

The Condominium Conundrum:

A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.

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ABSTRACT

The increase in condominium construction is an economic, demographic and social response to changes in Maltese culture and society. Condomini within a condominium must seek a balance between independent and interdependent living, as the units offer privacy and autonomy but also simultaneous condominium community membership. This dynamic complicates the condominium lifestyle as policies, laws and administrative bodies strive to find the balance between the common good and the rights of the individual. Such a dynamic community is influenced by the sum of all its parts, those parts being the individuals who reside within it. These individuals continuously interact together as both individuals and as group members which form their own personal identity. A personal identity which constitutes pre-disposed opinions, values and beliefs which overtime have been developed via experience, influence and learning. This requires a person-centred approach to dealing with conflicts which may arise in condominia. Mediation can act as the bridge between private law, horizontal governance and the individual, enabling conflicting residents and administrators to focus on shared interests rather than positions whilst creating a sustainable and organic solution in which relationships are maintained if not improved and strengthened, with hard feelings being greatly reduced or diminished. This is contrary to arbitration in which there is a clear winner and loser. To investigate this a qualitative, namely narrative approach was applied as the aim of the study was to explore, actualize and in relation to affecting policy change; conceptualize conflict amongst residents, the experience of which they attribute with meaning and which is in turn affected by and affects the personal attributes and belief systems of those involved. Findings promoted and attributed to the formation of a set of recommendations for the application of Mediation in the domain of condominia law within the Maltese context. These recommendations will instigate a humanistic

approach and will facilitate a positive change in the Condominium Act, Chapter 398 of the Laws of Malta, by creating a structure which mirrors the complete experience and complexity of condominia living. This will in turn formulate a legal framework in which both the humanistic and legal perspectives can symbiotically co-exist further benefiting the individuals the act is meant to protect and serve. In turn, the application of mediation in such neighbourly issues will increase its general exposure to the Maltese population making it part of the Maltese socio-legal culture.

KEY WORDS

Condominium, Condomini, Administrators, Conflict, Mediation, Horizontal Governance, Narrative Analysis.

To all my loved ones,

...

*'Anyone can buy a good house, but good neighbours are
priceless'*

(Chinese Proverb)

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Statutes

Malta

The Condominium Act, Chapter 398 of the Laws of Malta.

The Mediation Act, Chapter 474 of the Laws of Malta.

Italy

The Italian Civil Code, article 71.

The Italian Civil Code, article 1129.

Legislative Decree No. 28/2010 – Compulsory Civil and Commercial Mediation.

Legislative Decree No. 69/2013 – Reintroduction of Compulsory Mediation.

Ireland

Multi-Unit Developments Act, 2011.

Companies Act, 2014.

Mediation Act, 2017.

European Legislation

Directive 2008/52/EC of the European Parliament and the Council on Certain Aspects of Mediation in Civil and Commercial Matters.

European Convention of Human Rights, article 6.

Judgements

Cases C-317-320/08 Rosalba Alassini and Others v Telecom Italia [2010] ECR I-2213.

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ABBREVIATIONS

PPI – Property Price Index

NSO – National Statistics Office

ADR – Alternate Dispute Resolution

SFCB – San Francisco Community Board

DEFRA – Department for Environment, Food and Rural Affairs in the United Kingdom and Scotland

CCI – Canadian Condominium Institute

ECHR – European Convention on Human Rights

ECJ – European Court of Justice

OMC – Owner Management Company

BNIM – Biographic Narrative Interpretive Method

SQUIN – Single Question Initial Subsession

1. INTRODUCTION

1.1 The Rise of the Condominium in Malta

The population of Malta has been steadily increasing over the last few years, reaching a record 516,000 as of 2022.¹ That is a rise of nearly 100,000 inhabitants in the last ten years alone. Currently Malta's 2022 population density is that of 1,666.52 people per square kilometre.² Thus, for its size our Island is densely populated. With this sharp increase in population comes the increased need for habitable accommodation and larger public service facilities. Malta's land mass is fixed and overtime has become in many respects congested with private residential, public and commercial establishments. Land is becoming an ever-diminishing asset. Public markets are affected by the needs of its citizens, as a result there has been an increase in Malta's construction industry and its related workforce. Also, as land becomes an asset it has become a key player in Malta's private market with many individuals seeking the purchase of land and of various types of properties as a means of investment by which they can ascertain a certain future sale with profit or an opportunity for acquiring a second income stream via renting.³ Public needs and the public and private markets all feed of one another, promoting a soar in property prices.⁴

As of July, 2022 the Property Price Index (PPI) has experienced a rise of 6.7 per cent in comparison with that of 2021.⁵ While the ownership of one's private residential dwelling has always been part of the Maltese socio-cultural identity this has been challenged with the increase in; property market value, the ever-increasing population, the Island's stable land mass, shifts in traditional family models with increased separations, blended families

¹ National Statistics Office (NSO)

<https://nso.gov.mt/en/News_Releases/Documents/2021/07/News2021_122.pdf> accessed 11th May 2022.

² Population Density Malta <<https://www.macrotrends.net/countries/MLT/malta/population-density>> accessed 11th May 2022.

³ Marie Briguglio, 'The Impact of the 2020 Private Residential Leases Act – Insights from Economics' in *The Annual Malta Residential Rental Study* (Housing Authority 2021).

⁴ *ibid.*

⁵ NSO <https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_A5/Price_Statistics/Pages/Property-Price-Index.aspx> accessed 11th May 2022.

and children born out of wedlock and the increase in foreign nationals working on the Island.⁶ As a result, more and more Maltese inhabitants are seeking the purchase and rental of apartments and penthouses within a condominium as their main private residential dwelling and as a means of investment. According to the National Statistics Office (NSO), as of 2020, 59.2 per cent of all inhabited residences in Malta and Gozo constituted maisonettes or apartments.⁷ These statistics clearly depict the intertwined cause and effect relationships that exist between population density, land mass, socio-cultural shifts, economy, real estate trends and property prices. In response to this, and fuelling this trend further, the construction industry has responded by focusing on the expansion of condominiums on the Island.

1.2 The Condominium Conundrum

More and more individuals are purchasing and renting apartments/penthouses as their private residence either by choice or by default. As such, a condominium constitutes the sum of all the units; apartments, penthouse/s, common parts and common amenities as shared by the residents taken as an agglomerate.⁸ Whilst living within a condominium, gives residents a certain autonomy within their private units it also automatically makes its residents a community who live in close proximity and who must share common resources regularly. This elicits a certain dependency amongst the residents. For the purpose of this study, I shall utilize the same titles of definition as utilized in the Condominium Act, Chapter 398 of the Laws of Malta. In which 'condominus' represents the owner/resident of a single unit within the condominium and 'condomini' represents all owners/residents within the condominium.⁹

⁶ Lorcan Sirr & Kurt Xerri, 'Ireland and Southern Europe – A Housing Ethos with Common Values' [2018] 1(2) Irish Journal of Social, Economic and Environmental Sustainability 41.

⁷ NSO

<https://nso.gov.mt/en/News_Releases/View_by_Unit/Unit_C1/Living_Conditions_and_Culture_Statistics/Pages/Statistics-on-Income-and-Living-Conditions.aspx> accessed 11th May 2022.

⁸ Ron Fisher & Ruth Mcphail, 'Residents' Experiences in Condominiums: A Case Study of Australian Apartment' Living [2014] 29(6) Housing Studies 781.

⁹ The Condominium Act, Chapter 398 of the Laws of Malta, article 2.

Condominium living is the product of two interacting variables, the physical management of the units, their common parts and amenities and the interactions and relationships of all the members within the condominium community.¹⁰ Private law has established the role of an administrator to manage the funds, running and physical maintenance of condominiums in relation to the common parts and amenities as specified within the Condominium Act. On a relational level, the condominium lifestyle comprises of the fine balance that exists among the interplay of living independently within a microsystem; the unit and within the larger dependent macrosystem; the condominium. The individual unit cannot be separated from its physical connection with the communal parts and shared amenities. In the same way the residents of each unit cannot be separated from their counterparts. Living in such dependent proximity while striving for independence emphasizes the importance of maintaining a functioning and symbiotic co-dependent relationship among all parties involved.¹¹ With private law's promotion of the administrator another relationship is added to the equation; that between the residents and their administrator. It is both the physical design of the condominium and the behaviour, attitude, personal attributes and belief systems of each member of the condominium which will shape the interactions and relationships that exist within it as member's interact simultaneously as individual's and as group members.¹²

Further complicating such matters is the increase in diversification of the traditional family model and the increase in foreign nationals who migrate to Malta in seek of refuge and employment.¹³ This has led to an increased experience of cultural diversification within communities. As with all changes, cultural adaptation and understanding become assimilated as the norm through contact over time. Foreign nationals working within various industries reached 77,825 at the end of 2021, comprising of over a quarter of the Maltese labour force.¹⁴ Most working foreign nationals partake in the rental market, becoming

¹⁰ Ron Fisher & Ruth Mcphail (n 8).

¹¹ *ibid.*

¹² *ibid.*

¹³ Lorcan Sirr & Kurt Xerri (n 6).

¹⁴ Jobs Plus <<https://jobsplus.gov.mt/resources/publication-statistics-mt-mt-en-gb/labour-market-information/foreigners-data>> accessed 18th May 2022.

tenants within condominium settings generally.¹⁵ Such tenancies are generally short-term in nature. Coinciding with Malta's booming tourist industry there has also been an increase in the trend of short-term rentals of apartments as vacation accommodation for tourists, especially with the increasing popularity of online forums such as 'airbnb' and others.¹⁶ This coincides with an increase in diversity among residents on a cultural dimension with an ever-changing time turn-around as some units are long-term residential in nature and others within the same condominium may be used for short-term accommodation with a quick turn-around. This increased heterogeneity amongst the condominium community further exacerbates its co-dependency as a functioning entity and has led to the increased opportunity for and experience of misunderstanding and miscommunication, the foundations of all conflicts.

1.3 Conflict; a By-product of Interdependent Relationships

Relationships, especially those in which there is interdependency as within the condominium, have been found to be a significant influencing factor of life quality.¹⁷ Thus, the quality of life of each condominus is intrinsically dependent on the state of their relationships with one another. Interactions which facilitate interdependency and which are continuous and regular inevitably experience conflict. Conflict is further exacerbated when various levels of heterogeneity exist among the parties involved. Conflict can be defined as a difference in opinion, needs and values and a clash of characters, positions and interests.¹⁸ It is often considered as a by-product of misunderstanding and miscommunication between the parties involved.¹⁹ Conflict negatively impacts life quality especially when it is prolonged over a period of time and when contact between parties is inevitable and often, leading to a heightened state of anxiety, further escalating the conflict and its negative influence on all involved.²⁰ The condominium community represents such a heterogenous, interdependent

¹⁵ Brian Micallef, 'Background on the Private Rental Market in Malta' in The Annual Malta Residential Rental Study (Housing Authority 2021).

¹⁶ Brian Micallef (n 15).

¹⁷ Hannu Ruonavaara, 'The Anatomy of Neighbour Relations' [2021] Sociological Research Online, <<https://doi.org/10.1177/13607804211012708>> accessed 25th May 2022.

¹⁸ Tony Whatling, *Mediation Skills and Strategies* (1st edn, Jessica Kingsley Publishers 2012).

¹⁹ *ibid.*

²⁰ *ibid.*

group of individuals in which contact is unavoidable and continuous, thus the probability and experience of conflict is high.²¹

There has been a trend in research of late stressing the correlation between positive relationships among employers and employees at their place of work and overall life quality and job satisfaction. Similarly, I personally believe that the relations that exist within the tight-knit community of the condominium between the condomini themselves and their administrator, have a big impact on an individual's quality of life. The individual unit within the condominium represents to its resident's 'home'. Home is where one is meant to rest and find refuge.²² If however, one's place of refuge was to continuously be invaded with the indirect and direct experience of conflict and discomfort as experienced in the common environment one shares with other condomini, as neighbours, than one's quality of life will become severely affected, causing other areas of their life to be negatively affected also.²³

1.4 Rationale of Study; Dealing with Conflict within the Condominium

Conflict is thus inevitable and must be dealt with so as to promote the successful functioning and experience of condominium living. The most popular means of dealing with such conflict is a direct approach taken by residents when approaching one another so as to tackle the issue at hand. This often leads to heightened conflict, increased levels of emotion and anxiety and the further disintegration of the already strained relationship between conflicting parties.²⁴ Residents also tend to report the conflict and their conflicting counterpart to higher authority representatives such as; the administrator of the condominium, the police, local council, housing agencies and their lawyer, when seeking advice relating to the possibility of arbitration and litigation.²⁵ Again, the issue which arises

²¹ Scott E. Mollen, 'Alternate Dispute Resolution of Condominium and Cooperative Conflicts' [1999] 73(1) St. John's Law Review 75.

²² Hannu Ruonavaara (n 17).

²³ Miretta Prezza, Matilde Amici, Tiziana Roberti & Gloria Tedeschi, 'Sense of Community referred to the Whole Town: Its Relations with Neighboring, Loneliness, Life Satisfaction and Area of Residence' [2001] 29(1) Journal of Community Psychology 29.

²⁴ Ron Fisher & Ruth Mcphail (n 8).

²⁵ Charles B. Craver, 'The Use of Mediation to Resolve Community Disputes' [2015] 48(1) New Directions in Community Lawyering, Social Entrepreneurship, and Dispute Resolution 231.

in these circumstances is that upon the involvement of such authorities, conflicting issues and the relationship between parties may be further exacerbated for a clear distinction is made between the party in the 'right' versus the party in the 'wrong'.²⁶ In turn, as evidenced by court cases within Maltese jurisdiction, Court proceedings between neighbours cause many issues to arise within a judicial context such as, the extended length of time for proceedings to be taken up in Court, general costs and court issues relating to the disparity between local and international standards and the implementation of either an objective or subjective approach when considering both evidence and experience during the judgement process.²⁷ The cause of condominium conflict is the relationship that exists between the conflicting parties and it is that relationship which must be considered when promoting conflict management.²⁸

1.5 Conflict Management within the Condominium – A New Niche for Mediation

Mediation is a process, directed by a qualified mediator in which two or more conflicting parties are brought together to jointly discuss and tackle their conflicting issues so as to formulate a solution in which all parties are invested and from which all parties will benefit.²⁹ Mediation also enables parties to become instructed in effective means of communication and conflict management so they are better equipped with dealing with conflict in the future. Ideally, mediation seeks to deal with the conflict whilst also improving the relationship between the parties.³⁰ Improving the relationship between conflicting parties is key especially within the communal lifestyle of the condominium in that contact between the parties will be unavoidable and their relationship will remain interdependent.

Currently in Malta, the application of mediation has been on the rise. Its application has been focused within various sectors. As of yet mediation has not been applied within a

²⁶ Charles B. Craver (n 25).

²⁷ Kimberley Gauci, 'The Regulation of Neighbourhood Noise as a Nuisance and Source of Pollution' (Doctor of Laws, University of Malta 2016).

²⁸ Scott E. Mollen (n 21).

²⁹ Tony Whatling (n 18).

³⁰ *ibid.*

community context in Malta. Abroad, countries such as Italy, Ireland the Netherlands, Canada and American states such as; San Francisco, California and New York have all experimented with and owing to its satisfactory performance, have decided to implement mediation in all areas related to the community; local city councils, social housing, youth programmes and community circles to name a few. Therefore, mediation is ideal as a means of affectively dealing with conflict of any type within any form of community setting, including that of the condominium.³¹ It may be considered that in the arena of conflict management within condominiums in Malta, a new niche for mediation is opening by default and will be to the benefit of all parties involved.

The mandatory application of mediation has been adopted by many countries including Malta so as to introduce and secure its implementation.³² It is feared that due to its relative youthful stage within the Maltese socio-legal sector, its use would not be instigated by choice alone. Despite the fact that voluntariness is seen as a key element for parties to successfully participate in mediation, many countries view its mandatory application as a means to an end. Chiefly being that in so doing this will result in an increase in the exposure of mediation and its related benefits promoting over-time a cultural belief in its aptitude and with that it's increased use by choice.³³ It is my opinion that the exposure and thus increased use of mediation would be best achieved via its application on a regular basis in day-to-day activities, such as dealing with conflict in schools and amongst residents. Its exposure at this level will allow individuals who partake to become acclimatized to the process, use and benefits of mediation and so enable such individuals to commit to seeking mediation in their future conflicts within various domains of their life. Exposure, better understanding and a belief in mediation's success via direct experience will enable individuals to benefit from its application to the full.

³¹ Scott E. Mollen (n 21).

³² Melissa Hanks, 'Perspectives on Mandatory Mediation' [2012] 35(3) UNSW Law Journal 929.

³³ *ibid.*

1.6 Aims and Method of Study

By means of my study I sought to ascertain the existence of a niche for mediation within the community setting of the condominium as a means of effectively managing conflict whilst strengthening relationships that exist between the members of the condominium community. So as to achieve this I sought to develop an in-depth perspective into the reality of the condominium experience of two key players: administrators and condomini. Special emphasis was placed on eliciting the experience of conflict by both within the condominium setting. An in-depth literature review was carried out which focused on the condominium lifestyle and on the process of neighbour mediation, its usage abroad and especially within the condominium environment. This data was paired together with the data obtained using a qualitative approach, narrative in nature, which elicited from condomini and administrators an authentic depiction and deeper understanding of; the meaning and experience associated with the interdependent relationships that exist among the condominium members and the conflicts which regularly arise. Conflict is created and sustained as a result of its subjective interpretation and experience.³⁴ Relationships also are interpreted and experienced within a subjective realm, creating many realities among the parties involved. This subjectivity is best obtained, explored and understood when it is expressed directly by a participant in the narrative form.³⁵ It is through narration and the other cues which accompany the narration itself; intonation, body language and so forth that a clearer and deeper understanding of the participant's experience, understanding and belief systems can be elicited.³⁶ It was key that the balance between the private and the communal dimensions of the condominium lifestyle were explored and considered.

Upon successfully identifying the conflicting issues within the community I further investigated what methods and/or services were most widely and currently used by the parties involved. During my research I also established whether any of my participants had any previous experience of mediation and as required, following a brief introduction to the

³⁴ Tony Whatling (n 18).

³⁵ Anna De Fina & Alexandra Georgakopoulou, *The Handbook of Narrative Analysis* (1st edn, Wiley Online books 2015).

³⁶ *ibid.*

process of mediation, I investigated whether they felt if it would be beneficial for dealing with conflict as experienced within the condominium. Together with this data and its related literature review I have composed and collated a set of recommendations which I believe to be efficient in highlighting and promoting much-needed changes within the current Condominium Act, Chapter 398 of the Laws of Malta and the current Mediation Act, Chapter 474 of the Laws of Malta respectively. In so doing I have strived to promote affective policy change by advancing a broadening of the current legal framework into one in which both humanistic and legal perspectives can symbiotically co-exist together benefitting to the upmost the individuals the laws are meant to protect and serve.

2. LITERATURE REVIEW

2.1 The Condominium; A Microcosm of its Own

2.1.1 What makes up a Condominium?

A condominium may be broadly defined as a 'multiunit and multi-owned' residential establishment.³⁷ Such establishments were prevalent in Roman times and became popular again in response to demographic, socio-cultural and economical changes within various countries over differing time-spans.³⁸ In Malta, we are currently experiencing the boom of the condominium as residential superpower. Research has revealed that the rise in condominiums is both a response to societal changes and an initiating factor in further instigating societal change.³⁹ As such, developers can be considered as agents of social change in that via their investment in and development of the condominium sector within urban cities they incite other shifts in both the city's physical layout and in its functioning, social and cultural characteristics.⁴⁰

What differentiates condominium residency from other forms of residency is its 'dualistic' nature of ownership.⁴¹ That is, as part of the condominium experience, residents both experience the autonomy of private unit ownership and the shared ownership and with that responsibility and management of the common parts and amenities. This causes residents to experience certain restrictions when it comes to personal freedoms as the independent experience of one's private unit is forever intertwined with one's interdependent experience of the common parts and amenities.⁴² The duty to co-operate and collaborate with one's neighbours, coupled with the interdependency of residents in relation to shared resources is a direct counter to the innate sense of autonomy and independence as

³⁷ Hazel Easthope, *The Politics and Practices of Apartment Living* (1st edn, Edward Elgar Publishing 2019).

³⁸ Dianne Dredge & Eddo Coiacetto, 'Strata Title: Towards a Research Agenda for Informed Planning Practice' [2011] 26(4) Planning Practice and Research Practice 417.

³⁹ *ibid.*

⁴⁰ *ibid.*

⁴¹ Hazel Easthope (n 37).

⁴² Ngai Ming Yip & Ray Forrest, 'Property Owning Democracies? Home-Owner Corporations in Hong Kong' [2002] 17(5) Housing Studies 703.

expected from regular home ownership. Essentially, one becomes part of a community. A community whose members can be defined as experiencing de facto an increased number in immediate neighbours living in close proximity together with fewer defined boundaries.⁴³

At its heart, the condominium represents to each resident their 'home' and the home's related autonomy. However, as a result of the dualistic ownership of condominiums, the success of the home-life experience of each resident per unit must be considered as dependent on the collective experience of shared ownership and proximal, continuous interaction as experienced by the residents as a community within the condominium.⁴⁴ This collective experience is heavily influenced by the relationship of all the parties involved within the condominium. Condominium living encompasses the particular socio-emotional experience of living in such an environment which is specific to it. In essence, when an individual buys into the condominium, they are also buying into a particular way of life. Condominium living is as it is a mirage of all the legal and social relationships that exist between the involved parties together with the governing practices such relationships initiate within its designated space.⁴⁵ Rosen and Walks coined the term 'condo-ism' to emphasize this.⁴⁶ Relationships and interactions are key to condominium living, affecting the individual's successful experience of home-life which in turns affects their overall psychological wellbeing and their whole life experience.⁴⁷

Thus, in effect the condominium experience can be defined as a multidimensional one with the continuous interplay between these two sets of components; the **individual versus the collective** and the **physical versus the relational**.

⁴³ Hazel Easthope (n 37).

⁴⁴ Ron Fisher & Ruth Mcphail (n 8).

⁴⁵ Randy K. Lippert & Rhys Steckle, 'Conquering Condos from Within: Condo-isation as Urban Governance and Knowledge' [2016] 53(1) Urban Studies 132.

⁴⁶ Gillad Rosen & Alan Walks, 'Castles in Toronto's Sky: Condo-ism as Urban Transformation' [2015] 37(3) Journal of Urban Affairs 289.

⁴⁷ Ron Fisher & Ruth Mcphail (n 8).

2.1.2 Governance in Condominia

Due to the individualistic and collective nature of condominium living, residents are forced to adhere to the notion of collective agreement especially in relation to control, governance and the management of common parts. In fact, condominium living presents a challenge for policy in that it requires a system of regulation which must strive to accommodate the representation of the rights of the individual with that of the utilitarian principle of the common good.⁴⁸ The condominium is the sum of all its parts, and thus must always be considered as an individualistic experience (unit ownership) within a collectivist system (condominium membership).

Governance is defined as the action of managing any known object or body.⁴⁹ Governance exists in many forms. Governance can be hierarchical in nature, with management working in tandem in accordance with the various degrees of power, knowledge and authority held by particular individuals/entities 'over' others.⁵⁰ It may also be horizontal in nature, in which the focus is on localized power equality among the concerned individuals with management and decisions being taken 'across' individuals/entities in a self-serving nature.⁵¹ Self-governance is thus an example of horizontal governance in action.⁵² Self-governance allows collaboration between private asset owners rather than simple obedience as in the case of state run, public governance, which is hierarchical in nature.⁵³ In fact, modern democratic societies emphasize how democratic practices are key in ensuring that all decisions at all levels are discussed and considered by the individuals who will be directly affected by them. This facilitates negotiation and co-operation between the public government and private entities.⁵⁴ The condominium setting is particular in that as a result of the interplay between its individualistic and collectivist dimensions it represents a micro-system example of a

⁴⁸ Ron Fisher & Ruth Mcphail (n 8).

⁴⁹ Randy K. Lippert & Rhys Steckle (n 45).

⁵⁰ Hazel Easthope (n 37).

⁵¹ *ibid.*

⁵² Amnon Lehavi, 'Law, Collective Action and Culture: Condominium Governance in Comparative Perspective' [2015] 23(2) Asia Pacific Law Review 5.

⁵³ Benjamin L. Read, 'Property Rights and Homeowner Activism in New Neighbourhoods', in Li Zhang and Aihwa Ong (eds), *Privatizing China; Socialism from Afar* (Cornell University Press Ithaca 2008) 41.

⁵⁴ Ngai Ming Yip & Ray Forrest (n 42).

functioning local urban system in which as a result of community membership and equal standing, power must be ideally shared with joint decision making. As such, condominium governance is horizontal and self-governing in nature and it must be so, so as to accurately represent and manage the duality of the resident's simultaneous independence in their interdependence.⁵⁵ For self-governance to work in condominiums, residents must first become aware of management and socio-cultural issues which will inevitably interact together in the daily running of such establishments at a self-governing level.⁵⁶

Previous research has shown that during collectivist action within condominium self-governance various cultural dimensions come into play. While individualistic societies focus on individual rights, collective societies focus on ensuring individuals adhere to the collective so as to maintain the status quo as group membership is seen as over-riding the rights and needs of all individual members. Despite individualistic societies emphasis on the individual, such societies still promote collective action when such action is seen to promote individual benefit in the long run.⁵⁷ Ideally, the condominium setting should seek to establish and uphold the benefits of individualistic societies with a focus on each of the individual's personal needs and rights as private unit owners, living within a community setting characterized by collective action of residents of the condominium as a conglomerate.⁵⁸ In turn, such collective action should be determined to uphold both group membership and individualistic, self-serving and mutual benefits for all individual residents. Horizontal governance is the action through which the individualistic and collective dimensions of the condominium experience are addressed, managed and served together symbiotically.

