

**EFFECTIVENESS OF THE CITIZENS MEDIATION CENTRE IN
LANDLORD-TENANT ALTERNATIVE DISPUTE RESOLUTION IN
LAGOS STATE**

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Matriculation Number: 13PBG00585**

JUNE, 2017

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**A THESIS SUBMITTED TO THE DEPARTMENT OF SOCIOLOGY,
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UNIVERSITY IN PARTIAL FULFILMENT OF THE REQUIREMENTS
FOR THE AWARD OF DOCTOR OF PHILOSOPHY (Ph.D) DEGREE IN
SOCIOLOGY**

JUNE, 2017

ACCEPTANCE

This is to attest that this thesis is accepted in partial fulfilment of the requirements for the award of the degree of **Doctor of Philosophy in Sociology** in the Department of **Sociology**, College of Business and Social Sciences, Covenant University, Ota.

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DECLARATION

I, KASUMU Taiwo Olufemi, (13PBG00585), declare that this research was carried out by me under the supervision of Professor Ifeanyi P. Onyeonoru of the Department of Sociology University of Ibadan, Ibadan, Oyo State and Dr. Tayo O. George of the Department of Sociology, Covenant University, Ota, Ogun State. I attest that the thesis has not been presented either wholly or partly for the award of any degree elsewhere. All sources of data and scholarly information used in this thesis are duly acknowledged.

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CERTIFICATION

We certify that the thesis titled “Effectiveness of the citizens mediation centre in landlord-tenant alternative dispute resolution in Lagos State” is an original work carried out by KASUMU Taiwo Olufemi, (13PBG00585), in the Department of Sociology, College of Business and Social Sciences, Covenant University, Ota, Ogun State, Nigeria, under the supervision of Professor Ifeanyi P. Onyeonoru and Dr. Tayo O. George. We have examined and found the work acceptable for the award of a degree of Doctor of Philosophy in Sociology.

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DEDICATION

I dedicate the completion of this Ph.D. thesis to Almighty God, the Maker, Doer, Changer and Mover of everything. May Your name be highly exalted forever more.

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I observe with sanctified reverence the extravagant grace of God that made this terrain easy for me to walk over discouragements. May the Trinity be blessed forever more, and may the Godhead be highly exalted and praised without end. For the marvellous divine protection, ceaseless provisions, countless benedictions, relentless favours and endless assistance, I am eternally grateful to You my Lord and my God.

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exposure to annual crime statistics that show consistency in landlord-tenant disputes assuming alarming dimensions in recent years.

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ABSTRACT

Alternative Dispute Resolution (ADR) has been recognised as an effective way of resolving landlord-tenant disputes, among other civil disputes, all over the world. In Lagos, the Citizens Mediation Centre (CMC) was established in 1999 to use mediation, an ADR technique, in addressing landlord-tenant disputes which had become violent and an existential threat to the parties in the tenancy relationship, among other forms of dispute the Centre was founded to resolve. The CMC was expected to bring peace and preserve the tenancy relationship in Lagos State, while eliminating the potential of violence, injury and deaths that could arise out of self-help actions by parties. This study was initiated therefore to investigate the effectiveness of the Citizens Mediation Centre in landlord-tenant dispute resolution in Lagos State with the main objective to examine the effectiveness of the Citizens Mediation Centre in Landlord-Tenant Dispute resolution in Lagos State. The area of study comprised the six catchment areas of the CMC in Alimosho, Ibeju-Lekki, Ikeja, Ikorodu, Onikan and Yaba in Lagos State. The study adopted a triangulation of method: a survey method, supported by in-depth interviews and key informant interviews. The study further adopted the Social Conflict Theory and the Human Needs Theory as the theoretical framework. Findings showed that while the CMC enabled landlord-tenant dispute resolution in Lagos State, the weaknesses embedded in mediation were visible. Notable among them is that mediation is prone to corruption and is weak at addressing power imbalances immanent in the tenancy relationship. Other findings showed that CMC mediation process favoured richer parties in the tenancy relationship in Lagos State and that a major cause of landlord or landlady-tenant dispute is late or default in rent payment, among others. While the study affirms that the landlord-tenant relationship is dispute laden, and that the CMC has justified to a reasonable extent the fulfilment of its mandate by the success it has recorded so far, the process of giving justice to parties in the tenancy relationship remains a work in progress. Conscious effort should be made to correct the weaknesses facing the CMC mediation process in the areas of power imbalances, biased or unfair resolution process and the allegation of corruption that was levelled against some of its mediators by some respondents. Therefore, the Lagos Government and CMC should work together to remove dishonest mediators from its workforce. The government should invest more in the expansion of the Centre and the weaknesses in the CMC mediation process should be addressed. These will engender a rejuvenated CMC able to withstand the request of justice made on it by disputants in the rental housing sector in Lagos State.

Keywords: Citizens Mediation Centre, Landlords, Tenants, Disputes, Alternative Dispute Resolution, Lagos State.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

Lagos State is regarded as Nigeria's largest commercial nerve centre with a huge population that is arguably the largest in the country. This is arguable because official statistics continues to confer the title of the largest state in the country on Kano State based on the country's 2006 Census figures while the Lagos State Government, on the other hand, following its own Census conducted the same year, considers the state the largest in the country in terms of human population. The state had a population exceeding 21 million residents as at 2014 (Adelaja, 2014; Lagos State Government Ministry of Justice, 2014). According to a report, Lagos' population is growing at the rate of 3.2% per annum, while its urbanisation growth rate is 16% (Economist Intelligence Unit, 2012). Furthermore, the report has it that in Metropolitan Lagos, there are about 20,000 people per square kilometre with an estimated 3,000 people from other states of Nigeria entering the state every day without leaving. The cosmopolitan nature of Lagos State, its commercial and industrial endowments and potentials, a huge urban and urbane population and the fact that it was once the seat of the Federal Capital make it an attraction for many Nigerians living in other states in the country and foreigners who intend to visit or do visit Nigeria for business, entertainment and other reasons.

This has created many advantages for the state as well as generated a lot of challenges. Part of the advantages is that Lagos continues to enjoy the migration of the best and brightest minds and very skilled people in Nigeria in all sectors. They come to the state with the hope to brighten their economic chances, career and professional prospects. Thus, there is a large pool of professionals, experts, artisans and small businesses in the state. Lagos State also has one of the largest human populations in the country, providing it with a large consumer market which also makes it the favourite of manufacturing concerns in the country whose products eventually find their way into its numerous markets. The Lagos' economy is also international in nature because the state is contiguous to some West African countries such as Benin Republic, Togo and Ghana. Through the state's border, West Africans such as Ghanaians, Beninese, Togolese and others flock to Nigeria weekly or daily for business. Some buy huge products made in Nigeria to be resold in their

countries while others bring their wares to large Lagos markets for sale. As members of the Economic Community of West African States [ECOWAS], these foreign nationals find it easy to enter and exit Nigerian borders through Lagos. With high technology access, residents in the state also conduct their businesses with the outside world on a larger scale than residents in many other Nigerian states.

There are also challenges that the commercial nature of Lagos, the developed hospitality industry and infrastructural assets in the state have caused. There is congestion in the state due to the large human population it harbours. There is also increasing demand for housing and other social amenities such as schools, good roads, water, electricity, security networks and many others in the state. The state government, yearly, battles with the need to increase its internally generated revenues in order to meet the needs of the teeming population resident in the state. There is rise in high rate of crime requiring the state government to restructure its security infrastructure and invest in both security software and hardware. In the area of housing, there is a shortfall in the required number of housing units that would meet the residential and commercial needs of residents. The extent of the housing shortage in Lagos is enormous. The inadequacies are far reaching and the deficit is both quantitative and qualitative. Citing the Lagos Household Survey carried out in 2011, Economist Intelligence Unit (2012) posits that about 72% of Lagos residents are tenants paying rent as high as 50% of their monthly incomes; while most of the existing accommodations are provided by private-sector landlords. The survey further states that only 18% owned their dwelling units while 10% are free occupants, with no rental payment. Yet, of the 7,850 housing units built by the state government between year 2000 till date, there is a shortfall from the projection of 224,000 housing units annually by the Ministry of Housing (Economist Intelligence Unit, 2012). The inability of government to meet the housing needs of residents in the state has resulted in the dominance by a private rental sector which provides about 72% of the housing needs of Lagosians (Economist Intelligence Unit, 2012).

Since public or social-sector housing is not enough to meet the housing and business needs of citizens, private-sector landlords appear to enjoy an oligopolistic advantage that protects and advances their interests as against the interests of their tenants. This is the trend in other parts of the developing and developed world (UN-Habitat, 2008). Exploiting this situation, many Lagos'

landlords offer a take-it-or-leave-it rental system that demands high rents but presents low quality rental properties with some having mediocre facilities (Wahab and Adetunji, 2015; Wahab and Odetokun, 2014). The greed and imperial arrogance of many landlords in many cities in Lagos have pitched them against their tenants with each camp seeking to outwit the other. By contrast, there are also very difficult tenants whose landlords are wary of because of past ugly experiences which make these home owners to either increase their vigilance and toughen their selection criteria or hand over the process of getting tenants into their rental properties to professional managers or agents (Akogun and Ojo, 2013; Gbadegesin and Oletubo, 2013).

Thus, landlord-tenant relations in Lagos State, as it happens in many developing and developed countries as well, are characterised by suspicion, mistrust, power tussle, and the struggle by each group to get the best out of the relationship at the expense of the other group (Bank, 2007; Gbadegesin and Oletubo, 2013; Lemanski, 2009). This status quo leads to disputes that if not amicably resolved could further sour the relationship between the two groups, and turn violent, leading to the breach of public peace. While landlords could be forced to repossess their rental properties, tenants could be evicted and left with no home or business to turn to. This situation could create homelessness for many residents, cause the abrupt closure of businesses and loss of jobs and at the same time lead to the loss of income for others. This could also create a family crisis that may spill into the larger society (George, 2010).

It, therefore, follows that if this huge housing shortage exists in Lagos, it is important that existing landlord-tenant relationship be maintained and landlord-tenant disputes be resolved amicably for the good of all stakeholders. Although there have been informal and interpersonal measures put in place by landlords and their tenants to resolve disputes, the absence or inadequate justiceability of these measures and the preservation of the landlord-tenant relationship might have prompted parties to take their disputes to the police or law courts with their attendant challenges. The need for speedy, fair and prompt resolution of landlord-tenant disputes in Lagos State led to the creation of the Citizens Mediation Centre (CMC) in 1999 (Citizens Mediation Centre, 2016a, 2016b). Among other forms of disputes it was established to resolve, CMC attends to disputes between landlords and tenants, and offers the alternative dispute resolution (ADR) mechanism of mediation to find solutions to the disputes between Lagos landlords and tenants. The CMC was designed to resolve landlord-tenant disputes in an inexpensive, speedy, impartial and confidential fashion,

among other benefits that alternative dispute resolution is known to offer to disputants. This service by the CMC is very important to the continued prosperity, peace and progress of Lagos State and its growing population.

Mediation which the CMC uses in resolving landlord-tenant disputes has been seen as the ideal form of alternative dispute resolution mechanism for resolving disputes between landlords and tenants because of the several benefits it offers to disputants such as confidentiality, clarity, informality, justice, inexpensiveness, preservation of relationships, flexibility, equity and privacy, among others (Condcliffe, 2002; Lucas, 2014). Mediation is a structured negotiation process in which a neutral third party, chosen by two or more disputing parties, helps them to agree on a solution (Ilegbune, 2004; Law Reform Commission, 2008; National Judicial Institute, 2012). However, there has been an inadequate assessment of the workings of the CMC, particularly, regarding its effectiveness in the use of mediation in resolving landlord-tenant disputes in the state. It is for these reasons that this study attempts to investigate the effectiveness of the Citizens Mediation Centre in resolving the disputes between landlords and tenants in Lagos State with a view to finding ways to improve the effectiveness of the Centre in its mediation of landlord-tenant disputes in the state.

1.2 Statement of the Problem

There is a huge housing gap in Lagos State with a projected annual shortfall of 500,000 housing units (Economist Intelligence Unit, 2012). The private-rented sector is playing a huge role in providing residential accommodation and commercial properties to its millions of residents since public and social-sector housing supply cannot meet the huge housing demand in the state. This rental market accommodates about 72% of Lagos residents (Economist Intelligence Unit, 2012). This means that more and more Lagosians depend on rental accommodation for their residential or business needs or both. With paucity of public and social-sector housing supply, landlords appear to wield more influence in the tenancy relationship in addition to an already skewed power relations which also favour them.

Many Lagos residents do not own the housing unit they live in or carry out their commercial activities (Economist Intelligence Unit, 2012). This is because the state is host to many low-income

households that cannot afford home ownership due to lack of funding (Doherty, 2013). There are urban migrants who prefer to live in rented housing units close to their workplaces or their businesses, enjoying the flexibility that this affords them and saving what remains of their earnings for the pursuit of other goals (Scanlon, 2011). There are also young people, perhaps graduates or upwardly mobile individuals, who treasure their independence, freedom and mobility and other individuals whose priorities discourage home ownership at present as they have their sight on meeting very important goals to them (Scanlon and Kochan, 2011; Scanlon and Whitehead, 2011). These are some of the reasons the demand for rental housing units in a commercial and metropolitan city such as Lagos outstrips supply forcing many tenants into a vulnerable position where they are subject to the whims and caprices of their landlords.

The perception of landlord and tenant relations has been negative with many scholars suggesting a patron-client relationship where the landlord struts around as the “Lord of the Manor” (Bank, 2007; Crankshaw, 1993; Guillaume and Houssay-Holzschuch, 2002; Lemanski, 2009). However, some other scholars have also pointed to very difficult and irregular tenants who are everything but manageable in the tenancy relationship and may threaten the landlord’s investment (Akogun and Ojo, 2013; Gbadegesin and Oletubo, 2013). In the literature, the most common disputes between landlords and tenants include arbitrary increase in rent, lack of maintenance of the property by the landlord, forcible ejection of tenants due to resistance or inability to pay, or lack of cleaning of the living or common area or both by tenants, among others (Wahab and Adetunji, 2015; Wahab and Odetokun, 2014). These disputes are often compounded by undue interference by landlords in the privacy of the tenant(s). This situation presents a landlord-tenant relationship that is dispute-laden in nature with dire social, economic or existential consequences for the disputants in particular and the state in general (Awodiran, 2008; Kehinde, 2010; Wahab and Odetokun, 2014).

