



CommonSense Mediation Academy's

# 100 Roleplays for Mediators

By CommonSense Mediation Academy Administration



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## ***Introduction:***

Many students of mediation need roleplay scenarios to practice their skills, and we noticed that there are not many scenarios readily available, so we have sought to meet that need by writing ***100 Roleplays for Mediators***.

This book is divided into four sections:

*Community Scenarios,*

*Workplace Scenarios,*

*Elder & Estate Scenarios, and,*

*Family Scenarios.*

Each scenario includes general information about the conflict and additional facts for each character involved in the dispute. The fact patterns are not exhaustive; thus, participants are encouraged to use their imaginations to fill in the missing information when needed.

The scenarios vary in complexity and difficulty. We encourage you to read through the scenarios and when you find one that you think would be interesting to mediate, schedule a time with your friends, family members, colleagues, or fellow students of mediation to practice mediating the scenario.

If you are seeking a designation, you might even want to use some of the scenarios in this book for your assessed roleplay mediation!

Other ways you might use the scenarios are to practice systems mapping and to reflect upon what strategies you might employ if you were mediating the scenario.

If you are a mediator trainer, we welcome you to use the scenarios in this book for the training you conduct – please copy and distribute the scenarios in this book as needed.

We ask everyone who copies or uses this book in anyway to credit us with its authorship and spread the word about the programs we offer at the Academy!

Thank you for your ongoing and continued support of the work we do.

Please visit our website for upcoming training opportunities:

[www.commonsemmediation.ca](http://www.commonsemmediation.ca)

To join the Saskatoon Mediation Practice Group and for all other inquiries about the CommonSense Mediation Academy, please email us:

[admin@commonsemmediation.ca](mailto:admin@commonsemmediation.ca)

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Sincerely,

*CommonSense Mediation Academy Administration*

September 23<sup>rd</sup>, 2020

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# Community Scenarios



## **1. Overgrown Troubles**

### **General Information**

Peter lives in the corner lot of his block. His property borders an alleyway that many of his neighbours drive through to get to the street. Peter's trees and bushes are overgrown and have been causing trouble for his neighbours when they try to drive through the alley.

Penny's vehicle was scratched while she drove by Peter's place to get to the street. She is frustrated because her garage is accessed through the alley and so the only way for her to park and subsequently leave is by driving through the alley. Penny would like Peter to pay for the damage to her vehicle and to trim the trees and bushes, so this does not happen again to her or the other neighbours who are in the same situation.

The community association has hired a mediator to assist with this dispute.

### **Peter's Additional Information**

Peter's wife who died recently planted all the bushes and the trees that surround the house. She loved an overgrown and lush look and he feels that it is honouring her to keep it the way it is. Peter worries that if he cuts back the trees and the bushes it will harm the plants as well as create an aesthetic that his wife would not like if she were still alive.

### **Penny's Additional Information**

Penny cannot afford to pay for the repairs to her vehicle that were caused by the overgrown trees and bushes in the alley scratching her vehicle. Her brother owns a landscaping company and she checked with him and he is willing to come and do the work for Peter, so Peter does not have to do it himself. Penny thinks that Peter should pay for her repairs and what she is willing to do in exchange is have her brother do the trimming for him. Penny thinks that this is more than reasonable.

## **2. Bake Sale Blues**

### **General Information**

Stacey is running the annual bake sale to raise money for community programs. She has been running the bake sale for many years and thinks she is pretty darn good at it.

Sara is a gluten-free vegan and would like the bake sale to have options for her and her family. She told Stacey that not only would she buy these options, but she is sure that many other people would want these healthier choices. In addition, she told Stacey that she thinks that they could charge more for these types of options than for the traditional baking that is usually offered at the bake sale. Sara, however, is not willing to bake any of these items because she is too busy with her two small children and her work as an artist.

Stacey does not want to provide gluten-free vegan options at the bake sale because she does not know how to do that kind of baking and she does not think anyone will buy those weird tasting options anyway.

The community association has hired a mediator to assist with this dispute.

### **Stacey's Additional Information**

Stacey feels stupid that she does not know how to back gluten-free vegan options and is feeling defensive about the whole thing. She has been running this bake sale for at least a decade now and has never had this request before.

### **Sara's Additional Information**

Sara feels it is irresponsible and insensitive to not provide options that can suit people with different dietary needs. Both of her children have gluten allergies so if there are not gluten-free options at the bake sale they will not be able to get any treats and will feel left out. Sara might be willing to find someone to do the baking if Stacey will agree to pay for the supplies needed to make the gluten-free vegan treats.

### **3. Convenience Store Thief**

#### **General Information**

Bob runs the convenience store in the neighbourhood. Ben, a local teenager, recently stole some treats from the store. Bob contacted Ben's parents and Ben's parents paid for the treats that were stolen, but Bob wants to figure out some further way that Ben can show he is remorseful for his actions.

The police officer assigned to the case recommended mediation to Bob to help resolve this issue. Bob and Ben's parents agreed to split the cost.

#### **Bob's Additional Information**

The neighbourhood is quite rough and Bob has dealt with shoplifters as well as armed robbery in his time as the proprietor of the convenience store. Though Ben's parents paid for the treats Ben stole, the money is not what Bob cares about. Bob has watched Ben grow up and does not want him delving further into a life of crime. He himself had to pull himself out of some bad times and he even served some time in jail before he opened his store. He hopes that Ben will be willing to help around the store and learn some responsibility to make up for stealing the treats.

#### **Ben's Additional Information**

Ben's friends dared Ben to steal from Bob's convenience store. Ben did it even though he did not want to because he wanted to fit in with his friends, who are a bit rough around the edges. Bob caught him, called the police, and his parents. Even though Ben's parents paid for the treats and Bob agreed not to press charges, Bob is not satisfied and wants something more from Ben. Ben thinks it should be enough that Bob got paid for the treats and that Bob embarrassed him in front of his friends – it was so embarrassing to have the police officer chastise him that he hasn't been able to show his face around his friends and has been hiding out playing video games in his basement instead of spending time with them.

## **4. The Curious Cat Conundrum**

### **General Information**

Candace has seven cats. She lets all of the cats roam freely around the neighbourhood. Recently, Cammie moved into the neighbourhood. Cammie grows vegetables in her backyard to sell at the Farmer's Market. Cammie called animal control because of the cats going into her garden and digging up the vegetables when they use her garden box as a litter box. Four of Candace's cats were apprehended, and Candace had to pay fines to get them back. Cammie had also reported Candace to the City, so the City has also ticketed Candace. Candace wants Cammie to pay her back for the fines and pay for the ticket, while Cammie wants Candace to pay her for new soil and seeds because of the damage that her cats did.

Candace and Cammie decide to split the cost of mediation to have this issue sorted out as they figure they will be dealing with each other as neighbours for quite some time as they live right next to each other.

### **Candace's Additional Information**

Candace's cats roaming free has never been an issue until Cammie moved in next door. She can't imagine that her cats did all that much damage and she doesn't think she should have to pay Cammie anything for the soil or seeds – cats will be cats after all, and how does she know it was her cats anyway? Couldn't it have easily been alley cats or even birds? Candace thinks that Cammie should just get over it and also pay the ticket from the city for her over reaction as well as pay her back for the fines she had to pay to get her cats back from animal control.

### **Cammie's Additional Information**

Cammie is new to the neighbourhood and though she knows no one has ever stood up to Candace about her cats before she knows from talking to other people on the street that they are just as irritated with Candace's free-range cats as she is! She is proud that she took a stand against Candace's cat tyranny and called animal control on her yucky cats as well as contacting the City to ticket her for letting her cats roam around. Because

she makes a living selling her prize-winning vegetables, she wants Candace to pay her to replace the soil the cats ruined and to replace the vegetables by paying for new seeds. She thinks Candace is lucky that she does not contact a lawyer to sue her for further damages as it is unlikely now that replanting will result in a very good harvest as it is so late in the season.

## **5. Meddling & Marijuana**

### **General Information**

Jim is growing marijuana in his backyard. He is compliant with all the rules about growing for personal use in one's backyard. Jeanie lives next door to Jim and is very upset about his insistence on growing in his backyard. Jeanie has tried to get the police involved and they came to check it out but told her that because he is following all the rules there is not anything, they can do about it.

Jeanie also complained to the community association about Jim growing cannabis. The community association decided to hire a mediator to help these neighbours come to a resolution.

### **Jim's Additional Information**

Jim suffers from severe arthritis and has found that marijuana helps him manage his pain and other symptoms related to his condition. He got a medicinal prescription back when medicinal marijuana first became legal in Canada, but because he doesn't make much money and he doesn't have health benefits at his work it has always been less expensive for him to buy on the street rather than from medicinal providers. When recreational marijuana became legal and he found out he could legally grow his own marijuana he invested a lot of time and effort learning how to do it properly, legally, and in a cost-effective manner. When his next-door neighbour Jeanie first saw him bring out his seedlings he thought she was going to blow a gasket but figured she would get over it. Then she complained to the community association and even called the cops on him! He feels she has no right to pester him about what he does on his own property, especially because it is for his own well-being!

### **Jeanie's Additional Information**

Jeanie has two teenage boys and is a single mother. She has struggled desperately to keep them out of drugs and alcohol, but as the years go on, she has had increasing difficulty keeping them from using marijuana. Especially now that it is legal and so easily accessible this is a losing battle for her. It does not help any that Jim is a cannabis

advocate and old-school hippie and lives next door to her and her boys! She is seen her boys over there talking to him about marijuana and growing marijuana and she just does not think it is right! What is worse is that the cops and the community association will not do anything to stop Jim from growing now that it is legal! Jeanie wants Jim to stop growing altogether as well as stop using marijuana in the backyard because she thinks it is setting a bad example for her boys.

## **6. An Issue of Speed**

### **General Information**

The residents of the street have noticed that vehicles drive very quickly down the road. The street has many young families and the park across the road is always teeming with children. The residents are concerned that there might be an accident and would like to see the city implement a new speed limit or install speed bumps on the street.

A representative from the community association will attend the mediation and the city will have a representative attend the mediation; the mediation fees will be equally paid for by the association and the city.

### **The Street's Additional Information**

One of the contributing reasons the residents are so concerned about vehicles' speed is that a resident's cat was recently hit and killed on the street.

Other residents have also noticed that drivers have not been adhering to the traffic signs at either intersection; there is a stop sign on one side and a yield on the other, and it seems that all vehicles ignore both.

### **The City's Additional Information**

The city is not interested in changing the speed limit or installing speed bumps. The city feels that the traffic signs and the posted speed limit are sufficient safety measures. In addition, that neighbourhood is a hotspot for crime so there are usually police cruisers around so if speeding was really that big of an issue the city is convinced the cops would catch it.

## **7. A Fiery Concern**

### **General Information**

Eugene is concerned about the young people two doors down who regularly shoot off firecrackers.

There are large, old trees on the street and Eugene feels if one of these firecrackers so much as touched a leaf it might light up the whole street!

Adam is one of the young people who lives in the house two doors down from Eugene.

Adam is a daredevil and the firecrackers are one of his milder hobbies. He thinks that Eugene is being ridiculous; firecrackers do not have much fire power and usually burn out before they get high enough to reach any leaves.

The community association has decided it would be helpful for Adam and Eugene to attend mediation to talk about the firecracker concern.

### **Eugene's Additional Information**

As a small child Eugene's family home burned down; he has an ongoing and persistent fear of fire.

### **Adam's Additional Information**

Adam enjoys risky behaviour. Firecrackers are benign to him. He and his friends are always one-upping each other in daring feats. Firecrackers are usually just the beginning of their night. If they do not start with setting off firecrackers at Adam's house, Adam worries that he will lose his status within his friend group.

## **8. Blurred Property Lines**

### **General Information**

Annette is building a six-foot fence around her property. Her next-door neighbour, Petra, thinks that Annette is infringing on her property line. Annette has double-checked to make sure that the fence is on her side of the property, but Petra persists that it is not in the correct place. Furthermore, Petra thinks that the design is an eye-sore and that having a six-foot fence is exorbitant – why can't she just keep the fence that is already in place? It's a nice three-foot tall picket fence and is perfectly aligned with the property line. This original fence was built when the houses were built, so Petra thinks that is likely the best indicator of the property line – an even better indicator, in her opinion, than whatever information Annette got.

Rather than try to get her money back on the supplies and comply with Petra's demands, Annette suggests they hire a mediator and split the cost.

### **Annette's Additional Information**

Annette is a nudist and wants to build a higher fence so she can be freely nude in her backyard without worrying about the neighbourhood children spying on her. She checked with land titles and a surveyor and confirmed the property lines. She plans on following the placement of the fence that is currently up, with only a slight variation which is necessary because of the greater width of the new fence.

### **Petra's Additional Information**

Petra has lived on this street for many years. She is the original owner of the home she lives in next to Annette. Petra figures that the property lines set out by the fences she and her original neighbour put up should be the lines followed into perpetuity. Petra has spent a great deal of time and put a lot of care into her flower garden that is planted directly beside the current fence. If Annette removes the current fence and puts up the new fence, her flower garden will be destroyed. Petra also likes that the fence is short because it allows for more sunshine in her yard and thus helps her flowers to grow so very beautifully.

## **9. Yard Problems**

### **General Information**

Cory lives at the corner of the street. She keeps a wild plant style yard. To the outside observer, it appears as though the yard is not tended to, is overgrown, and covered in weeds. Of course, Cory knows better; she takes care of the yard and selects the wild plants to specially. The neighbours, specifically her across the road neighbour, Betty, think that Cory's yard is an eyesore and would like the city to step in and ticket her.

The city came and inspected the yard and concluded that it does not violate any bylaws, so no ticket was issued.

The neighbours continue to be upset about Cory's yard, so the community association has suggested that Cory attend mediation with Betty to talk about the yard.

### **Cory's Additional Information**

Cory is an avid environmentalist and believes that natural growing, indigenous plants are best for the eco-system and quite frankly thinks it's irresponsible for the rest of the street to continue to grow grass, which is not indigenous to the geographical location and takes many valuable resources to keep it healthy. She feels everyone should take a page out of her book and start growing wild plants in their yards.

### **Betty's Additional Information**

Cory's yard is not only an eyesore, it is also a nuisance to the rest of the neighbourhood. Every year her wild plants seed and cause weeds to spring up in other people's yards. Betty takes great care in maintaining her pristine yard and takes it as a personal affront that Cory refuses to just grow grass like a normal person.

## **10. Too Many Vehicles**

### **General Information**

Manny is a mechanic and works out of his garage. His garage is at the front of his house and is visible to the street. Often there are vehicles parked along the street in front of his house, double parked in his driveway, and in the alleyway. The city has ticketed him on several occasions for having vehicles parked for over the hourly limit, however, Manny just chalks it up to the cost of business, and continues to park the vehicles he is working on wherever is convenient.

Rodney, the president of the community association has asked Manny to come to mediation to discuss options regarding the vehicles.

### **Manny's Additional Information**

Manny is a very successful businessman. He keeps his overhead low by working out of his personal garage and can pass along those savings to his customers. Many of his customers have been bringing their vehicles to him for over a decade. He does not see a problem with the way he parks the vehicles and thinks that the neighbourhood should congratulate and support him in his thriving business.

### **Rodney's Additional Information**

Many residents of the block have complained about Manny's habit of parking vehicles all over the place. Many people must park on other streets and walk to their homes when Manny is particularly busy. The complaints escalated and the city was called several times, but Manny does not seem to care about paying the fines associated with his parking habits. Rodney would like Manny to know what an inconvenience this is to his neighbours and to brainstorm a solution that would help his business continue, but respect the fact that the street is public, shared space.

## **11. Noisy Neighbours**

### **General Information**

Glenda is a lady who lives in an upstairs unit in a condominium complex. When she originally moved in the complex was advertised as a retirement friendly property. Through the years she has noticed that the property management company has gone away from that branding, and has been renting and selling to rambunctious, young people. Her new downstairs neighbours are renters and are extremely noisy all throughout the day and night. She has complained about the noise multiple times and under the condo bylaws has now requested mediation.

### **Glenda's Additional Information**

Glenda has significant health concerns, including insomnia. The downstairs neighbours have been exacerbating her condition with their constant noise. She is losing more and more sleep, and as a result her other health concerns have increased. She has had to seek out more prescriptions to manage her maladies.

### **Bobby's (the downstairs neighbour) Additional Information**

Bobby just moved into the condo with a couple roommates. All three of them have different schedules, which is great because they can stay out of each other's hair. He supposes that the complaints about noise are a result of the fact that they have rotating schedules, so someone is always up. Bobby feels that noise travelling through walls and floors/ceilings is just a reality of sharing a building with other people and the lady that is complaining about it should just get over it.

## **12. Free-Range Children**

### **General Information**

Quinn has seven children and is a free-range parent. Neighbours often see the children running around their yard and the street barefoot and only partially dressed. Gwen, a neighbour on the street, is concerned about the welfare of the children. She feels that they are neglected. She has brought this concern forward to social services and they came by to check how the children were doing. Quinn was extremely upset about this call being made and has requested that the community association pay for her and Gwen to attend mediation.

