

Quick Guide: What if the Other Party Won't Participate?



Refer to your contract's mediation clause. In general, under the C.A.R. Residential Purchase Agreement:

- Mediation is required for most disputes. Exceptions to the requirement may include matters under the jurisdiction of small claims or probate court.
- Refusing to mediate may result in the loss of the right to attorney fees.
- Parties agree to mediate through the C.A.R. Dispute Resolution Center (DRC) unless they mutually agree to an alternative provider.

Can I Force the Other Party to Mediate? Mediation depends on the willingness of all parties to participate. Some contracts require parties to attempt mediation before pursuing arbitration or litigation. If you are unsure whether such a requirement exists, you may wish to review your contract or consult an attorney.

What Are My Options If the Other Party Does Not Participate? Your options will depend on your specific situation, but they may include:

- Continuing efforts to communicate directly with the other party.
- Seeking legal advice regarding available remedies.
- Exploring arbitration if required or permitted by contract.
- Considering litigation or other dispute resolution options.

The DRC can explain the mediation process but cannot provide legal advice or recommend which option is best for your situation.

Keep Records: If the dispute continues, it can be helpful to keep copies of all documents and notices sent to the other party. These documents may be useful later depending on how the dispute proceeds.

Remember: A non-response does not necessarily mean your dispute cannot be resolved. Many disputes settle after additional communication, legal consultation, or renewed efforts to negotiate. Mediation remains available if all parties later decide they would like assistance reaching a resolution.

Questions about the mediation process? Contact the C.A.R. Dispute Resolution Center at mediation@car.org.