

## 2019 Mock Mediation Quarter Final Scenario

### BACKGROUND

For the past 2 years Jay and Charlie have been good neighbours with Ashley and Jamie. Jay and Charlie live in apartment A with Ashley and Jamie in apartment B. As the apartments have an adjoining wall, a shared driveway and front and back yards (photo attached), the four of them have always been relieved that they can get along.

Jay and Charlie were happy when Ashley and Jamie moved in, as the previous occupants of apartment B had been incredibly difficult to live next door too. On the day Ashley and Jamie moved in, they tried to go next door and introduce themselves. They knew living so close to someone they would need to at least be on friendly terms.

While the four neighbours had very little in common, it worked to their advantage as the differences seemed to complement each other. Jay and Charlie both love to garden and have managed to get the lawn and gardens looking very nice. They both enjoy spending many hours either tending to the garden or relaxing and reading a book and enjoying the peace and quiet of their little 'Garden Oasis' as Jay likes to call it. Ashley and Jamie on the other hand hate gardening and are relieved they don't have to do anything, as Jay and Charlie look after their half of the yard as well.

Ashley and Jamie on the other hand preferred to work on rebuilding vintage cars. They have an interest in American Muscle cars. As neither Jay nor Charlie own a car, they don't use their side of the garage, Ashley and Jamie have a whole double garage to use. This means that they can use one side to park their car and the other to store the car they are currently working on, along with all their expensive equipment they have accumulated over the years they have been restoring cars.

Ashley and Jamie were also happy to have found somewhere that they could work on their hobby without annoying anyone. Restoring cars requires a large space, not to mention a lot of money, so they could not afford to rent a larger house and the places they could afford were really run down and in neighbourhoods that were not very nice. They have even started to negotiate with the landlord the possibility of buying the unit.

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### INCIDENT

Everything was working well as the four neighbours all happily lived side by side. While they had very little to do with each other they also did not bother each other either. In fact, after the unpleasant neighbours they previously had Jay and Charlie were relieved to have found lovely new neighbours. The previous occupants of unit B had been so bad that Jay and Charlie were considering selling their property, something they were no longer thinking of.

To help make some extra money to pay for their hobby, Ashley and Jamie began to repair friends and family's cars. They were a lot cheaper than a mechanic and did the repairs outside of work hours so soon their family and friends were also sending a lot of recommendations their way as well. This really helped pay for the parts they needed for the Mustang they were currently restoring. Having to order parts from the United States was expensive, but it was the only way to ensure they were genuine parts.

Jay and Charlie had been busy in their backyard establishing a vegetable garden and chicken coup and had not paid too much attention to the front yard. Realising they had neglected the front yard, Jay went out the front and was upset when he/she noticed that their garden bed had been trampled on and flowers were crushed, he/she called Charlie out to have a look. Charlie and Jay walked over to where Ashley and Jamie were working on the Mustang and Jay began yelling at them for trashing the garden. Charlie then noticed all the oil drips from the vehicles and commented about how it looks unsightly with all the vehicles and the people whose vehicles are being repaired are congregating in larger numbers, spreading over further into their property, talking loudly and worse still parking their cars on the lawn!

Ashley responded back by mentioning that their friends had no choice but to wait in the front lawn as the backyard, which was once very relaxing was now a vegetable patch, which looked more like an overgrown jungle. There was no longer a relaxing area where everyone could sit and relax and since the backyard was always occupied by Jay and Charlies 'hippy garden club' no one wanted to go there anyway!

The four neighbours continued to yell at each other for some time, until one of the 'customers' arrived to collect the car Ashley and Jamie had been working on. Jay and Charlie stormed off, with Jay saying they should report Ashley and Jamie to the tax department as he/she was sure they were not a registered business and were not declaring the money they were earning from repairing the cars.