2.2 The Condominium Experience; A Humanistic Perspective

As previously discussed, condominium living emphasizes the interplay between two managing components, the management of the physical property of the condominium and

⁵⁵ Amnon Lehavi (n 52).

⁵⁶ Benjamin L. Read (n 53).

⁵⁷ Amnon Lehavi (n 52).

⁵⁸ *ibid.*

the management of the relationships of those individual's interacting within the condominium itself. A humanistic perspective is key in understanding the experience in its totality because all actions, reactions and interpretations of those interactions are inextricably linked to the human experience of the parties involved.

2.2.1 Physical Property Management- A Source of Conflict

The physical management of the property can be further sub-divided into two components, the management of private property and that of the common parts and amenities. While management of private property, the unit, is seen as the responsibility of the said unit owners, the management of the common parts is a joint responsibility of all condomini.⁵⁹ On purchasing a unit, the owners automatically become legally bound in partaking in this. To help condomini manage their common parts affectively private law has appointed the role of an administrator; an individual or agency whose role is to manage the condominium's maintenance and daily upkeep in relation to all common parts and amenities via a service charge and fund as collected from all the condomini.⁶⁰ This is the same across countries and cultures, exceptions existing only in the original mode of procurement of the administrator and the duration of contracts made between administrators and condomini. In Australia, developers procure administrators generally from their own sister companies with contracts lasting as long as ten years. Research has shown this trend to have a negative effect on condomini and legislative changes are currently under-way.⁶¹ Chinese legislation retains that it is the condomini themselves who seek, and upon majority of agreement procure the appointment of an administrator.⁶² In Malta while there might be a tendency for developers to originally in-state an administrator, it is not the norm and legally speaking all administratorial contracts are generally for a period of two years unless otherwise specified, following which it is at the discretion of the condomini via a majority vote to re-extend the contract.⁶³

⁵⁹ Hazel Easthope (n 37).

⁶⁰ *ibid.*

⁶¹ Ron Fisher & Ruth Mcphail (n 8).

⁶² Benjamin L. Read (n 53).

⁶³ The Condominium Act, Chapter 398 of the Laws of Malta, article 15.

Such administrators are regarded as agents of property management. Roles instigate a sense of power differentiation within relationships which is experienced as influence.⁶⁴ As such, the power of the administrator over the condomini lies in their professional knowledge, service provision, leadership and influence in relation to property management within the condominium environment. In this respect administrators influence condomini, which is contrary to horizontal governance, in that such power differentiation is seen as hierarchical in nature.⁶⁵ While such role differentiation allows for professional influence a more egalitarian approach is favoured within horizontal governance, with power of influence being equal amongst all reinforcing a sense of joint participation and responsibility.⁶⁶ To counter-act this the administrator is chosen by the condomini, and all decisions, unless legally enforced such as health and safety measures, are taken by them by means of a vote, chaired and facilitated by the administrator.⁶⁷ This gives residents equal power whilst also allowing them to benefit from their administrator's wealth of professional knowledge and advice.

While the physical management of the condominium may first be seen as a simple transaction, in reality it creates new relationships and interactions via the introduction of the administrator. In turn the success of this transaction is directly influenced by the type and experience of the relationships involved. With management comes obligations as condomini are obliged to partake in general meetings, make payments for services and funds as collected by administrators and agree to the decisions of the majority in daily concerns and maintenance tasks of varied financial estimates. Not all condomini willingly partake in such duties and this together with the type of interpersonal relationships of all individuals involved can cause discrepancy, misunderstanding, miscommunication and conflict.

⁶⁴ Amnon Lehavi (n 52).

⁶⁵ *ibid.*

⁶⁶ Hazel Easthope (n 37).

⁶⁷ Amnon Lehavi (n 52).

2.2.2 Relationships within the Condominium – A Source of Conflict

Social capital enables societies to function at an optimum and depends on the state of the interpersonal relationships between the individuals within a particular group. The type of interpersonal relationships that exist will affect the group members ability to interact, network and co-operate successfully promoting 'social harmony'.⁶⁸ Previously it was thought that 'social harmony' could only be maintained via hierarchical governance in which management companies take precedence – rather than service-users. In actuality, reality has shown that through collective action, self-governance is what promotes social capital and thus is key in achieving social harmony within the condominium.⁶⁹ This is because collective action emphasizes community membership whilst instilling a sense of responsibility. Responsibility acts to both control behaviour so as to ensure mutual interests whilst promoting solidarity.⁷⁰

The relationships that exist between the administrator and the condomini and the condomini themselves have a direct impact on the experience of both managing and living within the condominium.⁷¹ All relationships which are interdependent in nature experience conflict from time to time. In some cases, the faulty design and layout of condominiums due to the developers' greedy need for maximizing profit has been found to negatively affect the relationships within the condominium.⁷² The increase in both size and variety of amenities available for condomini within condominiums coincides with an increase in the number of individuals involved in maintenance and management. These developments also coincide with increased use, resource sharing and interaction, increasing the likelihood of conflict. Problems may also arise due to a conflict of interests among residents in relation to usage issues regarding common parts and amenities. This is especially true when through democratic processes and their administrator's advice condomini strive to agree and set certain rules of conduct and usage for certain amenities such as, pools, gyms and so forth.

⁶⁸ Dave Cowan & Alex Marsh, 'Community, Neighbourhood, Responsibility: Contemporary Currents in Housing Studies' [2004] 19(6) Housing Studies 845.

⁶⁹ Amnon Lehari (n 52).

⁷⁰ Dave Cowan & Alex Marsh (n 68).

⁷¹ Dianne Dredge & Eddo Coiacetto (n 38).

⁷² Hazel Easthope (n 37).

This may result in further conflict as amenities may be subsequently under or over-used to the discomfort of all, causing further property management issues for administrators.⁷³

Relationships may be strained due to a lack in the proper understanding of the roles of individuals interacting within the condominium and the realities that come with unit ownership/residency thereof.⁷⁴ Some condomini have been found to feel a diminished sense of power over one's own residence especially when the personality and attitude of administrators is blunt and superior, causing anxiety, displeasure and conflict amongst condomini.⁷⁵ The standard of property management exhibited by administrators is dependent on the administrator's integrity. Inefficiency on the administrator's part will cause the condomini to suffer financially and emotionally to the detriment of the condominium's physical upkeep.

Also, the condominium is representative of various heterogeneous characteristics within social classes. Examples of social disparity between condomini include economic disparity, as in some cases condomini have differing economic freedoms and capabilities and cultural disparity, resulting in a clash in cultural traditions between condomini and with that a general divergence in what is considered as 'common sense' behaviour.⁷⁶ In turn, the proximal nature of private units with their shared separating walls and ceilings, allows for the behaviour of a condominus within their own private unit to directly influence another condominus. In some cases, a condominus may behave in such a way that causes discomfort to their respective neighbours due to ignorance and a lack of fore-thought, respect and consideration.⁷⁷ Such scenarios occur when neighbourly relations and the sense of community membership are weak and include behaviour which results in an assault on the senses and which is continuous, as in issues related to noise and smell disturbances. In

⁷³ Dianne Dredge & Eddo Coiacetto (n 38).

⁷⁴ Hazel Easthope (n 37).

⁷⁵ Sarah Blandy & Diane Lister, 'Gated Communities: (Ne)Gating Community Development?' [2005] 20(2) Housing Studies 287.

⁷⁶ Ngai Ming Yip & Ray Forrest (n 42).

⁷⁷ Tomas Kichamu Lusisa, 'Neighbour Mediation Pathway to Community Building and Social Cohesion' (Bachelor of Social Services, Diaconia University of Applied Sciences 2010).

general, such issues escalate as the relationship between parties becomes ever-more strained and volatile resulting in further conflict overtime.⁷⁸

Another common premise for conflict is the contrast among condomini in relation to the use of individual units. Individual's purchase units for two main purposes; for residency and for investment. When the unit is a means of investment, owners may simply leave such unit's barren until the profit increase overtime permits re-sale or, they may use units so as to supplement a second income stream via renting. The likelihood of conflict has been found to be increased proportionately when such rentals are used to accommodate tourists for short lets.⁷⁹ The resulting conflict amongst the condomini themselves and their administrator is due to the competing needs of resident and investor owners, with the former focusing on property upkeep and the later focusing on minimal upkeep and lack of interest in general.⁸⁰ They are less likely to agree to organic changes in the property as a means of upkeep or for further enhancement causing conflict and straining the relationships of the other condomini and their administrator.⁸¹ This 'at a distance' and uninvolved community condominium membership leads to a decrease in their level of co-operation and diminishes the sense of community within the condominium as a whole causing a correlated decrease in collective action, social capital and social harmony.

Furthermore, research has shown that the establishment of a representative residents' board/association by and for condomini, established via democratic election and/or volunteerism serves to enhance the opportunities for self-governance amongst the condomini.⁸² Self-governance enables them to gain agency through action and participation, the by-product being the procurement of their individual interests via collective action. The efficacy of such interaction further promotes its use and strengthens the resident's sense of community membership and pride, increasing social capital.⁸³ Such collective action was

⁷⁸ Tomas Kichamu Lusisa (n 77).

⁷⁹ Kelly Cassidy & Chris Guilding, 'Management Models and Differential Agency Challenges Arising in Australian Multi-titled Tourism Accommodation Properties' [2011] 32(6) *Tourism Management* 1271.

⁸⁰ *ibid.*

⁸¹ Hazel Easthope (n 37).

⁸² *ibid.*

⁸³ *ibid.*

promoted in China by the introduction of legislative changes which sought to establish a set of standards regulating the formation of such resident associations.⁸⁴ Such bye-laws enabled condomini to democratically set up a resident association annually – a form of bottom-up governance, which localized leadership. The residents' association acts as a liaison between the property management firm (administrator) and the condomini while representing a continuous presence within the condominium.⁸⁵ This continuous presence exerts an influence in promoting collective action via the obedience of general communal rules of conduct as condomini are aware of how any inconsistent behaviour will be immediately brought to the attention of the residents' association. This promotes a feeling of community membership and facilitates horizontal governance in that all the rules of conduct are voted for by the majority and their upkeep is ensured by community members. This is especially important in condominiums consisting of vast numbers of units and amenities as is the current upcoming trend.

It is important to emphasize that all relationships are determined by interactions. In turn, each and every shared interaction must be considered as a process which is subjectively evaluated by the participating individuals, each of whom evaluate it via their own subjective interpretations.⁸⁶ The subjective interpretations of each varies and acts in conjunction with an individual's internal working model, a mirage of values and beliefs created overtime via learning and experience.⁸⁷ This leads to the personalization of conflict further exacerbating its effects. Thus, all conflicts occur within an objective reality, but they are understood and experienced within the subjective paradigm of each party involved. It is the subjective interpretation of conflict which results in disputes and which leads to the disintegration of relationships. It is this which adds metaphorical fuel to the fire, escalating conflict further.

⁸⁴ Amnon Lehari (n 52).

⁸⁵ Benjamin L. Read (n 53).

⁸⁶ Elizabeth E. Bader, 'Self, Identity and the IDR Cycle: Understanding the deeper meaning of "face" in mediation' [2011] 8(4) International Journal of Applied Psychoanalytic Studies, 301.

⁸⁷ *ibid.*

2.3 The Condominium Experience; A Legal Perspective

The all-encompassing, complex and multi-faceted experience of condominium living makes it difficult to pin down in legislative terms. Private Law seeks to control and create legislations so as to control collective action between private parties. Collective action itself is dependent on the interpersonal interactions and relationships taking place among the parties involved and so private law must also take into account the humanistic dimension; the personal values, beliefs and internal working models of all parties involved alongside its effects on governance.⁸⁸ As clearly indicated, condominium governance is intricate. Condominium legislature is a representation of a negotiated form of governance with control and management of the condominium in the hands of private organisations and the residents themselves.⁸⁹ Issues relating to; **property management**, the **establishment and promotion of methods for facilitating horizontal governance** and **improving the interpersonal relationships of all involved parties** must be the focus of all condominium legislations which seek to provide the utmost benefits for all concerned.

2.3.1 The Condominium Act - Malta

The Condominium Act was enacted on the 1st of July 2001. The socio-cultural changes which have occurred over the last twenty-one years together with the increase in number, size and variety of condominiums on the Island leads to the firm conclusion that such an act requires re-assessment and update. The act itself specifies in intricate detail the common parts while denoting the rights and duties of condominiums and the administrator in relation to the common parts with a focus on maintenance, management and as required upgrades.⁹⁰ The act also specifies the functions of the administrator.⁹¹ The intricate specification of the common parts mirrors the complexity and delicacy of the fine balance that must be

⁸⁸ Hazel Easthope (n 37).

⁸⁹ *ibid*.

⁹⁰ The Condominium Act, Chapter 398 of the Laws of Malta, articles 5, 6.

⁹¹ *ibid* article 16.

achieved in promoting the common good via the proper management of the common parts in junction with individual rights and opinions. Thus, whilst the administrator is there to manage maintenance and the functioning of all common parts, upholding the condominium's standard, the administrator is also the physical representation of what the legal expression of common parts and common good denotes. As a result, any tensions that a condominus might have pertaining to joint responsibility of the common parts, will inevitably be taken out on the administrator.

While decisions are made by collective agreement, with regular decisions requiring a two thirds majority of vote and more serious and specialized decisions (E.g. changes affecting stability, security, use of common parts by condomini) require the consent of all, the focus of the act is on collective agreement as an extension of individual preference.⁹² This collective agreement by majority vote is the limits of collective action per se within the act. As discussed previously, collective action requires the over-arching recognition of community membership and localized leadership which promote horizontal governance. This in turn is promoted via the formation of a resident association, no such association is prescribed within the act. The administrator enacts their hierarchical position in relation to their prescribed functions. This hierarchical status is further exploited in that during general meetings, the administrator has a casting vote in the case of a tie.⁹³ Also, when administrators find themselves in a position where they have to make a casting vote, the motion itself will inevitably result in the breakdown of the relationship between the administrator and the condomini with whom it appears they did not side. In this way the administrator loses their neutral and impartial standing while the condomini experience a decrease in confidence in their ability to self-govern. The act itself emphasizes the roles and relationship of the administrator and the condomini in relation to the common parts and simultaneously neglects acknowledging the interplay between the individual and the collective dimensions of condominium living and the important role played by both condomini relations and a sense of community in promoting a positive condominium experience.

⁹² The Condominium Act, Chapter 398 of the Laws of Malta, articles 8, 9(4), 22(7, 8), 24(3).

⁹³ *ibid* article 22(14).

To further highlight the discrepancy between the individual and the collective, the act directs parties to seek arbitration and litigation as a means of dealing with any form of disagreement and conflict resulting from individual differences as they arise in issues relating to the common parts and the administrator.⁹⁴ Arbitration itself is a means of exerting hierarchical governance, as an arbitrator formerly makes a judgement and binds the conflicting parties in a singular ruling. This results in a diminishing of the condominium sense of individual and collective power and agency, further disintegrating relationships and the sense of community.

2.3.2 Condominium Legislations Abroad

Recent developments in condominium law have been the direct result of the new needs and complications created by the influx of significantly large condominiums and as a practical response for dealing with general daily issues which have increasingly and repetitively been brought to court. Of late both litigation and arbitration have been found to be inadequate when dealing with condominium disputes as they are expensive, time-consuming and fail to offer a real remedy, this is because disputes often continue following judgement in the disguised form of new conflicts.⁹⁵ To combat this, some countries have sought to specify and rigorously detail certain issues within a legal context. For example, Catalan legislation considers that in certain cases condominiums can be exempt from paying common charges for which they have no regular use, as in the case of ground residing condominiums becoming exempted from lift maintenance charges.⁹⁶ Catalan legislation goes on to list a set of limitations on particular activities within private units.⁹⁷

Other legislations have strived to improve relations between the condominiums and their administrator. Italy has made amendments to its legislation, focusing on the qualifications

⁹⁴ The Condominium Act, Chapter 398 of the Laws of Malta, articles 8(7), 11(5), 14(8), 15(1, 3 & 4), 20, 23(1), 24(7), 25.

⁹⁵ Hazel Easthope (n 37).

⁹⁶ Cornelius Van Der Merwe, *European Condominium Law* (1st edn, Cambridge University Press 2015).

⁹⁷ *ibid.*

required for an individual to become an administrator, emphasizing the importance of integrity.⁹⁸ In turn, Italian byelaws have stipulated that all files and audits should be continuously available to all condomini so as to ensure administrators transparency.⁹⁹ China, Italy, Ireland, Spain and Belgium have sought to enhance horizontal governance within condominia by setting standards for the formation of a 'Condominium Board' or Resident/Owner Association'.¹⁰⁰ Such associations go by different titles but consist of a board of residents whom via election or volunteerism become board members, acting as units of localized leadership who share the mutual interests of the condomini they represent. Such associations are especially beneficial in sustaining a healthy working relationship with administrators through liaison while also aiding the condomini in dealing with any arising issues in situ via solidarity and discussion.¹⁰¹ This is effective in curtailing the workload of administrators as many are inundated with daily telephone calls by condomini requesting their interference for dealing with issues which are in fact not part of their job description. Further exacerbating such issues is the fact that administrators who do not also reside in the residence are not aware of the daily interactions amongst condomini, any existing issues which they might have and simply are not in a position to tackle personal issues as they are not professionally or legally equipped to do so.¹⁰² Also, the involvement of the administrator in such interpersonal conflicts will serve to further alienate the condomini from experiencing and enacting horizontal governance as administrators seek to involve themselves using their authoritative influence.

Belgian legislation takes this further, stipulating that within three weeks before a general meeting the administrator must seek to include an agenda for the meeting which should include all suggestions brought forward by the condomini and the condominium board.¹⁰³ Furthermore, a unit owner and not the administrator is elected as chairperson to enhance neutrality and the practice of horizontal governance between the condomini.¹⁰⁴ When

⁹⁸ The Italian Civil Code, article 71.

⁹⁹ *ibid*, article 1129.

¹⁰⁰ Cornelius Van Der Merwe (n 96).

¹⁰¹ Hazel Easthope (n 37).

¹⁰² *ibid*.

¹⁰³ Cornelius Van Der Merwe (n 96).

¹⁰⁴ *ibid*.

dealing with condominiums of a mixed-usage nature, cases where condominiums represent both residential and commercial establishments, Belgian legislation has introduced the concept of a 'two-tiered management' structure by which the physical condominium may be subdivided into areas of general common property and areas of limited common property.¹⁰⁵ While the general common property may be managed by the main condominium board, a subsidiary board will manage the limited common property allowing for the global representation and management of the whole condominium complex in alignment with the varied needs, interests and usage of all the condominiums involved.

2.4 Conflict Management via Neighbour Mediation

2.4.1 What is Mediation?

Mediation, a form of 'Alternate Dispute Resolution' (ADR), is a process by which conflict can be managed and transformed. The process is directed by a trained mediator whose role is to facilitate and encourage dialogue and understanding between the conflicting parties. The concept of mediation is born of the premise that all conflict is born as a result of a clash of needs and values and further intensified as a result of personal interpretations.¹⁰⁶ In this way conflicting issues become personalized and highly emotionalized. Thus, conflict is initiated and sustained by the parties. While focusing on the role that parties play in sustaining and intensifying conflict, mediation strives to direct each party's agency towards conflict resolution instead.¹⁰⁷

Once conflict arises channels of communication breakdown between the parties involved. As the conflict becomes more personalized it becomes more positional. Maintaining a strong positional stance within the conflict becomes key in maintaining one's 'face', as the personalization of conflict makes both parties feel that showing any leniency will cause

¹⁰⁵ Cornelius Van Der Merwe (n 96).

¹⁰⁶ Tony Whatling (n 18).

¹⁰⁷ *ibid.*

them to look weak and reflect badly on their sense of 'self'.¹⁰⁸ The goal of mediation is to move the parties forward by depersonalizing the conflict by objectifying it whilst simultaneously exploring the parties shared interests and common goals.¹⁰⁹ Through presence, the mediator represents a third party, who is both neutral and impartial and whose level of expertise and experience represents authority and influence in the field of conflict management.¹¹⁰ The mediator must use this influence positively as a means of gaining the parties trust and as a means of promoting the party's participation in the mediation process with a feeling of goodwill and openness. The mediator actively demonstrates behaviour and skills which facilitate positive dialogue, such as 'active-listening', in which listening is followed by understanding via questioning.¹¹¹ Questioning fosters understanding between the parties by eliciting personal perceptions and opinions. All negative connotations are neutralized using re-framing through which statements are generalized so as to focus on the core issue rather than any negative accusatory undertone.¹¹² Emotions are expressed, considered and understood using empathy.¹¹³ Communication helps the parties to realize that often it is the personal interpretation of events and action that lead to enhanced conflict. Thus, issues are considered within a contextual perspective and are distanced from the party's sense of 'self'.¹¹⁴ Instead, it is the action and behaviour associated with resolution which become a defining feature of one's sense of self-worth rather than the conflict itself.

Through increased de-personalized dialogue and understanding the parties take ownership of the conflict and thus its resolution.¹¹⁵ With the encouragement and support of the mediator, the parties become empowered to keep moving forward in resolving their conflict via mutual decision and action.¹¹⁶ Each advancement increases that empowerment and

¹⁰⁸ Elizabeth E. Bader (n 86).

¹⁰⁹ Kenneth Cloke, *Mediating Dangerously; The Frontiers of Conflict Resolution* (1st edn, Jossey-Bass 2001).

¹¹⁰ *ibid.*

¹¹¹ Jennifer E. Beer, Caroline C. Packard & Eileen Stief, *The Mediator's Handbook* (4th edn, New Society Publishers 2012).

¹¹² *ibid.*

¹¹³ Tony Whatling (n 18).

¹¹⁴ *ibid.*

¹¹⁵ *ibid.*

¹¹⁶ Robert A. Baruch Bush & Joseph P. Folger, *The Promise of Mediation; The Transformative Approach to Conflict* (2nd edn, Jossey-Bass 2004).

instills in them a sense of agency which promotes self-efficacy, self-esteem and self-worth.¹¹⁷ All agreements reached through mediation are self-enforcing, sustained through the parties co-operation which in turn become an extension of one's self-worth.¹¹⁸ Mediators must follow professional standards, avoiding conflict of interests while emphasizing the party's self-determination. A successful mediation is one which deals with both the emotional and interest-oriented dimensions of the conflict.¹¹⁹

Mediators can employ any of three styles of mediation separately or together in accordance with the context and the needs of the parties involved. 'Facilitative' mediation focuses on opening up channels of communication and encouraging dialogue.¹²⁰ 'Evaluative' mediation occurs when mediators formulate an agreement package which they suggest to parties on request and which they formulate in accordance with their level of expertise within a specialized field.¹²¹ 'Transformative' mediation focuses on transforming the thought and behavioural processes of the parties via the mediation process itself.¹²² It strives to promote a positive change in parties, - a 'transformation' - which will affect positively all areas of the parties lives and increase their ability to positively deal with conflict in the future.¹²³ Ideally, all mediation processes should incorporate facilitative and transformative styles with the evaluative style being employed only in particular circumstances and as required.

2.4.2 Neighbour Mediation

Community mediation focuses on the application of mediation as a process for dealing with issues which arise within the community, emphasizing the benefit of resolving community issues via the affected local community rather than within the larger legal system.¹²⁴ Community mediation allows community members, to take ownership of their conflicts and

¹¹⁷ Robert A. Baruch Bush & Joseph P. Folger (n 116).

¹¹⁸ Jennifer E. Beer, Caroline C. Packard & Eileen Stief (n 111).

¹¹⁹ Tony Whatling (n 18).

¹²⁰ *ibid.*

¹²¹ Kenneth Cloke (n 109).

¹²² Robert A. Baruch Bush & Joseph P. Folger (n 116).

¹²³ *ibid.*

¹²⁴ Tomas Kichamu Lusisa (n 77).

in so doing to become agents of change, through a process of 'autonomisation'.¹²⁵ 'Autonomisation' allows community members to exert their influence in shaping their everyday life experience, individualistically and collectively. Neighbour mediation, an outbranch of community mediation, is concerned specifically with managing conflict and re-establishing relationships between neighbours for the mutual benefit of all. The main philosophy behind neighbour mediation is in providing neighbours and communities the opportunity to apply mediation as a method of self-help so as to avoid further exacerbating issues by taking them to court.¹²⁶ The communal dimension ensures that improved relations between conflicting neighbours results in improved relations between all neighbours as tensions are eased as there is a high likelihood that issues can inadvertently affect other neighbours due to close proximity.¹²⁷ Extensive research in Italy has shown that neighbourhood relations are the strongest predictors of community membership.¹²⁸ In turn, neighbourhood relations and community membership have been found to have a direct influence on life satisfaction and feelings of loneliness.¹²⁹

Social cohesion is key in community building and in promoting collective action and is achieved through interaction in which communication and solidarity is promoted, providing the community with a particular identity with common needs and goals.¹³⁰ Conflicts managed well further promote the communication and goodwill required for social cohesion while conflict which is un-managed and left to escalate threatens social cohesion leading to a decline in peaceful co-existence. Through social bonding, neighbour mediation can empower conflicting parties to effectively and in an authentic manner transform their disputes into opportunities of adaptation and change coinciding with increased levels of understanding and perception brought on by increased levels of communication.¹³¹ This in turn will result in improved daily interactions and instill a renewed sense of community

¹²⁵ Bram Peper & Frans Spierings, 'Settling Disputes between Neighbours in the Lifeworld: An Evaluation of Experiments with Community Mediation in the Netherlands' [1999] 7(4) *European Journal on Criminal Policy and Research*, 483.