Some reports revealed embedded violent disposition within the landlord-tenant relationship in Nigeria. These include:

1. A landlord in Lagos who set his tenant ablaze over a mere toilet issue (Dachen, 2015);
2. Another landlord who killed his tenant over non-payment of three months of rent arrears in Minna, Niger State (Ebije, 2009);

3. A landlady's thugs that stabbed a tenant to death in Lagos over an amount the deceased borrowed from the landlady and was yet to refund before the stabbing took place (Nigeria Real Estate Hub, 2014);
4. A landlord in Umuahia, Abia State, who molested and beat up a disabled single-parent mother of two because she refused his sexual advances (Nigeria Today, 2013);
5. A tenant in Lagos that stabbed his landlord in the head and arm because he had asked for his rent (Leadership Newspaper, 2015);
6. A tenant in Ibafo, Ogun State, who slaughtered his 85-year-old landlady over N9,000 he owed the deceased (Opejobi, 2015);
7. A tenant in Agege, Lagos, who turned into a ritualist, conned his landlord and performed rituals within the compound (Vanguard Newspaper, 2015);
8. And a tenant in Agbor, Delta State, who killed the landlord because he had incessantly asked for his rent from him (Odunayo, 2015).

These reported incidents clearly testify to the violent-prone nature of landlord-tenant relationship.

In managing landlord-tenant disputes, several informal and interpersonal measures have been identified in literature such as tenants' intervention, ejection of conflicting tenants by the landlords or their representatives, intervention by mediators made up of members of the executive committee of landlord associations, community leaders (*Baale* or Ward Chief), opinions leaders, Estate Surveyors/Managers/Agents, elders in the community, and the local government/town planning authority, among others (Kehinde, 2010; Oni, Durodola and Oni, 2014; Shodayo, 2011; Wahab and Odetokun, 2014). Of these interpersonal measures, a greater number of the parties have been said to take their disputes to the police and law courts for resolution (Kehinde, 2010; Wahab and Odetokun, 2014). Thus, landlord-tenant disputes in Nigeria have been known to be the subject of protracted and expensive litigation in the law courts. In support of the latter viewpoint, Bamgboye (2015), referring to a comment by a Justice of the Supreme Court of Nigeria (SCN), Mohammed Tanko Ibrahim, that the SCN was the busiest in the world, argues that landlord and tenant cases which could have been resolved by magistrate courts find their way to the SCN instead. Thus, the SCN that should bother itself with critical matters of policy and jurisprudence is overburdened with all kinds of cases including those between landlords and tenants. Meanwhile, the formal

judicial process with its adversarial disposition, long-winding adjudicatory process and its win-lose outcomes tend to further sour landlord and tenant relationship at a cost that one or both parties may not be able to conveniently afford in the long run (Gowok, 2007; Uwazie, 2011).

The establishment of the Citizens Mediation Centre, which among other objectives, was to find an amicable dispute resolution process to landlord-tenant disputes in Lagos State, was seen to be timely and aimed at reducing the incidents of landlord-tenant disputes in the state (Citizens Mediation Centre, 2015), thereby neutralising the drawbacks identified in the preceding paragraphs. The intervention of the CMC also helps to reduce judges' dockets with regard to landlord-tenant cases making more time and lawyers available for other civil and criminal cases. Although, there are published works in the area of landlord-tenant disputes in Lagos State and some other states in Nigeria (Agboola and Kassim, 2007; Akogun and Ojo, 2013; Awodiran, 2008; Dabara, Olatoye and Okorie, 2012; Gunter, 2014; Oni, Durodola and Oni, 2014; Oni, 2010; Ukpeje and Ibitoye, 2014; Wahab and Adetunji, 2015; Wahab and Odetokun, 2014), after extensive literature search the researcher found that there are very few works that have studied the effectiveness of an institution such as the Citizens Mediation Centre in the area of landlord-tenant dispute resolution. This research, therefore, attempts to fill the gap by investigating the effectiveness of the Citizens Mediation Centre in landlord-tenant dispute resolution in Lagos State with the aim of improving the existing work carried out by the Centre and strengthening landlord-tenant relations in the state.

1.3 Research Questions

This study attempts to answer the following research questions:

- i. to what extent has the Citizens Mediation Centre been effective in resolving disputes between landlords and tenants in Lagos State?
- ii. are there factors that affect the Citizens Mediation Centre's resolution of landlord-tenant disputes in Lagos State?
- iii. what are the challenges faced by the Citizens Mediation Centre when resolving landlord-tenant disputes in Lagos State?
- iv. what are the mechanisms for improving the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State?

1.4 Aim and Objectives of the Study

The aim of this study is to examine the effectiveness of the Citizens Mediation Centre in Landlord-Tenant Dispute resolution in Lagos State.

The specific objectives are to:

- i. examine the extent to which the Citizens Mediation Centre has been effective in resolving disputes between landlords and tenants in Lagos State;
- ii. investigate the factors that affect the Citizens Mediation Centre's resolution of landlord-tenant disputes in Lagos State;
- iii. examine the challenges facing the Citizens Mediation Centre when resolving landlord-tenant disputes in Lagos State; and
- iv. identify the mechanisms that can enhance the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State.

1.5 Research Hypotheses

The research hypotheses to be tested in this study have been stated in the alternative form and they include:

- i. CMC's mediation has significant effect on effective resolution of landlord-tenant disputes.
- ii. Socio-economic factors have significant influence on effective CMC landlord-dispute resolution.
- iii. Application of merit in decisions and awards have significant influence on effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State.

1.6 Justification for the Study

Against the background of a housing shortage situation in Lagos State, and the fact that conflict is inevitable in any interpersonal social relationship (George and Amusan, 2013; Onyeonoru, 2015), it becomes imperative for landlords and tenants, in the existing housing stock, to find more

amicable ways of managing their disputes so that they do not become violent with recourse to the judicial forum with its attendant disadvantages of lengthy and costly trials, adversarial posturing, lack of privacy and confidentiality, among other drawbacks (Burton, 1997). It can, however, be brought to its barest minimum (Economist Intelligent Unit, 2012). Inability to effectively manage landlord-tenant disputes could lead to the breach of peace, cause bodily harm to parties through violent self-help measures, result in possible death of one or both parties, bring about limited access to justice, lead to biased dispute resolution process, or protracted legal battles, and result in lack of confidentiality and expensiveness in the dispute resolution process, among other drawbacks.

A study of the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State is apt because it will help to strengthen the CMC to better discharge its statutory role as a mediatory umpire in the resolution of landlord-tenant disputes and contribute to better relations between landlords and tenants in state. This will benefit the parties by preserving their relationship. Tenants will not have to jump from one accommodation to the next, paying agency fees every now and then and adding to the cost of residency or doing business in the state. It will also help tenants to live close to their workplaces or business centres while not disrupting their children's school attendance as a result of constant movement from one accommodation to another. Landlords, on their part, will be able to retain their tenants, earn their rental income, pay their land use charges or tenement rates as and when due and continue to contribute to the housing supply in the state which is inadequate considering the huge population of Lagos State.

By studying the CMC and helping it contribute more to the amicable resolution of landlord-tenant disputes in Lagos State, there will be a reduction in the breach of public peace arising from landlord-tenant fights and violence and a reduction in the bodily harm likely to be inflicted by parties on each other. Furthermore, it will lead to greater access to justice for parties with the advantage of reduced costs, confidentiality, speed in the resolution of conflicts, balance of power relations between landlords and tenants and elimination of injurious self-help measures or other indigenous dispute resolution mechanisms which may not offer better solutions to disputants.

The improvement of landlord-tenant relations in Lagos State means that tenants will not be wrongfully evicted and thrown to the streets, causing homelessness for many with the attendant

consequences of psychological trauma and social vices that can ensue. Meanwhile, the CMC's intervention in landlord-tenant disputes via mediation will mean some reduction in court dockets with regard to landlord-tenant disputes. A more effective CMC portends that justice will be quickly dispensed as and when due, and landlord-tenant relationships will be preserved leading to better psychological health for parties and peace on which social and economic prosperity of the state and its citizens are contingent.

1.7 Study Area

Historically, the city of Lagos was founded before the fifteenth century by the Awori and Benin people, who named it Eko. In 1472, the name *Lagos* was given to the city by Portuguese explorer Rui de Sequeira because of its many lagoons. Lagos was an important port for the export of millions of slaves from the eighteenth century until the mid-nineteenth century, when the British abolished the nefarious trade. Thereafter, slaves returning from Brazil settled in the older parts of Lagos, such as Campbell Street and its environs (referred to as the "Brazilian quarters"). Lagos has been administered under a variety of different territorial schemes (Abiodun, 1997). After it was ceded to Britain in 1861, the city was administered as a city-state with its own separate administration, and operated as a separate colony until its merger with the former Western Nigeria in 1951. In 1953, a federal territory, which included Lagos, was carved out of Western Nigeria. This geopolitical change occurred after the split of political and administrative authority between antagonist governments at the time: the federal government dominated by the Northern People's Congress, which controlled the federal territory, and the Action Group, which administered the rest of Western Nigeria. The resulting fragmented political authority led to a gross lack of coordination in service provision to the territorial space, which by then, constituted metropolitan Lagos. Moreover, there was more infrastructural development in the federal territory of Lagos than in the outer metropolitan area, a result of the greater financial resources and administrative capacity available at the federal level. This fragmentation brought about the evident contrast in the quality of urban services available in the two areas within the metropolitan settlement. Also, being the Federal Capital, Lagos at the time began to attract Nigerians from different states of the country who decided to settle in the State. In 1967, following the outbreak of civil war in Nigeria, the country was split into 12 states, of which Lagos State was one. In 1976, the military administration decided to relocate the federal capital from Lagos to Abuja.

Lagos is a classic example of a modern city, having transformed from a small farming and fishing village in the fifteenth century to a burgeoning megacity in 2010, when its population rose to over 10 million people. Until recently, this megacity was generally written about in a negative light and frequently satirised because of its congestion and low capacity for housing considering its burgeoning population and government's lean budget for housing in the state. Today, however, the face of Lagos is changing as a result of a series of transformations effected by a new style of governance adopted from 1999. In the past, scant attention was paid to land-use planning, basic infrastructure, and other public services needed to sustainably accommodate the city's exploding population growth. One of the most visible manifestations of this was severe traffic congestion, which ultimately led to the relocation of Nigeria's political capital from Lagos to Abuja on 12th December, 1991. Now, new parks are just one sign that Lagos is on a new path towards sustainable urban development. Less visible signs of local government reform include improvements in basic city services and physical infrastructure. As at 2011, with an estimated population of 11.2 million people, the city is the most populous conurbation in Nigeria, the second most populous and fastest-growing city in Africa after Cairo, the seventh fastest-growing city in the world and has been predicted soon to become the third-largest city in the world.

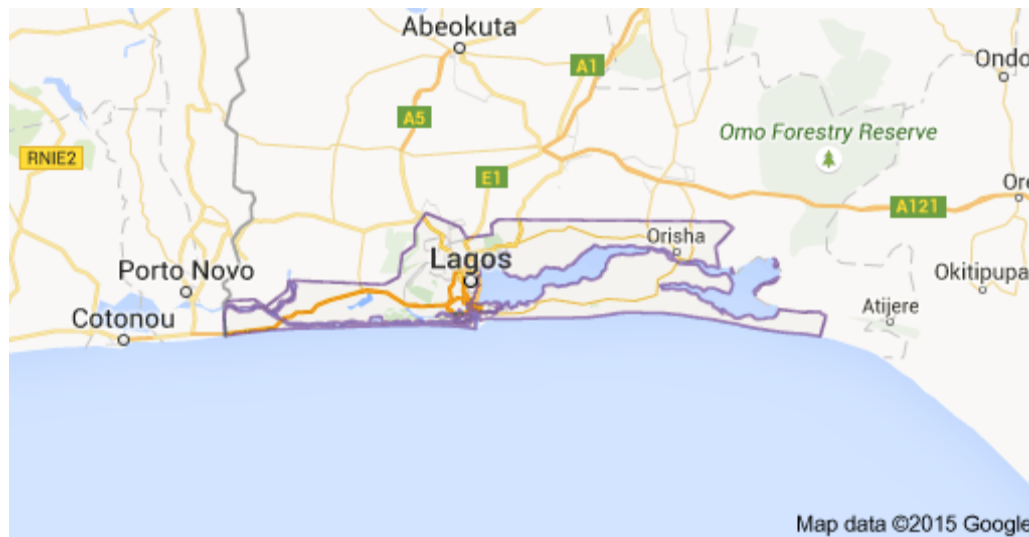
The Lagos megacity project of the state government comprises most of the Local Government Areas of Lagos State and four Local Governments in Ogun State: Ado-Odo/Ota, Ifo, Obafemi Owode, and Sagamu. Since Nigeria returned to democratic governance in 1999, the successive governors of Lagos State have initiated and pursued a knowledge-based approach to critical reforms. Aside from promoting sustainable development, these reforms also span resource mobilisation, innovative and inclusive approaches to spatial planning principles, transportation upgrades, provision of educational health care services and facilities, and partnership building with the private sector in development (Filani, 2012). As a result of these reforms, Lagos is being transformed into a modern city that offers a high level of services provided by an increasingly efficient city administration but that suffers incredible housing shortage. This shortage in public housing provision has led to the rise of a dominant private rental housing system in the state with private landlords/landladies enjoying more demand for their rental units than they can supply.

Figure 1.1: A Map of Nigeria Showing Lagos State and Other States in the Federation



Source: Google Maps, 2015

Figure 1.2: A Map of Lagos State



Source: Google Maps, 2015

1.7.1 Lagos as a Megacity and its Housing Shortage

Administratively, Lagos State, with its capital at Ikeja, comprises five divisions: Lagos, Ikorodu, Ikeja, Epe, and Badagry. In 1991, the divisions were further subdivided into 20 Local Government Areas, and in 2006, into 57 Local Council Development Areas. While the Local Government Areas are duly recognised in the Nigerian Constitution, the local council development areas are not. Lagos State, however, uses these areas for state budget allocation purposes and for development projects, based on the principle of federalism and on the imperative of promoting grassroots development. This process of local government creation, however, has not been without its own peculiar consequences. With relation to the housing stock in the state, in spite of its mega-city status, Lagos State has not been able to participate as a government in the supply of public housing in the state, giving room to more private-sector homeowners who invest in diverse real estate projects to provide residential and commercial rental units to residents and businesses.