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### AFTERMATH

The four neighbours are now no longer on speaking terms and are making life very difficult for each other. Jay and Charlie have now added chickens to their backyard with a rooster that crows at 5am every morning. They have started holding regular garden club meetings at their flat as well, with these starting early in the morning so they can get the work done before it gets too hot. Ashley and Jamie are not only being woken up early by the rooster they also have all the gardeners talking loudly and laughing making it impossible to get any sleep.

Ashley and Jamie are now deliberately leaving cars parked all over the front yard and the garden has been destroyed. To get back at Jay and Charlie for making noise early in the morning they work on the cars until late in the evening. Although as Jay and Charlie have said they now need their side of the garage for their gardening equipment, Ashley and Jamie have nowhere to leave their Mustang. They need to use their side of the garage for all their equipment and spare parts, so their Mustang is parked in the driveway out in the open.

Since they can no longer use the garage, Ashley and Jamie have demanded that they get to use their half of the backyard. This means that the vegetable garden will need to be ripped up and the chicken coup moved. Jay and Charlie have put so much effort into the garden they are refusing to let it be ripped up. They have told Ashley and Jamie if any part of the backyard is touched then they will report them to the tax office for running a business.

Having signed a contract to purchase their unit Ashley and Jamie are now realising that they are going to be stuck living beside Jay and Charlie for many years and this unpleasant environment cannot continue. To be able to afford the mortgage on the house and continue with restoring the Mustang, they must continue to do mechanical repairs but if Jay and Charlie report them, it will be expensive, and they will have to give up their hobby and their home.

Jay and Charlie have finally realised their dream of having not only a beautiful garden at the front, but an amazing vegetable garden in the backyard. They are loving being able to grow their own vegetables and will be devastated if they must destroy all their hard work. Ashley and Jamie have requested a fence be erected splitting the backyard into two, which would make their half so small and unable to be used as a vegetable garden.

Sick of hearing the four neighbours yelling and screaming at each other, the people from across the street have recommended that the four try mediation. They explained that it helped them to learn how to live next door to their neighbours and felt it may be of benefit. The four neighbours agreed that it would be worth a try.

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**Image 1** – Front of House



**Image 2** - The Backyard before the vegetable garden



## 2019 Mock Mediation Quarter Final Scenario

**Image 3** - The Backyard with vegetable patch and chicken coup



## 2019 Mock Mediation

### Confidential Facts – Quarter Final

#### **PARTY A1 JAY**

You were so happy with the way everything had been working out with Ashley and Jamie next door. There have been some bad neighbours in the past and when Ashley and Jamie moved in, it was a relief. They never seemed to bother you and it seemed to be a perfect compromise that Ashley and Jamie used the garage and you both finally get to grow your vegetable garden.

In the past they neighbours have always insisted that you keep to your side of the yard and the space was just not big enough out back to grow vegetables and have chickens. You both like to keep a nice neat front garden with flowers and hedges, so trying to grow vegetables in the front yard is not ideal. Vegetable gardens can tend to look a little chaotic and this is not the look you like to have in the front yard. With Ashley and Jamie not being interested in gardening, you had the best of both worlds. You were able to have a beautiful front yard, while growing your vegetables in the back yard. Fresh vegetables and herbs collected straight from your own backyard taste amazing. Even better is being able to do this in Sydney! Not many people have the option of having such a large yard and will often have to decide between a garden with flowers or vegetables.

When you saw what had happened to your front garden you and Charlie were devastated. There had been many hours spent perfecting the front yard, not to mention a lot of money in buying the perfect flowers and hedges. To see all your hard work being destroyed by thoughtless idiots who have walked all through the garden without even thinking was very upsetting. Even worse was Ashley and Jamie's 'I don't care' attitude. All they ever thought about was their stupid Mustang. You are sick of seeing the mess of cars in the yard, not to mention how rude their friends are. It makes you both feel uncomfortable whenever you walk outside.

