



## COURSE DATA

### DATA SUBJECT

**Code:** 42673

**Name:** Mediation and arbitration in property law

**Cycle:** Master's Degree

**ECTS Credits:** 3

**Academic year:** 2026-27

### STUDY (S)

Degree	Center	Acad. year	Period
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Facultat de Dret	1	Second quarter

### SUBJECT-MATTER

Degree	Subject-matter	Character
2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat	Mediation and arbitration in property law	COMPULSORY

### COORDINATION

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## SUMMARY

The course covers the study of mediation and arbitration in the real estate field. It essentially focuses on alternative methods to judicial resolution of problems that may arise, primarily in two areas: neighborhood relations linked to living in a common physical space and economic relations arising from the execution of loan contracts for access to housing.

In neighborhood relations, problems will ordinarily be determined by everyday situations of living together. In contractual relationships with financial institutions for the purchase of a home, problems will arise from the breach by one of the parties, which may be either with the provisions of the contract or with regulations that, for example, prohibit the application of unfair terms in contracts with consumers and users.

## PREVIOUS KNOWLEDGE

### RELATIONSHIP TO OTHER SUBJECTS OF THE SAME DEGREE

There are no specified enrollment restrictions with other subjects of the curriculum.



## OTHER REQUIREMENTS

There are no requirements or prior knowledge.

## COMPETENCES / LEARNING OUTCOMES

### 2122 - Master's Degree in Mediation, Arbitration and Conflict Management in Privat

Adquirir los instrumentos para poder planificar, ordenar y encauzar actividades de manera que se eviten en lo posible los imprevistos, se prevean y minimicen los eventuales problemas y se anticipen sus soluciones.

Analizar y delimitar el ámbito de derecho dispositivo específico de la materia en cada supuesto de la resolución alternativa de controversias.

Aplicar las diferentes técnicas y conocimientos jurídicos a la resolución práctica de los proceso de mediación y arbitraje de materias específicas.

Contemplar en conjunto y tener en cuenta los distintos aspectos y las implicaciones en los distintos aspectos de las decisiones y opciones adoptadas, sabiendo elegir o aconsejar las más convenientes dentro de la ética, la legalidad y los valores de la convivencia social.

Elaborar y manejar los escritos, informes y procedimientos de actuación más idóneos para los problemas suscitados.

Ser capaces de integrarse en equipos, tanto en función de mediación y de negociación como en funciones específicas de arbitraje y en funciones de resolución alternativa de controversias.

Students should be able to integrate knowledge and address the complexity of making informed judgments based on incomplete or limited information, including reflections on the social and ethical responsibilities associated with the application of their knowledge and judgments.

Students should communicate conclusions and underlying knowledge clearly and unambiguously to both specialized and non-specialized audiences.

Students should demonstrate self-directed learning skills for continued academic growth.

## DESCRIPTION OF CONTENTS

### 1. Mediation in Neighborhood Communities

#### 1. Conflict in the Neighborhood Area: Types of Conflicts



2. Mediation and Neighborhood Communities: Specific Features

3. Applicable Regulations in the Neighborhood Area

4. Blocking

5. Role of the Mediator

## **2. The Mediation Procedure in Neighborhood Communities**

1. Legal Framework for Neighborhood Mediation

2. Phases of the Mediation Procedure

3. Initial Preparatory Phase

4. Consolidation and Development Phase

5. Termination Phase

## **3. Arbitration in the Area of Horizontal Property**

1. Arbitration Explicitly Considered in the LPH

2. The Arbitration Alternative for the Resolution of Other Disputes in the Horizontal Property Regime

3. The Arbitration Agreement in Horizontal Property

4. Subjects of the Arbitration Procedure in Internal Community Disputes



#### 4. Other Mediations and Arbitrations in the Real Estate Area

1. Mortgage Clauses
2. Consumer Protection
3. Out-of-Court Resolution Mortgage disputes
4. Loan novation, loan cancellation, term extension, and payment in kind.
5. Mediation and arbitration in lease matters.

