, except with the permission of the person who gave the information.
- 15.6 Where an applicant is directed to attend mediation and fails to attend, the Tribunal may:
- a. dismiss the Application;
 - b. take any other action it considers appropriate.
- 15.7 Where a respondent, intervenor or affected person is directed to attend mediation and fails to attend, the Tribunal may:
- a. proceed in the respondent, intervenor or affected person's absence;
 - b. If the Application does not settle:
 - i. determine that the respondent, intervenor or affected person is not entitled to further notice of the proceedings;
 - ii. determine that the respondent, intervenor or affected person is not entitled to participate further in the proceedings, including by presenting evidence or making submissions to the Tribunal; and/or
 - iii. take any other action it considers appropriate.

- 15.8 Where the terms of any settlement are in writing and signed by the parties the parties may request that the Tribunal dispose of the matter in accordance with their agreement by filing a confirmation of settlement using Form 25 (Confirmation of Settlement). Parties may also ask the Tribunal to issue a consent order in accordance with s. 45.9 of the Code.
- 15.9 Where the parties settle the Application during the mediation but do not file a Form 25 before the mediation concludes, the parties have 14 days from the date of the mediation to either file a Form 25 or confirm their intention to proceed with the Application. If neither of these steps are taken by the deadline noted, the Tribunal may administratively close the file without further notice to the parties.
- 15.10 On the request of a party, the Tribunal may reopen an Application that has been administratively closed under this Rule. The request must be made in writing within 30 days of receipt of the administrative closure letter, copied on all other parties, and include the reasons for the request and any supporting documents. The request will be reviewed and a decision will be made by an adjudicator.
- 15.11 Where the parties do not settle the Application during the mediation, the application will proceed through the Tribunal process.
- 15.12 Exemptions to mandatory mediation shall be considered by the Tribunal upon submission of a completed Form 10 (Request for an Order During Proceedings), copied to all other parties, no less than 7 days before the scheduled mediation.