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### Confidential Facts – Quarter Final

#### **PARTY A2 CHARLIE**

Thanks to their illegal repair shop they are running, not only is your front yard ruined, but there are unsightly oil drips all over the driveway. Not that you can see the driveway as it is covered in cars, along with the front lawn, which is now dying. Even if you decided to give up your garden and stop sharing with Ashley and Jamie, there would need to be some guarantee that their half of the front yard would be kept in a reasonable condition. If you ever decided to sell, who would buy when the neighbours have a car junk yard on their half of the yard? Reporting them for running an illegal business is looking like the only way to stop it.

When Ashley and Jamie said that they were going to purchase their half of the duplex it was a relief to know that you would have decent neighbours, but now that relief has turned into despair! The idea of living beside them is a nightmare. You have both put in so much time and effort into the vegetable garden and chickens that you do not want to lose it. Sure, you admit the vegetable garden may look a little unruly, and you could possibly neaten it up slightly, but the junk yard out the front looks way worse and can be seen from the road.

As your garden continues to grow, you need to be able to store all your gardening equipment. A lot of money has been invested buying only the best equipment and you don't want to leave it outside. Most of your gardening equipment is probably worth more than the junk Ashley and Jamie keep in there anyway. It would also mean they may have to stop repairing cars and getting rid of their rude noisy friends would be bonus.

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### Confidential Facts – Quarter Final

#### **PARTY B1 ASHLEY**

What at first seemed to be the perfect house for you and Jamie, is now turning into a nightmare. Being able to use the whole double garage was so convenient. It gave you all the space you needed to be able to store not only your car, but the Mustang, all the parts and your equipment. When the opportunity to buy the unit was offered you jumped at the chance.

While the mortgage puts a little extra strain on you financially, by repairing cars after work, and slowing down on the Mustang rebuild you can still manage it. Besides there is nothing wrong with taking your time and making sure the Mustang is perfect. Although now that Jay and Charlie are insisting on taking back the garage you have nowhere to store all your equipment. But there is no way you are giving up using the garage if they are not willing to give up the backyard. At least with the back yard you could build a shed to keep everything in.

Rebuilding cars is a lot of fun and something both of you get a lot of enjoyment out of. If you are not able to do this anymore you will be lost. The only reason you agreed to buy the place was because you had the perfect space for your hobby. With Jay and Charlie wanting the yard to themselves and not needing the garage it seemed perfect. You both hate gardening and if it was up to you, you would have ripped up the front yard to give you more room when working on cars. The back yard would be the perfect place for a massive shed! But the compromise of not having to worry about the gardening and being able to use the massive double garage was the next best thing. Especially as you are not able to afford a house.



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### Confidential Facts – Quarter Final

#### PARTY B2 JAMIE

You know fixing the cars in your front yard for family and friends is not ideal and Jay and Charlie are right it is income you are not declaring to the 'Tax Man' but without it you can't finish the Mustang. Also, it is something you not only both enjoy, but it gives you a chance to see your family and friends. Usually if they have recommended someone to you, they will come along with them when their car is being repaired. This makes the repairing cars financially rewarding, but also very social. Often after the cars were finished everyone would head into the backyard for a BBQ, but now the backyard is an overgrown mess and not somewhere you want to relax and eat dinner.

The backyard is not only an overgrown mess but is always filled with Jay and Charlies gardening group. They are so loud and annoying and can be very rude. If you are not being woken up by the noise of the garden club, then the chickens and rooster will make sure sleep is not possible. This means that you not only can you not sleep in, but you can no longer use the backyard. If you do go into the backyard, not only does it make you angry about the overgrown garden and the chickens, but the garden club make you feel so unwelcome! On several occasions, you have been told to move as you are in their way, and you need to remind them that it is your backyard not theirs!

You could learn to tolerate the rooster waking you up, as it seems to only crow once and then goes quiet again, but the garden club are in the backyard from 6.30am every morning! You should be able to enjoy your own backyard, not feel like a stranger who does not belong there. Why should you give up rebuilding cars, if Jay and Charlie continue to have their own way in the garden?