### **Quinn's Additional Information**

Quinn takes great pride in her many children. She has a small-homebased business and her husband is a businessman who is often on the road for extended periods of time. Quinn unschools the children and subscribes to the free-range parenting philosophy. Her children are well cared for in her opinion but are given much more freedom than many other parents allow for. Quinn feels that this is best for her family and for her children and will help them grow into independent and self-sufficient adults.

### **Gwen's Additional Information**

Gwen grew up living in foster homes. She feels she recognizes the warning signs of neglect in children and feels that it is her responsibility to protect these children and make sure that they are well-cared for. She called social services because she believes that was the best thing she could do for the children. She was surprised that the children were not apprehended immediately, and that instead she is now going to attend mediation with the children's mother. She does not see how mediation can help; the only thing she thinks can help is that these children are put in a caring, and loving foster home.

### **13. How do we Handle the Vandal?**

#### **General Information**

Rodney, the president of the community association, has concerns about ongoing instances of vandalism in the neighbourhood. The vandal or vandals are painting graffiti on garage doors, fences, and on the playgrounds. It is an increasing issue and the community cannot afford to continue to clean up and repair the vandalism. Rodney thinks that beginning a neighbourhood watch will help deter the vandals.

Ernest, the vice president of the community association, disagrees with Rodney's suggestion of implementing a neighbourhood watch. Ernest feels that the city should step in and send more police cruisers through their neighbourhood more regularly to catch these rascals.

The community association is paying for mediation between these two community leaders.

#### **Rodney's Additional Information**

Rodney feels that the city has bigger fish to fry than the vandalism problem in his neighbourhood. He thinks that if the community association requests assistance from the police they will be ignored. He thinks that the only solution is to take matters into their own hands as a community and band together as a neighbourhood to vigilantly monitor the street to catch the vandals themselves!

#### **Ernest's Additional Information**

Ernest is concerned that the vandals are likely teenagers that live on the street and is worried that if a neighbourhood watch is implementing it will create an unhealthy dynamic on the block. Ernest thinks it would be much better to get the police involved because the vandals would likely respect the authority of the police more than a neighbourhood watch and it would also help to avoid awkward dynamics between neighbours.

## **14. Art in the Park**

### **General Information**

The annual Art in the Park festival is being cancelled because of public health concerns. Many of the local contributors are upset about this saying that this is their largest money making event of the year and that they are sure that safety measures can be put in place so that the festival can go on. A representative from the arts' council and a representative from the community association agree to discuss this issue in mediation paid for equally by each organization.

### **Artie (the arts' council representative) Additional Information**

Not only is this event the biggest money maker for many of the contributors, it is also the greatest opportunity for exposure for these artists. Cancelling this event will be devastating to their livelihood. Artie has done a lot of research and believes that the event can safely go forward if participants are encouraged to wear masks, social distance, and frequently sanitize their hands.

### **Rodney (president of the community association) Additional Information**

The community association unanimously cancelled all community events for the summer. The Art in the Park festival is one of many. Rodney understands that this affects the money making opportunities for the artists who contribute to the event, however, many people have lost money making opportunities because of the current public health concern; an exception shouldn't be made for this event because it could compromise the well-being of many people.

## **15. Garage Sale Sorrow**

### **General Information**

Susan hosts a large garage sale every year and goes around to each house to gather items that people are willing to part with. Susan covers her out of pocket expenses with the proceeds and provides the rest to a local charity. Susan noticed that Mackenzie has been posting on the block's Facebook page that she will also be hosting a garage sale that same weekend as Susan and that the proceeds of her garage sale will go to a different charity. Susan is upset because it seems that Mackenzie is gathering much more interest in her garage sale than Susan is getting for hers.

Susan contacted the community association and request mediation.

### **Susan's Additional Information**

Susan has been hosted her annual charity garage sale for over a decade. She has raised over \$20,000 for a local charity. She is very upset about Mackenzie's competing garage sale and wants Mackenzie to collaborate with her to help with her garage sale, rather than Mackenzie hosting her own.

### **Mackenzie's Additional Information**

Mackenzie is new to the neighbourhood and thought that hosting a charity garage sale would be a great way to contribute to the community as well as a good way to get to know the neighbours. She picked a weekend that worked for her schedule and started posting about it on the community Facebook page. To her surprise the community association has now contacted her to ask her to attend mediation with Susan, who is apparently also hosting a charity garage sale the same weekend. Mackenzie lives a few doors down from Susan and has not had any positive interactions with her. Mackenzie also heard a rumour that Susan skims the proceeds and only provides a small amount to the local charity, keeping the rest for herself to cover fake expenses associated with hosting the garage sale – let's get real, how expensive could it possibly be to host a garage sale? Especially when all the items being sold are donated by members of the neighbourhood.

## **16. Ballet Bummer**

### **General Information**

The rec centre used to offer ballet lessons for the children of the neighbourhood. The instructor recently got a job out of province and has left. No new instructor has been found and the community association is considering cancelling the program. Mandy, a mom of an aspiring ballerina, would like the community association to consider providing a wage to secure an instructor. The former instructor always provided lessons on a volunteer basis, but now that she has left and there is a vacancy Mandy feels it would be easier to find a replacement if the community association were offering recompense. Luna, head of the rec centre, thinks it is foolish to offer a wage to a ballet instructor when the money should really go to repairs to the rec centre – someone will volunteer, and if they don't, it will just be cancelled until they find a volunteer.

The community association has asked Luna and Mandy to talk about their conflicting positions in mediation.

### **Mandy's Additional Information**

Mandy always wanted to take ballet as a child, however, she grew up in a neighbourhood that did not have any community association classes and her parents could not afford to send her to a dance school to learn ballet. When Mandy moved to this neighbourhood with her daughter she was ecstatic that there were community dance classes. Mandy's daughter demonstrated an aptitude for ballet and really enjoys it. When Mandy heard that the instructor was leaving and that there was no replacement she was devastated. Mandy thinks that a small wage for an instructor will hopefully draw out a ballet instructor, perhaps a student, and thinks that the community association can definitely make that work with their budget – they do charge for enrollment in these ballet classes after all.

### **Luna's Additional Information**

Luna is happy at the prospect of the ballet classes being cancelled. All those grubby little children in the rec centre makes for a lot of wear and tear and clean-up. The custodian's hours could be reduced significantly and hopefully some renovations could be done with

the time that the rec centre would be empty. Luna thinks that if the community association has any extra money in their budget it should go towards rec centre upgrades, rather than hiring someone to teach ballet. The ballet lessons cost more money than they ever recover as it is; adding to the cost by hiring a ballet teacher is ridiculous in Luna's opinion.

## **17. Too Much Junk**

### **General Information**

Ronda is building quite the structure in her front yard. Everyday there seems to be new items that appear in her yard and the neighbours cannot tell what she is up to – none of the items seem to go together. Janet, her next door neighbour, is fed up with this. She has spoken to Ronda about it several times, but Ronda just says, “It’s for my project.”, and refuses to organize or move the items from the yard. Janet has asked the community association to provide mediation.

### **Ronda’s Additional Information**

Ronda has no idea what she is building. At first, she thought she would build a planter, set up a brick path, and jimmy rig a decorative bridge type thing. Every time she gathers more items for her front yard project, she is excited about the project, but now none of the items seem to go together and fit her vision, so she keeps changing her mind. She does not think that Janet should be pestering her about it; who cares? It is her yard after all.

### **Janet’s Additional Information**

Janet is concerned that Ronda is mentally unwell and is a hoarder. She thinks that this front yard business will lower everyone’s property value on the block and could be dangerous, as the items spill over onto the sidewalk. Janet thinks that some of the men on the block should help Ronda with whatever project she has planned, and then get rid of any of the access junk for her.

## **18. Who's Gonna Drive?**

### **General Information**

Every year a group of men from the block do a community clean up and pick up all the residents' junk to take it to the landfill. Jerry usually drives, but he recently had foot surgery and will not be able to participate this year. Andy and Cody both volunteered to drive the truck with the trailer. Andy thinks that Cody will probably be drinking the day of so it would be safer if he drove instead, and Cody thinks that Andy doesn't have enough experience to drive a full truck and trailer all the way to the landfill. Andy and Cody have started to gather people to take each of their sides and it is causing a lot of tension in the neighbourhood. The community association has decided to send them to mediation to resolve this dispute.

### **Andy's Additional Information**

Andy does not have much experience driving trucks or trailers, but figures this will be a short trip around the block and to the landfill, so figures he can manage it. Regardless, if he has some trouble and it take longer it is not as big of a deal as Cody drinking and driving! Which is sure to happen if Cody ends up being the driver.

### **Cody's Additional Information**

Cody thinks that Andy is being ridiculous. Andy does not have experience driving trucks or trailers and the truck and the trailer for the community clean-up will be packed full of junk the neighbours will be disposing of. Sometimes you can barely see over the mound of junk. Cody has a lot of experience with driving trucks and trailers and knows that he can do a good job, even if he indulges in a beer or two throughout the day – he'll make sure he's sober enough to drive.

## **19. Lawn Bowling Lack of Capacity**

### **General Information**

The block has a lawn bowling centre in the park. For many years this has been a staple of neighbourhood life. Because of recent public health concerns, the lawn bowling centre can only have so many people participate. The coordinator of the lawn bowling league thinks that the best way to handle this issue is to select participants by lottery. One of the lawn bowling league's senior members disagrees and thinks that the participants should be selected by their loyalty to the league and their involvement with the lawn bowling centre, such as fundraising and upkeep. The community association and the lawn bowling centre have decided to split the cost of mediation so these folks can figure out what to do.

### **Arnie's (lawn bowling league coordinator) Additional Information**

Arnie feels that a lottery system to determine participants is the fairest way to proceed. This way new members will be able to be involved, as where if they go with Bert's suggestion they will likely just have the same people who have always bowled, which is fine, but many of the former bowlers are aging and it's always good to have new members join so that the support the lawn bowling centre needs to desperately will continue when the former bowlers age out of the sport.

### **Bert's (senior lawn bowling league member) Additional Information**

Bert feels that former bowlers should all be offered spots before any new members can participate. Bert and his wife have been avid lawn bowlers for years and have put their blood, sweat, and tears into the league. His wife has helped with several fundraisers, and Bert frequently volunteers to maintain the grounds. It would be completely unfair to have a lottery system – what if he and his wife do not win the lottery and can't participate this year? They would both be devastated.

## **20. Garbage Pick-Up Problems**

### **General Information**

Steven lives next to Stephanie. Stephanie routinely forgets to take her garbage bin to the curb for pick-up. For years, Steven silently would bring her bin to the curb for her, but recently he stopped. Stephanie's garbage is piling up and when Steven mentioned it to her, she spazzed saying "Well, why don't you bring the bin to the curb like you used to? It's *your* fault that it's piling up!"

Steven has asked the community association to pay for them to attend mediation to deal with their argument because since the last time he talked to Stephanie she has been giving him the silence treatment and still has not taken her garbage bin to the curb – it has now been weeks and the garbage is a mess with flies and other bugs circling around it. Steven is worried that soon it will start attracting rodents.

### **Steven's Additional Information**

Steven was romantically interested in Stephanie for years. He thought her forgetfulness was adorable and was happy to take her garbage bin to the curb for her. This year he began online dating and has gradually gotten over Stephanie and realized that she was using him not only to take her garbage bin to the curb, but to handle other tasks around her home and yard; one year he cleaned her eaves for her, another year he had fixed a window, and not once had she ever agreed to go on a date with him. She needs to figure out how to be independent – he cannot keep looking after her, especially since they have never been and now never will be romantically involved.

### **Stephanie's Additional Information**

Stephanie is upset that Steven has suddenly stopped helping her with things around her home. She always appreciated his help and liked the attention he showed her, even if she never intended on dating him. She flirted with him a little bit to keep him helping her with the upkeep with of her home, but never considered him seriously as a romantic prospect. When Steven stopped taking her garbage bin to the curb, she didn't notice at first. After a couple weeks, as the garbage piled up, she finally noticed. She expected that

he must have just been busy and would resume it soon. When he confronted her about the garbage, she was shocked – how could he have gotten over his crush on her? And why won't he keep helping her? She is a single woman keeping up a big house; it's his neighbourly duty to help her! And he should not expect anything from her for being a good Samaritan!

## **21. The Babysitter**

### **General Information**

Jenny is the neighbourhood's babysitter. She has been providing affordable babysitting to all the neighbourhood families for two years. Recently she began refusing to offer babysitting services to Katie. Katie cannot figure out why Jenny won't babysit her children anymore. Katie has two well-behaved children and has always paid Jenny fairly. When Katie asked why, Jenny said "I just can't."

Katie has asked Jenny if she would talk more about this with her in mediation, and Jenny agreed. Katie will pay for the mediation.

### **Jenny's Additional Information**

Last time Jenny babysat for Katie; Katie's date made a pass at her while Katie was getting some cash out of her purse in the other room. Katie goes on lots of dates, and many of the men have been lecherous toward Katie, but this was finally the last straw. Katie usually walks home from her babysitting gigs and she just does not feel comfortable continuing to babysit for Katie because of the men she dates – what if one of them follows her home? Or forces himself on her on her walk home?

### **Katie's Additional Information**

Katie is a single mom and enjoys dating. She goes on dates frequently and needs a babysitter multiple times a week. Katie does not have any family to help her with the children and she does not know of any other babysitters – especially not ones with such reasonable rates! Katie is very hurt that Jenny will not continue to babysit her children – she feels that Jenny and she would be friends if they were peers and feels like this is a personal affront. She is even willing to give Jenny a raise if she agrees to start babysitting for her again.

## **22. Fire Feud**

### **General Information**

Linette's son has severe asthma. His condition is exacerbated by smoke. Lonnie, Linette's next door neighbour, frequently has fires in his backyard. Linette has asked him several times not to, but Lonnie dismisses her concerns.

Linette has asked the community association to provide mediation for her and Lonnie to discuss this issue.

### **Linette Additional Information**

Linette's son was in and out of the hospital many times as a baby. When he was a toddler, he had to take the ambulance to the hospital because he stopped breathing in his sleep – thank goodness she had checked on him when she had! She is scared to think what would have happened if she had not. Linette is very protective of her son and has spoken with other neighbours about her concerns about smoke; all her other neighbours have gladly agreed to not have fires, but Lonnie does not seem to care about Linette's concern at all. Linette would like for Lonnie to see things from her perspective and at the very least agree to only have fires in the late evening when her son has already been upstairs in bed for a couple of hours.

### **Lonnie's Additional Information**

Lonnie thinks that everyone on the block thinks that Linette is a worry wart and they only agreed not to have fires because she pesters them so much. Everyone loves a backyard fire. Lonnie knows this because many of the neighbours come over to his place to enjoy the fire. Linette must be stupid to not realize that everyone else is still enjoying fires but they are all just too cowardly to have their own, so they rely on Lonnie to host weekly fire parties in his backyard. Lonnie thinks that if Linette's son is exposed to smoke more often, he will toughen up and his asthma won't act up so much. Linette's sheltering that boy and needs to give him some space.

## **23. The Band**

### **General Information**

Some of the men on the street get together on Saturday nights to play their instruments. Gary always used to come and play the bass, but recently Gary has not been showing up. The other men in the band say that they need to tell Gary that he can't come if he isn't going to be consistent in attending the practice sessions because they want to start playing gigs and if Gary isn't committed to the band they want to find someone else to play the bass. Gary says he wants to continue to play the bass with the band and apologized for missing recently, but the very next Saturday he missed the practice. The rest of the band has elected Larry, the guitar player, to represent them in a mediation and have all pitched in to pay for it.

### **Gary's Additional Information**

Gary's wife has been diagnosed with cancer. She doesn't really want the rest of the block to know because she doesn't want pity, but she has needed Gary to stay home more often to help with their two year old and five year old; she's super wiped out with work and with her treatments, so by Saturday she really needs his help. Gary loves playing the bass in the band but needs to prioritize his family during this time.

### **Larry & the Band's Additional Information**

Larry and the Band started out as just buddies jamming out on the weekend, but in the last few months they have decided they want to take it to the next level and play gigs. Unless all the members are committed, Larry and the Band do not think they'll get to that level. They are even thinking about increasing their practice times to twice a week. Larry has a feeling that something serious is up with Gary, but regardless of what it is he thinks that he either needs to commit or give up his spot in the band to someone else who can be committed to the practice regimen.

## **24. Vacation Burglary**

### **General Information**

Kennedy and her husband went on vacation. While they were on vacation, they asked their neighbour Garret to check their place regularly, but Garret tended to forget. Over the weeks that Kennedy and her husband were gone, Garret forgot often to check on their place. On the last week of their vacation, their home was broken into and many valuable and sentimental items were stolen. Kennedy and her husband were devastated. Though their insurance will cover many of the valuable items, how will they ever replace their sentimental items? Garret has been avoiding Kennedy and her husband because he is embarrassed about the situation, and Kennedy has had enough. She has asked that Garret attend mediation with her so they can talk about what happened. They have agreed to split the cost of the mediation.

