

Collaborative Governance Initiative

A VISION FOR A KINDER, GENTLER COMMUNITY THROUGH ALTERNATIVE DISPUTE RESOLUTION

Town of Canmore

Finding new ways to resolve disputes can certainly seem like a formidable task. Just ask anyone who's been stuck in a dispute that's going nowhere.

Sometimes, though, all it takes is one person to reject the status quo, and set out a vision for a new way of thinking. For the Town of Canmore, that man was Mayor Bert Dyck, whose term ran from 1992 to 1998.

The breakthrough came while Dyck was leading a community consensus-building exercise in the 1990s, to help the Town manage explosive growth. He saw first-hand how groups with adversarial positions could come to a mutually satisfactory agreement.

When he became the Town's Chief Administrative Officer in 2001, Dyck recalled the success of that approach when he was confronted by a particularly nasty dispute between a business and some of the Town's residents. Using a mediated approach similar to that used in the growth management study, the parties were able to come up with a solution that worked for all. Dyck was inspired by the success, and wasted no time in drafting an Appropriate Dispute Resolution (ADR) policy for Town Council's consideration.

His vision was to have the entire organization think in terms of "win-win" when working through conflict. Dyck's ADR policy is a reminder that going to court is not an inevitable outcome of disputes, and that legal action should only be used as a last resort.

"I began to think that if people changed their attitudes towards conflict," says Dyck, "and we experienced a few solid hits in a small town with a grapevine, we could begin to change the way people thought about dispute resolution."

Council certainly agreed, and Dyck's next task was to find the manpower to take on the plan and implement it. A formal plan was drawn up, a committee was formed, and a group of dedicated individuals jumped on the bandwagon. "I can't take all the credit," says Dyck, who is now Canmore's Chief Administrative Officer. "It took some very hard-working individuals to turn the concept into reality. It's a big job."

The job of spearheading the initiative fell to Steve Burford, Director of Corporate and Protective Services for the Town of Canmore. He was charged with implementing the ADR strategy internally with Town staff, then looking at how the concept could be offered to the community.

"I definitely supported the idea of less adversarial ways of negotiating disputes," Burford says. "I think many of us prefer discussion and negotiation to litigation, but don't know how to go about it. The ADR policy gave us something concrete we could grab onto."

A critical part of getting this policy up and running was getting in touch with others with similar ideas. Fate intervened when Burford met a fellow collaborator at a conference: Bill Diepeveen, Coordinator of Mediation Services with Alberta Municipal Affairs.

"Municipal Affairs has shared their expertise with us in this area and that has been a huge help along the way," Burford says. "They also have a superb network of people who work in the area of mediation, so we have been put in touch with some really exciting people and ideas. I tip my hat to the role they play in the province."

The ADR Committee's Strategic Plan focused on five key areas in the Town: Planning & Development, Engineering, Municipal Enforcement, Public Policy and Human Resources. Each was assigned its own task force. Municipal Affairs offered names of coaches with relevant experience in those areas to help each group develop a targeted ADR strategy for their own area.

Ash Wilson, Manager of Municipal Enforcement, has been involved in turning the ADR concept into reality in the area of Municipal Enforcement. He says that formalizing the process has made it more top-of-mind. "We're using an ADR approach instead of laying charges, when it makes sense to do so," Wilson says. "I think it's made us all more proactive, so that we think of ourselves now as problem solvers, not ticket writers. That means we're dealing with issues coming through the front door, instead of through the back door of the courts. Our time is better spent this way, and it's more helpful for everyone – ourselves and the residents."

Burford says that many of the other ADR teams are seeing similar successes, and that just inspires everyone to keep on with the program. It also meant turning their attention to how ADR thinking could be rolled out into the community.

"As we got more involved, and more comfortable with the process ourselves," says Burford, "we started to investigate how the community could embrace the principles of ADR. This is when we met another key person who helped Canmore explore how to implement such an idea."

That person is Erika Deines, Mediation Coordinator with the Community Mediation Calgary Society (CMCS). Their organization has implemented an internet-based intake service that allows as few as two part-time coordinators who work at home to coordinate referrals for mediation from Calgary police, church groups, community groups and others.

"Our funding partners love the fact that we can get the job done with less staff cost, and no office overhead," says Deines. "That means the money is spent helping people, not paying for infrastructure."

The other benefit of this very efficient process is that it's an established system that can be easily adapted for small communities. That means towns like Canmore could use the CMCS intake service, and avoid a costly investment establishing their own service.

"Canmore has recently been involved in four or five disputes that they have tried to help mediate, and found it's an enormous amount of work," says Burford. "We love the idea of mediation and want to offer it to our residents, but the Town has to get out of the middle."

This system illustrates the kinds of benefits that come out of people with similar philosophies working together. "The collaborative process of mediation is based on a philosophy that naturally leads to creative ways of working together," Deines says. "It flows into so many other great things."

Burford couldn't agree more. "When you change your way of thinking, good things happen. The more people experience a win-win process, the more they embrace it."

With the new process considered a done deal, the Town is now working through the details of how it will be implemented. Bert Dyck's belief in the process, and those he has inspired along the way, will ensure that this happens.

"The ideal is an actual paradigm shift within the community," says Dyck. "We want people to think of ADR as a first option. When people think that way, and you give them the tools to apply that thinking, you really start to change the community in a significant way!"