¹²⁶ Tomas Kichamu Lusisa (n 77).

¹²⁷ Bram Peper & Frans Spierings (n 125).

¹²⁸ Miretta Prezza, Matilde Amici, Tiziana Roberti & Gloria Tedeschi (n 23).

¹²⁹ *ibid.*

¹³⁰ Tomas Kichamu Lusisa (n 77).

¹³¹ *ibid.*

‘belonging’. In this way individual members are brought together, enabling them to abide by and sustain a set of values through fairness and equality incorporating compromise and collaboration.¹³²

Ideally, all neighbour and community mediation should seek a transformative style together with a combination of the others as the context requires so as to promote on-going positive change and instill conflict management skills amongst the parties. This will enable parties to cope better with future conflicts which will undoubtedly arise due to the nature of their continuous, consistent and interdependent relationship as neighbours.¹³³ However, if the issue is one which is legally substantive than the legal rights and duties of the parties involved must be considered with the mediator applying an evaluative style also. When issues are more perceptive and prescriptive in nature; noise levels, pet disturbances, children/youth behaviour or misdemeanours related to the rules of conduct of common parts, than an evaluative style is not needed.¹³⁴ Transformative mediation opens dialogue, elicits a transformation within and between the parties involved and promotes social bonding. By transforming the individual, the mediation process guides individuals in better understanding themselves and their fellow neighbours. This change in self will empower the parties as individuals and will bring about a change in the individual’s view and position within their social world, promoting positive change in all community interactions.¹³⁵ Through individual empowerment, communities become empowered also, after all communities are the sum of their individual members. In turn, empowered communities develop their own values and systems of interaction which can facilitate positive community relations and interactions despite the diversity of its members.¹³⁶

In the case of neighbour mediation timing of intervention is key.¹³⁷ If mediation is sought too early than the parties may lack the emotional initiative to respond and participate in it sufficiently. If mediation is sought too late than parties may become so entrenched in their opposing positions that any action towards resolution would be difficult to ascertain.

¹³² Tomas Kichamu Lusisa (n 77).

¹³³ Charles B. Craver (n 25).

¹³⁴ *ibid.*

¹³⁵ Robert A. Baruch Bush & Joseph P. Folger (n 116).

¹³⁶ Tomas Kichamu Lusisa (n 77).

¹³⁷ Charles B. Craver (n 25).

Mediators must also seek to ensure whether any other neighbours are affected by any of the issues at hand or possible resolutions. If other parties will be affected in any way, their views and concerns must also be taken into consideration during the mediation.¹³⁸ For mediation to work there must be a power balance between the parties. If for any reason, there exists a power imbalance it is then the duty of the mediator to terminate the mediation and advise the weaker party to obtain some form of legal assistance.¹³⁹

2.4.3 Benefits of Mediation versus Arbitration and Litigation

The procedures applied in court and arbitration settings have the tendency to ignore the actual conflict between neighbours focusing instead on the legal dimensions of observable behaviour.¹⁴⁰ In this way, the emotional element of conflict is unaddressed. Neighbourly conflict is highly emotionalized in nature and the management of such conflict requires that emotions be taken into consideration. Mediation focuses on the actual and subjective reality of the experience of the conflict and the needs of the conflicting parties, in so doing the emotional element of the conflict is considered.¹⁴¹ This is key for improving and cementing neighbourly relations so as to prevent future conflicts or a repetition of previous issues overtime.¹⁴²

Mediation is cost-effective and informal in nature making it better suited for the everyday nature of conflict between neighbours. In court there is no time for open and 'meaningful' dialogue between the parties and the court setting itself elicits negative associations and feelings of disempowerment.¹⁴³ Legal action per se can cause irreparable damage to existing relationships by further personalizing any issues and reinforcing positional biases between parties. This elicits competitive rather than collaborative interactions. Mediation, on the other hand seeks to transform the parties negative relationship into a collaborative one. It is

¹³⁸ Charles B. Craver (n 25).

¹³⁹ *ibid.*

¹⁴⁰ Tomas Kichamu Lusisa (n 77).

¹⁴¹ *ibid.*

¹⁴² *ibid.*

¹⁴³ Scott E. Mollen (n 21).

important that mediators seek to develop a deep understanding of what is achievable within a legal context for each case at hand, as all solutions must also be legally acceptable. Mediation also offers the advantage of speed, as it simply requires a mediator to be present with both parties and is unaffected by other forms of bureaucratic processing delays. This is key as prolonged neighbourly issues are prone to escalate drastically.¹⁴⁴ Also, the interests and concerns of both parties as individuals and community members are taken into account and considered without judgement. Any agreement made is done so co-jointly by both parties.¹⁴⁵ Since the solution is the party's own and is a representation of what they feel is achievable, they are more likely to uphold it especially as the fulfillment of the agreed upon terms are a reflection of their own agency.¹⁴⁶ Such agreements are mutually beneficial arrangements and are more innovative in nature in comparison with those imposed on parties as a result of arbitration and litigation.¹⁴⁷ In mediation, the mediator does not impose a solution unless the parties involved specifically seek the mediator's advice as in an evaluative style of mediation in which case it is the parties who seek the mediators advice and decide freely whether to apply it or not. Also, parties maintain the right to terminate mediation at any stage. In this way parties are empowered.¹⁴⁸ In the case of condominiums the cost of litigation may also infringe upon the floating fund of the condominium in particular circumstances, financially affecting all condomini.¹⁴⁹ Research has found that the publicity that comes with court proceedings corresponds with negative adverse effects on the reputation of the condominium as a whole and on the parties involved.¹⁵⁰ Mediation allows for these adverse effects to be avoided as all proceedings are private and confidential.¹⁵¹

¹⁴⁴ Scott E. Mollen (n 21).

¹⁴⁵ Nathan K. DeDino, 'When Fences Aren't Enough: The Use of Alternative Dispute Resolution to Resolve Disputes Between Neighbours' [2003] 18(3) Ohio State Journal on Dispute Resolution, 887.

¹⁴⁶ Nathan K. DeDino (n 145).

¹⁴⁷ Charles B. Craver (n 25).

¹⁴⁸ *ibid.*

¹⁴⁹ Scott E. Mollen (n 21).

¹⁵⁰ *ibid.*

¹⁵¹ Nathan K. DeDino (n 145).

2.5 Applying Mediation in the Condominium Experience – A Holistic

Perspective

The positive effects of mediation in dealing with neighbourly conflict has promoted its adoption. While some countries seek its application via legislation and through court appointment, other countries have promoted its use via public and private service providers such as resident associations, housing authorities and condominium institutes.

2.5.1 The Success of Applying Neighbour Mediation via Service Providers

In New York, San Francisco, Canada, Australia and the Netherlands private and public organizations exist so as to facilitate mediation between neighbours in housing estates and condominiums using a system of referral direct from administrators, resident associations, the courts and the police department. The original proponent of community-focused neighbour mediation was the founding of the San Francisco Community Boards (SFCB) by Raymond Shonholtz. The goal of the SFCB was to promote mediation amongst any conflicting groups present within communities via service as provided by a third party.¹⁵² In this way it was believed that conflicts within the community could be managed in a local environment with a focus on the individual and the community's needs and interests, promoting collective action through individual empowerment whilst increasing social solidarity and harmony amongst the community as a whole.¹⁵³ Such local community boards are the norm in New York, San Francisco and Australia.

The SFCB was used as a model on which the Netherlands initiated three experimental projects focused on applying mediation in a local community setting so as to deal mainly with neighbourly conflicts especially those related to condominium establishments.¹⁵⁴ The local council, community council and housing associations specifically implemented and

¹⁵² Bram Peper & Frans Spierings (n 125).

¹⁵³ Tomas Kichamu Lusisa (n 77).

¹⁵⁴ Bram Peper & Frans Spierings (n 125).

funded the experiment. As such, the project sought to develop specific intake procedures and a model for registration. Referrals were usually made by professionals, housing corporations and the police.¹⁵⁵ On the whole, the majority of participating parties found community mediation very effective especially with regards to issues relating to; noise, litter, disruptive behaviour of children and youths and so forth.¹⁵⁶

In the United Kingdom and Scotland, the Department for Environment, Food and Rural Affairs (DEFRA) made an extensive review of the application of mediation services provided by local authorities and housing associations. Overall, its application was found to be successful and further recommendations were made so as to promote its use.

Recommendations included an increase in public awareness on the availability of mediation, a strengthening in procedures to be made in case referral between professionals and taking into consideration methods to implement increased funding by local associations and the possibility of future government funding.¹⁵⁷

In Canada, the Canadian Condominium Institute (CCI) established in 1982 is an independent non-profit organization focused on dealing with all condominium issues by enhancing and promoting a sense of community within condominiums. The institute itself specializes in educating property managers and condominium owners on how best to promote community cohesion within the condominium and how best to tackle issues. The CCI also maintains a forum of services and service professionals adept at dealing with condominium issues.¹⁵⁸ Mediation is at the core of the CCI's ideology, with the CCI enlisting a set of professional mediators to aid in condominium mediation and promoting its use via educational pamphlets, workshops and seminars.¹⁵⁹

¹⁵⁵ Bram Peper & Frans Spierings (n 125).

¹⁵⁶ *ibid.*

¹⁵⁷ Rupert Taylor, Department for Environment Food and Rural Affairs, *Review of Use of Mediation Services by Local Authorities and Housing Associations* (Final Report, DEFRA Contract NANR 197 2006).

¹⁵⁸ Archie Zariski, 'The Value added by Mediation in Condominiums' (Canadian Condominium Institute, 1st January 2020) <<https://www.ccinorthalberta.com/the-value-added-by-mediation-in-condominiums/>> accessed 16th June 2022.

¹⁵⁹ *ibid.*

2.5.2 The Success of Applying Neighbour Mediation via Legislation

In European jurisdictions such as Italy and Ireland mediation is listed within the legislation as an alternative means of neighbour conflict management and can even be court appointed. The promotion of mediation as a means of conflict resolution within European member states is a direct result of the enactment of the European Union Directive on Mediation made in 2008.¹⁶⁰ In many member states mandatory mediation has been included in part of their civil procedural code. While some argue that court appointed mandatory mediation goes against the voluntariness principle of mediation and is an infringement of Article 6 of the European Convention on Human Rights (ECHR) which emphasizes the right of the individual in securing a fair hearing by a tribunal. In fact, the European Court of Justice (ECJ) ruled in March 2010, that in the Italian case *Rosalba Alassini and Others*, which dealt with a telecom dispute, the fact that mediation had been mandatorily court appointed was not in fact an infringement of Article 6 of the ECHR but a means of empowering the parties to first try all the options available before seeking a court hearing.¹⁶¹ As such, the voluntariness principle of mediation is not lost, as the process is that of the parties, is dependent on their participation, all agreements are their own and they can choose to terminate the mediation at any stage.¹⁶² Simply put, the mandatory dimension is a means of ensuring that parties try mediation as a first step in their process of conflict management and as a means of unclogging the courts.

In Italian legislature, decree 28/2010, condominium conflict is a branch of conflict listed under the civil and commercial disputes that fall under the mandatory application of mediation. In this way all Italian condominium conflict must first undergo mandatory mediation by an accredited mediator before being taken up by the court. All mediations must occur with the presence of lawyers and any settlement reached must be signed by the

¹⁶⁰ Directive 2008/52/EC of the European Parliament and the Council on Certain Aspects of Mediation in Civil and Commercial Matters
<<http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:136:0003:0008:EN:PDF>> accessed 18th June 2022.

¹⁶¹ Cases C-317-320/08 *Rosalba Alassini and Others v Telecom Italia* [2010] ECR I-2213.

¹⁶² Ali K. A. Qtaishat, Hiyam M. H. Alshawabkeh & Hanadimahamoud T. Saleh, 'European Union Directive on Mediation: Assessing the Developments and Challenges' [2018] 148(3) *European Journal of Scientific Research*, 386.

parties and their lawyers and can be made enforceable like a court decision.¹⁶³ In fact, in Italy there are three methods promoting the application of mediation. These include; voluntary agreement of parties or by contract, court appointed mediation and application of mediation by voluntary agreement following a 'required initial mediation session' before parties can move forward with a court application.¹⁶⁴ The latter has been found to promote the application and success of mediation widely and has been considered as a creative means of inducing voluntary mediation within a mandatory framework.¹⁶⁵ Greece and Turkey have also recently adopted a similar pattern for inducing court-appointed mediation to great success.¹⁶⁶

In Ireland, the Multi-Unit Development Act, 2011 promotes the establishment of a residents' association referred to as an 'Owner's Management Company' (OMC).¹⁶⁷ Such a company will consist of appointed residents and will in the eyes of the law be registered under the Companies Act, 2014. As such the role of the OMC is to take ownership of the common parts and in so doing manage the maintenance and upkeep of the common parts via the procurement and control of property management firms and service agents while simultaneously setting a set of 'house rules', regulating behaviour and conduct as approved by the majority of condomini.¹⁶⁸ It is the responsibility of the OMC and the separate condominiums themselves to first seek mediation as a means of conflict resolution prior to court involvement for any disputes related to the condominium setting and between all parties involved within the condominium.¹⁶⁹ Furthermore, the Circuit Court also maintains the right to direct any such disputes to participating in a 'mediation conference'.¹⁷⁰ In turn, it is the duty of the mediator or appointed chairperson to report to the court any settlement

¹⁶³ Legislative Decree No. 69/2013 – Reintroduction of Compulsory Mediation.

¹⁶⁴ Leonardo D'Urso, 'Italy's Required Initial Mediation Session: Bridging the Gap between Mandatory and Voluntary Mediation' [2018] 36(4) The Newsletter of the International Institute for Conflict Prevention & Resolution, 56.

¹⁶⁵ *ibid.*

¹⁶⁶ *ibid.*

¹⁶⁷ Multi-Unit Development Act, 2011 article 18.

¹⁶⁸ *ibid* article 23.

¹⁶⁹ *ibid* article 24 (2).

¹⁷⁰ *ibid* article 27.

reached during the 'mediation conference' or its failure to do so.¹⁷¹ This coincides with the points listed in the Mediation Act, 2017 in regards to all court appointed mediations.¹⁷²

¹⁷¹ Multi-Unit Development Act, 2011 article 28.

¹⁷² Mediation Act, 2017 articles 16 & 17.

3. METHODOLOGY

3.1 Focus of Study

My first objective was to clearly and extensively depict, explore and understand the experiences, emotions and meanings associated with condominium management and living via administrators and condomini.

The second objective was to extensively explore the type, affects and personal experience of conflict within the condominium as experienced by administrators and condomini with a focus on the availability and efficiency of current methods of conflict management so as to demonstrate the demand for the consideration and inclusion of mediation in this field.

The third objective was to investigate whether participants had any knowledge and any previous experience with mediation. Upon a short description of the mediation process as a means of introduction as required, I sought to explore the participants opinion surrounding the possible application of mediation for conflict management, ascertaining its usefulness within the condominium.

All data was collated and analyzed in accordance with the extensive literature review so as to ascertain the need and positive correlation of applying mediation as a successful form of conflict management and a means of empowering individuals, improving and strengthening neighbourly relationships, reinforcing community ties and increasing the practice of horizontal governance leading to an overall increase in life satisfaction for all parties involved partaking in the condominium lifestyle.

3.2 Choosing a Qualitative Approach

A qualitative approach was chosen because research has shown that when considering relationships and behavioural phenomena associated with such relationships, such as

conflict, it is key to analyze not only observable behaviour but to also understand the deeper underlying meaning of the behaviour and interactions involved.¹⁷³ All relationships, behaviours and conflicts are affected by and in turn affect the deeper personal meaning of each individual who assimilates the information obtained via the experience in tandem with their own 'internal working model'. In this way each event is interpreted using a personal perspective rather than an objective one. In actuality multiple perceptions and realities exist of the same experience. This ties in with a core concept of mediation, the tactful depersonalization of issues. This is achieved via the exploration and understanding of each individual's perceptions by which issues become objectified and so manageable. In line with this, the underlying 'meaning' associated with relationships and which initiates, maintains and directs conflict, must be considered. Such 'meaning' cannot be captured, considered and analyzed using numerical values.¹⁷⁴ Previous research has shown that qualitative data is more adept at examining the effectiveness of policies and legislations in the real-life of individuals whilst simultaneously providing new data required to promote creative change in such policies and legislations.¹⁷⁵ In direct response to this there has been a steady rise in the application and funding of qualitative research as a means of policy making and enhancement amongst European policymakers.¹⁷⁶ Qualitative approaches allow European policymakers to investigate and consider more fully all the varying personal and country-specific circumstances which may exist. This allows for the formation of universal policies which are indeed considerate, representative and comprehensive of all the varying aspects of all European societies.¹⁷⁷

3.3 Choosing a Narrative Research Design

Every individual has a story to tell. Individuals use stories to create, interpret, understand, reinforce and share 'meaning'.¹⁷⁸ In fact, narratives are useful as a means of data collection

¹⁷³ Carla Willig, *Introducing Qualitative Research in Psychology* (3rd edn, Open University Press 2013).

¹⁷⁴ *ibid.*

¹⁷⁵ Antje Barabasch, 'The Narrative Approach in Research and its Use for Policy Advice' [2018] 37(3) *International Journal of Lifelong Education*, 1.

¹⁷⁶ *ibid.*

¹⁷⁷ Antje Barabasch (n 175).

¹⁷⁸ Anna De Fina & Alexandra Georgakopoulou (n 35).

through which behaviours, namely actions and interactions, together with the related consequences of such behaviours can be shared and discussed while considering their emotional element. It is these associated emotions which amplify meaning and which play a key part in social relations and interpretations of the self as an individual and of the self as a community member.¹⁷⁹ These elements tied in with my study as social relationships and conflict are steeped in emotional meaning and my study focused on the interplay between the private and individual element of unit ownership and the simultaneous collective, condominium community membership that each condominus finds themselves in. Also, the condominium experience is a unique and dynamic experience for each individual dependent in turn on many social and cultural variables. In this way, a clear and holistic depiction of the real-life experience of individuals could be obtained. Policymakers require this insight into the real-world and a narrative design is most adept at achieving this as all data is obtained directly from the participants and is a reflection of the participants true life experiences and their perception of such experiences.¹⁸⁰ Seen as I sought to uncover and explore the need for the application of mediation within the condominium setting as a joining force between the legal and humanistic perspectives of condominium living, such an intricate and in-depth depiction and exploration could only be obtained via a narrative research design.

3.4 Recruitment and Selection Criteria of Participants

Participants were divided into two categories, administrators and condomini. Participants were recruited using a mixed methods approach. Some were recruited directly via email by which they were informed of the study and were requested to participate if it was of interest to them. Other participants were recruited via snowball sampling, word-of-mouth from other participants.¹⁸¹ All participants were previously unknown to me. I found the process of recruitment difficult specifically when it came to recruiting administrators as participants, generally most refused to participate and those who did, did so upon the introduction of a financial incentive.

¹⁷⁹ Anna De Fina & Alexandra Georgakopoulou (n 35).

¹⁸⁰ Antje Barabasch (n 175).

¹⁸¹ Carla Willig (n 173).

A total of eight participants were interviewed, four administrators and four condomini. The selection criteria for participation as an administrator included that all administrators must have been in the profession for a minimum of three years. During the selection process I strove to ensure that among the administrators there was an equal representation of gender and age, with two being male and two female of various ages. I also strove to ensure that there was an equal representation in the size of the administrators' respective property management firm, two administrators ran their own firms while the other two were employed by large property management firms. The selection criteria for participation as a condominus simply required that all participants were Maltese, owned and had been living in their current condominium for a minimum of three years. It was important that each condominus was living within a separate condominium. During the selection process I ensured that there was an equal representation of gender and age, with two participants being male and the other two female, all representing various age groups. I also strove to ensure that the four condominia represented by the four participating condomini represented four separate localities.

All participants were interviewed once at a location and during a timeframe convenient for them. In some cases, participants were re-interviewed for the obtainment of specific data which was lacking from their original interview. The first stage of all interviews included a brief introduction to the topic and a detailed explanation of the interview process and the method to be used in the analysis of data. The complete confidentiality and anonymity of participation was emphasized following which participants were asked to consult and confirm participation via the consent form. All recorded narratives were transcribed and analyzed. All participants were given fictitious names and any defining characteristics were substituted as required to ensure anonymity. For the purpose of this study all administrators were given fictitious names beginning with the letter 'A', while all condomini were given fictitious names beginning with the letter 'C'.

3.5 Interview Method and Procedure

The narrative interview technique used was the 'Biographic Narrative Interpretive Method' (BNIM).¹⁸² The interview procedure advocated within this method consists of three subsessions (Appendix C & D). The first two subsessions occur in the original meeting. The third subsession occurs in a separate, second meeting so as to obtain further data which may have been skipped over or which may require further clarification from the original interview.¹⁸³ This second meeting is thus optional. During subsession one, the topic is introduced using an open narrative question, inviting the participants to speak freely without interruption. This is referred to as the 'Single Question Initial Subsession' (SQUIN).¹⁸⁴ During the interview the interviewer must seek to remain silent instead using non-verbal cues so as to demonstrate active listening and interest, encouraging the interviewee to speak freely. This coincides with the process of mediation in which there is an initial stage of storytelling encouraged by the mediator via non-verbal cues and which is considered as the client's first step towards ownership of their story and the issue.¹⁸⁵ Following a short break subsession two begins in which the interviewer asks open-ended narrative questions so as to elicit further information, introduce and explore new narrative topics and to seek clarification of statements made by the interviewee during subsession one while applying original key terms and phrases as used originally by the interviewee.¹⁸⁶ The BNIM method also requires that concise snippets of 'Biographic Data' be made up of each participant which should include all criteria and objective data relevant to the study whilst also maintaining the participants anonymity.¹⁸⁷ Such snippets were made and can be found in Appendix G and H. A pilot interview was first carried out on two participants, an administrator and a condominium, both of whom I personally know so as to determine the accuracy of the interview guide. Changes were made as required.

¹⁸² Tom Wengraf, 'The BNIM Short Guide bound with the BNIM Detailed Manual; Interviewing for life-histories, lived situations and ongoing personal experiencing using the Biographic-Narrative Interpretive Method (BNIM)' (Birkbeck Institute for Social Research, London University, 15th January 2011) <https://is.muni.cz/el/1423/podzim2014/SOC932/um/Wengraf_manual.pdf> accessed 28th June 2022.

¹⁸³ *ibid.*

¹⁸⁴ *ibid.*

¹⁸⁵ Kenneth Cloke (n 109).

¹⁸⁶ Tom Wengraf (n 182).

¹⁸⁷ *ibid.*

The BNIM method was chosen because it simultaneously allows for both the ‘experience’ of events and the individual’s ‘interpretation’ of such events to be captured.¹⁸⁸ In essence it can be considered as a ‘psycho-societal methodology’ which considers both psychological and societal aspects of a state of being and so encapsulates the integral totality of the humanistic experience.¹⁸⁹ This is important as the condominium lifestyle is in essence the totality of all the experiences and their relevant interpretations. In turn such experiences and interpretations are heavily influenced by individual subjectivity. The BNIM method emphasizes the importance of eliciting such ‘unique subjectivity’.¹⁹⁰

3.6 Interpretation and Data Analysis

Transcriptions were analyzed using thematic analysis.¹⁹¹ Following transcription each interview was read over carefully and any sources of interest and meaning, referred to as ‘data extracts’ were highlighted and labelled, a process referred to as ‘coding’.¹⁹²

Transcriptions were divided into two main categories, category one represented the administrators while category two represented the condomini. Similar ‘codes’ between transcriptions within the same category were grouped together to formulate ‘overarching themes’.¹⁹³ Once labelled ‘overarching themes’ were reviewed so as to ensure that they specifically and authentically captured the description and meaning of the original ‘codes’ they represented.¹⁹⁴ The type of thematic analysis applied was contextual in its approach as it considered the individual’s actions, interactions and meanings in relation to the broader communal context of the condominium.¹⁹⁵ To ensure that the data was analyzed with integrity so as to maintain its authenticity, original coding was carried out without influence or reference to any of the research objectives, an ‘inductive approach’.¹⁹⁶ However, once

¹⁸⁸ Tom Wengraf (n 182).

¹⁸⁹ *ibid.*

¹⁹⁰ *ibid.*

¹⁹¹ Virginia Braun & Victoria Clarke, ‘Using Thematic Analysis in psychology’ [2006] 3(2) *Qualitative Research in Psychology*, 77.

¹⁹² *ibid.*

¹⁹³ *ibid.*

¹⁹⁴ *ibid* 90.

¹⁹⁵ *ibid* 83.