1.7.2 Population

Although Lagos State is the smallest state in Nigeria, with an area of 356,861 hectares of which 75,755 hectares are wetlands, arguably, it has the highest population, which is over five per cent of the national estimate. As at 2006, the population of Lagos State was 17.5 million (based on the parallel count conducted by the state during the National Census) with a growth rate of 3.2%, the state now has a population of over 21 Million. The UN had estimated that at its present growth rate, Lagos state would be the third largest mega city in the world by 2015 after Tokyo in Japan and Bombay in India but this projection was not met in 2015. In actual fact, Lagos ranked number 11 as at September 2015 with a population of 21,000,534 (<https://en.wikipedia.org/wiki/Megacity>).

Of this population, Metropolitan Lagos, an area covering 37% of the land area of Lagos State is home to over 85% of the State population. The rate of population growth is about 600,000 per annum with a population density of about 4,193 persons per sq. km. In the fully built-up areas of Metropolitan Lagos, the average density is over 20,000 persons per square km.

While Lagos accounts for over 10% of Nigeria's population (Nwagwu and Oni, 2015), it also represents a large chunk of the country's urban population estimated to have surpassed 80 million

and considered as the country with the most urban dwellers in all of Africa (Rafei and Tabary, 2014). By reaching 21 million from just 1.4 million in 1970 (World Population Review, 2016), Lagos has experienced tremendous growth and is the fastest-growing city in the world. This was the view of the World Economic Forum (WEF) which stated that Lagos was growing at the rate of 85 people per hour, population rate faster than that of London and New York said to be growing at a rate of 9 and 10 people per hour respectively (The Cable, 2016). The implication is that whereas country population growth is 4 or 5% and global 2%, Lagos population is growing ten times faster than New York and Los Angeles with grave implication for urban sustainability.

Table 1.1: Population of Lagos State by Local Government Areas in 2015

<i>Local Government Area</i>	<i>Male</i>	<i>Female</i>	<i>Total</i>
Agege	564,239	468,825	1,033,064
Ajeromi-Ifelodun	723,644	711,651	1,435,295
Alimosho	1,099,656	947,370	2,047,026
Amuwo Odofin	301,012	223,959	524,971
Apapa	264,728	257,656	522,384
Badagry	187,427	192,993	380,420
Epe	153,360	170,274	323,634
Eti-Osa	460,124	523,391	983,515
Ibeju-Lekki	49,613	49,927	99,540
Ifako-Ijaiye	380,112	364,211	744,323
Ikeja	328,778	319,942	648,720
Ikorodu	364,207	324,838	689,045
Kosofe	527,539	407,075	934,614
Lagos-Island	461,830	398,019	859,849
Lagos-Mainland	326,433	303,036	629,469
Mushin	684,176	637,341	1,321,517
Ojo	507,693	433,830	941,523
Oshodi-Isolo	514,857	619,691	1,134,548
Somolu	517,210	507,913	1,025,123
Surulere	698,403	575,959	1,274,362
Total	9,115,041	8,437,901	17,552,942

Source: Lagos State Bureau of Statistics, 2015

Over the years, Lagos has extended to the mainland in the west and more than 40 km to the northwest, merging with Ikeja and Agege to form a major metropolitan conurbation (Filani, 2012). The metropolitan area covers about 16 of the state's 20 Local Government Areas and impinges on four Local Government Areas of neighbouring Ogun State. Presently, the city comprises Lagos Island and Victoria Island, both connected to the mainland by three bridges; the densely populated

mainland suburbs of Yaba and Oworonshoki; and the mainland districts of Ebute-Meta, Surulere, Yaba, and Ikeja. Greater Lagos includes Mushin, Maryland, Somolu, Oshodi, Oworonshoki, Isolo, Ikotun, Agege, Iju Ishaga, Egbeda, Ketu, Bariga, Ipaja, and Ejigbo. The city's internal structure is in line with the concept of the "multiple nuclei structure," as postulated by African urbanist, Professor Akin Mabogunje (Filani, 2012). Lagos has several central business districts, including the Lagos Island Central Business District, which houses many of the city's largest wholesale markets, such as the Idumota and Balogun markets.

1.8 Operational Definition of Terms

Below are the definitions of some key terms as used in this study:

Alternative Dispute Resolution (ADR): This refers to an umbrella or a range of processes that involves the presence of a neutral person who assists parties involved in a dispute in addressing a problem or issue.

Common Areas: These refer to any part of a residential property the use of which is shared by tenants or by a landlord and one or more tenants.

Conflict: As used in this study, conflict implies or refers to a phenomenon that exists whenever incompatible activities occur. It is intrinsic in human history and is an inevitable aspect of social relationships because it connotes a struggle over values or claims to status, power, and scarce resources, in which the aims of the conflicting parties are not only to gain the desired values, but also to neutralise, injure, or eliminate their rivals.

Court-annexed ADR: These are ADR programmes or practices authorised and used by the court system. Court-annexed arbitration, for instance, referred to as judicial arbitration or court mandated arbitration, is a process by which courts divert certain cases to arbitration rather than trial. In some of such systems, arbitration is optional. Judicial mediation also happens when the courts divert certain cases to be heard in mediation forums because such cases are more suited for mediation than trial. However, court-annexed arbitration or mediation may not have the same voluntary quality that usually accompanies parties' decisions to arbitrate or be mediated over.

Court-connected ADR processes: These are ADR processes that are linked formally to the governmental justice system; such ADR activities are authorised, offered, used, referred by, or based in the court system. Court-based programmes and court referrals to private ADR services are covered by this term. Agreements arising out of court-connected ADR may be enforceable as court orders.

Culture: This is described as the way of life of a people. It also refers to a configuration of learned and shared patterns of behaviour and understanding concerning the meaning and values of things, ideas, emotions, and actions. Culture relates to the beliefs and values people have about societies, social relations and change and the ideal society they seek.

Disputes: This is a conflict or disagreement arising from perceived differences between two or more individuals or groups over real or perceived incompatible goals, interests or resources.

Global South: This is a term that emerged in transnational and postcolonial studies to refer to what used to be called the “Third World” (i.e. countries in Africa, Asia, Latin America), “developing countries,” “less developed countries,” and “less developed regions.”

Global North: This is a term used to describe North America, Europe and developed parts of East Asia which disproportionately control global resources. Disparities of wealth, housing, education, digital media access and numerous other factors underscore the power and privilege enjoyed by the Global North, while the Global South, home to the majority of natural resources and population is excluded.

Informal Housing: This is the housing that begins informally, without a title deed or services, and which the members of the household design, finance and often build with their own hands. Such housing usually belongs to the poor and gradually improves over time. In this study, the term is used synonymously with self-help and spontaneous housing.

Organisational Effectiveness: This involves the systematic and constant process of collecting, analysing and acting on data and information relating to the goals and outcomes developed to support an organisation’s mission and purpose. It is a cyclical process which aids decision making

and ensures that continuous improvements and refinements on goals and methods are undertaken on an ongoing basis.

Landlord: This is an individual or organisation who owns a property (whether for residential or business purposes) and includes anyone deriving title under the original landlord (including its/his/her heirs, successors, agents, managers or employees acting on their behalf) and who transfers this property to another person or organisation who is the tenant for a period under an agreement and is entitled to the rent and profits from the premises during the tenancy and the immediate reversion of the property at the expiration of the tenancy.

Mediation: Mediation is a flexible, nonbinding process in which a neutral third party (the mediator) helps people in conflict negotiate a mutually acceptable agreement. Mediators do not make decisions for the parties. They help parties realise and explain their needs, clarify misunderstandings, identify issues, explore creative solutions and negotiate agreement.

Rent: This is the payment of money or rendering of services to a landlord for the use of his or her premises by a tenant.

Security Deposit: This is the money paid by a tenant to a landlord that is to be held as security for any liability or obligation of the tenant while in use of the residential property.

Service Charge: This means a charge for any service provided by the landlord and includes a charge for any services provided or paid for by the landlord such as security, conservancy, sanitation and other amenities.

Slum: This is a pejorative term for poor quality housing or a contiguous settlement where the inhabitants are characterised as having inadequate housing and basic services. A slum is often not recognised and addressed by the public authorities as an integral or equal part of the city”.

Social housing: This is a vague term increasingly reserved for housing that is developed by non-profit making institutions, predominantly for the poor. The institutions involved may range from

educational institutions, through charities, to housing associations and cooperatives. However, sometimes the term is applied to all formal housing built for poor people, and sometimes to all kinds of housing built by non-profit organisations.

Sub-tenant: This is someone who rents a land, house, building or part of a building from someone (tenant) who is renting or has rented it from the owner.

Tenancy Agreement: This is an agreement, whether written or oral, express or implied, between a landlord and a tenant respecting possession of a rental unit, use of common areas and services and facilities, and includes a licence to occupy a rental unit.

Tenant Associations: These are groups of tenants in a single building or in a town that work to improve the conditions in rental housing. Tenant associations also work to protect and increase the legal rights of tenants.

Tenant: A tenant, therefore, is a person or institution and includes an individual's family, sub-tenants or a lessee of a dwelling or property who receives the landlord's consent to occupy the said property or rental unit for an agreed-upon consideration.

Tenure: This is a type of holding or possessing of housing, and usually implies either ownership or rental. In some countries, home ownership has been prevalent and a major contributor to housing satisfaction.

CHAPTER TWO

LITERATURE REVIEW

2.1 Preamble

The first section focuses on the review of extant literature in the areas of landlord-tenant typology, identified responsibilities and rights of tenants and landlords, the causes of landlord-tenant disputes, and the characteristics of landlords in developing countries. It also examines why people rent, the characteristics of tenants in developing and developed countries, and landlord-tenant relations. Alternative dispute resolution in Africa and other parts of the world is also examined. The mechanisms, principles, advantages and disadvantages of ADR processes are extensively discussed. A conceptual model showing the relationship between the dependent, independent and intervening variables in the study was developed. The second section discusses and applies the Social Conflict and Human Needs theories to properly situate the study.

2.1.1 Types of Landlord

According to the UN-HABITAT/UNESCAP (2008), in both developed as well as developing countries, landlords include both the rich and poor people, companies as well as individuals, private sector and public sector agencies, housing agencies and various government departments which rent out land under their control, operating in the formal and informal sectors.

The formal private-sector landlords include:

1. Landowners who rent out their land until they can find a more profitable use for it.
2. Landowners or investors who build rental units on vacant land and rent them out.
3. Owner-occupants who build rental units on part of their own land or within their own houses.
4. Landlord investors who buy already developed/built houses and rent them out.

Informal private-sector landlords include those who can either occupy or lease a plot of vacant land and develop rental housing units or subdivide and rent out empty housing plots on that land.

Informal private-sector landlords can also illegally subdivide a piece of formally-owned land and rent it out as plots or finished houses or rooms (UN-HABITAT/UNESCAP, 2008). The difference between the formal private-sector landlords from the informal is that the former would have acquired ownership or building rights within the state's regulatory framework, whereas the latter would not have done the same.

Landlords also have been classified according to the scale of their operations. Some landlords with access to big capital may develop hundreds of rental units on various pieces of land, while others may be individual households or retired persons who operate on a very small scale, with one or two rental rooms at the back of their own house.

A report has noted that the gender of landlords depends on local demographic patterns and customs of the people (UN-HABITAT/UNESCAP, 2008). It goes further to say that where women handle domestic affairs, they also tend to deal with tenants in small-scale rental situations. Many widows and separated women also opt to rent out part of their houses or develop new rental units to supplement their incomes (UN-HABITAT, 2011). Divorce settlements, lines of inheritance and age can play a role too because women tend to live longer than men, and they often rent out the property they inherit.

Some scholars have created taxonomies for landlords found mostly in the developing world, and these are based on such indices as sectoral affiliation, income of the landlords, ownership structure, residential status, size of the property, nature and attitude of the landlord towards money and their tenants, and type of tenant they let rental units to (Barbosa *et al.*, 1997; Gilbert, Mabin, McCarthy and Watson, 1997). They have distinguished between public- and private-sector landlords, rich and poor landlords, formal and informal property owners, individual and institutional owners, resident and absentee landlords, large-scale and small-scale landlords, exploitative and fair landlords, profit-seeking and generous landlords and landlords who prefer to rent their housing units to strangers versus those who prefer to rent to familiar people or make their housing units available to relatives. They also went further to characterise landlords into 6 distinct moulds:

1. **Petty landlords** are those types that use whatever space they have for rental purposes, often because they have no other way to make money. The income from rental housing may help them to pay instalments on their own land or house, or it may help meet the

expense of repairs, maintenance or improvements. For such landlords, rental income serves as a safety net against unstable employment or when moving from salaried or daily-wage labour to self-employment. It may also serve as a substitute pension after retirement or as an investment for the next generation. In the Global South, many tenants rent their accommodation from “petty landlords”, typically low-income residents who live on the same site or nearby in the settlement. This type of tenancy is devoid of any formal rental agreement between the landlord and tenants. Some scholars believe the contribution this segment of the informal sector makes to the overall supply of rented accommodation is not well-known although there are strong indications that it is the major supplier (Barbosa *et al.*, 1997). These types of landlords are found in many Latin American cities. They are also found in Indonesia and Turkey, Santiago de Chile, Mexico City, Venezuela, Kenya, Ghana, Nigeria and many North African cities like Cairo, Alexandria, Rabat, Tripoli, Tunis and others.

2. **Circumstantial landlords** have capital or vacant land or both. They may have inherited money or land, or may have left their own house and moved into employer-provided housing. They may also have spare rooms available because the household separated, relatives died or children moved elsewhere. It may also be that they cannot sell their property because of prevailing market conditions, or lack the business skills to do so. In all these cases, renting out land, houses or rooms offers an alternative that delays drastic decisions, maintains things as they are and brings in extra cash (UN-HABITAT, 2003; UN-HABITAT/UNESCAP, 2008; UN-HABITAT, 2011).
3. **Commercial landlords** are similar to small landlords, but they operate in a more professional way. They have larger capital to invest, their rental business is on a larger scale and they may employ professional staff to manage their rental units for them (UN-HABITAT/UNESCAP, 2008). Commercial landlords mainly target middle or high-income tenants rather than low-income groups, and operate in a formal way, using written lease agreements and following the building and safety standards of their countries. Depending on which market segment they operate in, commercial landlords may use different strategies to maximise return on their investments and to minimise their taxes. While these

commercial landlords may not be tycoons, they are people who want to secure the future for themselves and their children (UN-HABITAT, 2003). Differences between the large-scale commercial owners and small-scale commercial owners are these: (i) large-scale commercial landlords rent large numbers of properties and small-scale owners rent a small number of rooms or buildings; (ii) large-scale landlords are concentrated in the inner-city in multi-storey accommodation in the metropolis while small-scale landlords are concentrated in the outskirts of city metropolises or suburbs (Gilbert *et al.*, 1997). Nevertheless, as Gilbert *et al.* (1997) have observed, there is an exception to this trend even in some cases such as in Nairobi where several large-scale land owners rent shacks to tenants or rent land to other agents who then sub-let shacks to low-income residents.

