

Preliminary ADR Meeting (PADR)

What is a Preliminary ADR Meeting?

The purpose of the Preliminary ADR Meeting is to bring together potentially affected parties to discuss the nature and extent of their dispute and to plan possible options for resolution. Commonly, at this stage, one or more parties have made application to the AEUB or NEB and there are intervener(s) objecting to the proposed development. The parties, with the assistance of an experienced ADR professional, will clarify their issues and discuss together the appropriate process to attempt to resolve their mutual situation.

The EUB often attends this meeting so as to clarify the guidelines and regulations pertaining to the issues in dispute. The EUB representative will also be able to comment on the parallel hearing path that is ongoing.

The Preliminary ADR Meeting is a critical first stage to an effective mediation or other form of ADR and can be utilized pre-application, post-application and for operational issues.

Parties in a Preliminary Assessment Meeting may address and determine:

- The necessary participants with the right level of authority
- How information that is required will be obtained and utilized
- How disclosure will be handled
- What costs are associated with all aspects of the ADR process
- How those costs will be managed and who will pay for them
- What role, if any, should EUB/NEB staff or experts play
- How to create an ADR agreement that commits the parties on issues such as:
 - Meeting in good faith and in an honest attempt to reach a resolution
 - Confidentiality, privacy and without prejudice discussions
 - Mechanisms for enforcement of any agreements reached
 - Impact on timing to hearing, if any
- The logistics of the next process, including timing, duration, location
- Necessary rules of engagement or procedures for the conduct of the future ADR meetings

What are the possible outcomes of a PADR Meeting?

- In some cases, the design work will be completed quickly and parties may go on to settle their dispute in the meeting.
- Preliminary ADR Meetings should be held expeditiously and should not delay the hearing process unless the parties agree to those delays.
- An informed “no” and a decision to proceed to a hearing is a perfectly acceptable result to a Preliminary ADR Meeting.
- Even in cases requiring a hearing, the parties may well have streamlined the hearing process, saving considerable time and resources for all concerned.
- In most cases the parties will have created and executed a Process Agreement (or other process), which sets out the future rules of engagement.

What About Costs?

- For at least the Preliminary ADR Meeting, the EUB expects industry participants to share the costs and to cover the direct third party costs for landowners and public stakeholders.