## MODEL MEDIATION CLAUSE 2

*In this model clause the mediator is appointed when a dispute arises.* 

## Agreement to Mediate Disputes

In the event that any dispute arises between the parties in relation to this Agreement, or out of this Agreement, and the dispute is not resolved by negotiation, the parties agree to submit the dispute to mediation. The parties further agree that their participation in mediation is a condition precedent to any party pursuing any other available remedy in relation to the dispute. [OR The parties further agree that their participation in mediation is a condition precedent to any party commencing litigation in relation to the dispute.]

Any party to the dispute may give written notice to the other party of his or her desire to commence mediation, and a mediation session must take place within [30] days after the date that such notice is given.

The parties must jointly appoint a mutually acceptable mediator. If the parties are unable to agree upon the appointment of a mediator within [7] days after a party has given notice of a desire to mediate the dispute, any party may apply to the Mediate BC Society, or such other organization or person agreed to by the parties in writing, for appointment of a mediator.

The parties agree that the mediation will be conducted in accordance with the Mediation Rules of the Mediate BC Society.

The parties further agree to share equally the costs of the mediation, which costs will not include costs incurred by a party for representation by counsel at the mediation.