### **Garret's Additional Information**

Garret tends to be forgetful at the best of times, but during Kennedy and her husband's vacation he was especially forgetful because it was over the summer months and he was often enjoying the sunshine at the beach and didn't get home until late in the evening. Garret has always been close with Kennedy and her husband and is embarrassed and ashamed that he forgot to look after their place while they were gone. He does not know how to make it up to them and would just prefer to avoid them. He is even thought about moving so he does not have to face them.

### **Kennedy's Additional Information**

Kennedy is furious with Garret. So many sentimental items were stolen while she was on vacation with her husband and there is no way for them to replace them. She cannot believe such a close friend would let them down like this! This was the first vacation that she and her husband had been able to take in years, and now she's upset that they even went – all the memories of the vacation feel tainted by the fact that their home was broken into while they were gone. Kennedy would like Garret to provide some sort of payment for the sentimental items – not in cash, but something else, like help around their house or something! He needs to pay for his forgetfulness!

## **25. Community Association Conflict**

### **General Information**

The annual election just ended, and all the association board positions were filled. Nancy has put her name forward for many years to be on the board and yet again she was not elected. She is now gossiping with other members of the community that the community association is nothing, but a popularity contest and they want to keep people like her who can instigate change out of the association. Many community members have spoken to the community association board about this now, and the president, Rodney, has decided that he needs to put an end to this gossip and has asked Nancy to attend mediation with him.

### **Nancy's Additional Information**

Nancy is outspoken and feels that she can help to improve the community I she was elected to a board position. She feels that the community association obviously doesn't want what's best for the community if they are keeping her out. It must be a popularity contest, because all the board members are friends and frequently have BBQs, that she is never invited to.

### **Rodney's Additional Information**

Rodney has been the president of the community association for a few years now. Every year that he has been president, Nancy has put her name forward and every year the board positions are filled, and she is not elected to any of them. Rodney is not sure why people don't vote for her, he thinks she would be a great board member, but for whatever reason she has never been elected. Rodney wants the community to be a friendly one and is proud of the contributions to the community the association has made, and is upset that Nancy is now spreading gossip around that the community association doesn't want what is best for the community and that it is just a popularity contest. The board positions are voted on by every community member who attends the election and the board truly does work for the best of the community. Many of them get re-elected, which is why they have become so close; many of them have worked together for years! It has nothing to

do with popularity, it just happens that they have all become friends over the years of working together for the betterment of their community.

# Workplace Scenarios



## **1. The Dirty Breakroom**

### **General Information**

Amy is the office manager at an accounting firm. She is in charge of making sure that the office is clean and tidy, but lately she feels like all her efforts are futile because Perry is always leaving the breakroom dirty – dishes stacked, garbage on the tables, and even dirt on the floor. Perry feels that it is not his responsibility to clean-up after himself because he is one of the accountants and he feels that it is Amy's job to clean-up the breakroom.

Their manager has contacted a mediator to help Amy and Perry resolve their conflict.

### **Amy's Additional Information**

Amy is meticulous around the office and has been working there for many years. There is an unspoken expectation that everyone washes their own dishes and generally picks-up after themselves; she does the deep cleaning and keeps everything organized. She understands if sometimes people forget to do their dishes or leave some garbage out, especially when it is tax season and people have many appointments, but Perry does not even try. She has noticed that even on the days when his calendar is empty, he does not clean-up after himself. She thinks his behaviour is disrespectful of not only her, but of the other employees at the firm.

### **Perry's Additional Information**

Perry sees his job as only accounting. He thinks that Amy's job is to keep the office clean, which he is very thankful for because he is a bit of a slob and it is nice to have someone to clean-up after him. When Amy brought up how messy Perry leave the breakroom, he was annoyed; it is her job to keep things tidy, so why is he bothering him about it? He doesn't bother her about when he has a lot of accounting work to do because that isn't her job; if everyone does their part, the firm can run smoothly – if she insists on him doing the cleaning, who will do the accounting?

## **2. Promotion Problems**

### **General Information**

Bill and Collette were both up for the same promotion. The manager of the company decided instead of promoting one of them to split the position and give them each half the responsibilities of the position and gave each of them half of what the raise would have been. Bill thinks this is ridiculous; he thinks he should have gotten the position because he's been working there longer. Collette thinks this is ridiculous because she thinks she should've gotten the position; it is primarily working with new technology and she is much more familiar with that sort of thing than Bill is because she recently took a course on optimizing work flow through the use of technology. The manager cannot believe this has caused such an issue because he thought he was being fair. He has decided to let Collette and Bill talk about it in mediation so they can figure out what will work best for them.

### **Bill's Additional Information**

Bill was really counting on the full raise – he took out a line of credit to do some renovations on his home and if he doesn't get the full raise it will take him much longer to pay down the line of credit. He does not much care about the work associated with the position; it is mostly computer stuff which will take him a long time to learn and he was thinking that he would just learn it slowly.

### **Collette's Additional Information**

Collette took a night class at the local business college specifically to help her chances in getting this promotion. She feels that Bill does not know the first thing about computers, so why has he been given half of this promotion? She wants the new challenge of this work and the pay raise that goes along with it. She does not care that Bill's been at the company longer – she will do a better in the position than he will! The promotion should be fully based on merit, rather than seniority.

### **3. Accusations of Sexism**

#### **General Information**

Connie is the receptionist at a construction company. She recently overheard Darren talking to another employee about how women know nothing about construction and should stick to what they are good at. Connie complained to the owner about Darren, and the owner has decided to send Connie and Darren to mediation to talk about what happened.

#### **Connie's Additional Information**

Connie has been working in construction since she was fourteen. Her father ran a small drywalling operation and she helped. When her father retired, she got a job doing scaffolding. In her mid-twenties she went on maternity leave and when she was ready to go back to work, she decided to take the receptionist job because the hours would work better for her family life. She finds it incredibly offensive that Darren would say that women do not know anything about construction – her whole professional life has revolved around construction! Furthermore, she feels that her extensive experience with construction makes her an excellent receptionist for a construction company because she understands thoroughly the work that everyone does and the needs of potential customers.

#### **Darren Additional Information**

Darren has only been working at the construction company for a few months. His comment about women not knowing anything about construction was said in a misguided attempt to bond with his new co-workers who are all men. It did not help him get any closer with them, and now it is caused this problem with the receptionist! He is embarrassed and defensive; sure some women know about construction, but that isn't the average woman, which is evident by the fact that everyone in his work crew is a man and the only woman he knows of even employed by the company is Connie, who is the receptionist.

## **4. Payday Concerns**

### **General Information**

Donnie and Eddie have been in business together for many years. Donnie is the general manager and Eddie does the books. Two months ago, an employee approached Donnie saying that he had not yet been paid. Donnie asked Eddie about it, and Eddie explained that payday had not been submitted because of the statutory holiday and that it would be one day late. This week another employee approached Donnie saying that she had not yet been paid and that her paycheques had been late the last eight pay periods! Donnie asked Eddie about it and Eddie brushed him off, saying that mistakes happen. Donnie did not find that answer acceptable, so has hired a mediator for him and Eddie to talk about what is going on with payroll.

### **Donnie's Additional Information**

It is important to Donnie that his employees are paid on time. He understands that many people have pre-authorized payments that come out on certain days, and if they do not get paid on time that those payments will bounce. He does not understand why Eddie is not making it a priority to ensure people are paid on time.

### **Eddie's Additional Information**

Eddie does not want to tell Donnie that their business is failing. Donnie works so hard and even though their business is quite busy, their overhead is just too much, and they are getting behind on all their bills. Paydays have been late because Eddie has been juggling when things come out of the account – sometimes that means that payday is a day or so late, sometimes longer. He knows it is upsetting to the employees, but he figures that is better than not getting their expenses paid so they can stay in business.

## **5. Job Duty Confusion**

### **General Information**

Ellen and Frankie have been working at a start-up online subscription business for two months. They were hired at the same time, and both have the job title of “Executive Assistant”. When they first started, Ellen worked primarily on the website and customer relations, and Frankie did most of the stuff around the office, like organizing and getting everyone coffee. Recently Ellen has noticed that the office is in disarray often and that Frankie appears to be doing some of the website development work and has been chatting more with customers. Ellen does not mind if Frankie wants to switch-up what she is doing, but someone needs to look after the office. Ellen approached the CEO about it, and the CEO agrees that it does not matter who does what, but that everything needs to get done. The CEO has booked Ellen and Frankie a mediation session to brainstorm how all the work can get done and who will do what.

### **Ellen’s Additional Information**

Ellen enjoys working at this business – it is a different job than she has ever done. She does not really want to be the one in charge of doing the office stuff because that is like the work she used to do as a receptionist. She would much prefer to continue to focus on customer care and website development.

### **Frankie’s Additional Information**

Frankie noticed that Ellen has not been current on email correspondence with customers, so she started trying to help by answering some questions she saw in their shared email inbox. Through answering questions customers sent in their emails she realized that there were some bugs with the website that needed to be fixed. She started tinkering away at the website to try to help resolve some of the issues. Before she knew it, she was pretty much exclusively doing the website and the emails and had begun to neglect things around the office. She has been enjoying doing the work on the website and providing customer care and would prefer to continue doing that rather than going back to taking care of the office. She does not think that the office needs that much taking care of anyway – people can start cleaning-up after themselves and getting their own coffees.

## **6. The Parking Spot Problem**

### **General Information**

At the Blackstar Marketing company there are seven parking spots designated for employees. The unspoken expectation is first-come-first-serve, but also, senior staff take priority over junior staff for parking. Fiona has been working at Blackstar since it was a start-up; Gerald a summer intern. Fiona likes to get to work at about ten, and she has noticed that every day the parking spots are all taken. Through talking to the rest of the staff she realized that Gerald has been parking where she used to park. She asked Gerald about it and he shrugged and said, "I got there first." Fiona found this very disrespectful and asked the company's CEO to discipline Gerald. Rather than discipline Gerald, the CEO has asked them to attend mediation to talk about the parking spot problem.

### **Fiona's Additional Information**

Fiona enjoys her flexible work schedule and often does not get to the office before noon. Before Gerald started, there was never any issue with parking – she always got a spot. Now that Gerald began working at the company, she never gets a spot and finds it disrespectful and presumptuous of him to think that he deserves a parking spot when he is only a summer intern and likely won't even get a position upon completing his internship.

### **Gerald's Additional Information**

Gerald likes to get to work at 8 AM; that way he can get the coffee going before anyone else gets to the office and set out some snacks for the customers and employees. He lives on an acreage with his parents and drives an old farm truck to work. It is quite large and does not park easily on the busy street. Luckily, there is no assigned parking for the employees, just reserved spots, so he can park in the back. The only person that seems to have a problem with it is Fiona. Gerald thinks it is silly of Fiona to take exception to where he parks; she barely comes into the office anyway – why can't she park her car on the street for the couple of hours she's at the office?

## **7. Boardroom Blues**

### **General Information**

Gertie and Horace work at an office where they both have many meetings with clients throughout the day. The last month or so Gertie has had meetings scheduled and been unable to use the boardroom for the meetings because Horace was already in there. She asked Horace about calendar sharing and he agreed. Even though they now have shared calendars it seems that Horace meets with clients last minute and often doesn't put in his calendar that he will be using the boardroom, so Gertie is still left in a lurch when her clients show up. Gertie suggested to Horace that they get together with a mediator to brainstorm options to resolve this issue.

### **Gertie Additional Information**

Gertie likes structure and does her schedules all her appointments with two-weeks' notice. She always marks in her calendar when she will be meeting with clients and puts in the notes that she will need the boardroom. She understands that Horace does not work this way, but it is embarrassing for her when she cannot use the boardroom with her clients.

### **Horace's Additional Information**

Horace's clients like him because he will always make time for last minute meetings. Sometimes he has time to put in his calendar that he's using the boardroom, but many times his schedule fills up the day of, so he really doesn't have the time to tell anyone what his plans are. He feels that Gertie should be more flexible and think of a creative solution for meeting with her clients so he can continue to use the boardroom the way he likes to.

## **8. Allergy Concerns**

### **General Information**

Hannah has many allergies. She has had allergic reactions at the office before and has made comments to the staff about trying to avoid bringing food she is allergic to into the building. Ian's regular morning snack is a granola bar with peanuts. Hannah has asked that Ian change snacks or eat his snack outside the building and wash his hands before coming back in, but Ian thinks that is an imposition and that she's being melodramatic about the severity of her allergies. The boss has decided to send them to mediation to talk about this concern.

### **Hannah's Additional Information**

Hannah has many allergies and is used to people being frustrated by her requests about food. Hannah sometimes has anaphylactic reactions, but it's difficult to determine which food has triggered it because she's allergic to so many things, and though she eats according to what is safe for her, she can't control what other people eat and sometimes something someone has eaten hours before can trigger her allergic reactions when she comes in contact with them. At the office she tries to ask politely that people avoid foods she is allergic to, and most people are happy to oblige, except for Ian. She knows it is annoying, but this is a matter of her health – wouldn't he feel badly if she died because he will not give up his peanut granola bars?

### **Ian's Additional Information**

Ian is a vegan and one of his main sources of protein is peanuts. He cycles to work and looks forward to his peanut granola bar to refuel when he gets into the office. He knows that Hannah has allergies, but even she has said she isn't sure which of her allergies triggers her anaphylaxis, so he isn't sure how it would benefit anyone if he gave up his favourite snack just in case peanuts is her severe allergy. Ian thinks it is ridiculous that she has convinced everyone else to change their eating habits just for her – no one at the office has stopped eating meat or dairy because he is vegan!

## **9. Dress Code Conflict**

### **General Information**

Isolde and Jamie work at a retail store. Isolde is the manager and Jamie is a front-end employee. The dress code states no hats and no graphic t-shirts. Jamie regularly wears hats and graphic t-shirts and when Isolde has asked her why she is not following the dress code Jamie makes some excuse about not having had time to do her hair or change before she arrived at work. Isolde has given Jamie several verbal and written warnings and has now asked upper management to send her and Jamie to mediation to discuss how this issue can be managed because she appreciates Jamie's work ethic and would like to keep her on staff.

### **Isolde's Additional Information**

Isolde understands that dress codes are annoying to follow, but it is important at a retail store that sells clothing to represent the store well, and wearing clothing obviously sold by other stores is unprofessional. Also, people do not like some shady looking character in a hat trying to sell them high-end clothing. Isolde is at the end of her rope with Jamie because she feels like she is tried everything to get her to follow the dress code. Isolde feels like she needs to fire Jamie because it is disrespectful that she is ignoring her requests to follow the dress code, but she also doesn't want to fire Jamie because Jamie has great sales numbers and excellent work ethic.

### **Jamie's Additional Information**

Jamie is a single mom and is usually rushing from one thing to the other and is not mindful of what she is wearing. She knows that the store she works at has a dress code, but she figures that as long as she keeps her sales numbers up and does all her tasks at work they can't fire her because she isn't attentive to what she's wearing. In addition, Jamie does not have much extra money to purchase clothing that is more appropriate for her job, so she certainly hopes that they will not fire her because she mostly only has t-shirts to wear.

## **10. Performance Problems**

### **General Information**

Jason is the manager at a small company. Kelly is a seasoned employee, but recently his performance has started to slip. He is often late for work and when he gets there, he is disheveled and unproductive. Jason doesn't want to let Kelly go because Kelly has been with the company for so long, but Jason doesn't have time to keep checking in with Kelly to see what's going on with him, especially since Kelly's answers are always vague and unhelpful. Jason has asked Kelly to attend mediation with him to hash out what is going on.

### **Jason's Additional Information**

The company is so small that every person really needs to pull their weight. If Kelly is late, his work often goes undone and customers have complained. Jason needs Kelly to put in the proper hours and attend to all his tasks so that they do not fall on someone else who likely does not have the time to do their job and Kelly's as well.

### **Kelly's Additional Information**

After going through a separation and divorce last year, Kelly has noticed his health has declined. His sleep apnea has worsened, and it is more difficult for him to get to work on time. Because he is not getting proper rest at night, he is also finding it very difficult to keep up with the pace at the company. The company is small, and everyone's plate is full. He knows he is letting other people down, but he does not know how to manage with his current health situation, and he's embarrassed to always be making what he feels are lame excuses about not having slept properly.

## **11. Sick Days**

### **General Information**

Kaden works at Lenore's store. Whenever inventory needs to be done or orders need to be received, Kaden calls in sick. Lenore is happy to give Kaden sick days if he is not feeling well, but she has noticed this consistent pattern and really needs an employee who will be reliable, especially on the days when she really needs help. Lenore has mentioned this to Kaden and Kaden got upset saying "You can't fire me because I get sick!" To avoid further blow-ups, Lenore contacts a mediator to help her communicate her needs to Kaden.

### **Kaden's Additional Information**

Kaden has an auto-immune disorder and gets sick very easily. He does not mean to call in sick on the days that are the most labour intensive, but he cannot control when he has flare-ups or when he contracts a cold. He thinks that Lenore should leave him alone about this – isn't it a human rights violation for her to even bring this up to him?