### WORKLOAD

#### PRESENCIAL ACTIVITIES

Activity	Hours
Tutorials	12,00
Theoretical and practical classes	18,00
<b>Total hours</b>	<b>30,00</b>

#### NON PRESENCIAL ACTIVITIES

Activity	Hours
Attendance at other activities	0,00
Individual or group project	0,00
Independent study and work	0,00
Preparation of lessons	0,00
Preparation for assessment activities	0,00
Resolution of case studies	0,00
<b>Total hours</b>	<b>0,00</b>

### TEACHING METHODOLOGY

The teacher will explain those fundamental elements that will guide the students in the study and understanding of the subject .

The student, meanwhile, should be actively engaged in the learning process by reading prior to the teacher's explanation , or in class , depending on the organization of teaching time, those materials,



manuals , monographs and texts provided or mentioned previously .

The aforementioned theoretical explanations will be supplemented with the development of case studies that will enable to contextualize the knowledge acquired, as well as the Organization of seminars or conferences related to the matter, which will be scheduled in the context of the subject and preferably consist of specific activities of the subject or of interdisciplinary or transverse nature of the Master.

## EVALUATION

The student will be evaluated through weekly monitoring and the preparation of the different contents of the program, with 20% of the final grade

To obtain the remaining 80% of the final grade, students must carry out, individually or collectively, as determined by the teacher, the continuous evaluation activities proposed in the classroom, in the indicated time.

Specifically, said work will consist of the realization, presentation and debate of a practical case of mediation or arbitration on the matter.

The acquisition of generic and specific transversal competences indicated as priorities in the matter and, mainly, the ability to learn, reason, analyze and expose conflicts and alternative systems that are applicable to them in their management and resolution will be taken into account.

The system evaluation will be applicable to both the first and second calls

## REFERENCES

- SANCHIS CRESPO, Carolina: Mediación y Comunidades de Vecinos, Thomson Reuters Civitas, Madrid, 2013. PÉREZ MIRALLES, José Arturo: Arbitraje y mediación inmobiliaria, Tirant Lo Blanch, Valencia, 2012.
- CARMENATI, Emanuela: Blocking y Mediación: Dos temas de rigurosa actualidad en y para nuestras comunidades de propietarios. (Disponible el pdf en internet). CORTÉS, J. M.: Arbitraje en materia de arrendamientos. Actualidad Jurídica Aranzadi, año XVIII, núm. 748. 27 de marzo de 2008. DEPARTAMENT DE JUSTÍCIA DE LA GENERALITAT DE CATALUNYA: Guia pràctica de metodologia i recursos, adreçada a les persones mediadores en conflictes a les comunitats de veïns i propietaris. Programa Compartim de gestió del conoeiximent, any 2010. (Disponible el pdf en internet). GARCÍA VALDECASAS Y ALEX, F. J.: La mediación inmobiliaria. Aranzadi, Pamplona, 1988. LORCA NAVARRETE, A. M.: Algunas cuestiones que plantea la adopción de convenios arbitrales en juntas de comunidades de propietarios. Revista de Actualidad Jurídica Aranzadi, año XIV, núm. 644, págs. 1 a 6. 11 de noviembre de 2004. -La posibilidad de arbitraje en los arrendamientos urbanos y especialmente en los desahucios. Sepin (SP/DOCT/2158). AU-



251, octubre 2004. NAVARRO COSTA, Ruth Análisis de los conflictos en las comunidades de vecinos: aspectos jurídicos para mediadores. Revista Iberoamericana de Arbitraje y Mediación, 2007 . (Disponible el pdf en internet). MAGRO SERVET, V.: ¿El arbitraje en la propiedad horizontal? Una propuesta de reforma de la LPH. El Derecho. Boletín de Propiedad Horizontal, núm. 40. Abril 2004.