¹⁹⁶ *ibid.*

the final and ‘overarching themes’ were formulated, a ‘deductive approach’ was adopted in which the themes were subsequently categorized while taking into account the original research objectives and all the reviewed and relevant literature.¹⁹⁷

3.7 Reflexivity

All qualitative studies must take into consideration the subjectivity of the researcher and how unbeknownst to them, their presence and participation can influence both their participants and their research and also affect the researchers themselves in a particular way, a process referred to as ‘reflexivity’.¹⁹⁸ As a result, it is key that all researchers be continuously and consistently aware of their own personal perceptions, opinions and biases especially during the interview stage and during the analysis of transcriptions. This need for neutrality and impartiality mirrors mediation in that mediators must strive to demonstrate and actively maintain such principles so as best to serve their clients and maintain the integrity of the mediation process.¹⁹⁹ So as to facilitate such principles during my research I made use of a reflective journal throughout, in which I made notes of all my personal reflections. In this way I increased my awareness of my own perceptions and biases while affectively striving to significantly and greatly diminish their influence via critical thinking and so ensuring the authenticity of my study by my own impartiality.²⁰⁰

¹⁹⁷ Virginia Braun & Victoria Clarke (n 191) 87.

¹⁹⁸ John W. Creswell, *Qualitative Inquiry and Research Design; Choosing Among Five Approaches* (2nd edn, Sage Publications 2007).

¹⁹⁹ Kenneth Cloke (n 109).

²⁰⁰ John W. Creswell (n 198).

4. RESULTS & DISCUSSION

Following thematic analysis, two separate categories of ‘over-arching themes’ were formulated, one category representing the administrators and the other representing the condomini.

4.1 Introducing Themes – The Administrators Experience and Perspective.

Analysis of the data gathered from the administrators’ transcriptions resulted in the formation of eight themes. Result tables can be found in Appendix I, J and K which, clearly depict theme formation, offer a theme description and record a selection of relevant ‘data extracts’ from transcriptions which exemplify each theme.²⁰¹ In the following section, each theme will be considered in depth and classified in relation to the original research objective each theme serves to address and satisfy.

4.1.1 Research Objective 1: The Experience of Condominium Management

4.1.1.1 The Interplay of Roles and Expectations.

Each of the administrators repeatedly made reference to the fact that the condomini they work for have an inaccurate understanding of the actual administrative role. This results in a discrepancy between the administrator’s actual role and the expectations of the condomini, ‘...people don’t know what my job is... honestly they tell you everything like you can... you know... fix it...like so and so closes the door loudly...tell him to stop...’ (Adam). As a general rule, the condomini expect administrators to be continuously aware of happenings within the condominium and to continuously be available to manage all types of issues, ‘...your job is to do everything they tell you to... they think they can call when they like... that it’s like you work their condo only...’ (Amanda). To maintain good working relations,

²⁰¹ Virginia Braun & Victoria Clarke (n 191).

administrators must balance a workload in which aspects of their actual role and the expectations of that role are considered. While the Condominium Act itself makes in-depth reference to the role of the administrator in certain activities, it also allows for a certain role generality as administrators are the only listed professional within the act itself.

Whilst all of my participants seek to clarify their role amongst condomini their response to such expectations varies. Two of my participants, Austin and Antonella, both work in small firms which are self and family-run respectively while Adam and Amanda simultaneously work within a larger firm specialising in condominium management. The former participants feel more responsible for meeting the expectations of condomini: *'... my father started the business...we feel responsible to do a good service for clients but people are difficult... they expect and want so much...'* (Antonella). While the latter brush off such expectations as simply not being profitable to them: *'I am on a payroll I don't get anything for doing anything extra...'* (Adam). Administrators who have a managerial position within their particular firm hold great value in achieving client satisfaction and so strive to combine roles and expectations.²⁰² On the other hand, administrators who are employees within a larger firm, have no personal attachment to the firm they work for per se. The success of the firm is not part of their self-worth for they are not personally invested in the business. Also, such firms manage vast condominia, the fear of losing contracts or name-shaming is mitigated by numbers.

Personalities and characters come to the fore front also, both Austin and Antonella came across as particularly considerate of others, often stating how they feel responsible to help their clients, they are naturally empathetic, and integrity is key for both. Adam and Amanda are more subdued in their approach. The natural inclination, attributes and integrity of the administrators affect the service given and the types of relationships they cultivate with the condomini they manage. Thus, all interactions are personalized and internalized, dependent on individual's internal working models.²⁰³ All participants felt that the discrepancy in roles and expectations is a stressor within the profession and often has led to high emotional

²⁰² Hazel Easthope (n 37).

²⁰³ Elizabeth E. Bader (n 86).

strain, in their professional and personal lives, *'sometimes my partner gets frustrated he hears their complaints... their demands and he says... it's too much...'* (Antonella). Increased education and understanding regarding the actual administrative role amongst condominium is vital and can only be achieved by the introduction of other key players and resources available within the condominium experience.²⁰⁴

4.1.1.2 An Ever-Changing Environment – Requiring 'Continuous Professional Adaptation'.

Condominium management is in a state of constant flux, both in relation to the size and type of condominiums, as super-condominiums constitute multiple-use units with varied amenities and in relation to the socio-cultural dimensions of the condominiums themselves.²⁰⁵ This puts a certain pressure on administrators who must seek to adapt and educate themselves accordingly: *'I try to learn about things to advise them... I have to learn...'* (Austin). It is a profession which depends on the administrators own personal interest to self-educate and on their ability in creating a network of professionals whom they turn to regularly for services as required. In the case of small firms condominiums benefit from fast service as relations between the administrator and other professionals are good and authentic: *'Thankfully the service providers I use always do wonderful work...I suppose it's because we become close knit, dependent on one another for further jobs...'* (Austin). Larger firms have a large network of professionals but the 'at-a-distance' relationship between the professionals and the multiple administrators and the sheer number of condominiums allows for a leniency in the level of service provided: *'I make the call...we have a long list...the call out man goes...we have many...it's not my responsibility really...the company looks bad...'* (Adam). The lifestyle sold by developers via the new ultra-modern condominiums they are advertising create new problems which must be addressed innovatively: *'... I do a lot of research online to see how they manage them in other countries... like Canada... you use a template for their 'rules of conduct and usage'...'* (Adam). Professional standards, support and the need of professional development are greatly lacking within the administrative field as administrators have no organisation or other professional body to turn to, such

²⁰⁴ Hazel Easthope (n 37).

²⁰⁵ *ibid.*

findings correlate with an Australian study.²⁰⁶ Such standards and developments are unregulated and dependent on the administrator's self-sufficiency and integrity which will in turn affect the level of service received by the condomini. In response to this, countries such as Italy and Belgium are placing heavy emphasis on the standardisation of the administratorial role and the practice of their duties, highlighting integrity, continuous professional development and transparency as key attributes.²⁰⁷

4.1.2 Research Objective 2: The Experience of Conflict within the Condominium Setting.

4.1.2.1. Discrepancy amongst Residents relating to Maintenance and Refurbishment Issues.

The primary source of conflict as experienced by administrators is issues relating to the collection of service charges and funds for property management and refurbishment.²⁰⁸ Issues arise when condomini do not agree as to the requirement of certain activities related to the upkeep and upgrading of the common parts within the condominia such as plastering, painting and so forth. Other issues arise when some of the condomini refuse to accept the quote fee of third-party service providers as obtained by the administrators. Issues of payment arise due to the disparity between the condomini themselves, disparity in economic standing and in unit-use, as the needs and wishes of the condomini for whom the unit is a residence are in contrast to those who own multiple units which they use as a means of income instead: *'...I have yet to meet a landlord who just pays... agreeing that the upgrade of the block is important like the fulltime residents...different block, different people, same problems'* (Austin).

Administrators have to simultaneously deal with such heterogeneity in unit-use and amongst the condomini themselves often reasoning with the involved parties for long periods of time and placing them in direct conflict with them.²⁰⁹ In turn, issues which should

²⁰⁶ Randy K. Lippert & Rhys Steckle (n 45).

²⁰⁷ Cornelius Van Der Merwe (n 96).

²⁰⁸ Dianne Dredge & Eddo Coiacetto (n 38).

²⁰⁹ Ron Fisher & Ruth Mcphail (n 8).

be part of a business interaction become personalized due to stressors and pressures as administrators strive to fulfil the wishes of the majority. In response to repetitive court claims relating to such financial issues, Italy, Catalan and Belgium have found it favourable to specify such claims in byelaws as part of legislation with a focus on enforcing the payment of funds related to refurbishment and maintenance in compliance with majority rule.²¹⁰

4.1.2.2 Demands and Expectations - Which are Contrary to the Administratorial Role.

The secondary source of conflict as experienced by administrators is the expectations made on administrators by condomini and which lay outside their job description. The bulk of such issues relate to the emotional and interpersonal relations which exist between the condomini themselves.²¹¹ The condomini contact the administrator with all issues rather than approaching the involved condomini directly themselves in relation to any neighbourly issues and disagreements which occur between them. While some of the issues relate to the common parts others relate to interpersonal interactions between the condomini themselves, *'The woman in Apartment 10 is so rude to me, I think she should be told to obey the rules by you, her children are too noisy at night...it's your job to tell her...'*(Austin). Examples include noise, pet disturbances, and the behaviour of children and youth. These examples are indeed universal across nations.²¹² Such issues are further expounded by cultural differences and language barriers. In many ways, what seems common sense to some individuals seems alien to others, common sense not being so common in relation to cultural traditions.²¹³ Generally, condomini expect that administrators act immediately placing administrators in an awkward position in which they must enforce a degree of power through influence and authority so as to assert a level of control on the behaviour of condomini. This diminishes the power of condomini in their practice of horizontal governance. Administrators' are placed in a confrontational position with condomini in relation to highly emotionalized issues which they are not payed or equipped to handle:

²¹⁰ Cornelius Van Der Merwe (n 96).

²¹¹ Tomas Kichamu Lusisa (n 77).

²¹² Scott E. Mollen (n 21).

²¹³ Tomas Kichamu Lusisa (n 77).

...all this emotional stuff, and crying on the phone and saying “You don’t care!”...it’s not that I don’t understand how you are being affected by the neighbour’s dog but what can I do...why must I be called about it? (Antonella).

The administrator loses neutrality and standing within the condominium community and such negative interaction will result in feelings of stress and anxiety, further negatively affecting the relationship between the administrator and the condomini. Other issues which condomini consult administrators for are issues related to poor finishings and the general layout and design of condominiums. Such issues are the result of developers cutting corners so as to increase profit. These often lead to complications in functionality and so issues arise which as such are unsolvable: *‘I cannot be held accountable for the window fitting ux....they should call the developer, not me...they employ me for management...’ (Amanda).* Administrators take on an advisory role, advising condomini what sort of action to take with developers.

4.1.3 Research Objective 3: The Experience of Conflict Management within the Condominium – A Niche for Mediation.

4.1.3.1 Current Conflict Management Methods

When dealing with conflict as a result of interpersonal interactions between condomini administrators opt as far as possible to act diplomatically by approaching the condominium who is the cause of complaint directly or by sending out a general email, acting as a reminder of the codes of conduct: *‘...diplomacy...it’s so important to be diplomatic’ (Austin).* Such methods do promote conflict management to a certain degree but in many ways its superficial as issues continuously arise and often the same individuals are involved: *‘always...always the same people causing problems...’ (Antonella).* This is because for such conflict to be managed effectively emotions and underlying relationships must be

considered.²¹⁴ When dealing with issues between themselves as administrators and condomini, administrators seek legal advice from their advocate generally resorting to a legal notice so as to ascertain the cooperation of condomini in cases such as the payment of services and funds. Administrators go on to state that such issues amount to an expense on their end coupled with prolonged stress and anxiety as they await payment over a long period of time to the distress of themselves and of the other condomini who may be awaiting for the payment in order for works of maintenance and refurbishment to begin. Thus, conflicting issues which arise in the condominium setting affect multiple individuals in both direct and indirect ways.²¹⁵

4.1.3.2 Seeking Innovative Solutions due to lack of Resources

Administrators all mentioned innovative solutions which they feel have helped them to cope and manage some of the arising issues in condominia: ‘...at a distance’ (Austin). In many ways incorporating such measures into their service package enables them to meet to an extent the expectations of condomini. The prevalent measure is the formation of a ‘WhatsApp’ group per condominium through which condomini can immediately voice concerns, opinions and issues to both the administrator and the other condomini simultaneously. General issues related to codes of conduct can be tackled as regulations are reiterated in the format of a reminder to all which lessen any negative underlying connotations. In this way contact is fast and direct:

*...whatsapp hi...send a message... “no rubbish in hallway please”...like that send to all...or “there is rubbish on floor 3”...“please clean up”...or else “I will have to send a cleaner and a thirty-five euro deduction from fund will happen”...
(Amanda)*

However, this also places administrators in a position where increased access may trigger a continual loop of stress with demanding condomini. In line with ‘WhatsApp’ many have

²¹⁴ Tony Whatling (n 18).

²¹⁵ Scott E. Mollen (n 21).

used 'Google Poll' as a voting method on particular issues. Administrators also have made use of 'Zoom' and 'Teams' so as to set-up meetings. Such methods were first applied during Covid and have proven popular and useful as it allows for: the easy organization of meetings, a higher rate of attendance by condomini and enables meetings to be set up more regularly as required. The disadvantage of such online meetings is that they reduce face-to-face collective interaction, this may further diminish the sense of community among condomini. Three administrators, all mentioned that they advised condomini to set-up their own resident representative association with whom administrators can liaise. Results were mixed, demonstrating that within a Maltese context the primary focus of condomini is on ensuring and promoting the privacy of their unit while condominium community membership is given secondary importance.

4.1.3.3 Administrators and Authority – the Unwitting 'Wardens' of the Condominium.

All administrators feel that condomini respect them the most when they take an authoritative stance in all matters especially so as to deal with the interpersonal relational conflicts which arise between condomini:

... "He did this!"..."She did that!"... "Call them!"... "Tell them!"... ħafna hekk you know...it's like I am the warden or something...the one who reprimands you know...like children they report on each other and they expect me to go and tell the other one off... it's exhausting.(Adam)

Such a stance follows a system of governance which is top-down in nature and goes against the grain of promoting horizontal governance within condominiumia. It is part of Maltese culture to respect authority and so it appears that condomini strive to accommodate the duality of promoting autonomy despite condominium community membership via the over-arching presence of an authoritative figure, used to keep everyone in check: *'It's so strange...it's sometimes like school...I am the head teacher....'* (Antonella). This is especially obvious in condominiumia where administrators themselves live as their presence seems to facilitate and ensure complacency amongst all:

...honestly I don't know how to explain it...it's like... when you live in the block and you are an administrator of the block...everyone obeys the rules...haha...it's like the school teacher is around so everyone has to be on best behaviour...
(Austin)

Thus, it appears that condomini fail to take responsibility for the running of their common parts or for the establishment of good neighbourly relations between condomini. In so doing, a sense of community is not achieved resulting in a decrease in social cohesion and social harmony between the condomini.²¹⁶ This diminishment in personal responsibility also correlates with an increased likelihood in conflict and discontent.²¹⁷ Condomini are dependent on the administrators so as to maintain physical, social and emotional order between the condomini and in so doing place a large burden on administrators and diminish their own experience of the responsibilities and privileges that come with condominium living and self-governance.

4.1.3.4 Mediation as an Ideal Resource to Aid Administrators

Two administrators, Austin and Amanda both had previously personally experienced mediation and both were satisfied with the result. Thus, both believed in the efficiency of mediation in conflict management and as a viable resource for conflict management between all parties within the condominium setting:

'There needs to be something...the only option is us (administrator), and its awkward for us...and its police and lawyers and that's it...there is no resources that is easy to contact and organize...' (Austin)

Adam and Antonella had no previous mediation experience but following a short description felt it was a good resource to aid administrators who badly require tertiary options at hand

²¹⁶ Tomas Kichamu Lusisa (n 77).

²¹⁷ *ibid.*

for various conflict management scenarios as relational conflict is on the definite rise between condomini and administrators:

I can think of loads of cases where it would be beneficial: arguments with residents and paying funds, noise disturbances, pet disturbances, shared walls...issues with the garages and pools...helping people to talk again instead of relying on administrators to take care and control... (Adam)

All participants stressed how mediation requires more exposure through education and how its service must be made more accessible with professionals being readily available. Procedures relating to the procurement of mediators and the set-up and organization of mediation sessions must also be considered and standardized for administrators to follow:

I want to know though where do I call to book a mediator you know? Where should the mediation happen?...how will it be payed...by residents or from the fund?...many things have to be thought out... (Austin).

4.2 Introducing Themes – The Condomini Experience and Perspective.

Analysis of the data gathered from the transcriptions of the condomini resulted in the formation of nine themes. Result tables can be found in Appendix L, M and N which, clearly depict theme formation and use a selection of relevant ‘data extracts’ from transcriptions serving to exemplify each theme.²¹⁸ In the following section, each theme will be considered in depth and classified in relation to the original research objective each theme serves to address and satisfy.

4.2.1 Research Objective 1: The Experience of Condominium Living

²¹⁸ Virginia Braun & Victoria Clarke (n 191).

4.2.1.1 Dependency and Boundaries – Juggling Independence and Interdependence.

Each resident referenced to the duality of condominium living emphasizing their need for privacy and autonomy above all else. Any negative interactions between condomini are seen as a personal infringement on one's peace of mind in relation to maintaining autonomy and control over the living experience within one's private unit:

Although my door is my boundary...my responsibility...what the others do (neighbours) still affects you...it's an issue like...you can try pretend it's not...but that won't change it... (Connie)

The interdependency is seen as an unavoidable necessity which is best measured by the 'behaviour' of each condominus being the underlying variable for successful co-habitation. Interestingly, and correlating with the data gathered from administrators, the Maltese condomini consider themselves as autonomous individuals sharing public facilities rather than as a dependent community: '*...you become possessive you know...it's like that's my parking space, that's my penthouse door...that's my floor - why did the lift come up here..*' (Christian). General conduct and rules are seen as key in maintaining the comfort of all within their private respective units and so as to ensure that the use of the common parts do not infringe on that private experience: '*rules...everyone has to follow the better...than we won't disturb the flow for each of us...they let me live in peace and I them...*' (Carl). Such a feat is unattainable in reality and as a result of the intertwined nature of independence in the interdependence of condominium living all condomini experience levels of dissonance between the two. Both states of being can only be symbiotic once condomini come to the realisation and the acceptance that community membership is an inevitable dimension of condominium living:

...than overtime you become used to the other neighbours and their customs...and you just get on with it...you just say ok...so she puts her washing machine on at 6:30am...he smokes in the passage...the people in apartment 2 argue and slam things...you become immune in a way (Connie)

4.2.1.2. The 'Unknown' – 'Where do Rights End and Duties Begin?'

Amongst my participants there were vast and varying viewpoints relating to their role within the condominium. Some take an interest in the condominium as a whole while others simply designate any communal aspect to the authority of the administrator. As such, condomini seem unaware of the actual rights and duties they have as a result of their condominium membership:

It's confusing you see...mela what should I accept and not accept from the other neighbours?...and then what can I do and not do because of the other neighbours...(Christian).

This is further exasperated by the fact that most condomini, as demonstrated by the testimony of administrators, lack a sense of community membership within their condominium. As a result, many condomini feel lost for even if they do take interest in and feel responsible for their condominium rather than just simply their unit, the ideology and lack of interest on the part of the majority leads them to abandon such ideals overtime: *'...should I call the admin instead?...if everyone else does maybe I should to...I don't get anything for being so considerate...I do it all for nothing.'* (Carl). This is especially obvious in condominia where units are multi-use and so the heterogeneity in the needs and wishes of the condomini affect the affective formation of any sense of community as some owners are disinterested in promoting it further:

...I have been here a long time...we got on well...then some families sold up and moved to other places...now there new people...they start nice...but then you get to know them...they say I am busy body. (Connie).

In this way the expression of horizontal governance is significantly diminished and depends entirely on the ability of the administrator in eliciting the co-operation of the condomini in decision making and positive collective action.

4.2.2 Research Objective 2: The Experience of Conflict within the Condominium Setting.

4.2.2.1 Roles and Expectations – ‘I Pay my Administrator to be available for my every beck and call!’

This theme correlates with the testimony of administrators relating to the discrepancy that exists between the actual role and expectations of the administratorial role in the eyes of the condomini. All condomini believe that the continuous availability of the administrator is key and is at the core of their service provision. This justifies the payment of a service fund which some condomini find excessive. As such most refer to the administrator as being a representation of authority and as a go-between. Condomini believe that the function of administrators is to deal with everything, especially ensuring that the condomini as a whole follow through with the general rules of conduct and behaviour: *‘I call my administrator all the time...or I chat to him personally on whatsapp and tell him to write a general comment in the group...that’s what we pay him for right...’* (Christian).

The ability of administrators is measured in their speedy response and their aptitude in dealing with various issues concerning physical property maintenance, rule compliance and relational issues between condomini:

When I want to complain about something I tell him...the administrator and he looks into it...so I suppose we don’t interact that much...we depend a lot on him to sort things out.. (Carla)

Conflict arises between administrators and condomini when condomini feel that administrators are not maintaining their professional expectations and when financial issues arise in relation to service charges and service quotes.

4.2.2.2 'My Neighbours from Hell!' – Conflicts with Neighbours

Conflict with other condomini is a universal experience amongst all my participants and as such is at the heart of the condominium experience itself:

...all the years I have lived in the condominiums I have always found one like that... and even in the condominium where I lease my apartments...ask the other residents...there is the one like that too... (Carl)

All condomini made reference to various different forms of conflict which have and continue to affect them personally within their condominium. Despite the variance in conflict type and duration the emotional experience and strain of such conflict is universal among participants.²¹⁹ Each participant described conflict using terminology with negative connotations: 'anger', 'frustration', 'high anxiety', 'disappointment', 'apprehension', 'crying', 'it's like a war' and 'loneliness'. All conflict becomes highly personalized and embedded within the daily experience of condominium living of the involved condomini, overwhelming the totality of the condominium experience. Also, condomini express how conflict generally begins with an act or an omission of action which results in a personal disturbance and which becomes a relational issue as the existing relationship is broken down between the condomini involved effecting other interactions and associations which occur within the condominium.²²⁰ Disturbances are often repetitive in both nature and with regards to the parties involved. Condomini in conflict ascertain that they are in a continuous state of high arousal, on the continuous watch out for further 'mis-behaviour' while pondering what is the best course of action for them to take so as to alleviate the disturbance: '*I was waiting to catch him to do it again you know so I catch him in the act itself...*' (Carl) The effect of conflict within the condominium also has a negative impact on other areas of their life making it encompassing in nature: '*..just driving home from work... I feel sick already...*' (Carla).²²¹

²¹⁹ Charles B. Craver (n 25).

²²⁰ Nathan K. DeDino (n 145).

²²¹ *ibid.*

4.2.2.3 'Me versus Them' – Sense of Autonomy stronger than Community Membership.

All participants expressed how conflict has led them to become more internalized, promoting in them the need for autonomy. Both as a means of survival so as to prevent conflict within the condominium and as a coping mechanism, as condomini believe that it is solely the communal dimension of condominium living that results in conflict itself: *'If I don't see anyone I am happiest...the people in apartment 15 so quiet...they are foreign so respectful...I like them I don't even know their names...I just nod...'* (Christian)

This is a false interpretation as most refuse to acknowledge that for the authentic experience of autonomy within the condominium there must first be the simultaneous, symbiotic and mutually beneficial experience of authentic communal membership promoted through positive collective action.²²² Conflict inevitably becomes personalized resulting in relational breakdown, this further damages community ties. However, if taken into account that there is already a pre-disposition for autonomy over community membership as in accordance with my research, the mismanagement of conflict will only serve so as to further reinforce autonomy over community membership. One participant, Carla, specified the unfairness of being part of the 'minority', as she is single while all the other condomini have children and so are at a homogenous stage in their life cycle. Homogeneity at various dimensions has been found to promote community membership and collective action.²²³ Being part of the 'minority' leads to feelings of exclusion: *'...the children so noisy...in the pool I mean...and if I say something...one of the women told me that I talk like that because I have no children...'* (Carla)

²²² Hazel Easthope (n 37).

²²³ Dianne Dredge & Eddo Coiacetto (n 38).

4.2.3 Research Objective 3: The Experience of Conflict Management within the Condominium – A Niche for Mediation .

4.2.3.1 Current Conflict Management Methods

The response of condomini is two-fold with some seeking direct confrontation while others seek avoidance with the conflicting party. The response depends on the personality and belief-system of the parties involved in relation to the subject of rights and duties within the condominium. All participants seek the involvement of the administrator as a representative of authority and as a go-between. If issues persist participants will make a police report and seek advice from their personal advocate. One of my participants is currently awaiting a court appointment for a new issue with a fellow condominus following the ruling of a previous judication on another neighbourly issue with the same condominus in question and which my participant previously won: *‘...to pay me back ta...he now opened a court case against me...I’m tired!’* (Connie).

4.2.3.2 Results of Current Conflict Management

To a degree, the presence and action of the administrator is beneficial for dealing with certain issues, specifically issues which surround the general rules of conduct within the common parts. Also, all participants expressed the benefit of managing conflict in situations where majority rules and where the majority share similar values and cultural homogeneity.²²⁴ In cases where participants felt as though they were a representation of the minority, the ability of the administrator in dealing effectively with conflicting issues and promoting social relations was poor, with administrators siding with the majority and failing to represent the needs and views of all residents leading to social exclusion and discontent for such condomini. Furthermore, the involvement of police and advocates further exacerbates the issues as highlighted in previous literature.²²⁵ All participants who have sought the involvement of such bodies have experienced a feeling of disillusion in that their

²²⁴ Dianne Dredge & Eddo Coiacetto (n 38).