### **Lenore's Additional Information**

Lenore used to run the store all by herself, but since she is getting older, she needs help, especially on the labour intensive days like inventory and when orders come in. She likes Kaden and thinks he is a good worker, but she really needs help on inventory days and on days when orders need to be received. She can't afford to hire another employee so she feels stuck between a rock and a hard place because if Kaden can't commit to helping her on these particular days, she'll need to let him go and hire someone else.

## **12. Perfume Problems**

### **General Information**

Lilly wears perfume to the office. Mandy says Lilly's perfume gives her a headache. Mandy has asked Lilly to not wear perfume, and Lilly obliges sometimes, but other times it is obvious to Mandy that Lilly is wearing perfume. Mandy reported this issue to the manager and the manager has sent them to mediation to discuss this problem.

### **Lilly's Additional Information**

Lilly loves perfume. Her husband gives her perfume for every special occasion and she has many to choose from. Mandy told her that perfume gives her a headache, so Lilly has stopped wearing it at the office, but Mandy still complains about Lilly's scent. Maybe Lilly has residual perfume on her clothes from other times when she has worn it? She is not purposefully wearing perfume when Mandy is clearly so distraught about it. Lilly is sad that Mandy has reported this problem to the manager; she is trying to go along with Mandy's request, but Mandy's nose is clearly very sensitive, and there does not seem to be anything she can do.

### **Mandy's Additional Information**

Mandy is very sensitive to scents. She told Lilly to stop wearing perfume and Lilly says she has, but Mandy's headaches continue, and she can still smell Lilly all the way in her office, even when she closes the door. Mandy thinks that Lilly is lying and is still wearing perfume. If she is not, why does she stink like it?

## **13. Safety Worries**

### **General Information**

Two weeks ago, the office where Mike and Nic work was broken into and trashed. Mike told Nic that they need to increase their security measures and suggested a security guard. Nic is hesitant to hire a security guard because of the expense and has assured Mike that it is not likely to happen again. Mike has said he will not work in the evenings if Nic won't hire a security guard. Nic suggested that they go to mediation to brainstorm options to increase safety and security without breaking the bank.

### **Mike's Additional Information**

Mike was the one who locked up the night before the office was broken into. He knows he locked the door because he always double checks. He is very shaken up about the office being broken into and is worried about his safety because he usually works the latter half of the day and into the evening. He wants security and safety to be taken seriously and would like a security guard in the evenings. He thinks that Nic is being cheap and careless by not hiring a guard.

### **Nic's Additional Information**

Nic runs the office and he tries to adhere to the budget exactly; if he does he will get a bonus at the end of the year. The break in was likely a result of Mike forgetting to lock up when he left; the office had never been broken into before. Mike says he will not work in the evenings anymore unless there is a security guard and Nic just does not know how to make that work with the budget. Maybe there's a different, less expensive option – after all, this isn't really that big of a concern, it's just a fluke that that office happened to be broken into and if someone is in the office the vandals probably won't try anything anyway – probably just a few bored kids.

## **14. Contractor Concerns**

### **General Information**

Nancy is the manager at a marketing company. The marketing company regularly hires contractors to attend to work that they do not have the capacity to do in house. Otis stumbled upon the cheque stub of one of the contractor's paycheque and was shocked to see how much they get paid. Otis has been working at the company for several years and has never made that much for a similar project. Otis asked Nancy about this and Nancy said that that is the going rate for contractors. Otis has said he now wants a raise and Nancy says that just is not possible. Otis contacted one of the owners of the company and the owner suggested that Nancy and Otis go to mediation to talk about this concern further.

### **Nancy's Additional Information**

Nancy has been the manager at the marketing company for some time now and takes pride in how well things are going. When they do not have the capacity to take on a project, they hire a contractor rather than refer the client elsewhere. Contractors cost more than employees, but because they are one off jobs the cost is usually reflected in how much the client is charged for the project. Otis does not seem to understand this though and wants a raise. That just is not really an option and if anyone should be getting a raise it is her!

### **Otis' Additional Information**

Otis is upset that contractors make more than he does for similar projects. It makes him feel undervalued as an employee. He thinks he should quit and become a contractor so he can make the same amount. He has asked for a raise and Nancy told him that is not possible, which makes no sense to him because how come they can pay the contractors so much, but not give him a raise?

## **15. Professionalism Dispute**

### **General Information**

Omar and Peggy work at a restaurant. Omar often comes to work hungover and speaks loudly about his wild night before. Customers love him, but Peggy feels that his behaviour is unprofessional. Peggy complained to their supervisor about Omar and the supervisor scheduled them a mediation session to discuss Peggy's feelings.

### **Peggy's Additional Information**

Peggy is a conservative older lady and has been working at the restaurant for many years. Omar only started at the restaurant a few months ago and became a customer favourite right away. Omar regularly makes more tips than Peggy, which Peggy really does not understand because Omar is so unprofessional. He shows up late, hungover, and is always flirting with the hostess. Omar also talks loudly with other staff members about his wild nights and Peggy does not think those are appropriate, professional conversations to have at work.

### **Omar's Additional Information**

Omar is a student and is working while in university. Working at the restaurant is a good gig for him because the shifts work with his schedule and he does not have to get up too early. Peggy seems to have a problem with him, but Omar does not care – he is there to make money and he's doing well making lots of tips and picking up overtime here and there. Peggy keeps telling him it is not professional to chat about his wild nights or to show up hungover, but isn't that par for the course with the restaurant scene? If she wants a professional workplace maybe she should change careers.

## **16. Music Musings**

### **General Information**

Penelope and Quincey work at an office together. Quincey likes to play music while he works; he says it helps the day go by faster. Penelope does not mind music, but Quincey plays loud, rap music and she finds it distracting and quite frankly, inappropriate for work. Penelope has asked Quincey to either change the genre of music or to not play music during the workday, but Quincey told her to mind her own business. Penelope told the manager of the office about this conflict and the manager scheduled Penelope and Quincey a mediation session.

### **Penelope's Additional Information**

Penelope likes quiet when she works or maybe classical music playing quietly. Quincey's music is way too distracting and better suited to the club than an office. She is upset that Quincey was rude to her about the request to change the music or to not have it playing; why was he so rude and disrespectful when she asked so nicely?

### **Quincey's Additional Information**

Quincey loves to listen to his music while working. When it is quiet the days just drag on. When Penelope asked him to turn off his music or change the type of music, he became defensive. Quincey feels that it is not Penelope's business what music he listens to. She could wear earplugs if it bothers her so much.

## **17. Computer use Conflict**

### **General Information**

Queenie is a social media influencer and when there is downtime at her job as a receptionist, she likes to pop onto the various platforms she uses to engage with her followers. Ron walked by her computer one day and noticed that she had several internet browser tabs opened to different social media platforms. He asked her if she had work to do and she shrugged saying “It’s slow today.” Ron asked the office manager if using social media on work computers is allowed and the office manager said if it did not interfere with work. Ron has noticed that Queenie has a pile of filing to do and seems to be on social media all day. When he mentioned this to the manager, the manager suggested that Queenie and Ron go to mediation to talk about Ron’s concerns.

### **Queenie’s Additional Information**

Queenie loves social media and does not care all that much about her job – it is easy, and she can get all her work done well before the end of the day. Sometimes she lets some filing pile up, but then she puts on her headphones and does it all in one batch before she goes home for the day. Social media keeps her entertained throughout the day and she make a little bit of money by being an influencer, so it is like she is working two jobs at once! Yay for multitasking!

### **Ron’s Additional Information**

Ron is concerned that Queenie’s use of the work computer is inappropriate. Her work is sloppy at best and Ron is sure this is because Queenie is always distracted by the social media pages she has open on her computer. He cannot browse on the internet all day looking at antique cars! He must work! So, she should! Hobbies are for free time at home, not for slow times at the office.

## **18. The Moving Water Cooler**

### **General Information**

There is a water cooler in the lobby of the office. Or at least that is where it usually is. Roland works in the evenings and on the weekends and when he is working, he moves the cooler to the hallway, so it is closer to his office. Susie, the receptionist, moves it back when she gets to work in the mornings, and is becoming more and more irritated by this. She has asked Roland to stop moving the water cooler, and he countered by asking her to stop moving the water cooler. The manager at the office does not care where the cooler stays, so he has told them to go to mediation to figure out what to do with the water cooler.

### **Roland's Additional Information**

Roland has chronic foot pain and appreciates having the water cooler in the hallway so that it is close to his office. He is frustrated that Susie keeps moving it back when it is clearly more convenient for most everyone in the office if it is in the hallway.

### **Susie's Additional Information**

Susie moves the water cooler back to the lobby every morning so that clients can get their own water instead of asking her to get water for them. She cannot send them down the hallway to get their own water because clients are not allowed past the reception desk. When the cooler is in the hallway, Susie has to punch in a code to get through the door, walk down the hallway to fill a glass for the client, and then bring it all the way back to the lobby. It takes up so much time in her day, so it really makes her life easier when the clients can just get their water themselves. Roland should just suck up his foot problem and walk to the cooler when he needs water – how much water does he need in a day anyway?

## **19. Missing Office Supplies**

### **General Information**

Steven and Tony work in the same office. Steven oversees inventory and has noticed that many office supplies are missing. He asked Tony about this and Tony sheepishly said he has been taking some items home. Steven reported this to the manager and the manager has asked that Steven and Tony talk about what Tony is using these supplies for in mediation.

### **Steven's Additional Information**

Steven's job duties include taking inventory and making orders. When he noticed the missing office supplies, he immediately asked Tony about it because he had seen Tony take home a stapler before. Steven has estimated the missing supplies at over \$200 and wants Tony to pay for the supplies if he is going to take them from the office.

### **Tony's Additional Information**

Tony takes a few things home now and again, sometimes because he is working on something at home and other times because he needs it for something personal. He usually brings back the items he takes, like staples and hole-punches, but paper and pens he usually does not bother bringing back to the office. Steven confronted him about taking supplies and he admitted to it, but he figures that most of the people in the office take things home so it really should not be that big of a deal.

## **20. Children at Work**

### **General Information**

Tina brings her children to the office frequently, either because her babysitter fell through or when her husband and her work schedules overlap. The children are rambunctious and always leave a mess. Ulrich's office is next to Tina's and he finds the children irritating and disruptive to his workday. Ulrich has asked Tina if she can figure something else out, so she does not have to bring her children to the office. When Ulrich asked, Tina became defensive and told him that he cannot discriminate against her because of her family situation. Tina complained about Ulrich to the office manager and the manager told them to go to mediation to discuss the issue of the children being at the office.

### **Tina's Additional Information**

Tina's babysitter is flakey, and her husband's and her work schedule often overlap, so she must bring the children to work. She knows that they are loud, but she figures it lifts people's spirits to hear children playing. She was offended that Ulrich asked her to make different arrangements for her children. Reliable, affordable babysitters are hard to come by. If Ulrich wants an office free from her children, he should be the one paying the babysitter's fees!

### **Ulrich's Additional Information**

Ulrich just wants some peace and quiet at work. His own children have a fulltime nanny, are in daycare, and if either of those things fall through, he just takes the day off to spend time with them at home – better to take the day off so other people can be productive at work rather than bring his children and have everyone have an off day! Ulrich thinks that Tina is being selfish by bringing her children to work and distracting everyone – if he pays for childcare, so should she.

## **21. Personal Calls**

### **General Information**

Uma is the receptionist at a dental office. Uma frequently makes personal calls and makes patients wait while she finishes her conversations before helping them. Vivienne, the owner of the office, has told Uma several times not to make personal calls. Uma always nods, but then Vivienne gets reports from the other employees and even from patients that Uma is on personal calls. Vivienne decides to go to mediation with Uma before just firing her.

### **Uma's Additional Information**

Uma has aging parents and often must take calls regarding their care and decisions about their care. She understands that Vivienne wants her to prioritize checking in patients and taking payments, but she feels that it really isn't that big of a deal if it takes a minute or two to finish up her phone call before she helps a patient.

### **Vivienne's Additional Information**

Vivienne's primary concern is patients' impression and experience at the office. Many people fear going to the dentist and if a receptionist is prioritizing their personal phone calls over greeting patients and helping them when they are done their appointment it might make them even more uncomfortable. Vivienne wants Uma to understand that if she does not change her behaviour she will be replaced.

## **22. The Boyfriend**

### **General Information**

Valorie's boyfriend visits her at the smoothie stand often. William, the owner of the smoothie stand has received many complaints that either no one is manning the booth or that the service is very slow. William has asked Valorie to tell her boyfriend not to visit, but William has still received complaints. William has also Valorie to go to mediation with him to discuss this problem.

### **Valorie's Additional Information**

Valorie works at the smoothie stand every summer. This summer she has a boyfriend and she wants to spend as much time with him as possible before they both go back to university in different provinces in the fall. William is her father's friend, so she is sure that she will not get fired even though she realizes that her boyfriend is visiting her too much and it is affecting her work. She also cannot bear the thought of having to tell her boyfriend not to visit her at work – how embarrassing would that be?

### **William's Additional Information**

This is the fifth or sixth summer that Valorie has worked at William's smoothie stand. William has always found Valorie to be his most reliable employee until this boyfriend business. He doesn't want to fire Valorie because of all the years she has worked for him, not to mention that he's fishing buddies with her dad so he really doesn't want there to be any bad blood between him and her family. The problem is that he is losing business now because of Valorie's boyfriend affecting her work – this isn't going to be able to continue; she's going to have to tell him to stop visiting or he's going to have to fire her.

## **23. Custodial Concerns**

### **General Information**

Wilma is the head of the custodian crew that cleans an office building. Recently, there have been items going missing from the offices. Xander, the property manager, wants Wilma to interview her employees to see if any of them are taking items from the offices. Wilma feels defensive – she trusts her staff and does not want to interview them about this because she feels that they will take the interview as an accusation. Xander has asked Wilma to attend mediation with him to brainstorm what they can do about the situation. Wilma has agreed and they both will pay for the mediation services.

### **Wilma's Additional Information**

Wilma knows that some of her employees have criminal records. She is concerned that if she talks to them about the missing items from the building, they might either be very defensive or might even quit. Working with Wilma is a fresh start for many of her employees and they value being trusted and respected despite their past.

### **Xander's Additional Information**

Xander knows that some of Wilma's employees have criminal records and he suspects that the missing items were taken by one of her employees. He feels strongly that Wilma needs to talk to them about this situation – he doesn't want to get the police involved, but with the pressure he is receiving from the tenants about the missing items, he feels that he might have to if Wilma isn't willing to talk to her employees.

## **24. Buy-Out Proposal**

### **General Information**

Xavier and Yolandi own an online marketing company. Xavier is planning on leaving the company and Yolandi would like to continue with the company. Xavier figures that the company is worth a little bit of money and wants Yolandi to buy him out of his interest in the company. Yolandi agrees that the company is worth some money but feels that Xavier is leaving and that she should not have to buy him out of his share because he is abandoning the company. According to the policies that Yolandi and Xavier established when they initially built the company, they must attend mediation to try to resolve their dispute about the buy-out. The mediation services will be paid by through the company.

### **Xavier's Additional Information**

Part of the reason Xavier wants to leave the company is because he is worried that after things “return to normal” (after the pandemic), the bubble for online marketing will close and the company will no longer be profitable. He wants more stability and is going to work for a company that is owned by someone else, so he does not have to be biting his nails about payroll every couple of weeks. Though he isn't sure if the company will continue to be profitable, he does feel that he invested a lot into the company, both in intellectual and financial contributions, and wants to be acknowledged for his contributions through a buy-out. He thinks that \$50,000 is reasonable because this year's profits will likely be \$100,000.

### **Yolandi's Additional Information**

Yolandi appreciates Xavier's contributions to their company, but because it is still a relatively new company, she feels that it is unfair of him to ask for a buyout. She also feels that he is abandoning the company and maybe should even pay into the company because when he leaves she is going to have to hire someone else and train them, which will likely cause the company's profitability to go down. The company will likely make \$100,000 this year but hiring someone will bring that profit down significantly. In addition, with him leaving and the future of the company being more uncertain than if he were staying, it would be nice to have some extra “cushion” cash available just in case.

## **25. Office Romance**

### **General Information**

Yvette is dating one of her coworkers. Though relationships between coworkers are permitted, Zachary, Yvette's direct supervisor, is concerned that her romance is affecting her work performance. Yvette thinks she is still doing her job and that her relationship is none of Zachary's business. Zachary has asked Yvette to attend mediation with him to discuss his concerns. Yvette has begrudgingly agreed. The office will cover the costs of the mediation services.

### **Yvette's Additional Information**

Yvette is middle aged and thrilled to be in a committed healthy relationship for the first time in her life. She feels that Zachary is jealous of her happiness and is just trying to steal her thunder. Yes, she might be a little dreamy and whimsical around the office these days because her beau does work in the office with her, but she is still getting her job done, so what is the problem?

