From: Paul Conway [mailto:paul@adralberta.com]
Sent: March-31-17 5:33 PM
To: 'Tammy Borowiecki' <tammy@adralberta.com>; 'Truus Souman' <membership@adralberta.com>
Subject: Quebec's Code of Civil Procedure

Tammy - See Thierry's response at the bottom of this extract.
The CPC is pretty darn supportive of mediation and arbitration, with ADR "**front end loaded**" in Book One, Title one (and with procedural details in Book 7)
http://legisquebec.gouv.qc.ca/en/ShowTdm/cs/C-25.01

chapter C-25.01
CODE OF CIVIL PROCEDURE
PRELIMINARY PROVISION
This Code establishes the principles of civil justice and, together with the Civil Code and in harmony with the Charter of human rights and freedoms (chapter C-12) and the general principles of law, governs procedure applicable to private dispute prevention and resolution processes when not otherwise determined by the parties, procedure before the courts as well as procedure for the execution of judgments and for judicial sales.
This Code is designed to provide, in the public interest, means to prevent and resolve disputes and avoid litigation through appropriate, efficient and fair-minded processes that encourage the persons involved to play an active role. It is also designed to ensure the accessibility, quality and promptness of civil justice, the fair, simple, proportionate and economical application of procedural rules, the exercise of the parties' rights in a spirit of co-operation and balance, and respect for those involved in the administration of justice.
This Code must be interpreted and applied as a whole, in keeping with civil law tradition. The rules it sets out are to be interpreted in the light of the specific provisions it contains or of those of the law, and in the matters it deals with, the Code compensates for the silence of the other laws if the context so admits.
I.N. 2016-12-01.
BOOK I
GENERAL FRAMEWORK OF CIVIL PROCEDURE
TITLE I
PRINCIPLES OF PROCEDURE APPLICABLE TO PRIVATE DISPUTE PREVENTION AND RESOLUTION PROCESSES
1. To prevent a potential dispute or resolve an existing one, the parties concerned, by mutual agreement, may opt for a private dispute prevention and resolution process.
The main private dispute prevention and resolution processes are negotiation between the parties, and mediation and arbitration, in which the parties call on a third person to assist them. The parties may also resort to any other process that suits them and that they consider appropriate, whether or not it borrows from negotiation, mediation or arbitration.
Parties must consider private prevention and resolution processes before referring their dispute to the courts.
2014, c. 1, a. 1.
2. Parties who enter into a private dispute prevention and resolution process do so voluntarily. They are required to participate in the process in good faith, to be transparent with each other, including as regards the information in their possession, and to co-operate actively in searching for a solution and, if applicable, in preparing and implementing a pre-court protocol; they are also required to share the costs of the process.

They must, as must any third person assisting them, ensure that any steps they take are proportionate, in terms of the cost and time involved, to the nature and complexity of the dispute. In addition, they are required, in any steps they take and agreements they make, to uphold human rights and freedoms and observe other public order rules.
2014, c. 1, a. 2.

3. The third person called upon by the parties to assist them in the process they have opted for or to decide their dispute must be chosen by them jointly.
The third person must be capable of acting impartially and diligently and in accordance with the requirements of good faith. If acting on a volunteer basis or for an unselfish motive, the third person incurs no liability other than that incurred through an intentional or gross fault.
2014, c. 1, a. 3; I.N. 2016-12-01.

4. Parties who opt for a private dispute prevention and resolution process and the third person assisting them undertake to preserve the confidentiality of anything said, written or done during the process, subject to any agreement between them on the matter or to any special provisions of the law.
2014, c. 1, a. 4.

5. The third person called upon to assist the parties may provide information for research, teaching or statistical purposes or in connection with a general evaluation of the dispute prevention and resolution process or its results without it being a breach of the person's duty of confidentiality, provided no personal information is revealed.
2014, c. 1, a. 5.

6. Parties who agree to resort to a private dispute prevention and resolution process, together with the third person involved in the process, if any, determine the procedure applicable to the process they have selected. If the parties have opted for mediation or arbitration or a similar process and the procedure they have determined must be supplemented, the rules of Book VII apply.
2014, c. 1, a. 6.

7. Participation in a private dispute prevention and resolution process other than arbitration does not entail a waiver of the right to act before the courts. However, the parties may undertake not to exercise that right in connection with the dispute in the course of the process, unless it proves necessary for the preservation of their rights.
They may also agree to waive prescription already acquired and the benefit of time elapsed for prescription purposes or agree, in a signed document, to suspend prescription for the duration of the process. Prescription cannot, however, be suspended for more than six months.
2014, c. 1, a. 7.

AND MUCH MUCH MORE AT http://legisquebec.gouv.qc.ca/en/ShowTdm/cs/C-25.01

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Paul Conway | ***Executive Director***

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From: Thierry Bériault [mailto:tberiault@beriault.qc.ca]
Sent: March-31-17 12:18 PM
To: Paul Conway
Subject: Re: Mediation Act

There is none stand alone act.

However, section 1 to 7, and 605 + ss. Of the Quebec Code of Civil Procedure is adressing mediation at full extent for all situations in Quebec.

There is also specific section of the CPC around family mediation and mediation by judges.

Hope this answers.

Thierry

Envoyé depuis mon téléphone intelligent Samsung Galaxy.

-------- Message d'origine --------
De : Paul Conway <paul@adralberta.com>
Date : 17-03-31 2:12 PM (GMT-05:00)
À : Thierry Bériault <tberiault@beriault.qc.ca>
Objet : Mediation Act

Thierry - is there a Quebec Mediation Act? Someone asked me this question this morning.

Paul Conway | ***Executive Director***
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From: Paul Conway [mailto:paul@adralberta.com]
Sent: March-31-17 3:13 PM
To: Truus Souman <membership@adralberta.com>
Subject: Next Board agenda May/June

Please add copies of Irish Mediation Act 2017 to agenda (Info/discussion), alongside the Quebec Codes

http://www.justice.ie/en/JELR/Pages/MediationBill2017
http://www.justice.ie/en/JELR/Mediation_Bill_2017_as_initiated.pdf/Files/Mediation_Bill_2017_as_initiated.pdf

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