



Mr H S Bhurji
Effective Dispute Solutions
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Date : 31 July 2017
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When telephoning or calling please
ask for : Mr T J Bennett
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Dear Mr Bhurji

Mediation one - Commercial landlord tenant dispute
Mediation two - Residential property builder outstanding invoice dispute

With regards to the first mediation I was acting for the defendants and on the basis of your CV I recommended you both to my clients and the claimants' solicitors to mediate what was a complicated commercial landlord tenant dispute.

The case was particularly complicated because the landlord (my clients' Uncle) had passed away prior to the action being brought against him. My clients who are the executors of their Uncle's estate ("the Estate") were not privy to the oral and or written agreements between their Uncle and his tenants, the claimants.

Much evidence had been advanced, and in addition, to the claim against the Estate, the Estate had a counterclaim against the tenants.

There was much hostility between the parties. My clients felt severely aggrieved, and considered that the claimants owed the Estate a payment of £30,000. The claimants' position was that they were entitled to a payment of £140,000 for the Estate.

During the course of the mediation the claimant who attended the mediation apologised to my clients and offered his condolences for the loss of their Uncle. This was unexpected and was in contrast to the claimant's witness statement where he had portrayed my clients' Uncle in an unflattering and derogatory manner.

I do not know how the claimant was encouraged to make an apology but assume that it was a consequence of your intervention. After this the parties started to negotiate constructively.

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A further complication of the case was the fact that both parties were funded by legal expenses insurance which reduced their risk of pursuing their claims.

Through a number of private meetings with both parties, you were able to disclose that the parties were insured through the same company, and the fact that the insurer needed to be involved in negotiations was apparent.

This was a second key turning point in the mediation and once established you coached the respective parties to liaise with their contacts at the insurers, and shortly after a settlement was reached.

This amounted to a remarkable result achieving a settlement within about 7 hours, following a dispute that had lasted for over 3 years.

With regards to the second mediation, I am a newly qualified Accredited Commercial CEDR Mediator, and you kindly let me observe. This dispute concerned building work at a residential property, where the property owner alleged that the defendant builder had not undertaken the work to satisfactory standard.

The dispute had culminated with the claimants asking the builder to leave site. The builder submitted a final invoice, which was disputed, and he was faced with a counter claim from the homeowners of about £30,000.

This dispute had been going on for a considerable period of time, and you effectively facilitated a solution for within 4.5 hours. I was interested to see your technique of managing the parties' expectations, and getting them to engage in negotiation.

You were able to facilitate a settlement that was a fraction of what the parties were claiming against the other. This mediation was all the more impressive as it was a telephone mediation, which in my opinion and in this case was just as effective as a face to face mediation but at a significant reduction in costs. You used conference calling and consecutive calling very effectively.

I would certainly use you again, as an effective mediator with competitive pricing. I would be pleased to recommend you to other solicitors.

Yours sincerely


Tim Bennett

Solicitor, Partner and CEDR Accredited Commercial Mediator
Head of Department - Dispute Resolution

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