4. **Small-scale commercial landlords** are an important group of landlords in the inner-city areas of Latin America who rent out several apartments for income but who are not large-scale commercial landowners (Barbosa *et al.*, 1997; Gilbert *et al.*, 1997). They can also be found in many cities in Nigeria (Aluko and Amidu, 2006). Small-scale commercial landlords are also known for keeping poorly maintained building because the rental income is low and any further investments in the property may not lead to better income generation.
5. **Public sector landlords** may include various government departments and land-owning agencies, and their rental arrangements may cover purpose-built social housing for low-income tenants, land rentals and institutional housing provided as a fringe benefit to civil servants in various government departments. Local authorities used to make an important contribution to the rented housing stock in some countries in the Global South but in the 1990s this saw a huge reduction owing to the different structural adjustment programmes embarked on by many developing states. While it is difficult to say how significant public housing is throughout cities in the Global South, there is a general acknowledgement in the reduction of public housing as a dominant part in the rental sector of most developing countries (UN-HABITAT, 2003; 2006; 2008).
6. **Employer landlords** are the landlords whose motive is not private. These might include factories and large companies providing rental rooms for their workers, hospitals providing

rental rooms for their nurses, or universities providing rental housing for students and faculty members (UN-HABITAT/UNESCAP, 2008).

7. **Not-for-profit rented stock.** Much housing support for low-income groups in the Global North is provided through public housing or the non-profit sector (Gilbert *et al.*, 1997; UN-HABITAT, 2006). These providers are generally supported by both capital and recurrent subsidies to cover the costs of groups that cannot afford to pay the full market price for housing. However, in the southern hemisphere, the situation is generally different because governments may not afford much subsidy finance that would reduce the value of rental fees. Where some public housing units for rent have been constructed, it is likely that many of these benefits have been captured by the middle and upper-income groups. When not-for-profit housing organisations such as NGOs and cooperatives are engaged in housing issues, they generally focus on housing for homeowners and not for the rental market. Rental cooperatives are unlikely to develop when there are no subsidies or incentives from government (Barbosa *et al.*, 1997; Gilbert *et al.*, 1997; UN-HABITAT, 2003).

2.1.2 Responsibilities and Rights of Landlords

Landlords have rights and obligations when the tenancy agreement is entered into. The following rights and responsibilities of landlords have been summarised by Dabara, Olatoye and Okorie (2012), Consumer and Business Services (2015), Office of Consumer Protection (2010), PICUM (2014), The Brief (2011), and The Minister of Human Settlements (2013):

1. Right to the rented premises in situations such as an emergency, at a time previously arranged with the tenant, but not more frequently than once every week for the purpose of collecting rent; to inspect the premises (not more frequently than once every four weeks) after giving seven to fourteen days written notice specifying the date and purpose of the proposed entry and an entry period of up to two hours; to carry out garden maintenance at a time previously arranged with the tenant no more than 7 days before the day of entry, or after giving seven to fourteen days written notice. The landlord can also enter the rented premises when there is need to carry out necessary repairs or maintenance or after giving reasonable notice to the tenant to show the premises to prospective tenants during the last

28 days of a tenancy; or at a time agreed by the tenant, or after giving reasonable notice to the tenant to show the premises to prospective purchasers no more than twice weekly. Lastly, the landlord can enter the premises to determine whether a breach has been remedied after the landlord has given the tenant notice of a breach of agreement.

2. The landlord has the right to prompt and regular payment of the rental income or any charges that may be payable in terms of a lease.
3. The landlord has the right to recover unpaid rental or any other amount that is due and payable where the tenant fails or refuses to make payment on demand, after obtaining a ruling by a Tribunal or an order of a court of law;
4. The Landlord has the right to terminate the lease in respect of a dwelling or rental housing property on grounds that do not constitute an unfair practice and are specified in the lease.
5. The landlord may require a tenant, before moving into the dwelling, to pay a deposit which may not exceed an amount equivalent to an amount specified in the lease or otherwise agreed upon between the parties.
6. Should the tenant vacate the dwelling before the expiration of the lease, without notice to the landlord, the lease is deemed to have expired on the date that the landlord established that the tenant had vacated the dwelling, in such event the landlord retains all his or her rights arising from the tenant's breach of the lease.

Landlord's Responsibilities

Among the landlord's responsibilities, according to Dabara, Olatoye and Okorie (2012), Consumer and Business Services (2015) and Office of Consumer Protection (2010), include:

1. Provide a tenant with a dwelling that is fit and suitable to live in (tenantable or habitable), as well as maintain the existing structure of the dwelling and where possible facilitate the provision of utilities to the dwelling.
2. Repair and maintain the property.
3. Abide by the lawful terms of the agreement;
4. Keep the tenant informed of any change in the landlord's or his agent's address;
5. Insure the property and all contents that do not belong to the tenant.
6. Complete and provide 2 signed inspection sheets and a copy of this information brochure to the tenant at the commencement of the tenancy;

7. Inform prospective tenants of any intention to sell the property;
8. Provide the tenant with a copy of the lease agreement if the landlord has required the tenant to sign a written agreement;
9. Provide manuals, or written, or oral instructions for the operation of domestic appliances e.g. air conditioner. Domestic appliances must also be listed in the tenancy agreement;
10. Provide name and address for the service of documents;
11. Allow the tenant to pay rent by at least one means that does not involve the payment of cash, or the use of a rent collection agency;
12. Provide the premises in a clean and reasonable state;
13. Keep proper rent records and give proper receipts for any money received from the tenant.
If the tenant pays rent into an account that is kept by the landlord or agent at a financial institution and the landlord or agent keeps a written record containing the information normally required on a receipt, a receipt does not have to be given to the tenant;
14. Pay charges for water usage and supply as agreed between the landlord and the tenant. In the absence of an agreement if the water supply is separately metered, the tenant is responsible to pay for all water usage and the water supply charge. If there are multiple properties on one meter, a special clause must be included in the lease agreement outlining how water charges are to be determined. *Sewerage charges are always the responsibility of the landlord;*
15. Pay council rates, land tax charges, sewerage charges and any levies;
16. Maintain and repair the premises (having regard to their age, character and prospective life);
17. Allow the tenant peace, comfort and privacy and ensuring that the tenant's enjoyment of the premises is not disturbed;
18. Provide and maintain locks to ensure the premises are reasonably secure.
19. Make sure the premises are ready for the tenant when the rental agreement takes effect;
20. Give adequate notice of a rent increase;
21. Give the required notice before demanding that a tenant move out; and
22. Return the tenant's security deposit and/or prepaid rent when the tenant moves out and/or give a complete written accounting of money held for accrued rent, damages and the cost of repair within the time limit required by law.

According to The Alaska Landlord and Tenant Act (2009) regarding maintenance, the landlord must:

1. Make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;
2. Keep all common areas of the premises in a clean and safe condition;
3. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;
4. Provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;
5. Supply running water and reasonable amounts of hot water and heat at all times, insofar as energy conditions permit, except where the building that includes the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection;
6. If requested by the tenant, provide and maintain locks and furnish keys reasonably adequate to ensure safety to the tenant's person and property; and
7. Provide smoke and carbon monoxide detection devices as required under AS 18.70.095.

According to The Alaska Landlord and Tenant Act (2009), when the landlord fails to comply with his/her duties, the remedies open to the tenant include that:

1. *The tenant may move* after having given the landlord written notice describing the problem and stating that if the problem is not fixed within 10 days from receipt of the notice, the tenant will move in 20 days. If the problem is fixed within 10 days the tenancy does not terminate. If the tenant still wants to move, a regular 30-day notice is required (in a month-to-month tenancy).
2. *The tenant may obtain damages or injunctive relief* from the regular courts.

The Alaska Landlord and Tenant Act (2009) also prescribes remedies for the landlord's failure to supply essential services. These include as follows:

1. *The tenant may make repairs and deduct the cost from rent.* Once written notice is given to the landlord stating that the tenant plans to do so the tenant may get the problem fixed and deduct the actual and reasonable expenses from the next month's rent.
2. *The tenant may procure reasonable substitute housing.* The tenant can give the landlord written notice that he or she is moving into reasonable substitute housing. The tenant is then excused from paying rent until the problem is cured. If the tenant has to pay more than his or her regular rent to secure housing during this time, the tenant can charge the landlord for the difference.
3. *The tenant may obtain damages.* In some cases, when the problem is really serious, it may reduce the value of the dwelling. If this happens, the tenant may sue, or in an action by the landlord for possession or rent, the tenant may counterclaim, to recover damages against the landlord based on the diminution in the fair rental value of the dwelling.

2.1.3 Landlord and Tenant Relations

The image of landlord-tenant relations as derived from inner-city areas of the United Kingdom of the nineteenth century is hardly a positive one (Scanlon, 2011). Landlords were portrayed as exploitative and shylock constantly trying to evict tenants who could not pay extortionate rents; on the other, tenants were frequently "flitting" or were destroying the property of the owners (UN-HABITAT, 1989). Such bad relations were instrumental in the eventual demise of private rental housing in the United Kingdom but was later resurrected as other housing tenures such as public housing and social housing could not fill the void its absence created (Scanlon, 2011; Scanlon and Kochan, 2011). Describing the landlord-tenant relationship in South Africa between landlords and their backyard tenants, Lemanski (2009) writes that those relations were akin to patron-client relationship between a layer of better-off residents (landlords) and a layer of particularly vulnerable poor tenants and landlords seemed to rule the roost (Skuse and Cousins, 2007). Some authors have noted that the landlord-tenant relationship in South Africa was so bad that landlords imposed night curfews, restrictions in access to water and electricity, high rents, cleaning duties, maximum numbers of visitors and essentially forcing tenants to live precariously on the whims of the landlords (Bank, 2007; Crankshaw, 1993; Guillaume and Houssay-Holzschuch, 2002). Lemanski (2009) however admits that the relationship has improved because backyard rental is now demand driven. There are also scores of stories alleging landlord's insensitivity and in some

cases brutality which paints the picture of a greedy feudal who wants both the land and the proceeds at the same time.

But how valid is this perception of landlord-tenant relations in the cities of developing countries? Are relations between landlord and tenant generally conflictive or relatively benign? What are the sources of tension between tenant and landlord, and how are those conflicts resolved? Such questions are important from a policy perspective, even if there are but few answers. For example, as UN-HABITAT (2008) noted, if landlord-tenant relations are consistently poor or bad, it makes little sense to encourage low-income rental housing. On the other, if these relations are relatively benign, there might be a point in encouraging this form of tenure (The Alaska Landlord and Tenant Act, 2009).

The selection of tenants may try to give a clue as to many of the sources of conflict between landlords and tenants. In fact, remarkably little is known about the process of selection. In low-income areas of Mexico, landlords seem to be very careful about the kinds of tenant they are prepared to accept. They do not like big families, households with animals, single people or anyone with a bad reputation (UN-HABITAT, 1989). However, many landlords are schemed out by their tenants who sometimes lie about the characteristics of their family before assuming the tenancy. In practice, too, there is considerable variation in landlord behaviour. Some check credentials very carefully and demand the name of a guarantor who will pay the rent in case of default; others merely give the tenant "a quick look over" (UN-HABITAT, 1989). Some landlords do not take in those known to them for fear of such people inhibiting their commercial relationship for the sake of their close personal acquaintance. Some landlords request a recommendation from a friend or an existing tenant before entering into an agreement with a potential tenant. In Indonesia, tenants are usually known to the landlord and "in many cases originated from the same village or city" (UN-HABITAT, 1989). In this example, the familiarity between landlord and tenant is regarded very favourably and usually eliminates the need for any other kind of vetting procedure. In other countries, ethnicity seems to be a factor of no importance in some cities but very important in others. In Karachi, Pakistan, people of similar ethnic origin tend to live together, and landlords tend to look for tenants from among the people they know. They are encouraged to do this, because they believe that the tenant will likely follow community rules about acceptable behaviour or rules

which usually act in favour of the landlord. By contrast, certain African landlords follow the opposite course, looking for tenants from other ethnic groups who cannot mobilise communal pressure for improved housing conditions (Mitlin and Bebbington, 2006) as is seen in Nairobi. Amis (1988) notes that landlords choose people from different ethnic groups, and, in Lagos, 82 per cent of the houses in Mushin have tenants from more than one ethnic group. Private owners prefer to rent to members of ethnic groups other than their own because they feel it is easier to collect rents from those to whom one is not close. These are ways by which landlords try to escape what Gbadegesin and Oletubo (2013) call difficult tenants, but does selection alone curb landlord-tenant disputes?

According to Oni (2010), the selection of tenants became imperative because he contended that many tenants often appear good at the time of taking up a tenancy but later become belligerent with grave consequences and challenges to estate surveyors and owners of such housing units. The study involved 169 estate surveyors randomly selected out of 325 registered firms operating in the Lagos metropolis. Oni (2010) examined the criteria that these estate surveyors considered in the selection of tenants for their clients' properties. These include tenants' sources of income and employment, regularity and prospects of employment, physical appearance, and social status. The criteria also include request for comments on present and previous landlords, police checks which are made on each applicant over 18 years of age. While these criteria may be commended, in Nigeria, as well as in other African countries where there is no official record of citizens and where police reports cannot be relied upon but only remain the opinion of men in uniform regarding citizens, how do the background checks and other ways of determining the tenants' background pan out? Nevertheless, this shows that the need for citizens' database has become overdue in Nigeria and Africa. Landlords, also, sometimes make additional demands bordering on religion, marital status, age, maximum number and ages of children, maximum number of cars, and ethnic group as important criteria for tenant selection. When prospective tenants are subjected to this scale, the study opines that it eliminates difficult and troublemaking tenants.

