



# THE ESTATE MEDIATION GROUP

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## AGREEMENT TO MEDIATE

### 1. PARTIES:

agree to mediate certain differences with *insert name* as mediator as follows:

### 2. DATE:

### 3. TIME:

### 4. PLACE:

### 5. TERMS OF MEDIATION:

The parties agree to abide by the Terms of Mediation, attached.

### 6. ISSUES:

The issues to be mediated as understood at this time are summarized as follows:

Issues relating to *insert text*

### 7. COSTS OF THE MEDIATION:

The costs are as set out in Schedule "A". Unless there is an exception set out below, the parties agree to share the fees and expenses related to the mediation equally, but shall be jointly and severally responsible to *insert name* for any unpaid or outstanding fees and expenses. The parties shall each bear their own legal expenses, if any.

#### **Exceptions:**



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## 8. SIGNING INDIVIDUALLY:

Each party may sign a separate copy of this agreement which, when so signed and delivered to the mediator, shall be an original copy even though not signed by the other parties. All such separately signed copies shall together constitute evidence of all parties' consent to be bound by this agreement.

## 9. CONSENT TO THIS AGREEMENT:

Each of us has read this agreement and willingly agree to proceed with the mediation on the terms contained in it.

### DATE:

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**Mediator**



# THE ESTATE MEDIATION GROUP

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## Schedule "A"

### COST SCHEDULE

As per published fees: <http://www.estatemediationgroup.ca>

<b>Mediator Fee</b>	Full day (7 hours) \$2,950.00	Time in excess at \$395.00 per hour
	Plus HST @ 13%	
	Half Day (3 ½ hours) \$1,500.00	Time in excess at \$395.00 per hour
	Plus HST @ 13%	
	Preparation \$395.00 per hour	
	Plus HST @ 13%	

<b>Expenses</b>	Boardroom & Breakout Room
	Photocopies or facsimiles @ \$0.25 per page
	Long distance & sundry
	Other (at cost)
	Mileage - km (round trip) @ \$0.30 per km
	HST @ 13%

### TOTAL ESTIMATED FEES & EXPENSES

#### Cancellation and Postponement Policy:

Notification of cancellation or postponement given in the time indicated bear the following charges:

- ✓ One (1) business day before scheduled date -- Full estimated or tariff fee and any out-of pocket expenses incurred by the mediator, plus HST
- ✓ Two (2) to five (5) business days before scheduled date -- One-half of the estimated or tariff fee and any out-of pocket expenses incurred by the mediator, plus HST
- ✓ More than five (5) business days before scheduled date -- \$500.00 and any out-of pocket expenses incurred by the mediator, plus HST.



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## CONFIDENTIAL MEMORANDUM

**TO:**  
**E-Mail:**  
**AND TO:**  
**E-Mail:**  
**PAGES:** 1 in all (see also Agreement to Mediate)  
**FROM:**  
**DATE:**  
**RE:** Pending Mediation

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## CONFIRMATION OF MEDIATION

Estate of

Court Files No.

**DATE:**  
**TIME:**  
**PLACE:**

Telephone:

**MEDIATOR:**

**PLEASE REVIEW THE FOLLOWING ATTACHED MATERIAL:**

- ✓ Agreement to Mediate

**PLEASE SEND SEVEN (7) DAYS IN ADVANCE:**

- ✓ Your statements of issues together with copies of the pleadings and other relevant documents

**PLEASE SEND IN ADVANCE OR BRING WITH YOU TO THE MEDIATION:**

- ✓ A cheque in the amount of \$ payable to *insert name* for the costs of the mediation plus HST as per the Agreement to Mediate

**IF RULE 75.1 (MANDATORY MEDIATION – ESTATES, TRUSTS & SUBSTITUTE DECISIONS) APPLIES TO THIS MEDIATION THEN AS PER FORM 75.1B:**

- ✓ Designated parties:
  - are required to attend with their lawyers (if any) and should plan to stay for the scheduled time
  - are required to file a statement of issues seven days before the mediation session
  - should bring any documents that they consider of central importance
  - should make advance arrangements to ensure access to a person whose approval is needed before they can agree to a settlement.