

Mediation-Arbitration in Canada

MARCH 29, 2021 1 MIN READ

Related Expertise

- Domestic and International Arbitration

Authors: Lauren Tomasich, Sarah Firestone

Mediation-Arbitration – also referred to as Med-Arb – is an innovative alternative dispute resolution process that begins with mediation and then shifts to arbitration if the parties fail to reach a settlement. This voluntary hybrid option is becoming increasingly popular for parties looking to avoid costly litigation. In some, but not all, cases, the mediator can assume the role of arbitrator if the parties have not come to an agreement through mediation.

In this article, Osler partner Lauren Tomasich and associate Sarah Firestone, who both practise in the firm's Litigation and Domestic and International Arbitration Groups, provide an overview of the Med-Arb process in Canada, offering valuable insight into how the approach works in different jurisdictions across the country.

Originally written as a Practice Note for the LexisNexis Practical Guidance subscription service, this resource offers

- a chart outlining the domestic and international legislation that applies federally, and in each province and territory across Canada
- a jurisdiction-by-jurisdiction analysis of whether the same person can act as both mediator and arbitrator on a matter
- a review of the Med-Arb Rules that the ADR Institute of Canada recently released
- a summary of the advantages and disadvantages of having the same person act as mediator and arbitrator on a matter

If you have a subscription to Practical Guidance by LexisNexis, access Mediation-Arbitration in Canada.