²²⁵ Scott E. Mollen (n 21).

issues were not taken seriously enough, issues and relationships between conflicting parties became aggravated further and involved parties experienced new external stressors:

Waiting again for more trouble...going to court again...paying the lawyer...and in between dirty looks...laughing in my face...all the tension...too much...(Connie)

Thus, coinciding with my data, conflict is likely to re-occur and is generally reinstigated by the same parties always: *'They don't care that you are upset...they treat you hekk badly...or they give you a fake apology and they do it again...'* (Carl). As a result, such forms of conflict management can be considered short-term and superficial. This promotes the application of mediation as it seeks to guide parties to resolution via agency and self-transformation, instilling in them better conflict management skills for the future and re-building the relationships between the parties involved.²²⁶

4.2.3.3 Reaching an Impasse – 'There is Nowhere to Turn!'

All participants expressed a sense of desperation and frustration in their inability and the apparent inability of current methods of conflict management available to them: *'...I told the police...I told the administrator...nothing ux...nothing at all has made a difference...I am stuck...nowhere to turn!'* (Carl). Unfortunately, all expressed the experience of conflict as an uncontrollable fear lurking in the background awaiting expression. None of the participants expressed a sense of agency in relation to the management of conflict: *'Avoid the others...and hope there is no trouble...what else can I do?'* (Christian) The few resources available and the past experience of the application of such resources be it from direct or indirect experience is seen as lacking and unsustainable.

Mediation would aid condomini to seek within conflict the possibility of change and positive adaptation whilst instilling in them a sense of agency and empowerment in their own personal conflict management.²²⁷ This empowerment would promote collective action, an

²²⁶ Robert A. Baruch Bush & Joseph P. Folger (n 116).

²²⁷ *ibid.*

expression and proponent of horizontal governance within the condominium as administrators and mediators are seen as bodies of reference and advice rather than authority and control. In this way community ties can be formed and the condominium itself will promote its own communal autonomy as an extension of the relationship of the autonomous individuals which form it.

4.2.3.4 Mediation – Instilling Hope – ‘A Light at the End of the Tunnel!’

Only one of my participants had any knowledge and experience of mediation and following that experience mentioned that in their opinion it would work but only with a capable mediator and one who was aware of each condominium’s unique rules of conduct as created by the administrator in tandem with the condomini. This emphasizes the need for specialization and the integrity of the mediator in ascertaining via the administrator an accurate understanding of the condominium itself before beginning mediation.²²⁸ In this way the uniqueness of each condominium is considered and respected. The other three participants all expressed an interest in applying mediation within their current conflicts either out of positive enthusiasm or as a new last resort in response to the impotence of other conflict management methods they have tried so far:

I think people need another option...there are so many people like this...people I know...you hear stories on the news...on facebook everywhere it’s a big problem...neighbours...you depend on them...(Connie)

This emphasizes the need for positive education and marketing surrounding the availability of mediation as an alternative and self-empowering form of conflict management. To further promote its application mediation must be made readily available for condomini so that they can be aware of it and can make use of it as required. Mediation’s distinct approach is in contrast to current conflict management methods available, it represents a contemporary, pragmatic and optimistic opportunity for condomini in conflict management, ‘if it works...it would be hekk...the light at the end of the tunnel...’ (Carl).

²²⁸ Scott E. Mollen (n 21).

5. CONCLUSION

5.1 Mediation; Combining Humanistic and Legal Perspectives

The experience of condominium living is varied, complex and heavily influenced by the interpersonal and interdependent relationships which encompass it. In turn, these relationships are influenced by individual characteristics, perceptions, interpretations and cultural belief systems

Current methods of conflict management are inefficient as they fail to address the personal, relational and emotional dimensions of condominium conflict. As a result, conflict is managed superficially with emotions and relationships remaining or becoming even more strained. Negative relations correlate with a decrease in: community ties, the practice of horizontal governance, collective action and overall life satisfaction.²²⁹ Mediation focuses on managing conflict by participant empowerment, initiating dialogue, exploring emotions and facilitating understanding so as to transform positively behaviour and social relations.²³⁰ In initiating empowerment and agency amongst parties mediation acts as a medium through which horizontal governance is practiced and promoted within the condominium. In strengthening social relations mediation will promote and strengthen communal membership and collective action, equipping the parties with better conflict management skills for the future. In the Maltese context this is key as my study has demonstrated how the experience of and current method of conflict management further promotes the dependence of condomini on the authoritative influence of the administrator diminishing their practice of horizontal governance, increasing a sense of autonomy while decreasing a sense of community amongst condomini. Increased community membership results in positive and considerate neighbourly relations and increases the overall life satisfaction of community members.²³¹

²²⁹ Tomas Kichamu Lusisa (n 77).

²³⁰ Tony Whatling (n 18).

²³¹ Miretta Prezza, Matilde Amici, Tiziana Roberti & Gloria Tedeschi (n 23).

5.2 Recommendations for Successful Mediation Application

All parties involved within the condominium experience: property managers, developers, third party service providers and condomini themselves must become educated in the benefits of the mediation process. Ideally, property management firms and developers should actively seek to incorporate trained mediators. The inclusion of the availability of mediation in residential leases, buyer-contracts, and in property management contracts of service is an ideal means for promotion.²³²

So as to ensure that the parties involved seek the application of mediation it is key that it should be made part of the legal framework per se. Within the Condominium Act mediation should be listed as the first step in conflict management, preceding arbitration and litigation.²³³ In this way the law will seek to influence the parties in seeking mediation but in such a way so as to allow parties to voluntarily participate with goodwill.

As in the other legislations reviewed, the Condominium Act would benefit by the introduction of standards which guide condomini in formulating a resident association.²³⁴ Such associations constitute a number of residents who through voluntariness or by election form an association of representatives, representing the needs and wishes of the condomini, and serving to aid administrators in condominium management compensating for the fact that administrators seek to manage such vast establishments from a distance.²³⁵ Also, the presence of a resident association would enable administrators to establish a balance between their actual role and the expectations of condomini a causal factor of conflict within the Maltese context. Resident associations would act as a source of reference to administrators with whom administrators can liaise directly and whose presence within the condominium serve to both alert administrators immediately to arising issues and to reinforce that general rules of conduct are upheld. The presence of such associations in their respective condominia have been found to promote complacency and social

²³² Archie Zariski (n 158).

²³³ The Condominium Act, Chapter 398 of the Laws of Malta.

²³⁴ Amnon Lehavi (n 52).

²³⁵ *ibid.*

responsibility amongst condomini and through practice instigate horizontal governance increasing collective action and strengthening community membership, all of which are much needed within the Maltese context.²³⁶

Resident associations and administrators can be an invaluable resource for mediators through which mediators can become better acquainted with the rules of conduct and regular relational patterns within the condominium. Working together, before finalizing any terms of agreement it must be ensured that other condomini will not be affected negatively, as all agreements must be beneficial to all.²³⁷ Any agreements made during mediation may be included in the general rules of conduct of the condominium as considered and voted in by the condomini in a general meeting as chaired by the administrator. There may be occasions where the resident association could act so as to represent the condomini in any mediations in which conflict has arisen between some/all of the condomini, the administrator or any third-party service providers.

Amendments within the Mediation Act focusing on the professional standards required by professionals mediating in the condominium field must also be considered.²³⁸ Such standards should promote that mediators act with integrity and become proficient in both the nature of the condominium experience and any relevant legal knowledge. The act must emphasize that mirroring the dualistic nature of the condominium lifestyle, all agreements must be legal and mutually beneficial to all the condomini as both individuals and as community members.²³⁹ Terms of service, procedure and payment must also become standardized among mediators in the field so as to ensure equal availability for all condomini and property management firms in availing of such services focusing on universal standards of practice and procedure.²⁴⁰

²³⁶ Amnon Lehavi (n 52).

²³⁷ Nathan K. DeDino (n 145).

²³⁸ The Mediation Act, Chapter 474 of the Laws of Malta.

²³⁹ Scott E. Mollen (n 21).

²⁴⁰ Rupert Taylor (n 157).

5.3 Limitations of Study

I had hoped to carry out a focus group also, however it proved difficult due to COVID-19 . It would be interesting to consider the experience of conflict by developers, short and long-term tenants and landlords within the condominium setting also.

5.4 Future Considerations

The outcome of such legal changes within the respective acts will advance and ensure the increased exposure and application of mediation in various fields further promoting its adoption into the Maltese socio-legal culture. Also, in demonstrating the benefits of mediation within the micro-system of governance as represented by the condominium, my study may act as a framework upon which future studies may focus so as to investigate and promote the implementation of communal mediation on a larger communal scale in Malta. This would be best achieved via the establishment of a system of case referral via service bodies including the police department, social housing firms and the Housing Authority itself.²⁴¹ In this way communal mediation can take place at a public service level dealing with issues between community members and within localities via local councils. In line with this, research has found that neighbourly mediation is best delivered via local 'Community Justice Centres', established to promote mediation and enhance community bonding and solidarity.²⁴²

²⁴¹ Rupert Taylor (n 157).

²⁴² Nathan K. DeDino (n 145).

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APPENDICES

APPENDIX A

Information Letter

Dear Sir/Madam,

My name is **Blathin Casha** and I am a student at the University of Malta, presently reading for a **Master of Arts in Mediation**. I am presently conducting a research study for my dissertation titled: '**The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation**'. This is being supervised by **Dr. Kurt Xerri**. This letter is an invitation to participate in this study. Below you will find information about the study and about what your involvement would entail, should you decide to take part.

The aim of my study is to investigate the type of **relationship that exists between administrators of condominiums, residents of such condominiums and amongst the residents themselves with regards to any forms of disagreement and conflicts which may arise**. My study will seek to demonstrate the need of mediation in helping all the above parties mentioned deal better with arising issues/conflicts so enabling the establishment of better conflict management skills and proactive, positive relationships between all parties in the condominium setting.

Your participation in this study, seen as you are an administrator/resident in a condominium establishment, would help create a **transparent and authentic understanding of what condominium living entails focusing on all the interactions, issues/conflicts which may arise and how involved parties currently seek to deal with such issues/conflicts in the condominium setting**.

Any data collected from this research will be used **solely** for the purposes of this study. The data will be collected via an **interview** which will be conducted by myself and will be **audio-recorded**. A **written transcript** will then be produced from the audio-recording by myself. The

data from all interviews will be compared, examined and coded so as to formulate a set of themes which **highlight** the findings. This shall be carried out by myself and with guidance when required from my supervisor. Throughout the data collection, transcription and the generation of results, the participant's identity and any identifiable statements made by participants will be **excluded**, so as to ensure **complete confidentiality** and **anonymity** for all participants.

Should you choose to participate, you will be asked to speak **openly, freely** and **honestly** in relation to your **experience of administrating/living within the condominium setting** and any **issues/conflicts** which have arisen between all involved. Once you have discussed any thoughts and experiences which come to mind, the interviewer (myself) may ask you further questions so as to ask you to **further elaborate** certain statements.

Participation in this study is entirely **voluntary**: in other words, you are free to accept or refuse to participate, without needing to give a reason. You are also **free to withdraw** from the study **at any time, without needing to provide any explanation and without any negative repercussions for you**. Should you choose to withdraw, any data collected from your interview will be erased as long as this is technically possible (for example, before it is anonymised or published), unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.

If you choose to participate, please note that there are no direct benefits to you however, I hope your participation will help construct a rich understanding of and instigate an interest in condominium living whilst putting forward the views of those who matter the most: administrators and residents. This enlightenment should allow for a deep understanding of issues which arise in condominium living demonstrating the beneficial application of mediation in such a setting.

Your participation does not entail any known or anticipated risks. However, if at any stage you feel uncomfortable for any reason please do not hesitate in letting me know immediately, so we may break or end the interview as required.

Please note also that, as a participant, you have the **right** under the General Data Protection Regulation (GDPR) and national legislation to access, rectify and where applicable ask for the data concerning you to be erased. All data collected will be stored in an **anonymised** form on completion of the study and following publication of results. All data will be duly erased once my research has been examined and graded.

A copy of this information sheet is being provided for you to keep and for future reference.

Should you have any questions or concerns, please do not hesitate to contact me or my supervisor by e-mail:

- **blathin.casha.09@um.edu.mt**
- **kurt.xerri@um.edu.mt**

Thanking you in advance for taking the time to read and consider the above,

Yours sincerely,

Blathin Casha

Ittra ta' Tagħrif

Jiena **Blathin Casha**, studenta fl-Università ta' Malta, u bħalissa qiegħda nsegwi 'Master of Arts in Mediation'. It-titlu tar-riċerka tad-dissertazzjoni tiegħi hu: '**The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation**'. L-għanijiet tar-riċerka tiegħi huma tnejn, l-ewwel nett li jinkixfu liema huma l-kwistjonijiet eżistenti kemm bejn l-amministratur u r-residenti tal-blokka, kif ukoll bejn ir-residenti tal-blokka stess. It-tieni nett, l-istarrig se jiżvela kif dawn l-imsemmija kwsitjonijiet joħolqu okkazzjoni fejn il-proċess tal-medjazzjoni huwa wieħed ideali u xieraq biex jgħin l-partijiet involuti jindirizzaw il-kunflitti li għandhom bl-aħjar mod. It-tutor tiegħi hu Dr. Kurt Xerri. B'din l-ittra nixtieq nistiednek tipparteċipa fir-riċerka. Hawn taħt issib aktar informazzjoni fuq l-istudju li qed nagħmel u fuq xi jkun l-involvement tiegħek jekk tiddeċiedi li tiegħu sehem.

L-għan tal-istudju hu li niġbor tagħrif **essenzjali fuq l-esperjenza tal-ħajja fil-blokka u l-kunflitti u kwistjonijiet li jeżistu f'dan il-qasam bejn l-amministraturi u r-residenti u bejn r-residenti stess**. Sehemek bħala amministratur jew resident jgħin biex jitfasslu deskrizzjoni u għarfien ta' dan il-qasam u jwassal għal investigazzjoni **tal-qagħda tar-relazzjonijiet tal-partijiet involuti u kif jiġu affettwati permezz tal-kunflitti ta' kuljum**. L-informazzjoni kollha li tingabar fir-riċerka tintuża biss għall-fini ta' dan l-istudju.

Jekk taqbel li tipparteċipa, tintalab biex tiegħu sehem **f'intervista** fejn ħa tiġi mitlub biex tirrispondi b'mod onest u ħieles mistoqsijiet li għandhom x'jaqsmu mal-għan tal-istudju u l-esperjenzi tiegħek bħala amministratur jew resident ta' blokka.

L-informazzjoni migbura ħa tiġi rekordjata permezz ta' '**audio recording**' li mbagħad ħa jiġi **traskritt** biex jifforma riċerka bil-miktub. Dan il-proċess ħa jsir għall-intervisti kollha u r-riċerka bil-miktub li tingabar ħa tiġi **kodifikata sabiex minnha tinsilet lista ta' temi**. L-informazzjoni kollha li tintuża fir-riċerka se tibqa' **kunfidenzjali u l-partecipazzjoni tiegħek ħa tibqa' anonima**.

Il-parteċipazzjoni tiegħek f' dan l-istudju tkun għalkollox **volontarja**: fi kliem ieħor, inti liberu/a li taċċetta jew tirrifjuta li tiegħu sehem, mingħajr ma tagħti raġuni. Inti wkoll liberu/a li twaqqaf il-parteċipazzjoni tiegħek fl-istudju meta tixtieq, mingħajr ma jkollok tagħti spjegazzjoni u mingħajr ebda riperkussjoni. Jekk tagħzel li tirtira mir-riċerka, l-informazzjoni li tkun laħqet ittiegħdet fl-intervista miegħek titħassar dment li dan ikun teknikament possibbli (ngħidu aħna, qabel ma tiġi anonimizzata jew ippubblikata), u sakemm l-għanijiet tar-riċerka jkunu jistgħu jintlaħqu u ma jintlaqtux serjament. F'dak il-każ, l-informazzjoni tiegħek tintuża u tinżamm anonima.

Jekk tagħzel li tipparteċipa, jekk jogħġbok innota li m'hemm l-ebda benefiċċju dirett għalik ħlief li tkun qed tikkontribwixxi fl-istħarriġ ta' dan il-qasam. **Il-parteċipazzjoni tiegħek ma fiha l-ebda riskju magħruf jew mistenni.**

Bħala parteċipant/a, għandek id-dritt, skont ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data (GDPR) u l-leġiżlazzjoni nazzjonali, li taċċessa, tikkoreġi u fejn hu applikabbli, titlob li l-informazzjoni li tikkonċernak titħassar. L-informazzjoni kollha li tingabar fl-istudju ħa tinżamm b'mod anonimu sakemm jitlesta l-istudju u joħroġu r-riżultati.

Qed ngħaddilek kopja ta' din l-ittra biex iżommha bħala referenza.

Grazzi tal-ħin u l-kunsiderazzjoni tiegħek. Jekk ikollok xi mistoqsija, tiddejjaqx tikkuntattjani fuq : blathin.casha.09@um.edu.mt u tista' tikkuntattja wkoll lit-tutor tiegħi fuq : kurt.xerri@um.edu.mt

Tislijiet,

Blathin Casha (blathin.casha.09@um.edu.mt)

APPENDIX B

Participant's Consent Form

'The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.'

I, the undersigned, give my consent to take part in the above specified research study conducted by **Blathin Casha**, as specified by the following **terms and conditions** in relation to my **participation**:

1. I have been given written and verbal information about the purpose of the study: I have had the opportunity to ask questions and any questions that I had were answered fully and to my satisfaction.
2. I also understand that I am free to accept to participate, or to refuse or stop participation at any time without giving any reason and without any penalty. Should I choose to participate, I may choose to decline to answer any questions asked. In the event that I choose to withdraw from the study, any data collected from me will be erased as long as this is technically possible (for example, before it is anonymised or published), unless erasure of data would render impossible or seriously impair achievement of the research objectives, in which case it shall be retained in an anonymised form.
3. I understand that I have been invited to participate in an interview in which the researcher will first ask an open-ended question which may be followed with further questions so as to specify and elaborate certain statements made by myself. I understand that the aim of the research is to both explore and investigate the experience of administrating/living in a condominium setting and any arising issues/conflicts which may arise between all involved. I am aware that the interview will take approximately one to two hours and I may be requested to participate in a follow-up interview if so required and with my agreement. I understand that the interview is to be conducted in a place and at a time that is convenient for me.
4. I understand that there are no direct benefits to me from participating in this study however, my participation will help give rich data which can only be obtained from me as being directly involved in and experiencing life as an administrator/resident of a condominium.
5. I understand that, under the General Data Protection Regulation (GDPR) and national legislation, I have the **right** to access, rectify, and where applicable, ask for the data concerning me to be erased.
6. I am aware that, by agreeing to participate, I am giving my consent for the interview to be **audio recorded** and **converted to text** as it has been recorded (transcribed).

7. I am aware that my data will be **pseudonymised**: i.e., my identity will not be noted on transcripts or notes from my interview, but instead, a code will be assigned. The codes that link my data to my identity will be stored securely and separately from the data, in an encrypted file on the researcher's password-protected computer, and only the researcher will have access to this information. Any hard-copy materials will be placed in a locked cabinet/drawer.
8. I am aware that **extracts** from my interview may be reproduced in these outputs, either in **anonymous form**, or using a pseudonym [a made-up name or code – e.g. respondent A].
9. Any material that identifies me as a participant in this study will be stored securely in anonymised format **for the duration and completion of the study following publication of the results and will be duly erased once the research has been examined and graded.**
10. I am aware that if the researcher may ask for my further participation in the form of a focus group, participation will be **my own choice**. If I decide to participate, I must maintain full discretion. **All focus group discussions should be considered confidential and I should not disclose any details of those participating and of the nature of discussions to others.**
11. I understand that my participation **does not entail any known or anticipated risks.**
12. If I feel that the interview has distressed me in any way, the interview shall be paused or ended as decided by myself and if required professional aid (counsellor/psychologist, etc) will be available to assist me at no financial cost on my part.
13. I have been provided with a copy of the information letter and understand that I will also be given a copy of this consent form.

I have read and understood the above statements and agree to participate in this study.

Name of participant: _____

Signature: _____

Date: _____

Researcher Signature: (Blathin Casha) _____

Contact Details:

- **Blathin Casha:** blathin.casha.09@um.edu.mt
- **Dr. Kurt Xerri:** kurt.xerri@um.edu.mt

Formola tal-Kunsens tal-Parteċipant/a

‘The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.’

Jiena, hawn taht iffirmat/a, nagħti l-kunsens tiegħi li niehu sehem fl-istudju ta’ **Blathin Casha**. Din il-formola tal-kunsens tispjega t-termini tas-sehem tiegħi f’din ir-riċerka.

1. Inghatajt l-informazzjoni bil-miktub u bil-fomm dwar l-iskop tar-riċerka: kelli l-opportunità nagħmel il-mistoqsijiet, u kull mistoqsija ngħatajt twegiba għaliha b’mod sħiħ u sodisfaċenti.
2. Nifhem ukoll li **jiena liberu/a li naċċetta li niehu sehem, jew li nirrifjuta, jew li nwaqqaf il-parteċipazzjoni tiegħi meta nixtieq mingħajr ma nagħti spjegazzjoni jew mingħajr ma niġi penalizzat/a**. Jekk nagħzel li nipparteċipa, jaf niddeċiedi li ma nwegibx kull mistoqsija li ssirli. F’każ li nagħzel li ma nkomplix niehu sehem fl-istudju, l-informazzjoni li tkun lahqet ingabret mingħandi titħassar dment li jkun teknikament possibbli (ngħidu aħna, qabel ma tiġi anonimizzata jew ippubblikata), u sakemm l-għanijiet tar-riċerka jkunu jistgħu jintlaħqu u ma jintlaqtux serjament. F’dak il-każ, l-informazzjoni tiegħi tintuża u tinzamm **anonima**.
3. Nifhem li ġejt mistieden/mistiedna nipparteċipa billi niehu sehem **f’intervista** fejn ħa niġi mitlub biex nirrispondi b’mod onest u ħieles mistoqsijiet li għandhom x’jaqsmu mal-għan tal-istudju u **l-esperjenzi** tiegħi bħala amministratur jew resident ta’ blokka. Il-persuna li qed tagħmel ir-riċerka se tuża t-twegibiet tiegħi biex tesplora u tanalizza **l-esperjenza tal-ħajja fil-blokka u l-kunflitti u kwistjonijiet li jeżistu f’dan il-qasam bejn l-amministraturi u r-residenti u bejn r-residenti**. L-intervista se ddum bejn wieħed u ieħor għal xi **sagħtejn**. Nifhem li l-intervista se ssir f’post u f’hin li huma komdi għaliha.
4. Nifhem li l-parteċipazzjoni tiegħi ma fiha l-ebda riskju **magħruf jew mistenni**.
5. Jekk jagħti l-każ li nħoss li l-intervista b’xi mod kiddni jew iddisturbani, professjonista se ikun/tkun disponibbli li jassistini/tassistini bla ħlas.

6. Nifhem li bil-partecipazzjoni tiegħi f'dan l-istudju, m'hemm l-ebda benefiċċju dirett għalija. Nifhem ukoll li din ir-riċerka jaf tkun ta' benefiċċju għall-oħrajn **għax ha nkun qed nikkontribwixxi fl-istħarriġ ta' dan il-qasam.**
7. Nifhem li, skont ir-Regolament Ġenerali dwar il-Protezzjoni tad-Data (GDPR) u l-leġislazzjoni nazzjonali, għandi dritt naċċessa, nikkoreġi u, fejn hu applikabbli, nitlob li l-informazzjoni li tikkonċernani titħassar.
8. Nifhem li l-informazzjoni kollha miġbura se tigi rekordjata permezz ta' **'audio recording'** li mbagħad ha jiġi **traskritt** biex jifforma riċerka bil-miktub. L-informazzjoni kollha li tintuża fir-riċerka se tibqa' **kunfidenzjali u l-partecipazzjoni tiegħi ha tibqa' anonima. Konxju/a li siltiet mill-intervista tiegħi jistgħu jiġu riprodotti b'mod anonimu jew bl-użu ta' pseudonimu** [isem ivvintat jew kodiċi - eż. partecipant A].
9. L-informazzjoni kollha li tingabar fl-istudju ha tinżamm b'mod **anonimu** sakemm jitlesta l-istudju u joħroġu r-riżultati.
10. Jiena konxju/a li l-informazzjoni tiegħi se tkun **pseudonimizzata, jiġifieri l-identità tiegħi mhix se titniżżel fit-traskrizzjonijiet jew fin-noti tal-intervista**, imma minflok, se niġi assenjat/a kodiċi. Il-kodiċijiet li jorbtu l-informazzjoni dwari mal-identità tiegħi se jinżammu b'mod sigur u separat mill-informazzjoni, f'file kodifikat fuq il-kompjuter tar-riċerkatriċi, protetti b'password, u r-riċerkatriċi biss se jkollha aċċess għal din l-informazzjoni. Kwalunkwe materjal stampat se jitqiegħed f'armarju msakkar. Kwalunkwe materjal li jidentifikani bħala partecipant/a f'dan l-istudju se jinżamm b'mod sigur sakemm jitlesta l-istudju u joħroġu r-riżultati.
11. Konxju/a li l-identità tiegħi u d-dettalji personali tiegħi mhux se jiġu żvelati f'xi pubblikazzjoni, rapport jew preżentazzjoni li tista' toħroġ minn din ir-riċerka.
12. Jekk f'każ niġi mitlub biex nieħu sehem f'xi focus group u niddeċiedi li nieħu sehem konxju/a li d-diskussjonijiet fil-focus groups **għandhom jitqiesu kunfidenzjali** u li m'għandix insemmi **d-dettalji tal-partecipanti u/jew in-natura tad-diskussjonijiet ma' haddiehor.**
13. Inghatajt kopja tal-ittra ta' tagħrif biex inżommha u nifhem li se ningħata wkoll kopja ta' din il-formola tal-kunsens.