### **Zachary's Additional Information**

Zachary is a young supervisor and feels self-conscious even bringing up his concerns to Yvette. The reason he needs Yvette to consider how this romance is affecting her work is because there have been customer complaints. Twice when a customer came to pick up some documents, Yvette was nowhere to be found, and the customer had to leave and come back another time, which frustrated the customers. After the fact Zachary discovered that Yvette was in the parking lot smoking cigarettes with her boyfriend. On another occasion, a customer complained that when he called the office, he could hear Yvette giggling and teasing her boyfriend in the background and found it very distracting. Zachary does not have a problem with Yvette continuing her romance, he just needs her to act more professionally while at the office.

# Elder & Estate Scenarios



## **1. The Disinherited**

### **General Information**

Zelda and Amy are sisters. Their parents recently died and through the probate process Zelda realized that Amy has been disinherited. Zelda was surprised and wonders if it was a mistake. She wants to respect her parents' wishes, but also wants to make sure that Amy gets what is fair. Zelda has asked Amy to come to mediation with her to discuss what can be done. The estate will pay for the mediation services.

### **Zelda's Additional Information**

Zelda is the executor of the estate and wants to make sure that Amy does not feel that Zelda is withholding an inheritance from her. She is surprised that her parents disinherited Amy, and wants her to receive something, but does not know what would be appropriate while respecting the fact that their parents left Amy out of their wills entirely.

### **Amy's Additional Information**

Amy is not surprised that she was disinherited by her parents. She never got along with her parents, and before they died, they had a major falling out and she never made up with them before they died. She appreciates that Zelda wants to give her something out of the estate, but she is not sure what to suggest, especially because her parents obviously did not want her to have anything.

## **2. Care Home Concerns**

### **General Information**

Abel and Betsy's mother is in a care home. Betsy is concerned that their mother is not getting the care she needs. Abel thinks that the care home is perfectly acceptable considering their budget. Abel and Betsy are joint decision makers for their mother. They cannot seem to figure it out between themselves and the conflict is damaging their relationship, so they have agreed to hire a mediator to help them and that they will split the cost evenly between them.

### **Abel's Additional Information**

Abel is feeling the financial pressure of paying for the care home. He feels that if they change care homes it will likely cost much more than he can afford. Abel also thinks that Betsy's expectations for the care of their mother are unrealistic and that she will never be satisfied.

### **Betsy's Additional Information**

The last two times Betsy went to visit their mother, her mother's hair was unwashed, dirty dishes were in her room, and the stench in the room was unbearable. She is concerned that her mother is being neglected in the home. She knows that it will likely be more expensive to move their mother to another home, but she feels that it is worth it, she is their mother after all – the least they can do is make sure she has good care as she always made sure they had good care when they were growing up.

### **3. What's Gonna Happen to the Farm?**

#### **General Information**

Benjamin and Carter are brothers. Their father was recently in a car accident and is now in a coma. Their father is a farmer and the crops will need to be tended to and a plan for the harvest will need to be made. Benjamin and Carter both live in the city and do not have much experience with the farm aside from the limited experience they had growing up. Benjamin thinks they should hire someone to take on the farm until their father's condition changes and they must make a more permanent arrangement. Carter thinks that he and Benjamin should both take leaves from their work and with the help of neighbours take care of the farm until their father's condition changes. Benjamin suggested that they go to mediation to try to figure out what to do because they seem to have come to an impasse and the situation is time sensitive. Carter agreed to attend mediation if Benjamin pays for the services.

#### **Benjamin's Additional Information**

Benjamin's law firm in the city is very busy and he does not want to pause his practice to deal with his father's farm. His strategy with most things in life is to throw money at it, so he thinks that hiring someone to deal with the farm until his father dies is the most logical and least stressful solution. Once his father dies, he knows a more permanent arrangement will need to be made, but he thinks it will be easier to pay someone in the meantime instead of taking time off work when it is uncertain how long his father will remain in the coma.

#### **Carter's Additional Information**

Carter has an ecommerce business. He makes a comfortable living but does not have a lot of extra money. Benjamin's suggestion of hiring someone is way outside of what Carter could contribute to financially. Carter thinks if he and Benjamin take time off together, he is sure they can figure out how to handle the farm, especially with the help of neighbours. Carter also thinks he could likely work a little bit from the farm as long as the internet connection is okay, that way he won't be spending money hiring someone to look after

the farm and he'll still be able to make a little bit of money while they handle the farm until their father either pulls through the coma or passes away.

## **4. New Partner Problems**

### **General Information**

Carol is widowed and recently began a relationship with a young man she met through an online dating site. Their romance has been moving quite fast and he has moved into her apartment and she is thinking about updating her estate documents to include him. Carol's daughter, Debbie is very concerned about how fast the relationship is moving and would like Carol to be thoughtful about making these big decisions. Carol is upset with Debbie because she thinks that Debbie should support her in her new romance. Debbie asked Carol to go to mediation with her because she wants to maintain a positive relationship and this conflict has been causing a lot of tension between them. Carol agreed to attend mediation and has offered to pay for it.

### **Carol's Additional Information**

Carol plans on making her boyfriend her healthcare proxy because he is a nurse and she trusts that he will make the best decisions for her. Carol is also considering making him her power of attorney because he is so much younger than her and will likely have capacity longer than she will. She also wants to give him a little bit of her estate in her will to show her appreciation for him. Carol's only daughter, Debbie, lives so far away and if she keeps her as the proxy and power of attorney Carol is concerned that she might not be able to act as immediately as might be necessary.

### **Debbie's Additional Information**

Debbie is worried that her mother is being conned by this young boyfriend of hers. This boyfriend came out of nowhere and is over twenty years younger than her mother. Debbie has read horror stories about older ladies being taken advantage of by young men and is really concerned for her mother. Debbie wants to continue to be her mother's healthcare proxy and her power of attorney.

## **5. Wife Worries**

### **General Information**

Dan and his wife, Emma, have been married for 45 years. Lately, Dan has noticed that Emma has become increasingly forgetful. He has asked her to go with him to prepare estate documents, but she keeps putting it off saying that they are both in good health and do not need to worry about those sorts of things yet. After discussing this with his adult children, Dan sees the value in having him and Emma try mediation to discuss why he thinks it is important for them to go get their estate documents in order and to discuss Emma's forgetfulness and his worries about what might be going on with her health. Emma has reluctantly agreed.

### **Dan's Additional Information**

Dan is very worried that Emma might be experiencing the early signs of dementia. He does not know what he will do if she loses her mental capacity; he relies on her for many things and does not know how he would manage their home and lives without her help.

### **Emma's Additional Information**

Emma has noticed that she is becoming more forgetful. She is worried that she might be losing some of her capacity, and she is defiant about it, not wanting to admit her own concerns. She has always been an independent person and she has often thought of herself as the head of their home; she does not know what she will do if she loses her capacity to manage her life. She is also very worried about how Dan will manage when she is no longer able to help with things around their home and in their lives. Though she is worried, she does not want to attend to getting her estate documents in order because she feels that is admitting to what is going on for her regarding her failing memory.

## **6. More Care Needed**

### **General Information**

Edwin and Frank's parents are both living in a care home. Edwin has noticed that many of the staff have left the employ of the care home. Edwin wonders if his parents would benefit from a higher level of care. Edwin would like to hire a private nurse to visit them and care for them two or three times a week. Frank feels that Edwin's concerns are unfounded and does not want to pay for the additional expense of a private nurse. Edwin discussed this dispute with his co-worker, and his co-worker suggested that Edwin and Frank try mediation. Edwin asked Frank to go to mediation and Frank has agreed.

### **Edwin's Additional Information**

Edwin is particularly concerned about how his parents are doing because he is often reminded that he himself might be put in a home one day. He hopes that his children want to put additional resources into his care if they ever feel that he is not getting the very best care possible.

### **Frank's Additional Information**

Frank is very concerned about how much the care home costs and does not want to put in the extra resources for a private nurse. He does not think that the care at the home is poor, in fact he thinks that the care their parents receive is superior to that that other residents at other homes receive. He thinks that Edwin just feels guilty that their parents are in a home at all. He wants Edwin to know that throwing more money at the situation will not alleviate Edwin's guilt.

## **7. The Portrait Problem**

### **General Information**

Franny and Gina are siblings. When their parents died, a large family portrait was gifted through their parents' will to Gina. Franny is upset about this. She wants the portrait and has the space for it, whereas she does not think that Franny wants it and it will likely end up gathering dust in her garage. Gina has asked Franny for the portrait and Franny has said no, but she is willing to trade something of Gina's for the portrait. Gina is upset that Franny wants something in exchange for the portrait and thinks that she should just give it to her. Gina complained about this situation to one of her friends, and her friend suggested that Franny and Gina go to mediation to try to resolve their disagreement about the portrait.

### **Franny's Additional Information**

Though Franny does not have the space to hang the portrait, she does not want to let it go. She recently had it appraised, and it was valued at \$4,000. Though she has no plans to sell it, she does not feel that Gina should just get it. Their parents left it to Franny as part of her inheritance, so Franny feels she should have some sort of compensation if Gina wants the portrait.

### **Gina's Additional Information**

Gina knows that her parents paid big money to have that portrait painted and she feels that it is disrespectful to their memory not to have the portrait hung up where it will be visible. Franny lives in a small condo and has no space to hang the portrait, whereas Gina has a beautiful big wall in her home where she could hang it so that it is visible to all of her visitors. Gina does not think that she should have to pay Franny anything or trade her anything because Franny could not get any money for the portrait anyway – who wants a huge painting of someone else's family?

## **8. Diamond Dispute**

### **General Information**

Gary and Helena are siblings. Their parents left them each several pieces of expensive jewellery. When Helena went to get her share of the jewellery appraised, the appraiser told her that the diamonds in the jewellery had been swapped out for glass imitations. Helena is upset and thinks that Gary should share his portion of the inheritance because clearly his portion is worth much more, but their parents intended them each to have a fair share. Gary does not think that is the case. He thinks that their parents knew who was getting what and gave Helena what they did intentionally – probably because they thought she would keep her jewellery to wear as where they knew he would likely sell his share. This disagreement has caused a lot of turmoil in the siblings' lives and their families are both sick of hearing about the jewellery. Helena's son knows a mediator and set them up with a mediation session so that they can figure out how they can resolve their issues.

### **Gary's Additional Information**

Gary took his share of the inheritance to the same appraiser Helena took hers to. The appraiser told him that his share of the jewellery is worth \$10,000. Gary is very excited to sell the jewellery and buy a boat for his family to enjoy at their cabin at a lake. He doesn't want to split the value with Helena and he doesn't want to give Helena any of the jewellery before he sells it because he is worried that if he does that he won't have enough to buy a boat.

### **Helena's Additional Information**

Helena thinks it is selfish for Gary to keep all the expensive jewellery and leave her with the worthless glass jewellery. She will keep her share to wear, but she also wants something that is worth something because she feels that her parents intended for them both to have something of value after they die.

## **9. Healthcare Conflict**

### **General Information**

Harold and Isla's mother is living in a care home and her doctor recently told the siblings that their mother needs a heart transplant. Harold feels that a heart transplant would be a waste for a person of such advanced age, whereas Isla feels that everything should be done to keep their mother alive for as long as possible. Their mother never completed a healthcare directive before she went into the home and she no longer has capacity to appoint someone as her health care proxy. Because neither Harold nor Isla is the appointed healthcare proxy for their mother, they feel that they must decide what to do together. Their mother's doctor suggested that they try mediation to see if they can come to an agreement.

### **Harold's Additional Information**

Harold feels that their mother will die in the next few months and does not feel that a massive surgery like a heart transplant will not change that outcome for her. Harold feels that any heart that is available for a transplant should go to someone who will have a long life after the transplant.

### **Isla's Additional Information**

Isla wants everything medically possible done to keep their mother around for as long as possible. She feels that transplants are a gamble for any person, and if the heart goes to someone else they could just as easily pass away as their mother, so the transplant might as well go to her if there is a chance it could prolong her life at all.

## **10. Biological Property Access Dispute**

### **General Information**

Ida's husband died two years ago. Before he died, they froze some of his sperm and it is being kept at a sperm bank. Ida decided recently that she should like to donate the frozen sperm to one of her friends who is having difficulty conceiving and needs high quality sperm. The sperm bank does not want to release the sperm to Ida's friend because Ida is the named beneficiary of the biological property. Ida has hired a lawyer to help her resolve this dispute and her lawyer suggested that a representative from the sperm bank and Ida go to mediation to try to solve the issue before the sperm bank and Ida spend resources on a lawsuit.

### **The sperm bank's representative, Jill's Additional Information**

The sperm bank has a protocol that they attend to the transfer of the sperm to a doctor's office for fertilization. The sperm bank does not have any protocol for personal transfer. Because Ida is the named beneficiary in their documentation, they feel that their only option is to transfer it to her doctor for fertilization, they don't feel that they can give it directly to Ida, or to Ida's friend, or even to Ida's friend's doctor. Their lawyers are confused about how to handle this while maintaining the integrity of the sperm bank's protocols and procedures.

### **Ida's Additional Information**

Ida will not be using the sperm for herself ever and does not want the biological matter to go to waste. When she found out that her friend needed sperm, she immediately offered her deceased husband's sperm – she didn't realize this would be such a huge legal dispute, but now she feels that it is ridiculous that the sperm bank won't release the sperm to her to give to her friend, and she is determined to get that sperm for her friend no matter how much it costs her in legal fees.

## **11. What to Do with The Cremains?**

### **General Information**

Jack and Katie's child died after a long battle with cancer. Through the child's illness, Jack and Katie separated. Their child was cremated and now Jack and Katie are having a disagreement about where the cremains should remain. Katie would like the cremains interred in a graveyard so that both she and Jack can visit the grave whenever works for them individually. Jack would like the cremains to remain in his care and for Katie to have to ask whenever she wants to visit the cremains. Jack and Katie would happily have their lawyers hash this out for them, but their lawyers have recommended that they try mediation to discuss how to handle their disagreement.

### **Jack's Additional Information**

Jack stayed at the hospital each night their child was battling cancer. Jack feels an immense amount of guilt for separating from Katie during their child's illness and feels that the separation might have affected their child's ability to get better. Since the child died, Jack has visited the funeral home every day to visit their child's cremains. He wants the cremains in his home instead of a graveyard because he wants the convenience of visiting with his deceased child whenever is convenient.

### **Katie's Additional Information**

Katie would like the cremains interred in her family's plot at a graveyard. She feels uncomfortable with the idea of having to go to Jack's house to visit the cremains. Since their separation their relationship has been tense at best and she really wants to avoid having to talk to him because it's so awkward for her. She feels that if the cremains are interred each parent can visit their child whenever works for them without having to deal with the other parent and that will be much more comfortable for them both in the long-term.

## **12. An Inheritance of Pets**

### **General Information**

Kent and Larry's mother recently died and in her will she left her seven cats to the boys for them to care for. Kent and Larry have no desire to look after her cats, in fact, neither of them even like cats. Kent wants to take them to the humane society, but Larry thinks that that would be disrespectful to their mother. Larry wants Kent to look after the cats or for Kent to rehome the cats. Kent and Larry cannot come to an agreement about this issue and have decided to hire a mediator to help them discuss what to do.

### **Kent's Additional Information**

Kent does not like cats and was always trying to get their mother to get rid of her cats while she was still alive. He feels that part of the reason why she died was because she insisted on staying in her home instead of moving to assisted living because no assisted living facility would allow her to bring her cats. If she had only moved to a facility Kent is sure she would still be alive, so he feels a lot of resentment toward the cats. If it was up to him, he would just have them all put down.

### **Larry's Additional Information**

Larry does not like cats, but he knows how important these cats were to their mother. He wants to honour her memory by making sure her cats are well taken care of, but because of his work schedule he does not think it would be appropriate for him to take on the care of the cats. Because Kent is already retired, Larry figures that he is the best option for caring for the cats, and if Kent does not want to look after the cats, Kent should find them all loving homes.

## **13. Concerns about Property Distribution**

### **General Information**

Linette and Marty's parents recently died. Marty is the executor of his parents' estate. After the distribution of their parents' estate Linette is concerned that Marty did not distribute the estate properly. Linette feels that certainly her parents had more wealth than the meagre portion she received. When Linette asked Marty about this, Marty became defensive and accused Linette of not trusting him. This issue is causing a lot of tension between these siblings, and Linette's partner has suggested they go to mediation to try to sort it out. Marty agreed to attend mediation with Linette.

### **Marty's Additional Information**

Marty feels that he distributed the estate appropriately given his parents' instructions that they left in their will. What Linette does not seem to understand is how much it costs to administer an estate. There are lawyer fees, title transfer fees, and on, and on. Not to mention that Marty is still paying bills associated with the funeral. Linette also does not understand the work that it took Marty to administer their parents' estate – the whole thing was a nightmare!

### **Linette's Additional Information**

Linette is sure that Marty is withholding part of the inheritance that she is due. Linette is upset that her parents chose Marty as their executor instead of her and the fact that he is clearly holding out on her just confirms to Linette that her parents made the wrong decision in who they appointed as their executor.