This view had been espoused by Akomolede (2006) who felt that to avoid difficult tenants, estate surveyors and landlords should look at tenants' ability and willingness to pay required rent, suitability of the tenant to the property, ability and willingness to meet the terms of the lease, provision of suitable reference, payment of rent, and caution deposit. Therefore, to eliminate the

problems that lead to landlord-tenant disputes, tenants are to be carefully selected. However, Gbadegesin and Oletubo (2013) have argued that in the Nigerian property market, there was no legal instrument that outlines the criteria to adopt while selecting tenants in the private rental market. Nevertheless, their study supports the view that estate surveyors and valuers generally considered income, advance rent payment, occupation/employment; job prospects, marital status, ethnic group, physical appearance, religion, sex and number of children as criteria for tenant selection and for weeding out difficult and impossible tenants.

In a similar study about the eviction of tenants in Ilorin, Kwara State, Ibrahim and Ojo (2013a) identified the reasons as non-payment of rent, violation of other lease covenants, health and safety issues, criminal acts, unruly behaviour and requisition of the premises for personal use by the landlord. In the previous work by Ukpeje and Ibitoye (2014), the authors examined the causes and methods of tenant eviction in property management practice in Ilorin metropolis in Kwara State, Nigeria. They discovered that tenant eviction was one of the grounds for dispute between landlords and tenants. Overall, the main causes of eviction revealed by the study were rent default, breach of covenant, holdover and owner's intention to use the property. The study also described quit notice, court action, interpersonal resolution and self-help as methods adopted for eviction. These findings share affinity with other works in literature about the reasons for tenant eviction (Aaron, 2003; Amos, 2006; Department of Commerce, 2012; e-How, 2013; Government of Dubai, 2007; Lagos State Tenancy Law, 2011; Land Registry for England and Wales, 2012; Minnesota Judicial Branch, 2013; Nigeria Property Centre, 2012; Ojo, 2007). Some authors have argued that, while these reasons are common to most, if not all, countries, these reasons also form the basis for landlord-tenant disputes in Nigeria (Ibrahim and Ojo, 2013a; Ukpeje and Ibitoye, 2014).

The UN-HABITAT/UNESCAP (2008) holds that the relationship between the landlord and the tenant is based on an agreement. Expectedly, one would think that this agreement would help in curbing the excesses of each of the parties, but some common problems are said to surface which threaten the relationship. Some of these problems include that: Landlords complain that their tenants do not take good care of the rental housing, they pay their rent late, misbehave in general and do not understand that rising costs of utilities, maintenance and repairs make it necessary to raise the rent. On the other hand, tenants also complain that their landlords do not maintain the

rental housing properly, do not repair things when they break, charge unfairly high fees for utilities, increase the rent without giving lawful notice, turn hostile when the rent is paid a little late, threaten with eviction or fail to return security deposits when they move out (UN-HABITAT, 2008).

However, studies have shown that many rental agreements entered into by the landlords and tenants are personal and informal in nature, and are concluded outside of any government regulatory framework or formal legal system. This informality and lack of official documentation make going to court an extremely impractical way of dealing with landlord-tenant conflicts. In some Asian countries like India and Pakistan, the courts are so overburdened with cases that it may take decades to bring a rental dispute to court (UN-HABITAT, 2008). In countries like Thailand or Cambodia, which have highly evolved cultures of settling disputes through compromise, going to court is seen as something extreme and often means a loss of face for both sides. In some cases, landlords will try to avoid problems by only accepting tenants who have been recommended by people they know. Nonetheless, in other cases, landlords use a different strategy and actively seek to attract strangers and outsiders, because they want to avoid being too close to their tenants to maintain a more business-like approach, in the hopes that the tenants will take care of their rental unit, respect the rental conditions and leave when asked to do so.

Further, some writers have observed that some of the challenges facing landlord-tenant relations in the developing world may not be unconnected with information asymmetry (Kowuor, 2012; Lonegrass, 2010). This implies that landlords have more information about a building than a prospective tenant. Therefore, a landlord can conceal a defect about a building and once the tenant has moved in, the costs of moving again are very high. Such unscrupulous landlords threaten eviction or rent increase when the tenant complains. This situation also leads to landlord-tenant disputes.

As the UN-HABITAT (2008) observed in their study on housing the poor in Asian cities, generally rental housing policies in developing countries, including landlord-tenant relationships, are biased in favour of homeowners. This increases the risk of tenants being exploited, especially poor tenants. Also most rental housing conditions are poor as a result of the state of a city's overall housing conditions and the complex factors which cause poor living conditions and poverty in

general. Rental housing challenges are expressions of larger problems of how the social, economic and political relations involved in land and housing are balanced. Most landlord-tenant relations in developing countries fall outside governmental control and regulations, making it difficult for government to effectively put policy recommendations in place and support interventions in the rental housing sector.

2.1.4 Causes of Landlord-Tenant Disputes

From the literature on landlord-tenant relationship, many causes of disputes have been identified. These could be incompatible goals between the parties, differences in behavioural style, distortions in communication or communication gaps, unmet expectations, needs or interests, unequal power relations and wrong perceptions (US Army Corps of Engineers, 1996). According to Cloke and Goldsmith (2000), landlord and tenant disputes could arise from personality clashes, incompatible interests, needs and desires, self-esteem problems, hidden expectations and one's party's suspicion arising from a negative experience in the past. Danielsen (2005) believes that landlord-tenant disputes could arise out of feelings that one party does not recognise, respect, accept, listen to or accommodate the other person's diversities such as culture, language, personal beliefs, values and interests. Stiglitz (2011) identifies the issue of power differentials as one challenge that puts landlords and tenants on the war path.

In Nigeria, several studies have also identified the various causes of landlord-tenant disputes. In his study on the causes of conflict in landlord-tenant and tenant-tenant relationship in Ifako Ijaye Local Government Area of Lagos State, Awodiran (2008) found out that these include: inadequate facilities; non-payment of utility bills, security and development levies; maintenance issues; domestic scuffles, and misunderstanding among residents. In his study of multi-tenanted buildings in Ajegunle area of Lagos State, Olusola (2009) discovered that conflicts between landlords and tenants in that area were caused by lack of maintenance of buildings and facilities by landlords, improper use of housing infrastructure by tenants culminating in blocked drainages, damaged electric poles, broken entrance gate, and unwillingness of tenants to participate in any repairs or maintenance work. Similarly, Kehinde (2010) identified house renovation (16.0%), refusal to pay for utility bill (5.3%), intolerance (5.3%), parking space (1.3%), use of generating set (1.3%) as causes of conflict between landlords and tenants in Lagos State.

Another study by Kolugo (2010), which examined tenant-landlord behaviour in rental housing in metropolitan Lagos identified the major causes of conflict between the parties to include irregular or non-payment of rental fees by the tenants and the financial handicap of landlords to undertake proper maintenance of the housing environment as and when required. Biobaku (2010) categorised the causes of landlord-tenant disputes in multi-tenanted buildings in Amuwo-Odofin Area of Lagos into social factors (78%) (domestic scuffle, stealing, maltreatment, clash of personal interest) and economic factors (22%) (house rent, electricity bill and monetary measures). According to a study of landlord-tenant disputes in Eti-Osa Local Government Area of Lagos, Shodayo (2011) found the causes of the disputes as default in the payment of rent (21.1%); delay in payment of rent (10.7%); coming home late (17.6%); misunderstanding (6.8%); house being controlled by an agent (7.3%), and other causes (36.6%) (stealing, snatching of another person's wife, adultery, backbiting, assault, jealousy, noisy generator and carelessness in the maintenance of the housing property). In another recent study on housing-induced domestic conflict in Ondo City, Nigeria, Wahab and Odetokun (2014) observed that conflicts arose from housing difficulties, unsanitary residential environments, and co-sharing of facilities and amenities by tenants. The paper also mentioned that landlord-tenant disputes were triggered by lack of basic facilities (56.7%), uncooperative attitude of some occupants (29.1%), unhealthy condition of the houses (14.2%), disagreements over payment of electricity bills (44.6%), sharing of bathroom facilities (60.2%), and kitchen facilities (72.5%), and cooking within the corridors/passage (78.9%).

Consequently, from the studies reviewed, causes of landlord-tenant disputes can be categorised into social, economic, interpersonal, or personality factors. While many of the studies examined the causes of landlord-tenant disputes within different parts of Lagos State and Nigeria, as part of its aim and objectives, this study will be investigating the causes of landlord-tenant disputes within 6 locations under the coverage of the CMC in Lagos State.

2.1.5 Characteristics of Landlords in Developing Countries

The characteristics of landlords in developing countries reveal that most of them operated in the informal rental market (Gunter, 2014). Many studies also show that most of these landlords were private individuals (Aluko and Amidu, 2006; Gbadegesin and Oletubo, 2013; Oladokun and Ojo, 2011). These landlords, as Gunter (2014) observes, have a very high opinion of the service they are providing to the tenants and see their role as important service providers in an under-served market. Gunter adds that many of the landlords, using the example in South Africa, exhibited pride for the provision of this service and felt a sense of achievement because their rental units provided an alternative income stream for them in a largely poor environment.

The landlord-tenant relationship in most developing countries was based on suspicion. It involved a situation where tenants are mostly not allowed to assert their tenancy rights. Most tenancies in low-income private rental units and squatter settlements are not based on written agreements but, rather, are oral agreements between landlords and tenants. Often, landlords or their agents take measures which affect tenants adversely and are contrary to the oral agreement but there is usually little tenants can do to protect their rights. In Kenya, for instance, there have been many cases where landlords have sent gangs to forcibly evict tenants who are considered troublesome or capable of exposing landlords to the authorities (UN-HABITAT, 2003).

In developing countries rental market, under most rental agreements, the landlord is entitled to advanced rent from a new tenant of not more than two months standard rent. This could be more in some other places. The landlord can increase the rent through following laid-down procedures (Lagos Tenancy Law, 2011). Under the Lagos Tenancy Act 2011, for instance, tenants are to be protected from shylock landlords who demand multiple years of rent from their tenants. The law also seeks to ensure that a tenant enjoys the tenancy without undue interference from the landlord or his or her agents.

However, most rental housing in the developing world is in the informal sector, where rental agreements are mostly informal oral arrangements between tenants and landlords even in cases where tenancy involves formal houses. Thus, the rental housing market rarely operates according to the law. Nevertheless, public-sector landlords generally have proved to be willing to accept agreements which protect the rights of tenants (UN-HABITAT, 2008).

In further analysing the characteristics of landlords in many developing countries, the UN-HABITAT (2003) observed that one problem affecting landlords in these countries is that they are 'invisible'. Since most operate in the informal sector, they choose to disappear because they fear taxation or visits from building officials, and because no one talks about them. While this position may be exaggerated, it speaks about the reality in most developing countries particularly in Africa where landlords are small-scale and "petty" in nature and do not have the capital to operate in the formalised rental sector but provide greater rental units to low-income dwellers. Another reason for the invisibility of the landlords in most developing countries is that policy makers tend not to talk about the issue of renting compared with the vast amount of research carried out on self-help housing, making studies of landlords still scanty (UN-HABITAT, 2003).

Commenting further on their invisibility, UN-HABITAT (2003) citing research published in the last 20 years observes that most landlords in the developing world operate on a small-scale, are rather like their tenants, do not make much money and seem to be no more callous or calculating than anyone else. In short, they are invisible because in most respects they are like most citizens trying to eke out a living for themselves and their families.

While across the globe, private landlords include both rich and poor, individuals and companies, in most parts of the developing world, majority of landlords operate on a small scale and a few are rich (Gilbert *et al.*, 1997; Gilbert, 2010). In Latin American cities, although there is often a substantial middle-class rental market where the landlords are themselves middle class, the typical landlord is now a former self-help builder (UN-HABITAT, 2003). More and more landlords are now found in the self-help settlements renting out rooms in their modest homes. As self-help settlers, they tend to have similar backgrounds and incomes to their tenants. In Bogotá, Colombia, tenants and owners living in the same building tend to share very similar economic and social characteristics while in Caracas, Mexico City and Santiago, landlords and tenants seem to have similar per capita income. In Africa, most landlords have similar kinds of backgrounds to that of their tenants except that they tend to have lived in the city longer and are a little better off (Gilbert, 2010; UN-HABITAT, 2003). In Mali, for example, landlords tend to be significantly wealthier than their tenant households but are similar to them in other respects (Mugo, 2000). However, in Soweto and Johannesburg, studies show that landlords are among the poorest residents in the

township. The more affluent households are either those with no backyard residents or those who accommodate only relatives or friends (Crankshaw *et al.*, 2000). This picture is not different in Ghana where resident landlords in Kumasi tend not to be better off than their tenants and poorer than owners who do not let out rooms (UN-HABITAT, 2003). Admittedly in other parts of Africa, such as in Nigeria, Kenya, Egypt, and South Africa, landlords sometimes are more affluent than their tenants because they are either government officers or politicians or they belong to the business class (Gbadegesin and Oletubo, 2013; Mugo, 2000).

Age seems to be the most consistent factor in distinguishing landlords from the rest of the population. This is because landlords tend to be older than other owner-occupiers and most times much older than most tenants (UN-HABITAT, 2003). Because of their age, landlords are much more likely to be retired, live in larger properties than other families and have lived longer in their current home (Yahya, 2002). In many developing countries, both men and women act as landlords, sometimes in partnership and sometimes on their own. Frequently, a woman may handle the tenants even when a man lives on the premises; what Kumar calls a ‘woman-managed’ household (Kumar, 2001). He also observed that most male landlords have a female partner but many widows and separated women rent out property too. But in many parts of the developing world such as in Africa, men are frequently the landlords either by building the houses directly or by inheriting it (Ogu, 1999). This is also seen in most parts of India where landlordism is predominantly a male-dominated occupation (Amis, 1998).

Regarding whether they were resident or absentee landlords, according to the UN-HABITAT (2003, 2008), most landlords operated on a small scale and tend to live on the premises. This is evidenced in big cities in Africa such as Cairo, Bamako, low-income suburbs of South Africa, Lagos and most parts of Latin America. However, as UN-HABITAT (2003) observes, exceptions appear to exist in the cities where more large-scale commercial landlords operate.