Qrajt u fhimt l-istqarrijiet t'hawn fuq, u naqbel li nipparteċipa f'dan l-istudju.

Isem il-parteeipant/a: _____

Firma: _____

Data: _____

Riċerkatriċi: (Blathin Casha) _____

Detalji ta' Kuntatt:

- **Blathin Casha:** blathin.casha.09@um.edu.mt
- **Dr. Kurt Xerri:** kurt.xerri@um.edu.mt

APPENDIX C

Biographic-Narrative Interpretive Method (BNIM)

The following is a template taken directly from Wengraf, 2011 p. 408, detailing the structure to be followed when creating and executing a BNIM interview guide.²⁴³

When creating an 'Interview Guide' one must first consider:

The Central Research Question for my project as a whole is.....

The Central Research Question for my BNIM interview is.....

The type of person for whom I'm planning this SQUIN is.....

Actual Interview Template:

SQUIN Part 1: Introductory Framing:

"As you know, I'm researching....."

SQUIN Part 2: Active and Core of Study:

"So, can you please tell me...the/your story of..... All those events and experiences that were important for you, personally and how it all developed up to now."

"Begin wherever you like."

²⁴³ Tom Wengraf, 'The BNIM Short Guide bound with the BNIM Detailed Manual; Interviewing for life-histories, lived situations and ongoing personal experiencing using the Biographic-Narrative Interpretive Method (BNIM)' (Birkbeck Institute for Social Research, London University, 15th January 2011)
<https://is.muni.cz/el/1423/podzim2014/SOC932/um/Wengraf_manual.pdf> accessed 28th June 2022.

“Please take the time you need.”

“I’ll listen first, I won’t interrupt.”

“I may take some notes in case I have any further questions for you after you have finished telling me your personal story and which I may ask you following a short break.”

APPENDIX D

BNIM Interviewing Procedure: Actual Interview Guide

- **Interview 1: Subsession 1: Initial Narrative Question**

The design template used for the 'Single Question Initial Subsession' (SQUIN) is taken from Wengraf, 2011 p. 408. The SQUIN is composed of two parts:

Part 1 SQUIN: Introduction

"As you know, I'm researching the experience of managing and living within a condominium setting in Malta, focusing specifically on the relationships that exist between the administrators and residents and amongst residents themselves and any conflict which may arise."

Part 2 SQUIN: Active Part – Core of SQUIN

"As you are an administrator/resident within the condominium, I would like you please, to tell me the story of your life as an administrator/resident, all the events and experiences which were personally important to you and which you feel relate to the experience of condominium living in relation to relationships, conflict and conflict management up to now."

"Begin wherever you like."

"Please take the time you need."

"I'll listen first, I won't interrupt."

“I may take some notes in case I have any further questions for you after you have finished telling me your personal story and which I may ask you following a short break.”

- **Short Break**

- **Interview Subsession 2: Follow-up questions**

Following the short break, the interviewer may ask any questions as a means of eliciting further information or for clarification purposes as required and dependent on the original narration supplied during subsession one. Ideally such questions are open-ended and semi-structured so as to permit a narrative flow from the interviewee. It is at this stage that the topic of **mediation** will be introduced – the interviewer will enquire if the interviewee has any previous experience/knowledge of mediation and if required, following a brief description of mediation ask the interviewee for their opinion on the subject of applying mediation for dealing with conflict within the condominium setting.

- **End of Interview**

Interviewer ends the interview by thanking the interviewee for participating. The interviewer must later consult their reflective journal to jot down any biases they may have experienced and to jot down other thoughts which come to mind as a means of enhancing awareness and inducing critical thinking.

APPENDIX E

Administrators of Condominia Interview Guide

Name: Blathin Casha (362091M)

Dissertation Title: **'The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.'**

Opening Statement/Question: Subsession 1:

Part 1 SQUIN: Introduction

"As you know, I'm researching the experience of managing and living within a condominium setting in Malta, focusing specifically on the relationships that exist between the administrators and residents and amongst residents themselves and any conflict which may arise."

Part 2 SQUIN: Active Part – Core of SQUIN

"As you are an administrator of condominia, I would like you please, to tell me the story of your life as an administrator, all the events and experiences which were personally important to you and which you feel relate to the experience of condominium living in relation to relationships, conflict and conflict management up to now."

"Begin wherever you like."

"Please take the time you need."

"I'll listen first, I won't interrupt."

“I may take some notes in case I have any further questions for you after you have finished telling me your personal story and which I may ask you following a short break.”

Selection of specific open-ended questions: Subsession 2:

‘What type of a relationship do you have with the residents in the condominia you administrate?’

‘In your own opinion what is the administrator’s role in the condominium?’

‘Based on your own experince, what do residents assume and expect your role as administrator to be?’

‘What type of relationship exists between the residents in the condominia?’

‘Discuss the types of issues which arise in the condominia on a day to day basis?’

‘How are such issues dealt with?’

‘In your opinion what is the role of the administrator in dealing with such issues?’

‘In the case of conflicting issues, is their resolution brought about by discussion, by voting or by some other process?’

‘Are relations strained between administrator/residents during the process of dealing with and resolving such issues?’

‘What do you think should be the role of both administrators and residents in dealing with such conflicting issues?’

‘Do conflicting issues arise again and again? Are the same parties always responsible for such issues?’

‘When the relationship between other residents and the administrator becomes strained what happens?’

‘From your experience what are the methods which have worked best when dealing with issues?’

‘What suggestions would you make for dealing with such conflicting issues which may arise in condominia?’

‘In your own opinion is it important to have a good and healthy relationship between yourself as administrator and with the other residents in the condominia?’

‘How can healthy relationships be obtained and maintained?’

Introduction to Mediation in Subsession 2

‘**Mediation** is a process by which a neutral third party, acting as mediator and qualified to do so, facilitates and guides a dialogue between conflicting parties so as to empower them to positively formulate a resolution for their conflicting issues. Do you have any previous knowledge or experience of the process of mediation? Do you think this service would be beneficial for issues which arise in your condominium? Discuss.’

Gwida tal-Intervista għall-Amministraturi

Isem: Blathin Casha (362091M)

Titlu tad-dissertazzjoni: **'The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.'**

Mistoqsija Ewlenija: Subsession 1:

L-Ewwel Taqsima SQUIN: Introduzzjoni

Kif diġa spjegajt ir-riċerka tiegħi tittratta l-esperjenzi tal-persuni li jgħixu fi blokka jew li għandhom irwol amministrattiv ġewwa blokka f'Malta. L-enfasi tar-riċerka hi fuq ir-relazzjonijiet u l-kunflitti li jeżistu kemm bejn l-amministraturi u r-residenti, kif ukoll bejn ir-residenti nfushom.

It-Tieni Taqsima SQUIN: Parti Attiva – Il-qalba tal-iSQUIN

"Fir-rwol tiegħek bħala amministratur ġewwa blokka, nixtieq li taqşam miegħi l-istorja ta' ħajtek bħala amministratur, l-avvenimenti u l-esperjenzi kollha li ħallew impatt personali fuqek u li inti tħoss li huma relatati mal-esperjenza tal-ħajja f'blokka u li għandhom x'jaqsmu mar-relazzjonijiet, kunflitti u l-mod kif ġew trattati l-kunflitti s'issa."

"Tista' tibda xhin tkun komdu/a."

"Hu l-hin tiegħek biex twieġeb."

"Jiena se nisma' għalissa u mhux se ninterompik waqt li qed titkellem."

"Jiena se nkun qed niehu xi notamenti waqt li tkun qed titkellem fil-każ li għandi xi mistoqsijiet oħra għalik wara li tkun qsam miegħi l-istorja personali tiegħek. Nistaqsik dawn il-mistoqsijiet wara pawża qasira."

Selezzjoni ta' mistoqsijiet miftuħa u speċifiċi: Subsession 2:

'X'tip ta' relazzjoni għandek mar-residenti tal-blokok li jaqgħu taħt l-amministrazzjoni tiegħek?'

'Fl-opinjoni tiegħek, x'inhu r-irwol tal-amministratur tal-blokka?'

'Mill-esperjenza tiegħek, x'inhu r-irwol tal-amministratur f'għajnejn ir-residenti?'

'X'tip ta' relazzjoni teżisti bejn ir-residenti tal-blokok li tamministra?'

'X'tip ta' relazzjoni teżisti bejn ir-residenti tal-blokka u inti bħalha l-amministratur tal-blokka?'

'Iddeskrivi x'inhuma t-tip ta' kunflitti u kwistjonijiet li jeżistu fil-blokka tiegħek?'

'B'liema mod jiġu indirizzati dawn il-kunflitti u kwistjonijiet?'

'X'inhu r-irwol tal-amministratur fejn jidhru l-indirizzar ta' dawn il-kunflitti u kwistjonijiet?'

'X'inhu l-metodu li jintuża fil-blokka tiegħek biex tinsab soluzzjoni għal dawn il-kunflitti u kwistjonijiet?'

'Dawn il-kunflitti u kwistjonijiet iwasslu sabiex ikun hemm xi effetti negattivi fuq ir-relazzjoni tal-partiti involuti?'

'X'taħseb li għandu jkun ir-rwol tal-amministratur u tar-residenti tal-blokka sabiex tinkiseb soluzzjoni għall-kunflitti u kwistjonijiet li jeżistu?'

'It-tip ta' kunflitti u kwistjonijiet huma ripetittivi u jidhru ta' spiss? Huma dejjem l-istess partijiet li jkunu involuti fihom?'

'X'jiġri meta jkun hemm it-tensjoni bejn l-amministratur u r-residenti tal-blokka?'

‘Mill-esperjenza tiegħek x’inhuma l-aħjar metodi li jiġu implimentati biex tinkiseb soluzzjoni għall-kunflitti u kwistjonijiet li żviluppaw fil-blokka?’

‘B’liema modi tissuggerixxi li wiehed jista’ jегħleb il-kunflitti u kwistjonijiet li jeżistu?’

‘Fl-opinjoni tiegħek hija importanti li jkun hemm relazzjoni tajba bejn l-amministratur u r-residenti tal-blokka?’

‘X’jista’ jsir biex jitfasslu u jinżammu relazzjonijiet tajbin?’

Introduzzjoni biex twassal għad-diskussjoni fuq il-Medjazzjoni:

Subsession 2:

‘**Il-Medjazzjoni** hi proċess fejn permezz ta’ preżenza u gwida ta’ parti newtrali msejjaħ bħala l-medjatur (li jkun kwalifikat biex jaħdem f’din il-professjoni), il-partijiet involuti fil-kunflitt jingħataw l-opportunita li jiddiskutu u flimkien ifasslu soluzzjoni għall-kunflitt tagħhom. Għandek xi tagħrif jew esperjenza ta’ dan il-proċess? Taħseb li jista’ jkun ta’ benefiċċju għall-kunflitti eżistenti fil-blokka tiegħek? Iddiskuti.’

APPENDIX F

Residents of Condominia (Condomini) Interview Guide

Name: Blathin Casha (362091M)

Dissertation Title: **'The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.'**

Opening Statement/Question: Subsession 1:

Part 1 SQUIN: Introduction

"As you know, I'm researching the experience of managing and living within a condominium setting in Malta, focusing specifically on the relationships that exist between the administrators and residents and amongst residents themselves and any conflict which may arise."

Part 2 SQUIN: Active Part – Core of SQUIN

"As you are a resident within a condominium, I would like you please, to tell me the story of your life as a resident, all the events and experiences which were personally important to you and which you feel relate to the experience of condominium living in relation to relationships, conflict and conflict management up to now."

"Begin wherever you like."

"Please take the time you need."

"I'll listen first, I won't interrupt."

“I may take some notes in case I have any further questions for you after you have finished telling me your personal story and which I may ask you following a short break.”

Selection of specific open-ended questions: Subsession 2:

‘What type of a relationship do you have with your condominium’s administrator?’

‘In your own opinion what is the administrator’s role in your condominium?’

‘What type of relationship exists between the other residents in your condominium and your condominium’s administrator?’

‘Could you describe the relationship you have with the other residents in your condominium?’

‘Discuss the types of issues which arise in your condominium on a day to day basis?’

‘How are such issues dealt with?’

‘What is the role of the administrator in dealing with such issues?’

‘In the case of conflicting issues, is their resolution brought about by discussion, by voting or by some other process?’

‘Are relations strained between administrator/residents during the process of dealing with and resolving such issues?’

‘What do you think should be the role of both administrators and residents in dealing with such conflicting issues?’

‘Do conflicting issues arise again and again? Are the same parties always responsible for such issues?’

‘When the relationship between other residents and the administrator becomes strained what happens?’

‘From your experience what are the methods which have worked best when dealing with issues?’

‘What suggestions would you make for dealing with such conflicting issues which may arise in condominiums?’

‘In your own opinion is it important to have a good and healthy relationship with both your administrator and with the other residents in your condominium?’

‘How can healthy relationships be obtained and maintained?’

Introduction to Mediation in Subsession 2

‘**Mediation** is a process by which a neutral third party, acting as mediator and qualified to do so, facilitates and guides a dialogue between conflicting parties so as to empower them to positively formulate a resolution for their conflicting issues. Do you have any previous knowledge or experience of the process of mediation? Do you think this service would be beneficial for issues which arise in your condominium? Discuss.’

Gwida tal-Intervista għall-Residenti

Isem: Blathin Casha (362091M)

Titlu tad-dissertazzjoni: **'The Condominium Conundrum: A more dynamic approach to dealing with arising issues in this micro-system of governance via Mediation.'**

Mistogsija Ewlenija: Subsession 1:

L-Ewwel Taqsima SQUIN: Introduzzjoni

Kif diġa spjegajt ir-riċerka tiegħi tittratta l-esperjenzi tal-persuni li jgħixu fi blokka jew li għandhom irwol amministrattiv ġewwa blokka f'Malta. L-enfasi tar-riċerka hi fuq ir-relazzjonijiet u l-kunflitti li jeżistu kemm bejn l-amministraturi u r-residenti, kif ukoll bejn ir-residenti nfushom.

It-Tieni Taqsima SQUIN: Parti Attiva – Il-qalba tal-iSQUIN

"Fir-rwol tiegħek bħala resident ġewwa blokka, nixtieq li taqsam miegħi l-istorja ta' hajtek bħala resident, l-avvenimenti u l-esperjenzi kollha li ħallew impatt personali fuqek u li inti tħoss li huma relatati mal-esperjenza tal-ħajja f'blokka u li għandhom x'jaqsmu mar-relazzjonijiet, kunflitti u l-mod kif ġew trattati l-kunflitti s'issa."

"Tista' tibda xhin tkun komdu/a."

"Hu l-hin tiegħek biex twieġeb."

"Jiena se nisma' għalissa u mhux se ninterompik waqt li qed titkellem."

“Jiena se nkun qed niehu xi notamenti waqt li tkun qed titkellem fil-każ li għandi xi mistoqsijiet oħra għalik wara li tkun qsammt miegħi l-istorja personali tiegħek. Nistaqsik dawn il-mistoqsijiet wara pawża qasira.”

Selezzjoni ta' mistoqsijiet miftuħa u speċifici: Subsession 2:

‘X’tip ta relazzjoni għandek mal-amministratur tal-blokka tiegħek?’

‘Fl-opinjoni tiegħek, x’inhum r-irwol tal-amministratur tal-blokka?’

‘X’tip ta relazzjoni teżisti bejn ir-residenti tal-blokka tiegħek u l-amministratur tal-blokka?’

‘Tista’ tiddeskrivi r-relazzjoni li għandek inti mar-residenti l-oħra fil-blokka tiegħek?’

‘Iddeskrivi x’inhuma t-tip ta’ kunflitti u kwistjonijiet li jeżistu fil-blokka tiegħek?’

‘B’liema mod jiġu indirizzati dawn il-kunflitti u kwistjonijiet?’

‘X’inhum r-irwol tal-amministratur fejn jidhru l-indirizzar ta’ dawn il-kunflitti u kwistjonijiet?’

‘X’inhum l-metodu li jintuża fil-blokka tiegħek biex tinsab soluzzjoni għal dawn il-kunflitti u kwistjonijiet?’

‘Dawn il-kunflitti u kwistjonijiet iwasslu sabiex ikun hemm xi effetti negattivi fuq ir-relazzjoni tal-partiti involuti?’

‘X’taħseb li għandu jkun ir-rwol tal-amministratur u tar-residenti tal-blokka sabiex tinkiseb soluzzjoni għall-kunflitti u kwistjonijiet li jeżistu?’

‘It-tip ta’ kunflitti u kwistjonijiet huma ripetittivi u jidhru ta’ spiss? Huma dejjem l-istess partijiet li jkunu involuti fihom?’

‘X’jiġri meta jkun hemm it-tensjoni bejn l-amministratur u r-residenti tal-blokka?’

‘Mill-esperjenza tiegħek x’inhuma l-aħjar metodi li jiġu implimentati biex tinkiseb soluzzjoni għall-kunflitti u kwistjonijiet li żviluppaw fil-blokka?’

‘B’liema modi tissuggerixxi li wiehed jista’ jегħleb il-kunflitti u kwistjonijiet li jeżistu?’

‘Fl-opinjoni tiegħek hija importanti li jkun hemm relazzjoni tajba bejn l-amministratur u r-residenti tal-blokka?’

‘X’jista’ jsir biex jitfasslu u jinżammu relazzjonijiet tajbin?’

Introduzzjoni biex twassal għad-diskussjoni fuq il-Medjazzjoni:

Subsession 2:

‘**Il-Medjazzjoni** hi proċess fejn permezz ta’ preżenza u gwida ta’ parti newtrali msejjaħ bħala l-medjatur (li jkun kwalifikat biex jaħdem f’din il-professjoni), il-partijiet involuti fil-kunflitt jingħataw l-opportunita li jiddiskutu u flimkien ifasslu soluzzjoni għall-kunflitt tagħhom. Għandek xi tagħrif jew esperjenza ta’ dan il-proċess? Taħseb li jista’ jkun ta’ benefiċċju għall-kunflitti eżistenti fil-blokka tiegħek? Iddiskuti.’

APPENDIX G

General 'Biographic Data' of Administrators

Role – Administrator 1

Name – Austin

Gender – Male

Age – 62 years of age

Nationality – Maltese

Condominium Firm – Small firm, run by self

Length of Time in Profession – 12 years

Residence – Penthouse in Condominium

Localities where Administrates – Various

Presence – Friendly and talkative

Role – Administrator 2

Name – Adam

Gender – Male

Age – 26 years of age

Nationality – Maltese

Condominium Firm – Administrator within a larger firm also an acting estate agent

Length of Time in Profession – 4 years

Residence – Apartment Unit in Condominium

Localities where Administrates – Various

Presence – Friendly and talkative

Role – Administrator 3

Name – Antonella

Gender – Female

Age – 35 years of age

Nationality – Maltese

Condominium Firm – Administrator run by a family firm

Length of Time in Profession – 7 years

Residence – Terrace House

Localities where Administrates – Various

Presence – Friendly, reserved, needed more coaxing

Role – Administrator 4

Name – Amanda

Gender – Female

Age – 50 years of age

Nationality – Maltese/Other Nationality

Condominium Firm – Administrator within a larger firm which is a sister-company of a large and well-established construction and development firm.

Length of Time in Profession – 9 years

Residence - Apartment Unit in Condominium

Localities where Administrates – Various

Presence – Authoritative and talkative

APPENDIX H

General 'Biographic Data' of Condomini

Role – Condominus 1

Name – Christian

Gender – Male

Age – 35 years of age

Nationality – Maltese

Residence – Penthouse in Condominium with Partner

Length of Time in Condominium Lifestyle – 3 years

Administrator of Current Condominium – Male administrator who owns and runs his own firm.

Presence – Shy and reserved, had to be coaxed and made comfortable

Role – Condominus 2

Name – Carl

Gender – Male

Age – 49 years of age

Nationality – Maltese

Residence – Penthouse in condominium with partner and children: Two daughters and a son. Also is a landlord who owns and rents out two apartments to tenants in a separate condominium.

Length of Time in Condominium Lifestyle – 7 years

Administrator of Current Condominium – Female administrator who is part of a larger established property management firm.

Presence – Friendly and talkative

Role – Condominus 3

Name – Carla

Gender – Female

Age – 29 years of age

Nationality – Maltese

Residence – Apartment in Condominium – Single. Previously rented apartment in another condominium for one year.

Length of Time in Condominium Lifestyle – 3 years

Administrator of Current Condominium – Male administrator who also lives in the same condominium as condominus.

Presence – Friendly and talkative

Role – Condominus 4

Name – Connie

Gender – Female

Age – 55 years of age

Nationality – Maltese

Residence – Apartment in Condominium – Married with one son

Length of Time in Condominium Lifestyle – 15 years

Administrator of Current Condominium – Female administrator who owns and runs her own firm.

Presence – Reserved until warmed up to topic than very open and talkative

APPENDIX I

Results Table 1; Administrators

<u>Research Objectives</u>	<u>Themes</u>			
1. The Experience of Condominium Management.	The Interplay of Roles and Expectations.	An Ever-Changing Environment – requiring continuous Professional Adaptation.		
2. The Experience of Conflict within the Condominium Setting.	Discrepancy amongst Residents relating to maintenance and refurbishment issues.	Demands and Expectations which are contrary to the Administratorial Role.		

<p>3. Conflict Management within the Condominium – A Niche for Mediation.</p>	<p>Current conflict management methods.</p>	<p>Seeking Innovative Solutions due to lack of resources.</p>	<p>Administrators and Authority – the unwitting ‘Wardens’ of the Condominium.</p>	<p>Mediation as an ideal resource and aid to Administrators.</p>
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APPENDIX J

Results Table 2; Administrator Themes and Description

<u>Themes</u>	<u>Theme Description</u>
1. The Interplay of Roles and Expectations.	Focuses on how administrators feel that condomini do not fully understand the role of the administrator and are unaware of their exact job description, as a result the administrator has to deal with all sorts of demands causing stress and anxiety for the administrator and between the administrator and condomini.
2. An Ever-Changing Environment Requiring Continuous Professional Adaptation.	Focuses on the variance between condominia; size, type of amenities, unit use, mixed commercial and residential units and locality and amongst condomini; economical, socio-cultural, contextual, professional and age differences. All these traits have to be considered by the administrator and dealt with accordingly as new challenges arise. As a result, administrators are continuously undergoing professional development which is self-taught through education and experience. There are also no available support networks for administrators.
3. Discrepancy amongst Residents relating to Maintenance and Refurbishment issues.	Focuses on how administrators seek to deal with discrepancy between condomini concerning the upkeep and maintenance of common parts. These issues arise especially during fund collection and the selection of third parties to provide services of upkeep such as; painting, plastering and so forth. This is especially relevant in old condominia requiring update and new condominia requiring multiple third-party service providers to cope with all the extra amenities; pools, jacuzzi, gym and so forth.
4. Demands and Expectations which are contrary to the Administratorial Role.	Focuses on how condomini have a tendency to contact the administrators about everything, even issues which are unrelated to physical property management such as noise, private unit issues which are unrelated to common parts, finishing issues by developers and other reports against neighbour behaviour and conduct in general. These issues are not part of the administrator's job description.

5. Current Conflict Management Methods.	Focuses on the conflict management methods administrators currently rely on, mainly contacting condomini personally themselves to try and manage disruptive behaviour, contacting the police department or development company in accordance to the issue at hand. As a general rule most resort to securing a legal notice by their advocate threatening court action. This causes bad feeling between condomini involved and themselves which results in stress as it goes against the upkeep of neutrality and equality they strive to maintain amongst all condomini.
6. Seeking Innovative Solutions due to lack of Resources.	There are few resources to turn to when dealing with certain issues and as a result administrators are taking it upon themselves to come up with resourceful means of conflict management; creating 'WhatsApp' group chats, 'Google polls', organizing online 'Zoom' meetings, regularly emailing condomini the rules of conduct whilst also attaching such notices to notice boards and seeking and advising condomini in the establishment of resident associations within condominia to maintain order.
7. Administrators and Authority – the unwitting Wardens of the Condominium.	All administrators feel that consistently and now more so than even there is a trend for condomini to expect administrators to act as 'Wardens' within the condominium, chastising those condomini who do not follow the status quo and using their authority to ensure that all follow the ascertained rules of conduct. In this way the condominium is being run using a top-down hierarchical governance, the agency of condomini is reduced and becomes ever-dependent on the administrator to maintain law and order. Simultaneously any sense of community is further disintegrated.
8. Mediation as an Ideal Resource and Aid to Administrators.	While some administrators have experienced mediation in other areas of their life others have not. All administrators consider it to be beneficial as a means of conflict management which they can direct condomini too or make use of themselves when they have issues with condomini. They fear there is a lack of information and a lack of resources available relating to the procedure they should follow when seeking mediation.

APPENDIX K

Results Table 3; Themes and affiliated selection of ‘data extracts’ from Administrators

Transcriptions.

Theme 1 - The Interplay of Roles and Expectations.