## **14. Adult Guardianship**

### **General Information**

Melissa and Nancy's younger brother has an acquired brain injury. Melissa and Nancy recognize that now that their parents have died that they should look after their brother. They know that they need to apply to become their brother's guardians, but they are unsure of how to go about it. Ideally, they think they should be jointly responsible, but they are both concerned with the cost of caring for their brother and the cost of applying for guardianship. Because they cannot figure out what to do, they have decided to hire a mediator to help them brainstorm what to do.

### **Melissa's Additional Information**

Melissa wants to help care for her brother, but she has a lot of other responsibilities. She has four children of her own and is the sole provider for her children. She is worried that she does not have the resources to help her brother or to contribute to the application to become one of his guardians. She also does not want all the responsibility to fall on her sister.

### **Nancy's Additional Information**

Nancy wants to help care for her brother but feels that Melissa would be a better fit as guardian because she already cares for her four children and Nancy does not have any children of her own. She does not know how they will pay for the application for guardianship because she does not have much money of her own. Nancy also does not know how their brother will be cared for because his care is quite expensive and between herself and Melissa there are not many resources that can be accessed to pay for all their brother's needs.

## **15. Dispute about Decision-Making**

### **General Information**

Noam and Orion's mother lives in a care home. Noam and Orion's father was their mother's power of attorney, however, they have recently had to put him in a home as well. Noam feels that because he is the oldest, he should be the decision-maker for both of their parents. Orion disagrees because he is more involved in the care for both of their parents so he feels that he should be the one in charge of making decisions for them. Because decisions need to be made about their parents' care, Noam and Orion decide to attend mediation to try to resolve their disagreement.

### **Noam's Additional Information**

Noam feels that because he is the oldest it is his responsibility to look after making the decisions for his parents' care. He knows that Orion visits their parents more often than he does, but that is just because he does not have a job, not because he would be better suited to making decisions for them.

### **Orion's Additional Information**

Orion feels that because he is the one that visits their parents the most often, he is best suited to make decisions for them. He knows what they need and what makes them happy and Noam is completely out of touch with that. All Noam cares about is money and power. Orion feels that Noam does not really care about making the best decisions for their parents and only really cares about being in charge.

## **16. Appointing an Administrator**

### **General Information**

Oscar and Peter's father recently died. Their father died intestate. Oscar thinks that Peter should be the administrator of the estate and Peter thinks that they should hire a professional administrator. Oscar and Peter do not want to fight about this, so they decided to hire a mediator to help them decide what to do.

### **Oscar's Additional Information**

Oscar thinks that Peter should be the administrator of the estate because he knows that Peter is smart and knows a lot about these sorts of things. Oscar also thinks that it would be better to have the administrator of the estate be part of the family – that way they will save some money on fees and keep all the information about the estate within the family.

### **Peter's Additional Information**

Peter was the executor for his deceased friend's estate, and he knows what a hassle it can be. He feels that hiring a professional administrator will reduce stress for the whole family. Even if it costs a bit of money, Peter feels that it is worth it so that he does not have to stress about the process while grieving their father's passing.

## **17. Undue Influence?**

### **General Information**

Paul and Quigley's father has a new care nurse. Paul was at their father's house the other day and noticed a document on the kitchen counter that appointed their father's new care nurse as his power of attorney. Paul is worried that this new nurse has some sort of undue influence over his father and will take advantage of him. When Paul raised this with Quigley, Quigley felt it was none of their business and that Paul was invading their father's privacy by looking at the document. Paul is still concerned and even more so now that Quigley has demonstrated that he is not concerned about it. Paul spoke to his lawyer and his lawyer suggested that Paul and Quigley go to mediation to talk about the situation.

### **Paul's Additional Information**

Before their father updated his power of attorney document, Paul was his appointed power of attorney. Paul is confused as to why his father updated this document and appointed his new care nurse. Their father has not known this nurse for very long and surely Paul is the better choice as power of attorney because he is family!

### **Quigley's Additional Information**

Quigley thinks that Paul should mind his own business. Their father seems to get along with this new nurse very well and Quigley presumes that his father appointed the nurse as his power of attorney so the nurse could attend to his everyday needs, like paying the phone bill for example. Quigley does not understand why Paul cares who is the power of attorney – isn't it just a lot of work and headache? Shouldn't he be grateful that it is now someone else's responsibility?

## **18. Conflict about the Condo**

### **General Information**

Quinn and Rhett have different fathers, but the same mother. Their mother recently died, and the only thing she left behind was her condo. Their mother died without leaving a will, so the children must figure out what to do about the condo. Quinn has seen the condo and knows that it needs some work done to update it if they are going to try and sell it. Rhett has been living at the condo and does not want it updated or sold – he is very comfortable living there as it is. Rather than spend money on lawyers, Quinn suggested that they split the cost of a mediator. Rhett agreed, but asked that Quinn pay the whole cost and let him pay her back slowly because he has been out of work for a while now and does not have much extra cash.

### **Quinn's Additional Information**

Quinn would like to put a little work into the condo and sell it. She thinks that even just giving it a fresh coat of paint would likely increase how much they could sell it for. She estimates that they could sell it for \$180,000 as is, but probably more like \$200,000 if they did some very minor renovations. After the fees and everything, they would likely each be able to walk away with a sizeable chunk of cash and be able to put down payments on properties of their own.

### **Rhett's Additional Information**

Rhett has been out of work for a long time and has been living the condo ever since he lost his job. The only cost of living he has while residing there are the utilities. He does not want to move out of the condo, and he does not want to have to share the cost of doing renovations on the condo to get it ready to sell. He feels that his mother would want him to continue to live in the condo. His mother was never close with Quinn and he feels that if their mother would have written a will, she likely would've have included Quinn in it.

## **19. Who will Pay for the Funeral?**

### **General Information**

Ruth and Stefan's father died suddenly. He had no cash or assets, only debts. Now Ruth and Stefan are left to try to figure out what to do about paying for his funeral. Stefan feels that because Ruth is the eldest that she should attend to the facilitation of the funeral and pay for the expenses related to it. Ruth feels that if she must plan the whole thing, Stefan should at the very least chip in. Ruth has an acquaintance who recently finished taking mediation training and has offered to give Stefan and Ruth a free mediation session to try to figure out what to do.

### **Ruth's Additional Information**

Ruth does not mind planning the funeral, but funerals are very expensive, and she thinks that she and Stefan should split the cost 50/50; especially since their father has left them nothing in terms of assets.

### **Stefan's Additional Information**

Stefan has the same money personality his father had and has nothing in the way of savings. Stefan lives paycheque to paycheque and if he needs to contribute to the cost of his father's funeral, he will likely have to get a line of credit to do so. He knows that it is not really fair to make Ruth pay for everything and plan, but she is the older sibling and way more organized and responsible than he is.

## **20. Succession Planning Conflict**

### **General Information**

Selena and Trinity's parents own a successful insurance brokerage. Selena and Trinity both have an interest in taking over the brokerage when their parents die. Their parents have planned to give it to them equally, however, Selena and Trinity do not get along very well and cannot imagine having to work together to continue the business when their parents die. Their father, sick of their squabbling, has sent them to mediation to figure out a plan on how they can work together when he and their mother die.

### **Selena's Additional Information**

Selena is the elder of the sisters and has taken extensive education in business management. She thinks that she is the better suited of the two to take over the business and she does not want to have someone she has to answer to about the decisions she makes for the business. Especially because Trinity does not have any formal education and would not know what she was talking about anyway.

### **Trinity's Additional Information**

Though Trinity does not have any formal education, she has always worked for her parents and knows the business very well. Trinity does not think that Selena would be a good manager of the business because even though she has extensive education, she has never worked at the brokerage, so she does not have good practical experience in running the business. Trinity also does not want to work with Selena because she is a know-it-all and way too bossy.

## **21. Do we get Rid of the Renters?**

### **General Information**

Timothy and Uma's parents died unexpectedly in a car accident. Their parents own a home that is rented by a family. During the turmoil that followed the passing of their parents, Timothy and Uma forgot about the rental property for some time and the renters, though they continued to live in the property, did not pay rent for six months. Now that Timothy and Uma are wrapping up the executorship of their parents' estate, they must decide about the renters. They have asked the renters about payment and the renters say they are not going to pay the back rent because Timothy and Uma did not ask them for it when it was due. Timothy would like to let them continue to live there and just forgive the back rent. Uma wants to evict them and get a lawyer to get them to pay the back rent. Timothy and Uma have decided to go to mediation to talk about options regarding the renters.

### **Timothy's Additional Information**

Timothy understands that it is partially his and Uma's fault that the renters have not paid their rent. They completely forgot to collect it from the renters and now getting six-months rent from them would likely be difficult – who has six-months of rent just kicking around? His understanding of the family is that they have rented from his parents for many years and have always been good tenants. He knows what a headache it can be to acquire good tenants, so he would like to avoid having to put the place back on the rental market by just forgiving the back rent and continuing to allow the family to live in the property (as long as they start paying their rent now).

### **Uma's Additional Information**

Uma feels that this family took advantage of her and Timothy by not paying their rent while she and Timothy were trying to figure out everything regarding their parents' estate. She thinks that they should pay the back rent and that they should be evicted for their poor behaviour. She cannot believe that her brother can tolerate the disrespect these tenants have shown.

## **22. Can we Work Together?**

### **General Information**

Ulrich and Vern's dad died, leaving a thriving food delivery business. Their dad's will gave Ulrich and Vern the business to manage together. Ulrich and Vern have concerns that they will not be able to work effectively together given that they have never worked together, and both have other jobs at this time. Ulrich and Vern have decided to go to mediation to brainstorm what they can do about their father's business.

### **Ulrich's Additional Information**

Ulrich has been working as an accountant for many years. Other than helping his father out when he was a teenager, Ulrich has very little experience or knowledge of the business. Ulrich would like to sell the business rather than continue it, especially because he cannot imagine how he and Vern would manage it together because their personalities have clashed many times throughout the years.

### **Vern's Additional Information**

Vern is a bartender and has led a mostly nomadic life. He is interested in settling down and managing his father's business but cannot imagine working with Ulrich – they never got along when they were growing up and have very little contact with each other now as adults. Vern does not see selling the business as an option – the only options he sees are he and Ulrich figuring out how they can work together or Ulrich allowing him to take on the business by himself.

## **23. Trustee Concerns**

### **General Information**

Valerie and Wilmer's long deceased grandmother left them large inheritances that have been paid out to them monthly for many years. Valerie recently reviewed the terms of the will and thinks that the professional trustee hired by the estate has not been following the instructions correctly. Valerie brought this up with her cousin Wilmer, and Wilmer, after reviewing the will himself, thinks that the trustee has been following the instructions correctly. Valerie and Wilmer decided to go to mediation to discuss this issue because Valerie would like the trustee fired and Wilmer disagrees.

### **Valerie's Additional Information**

In her grandmother's will it clearly directs the trustee to pay her and Wilmer \$2,000 each month for twenty years. Valerie has only ever received \$1,800 a month. Valerie feels that the trustee has been swindling them and has likely pocketed the difference. She wants to sue the trustee for what she sees as her losses and she cannot fathom why Wilmer thinks that what the trustee has been doing is okay.

### **Wilmer's Additional Information**

Wilmer's understanding of the will and the trustee's role in following the instructions leads him to believe that the additional \$200 that he and Valerie have never received is likely the cost of the trustee's services and whatever taxes and such are needing to be paid. He does not think there are any grounds to sue or fire the trustee and thinks that Valerie is being histrionic. He knows Valerie is a spendthrift and is often in financial trouble and thinks that her reacting this way reflects that and not of the trustee having done anything wrong.

## **24. Guardian Appointment Problem**

### **General Information**

Wendy and Xena's much older brother's wife is his guardian after he experienced an accident that left him incapable of caring for himself. Wendy is worried that now that their brother's wife is in her twilight years, she will likely need someone else to take over the role of guardian. Xena feels that she and Wendy should stay out of it until their brother's wife asks for help. Wendy does not feel that Xena is hearing her concerns and has asked that they go to mediation to talk about her concerns. Xena agreed.

### **Wendy's Additional Information**

Wendy has visited her brother and his wife several times a week for many years and has started to notice that things around their house are slipping. Wendy found car keys in the fridge, spoiled milk in a kitchen cupboard, and dust bunnies throughout the house. She worries that her brother's wife is no longer able to care for her brother or herself. She wants Xena to help her to figure out how they can get appointed as their brother's guardian from here on out.

### **Xena's Additional Information**

Xena thinks that her brother's wife will let her, and Wendy know when she needs help. She does not think that it is her place or Wendy's place to step in before they are asked to. Xena thinks that Wendy is being overprotective and extreme by wanting to move forward with having guardianship changed.

## **25. What an Odd Request**

### **General Information**

Xiomara and Yvette's grandfather left strange instructions in his will that they cannot decide if they want to follow. Their grandfather would like for them to track down a former lover of his and give her his ashes. Xiomara and Yvette feel strange about this because they did not know about this lover (who is not their grandmother), and they feel quite uncomfortable giving his ashes to someone outside of their family. Yvette is leaning toward keeping the ashes whereas Xiomara is concerned that that would not be fully honouring their grandfather's memory and thinks that maybe they should at the very least track down this lady and then decide from there whether they should give their grandfather's remains to her or not. Xiomara has hired a mediator to help them talk about what they might do.

### **Xiomara's Additional Information**

Though Xiomara was surprised to learn about her grandfather's affair, she feels that they should follow his will's directions even if it is a little bit uncomfortable.

### **Yvette's Additional Information**

Yvette was shocked and dismayed to learn that her grandfather had an extra-marital affair and wanted to leave his remains to his lover. She feels uncomfortable with the whole thing and wants to ignore his instructions about this. He will never know in any event because he is dead.

# Family Scenarios



## **1. What Activities will the Children do?**

### **General Information**

Adam and Bonnie have two boys. Adam wants the boys to participate in karate and hockey, whereas Bonnie wants the boys to participate in swimming and piano lessons. Adam refuses to help pay for swimming and piano lessons, and Bonnie cannot afford to put the boys in those activities without Adam's financial help. The boys have not participated in any of these activities before and are equally interested in all four. Bonnie has asked Adam to go to mediation with her to discuss which activities the boys will participate in. Adam begrudgingly agrees if they split the cost of mediation 50/50.

### **Adam's Additional Information**

Adam always wanted to try karate when he was a child, but his parents could never afford for him to. Adam was able to acquire used equipment and participate in a rec hockey league growing up and that was a valuable experience for him. He does not understand why Bonnie would not want their children to have that same wonderful experience. He doesn't have an issue with swimming or piano lessons, but there's only so much money and so much time in a week so the boys should really only be in two activities max. Adam hopes the mediator will help him sway Bonnie to his position.

### **Bonnie's Additional Information**

Bonnie thinks it is important for the boys to take swimming lessons so that they can learn important lifesaving skills. She thinks that hockey and karate are too violent and does not want to waste the family's resources on putting their children in those types of activities. Bonnie recently read an article that music lessons help children with language skills, math skills, and literacy, so she thinks it is important for them to be involved in music lessons. Bonnie wants Adam to help contribute to swimming and piano lessons because she will not be able to afford to pay for the boys to go to those activities if he doesn't. She also feels that hockey is quite expensive and worries that if Adam gets his way, she will not be able to financially contribute to the boys being involved in that sport.

## **2. What do we do About the House?**

### **General Information**

Benny and Cora bought a house two years ago and decided to separate last year. They owe \$300,000 on the mortgage and the term will not be up for another three years. The real estate market is down, and their realtor said they would likely only be able to sell their house for \$250,000. Benny and Cora have been amicable throughout their separation; however, they are having a difficult time deciding what to do about the house. They have hired a mediator to help them brainstorm options and come to an agreement.

### **Benny's Additional Information**

Benny thinks that the only viable option is for one of them to keep the house. He feels that they would lose too much money if they tried to sell it now, plus they would have penalties associated with getting out of the mortgage before the term is up. They put a 20% down payment on the property when they bought it and Benny would like to get that back in a sale, which he does not think is possible in the current real estate market. Benny feels that if Cora wants to sell it she should have to pay any fees associated with the sale and that she should have to pay him his share of the down payment.

### **Cora's Additional Information**

Cora thinks that they should list the property for sale for the amount owing on the mortgage and see if anyone bites. If they have additional fees or penalties they must pay, Cora figures that they should just split that cost 50/50. If the property sells for less than they owe, Cora thinks that they should take on that cost together and deal with that equally. Cora just wants all ties between them wrapped up and doesn't want either of them to keep the house. She thinks the house represents their relationship and if either of them keeps it she feels that will be awkward and inhibit them from moving on.

### **3. Discipline Differences**

#### **General Information**

Colin and Denise have two boys. Colin is a disciplinarian and keeps strict rules when the boys stay with him (three days a week). Denise keeps a much looser structure for the boys when they stay with her (four days a week). Colin is frustrated by the difference in their discipline styles because he feels that the boys are out of control when they come to stay with him and he spends most of his time with them “getting them back on track”. Denise thinks that Colin is too tough on the boys and points to their parenting differences as a reason as to why they broke-up in the first place. As this is causing tension in their co-parenting relationship, Denise suggests that they attend mediation to chat about their differences in disciplining the boys.