Understanding the motives of landlords, or why they become landlords, from studies carried out in most parts of Africa by the UN-HABITAT (2003, 2008), all landlords appeared to let property to obtain an income but the reasons they do so and the strategies that they follow in generating that income were reported as diverse. While for some landlords renting was a commercial exercise that involved the engagement of professional accountants and agents such as those found in the high-

or middle-income city areas, many of the landlords in the low-income areas did not follow every facet of real professional practice in managing their rental units but were nonetheless driven by profit. However, it was reported by the UN-HABITAT that in most of the consolidated self-help areas of cities in developing countries, the typical landlord appears much less commercially oriented. While some are serious landlords because they are dependent on their rents in order to live, most certainly, are not ‘professional’ in their behaviour. In Resistencia (Argentina), it has been argued that, “*small rentals are generally circumstantial*” (UN-HABITAT, 2003). Renting is only done when a household finds it has extra space. Thus, for such landlords, renting is only a temporary arrangement, continued until older children want to return to the family fold. In Caracas and Mexico, landlords tend to enter and leave the activity according to need. They do not invest in housing mainly to earn rental income because the use of the accommodation may change frequently. For example, the accommodation might have been built to accommodate the family, but when the children are gone, it is let out for rent, and later it could also be used to put up members of the extended family (UN-HABITAT, 2003). The UN-HABITAT also found out that letting property also provided a partial solution to the problem of what to do with a house if it cannot be sold. Some people inherit homes that they do not wish to live in. Others need to move house but are unable to sell their existing home in order to buy another. Many property owners have been forced to become landlords under such circumstances. In the United Kingdom, one in ten landlords are letting property because of being unable to sell (UN-HABITAT, 2008).

Among many problems facing most cities in developing countries is that it is difficult to obtain credit with which to buy or build a property. Buying plots or shacks is affordable but not a two-storey brick built house (UN-HABITAT, 2003). In Abuja, it is argued that the lack of credit impacts adversely on the buying and selling of houses (Ikejiofor, 1997). Even if credit were available, it might still be difficult to sell personal houses as this is concerned in many parts of West Africa as a taboo. While some potential landlords lack the resources to buy a piece of land large enough to build a room for rent, some landlords lack the resources to expand their homes even when they have the space (Gunter, 2014).

2.1.6 Types of Tenants

There are different types of tenants found in the rental sector. In order to ascertain the types of households to whom landlords are letting, studies have shown that tenants can be characterised by variables such as their age, sex, marital status and social status (Gunter, 2014; UN-HABITAT/UNESCAP, 2008). In a study carried out in Dublin, Memery and Kerrins (2001) described the tenants that landlord let their rental units to as:

- a) People with children and couples (families with young and/or older children)
- b) The elderly
- c) Childless couples
- d) Lone parents
- e) Middle-aged single

In Africa, with a younger population and depending on the neighbourhood, tenants are seen to be upwardly mobile graduates, students, traders or business people and settlers from rural areas who have come to live and work in the city (UN-HABITAT, 2008). Some studies carried out in some developing countries identified the types of tenants found in such rental markets. These include low-income households that cannot presently afford to own their own homes due to financial constraints; urban migrants who prefer auspiciously located rental accommodation close to their workplaces or their businesses and that offers them flexibility; young people who value their independence, freedom and mobility, and many individuals who choose to spend their money on other priorities rather than on home ownership (Gbadegesin and Oletubo, 2013; Gunter, 2014; Kumar, 2001; Musyoki and Nyamu-Musembi, 2005). For these people, rental properties offer them more benefits and freedom that they may not get having ownership of them outright. Some other types of tenants found are better-off and live in the major cities of their countries while generally tenants found in most countries are middle class and low-income earners.

While most tenants are young, many old people can also be found among the tenant population, particularly in old inner-city areas. Mostly households that consist of two adults without children or other dependants may tend to rent while larger households typically tend to be owner-occupiers. This might be linked, of course, to other factors, such as the age or income of the household head, but it is not wholly surprising that, in cities where self-help ownership offers more space than

rented accommodation, large households move into ownership (UN-HABITAT, 1989). Generally, as the UN-HABITAT (1989) noted, tenants can be found among all income groups, at any age, among different kinds of household and among large families of all sizes and in different kinds of rental property.

2.1.7 Why do People Rent?

The question then is, why do some people prefer to rent instead of own their housing units or apartments? The assertion that rental housing is mostly a phenomenon among low-income groups and as a temporary solution among younger households (Dabara, Olatoye and Okorie, 2012) may assist to answer the question. However, this explanation may not be sufficient as more probing needs to be done. As Dabara *et al.* (2012) reported in their research, millions of people in African cities are tenants. According to them, the rental market is an important housing option also it may partially be the answer to the persistent urban housing problems in Africa. These scholars further argue that the rental housing sector is an integral part of a well-functioning housing market and that in Africa even though it has not received enough support from government, it continues to provide rental accommodation to many tenants.

Most people in the Global South rent because the housing policy by government has not sufficiently addressed the shortage of housing units in their countries (Barbosa *et al.*, 1997; “Tenant”, 1997). Nevertheless, while government concentration on home ownership solutions in the provision of housing for low-income families is understandable, it is clearly inadequate to the housing needs of any country (UN-HABITAT, 2011). A considerable proportion of low-income urban dwellers meet their needs for housing through the rental sector and, in many cities, the rental sector is growing in absolute numbers or as a proportion of those living in the city (“Tenants”, 1997).

For some others, the reason to rent is a deliberate and well thought-out choice (UN-HABITAT/UNESCAP, 2008). It is not just because they cannot afford to buy a house, but the reasons range from the choice to stay mobile and move away when good work is available elsewhere, without being tied down to any particular place or to regular house payments. Others prefer their flexibility in how they manage their household budgets, moving to cheaper housing when times are hard and to better housing when their incomes increase, or freeing up more of their

earnings for more essential needs like food, education, medical care or emergencies. As the UN-HABITAT/UNESCAP noted, renting accommodates people in transitory periods of their lives, when they are not yet ready to settle down in one place or those who may not want to make the long-term financial commitment that comes with buying a house or building one, or to face the long term costs involved in repairing and maintaining their own house. Other choose to rent so that they would be able to send more of their city earnings home to their families or to invest in buying land or building a house back in the village.

There are eight common myths about rental housing that the UN-HABITAT/UNESCAP (2008) has tried to demystify. These common myths are that:

- 1) Everyone owns their homes in rich countries, which they claimed is not true because there is little relationship between a country's economic development and its levels of home ownership. In fact, according to studies by these institutions, home ownership is actually lower in many rich European countries where well-developed rental markets cater to the needs of all income groups who prefer to rent rather than to own.
- 2) Everyone wants to be a homeowner. While the UN-HABITAT admits that there are big advantages to owning a home, it also identifies benefits that renters enjoy such as mobility, flexibility, lower investment and reduced commitment.
- 3) Home ownership offers people a better life while rental housing is exploitative, sub-standard and temporary places where poorer citizens stay. While UN-HABITAT and UNESCAP admit that home ownership presents itself as being more natural than renting to legitimate citizens of a country, home ownership has its problems, just as rental housing has its advantages.
- 4) Nobody invests in rental housing. This cannot be true because in some parts of Africa and Asia independent rental units are profitable and have increased dramatically over the years.
- 5) Renting is inequitable. UN-HABITAT argues that this might be true in the past when most landlords were the rich elites and most tenants were poor, today, rich landlords tend to rent to rich tenants, and poor landlords to poor tenants. Especially among the poor, the landlord-tenant relationship is often one of mutual dependence.
- 6) Governments should prohibit poor quality rental housing. While many tenants in developing countries live in crowded, under-serviced and dilapidated housing, the solution is not demolishing this housing because it only makes housing problems worse and leads to even

greater overcrowding elsewhere but a much better approach is to find ways to improve and expand the existing rental housing stock.

- 7) Mobility is bad for the poor. UN-HABITAT believes this is also not true because the ability of low-income tenants to move easily, as they need to, is often tied to their survival and their need to go where the jobs are available. For them, mobility means survival and flexible rental housing is essential.
- 8) Home ownership encourages the emergence of a politically stable society. This is not true as the reality in most countries show that more housing units need to be provided for citizens. However, with the dwindling resources of government, the private rental sector seems to be capable of meeting the housing needs of the poor and many low-income residents and citizens.

Access to rental housing is based on the following conditions: income level of tenants, their gender [single women professionals may be preferred to their male counterparts because the latter are seen as being more aggressive and in some cases, single women professionals are not allowed to take up their choice of rental unit because they are perceived to be promiscuous] (Yusuff, 2011). Some landlords prefer students who they consider as dependants because they will be getting financial support from their parents in most cases (UN-HABITAT/UNESCAP, 2008). Access to rental housing may be specifically targeted at specific groups such as low-income tenants, slum evictees or slum-dwellers who lost their houses to government's redevelopment efforts while some rental housing built by universities, charities or NGOs may be reserved for students, for women or for specific low-income groups (UN-HABITAT/UNESCAP, 2008).

According to the report by the UN-HABITAT/UNESCAP (2008), additional factors that compel some people to rent instead of owning their housing units are the quality of the housing (low-income tenants are attracted to housing units with relatively poor construction materials because it also means would be low), access to jobs and public services, access to utilities such as electricity, water and sanitation (tenants are likely to go for self-contained apartments, rooms and houses that have utilities when they come to the cities than stay back in their homes in the villages and rural areas when these utilities are really available); tenants will go for rental units to stay close to their families and informal support networks in their communities, when tenants value their mobility; tenant's income level and a tenant's stage in the life-cycle.

2.1.8 Responsibilities and Rights of Tenants

Tenants have responsibilities towards the landlord and the rental unit in their possession when the tenancy begins. They are to also enjoy some rights as provided by law and the rental agreements they sign on to.

According to Alaska Landlord and Tenant Act (2009), Volunteer Lawyer Program (2009), Dabara *et al.* (2012) and Consumer and Business Services (2015), tenant responsibilities include the following:

1. Pay rent, household bills and other applicable charges on time;
2. Keep the property secure at all times;
3. Repair any damages caused by the tenant to the property;
4. Abide by the rules of the tenancy, as detailed in the tenancy agreement;
5. Keep the property clean and tidy;
6. Keep the premises in a reasonable state of cleanliness;
7. Not intentionally or negligently cause or allow damage to be caused to the premises such as wilfully or wantonly destroying, defacing, impairing or removing any part of the structure or appurtenances;
8. Notify the landlord of damage to the premises;
9. Notify the landlord when repairs are needed;
10. Not use the premises, or allow them to be used, for any illegal purpose;
11. Not cause or allow a nuisance or interference with the reasonable peace, comfort and privacy of anyone else living in the immediate vicinity of the premises;
12. Not fit any fixtures or make any alterations to the premises (including picture hooks, shelves and fences) without the landlord's permission;
13. Give the required lawful notice to the landlord before termination of tenancy;
14. Is liable for negligence to others particularly when he or she unreasonably disturbs, or permits others such as visitors, relatives or children to unreasonably disturb a neighbour's peaceful enjoyment of the premises;
15. Dispose all rubbish, garbage and waste from the unit in a clean and sanitary manner;
16. Properly use and operate all electrical, gas and plumbing fixtures and keep them clean and sanitary;

17. Occupy and use the premises only for the intended or designed use;
18. Shall not, except in an emergency when the landlord cannot be contacted after reasonable effort to do so, change the locks on doors of the premises without first securing the written agreement of the landlord and, immediately after changing the locks, providing the landlord a set of keys to all doors for which locks have been changed;
19. Move out when the rental agreement ends; and
20. Clear the premises of possessions when moving out.

Tenants' Rights

Leaning on the views of the following sources, Volunteer Lawyer Program (2009), State of Wisconsin (2010) and WSAGO (2010), tenants' rights are as follows:

1. The Landlord needs to provide the tenant with a rental unit that is habitable;
2. The landlord needs to make necessary repairs to keep the home in a fit and liveable condition;
3. The tenant need not be exploited by the landlord through frequent increase in rent, unlawful eviction, or reduction of services;
4. The tenant deserves respect from the landlord and his or her agents;
5. The tenant deserves quiet enjoyment of the rental unit while the lease or tenancy lasts;
6. The tenant needs to enjoy his or her privacy and the landlord must give at least two days (48 hours) notice in advance before entering the tenant's rental unit;
7. The tenant deserves to get a proper notice before rent is raised, or services are decreased
8. The tenant has a right to exclusive possession of the premises for the duration of the rental agreement, as long as the tenant does not default on rent payments.

While the sources of this information may be foreign, the fact is that in Nigeria in general and in Lagos in particular, landlords still need to provide tenant with rental units that are habitable, make repairs to keep the rental units in a fit and liveable condition, need not exploit their tenants by arbitrary rent increases, unlawful eviction, or reduction of services and need to provide their tenants with enjoyment of the rental unit while the lease or tenancy lasts, among others.

2.1.9 Characteristics of Tenants in Developed Countries

From the study conducted by Threshold (2007), the characteristics of tenants in Ireland are not better than those in developing societies. The reasons are as follows:

- a) In Ireland, the most vulnerable people in the Irish society live in the rented sector. These tenants are vulnerable because they are more likely to be poor. They are also vulnerable because tenants have historically been overlooked in the country's public policy.
- b) Some tenants live in substandard accommodation because that is what they can afford.
- c) The Rental Accommodation Scheme rolled out in the country by the government provided better quality accommodation to families and tried to eliminate disincentives for people to take up employment.

However, another study by the Department for Communities and Local Government (2009) suggests that many move into the private rented sector (PRS) in Europe and other developed countries *as* a result of change in circumstances such as divorce or a change of job. According to Scanlon and Whitehead (2011), tenants in developed Europe and in other states they surveyed in their study showed that they were a mix of well-off and rich tenants to middle-income renters as well as low-income tenants. They also observed general features that these renters had.

- a) Ease of access and low costs of moving – so those who expect to be mobile and those who have sudden changes in housing situation such as separation from a partner often move to the sector.
- b) Ease of exit, making it useful when people are uncertain about future behaviour. For instance, households often live first in rented accommodation when they move to a new area for employment.
- c) Availability to students – it is the major tenure of students living away from the parental home.

They explain that for these reasons the PRS in developed societies suggests renters who enter the sector during the early stages in a housing career. However, they also point to the evidence that the PRS in places such as London houses substantial numbers of households and families in the middle age groups. The proportion of households in their late twenties and early thirties in the sector has increased particularly in the last 15 years (DCLG, 2009; Rugg and Rhodes, 2008). It

has also been observed that the PRS is particularly popular with recent migrants and houses a substantially higher proportion of people born outside the UK than any other tenure such as public housing, social housing, cooperative housing and others (DCLG, 2009).