<u>Administrators</u>	<u>‘Data Extracts’</u>
Austin	<p><i>“Tipo it’s like I have to keep explaining what I am meant to do and what I cannot control...over and over ...over again, come on ux always repeating!”</i></p> <p><i>“...than they say so you do nothing then? – we pay you for this..”</i></p> <p><i>“Not everyone is the same imma believe me...there are places they call you at nine o’clock at night about their rubbish cause someone put a bin outside their door, in the common passage...they don’t talk to the neighbour themselves..no ma tarax...they call you to call them..”</i></p> <p><i>“Even simple things like changing a light bulb in a common area...they call I say there is the usual call out charge..they say ok send someone... it’s like they don’t want to be responsible for the common parts at all...or else ma rridux jagħtu iktar minn ħaddiehor – you know...if others call out for the light bulb than I will too..eqqq they say mhux paying I am xorta.”</i></p>
Adam	<p><i>“In the beginning I was amazed,..no wait.. shocked more like... how much people don’t know what my job is... honestly they tell you everything like you can... you know... fix it...like so and so closes the door loudly...tell him to stop tell him many people complained...I don’t know I just say yes to everything and sometimes I do nothing...they should tell him themselves.”</i></p>

	<p><i>"...or else I get a call...this is (*) from block (*)... the plants at the entrance are dying and people are putting cigarette butts in them...fix them please...honestly and I am sitting in the office... do you know how many condominiums are run by the firm I work for... what do people think we have cameras to watch the common parts jew?!"</i></p> <p><i>"They want to put you in a Whatsapp group... I say no because again I am only here to collect funds..manage the money and maintenance of the common parts...I am on a payroll I don't get anything for doing anything extra.. so why should I?.. it's their silly ideas people have..."</i></p>
Antonella	<p><i>"I try my best... it takes a lot out of me... my father started the business.. we feel responsible to do a good service for clients but people are difficult... they expect and want so much...I don't know maybe they just want to vent sometimes.. they think I have an answer for everything..."</i></p> <p><i>"... I am always available... always, sometimes my partner gets frustrated he hears their complaints.. their demands and he says.. its too much... that's not your job.."</i></p> <p><i>"...they put you in situations.. I am a nice person... it's..it's hard for me to tell people you can do this... you can't do that... I mean like it's even harder that its not my job to be hekk.... I don't know.. confrontational is that the word?..."</i></p>
Amanda	<p><i>"...listen overtime you become aware that people.. – mingħalhom li your job is to do everything they tell you to... they think they can call when they like... that it's like you work their condo only... come one please..."</i></p> <p><i>"Things are not my responsibility...I DON'T CARE!!!!... about the bloody dog barking...or ta' fuqek dragging the chairs on the floor... be realistic... I am a 'property' manager.. yes not your manager or whatever... I get so angry..."</i></p>

	<p><i>“...uuuuuu people are ignorant – injoranża qawwija haw about my job... u għalxejn tgħidilhom... makes no difference...”</i></p>
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Theme 2 - An Ever-Changing Environment Requiring Continuous Professional Adaptation.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"I have been in the business a long time and vera it has changed so much... the size the size of them (condominiums) now...so many people... people who live there fulltime, tenants... cultures.. ħanina what variety..."</i></p> <p><i>"... developers they are greedy you know...very greedy... money money money... they take short cuts in everything... finishes ta' kafkaf... rooms odd shapes... common passages narrow, dark... ceilings low...ma nafx... all this makes trouble for me because the residents they complain to me... issa jiena x'għandhi x'naqsam għid?... I try to learn about things to advise them... I have to learn...nieħu interest... their rights with developer like...or if plastering is up to standard... kollox ux"</i></p> <p><i>"I mean now I have a block with a pool and steam room... I know nothing about pools and steam rooms so again... research, telephone calls, learn... learn... making contacts to get to know good maintenance people..."</i></p>
Adam	<p><i>"...the company I work for works a lot with developers...and WOW!!!... the new condo's they are building...luxury...luxury..., especially in certain areas... you know like San Ġiljan...especially the one's which are going to act as hotels also... you have to consider so much... even conduct rules... lifts with passcode access... roof access codes...they want all these high-end mechanisms you see...these have never existed before until now..."</i></p> <p><i>"I have some blocks with gyms now... I do a lot of research online to see how they manage them in other countries... like Canada... you use a template for their 'rules of conduct and usage'...in a general meeting you tell the people, some are interested... some don't care...I do it so I look good with the bosses like I am showing initiative..."</i></p> <p><i>"Networking is important... friends of friends... the Maltese way... you do this I do that...I use you for pools...I use you for painting... I use you for call outs...so you need to</i></p>

	<p><i>make calls, check prices, compare prices... especially when the company needs more contacts or it's something new...like a communal BBQ area with wood burning grill and pizza stove...you need to source supply of woodchips...person willing to clean the stove in the proper way...and how often do you get someone to do it? And how much do you pay them?...and how should you organize a rota for usage of it?... see something always new..."</i></p>
Antonella	<p><i>"Honestly people are demanding more... they want more to be packed into buying within the condominium... and all this extra stuff...the pool... the gym... the sixty something units...it's a headache for us..."</i></p> <p><i>"... nobody realizes how much you need to learn, and I don't and never have lived in a condominium so these things do not come naturally to me... like lift maintenance... you need to know everything about lifts to help offer a good service... now its pools...pool maintenance..."</i></p> <p><i>"Languages too... like try talk or reason with someone who doesn't speak English, now there are so many cultures...people from India, Philippines... there language...their culture....people don't like it when people who move into places are different... it causes problems...they just don't like it..."</i></p>
Amanda	<p><i>"...Changes... developments...modernisations... I have to know everything and I do... because I like being the best...in the company I am in charge of teaching recruits you know...so I makesure I know everything...imma it's up to you to take an interest..."</i></p> <p><i>"I know so many people... have so many contacts...all my hard work you know building working relationships with all these third-party professionals... I call them my men...haha...my lift man...my electric man...my plaster man...my plumber man...you have to have them on call always...they do other jobs obviously imma you keep them in your pocket to come when you need them...to manage all this new stuff...even amenities bilfors ux you need other people who are trained for it... but you need to know your stuff too so nobody can mess you around...it always has to be your advantage over them all..."</i></p>

	<p><i>“....so many types of peoples...its based on locality ta...the North is easier to cope with imma they are little bit snobby...demanding in a jippretendu sort of way... the South ifhem sometimes in cheap condominiums there are mad issues...like 10 (specific culture individuals) living in one unit...the other residents don’t like it... how do I talk and handle such issues? Boqqq...experience helps... you try and you see... sometimes being bossy and rude is good...I can’t speak their language though...”</i></p>
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Theme 3 - Discrepancy amongst Residents relating to Maintenance and Refurbishment issues.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"...sometimes they all agree...sometimes they don't.... if the condominium is the same type of people...people financially the same...maybe money no problem sort of...than its easy to reach agreement and collect funds...otherwise it is a lot of toing and froing..."</i></p> <p><i>"Amazingly in my block I also administrate...the day I send out the email for any type of collection...within the same day or the next I receive payment from all...no questions asked...immaaaa...all the other places I administrate...noooo.... And it's the same people you run after them always...reminders, reminders, reminders....fl'aħħar iħallsuk imma bit-torturi xorta ajmaaaa."</i></p> <p><i>"...you tell them you have a price sheet for maintenance work... let's say a plasterer...you get 3 quotes...you bring the people to do block you discuss...telephone calls...emails back and forth...than they say all 3 are high...ħanina...eqqq mela get quaotes yourself and we compare..."</i></p> <p><i>"...problems with unit owners...the one's who rent the unit always always complain about fees especially ones related to upgrades...I have yet to meet a landlord who just pays agreeing that the upgrade of the block is important like the fulltime residents...different block, different people, same problems."</i></p>
Adam	<p><i>"...I follow my work guideline for pricing...if they (residents) don't like it they see themselves, in the end it usually works out the way we tell them...they don't have an option.."</i></p> <p><i>"Many seem to think that we (administrators) get high prices so that we can make money off them...it's not true, yes there is a financial agreement between the firm and</i></p>

	<p><i>the service providers but not at the expense of the residents because otherwise quotes would be too expensive compared to other quotes...but try explain that...no chance..."</i></p> <p><i>"...imagine I had three residents complain because the garage fund increased by ten euro from the previous budget...honestly..."</i></p>
Antonella	<p><i>"...people are all the same about money...they want miracles to happen but they aren't willing to pay the price for them...I mean not everyone is the same...but the majority are...a lot of calls and why to this and why to that..."</i></p> <p><i>"The general meeting and the service and fund explanation you do....that has two type of people...people who say yes to everything as long as you do the job...people who say no to everything – everything to be difficult..."</i></p> <p><i>"...sometimes I have found that new residents want to improve the whole complex...make it smarter more up to date...but the older residents don't want too...they don't always have the money some are retired...its awkward..."</i></p> <p><i>"The things I have seen...you won't believe...once a woman insisted on cleaning the common passage who was a resident because she felt the charge for cleaning was too high...she would do it cheaper...she was taking payment and not even cleaning...you can imagine how much trouble there was... and I had to deal with it as usual..pfff"</i></p>
Amanda	<p><i>"These high-end condos...so much for the common amenities... like 3,000 Euro a year ta...and prices are always going up...people shock you they agree, they buy into the condo for the privilege of living the high life and then something goes wrong, mamma miaaaa... to fix it the fund is depleted...and any price increase is seen as unfair and impossible...and it means I am not doing my job right...what? Seriously? I just want to cut the phone sometimes..."</i></p> <p><i>"...in fact one of our biggest issues is dealing with the rich, the ones who think they own Malta...so they have let's say five units, or more!!! Oh yesssss...and they feel they should only pay the service and fund fee of one unit...temmen?!! Money like it grows</i></p>

	<p><i>on trees and they don't want to fork out their share...and arguments..arguments...unbelievable...the carry on is disgusting...jaqq"</i></p> <p><i>"....leeee you want me to manage your funds and property and answer your calls and than you find the service charge too high...whatttt? You want me to do it for free???</i></p> <p><i>Intom orrajt jew m'aħniex?"</i></p>
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Theme 4 - Demands and Expectations which are contrary to the Administratorial Role.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"...they say to me on the phone..tell him he is making too much noise... tell him it's not allowed...don't tell him I complained...many complained..."</i></p> <p><i>"...or else like...there is a bad smell in the passage... can you find out who it is and make them fix it.."</i></p> <p><i>"The woman in Apartment 10 is so rude to me, I think she should be told to obey the rules by you, her children are too noisy at night...it's your job to tell her she tells me..."</i></p> <p><i>"You need to be aware of what is happening in the common parts...I never see you here checking them...they think I should go like what every-day to check things?.. how is it possible?"</i></p>
Adam	<p><i>"...always the same people calling the office...my stomach drops at the caller ID... what now?!..."</i></p> <p><i>"I am not payed to deal with cranky or demanding residents...its not my problem if a child kicks your door in the hallway...or if someone has a roof party on the communal roof...I am not the police or the judge or whatever..."</i></p> <p><i>"...so you want me to come to your place and listen to the people above you move their chairs so to show me how loud it is...so I can go up and tell them they are being bad and inconsiderate neighbours..?! Pay me more maybe I will..."</i></p>
Antonella	<p><i>"I mean...look...it's hard on them (residents) when there are problems or when they have problems with neighbours but what can I do... I tell them but really will it make any difference?"</i></p> <p><i>"...how can I change the neighbours mind and behaviour?!!!"</i></p>

	<p><i>"...all this emotional stuff, and crying on the phone and saying I don't care... it's not that I don't understand how you are being affected by the neighbour's dog but what can I do..why must I be called about it?"</i></p>
Amanda	<p><i>"...uuuuuuu.....always problems and I I what should I care... tell me the cleaner isn't cleaning...tell me the lift isn't working...tell me there is a pipe leaking into the common parts...or the pool man hasn't come imma don't tell me all the other stuff... I am not your counselor ux...it's not my problem, you have to accept that this is what living with other people is like...qum mill-ħolma"</i></p> <p><i>"Issa inbilli...the story I said about all the people in the one unit.... I mean really x'jimpurtani and what can I do...make a call...which I shouldn't have too...report to the police...which they should do...tell a lawyer – again they should do – not me...not part of my job description..."</i></p>

Theme 5 - Current Conflict Management Methods

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"...diplomacy...it's so important to be diplomatic and to show...you know, ..emm...hekk care...you care ux...problems have increased definitely since I started out..and I try to be neutral...the same with everyone but it's difficult...especially for problematic residents..."</i></p> <p><i>"...its not really my job to like manage the problems between the residents imma... I try...personally I feel responsible...where else can they turn too? Boqq... maybe it's better they come to me...instead of shouting at the neighbour...making it worse...I don't know... in my condominium I do I get involved...I go and act as the go-between...so I try do the same for the others...if that makes sense..."</i></p> <p><i>"Sometimes I go and talk...sometimes I call up the individual making the trouble...sometimes I send out a general email to all...like a gentle reminder...again imma about the common rules...and sometimes I get help ux...I call the police or I get my lawyer to send a notice...my lawyer..."</i></p>
Adam	<p><i>"...ifhem we use the firm's lawyer's a lot...you know let's say the one's who refuse to pay the service charge or the fund...eqq we send them a legal notice...other issues sometimes I send an email to all...you know to be safe like so nobody can say I picked on them..."</i></p> <p><i>"...I tell them if you have a problem with the guy above you call the police or get a lawyer...I don't know what I can do..."</i></p> <p><i>"...if the issue is often and its common related...like again and again I tell them we set a meeting...if they come that is sometimes you go to all the hassle for no reason insomma... and sometimes it's even the people who complain the most who do not turn up...temmen??...like last time they kept leaving deck-chairs out with cushions near pool areas and children were shouting and jumping...it's a nuisance ux for the</i></p>

	<p>people on... living on that floor mhux hekk... so I did a general meeting where they voted in new rules for pool use..."</p>
Antonella	<p>"I try my best...I consult with everyone... I stay...how shall I say...even with everyone...everybody the same...the hardest are the one's who don't live there but rent it only...they are a pain cause they don't care..."</p> <p>"....how many times I call and they just ignore my calls... reminders for payment...waiting waiting...waiting...other residents saying when will work start?... I say still waiting payment...sometimes it takes months...so stressful.."</p> <p>"I call the lawyer...he writes a paper sends it to them...it's the best way out for me...gets them to obey mostly..."</p> <p>"I have some residents in court with one another... that's stressful in itself ta... they have been waiting like three years for a verdict...and in the meantime living like that...one keeps calling about the other...they block the entrance of the garage with their car...it's under the block you see...I have to call and ask them to move it...last time it was one in the morning..."</p>
Amanda	<p>"I call first and tell them it's not worth it to refuse to pay because all I need is to tell my lawyer and by notice or by court they must pay and in the end it will cost so much more money...hekk ux imma they try ta they try...in the end they pay once they get the letter from the lawyer..."</p> <p>"...I say call the police hi..."</p> <p>"...I get involved for their issues in that I email or call... I call them directly I am that sort of character...miniex ha nddur mal-lewza...like do not leave your rubbish in common area you know you can't please obey the rule on the notice board..."</p> <p>"...imma..imma again how would I know what's happening...I do not live there... so it would be better if the neighbour told them themselves..."</p>

Theme 6 - Seeking Innovative Solutions due to lack of Resources.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"...I am fair...I listen and try to understand and try to explain to the other the perspective of the other... reason it out..."</i></p> <p><i>"...the whatsapp group is handy...I can send them all a text about something immediately and they will all see it for sure...they can't ignore it..."</i></p> <p><i>"After the experience of covid its easier to set up meetings...I manage them on zoom or teams and they enter and we discuss the issues..."</i></p>
Adam	<p><i>"I give them the number of a lawyer...and now with the big big...hugeeee... apartments... I try get them to make a board...our firm has looked into it and advises us to get them to do it...apparently they do it abroad..."</i></p> <p><i>"...its like a big brother in the condo itself to makesure people obey the rules and do everything right..."</i></p>
Antonella	<p><i>"...definitely whatsapp is good...on the other hand its makes them all think you can be reached anytime..any day or night like though..."</i></p> <p><i>"I have been trying to set up groups of representatives in each condominium...the larger ones I mean...some do it...some don't that way...if I get a call it's from them getting a report...rather than all of the residents contacting me whenever..."</i></p>
Amanda	<p><i>"....whatsapp hi....send a message... 'no rubbish in hallway please'...like that send to all...or there is rubbish on floor 3...please clean up...or else I will have to send a cleaner and a thirty-five euro deduction from fund will happen...gieli they clean it..gieli le..."</i></p> <p><i>"I become a go between I-iktar...talking to both separately...I try to use the plural and not name names, that would make it worse ux..."</i></p>

	<p><i>"Zoom is handy minn wara covid l'haw... people use it a lot...most of the meetings we still do on zoom..."</i></p> <p><i>"One of my colleagues uses 'Google poll' too so they can make majority votes on the whatsapp...handy issa I have started using it...you have to move forward with the times...especially now the younger generation..."</i></p>
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Theme 7 - Administrators and Authority – the unwitting Wardens of the Condominium.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"...honestly I don't know how to explain it...it's like... when you live in the block and you are an administrator of the block...everyone obeys the rules...haha...it's like the school teacher is around so everyone has to be on best behaviour..."</i></p> <p><i>"I suppose...that I call them or email straight away about things...as soon as I see them...and I do purposely walk the stairs and not use the lift...so I can check the common passages of each floor regularly...nieħu interest ux it's my block..."</i></p> <p><i>"There would be rubbish...I pick it up...people just walk past it even if it's on their floor...because it's the common passage and they didn't do it they don't try to fix it...I take notice but I cannot do that in all the places I administrate...ħanina kieku..."</i></p> <p><i>"...they call you for you to call the neighbour who is disturbing them ux...they expect that I call them...and I tell everyone what they can and cannot do...they don't want to get directly involved..."</i></p>
Adam	<p><i>"...he did this...she did that...call them... tell them... ħafna hekk you know...it's like I am the warden or something...the one who reprimands you know...like children they report on each other and they expect me to go and tell the other one off..."</i></p> <p><i>"...they tell you everything... they make the other look bad..."</i></p> <p><i>"They say we pay you to manage – to makesure everybody is behaving properly..."</i></p>
Antonella	<p><i>"It's so strange...it's sometimes like school...I am the head teacher and they all jugżaw lil xulxin miegħi..."</i></p> <p><i>"I suppose its cause I am the authority maybe...it's not my character to be but they see you as that...the one who keeps control...controls things...even technically it's not me...no ux cause I represent the common parts not the personal...it's hard to explain..."</i></p>

<p>Amanda</p>	<p><i>"Ara...you have to be bossy...all my experience that's what they want...they want the administrator to take charge of them...they should feel that a message from me or an email is like a suffara...oiii..."</i></p> <p><i>"...they tell on each other... għax they don't want to get into contact with the other...they don't want to deal with the issue...so they tell me...and I take control...I am used to it ara kemm ilni issa naħdem hekk..."</i></p> <p><i>"...at the end of the day...what they really want is you to keep order on everybody...so they don't have too, jew ma jhossuhomx responsible eqqqq ifhimni...it's like someone will keep the people in place...judge Judy hi..."</i></p>
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Theme 8 – Mediation - an Ideal Resource and Aid to Administrators.

<u>Administrators</u>	<u>'Data Extracts'</u>
Austin	<p><i>"There needs to be something...the only option is us (administrator), and its awkward for us...and its police and lawyers and that's it...there is no resources that is easy to contact and organize..."</i></p> <p><i>"...I once used mediation personally...I had an issue with a resident and they took me to court and my lawyer told me to try it...I didn't want to pay the money for court and I was afraid you know bad publicity....even though I did nothing wrong...you learn through experience in this job...day by day...it (mediation) worked... I just never thought of getting residents to try it...interesting ta.."</i></p> <p><i>"...it would help for sure...and I won't have to get involved... and they can sort it themselves and then maybe it becomes a trend.."</i></p> <p><i>"I want to know though where do I call to book a mediator you know? Where should the mediation happen?...how will it be payed...by residents or from the fund?...many things have to be thought out..."</i></p>
Adam	<p><i>"No personally I have had no experience of mediation and le...I don't think I know anyone who has done it...but I have heard of it...it has been mentioned in the firm I work...but they don't emphasize you use it cause its less money for them...you know getting another professional involved that's a fee..."</i></p> <p><i>"I can think of loads of cases where it would be beneficial; arguments with residents and paying funds, noise disturbances, pet disturbances, shared walls...issues with the garages and pools...helping people to talk again instead of relying on administrators to take care and control..."</i></p> <p><i>"...they (residents) they take it all out you, their frustrations...and they stay like that...maybe the mediation would help..."</i></p>

<p>Antonella</p>	<p><i>"...I think it sounds an amazing concept...ooooo how many issues there are out there ta between the neighbours and they get worse and worse...cause really when you think about it...they never get sorted you know...everything is under the carpet...brewing the English say..."</i></p> <p><i>"I wish to try it...imma will they try it...the residents I mean?... I would have to sell it to them...maybe it would have to be from the fund...but then would they agree to that...I suppose if the issue was affecting a majority..."</i></p>
<p>Amanda</p>	<p><i>"Mela, mela...I know mediation...I did it two years ago during my separation...it's mandatory you know during separation...for me it worked...not for everybody but it depends on the people involved...the mediator has to be good ta...influence the participants in the right way so as to participate...imma its good much better than court...teħles ux"</i></p> <p><i>"It would work so well with conflicts between us (administrators) and the residents and it would help eqqq għax ha jehlisni minn ,..ċertu xogħol li I am forced to do and its stressful and żejjed for me so it's a good option..."</i></p> <p><i>"Yes, yes abroad I read they use it...Italy especially ta...yes we need it...even there are so many court cases...between us...in the firm you know how many pending cases there are...between the firm and condo's and between residents in condo's...unbelievable...and its waiting and some of these people still living together...I couldn't ta live like that...ma tarax..."</i></p> <p><i>"Maybe we need to make them part of the firm?...have three on call...haha inżidu the mediation man issa!... like you need to make them try it out or hope they have done it (mediation) already and hope they say yes..."</i></p>

	<p><i>“There are many problems with residents...big and small and they last a long long...long time...uuuu kemm idumu taf...incredible...always there...I think the mediation done well would fix them ux...it’s a much needed thing...”</i></p>
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APPENDIX L

Results Table 4; Condomini

<u>Research Objectives</u>	<u>Themes</u>			
1. The Experience of Condominium Living.	Dependency & Boundaries -Juggling Independence and Interdependence.	The 'Unknown' – 'Where do Rights End & Duties Begin?'		
2. The Experience of Conflict within the Condominium Setting.	Roles & Expectations - 'I Pay my Administrator to be available for my every beck and call!'	'My Neighbours from Hell!' – Conflicts with Neighbours.	'Me' versus 'Them' – Sense of Autonomy stronger than Community Membership.	
3. Conflict Management within the Condominium – A Niche for Mediation.	Current conflict management methods.	Results of Current Conflict Management.	Reaching an Impasse – 'There is Nowhere to Turn!'	Mediation – Instilling Hope – 'The Light at the End of the Tunnel!'

APPENDIX M

Results Table 5; Condomini Themes and Description

<u>Themes</u>	<u>Theme Description</u>
1. Dependency & Boundaries -Juggling Independence and Interdependence.	Focuses on the experience of condominium living in relation to the duality of seeking autonomy and privacy in a communal setting in which condomini are interdependent on one another and must share resources regularly. Contact is inevitable and in some cases boundaries are hard to define. Condomini are continuously seeking the balance between privacy and community living and many are aware of the influence of their own and the behaviour of others has on the experience of living within the condominium.
2. The 'Unknown' – 'Where do Rights End & Duties Begin?'	Condomini are sometimes unsure of the roles they have to play and the rights and duties which come with condominium membership. Some even go so far as to distance themselves from any responsibility claiming that it is the administrator's job to maintain order and upkeep within the condominium. This is especially true of condomini who do not live in the unit they own but simply rent it or are keeping it as a form of investment.
3. Roles & Expectations - 'I Pay my Administrator to be available for my every beck and call!'	Condomini seem to lack understanding regarding the true role of the administrator stating that as a result of service payment the administrator must be available always and are to deal with all issues within the condominium, condomini simply have to report what they want the administrator to do.
4. 'My Neighbours from Hell!' – Conflicts with Neighbours.	Focuses on the effects of having badly behaving neighbours and bad neighbourly relations can have on condomini with examples from experience. Interestingly, all condomini have experienced such neighbourly conflict at some stage of their residency.

<p>5. ‘Me’ versus ‘Them’ – Sense of Autonomy stronger than Community Membership.</p>	<p>Intriguingly throughout the interviews it became obvious that the autonomous position of condominium living was considered as key amongst all condomini. In many ways all referenced to neighbours as being distant, distinct and private individuals to them who often were negatively associated because they simply did not think or act similarly to the condomini being interviewed. Thus, a sense of community was generally lacking between condomini who participated in this study as a whole and their respective neighbours.</p>
<p>6. Current conflict management methods.</p>	<p>Generally, when conflict arises most condomini seek police, advocate or administrative assistance. Most condomini believe they pay the administrator so as to deal effectively with any issues. Condomini also feel that in most cases police officials and advocates fail to take their issues seriously and belittle them in so doing.</p>
<p>7. Results of Current Conflict Management.</p>	<p>While some conflicts are resolved generally condomini remain on continuous bad terms with conflicting neighbours with hard feelings and awkwardness being the norm causing further conflict or causing condomini to remain in an agitated state by which they continuously strive to avoid the conflicting neighbour at all costs often to their own discomfort. In turn, issues have a tendency to repeat themselves overtime and most condomini narrated how as a general rule it was the same condominus who caused most conflicting issues within the condominium.</p>
<p>8. Reaching an Impasse – ‘There is Nowhere to Turn!’</p>	<p>When bad feelings remain and conflict remains unresolved condomini remain in a constant state of anxiety as they feel there is nothing left to do and they are always awaiting the next encounter or the next disruption. They feel there are no adequate resources available to them and the only option is to accept their bad luck and try their best to live in the negative conditions enforced on them by the negative and disruptive behaviour of fellow neighbours.</p>
<p>9. Mediation – Instilling Hope – ‘The Light at the End of the Tunnel!’</p>	<p>All condomini consider mediation to be a time and cost-effective means of dealing with conflicting issues and one which allows them to apply a sense of ‘self-help’ to the issue rather than depending on individuals of authority who generally and through experience have let them down. They would benefit</p>

	from referral as many do not know what channels to follow so as to secure mediation from a qualified mediator.
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APPENDIX N

Results Table 6: Themes and affiliated selection of 'data extracts' from Condomini Transcriptions.