#### **Colin’s Additional Information**

Colin is a full-time reservist and brings his military experience into his parenting style. He expects the boys to be obedient and expects them to do many chores around the house. When he picks the boys up from Denise’s, he feels that they are contrary and obstinate for at least a day before they get used to his differing parenting style. By the time he drops them off at Denise’s, they are whipped back into shape, but all his efforts feel pointless because Denise doesn’t enforce any rules with the boys or make them do any chores during her parenting time. Colin would like Denise to adopt some of his parenting techniques so that the boys have more consistency in their lives and so that the transition from home to home is not as jarring.

#### **Denise’s Additional Information**

Denise thinks that boys will be boys and should be allowed to do pretty much whatever they like. She thinks that children who have lots of duties around the home tend to be miserable – they will have to do chores the rest of their lives, so while they are children they should just get to enjoy their childhood. Denise thinks that Colin is a slave-driver and she wants him to take it easier on the boys – the divorce was hard enough on them, they don’t need more stress with strict parents and chores.

## **4. Spousal Support Confusion**

### **General Information**

During their marriage, Darcy worked at a convenience store and supported them while Edna went to school. They split up last year, just as Edna finished her residency as a doctor. Edna thinks that Darcy should have to pay her spousal support because while they were together, he made the money, and Darcy thinks that Edna should have to pay him spousal support because now she has a better paying job. They have decided to discuss this in mediation.

### **Darcy's Additional Information**

Darcy is sore about the fact that he supported Edna throughout medical school and now she is making so much more money than he is and still demanding spousal support from him. He worked long hours, nights, and overtime to provide for them over the course of their marriage and thinks that he should get some recognition for his contribution to her career.

### **Edna's Additional Information**

Edna thinks that her money should be hers because she and Darcy are no longer together. Because Darcy worked while she was in school and she had no money, she thinks it is proper that he should continue to financially support her as she begins to embark on her career. Edna still is not making a full doctor's wage and she has many debts associated with her schooling that she will need to pay. Darcy is working full time making the same wage he has been for many years and likely has extra money now that they are not living together. It is not like she wants everything he makes – she just wants what is fair considering he has always been the working partner.

## **5. Pet Custody**

### **General Information**

Ernest and Felicia broke-up recently. One of the first things they want to agree to is the custody of their pets. They have a tropical fish tank with over 100 fish, 7 cats, 2 dogs, a rabbit, and 2 birds. Ernest wants to keep the fish because he is still living in their house, so he has the tank (they specially built it into the house during their relationship). Felicia would like half of the fish, the birds, the rabbit, 1 of the dogs, and 2 of the cats. They are using mediation to negotiate the terms of their separation.

### **Ernest's Additional Information**

Ernest does not think that Felicia is being reasonable about the pets she would like to take from the relationship. Felicia is living in a small apartment, so how will she possibly have the room for all the pets she wants? The fish tank they have was specially built into the structure of their home and even if she only takes half of the fish, she will need a massive tank to house them. That alone will likely take up all the extra room she would have in her apartment for any pets. She certainly should not have one of the dogs – they are big dogs and neither of the dogs would be happy living in a tiny apartment.

### **Felicia's Additional Information**

Felicia feels that she will likely buy a house in the next year or so, so if things are crammed in the apartment with her and all the pets she wants to take from the relationship, it will only be temporary. She wants at least half the fish because they were expensive and she feels like it would be unfair for Ernest to keep them all, especially if they breed at all and he ends up having more fish than when they broke up. Felicia loves animals, which is why they practically had a zoo in their home. She cannot imagine her life without her darling pets. If it was up to her, she would take all the pets, but she knows that isn't practical because she knows that Ernest also loves their pets and would put up a fuss if she took them all.

## **6. Family Photos Dispute**

### **General Information**

Freddie and Grace recently separated. A few months ago, they paid \$2,500 to have family photos taken. The pictures are western themed, and part of the cost was the expensive costumes they wore during the photo shoot. Neither of them cares about the photos of the family all together, but they certainly care about the pictures of their children – they are very cute photos and cost a lot of money. They cannot make duplicates of the photos because the package they purchased was a package wherein the photos are mounted on plaques. They would each like possession of these photos and cannot agree as to what to do about them. They have hired a mediator to help them discuss options.

### **Freddie's Additional Information**

Freddie was the breadwinner in the relationship and sees these photos are his property because he paid for them. He thinks that Grace is getting away with murder in their property division and on top of that he has to pay her child support and spousal support – the least she could do is let him have these adorable photos of their children!

### **Grace's Additional Information**

Grace feels that she should get the photos. She arranged for the photo shoot and picked out the costumes – basically she did all the facilitation to get the photos, so she feels she deserves them. Freddie is the one who ended their marriage, so the least he could do is give her the photos of her babies – she barely has anything in her new house and it would make it feel so much homier to have these cute pictures.

## **7. Holiday Hullabaloo**

### **General Information**

Georgia and Hannah both like to go to the same resort in Mexico. They have been going to that resort since before they met, continued to go there throughout their marriage, and now that they are broken up, they both still want to go there. Unfortunately, they have similar work schedules and it seems that anytime that either of them are trying to book in to go to the resort, the other one is trying to make plans to go there at the same time. This issue is causing them both distress and they have decided they need to go to mediation to help them brainstorm what to do.

### **Georgia's Additional Information**

Georgia thinks that they should alternate years that they go to the resort so that they can both enjoy the resort, but that they are not there at the same time. It likely wouldn't ever work if they both tried to go in the same year given that their work schedules are so similar that they would likely be trying to book in to go to the resort at the same time. Georgia feels that going alternating years is the only fair solution (and of course, she would get to go this upcoming year).

### **Hannah's Additional Information**

Hannah thinks that Georgia needs to find a new resort. Hannah loves the resort and cannot imagine ever going to a different one. She feels anxious even thinking about trying to find a comparable vacation location. Georgia is much more adventurous, so Hannah feels that she is better suited to find a new resort. Hannah does not like the idea of not going to the resort annually – she is a person who likes routine, and it is a tradition for her to go to the resort during her weeks off. She cannot imagine what she would do with herself during her time off if she cannot go to the resort.

## **8. New Partner Problems**

### **General Information**

Herbert and Iona have been separated and divorced for several years now and have had an amicable co-parenting relationship. Recently, Herbert began a relationship and his new girlfriend has already moved into the home he shares with the children when it is his parenting time. Iona is concerned that the relationship is moving too quickly and is too serious too soon. She is worried that the introduction of a new partner to the children will make them attached to this person and she does not want them to be upset when Herbert and his girlfriend break-up. Herbert and Iona have regularly gone to mediation when they have conflicts come up related to their co-parenting arrangement, so they are going to go back to mediation to discuss the issue of Herbert's new partner.

### **Herbert's Additional Information**

This is Herbert's first relationship since he and Iona separated. He is confident in the relationship and wants his new girlfriend to be involved with his children. He does not think it is any of Iona's business to dictate how quickly or how fast his relationship develops. Herbert's girlfriend loves his children and is a wonderful person to share a home with. When Herbert invited his girlfriend to move in, he felt it was perfect timing because they had been dating for six months and his girlfriend's lease was up on her apartment. He cannot imagine how embarrassed he would be if he now must ask her to move out because of how Iona feels about the situation. Though he knows his girlfriend would be understanding about it, he would feel badly – she has already made herself at home in his house.

### **Iona's Additional Information**

Iona is very worried that Herbert and his new girlfriend will not last. Before Iona and Herbert began seeing each other Herbert was quite the womanizer and rarely had long-term relationships. Iona imagines that Herbert will likely follow a similar relationship pattern now. Iona is worried that the children will be upset when Herbert breaks up with his girlfriend (which she feels is inevitable). Especially with Herbert's girlfriend living with him she feels it will be especially hard on the children. Iona would prefer if Herbert's

girlfriend did not live in his home and would like for the children to have minimum contact with Herbert's girlfriend until they have been together for at least a year or two.

## **9. Child Support Conflict**

### **General Information**

Ingrid and Jess have two children from their relationship. Ingrid and Jess have been separated for two years and their parenting schedules have always been flexible. Recently Jess was speaking with a friend of hers and her friend mentioned that she thinks that Ingrid should be paying Jess child support. Jess and Ingrid have always just paid for anything the children need when they are in either of their care, but when Jess's friend brought this up Jess began to feel that maybe Ingrid should be paying her something. When Jess brought this up with Ingrid, Ingrid became very defensive about it. Jess suggested that they go to mediation to talk about this conflict because she is feeling that it is causing tension between them. Ingrid has agreed. Jess and Ingrid decided that they will equally contribute to the cost of mediation.

### **Ingrid's Additional Information**

Ingrid makes about \$75,000 a year. When she and Jess split up, they knew they would need to be flexible in their parenting schedule because they both have jobs that do not have consistent schedules. Ingrid has appreciated the flexibility that they have had in their co-parenting relationship and is thankful that they have been so amicable – she has seen many couples who are too rigid and do not get along at all post-separation. When Jess brought up child support Ingrid was pretty upset about it. She feels like they equally contribute to parenting and the costs associated with bringing up their children. She cannot imagine why Jess would be asking for money from her – maybe she's being greedy – but Ingrid definitely doesn't think she needs to be paying Jess any kind of support.

### **Jess's Additional Information**

Jess makes about \$60,000 a year, but it fluctuates with commission (some years are better than others). She never even considered asking for child support until her friend brought it up, but now she is sure that she should be receiving at least something from Ingrid, especially because she knows Ingrid makes more money than she does and that Ingrid's income is more consistent given the type of work she does.

## **10. What to do about the Family Cabin?**

### **General Information**

Janie and Kyle are separating after a ten-year common-law relationship. Kyle's family owns a cabin and his parents have split the cabin into four shares, giving one to each of their children. Janie suggests that Kyle should ask his parents to split Kyle's share into two and for them to give one share to her. Kyle thinks that is ridiculous and thinks that his interest in the cabin should be left alone in the property division. Because they are going to mediation to discuss the terms of their separation, they have decided to discuss this issue in mediation as well.

### **Janie's Additional Information**

Janie and Kyle always rented and kept their bank accounts separate. Janie is worried that when they finalize their separation, she will be destitute. She does not think that Kyle will pay her spousal support and she thinks the only way that she could have any financial security is if she can get her name on the family cabin's title.

### **Kyle's Additional Information**

Kyle thinks that Janie should not even be asking for anything to do with the family cabin. That cabin is his family's, it is not even his! He feels that she is just being greedy and needs to let it go.

## **11. Religious Upbringing Dispute**

### **General Information**

Kendall and Lonnie have two children from their relationship. Kendall has recently converted to a religion and wants to take the children to church with her. Lonnie is an agnostic and is not comfortable with the children going to church. Lonnie thinks that children should be exposed to all sorts of religion and be allowed to make their own decisions about if they want to go to church when they are old enough to decide that themselves. Kendall is very upset with Lonnie's position on this topic because she is concerned with the children's eternal soul. Lonnie asked Kendall to go to mediation with him to brainstorm what sort of compromise they might come up with regarding this conflict they are having. Kendall has agreed and Lonnie has offered to pay for the mediation.

### **Kendall's Additional Information**

Kendall did not grow up religious, but since she and Lonnie broke-up she found comfort in attending church. She wants the children to have the same sense of comfort and community that she gets from being a member of the church. She also wants them to convert to her religion because she fears for their souls. She thinks it is selfish of Lonnie to not allow for them to go to church with her. She wonders if he perhaps is evil or maybe demon possessed because of how strongly he opposes her desire to expose their children to her religion.

### **Lonnie's Additional Information**

Lonnie grew up going to church with his grandparents. He found it to be a traumatic experience. He wants to protect his children from the experience he had and is very uncomfortable with the idea of Kendall taking their children to church. He is happy to adjust their parenting schedule so that he has the children when she wants to attend church services and events – he is even willing to continue paying the amount of support he is paying without any adjustment even though he will be taking more parenting time. Lonnie feels strongly that children can be easily brainwashed by religion and he wants them to be developed and mature enough to make decisions about religion before being taken to church services.

## **12. Pre-Nup Confusion**

### **General Information**

Lucy and Monica signed a pre-nuptial agreement before they got married that said that in the event of a separation that neither of them would ask the other for spousal support and that they would keep their finances separate throughout their marriage and walk away with whatever they had individually accumulated throughout the years. In the fifteen years of their marriage, Lucy began making great investments and her wealth grew immensely. Lucy and Monica often used Lucy's money to go on vacations and to make updates to their home. Lucy also received several raises and is making much more money than Monica is. Monica feels badly asking Lucy to divide up her money and for spousal support, but Lucy feels that Monica likely needs something to get her on her own feet now that they will no longer be together and able to use whoever's money is available at the time for whatever expenses come up. Monica and Lucy have decided to go to mediation to talk about what to do.

### **Lucy's Additional Information**

Lucy feels badly because she always encouraged Monica to follow her passions and feels responsible that Monica has never really held a steady job in their marriage. Lucy feels that if she had encouraged Monica to stay with a job Monica would be in a better financial place. Lucy would like to give Monica \$50,000 worth of investments and pay her \$5,000 a month in spousal support for five years.

### **Monica's Additional Information**

Monica does not want Lucy to pay her anything. Monica feels that they should honour the pre-nuptial agreement that they signed before they got married. Monica feels embarrassed that she has not done as well financially as Lucy has and wants to get herself in a healthy financial place without any help from Lucy.

## **13. Inheritance Disagreement**

### **General Information**

Martha and Noah are separating. About two weeks into their separation, Martha's mother died, leaving her an inheritance of \$150,000. Noah thinks that Martha should have to share her inheritance with him, and Martha feels that it should be hers entirely. They will discuss this issue in mediation because that is how they are negotiating all the terms of their separation.

### **Martha's Additional Information**

Martha does not want to share her inheritance with Noah. Noah has been trying to screw her out of everything in their separation and he was very controlling with the finances while they were together. She plans to buy a house and a new car with this inheritance and if she shares any of it with Noah that will really ruin her plans.

### **Noah's Additional Information**

Noah thinks Martha must share the inheritance with him. If they had still been together, she would be sharing it with him, so why shouldn't she have to now? They were barely separated when Martha's mother died, and all their finances were still entangled at that time. Noah makes \$90,000 a year and Martha only makes \$30,000, so Noah knows that he will likely have to pay Martha spousal support, so he thinks if she has to share her inheritance with him that will make things more fair. She got to benefit from his high wage for their entire marriage, so now that she is going to be in such a financially cushy position, he should get to benefit from that!

## **14. Rental Property Dispute**

### **General Information**

Noelle and Owen own a rental property together. They are negotiating their separation using mediation. Noelle would like for Owen to continue to look after the rental property and to share the profits with her equally. Owen thinks that if he has to look after the rental property and deal with all the headaches that come along with being a landlord, he should get to keep all the profits that are made from the property.

### **Noelle's Additional Information**

Noelle is an artist and works whenever it suits her. She has always helped with the rental property but does not want to look after it by herself. She feels that Owen is much better suited to that type of thing because he works as a handyman professionally. Noelle would like for Owen to pay her half of the profits he earns from renting out the property because she feels like that would be fair – they don't have much else to split up, so she feels that if he has to continue to share the profits with her that will give her some security that she will need to continue to be able to enjoy her lifestyle.

### **Owen's Additional Information**

Owen worked hard to pay off the rental property's mortgage and continues to work hard. He makes about \$70,000 a year as a handyman and handles all the repairs needed at the rental property himself. He and Noelle have been profiting from having a rental property for over a decade now and it earns them about an extra \$20,000 a year. Noelle has always helped with the rental property, but if she no longer wants to help him with it, he does not think she should get any of the profits. He is happy to pay her out half of the value of the property, but he does not think he should have to pay her \$10,000 a year from the profits moving forward. Noelle does not make a regular annual wage, but every now and again she makes big money selling some of her art. There have been years when she has made upwards of \$100,000, so he thinks that she will be just fine without earning anything from the rental property.

## **15. Ownership Interest Conflict**

### **General Information**

Petra owns a second-hand clothing shop. She has been doing very well and her business makes about \$200,000 a year after expenses have been paid. Omar has been a stay-at-home dad for the last five years. Petra and Omar have separated recently and are using mediation to help them negotiate the terms. Petra would like to offer Omar spousal support for five years and pay him child support, as he will likely continue to do the bulk of the parenting because she is so busy with her shop. Omar is agreeable to accepting spousal support and child support, but he also thinks he has an ownership interest in Petra's company and thinks that he should make dividends and have some decision-making power regarding what happens with the shop in the future.

### **Omar's Additional Information**

Omar does not plan to go back to work ever and if Petra's business continues to do well, he feels that he should not have to. He is very happy being a homemaker and stay-at-home dad and wants to continue with that type of life even after he and Petra have finalized their separation. Even if he makes wise choices when managing his share of the property and the spousal support Petra is suggesting she provide him with, that will not take him very far. He wants long-term stability after their separation and feels that having an ownership interest in Petra's company will provide him with the security he needs and wants to continue with his lifestyle.