Referring to their study once again, Scanlon and Whitehead (2011) have identified the expectations of tenants in developed countries as follows:

1. Good quality management and maintenance of rental units are important to all renters, and there is evidence that private renters value landlords who respond quickly to problems.
2. Tenants also value the lack of responsibility for maintaining the home themselves and the resultant costs that owners incur.
3. Tenants want transparent and enforceable contracts with their landlords. However, as they observed in certain circumstances when tenants want to enforce their rights such as compel landlords to effect repairs in their rental units, it has led to ‘retaliatory evictions’ where the landlord decides to evict them without having to give a reason.
4. The private rented housing sector contains a higher proportion of flats than other tenures, suggesting that private renters are more flexible in their space requirements and/or the need for a garden than owners. It is often concentrated in the centre of cities, and in particular in London, suggesting that location may be more important than size of dwelling for tenants.
5. However, tenants, for example in London, would prefer to live in other tenures apart from the private rented sector. This suggests that the PRS is rarely the long-term tenure of choice for these tenants because they still want to get house ownership when their economic conditions improve.

Monk and Whitehead (2010) carried out a study in which they tried to determine what was more important to tenants in the three different types of tenure as captured in the table overleaf:

Table 2.1: Tenants' Preferences in Renting Under Three Different Types of Tenure

Tenants' Preferences	Owner Occupation	Private Renting	Social Renting
1. Control	H	L	L
2. Security/Stability	H	L	H
3. Wealth Accumulation	H	L	L
4. Choice	H	M	L
5. Protection from Rent Risk	H	M	L
6. Financial Flexibility	M	M	L
7. Ease of Access and Exit/Mobility	L	H	L
8. Protection from House-Price Risk	L	H	H

Source: Monk and Whitehead (2010)

On a high, medium or low scale, it is evident that tenants in developed countries prefer private renting because of its ease of access, exit and mobility and because it protects them from house-price risk while they score low on mostly other variables.

2.1.10 Characteristics of Tenants in Developing Countries

As established earlier, the characteristics of rental housing market in developing countries is dominated by the informal sector landlords. This throws a reflection on the types of tenants that take up housing units in developing countries. Most of these tenants fall within the low-income or middle-income bracket (Gunter, 2014). As Gunter observed from his interviews of tenants in Johannesburg, these tenants mentioned that renting in the informal housing market was difficult and unstable. The tenants expressed concerns about security of tenure, the scarcity of 'decent' accommodation, high rental costs and the arbitrary nature of changes and decisions made by landlords. They also claimed that the situation was exacerbated by the large demand for accommodation and that they were aware that if they left their current accommodation there was no guarantee that they would find an alternative.

Based on studies carried out in 19 large cities in Third World countries, namely, Bangkok (Thailand), Bogotá, Bucaramanga and Mexico City (Colombia), Buenos Aires (Argentina), Cairo

(Egypt), Caracas (Venezuela), Delhi (India), Guadalajara and Puebla (Mexico), Harare (Zimbabwe), Jakarta (Indonesia), Kumasi (Ghana), Lagos and Port Harcourt (Nigeria), La Paz (Bolivia), Nairobi (Kenya), Santiago (Chile) and Santa Cruz (Bolivia), Gilbert *et al.* (1997) observed a trend that unified the tenants in these countries. First, many tenants went for rental housing because that is what is mainly available in the housing market in many of the countries surveyed. Second, tenants and their households tend to be younger than those of owners, although many older households also live as tenants. Third, tenant families are smaller than owner households and tend to be poorer. However, because tenant families are much smaller than other households, they often have higher per capita incomes. Fourth, owners tend to have lived longer in the city than most tenants or sharers, especially in regions where many tenants wish to return “home” to their villages at some point in time in the foreseeable future. Fifth, there is a widespread preference for ownership among both owners and tenants. While most owners were once tenants or sharers, few families now renting or sharing accommodation have owned previously. Owners value the sense of security, and having something of one’s own gives an important boost to a family’s self-esteem. They also like the idea of being free from rent payments having invested their savings in building a housing unit, part or whole of which is rented out for income generation.

Ownership in most countries has become a common family goal, albeit in some places one that is unachievable. Sixth, some households remain in rental or shared accommodation even though they have the resources to acquire their own self-help home. Their reasons include the fact that self-help ownership involves a great deal of hardship, a period of living without infrastructure and services, and much more travelling since new self-help settlements are nearly always much farther away from the centre or areas of employment and tend to have worse bus services. As Gilbert *et al.* (1997) put it, when tenants say that they want a home of their own, they may not mean that they are prepared to build their own house but that they desire ownership of a custom-built house. This ownership however does not mean living in a shack. Some other tenants who want ownership fear for the risk of losing mobility and the flexibility that renting brings.

Seventh, Gilbert *et al.* (1997) argue that the surveys reveal that some tenants were actually enjoying their tenancy, a picture contrary to what many people are made to think about when the issue of the landlord-tenant relationship is being discussed. Surveys reveal that many tenants get

on with their landlords and are not constantly being threatened with eviction. For tenants with guaranteed tenure living near the centres of Cairo, Delhi or Mexico City, for example, renting may offer just as much security as ownership (Gilbert *et al.*, 1997). Lastly, many families continue to rent because the cost is low.

Tenants in developing countries are characterised by their income, age, household structure, gender (male or female), ethnicity or migrant status and their lifecycle. According to the report by the UN-HABITAT (2003, 2006), tenants in developing countries are defined by their income. Wealthy tenants rent luxury apartments from the city centre and do business in the same locations while middle-income and low-income tenants rent houses they can afford even if it means living away from the city centres. Also, most tenants are still of young ages, some students or young graduates trying to find their paths in life. This also includes recent arrivals from the country sides or villages seeking the greener pastures and all of whom will want to start in the private rented sector. The household structure as described by the UN-HABITAT shows that tenants in developing countries usually have smaller households, many are young couples with one or two babies while others may be singles yet to settle down martially. Regarding gender, UN-HABITAT observes that in many developing countries more tenant households have female heads than owner households as is evident in Cochabamba (Bolivia) and in several Mexican cities. They claimed this situation is similar in West Africa because women find it harder to access home ownership, are often excluded from inheritance and from official housing programmes offering owner-occupation. Coupled with the fact that most female-headed households tend to be poorer, they find it difficult to enter any other form of tenure apart from the private rented sector.

Tenants in developing countries have been distinguished based on their ethnicity or migrant status. Most tenants in large cities in developing countries are migrant workers who move from other parts of a country or outside the country to settle in the cities because of work and other available opportunities there. Tenants also have been distinguished according to their life cycle as evidence shows that young people tend to avoid the responsibilities of home ownership whereas families are often obliged to take them on (Dabara *et al.*, 2012). Cultural factors have also been linked to this variable. For instance, because young people tend to leave the parental home at relatively early age, often to go to university in the UK, they may settle in rented units rather than own their own homes (UN-HABITAT, 2003). This does not happen in Chile, Italy or Spain where young men

tend to stay at home until they marry (UN-HABITAT, 2003). Hence there tends to be a greater proportion of young people in rental housing in British cities and fewer in those of Chile, Italy or Spain. Thus, while the tenant characteristics in developing countries are similar to those of developed countries, there seem to be slight differences in the area of gender determining access to a housing tenure, among others.

2.1.11 Landlord-Tenant Relationship in Nigeria

The landlord-tenant relationship in Nigeria has been argued not to be different from the perspectives shared from other parts of the world. According to Wahab and Adetunji (2015) in a recent work, while landlord-tenant relationship is founded on an agreement and is usually reasonable, some common problems have been observed. According to Wahab and Adetunji (2015), tenants were said not to take good care of the rental housing, and that they defaulted in their rental payments while landlords were used to arbitrary rent increases and were impatient with their tenants when rent was paid a little late. This is why some scholars have concluded that the perception is that landlord-tenant relationship in Nigeria is not cordial (Francis, 2009; Kumar, 2001; Rakodi, 1995; Wahab and Adetunji, 2015; Wahab and Odetokun, 2014). The matter is further worsened by a tradition of informal agreements between landlords and tenants which could be exploited by either of the parties. According to Wahab and Adetunji (2015), there are downsides to having informal tenancy agreements. Landlords could exploit the situation to raise the rent at random, squeeze tenants into limited space, fail to repair the rental property until its condition deteriorates or disregard the needs of their tenants and the terms of rental agreement. This becomes all the more possible when landlords envisage that there is a serious shortage of low-income housing in the city.

Thus, there is a strong relationship between housing and conflict (Wahab and Odetokun, 2014). Many authors have identified different types of conflicts within the tenancy arrangement. These include conflicts which arise from interpersonal relationships between tenants (Agboola and Kassim, 2007; Awodiran, 2008; Wahab and Odetokun, 2014); between landlords and tenants (Kehinde, 2010; Kolugo, 2010; Olusola, 2009; Shodayo, 2011), and even between landlords and landlords. Agboola and Kassim (2007) have also identified conflicts between professionals in the housing industry. According to Wahab and Odetokun (2014), each stage of the housing

development process generates conflict such as the one between craftsmen/artisans and the developer. Conflict also could arise from the management and use of construction materials, theft of materials, time of completion, deployment of personnel, and non-compliance with approved architectural design, among others. Thus, for them, tenancy disputes are some of the types of disputes that have assumed a global perspective in the conflict literature (Wahab and Adetunji, 2015).

In tenement properties (or what some refer to as face-me-I-face-you) in Lagos and many parts of Nigeria where the occupiers are mostly low-income earners, this type of property usually consists of many room units flanking a central passage and also generates conflicts among the tenants (Oni, Durodola and Oni, 2014). This is because these tenants are from different orientations and backgrounds, and share incompatibility in many areas such as lifestyles, worldviews, and behaviours. Oni *et al.* (2014) observe that tenants in these kinds of rental properties blare different kinds of music from their rooms, and share the inadequate facilities such as bathrooms, kitchens and toilets on a rotational basis, leading to disagreements, misunderstandings, quarrels and sometimes bloody or sweaty open confrontation. They further identified the causes of conflict between tenants as a result of acts such as misrepresentation (rumour mongering), backbiting, clashes and fights between tenants' children, amorous affairs between neighbours which could affect certain interests, envy, uncooperative attitudes in certain important group tasks such as cleaning the common areas, inadequate infrastructure such as bathroom, kitchen, toilet, and non-settlement of bills (electricity, and community levies). All of these, for them, cause disputes between tenants living in tenement housing. If these disputes are not managed or resolved on time, they could bring about costly and harmful consequences to disputants such as criminal charges, loss of income and time, damage to the landlord's properties, damage to conflicting parties' personal properties, bodily injuries to parties, poisoning and death, distrust, noisy and rowdy environment, and discomfort to neighbours. Oni *et al.* (2014) also looked at different approaches tenants adopted in resolving their disputes and listed them in the following order:

- a) Co-tenants' intervention
- b) Ejection of conflicting tenants by the landlords or their representatives
- c) Parties' own accord to reconcile
- d) Landlord's/Agent's Intervention

- e) Police intervention

They also considered Estate Surveyor's approaches to resolving conflicts among tenants to include:

- a) Prevention of conflicts through stringent tenants' recruitment process
- b) Quitting of parties when there is an impasse
- c) Prevention of overcrowding of unit accommodation
- d) Ejection of parties if conflicts continue after the advice to quit
- e) Engagement in dialogue and negotiation
- f) Holding of regular meetings
- g) Provision of adequate infrastructure
- h) Creation of personally affirming environment

However, their study failed to indicate whether these peace-making approaches were effective enough to douse tenant versus tenant conflict in tenement housing units. There was particularly no recourse to formal mediation process like the one provided by the CMC.

According to Njoku and Okoro (2014), urban renewal in Lagos State leads to housing conflict between landlords and tenants. This is because urban renewal which involves the demolition of slum housing and construction of better and more costly ones, leads to the displacement and eviction of low-income tenants and afterwards increase in rental rates of the new housing structures which the original occupiers may not be able to afford. This situation can lead to conflict in two ways: one, before the demolition, landlords and tenants might be at loggerheads regarding the suddenness of the eviction process or tenants may rue the fact that they are being evicted unjustly or because the landlord is greedy. Two, after renovation or reconstruction of properties, if landlords are seen not to be concerned about maintaining the same properties to which they charge a monthly, quarterly or yearly income (rent), it may lead to disputes between them and their tenants.

Nwanna (2012) has also identified the role that gentrification plays in Lagos State, especially, with regard to how developers bought up abandoned buildings in former Maroko and harassed low and middle-income tenants into leaving their buildings so that these buildings could be converted for high profits. The study observed that low-income tenants found their rents suddenly doubled and

tripled, while evictions were common and landlord-tenant disputes abounded as a result. For this author, gentrification could trigger landlord-tenant disputes.

In a study conducted in 2011 which examined the relationship between students belonging to the Lagos State University, a non-residential university, and their landlords, findings revealed that securing accommodation in off-campus houses were difficult because of the gender of the students (Yusuff, 2011). Also, the landlords were arbitrary about their rent increases without considering the financial situation of the students or their parents. Yusuff (2011) also noted that while the rents were expensive, the houses were deficient in meeting the requisite minimum standards that make for a healthy and comfortable living. She also mentioned that not only were these female students discriminated against more than their male counterparts, they often were exposed to sexual harassment by their landlords or landlords to be who request to have sexual affairs with them before granting them accommodation in their houses. Thus, the study revealed that 48.2% who were male students had cordial relationship with their landlords/landladies, while only 17.1% of the female respondents had cordial relationship with the landlords/landladies. However, 54.3% of female respondents and 34.1% of male students had conflictual relationships with their landlord/landladies. Probing further to find out the causes of the conflict, the students complained of the physical and mental disturbances they experienced at their hostels. About 46% of the male population expressed their angst at the neighbours' disturbances as the major sore point. These included noise pollution coming from neighbours generating sets, dirty premises or anti-social behaviours of the co-tenants.