Theme 1 - Dependency & Boundaries -Juggling Independence and Interdependence.

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"...you get used to it...you keep hoping you will have nice neighbours... I mean I came from my parent's house..ok neighbours could still disturb you but it's so much closer in the condominium you know...I was apprehensive... you hear stories at work of other's experience...shocking you know..."</i></p> <p><i>"Luckily we live in the penthouse... a floor of our own but still...it's a different lifestyle..its your home but you see other people every day in it... so I don't even know how to look at it...maybe I see my penthouse as my home...and the rest is public property...like the pavement...yes like that.."</i></p> <p><i>"..you become possessive you know...it's like that's my parking space, that's my penthouse door...that's my floor why did the life come up here I hear it opening outside...nobody should come up this floor...it annoys you if anyone does something you don't like..."</i></p> <p><i>"I am careful...yes its my home I tell her we do a BBQ but we don't stay outside late chatting and drinking with our friends cause the one's underneath they must hear everything...so I am free but not free...weird like..."</i></p>

<p>Carl</p>	<p><i>"It's a particular situation living in a condominium you know...on the one hand it's your home...on the other hand it's not just your home because it's the home of others....and vera ta...there are few places...moments..or whatever... that you are not aware of the other residents...you meet them on the way in and out...you hear them as you walk through the common corridors...you hear the closest one's to you from your terrace or through the walls themselves..."</i></p> <p><i>"...I tell them my children not to shout...and not to drag the chairs...and not to run in the corridor...I don't want to disturb my neighbours...even my dog I don't let him bark...ħin kollhu noqgħod mohhi hemm..."</i></p> <p><i>"Then some of the other neighbours they are like me...but ma tarax mhux kollha ux...hemm minnhom parties u storbju u jaħslu their car...the garage all water and there are no drains...you do your best...but the others they let you down...badly..."</i></p>
<p>Carla</p>	<p><i>"I like to think...you close the door and that's it...but it's not...especially because I live on the first floor...one of my French doors leads to the pool area...the noise of people when they are using it...some even invite friends over for pool parties...anyway...its noisy...it's not as private as you would have thought..."</i></p> <p><i>"I don't know...last time my friend he came over...it was two in the afternoon...and we he was helping me put pictures on the wall...my next door neighbour...the one on the right side...she is Russian...she came slamming her fist in the door...and yelling that we should stop...and shouting in my face and pointing...so I couldn't even put the pictures on my wall?"</i></p> <p><i>"Last time, I had a fridge for the bulky refuse...and my friend helped me put it down in the entrance way...the administrator he calls...he lives in the condominium too...he says I couldn't do it...I explain everything...he says leave it cause it will be collected tomorrow...but next time I have to let them know in the group chat...hekk the one on whatsapp...so I can't do anything...I need permission for everything...it's exhausting..."</i></p>

	<i>"It's like I am in a cage...my every movement being watched..."</i>
Connie	<p><i>"It's impossible not to be aware or affected by the neighbours... I mean I don't want to cause anyone any trouble...imma they cause me you know...so yes you want your privacy imma you are never free..."</i></p> <p><i>"...than overtime you become used to the other neighbours and their customs...and you just get on with it...you just say ok...so she puts her washing machine on at 6:30am...he smokes in the passage...the people in apartment 2 argue and slam things...you become immune in a way..."</i></p> <p><i>"...but there are some things you can't... can't...can't...ignore... they really disturb you...and then they eat you up...you can't close the door on them...it's still there...or you feel a meeting...an interaction...with the neighbour you are arguing with...is always their behind the door..."</i></p> <p><i>"Although my door is my boundary...my responsibility...what the others do (neighbours) stills affects you...it's an issue like...you can try pretend it's not...but that won't change it..."</i></p>

Theme 2 - The 'Unknown' – 'Where do Rights End & Duties Begin?'

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"It's confusing you see..mela what should I accept and not accept from the other neighbours?...and then what can I do and not do because of the other neighbours...and then should I tell them they were too noisy?...or should I see if it happens again..."</i></p> <p><i>"...you know if something happens...let's say that time there was a bag of plastic in the entrance hall...I was going to pick it up and put it out...than I was like but it's not mine why should I? I won't get a thankyou...so I left it...maybe if I saw others take interest I would to...maybe"</i></p> <p><i>"...and its like how understanding do you have to be...is there a limit...like honestly sometime the smell of cigarette smoke in the lift is so bad...I have asthma... and I cannot understand why anyone is so stupid to smoke in a lift...they should know better...they don't respect the other residents and they should ux it's common sense..."</i></p>
Carl	<p><i>"...Ma nifhimhomx in-nies...vera ta...I don't know them or understand them...I try to do the right thing...I follow the rules...and if a neighbour is doing something they shouldn't I tell them...I knock on the door and I tell them ux...and sometimes it works and sometimes it doesn't...if it's something I can fix...like if there is rubbish in the corridor I collect it and throw it out...I do..."</i></p> <p><i>"Imma...I don't know that if what I do is right cause the others...the residents they don't they call the admin...or else they call me...I don't know maybe because they see that I take an interest..."</i></p> <p><i>"...should I call the admin instead?...if everyone else does maybe I should to...I don't get anything for being so considerate...I do it all for nothing..."</i></p>
Carla	<p><i>"I know what I should do...I follow the rules...but again...I am careful but there are not rules for everything ux?!... so sometimes I think something won't be a problem...and</i></p>

	<p><i>then the admin calls...its you know exhausting... so I just must follow what the other's want without exception..."</i></p> <p><i>"...now I am not sure what to do...I ask permission for everything...and I try to...I try to not use everything or barely...even the pool...during the week only so they can have it at the weekend...I don't know where I stand..."</i></p> <p><i>"So, I just call the administrator for everything...I ordered a sofa...I called them to see what procedure to follow to have it delivered...then I do what I am told...I let all the residents know the time, the day about my delivery on the group chat...and then I realize that not all the residents do...the apartment above me had a bed delivered and never said anything in the chat..."</i></p>
Connie	<p><i>"So...you set up rules...in your head...say I won't do this...respect you know...and then there are the common rules...you follow them...and then there are people who just do what they want...they are inconsiderate..."</i></p> <p><i>"...I have been here a long time...we got on well...then some families sold up and moved to other places...now there new people...they start nice...but then you get to know them...they say I am busy body because I like keeping things how they are...they bring new problems...naughty children...music...men in and out...they don't always lock the door...ta barra.... It's like normal behaviour...yes/no?..."</i></p> <p><i>"For a long time we didn't have an administrator now we have one... she is lovely...very nice girl...lives nearby... I call her...she answers...she says not to worry she will sort it..."</i></p> <p><i>"I call her...but it's easier to just tell them myself...remind them...maybe I shouldn't....imma why don't they all just follow the rules? Why is it too much that they you know act properly..."</i></p>

Theme 3 - Roles & Expectations -

'I Pay my Administrator to be available for my every beck and call!'

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"I call my administrator all the time...or I chat to him personally on whatsapp and tell him to write a general comment in the group...that's what we pay him for right.....I pay him to be available like every beck and call you know"</i></p> <p><i>"...I don't want to get involved with fighting with my neighbours...I keep my head down...to myself you know...I am quite a private person...I pay the administrator all payments immediately and so if I contact him over something... I expect him to act immediately..."</i></p> <p><i>"Sometimes I don't think he does his job as perfect as he could...he never got the woman in apartment 4 to control her barking dog...he said he tried and then he advised a letter from the lawyer...I had to get involved because he didn't manage it properly..."</i></p> <p><i>"I have to call him because he doesn't know what they...the other residents are like and what they are up too...so I call..."</i></p> <p><i>"...I hate it when he doesn't answer...hate it..."</i></p>
Carl	<p><i>"I mean...the others they call the admin for everything... I am a little different but I am not the norm...ifhimni...on the other hand if something happens like the lift stops...I don't care what time it is...I call the admin you know... so that they will contact the maintenance to fix it...I expect them to act..."</i></p> <p><i>"...whatever the question or the issue is they must do it...or else what else to we need them for..."</i></p>

	<p><i>"...let's say the call out...it should be fast you know...the admin has to be fast...she is generally but sometimes she uses the excuse of how many people...condominiums because it's a firm she works for...that is disappointing..."</i></p> <p><i>"Ara...the admin of the other condominium were I own the apartments which I rent...they are very fast...everything up to-date..regular meetings...they created a whatsapp in which they list everything...its fast service you know...if there is an issue with the tenants, the admin calls me not the residents so they use them that way..."</i></p>
Carla	<p><i>"I know the administrator is very involved with us all...keeping an eye out...but I suppose in a way it's good...he treats us all the same...he watches over all the going on..."</i></p> <p><i>"When I want to complain about something I tell him...the administrator and he looks into it...so I suppose we don't interact that much...we depend a lot on him to sort things out..."</i></p> <p><i>"It's easy because he lives there...in the last condominium I was...the administrator didn't live there so it was a hassle keeping everything up to date and kind of...you know managing people who are...well...who don't obey the rules forsi..."</i></p> <p><i>"I mean...that is his job right...to be o top of everything..."</i></p>
Connie	<p><i>"The job of administrator is to keep the stress off us...the residents you know...I have her to rely on...she has to know what's happening...and so I call whenever...that's her job... if she didn't do that then I would not trust her..."</i></p> <p><i>"...she is nice...I tell her...then she sends an email and also a message on the group chat...she says... 'a gentle reminder to all...'...she does it tactfully...it's for a person in particular because I told her...but she keeps it general...her position allows her too..."</i></p> <p><i>"I mean if she doesn't answer to all this...than like what would she do...just pay the bills with our money?"</i></p>

Theme 4 - 'My Neighbours from Hell!' – Conflicts with Neighbours.

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"There always is a nuisance...all my friends say that where they live there is one...that woman in apartment 4...the dog...it barks on her balcony again and again...I hear it from my terrace...I don't know how the one's next to her manage..."</i></p> <p><i>"...she says if you ignore him he stops...apparently she only puts him out when she washes and when they eat...she shouldn't make us suffer cause it's her dog... I don't even drag my chairs on the floor or sofa so as not to make noise for the one below me it's not nice...than she does this..."</i></p> <p><i>"In the winter you smell the dog in the lift when it rains...its annoying imma I get over it nothing can be done...but the barking she can control so that makes me mad..."</i></p>
Carl	<p><i>"Definitely....always always always every condominium will always have some bad neighbours, dejjem ta...tipo hekk...jikkawża stress għal kulhadd...they disagree with everyone...they do things they shouldn't...and they keep doing it..."</i></p> <p><i>"...all the years I have lived in the condominiums I have always found one like that... and even in the condominium where I lease my apartments...ask the other residents...there is the one like that too..."</i></p> <p><i>"...the young man in the apartment below me...he is new only here one year...he works in one of those gaming companies..and he has parties...lots of parties...so loud so noisy...all young people...smoking pot...drinking and shouting and cursing and loud music...and it's too much...everyone inside stressed...children to go to school and not sleeping...you hear it through the walls ta...tirrabja ux..."</i></p> <p><i>"...the other one...he washes the car...the garage flooded with water...he doesn't even brush it out...and then you come in with your clean car...water everywhere splashing</i></p>

	<p><i>on the car...I was waiting to catch him to do it again you know so I catch him in the act itself..."</i></p>
Carla	<p><i>"Like I said before...if someone does something we tell the administrator...he deals with it...he has authority you... and he is fair...but that one the Russian one...she is so aggressive...I lost it last time with her...I started shouting back at her... the post man put one of my magazines in her box by mistake...to give it to me she kicked the door...kicked it and then she threw it at me...uuuuuu I lost it... I went mad roaring..."</i></p> <p><i>"Now even if we meet in the garage...it's like a war who will let the other pass...how I grip on the wheel tightly..."</i></p> <p><i>"Eqq and the children so noisy...in the pool I mean...and if I say something...one of the women told me that I talk like that because I have no children..."</i></p> <p><i>"...even where I was before...the other condominium there were issues...neighbours in disagreement with others...fighting...I left there and I bought into a smaller condominium...this one...thinking everyone would be friendly...and no ux..."</i></p>
Connie	<p><i>"Before...before...before...we had no problems...everyone got on so well... we had children all the same age...we had similar backgrounds...it was good...ok we had arguments...but we got on still..."</i></p> <p><i>"I know they...the other neighbours...we get on okish...just one in particular...is so bad...I have had so much trouble with him...so much...him and his family...pežža waħda...so troublesome...even talking about it makes me shake...they have problems with everyone else too..."</i></p> <p><i>"Administrator tries to deal with them...they are so rude...they push past me in the hallway...they bang the doors...they put their legs on the wall...they smoke in the hallway near the window...so they won't smoke inside..."</i></p>

Theme 5 - 'Me' versus 'Them' – Sense of Autonomy stronger than Community

Membership.

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"I focus on my area...what I see in the common parts if its not per se at my door I don't bother...maybe I report it but I don't care really..."</i></p> <p><i>"...I leave the condominium first also...I set my alarm for 5:30am...so I don't have to wait for lift to stop at all floors and I leave the underground garage first before any other resident..."</i></p> <p><i>"If I don't see anyone I am happiest...the people in apartment 15 so quiet...they are foreign so respectful...I like them I don't even know their names...I just nod..."</i></p> <p><i>"Thank-god for covid general meetings are all online now...less interacting..."</i></p>
Carl	<p><i>"I am picky qed tifhem...some people are get on well with and I look out for them...and I help them...others like the one's I mentioned...il-ħarsa li ntihom...I am always waiting...nistenna nistenna for them to do something again so I go and tell them...."</i></p> <p><i>"...the other residents who are like me...they agree with me...none of us like them...they tell me when they do something jew the admin..."</i></p> <p><i>"I try to avoid ux...għax its better I don't see their faces...I get angry u who knows I say kelma żejda...I pretend that they don'y exist...I close the door and close it all away until they do something to make me aware of them..."</i></p> <p><i>"Listen I want a happy peaceful lifestyle for myself...for the children so I try to focus on that...if the neighbours obey the rules then I don't really need to know them do I...everyone is happy like that..."</i></p>

	<p><i>"Even the whatsapp...you don't need to speak to them so to say...the admin does the updates and says what has to be done...or we say the information we need to discuss on it...no contact...it makes it easier to complain even...less emotions dealing with it at a distance...taf kif...hekk insomma"</i></p>
Carla	<p><i>"It's like you know...I feel now that I am on my own in the condominium...the administrator pulls us altogether but following what he calls procedure...well it makes it difficult I feel more alone... I do not feel like they are my friendly nieghbours....everyone watching what we all do and how we do it..."</i></p> <p><i>"You follow procedure for fear of being told off...not because it is good to do or because you feel a part of something..."</i></p> <p><i>"Otherwise I keep myself to myself..."</i></p>
Connie	<p><i>"Mainly...I close the door and try not to have anything to do with anyone...only the administrator I am sure of...but again you know I wish she did more...still..."</i></p> <p><i>"...I don't really talk to my neighbours...I like some...dislike others and act accordingly...the least I know the better....everyone has a right to their privacy...but if they annoy me than no...than I have to try stop it somehow..."</i></p> <p><i>"I don't know why they don't follow the rules....they do it on purpose...they do it because they know it annoys me...they don't care about any of us...they just do what they want...if we were all like that it would be a disaster...but they make you like that...."</i></p>

Theme 6 - Current conflict management methods.

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"Till now...I only ever call the administrator and once the lawyer for the legal letter...that's it...I reach for figures of authority always that is what they are payed for...it's their job..."</i></p> <p><i>"...well thinking about it what other options do I have...police or I go to the neighbour myself... I am reserved...so yes they are the only things I can do..."</i></p>
Carl	<p><i>"X'nagħmlu ux...I tell them myself...obviously we have an argument...and then we stay hekk with each other...always arguments...or else the admin gets involved but till now their involvement only makes small differences for normal things....regular things like the rubbish collection point and dak it-tip..."</i></p> <p><i>"...eqqq or the lawyer ux...I once had to get my lawyer to get involved...send a letter of complaint...with the noisy parties I called the police...I made a report..."</i></p> <p><i>"The police...they don't care...they did nothing...they said if it continues after midnight call again...kwaži I had to fight with them to get them to come....putting the phone near the wall so they hear it...thump...thump...thump...then they came...but they don't care...they look at you like you are making a big thing out of it...temmen...iktar nirrabja ux..."</i></p>
Carla	<p><i>"My experience till now ux...so I have argued directly with that Russian one...right...nothing has changed...otherwise I tell the administrator...he deals with it...that's what everybody does..."</i></p> <p><i>"...I have looked into you know guidelines for rules...maybe I can ask the administrator to work on making new rules for the condominium regarding the pool's use... I have to work up to it and talk to him though...maybe he will get the other residents to see my part..."</i></p>

	<i>"There is nowhere else I can go or do and there is definitely nobody else to tell...not the police or a lawyer...the issue is too small for them to care..."</i>
Connie	<p><i>"I have used the administrator...called the police...I have got a lawyer...taken that man I mentioned to court..."</i></p> <p><i>"...I try talk to them and I put up a printed notice at the door...keep door closed...so and so..."</i></p> <p><i>"The police do not seem interested...they say they will come or they will call and they don't...last time he said...you come all the time complaining...you have to get over it...they don't care...they don't want to do anything..."</i></p>

Theme 7 - Results of Current Conflict Management.

<u>Condomini</u>	<u>'Data Extracts'</u>
Christian	<p><i>"Sometimes things get sorted out immediately...other times not so much...the dog is still a problem..."</i></p> <p><i>"...even the owner is a problem...I try to ignore her... I avoid using the lift at the times she walks the dog...she gives me such a bad look when I see her...you see my name had to be on the letter from the lawyer...so I think she doesn't like me..."</i></p> <p><i>"...the administrator more or less told me that he can only do so much...and that apparently I am lucky to have such a responsible administrator as him... I don't know maybe he is lazy...maybe he thinks I am demanding...who knows!"</i></p>
Carl	<p><i>"...going to the police has done nothing...nothing at all...xejn...not even the notice of the lawyer...il-problema hi...it's not every weekend...ma tkunx taf meta se jfaqa party...your waiting for it to happen again...you see him setting the table and the bar on the terrace beneath you u tgħig...gejja llejla...like that..."</i></p> <p><i>"It stopped for a time...cause he had a steady girlfriend...she moved in and then out and it all happened again..."</i></p> <p><i>"I pick up the bottles...the mess...the empty cans they...his friends leave in the corridor and put them in front of his apartment door in a pile...to show him...and to make him clean up..."</i></p> <p><i>"...I told the admin...she calls him...sends emails and he says sorry and he won't do it again...imma he does...she doesn't live here ux...she doesn't know when he does it unless we tell her..."</i></p> <p><i>"They don't care that you are upset...they treat you hekk badly...or they give you a fake apology and they do it again..."</i></p>

<p>Carla</p>	<p><i>"In some cases it works...the administrator can keep behaviour in check yes...but still its cause he lives there but it doesn't mean he can successfully deal with everything..."</i></p> <p><i>"...I mean sometimes it's a little fake...everybody pretending to be ok...as long as rules are followed...but there is an anxiety still...a tension between us all...current minn taht qishu.."</i></p>
<p>Connie</p>	<p><i>"The man...the one I took to court...and won...and now he has taken me to court over something else...it's unfair...he wants to cause me trouble...to pay me back cause I won...."</i></p> <p><i>"Waiting again for more trouble...going to court again...paying the lawyer...and in between dirty looks...laughing in my face....all the tension...too much..."</i></p> <p><i>"Some of the other neighbours...they don't talk to me...because they are afraid of them...the one's I have trouble with...so they stay...out of it maybe...I suppose..."</i></p> <p><i>"The police laugh...I don't trust to go to them anymore..."</i></p> <p><i>"So...it didn't help for me to go to court naħseb..."</i></p>

Theme 8 - Reaching an Impasse – ‘There is Nowhere to Turn!’

<u>Condomini</u>	<u>‘Data Extracts’</u>
Christian	<p><i>“Now I am in a position where I do not contact the administrator as freely because he said I was expecting too much...I avoid the lawyer because nothing changed with the dog and now I have to avoid her (the owner)... and I just am thankful I live in the penthouse...”</i></p> <p><i>“...I also took it upon myself to pay for a code-encrypted lock on the access to the roof where the water tanks are...so if someone needs to go...they tell the administrator who will call me so I know and I will give them the current passcode and will not have to meet them...it’s easier that way...I don’t want trouble...”</i></p> <p><i>“Avoid the others...and hope there is no trouble...what else can I do?”</i></p>
Carl	<p><i>“So what else can I do...għidli...x’fadal biex nagħmel...xejn ux...ninżel u nagħmel storja...nispiċċa arestat jiena cause I lose it...I lose it... I wait and hope that the one below me gets a girlfriend again or he leaves...I wait to catch the other one washing the car so I tell him in the moment and take a video...maybe give it to the admin and see what happens...”</i></p> <p><i>“I can’t even talk to them... we don’t talk...there is so much anger...hate ux I suppose...makes everything awkward uncomfortable...makes you hekk hate that part of the condominium or the garage where he does be...you avoid it in every way possible...I get anxious...even if he comes into the lift...always stressed hekk...”</i></p> <p><i>“...u ma nista nagħmel xejn...xejn...I told him face to face...I threatened him with a lawyer...I told the police...I told the administrator...nothing ux...nothing at all has made a difference...I am stuck...nowhere to turn!”</i></p>
Carla	<p><i>“You reach the stage...you try to help yourself...I can do nothing much...play along and feel tense anyway...”</i></p>

	<p><i>"I am at a loss... isn't the only option the administrator? Like...now I will talk to him but he said he is worried about making emphasis on the pool area...because...because...he said that most of the other residents have young children...and he doesn't want them to feel he is siding with me alone...ma nafx...it's not fair I feel..."</i></p>
Connie	<p><i>"...she is too nice the administrator...some things are out of her hands... I am at the mercy of the court...ħa naraw x'se jigri..."</i></p> <p><i>"I don't know what to do...I am stressed and fed-up and if I had the chance...vera ta I would leave the condominium...imma it's not fair...it's not fair because...I have been here for...long and now I am unhappy..."</i></p> <p><i>"It's money...and stress...and tense...and biža' kbira...u għalxiex...nothing has changed...it got worse...even the administrator he is threatening to sue..."</i></p>

Theme 9 - Mediation – Instilling Hope – ‘The Light at the End of the Tunnel!’

<u>Condomini</u>	<u>‘Data Extracts’</u>
Christian	<p><i>“Yes I have experienced mediation...it has been used in the firm I work for... I think it would be good...I have seen it work at the office...so yes...maybe it would help me to communicate my...my...my what do you call it...my view so they understand better...”</i></p> <p><i>“...it is the responsibility of the administrator to organize it definitely...”</i></p> <p><i>“Needs to be more awareness... people don’t know about this other option...not good like that...”</i></p>
Carl	<p><i>“No ta...I didn’t know about mediation...yes ux mhux ovja I would try it...if it’s like you explain...it’s not expensive and it’s easy to organize...tajjeb ux...just need a mediator...where will I get one?... it would help...maybe they can make him understand how it affects me and my children what he does...”</i></p> <p><i>“...I want to feel comfortable ux...not waiting for him and his parties to happen...”</i></p> <p><i>“It would be handy for the admin to have a mediator at hand ta...it would make dealing with people easier and helping them...there are so many issues in my condominium between neighbours...not just mine...tiskanta...”</i></p> <p><i>“if it works...it would be hekk...the light at the end of the tunnel...”</i></p>
Carla	<p><i>“... it would be good because it would help maybe...maybe for me to put my point across...and the administrator can step back...I think we need to talk to one another...all of us residents...maybe we can organize it somehow better...”</i></p> <p><i>“I mean imagine it would work...it would be something I could do...something I could turn to and others to...to deal with issues that the police think are too small...”</i></p>

	<p><i>"Would I find a mediator or would the administrator find one for me... do they even know about mediators imma...?"</i></p>
Connie	<p><i>"...Yes...I would try anything...anything....imma I don't know about it...but if they use it for separation...maybe it works...it works...it is faster than court... I don't know I need someone who is a professional I suppose for this..."</i></p> <p><i>"...even the administrator she needs some sort of għajnuna...help...that will change things for her...the police they are not interested...the courts took long...I think it has made it worse in my case...at least this is another option..."</i></p> <p><i>"Anything is better than this stress...twice I have been through it....I will try it for sure..."</i></p> <p><i>"I think people need another option...there are so many people like this...people I know...you hear stories on the news...on facebook everywhere it's a big problem...neighbours...you depend on them...in this situation even more..."</i></p>