### **Petra's Additional Information**

Petra is agreeable enough to pay Omar spousal support and child support, but she does not think that it is fair for him to have any ownership in her business. She built that business – she started selling second-hand clothes when she was on maternity leave with their first child, and she was so savvy at it that soon she was able to lease a space so she could keep more inventory on hand. Not long after that, she was so busy and successful that Omar was able to quit his job to stay at home full-time with their two young children. It is important to her to have autonomy in decision-making regarding the shop

and she does not feel that it is fair for Omar to continue to benefit from her hard work after they separate.

## **16. Farming Operation Concerns**

### **General Information**

Penelope and Quincey are getting married. Quincey's parents would like for Penelope to sign a pre-nuptial agreement to protect their farming operation if she and Quincey ever break-up. Quincey works on the farm and gets a wage of \$85,000 per year. Quincey is listed as an owner of the farming operation and the operation is worth two million dollars. Quincey's parents fear what would happen to the farm if Penelope and Quincey separate and Penelope demands a share of the operation. Penelope does not understand why Quincey's parents don't trust her, and Quincey feels caught in the middle – he wants Penelope to feel that she secure in their relationship and he always wants his parents to be satisfied that their farm is safe. Quincey has asked Penelope to go to mediation with him to discuss how they can word the pre-nuptial agreement in a way that would make her feel comfortable in signing it.

### **Penelope's Additional Information**

Penelope grew up on a farm and enjoys being on the farm with Quincey. She cannot imagine ever separating and feels that signing a pre-nuptial agreement is unromantic. She is also upset that Quincey's parents do not trust her – she would never try to take any part of the farm away from Quincey and his family!

### **Quincey's Additional Information**

Quincey understands his parents' perspective and Penelope's. He really wants everyone to be happy, so he wants to try to figure out a way to get Penelope to sign without making her feel uncomfortable. He knows that she says she would never ask for any part of the farm, but things do change, and he wants to be confident that his parents' farm is protected.

## **17. What to do about the Living Situation?**

### **General Information**

Queenie and Renee own a home together. When they separated Renee moved into the basement. They have continued to live together and be separated for two years. Now Queenie has a new partner and wants Renee to move out so that her new partner can move in. Renee does not want to move out. She feels that she has an equal right to the property. Queenie and Renee have decided to go to mediation to try to help them figure out what to do – they both have lawyers and are both threatening to take the other to court if they can't come to an agreement in mediation.

### **Queenie's Additional Information**

Queenie wants Renee to move out. They have always equally contributed to the expenses of the house, but Queenie knows that Renee could not afford it by herself. If Queenie's new partner moves in and helps her with the expenses, she will be able to comfortably afford the place when Renee moves out. There is some equity in the property, but the market is low right now and they could not sell it and make any money. Queenie thinks that it is fair for her to offer Renee \$10,000 to move out of the house.

### **Renee's Additional Information**

Renee does not want to move out. Renee is happy to continue to live in the basement indefinitely. She does not even mind if Queenie wants her new partner to move in as well. The market is low right now so they can't sell the property and make any money on it, but the market isn't low enough for Renee to be able to afford her own house – she doesn't make very much money and her bank has said that they won't approve her for a mortgage more than \$150,000. In addition, Queenie's meagre offer of \$10,000 for a payout isn't going to help Renee very much in terms of getting a new home.

## **18. Divorce or not to Divorce?**

### **General Information**

Reid and Stephen are having troubles deciding if they should get a divorce. They have been separated for four years and have never pulled the trigger on applying for a divorce. Neither of them wants to pay for it, but they do think that maybe they should get divorced because it is sort of weird to still be legally married. They are both re-partnered, and Reid has had two children with her new partner. Stephen and his new partner recently bought a home together and Reid had to sign all sorts of paperwork and get independent legal advice because she and Stephen are still legally married. Reid thinks that it will likely be easier for them both in the future if they just do it, but Stephen still doesn't really think it's a priority – he and his new partner have just started a major home renovation and he doesn't have much in the way of extra money to pay for a divorce application. Reid suggests that they go to mediation to talk about what they might do. Stephen agrees if they don't spend too much money on the process.

### **Reid's Additional Information**

Reid has two children with her new partner, and it is weird to still be married to Stephen. She also felt very uncomfortable when she had to sign all that paperwork when Stephen and his new partner were buying their house. She would like to tie up this loose end and just get this divorce dealt with, but she knows that Stephen doesn't want to pay for it and she doesn't have much extra money either to pay for it herself. She knows that a person can do the paperwork themselves and only pay the court fees, but she is worried that she wouldn't do it right because it seems sort of complicated. She knows that Stephen wouldn't likely do it himself either – forms and stuff like that have never really been his thing.

### **Stephen's Additional Information**

Stephen does not think that getting a divorce is necessary. His partner has never been bothered about it and he and Reid have done just fine being separated without having to get divorced. So, what if now and again someone must sign something? Does not seem like that big of a deal. He does not want to do it themselves because he does not think

either of them would do a good job of getting the documents together and he does not want to pay for it either. Even if they split the cost, won't they both have to get their own lawyer and go to court to deal with it? Seems like a major expenses and headache to him – he just wants to focus on his home renovations and continue with his life the way it is.

## **19. Big Ticket Items**

### **General Information**

Susie and Thomas are attending mediation to figure out what to do with their big-ticket items. While they were together, Susie and Thomas spent thousands of dollars furnishing their house. They also bought a boat, skidoo, quad, and motorhome. Now that they are parting ways, they are not sure how to separate everything. Nothing can be sold for as much as they bought it for and it seems that anytime they say they want an item, the other person also wants the same item. Hopefully, their mediator can help them decide how to divide this stuff!

### **Susie's Additional Information**

Susie would like to sell most of the stuff and split the money, but she knows that they will not be able to buy the same items for what they are selling their current items for – everything they have seems to be a depreciating asset. The furniture is very expensive, but it would be silly for her to take any of it to her new, small condo – it would not fit and does not match the décor. They likely will only be able to sell the furniture for 50% or less of what they bought it for. When she brings up the other items to Thomas, it seems that he wants all of them. She would like them too, so she is not sure what to do.

### **Thomas's Additional Information**

Thomas doesn't care about the furniture other than that he would like to get as much money for the items as possible – if Susie wants to take it, he thinks he should have to pay her half of what that furniture cost them to buy. He would post everything online to sell, but most people low-ball you and he does not want to get swindled out of what he thinks the furniture is worth. He knows that Susie wants the boat, skidoo, quad, and motorhome, but he also wants those things. If he gives Susie half of what they are worth, she won't be able to buy equivalent items, and if they split the stuff each of them won't have some of the things they want – for example, if he takes the boat, Susie won't get to go boating, so that doesn't really seem to solve the problem either...

## **20. Trash Talking**

### **General Information**

Trisha and Ulysses have been divorced for five years. They have two teenage girls. Last time the girls were with Trisha, the girls told her that Ulysses has been trash talking her to them saying that she is lazy, isn't a good mother, and is crazy. Trisha is very upset about this because she always thought that she and Ulysses had an amicable break-up so she cannot fathom why suddenly, he is speaking rudely about her. Trisha called Ulysses and asked him if they can go to mediation to negotiate some guidelines on how they talk about each other to their children. Ulysses agreed.

### **Trisha's Additional Information**

Trisha wants Ulysses to respect her and she wants him to speak well of her even if they are not together anymore. She does not remember a time when he spoke poorly of her in the past and she wonders what could be going on that now he is trash talking her to their children.

### **Ulysses' s Additional Information**

Ulysses pays Trisha \$5,000 spousal support every month. He has always had the girls more often because when he and Trisha broke up, he kept the family home and the girls wants to continue to live there. The girls only spend a couple days a month at their Trisha's condo. The girls have told Ulysses that Trisha sleeps in late and orders them take out when they stay with her. The girls also told Ulysses that Trisha rarely does activities with them, instead she usually just wants to watch a movie with them or she lets them do whatever they want to do and she goes out to the pub with her friends. Trisha has never gotten a job since she and Ulysses broke up and has continued to rely on his financial support, even all these years later. Ulysses is annoyed that Trisha does not work and is irritated that she doesn't make a better effort with the girls, especially considering she sees them so rarely. He thinks that she is lazy and if she has a problem with him saying that she should change her behaviour.

## **21. On Again Off Again**

### **General Information**

Uriah and Victor have been in a relationship for almost twenty years. They keep breaking up and getting back together. They have shared an apartment together and when they break up, one of them will usually go and stay at a friend's house until they get back together. Though they've been together for a long time, they aren't sure if they were ever considered common-law spouses because of how often they broke up. Now they think that they are done for good, so they are wanting to negotiate what to do about spousal support and property division given they are so uncertain about how their tumultuous relationship affects their legal rights. They have decided to try mediation to negotiate an agreement before they talk to lawyers.

### **Uriah's Additional Information**

Uriah feels that common-law rights should apply to the relationship even though they were on again off again. Uriah would like spousal support and half of Victor's pension. Uriah makes \$30,000 a year and Victor makes \$60,000, and Uriah has no pension.

### **Victor's Additional Information**

Victor isn't sure if the relationship would qualify as common-law. Victor feels that with each of them moving in and out of the apartment so frequently they likely were never together for two years consecutively. Victor doesn't want to pay Uriah spousal support and thinks that if Uriah wants a pension that Uriah should just get a job that offers one – Uriah could work anywhere – Victor has never understood why Uriah continues to work at a dead end job that only pays \$30,000 annually.

## **22. How to structure estate planning**

### **General Information**

Vickie and Wade are separated and have a dependent adult son. They want to attend mediation to talk about how they will structure their estate plans to make sure that their son is properly cared for after they die.

### **Vickie's Additional Information**

Vickie has some money in savings and a life insurance plan. Her biggest concern is who she will assign as her trustee when she passes away – her son does not have the ability to manage finances himself but will need someone to make sure that he has everything he needs. She also wonders who she and Wade can appoint as a guardian for him when they die – neither of them has any family members that are still living and/or able to take on that kind of responsibility. Vickie does not want their son to end up in an institute because they have not thought this through properly.

### **Wade's Additional Information**

Wade has designated a professional trustee company to look after his finances and distribute his estate when he dies. He thinks that Vickie should do the same thing but knows that she is suspicious and would want someone she knows personally. Another suggestion that he has is that she makes him her trustee and he will look after her estate if she dies first – he is not sure if she will think that's an acceptable option. Wade is concerned about who they will appoint as their son's guardian – they have always tried to provide him with as much independence as they possibly could while still providing him with the care he needs. Neither he nor Vickie have anyone they trust enough to ask to be their son's guardian, and he's not sure if there is an option for a professional guardian...he doesn't want their son to go to an institute or care home – he wants an option where the person would be dedicated and care for their son the same way they always have.

## **23. Parenting Time Dispute**

### **General Information**

Waylon and Xia have two children: a five-year-old and an eight-year-old. Xia has always had the children live with her since she and Waylon separated – Waylon took them for two weekends a month. Now Waylon’s job schedule has changed, and he is available much more. He would like to switch to an equal time parenting arrangement. Xia is vehemently against this saying that the only reason why he wants that is so that he does not have to pay as much child support. Waylon has tried to reason with her to no avail. He complained to his lawyer about it and his lawyer suggested that instead of trying to do an application to change the parenting arrangement that Waylon and Xia go to mediation to see if they can hash things out that way. When Waylon suggested this to Xia, she was very eager to try it because her health benefits cover mediation whereas she always has to pay out of pocket for her legal fees.

### **Waylon’s Additional Information**

Waylon and Xia separated when their youngest child was only a year, so Waylon feels that he has really missed out on a lot of the develop of both of their children – when they were together, even if he was working, he could see the children between shifts, but now he only gets to see them when he has true time off. He tried to change his schedule for many years before he was finally successful in getting a promotion with much more forgiving hours. He can even do some of his work from home now so he thinks it would be great to have the children with him more often. He is not fussed about child support and is even willing to continue to pay the amount he is currently even though he would have the children more often.

### **Xia’s Additional Information**

Xia has worked part time ever since her maternity leave ended with her youngest child. She enjoys work, but she also enjoys spending lots of time with her children, so she feels that she gets the best of both worlds with the parenting arrangement that she and Waylon currently have. Waylon has been paying her spousal support and child support regularly for the last four years and she is worried that with Waylon wanting to change the parenting

arrangement that he will also want to change how much he pays her in support. She knows that she could go back to working full-time if they changed the parenting arrangement, but she would prefer not to – she would prefer to continue with things the way they are and she doesn't think that a good lawyer or a good judge would ever suggest anything different than her young children spending as much time with their mother as they always have.

## **24. What to do about birthdays?**

### **General Information**

Xan and Yumi have twin boys who are five-years-old. Xan and Yumi just recently broke up and are trying to negotiate their parenting arrangements by using mediation. Xan would like the boys to stay with him on their birthday – it also happens to be his birthday. Yumi says that alternating years would be fine, but that it is ridiculous for Xan to say that just because it is his birthday that he should always have the boys with him on their birthday.

### **Xan's Additional Information**

Xan thinks it is very special that he and his children all share the same birthday. He has always made quite a spectacle of their combined birthdays and he wants to continue with the extravagant birthday tradition even though he and Yumi have now broken-up. He thinks it is selfish for Yumi to want to take the boys away from him on his birthday – she can have them on her birthday! And she can celebrate the boys' birthday on another day with them.

### **Yumi's Additional Information**

Yumi understands that Xan likes to have big birthday bashes with the boys, but she wants to create new special traditions with the boys as well. She thinks it is very fair to alternate years – that way she can make special traditions with the boys for their birthday and he can also continue his traditions with the boys on the years that he has them for his birthday. She thinks it's ridiculous for Xan to think that he should get to have parenting time with the boys every year for their birthday – even if it is his birthday too, he isn't a child and needs to grow up and not be so selfish!

## **25. Property Division Dispute**

### **General Information**

Yvonne and Zion are separating and using mediation to negotiate their property division. Yvonne and Zion own a house, a cabin, and two rental properties (none of the properties have mortgages). Yvonne owned the house before their marriage and Zion owned the two rental properties before he and Yvonne moved in together. Yvonne has investments of \$100,000; she began making investments in her teens and the growth during her marriage to Zion was approximately \$30,000. Zion also has investments, but he did not start investing until he was in his early adulthood; the growth on his investments since his marriage to Yvonne is approximately \$75,000. Yvonne thinks that Zion should give her one of the rental properties and that she should get to keep the house. She also thinks that Zion should give her half of his investments. Zion thinks that they should sell the house and cabin and split the proceeds, that he should keep the rental properties and that they should each get to keep their investments.

### **Yvonne's Additional Information**

Yvonne estimates that the rental properties are each worth \$300,000 and that the house is worth about \$300,000. She thinks that if Zion keeps one of the rental properties and the cabin and she take the other two properties that they will be about even. She also thinks that Zion should give her half of his investments because he contributed to them with their shared money, whereas she should get to keep all of her investments because most of the funds that were put in there were from when she was a teenager and didn't even know him yet – therefore, in her opinion, all the growth should be hers because the original capital was hers alone.

### **Zion's Additional Information**

Zion has been retired for a couple of years now and makes a nice little income from the rental properties. He would like to keep them because that way he will continue to earn some money in addition to his pension. He doesn't think that Yvonne should get either of them because he was the one that brought them into the relationship and also because she doesn't need any additional income – she makes a good living and is still several

years away from retiring. He does think that they should sell the cabin and the house because both properties are quite large and cost a lot to keep up – if they sell those properties each of them can walk away with a nice chunk of change and get places that are much more manageable for them. He wants to buy a little condo and a timeshare for himself, and if they sell the cabin and the house for \$300,000 a piece, that will give him just enough to buy what he would like to so that he can begin his new lifestyle. Zion also feels that he should get to keep all his investments once again because Yvonne has an income still and can continue to invest, whereas he must be on a fixed budget now that he is retired. He thinks that his suggestions are very fair and take into consideration different stages of life they are both in.

**Afterward:**

Thank you for reading and using our book!

If you want help scheduling a Qualified Mediator Assessment using a scenario in this book, please reach out to us and we would be happy to assist you:

[admin@commonsensemediation.ca](mailto:admin@commonsensemediation.ca)

We offer ongoing professional development and training opportunities.

Please join the Saskatoon Mediation Practice Group and check out the CommonSense Mediation Website for more information:

[www.commonsensemediation.ca](http://www.commonsensemediation.ca)

Please follow us on social media – we would love to follow you back so we can stay connected:

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We appreciate your ongoing support and participation in our programs. If you ever have questions about mediation, please reach out to us – we would love to hear from you.

We wish you the best on your journey and we look forward to being an ongoing part of your professional development.

To support you in your mediation education we would like to offer you a 10% discount on your next course registration with our Academy.

Enter code **100Roleplays** on your registration form to receive your discount!

**[Note: Discount code is a one-time use per registrant]**

Until next time, Happy Mediating!

Sincerely,

CommonSense Mediation Academy Administration

September 23<sup>rd</sup>, 2020