The problems tenants face within the rental housing system must have informed some of them looking out to own their properties, particularly, when they can afford to do so. In their study of the implication that trends in urbanisation have on planning and low-income housing delivery in Lagos State, Opoko and Oluwatayo (2014) observed that the high cost of renting accommodation and the idiosyncrasies of shylock landlords have forced the average urban resident in Nigeria, particularly in Lagos, to prefer ownership of his or her residential unit to renting. Ibrahim and Ojo (2013b) add that most landlords in major cities in Nigeria embark on arbitrary increments of rents by unreasonable proportions at regular intervals, often using this as a strategy to eject tenants who are unable to keep up with such irregular increments. This situation forces tenants who have the wherewithal or can access some affordable financing to aim at building a residential abode for

themselves. Nevertheless, Opoko and Oluwatayo (2014) posited that access to decent housing whether on rental or owner-occupier basis has remained a fleeting dream for many Lagos residents. This is so because of the many difficulties encountered in accessing vital housing inputs like land, finance, building materials and labour. By implication, when landlords have successfully built their property for residential or commercial renting, they rent out the properties with the goal to recoup their investment in time. They also put in processes that deter tenants from either defaulting in rental payment or not paying their rents as and when due. A breach of any of these expectations leads to landlord-tenant disputes.

If landlord-tenant disputes are inevitable within the housing system, then what are the ways by which these disputes have been resolved by the parties? Several studies have identified indigenous participatory techniques used in resolving conflicts internally among landlords and tenants in different parts of Nigeria. In a study carried out in Ondo Town, South-West, Nigeria, these indigenous dispute resolution techniques involved elders including landlords and mediators made up of members of the executive committee of landlord associations, community leaders (*Baale* or Ward Chief) and opinion leaders (Wahab and Odetokun, 2014). Shodayo (2011) finds mediation (44.4%) as the major strategy used for the settlement of disputes between landlords and tenants in multi-tenanted houses in Eti-Osa LGA of Lagos State. This strategy was used by the following stakeholders: the landlord associations (42.9%), elders in the community (3.4%), Estate Surveyors/Managers/Agents (35.1%), the law court (12.7%), the police (2.4%) and local government/town planning authority (3.9%). However, Kehinde (2010) reports that in some housing areas in Lagos when tenants are in conflict with their landlords, the landlords report to the police (20%), take legal action (24%), eject (4%) or appeal to the tenants (4%) while some tenants may also appeal to their landlords (53.3%), report to appropriate agencies (18.7%) or to relevant estate managers (21.3%), or resort to litigation (6.7%) (Kehinde, 2010).

These studies suggest that the housing system is fraught with conflicts involving different parties: tenants versus tenants, landlords versus tenants, landlords versus landlords and even between professionals in the housing industry. The causes of these disputes have also been identified and the various attempts made to resolve the disputes were also considered. However, it is worth mentioning that none of these studies observed the use of mediatory services provided by the

Citizens Mediation Centre by the disputants in resolving their disputes. Rather, the studies mentioned the use of mediation in an informal way to address landlord-tenant disputes among other conflict resolution devices. This is why this study seeks to study the effectiveness of the CMC's mediation services in resolving landlord-tenant disputes particularly in those locations that fall within its catchment areas.

2.1.12 Alternative Dispute Resolution Mechanisms

This section is important because mediation which has been defined earlier on is not the only form of ADR process. There are others and they will be explained in this section.

1. **Arbitration** is one of the popular ADR mechanisms used in commercial contracts and to resolve other civil disputes in the society. It is a process in which disputing parties agree to settle their differences in a private process outside the court system by appointing a neutral third party to render a decision (Fiadjoe, 2004; World Bank Group, 2011). Arbitration is governed by national law and leads to a binding decision that is enforceable through the courts (World Bank Group, 2011). Arbitrators are frequently chosen for expert knowledge of the industry concerned in the dispute (World Bank Group, 2011). The process is flexible and adaptable. Parties typically commit to using an established arbitral organisation with a fixed set of rules which serves as a buffer between the parties and helps preserve neutrality, uniformity, and efficiency. The proceedings are less formal than litigation and aspects such as rules of evidence are more relaxed (Fiadjoe, 2004). Arbitration is typically faster and cheaper than litigation (although this can depend on the complexity of the dispute and the willingness of the parties to cooperate). It offers the parties confidentiality, and may be more amicable than litigation (Fiadjoe, 2004; Shah and Gandhi, 2011; World Bank Group, 2011).
2. **Conciliation** is an alternative dispute resolution process whereby the parties to a dispute (including future interest disputes) agree to utilise the services of a conciliator, who then meets with the parties separately in an attempt to resolve their differences. Conciliation differs from arbitration in that the conciliation process, in and of itself, has no legal standing, and the conciliator usually has no authority to seek evidence or call witnesses. The conciliator usually writes no decision, and makes no award. Conciliation differs from mediation in that the main goal is to conciliate, most of the time by seeking concessions. In mediation, the mediator tries

to guide the discussion in a way that optimises parties' needs, takes feelings into account and reframes representations. In conciliation the parties seldom, if ever, actually face each other across the table in the presence of the conciliator. Most practising mediators refer to the practice of meeting with the parties separately as "caucusing" and would regard conciliation as a specific type or form of mediation practice called "shuttle diplomacy" which relies exclusively on caucusing (Lack, 2011).

3. **Expert determination** is a historically accepted form of dispute resolution invoked when there is no *formulated dispute* in which the parties have defined positions that need to be subjected to arbitration, but rather both parties are in agreement that there is a need for an evaluation, for example in a preceding contract. The practice itself is millennia old and well established where complex legal institutions either have not developed, or are unavailable, such as tribal societies and criminal organisations.
4. **Negotiation** is the process whereby interested parties resolve disputes, agree upon courses of action, bargain for individual or collective advantage, and/or attempt to craft outcomes which serve their mutual interests. It is usually regarded as a form of alternative dispute resolution. Given this definition, one can see negotiation occurring in almost all walks of life, from parenting to the courtroom. In the advocacy approach, a skilled negotiator usually serves as advocate for one party to the negotiation and attempts to obtain the most favourable outcomes possible for that party. In this process the negotiator attempts to determine the minimum outcome(s) the other party is (or parties are) willing to accept, then adjusts her demands accordingly. Traditional negotiating is sometimes called *win-lose* because of the hard-ball style of the negotiators whose motive is to get as much as they can for their side. In the Seventies, practitioners and researchers began to develop *win-win* approaches to negotiation. This approach, referred to as Principled Negotiation, interest-based, integrative or mutual gains bargaining (Lack, 2011).
5. **The Ombudsperson** is an informal dispute resolution tool used by organisations. A third-party ombudsperson is appointed by the organisation to investigate complaints within the institution

and prevent disputes or facilitate their resolution. The Ombudsperson may use various ADR mechanisms in the process of resolving disputes (Lack, 2011).

6. **Combined Neutrals** is a single hybrid process gaining traction. It is occasionally used by the Weinstein Group at JAMS in the USA, and by Result ACB in The Netherlands, apparently with great success. The idea is to appoint a team of at least two neutrals, one of whom can act as a mediator (i.e., non-evaluative) and the other as a conciliator or arbitrator (i.e., evaluative). The mediator works closely with the conciliator or arbitrator to optimize the chances of reaching an amicable settlement. If so agreed by the parties, and depending on how the case evolves or the expertise required, the mediator may also act evaluatively. The neutrals can thus be viewed as a team of ‘co-med arbiters’ who have complementary views and expertise, one of whom can focus on process issues and the other on substantive issues. In addition to conferring the advantages of co-mediation (in that two brains are always better than one), the process also allows for outcome certainty in that the co-neutrals can design the process to provide a binding outcome if needed. It also means that the parties can appoint a team of neutrals who have complementary subject matter or professional skills [e.g., a lawyer and a doctor, or a judge and a financial analyst] (Lack 2011).

2.1.13 Principles of ADR Mechanisms

There are principles that undergird ADR techniques and give them their distinctive character as extra-judicial dispute resolution approaches. These principles could also be regarded as benchmarks for good ADR practice (Condliffe, 2003) or merely as principles that characterise the ADR process (Centre for Public Health Law, 2004; Law Reform Commission, 2008, 2010). They include:

1. **Voluntariness:** Most ADR processes are made voluntary for parties involved in a dispute. It is only in a few cases that they are made mandatory for disputants.
2. **Accessibility:** they promote greater access to justice because they are readily available, are easy to use and there are no cost barriers;
3. **Independence:** The neutrals are independent from those funding them;
4. **Fairness.** Decisions are fair and seen to be observing the principles of procedural fairness;
5. **Accountability:** Neutrals are accountable to the public;

6. **Efficiency:** Complaints are kept track of so they are dealt with by the appropriate forum and performance is regularly reviewed. The parties can decide on the location, language and to a great extent, the timing of the hearing to facilitate the parties and their witnesses.
7. **Effectiveness:** There are appropriate and comprehensive terms of reference and periodic independent reviews of performance.
8. **Flexibility:** The neutral is typically chosen by the parties or nominated by a trusted third party.
9. **Specialist knowledge:** The neutral will usually have specialist knowledge of the field in which the dispute emanates.
10. **Informality:** The process is less formal than the court system.
11. **Certainty:** For instance the arbitral award is binding and enforceable.
12. **Finality:** The arbitral award is final and cannot be appealed.
13. **Speed:** The process observes celerity and results in cost savings.
14. **Privacy:** ADR processes are normally conducted in privacy thus promoting confidentiality during and after the proceedings.
15. **Right to Withdraw from Mediation or Conciliation:** Either of the party has the right to withdraw from the process.
16. **Self-Determination:** The Mediation process, for example, is based on the underlying concept of party autonomy which permits the parties to retain virtually all of the power over the resolution and outcome of their dispute.
17. **Capacity to Participate:** Party capacity to participate in a mediation or conciliation or any of the ADR forums is an aspect of self-determination that extends to a continuum of potential obstacles to full participation by a broad range of persons. Mental illness, domestic violence, abuse, duress, fraud, and stress associated with conflict may impact a party's ability to use the process effectively and to make informed decisions which may have serious legal and personal consequences for them.
18. **Informed Consent: This also points to the principle of voluntariness. Parties to mediation or conciliation** are to be fully informed about the process by the neutral and independent mediator or conciliator before they consent to participate in it. They are to be assured that their continued participation in the process should be voluntary, and that they understand and consent to the outcomes reached in the process.

19. **Seeking Independent Advice during a Mediation or Conciliation:** Parties should be encouraged to seek independent advice, legal or otherwise, before signing an agreement entered into at conciliation or mediation.
20. **Limitation Periods:** There must be a guarantee that parties who choose mediation in an attempt to settle a dispute are not subsequently prevented from initiating judicial proceedings or arbitration in relation to that dispute by the expiry of limitation or prescription periods during the mediation process.
21. **Quality and Transparency of Procedure:** To the extent that mediation resolves a dispute which may otherwise have been decided by litigation in court, the questions of the training quality and accountability of mediators are crucial matters that must be considered.
22. **Application of Equity:** Equally important, ADR programmes are instruments for the application of equity rather than the rule of law. Each case is decided by a third party, or negotiated between disputants themselves, based on principles and terms that seem equitable in the particular case, rather than on uniformly applied legal standards. ADR systems cannot be expected to establish legal precedent or implement changes in legal and social norms. ADR systems tend to achieve efficient settlements at the expense of consistent and uniform justice. In societies where large parts of the population do not receive any real measure of justice under the formal legal system, the drawbacks of an informal approach to justice may not cause significant concern.
23. **Direct Participation and Communication between Disputants:** Other characteristics of ADR systems include more direct participation by the disputants in the process and in designing settlements, more direct dialogue and opportunity for reconciliation between disputants, potentially higher levels of confidentiality since public records are not typically kept, more flexibility in designing creative settlements, less power to subpoena information, and less direct power of enforcement. While the impact of these characteristics may not be clear, even in the United States where ADR systems have been used and studied more extensively than in most developing countries, many argue that compliance and satisfaction with negotiated and mediated settlements exceed those measures for court-ordered decisions (Brown, Cervenak and Fairman, 1997).

2.1.14 Alternative Dispute Resolution in Africa and in Other Parts of the World

The strict Western litigation process has been frowned at as not having delivered greater and inexpensive access to justice. A Western scholar and Professor of Law at the Yale University, Fred Rodell was once quoted to have said:

It is lawyers who run our civilization for us - our governments, our businesses, our private lives... We cannot buy a home or rent an apartment, we cannot get married or try to get divorced, we cannot leave our property to our children without calling on the lawyers to guide us. To guide us, incidentally, through a maze of confusing gestures and formalities that lawyers have created... The legal trade, in short, is nothing but a high-class racket (Adekoya, 2013, p.1).

Medha (2005, p.27) also cited the quote by Justice Warren Burger, the former Chief Justice of the American Supreme Court in her observation of the legal environment in India:

The harsh truth is that we may be on our way to a society overrun by hordes of lawyers, hungry as locusts, and bridges of judges in numbers never before contemplated. The notion — that ordinary people want black-robed judges, well-dressed lawyers, and fine panelled courtrooms as the setting to resolve their disputes, is not correct. People with legal problems like people with pain, want relief and they want it as quickly and inexpensively as possible.

With these quotes, it means some members of the bar themselves are aggrieved with the weaknesses of the formal justice system and this is why increasingly lawyers, judges and law teachers have rooted for the use of ADR mechanisms in resolving various kinds of disputes.

Alternative Dispute Resolution (ADR) refers to a wide range of processes that involves the presence of a neutral person who assists parties involved in a dispute in addressing a problem or issue. Alternative dispute resolution is not new in Africa or in different parts of the world as different processes of resolving disputes between and among warring or conflicting parties. In fact, as Adekoya (2013) contended, ADR is the modern version of an ancient set of practices that lent themselves to bringing peace and stability to human communities in many societies before modern civilisation. She adds that traditional societies in all parts of the world have featured variations of third-party arbitration and mediation. In Africa, particularly, ADR is not an imported concept, rather it is embedded within the peace processes found in many African cultures. Many third-party roles have been played by the village head or the council of elders when a dispute arises or a

complaint is made. Many times, they resort to counselling and traditional arbitration before matters end up for adjudication at the village head's place. She also mentioned the role family heads, the local priest or just a close confidant or trusted family friend played in resolving conflicts for many African families. She admits that it was the encroachment of Western civilisation that almost swallowed and replaced these practices until the complexities of the legal and adjudicatory systems, which reduced satisfaction with legal outcomes among disputants resulted in a rediscovery of ADR in the 1970s in many parts of the world (Adekoya, 2013).

Gowok's account of how dispute resolution was carried out in Ethiopia in the past and the place of traditional ADR mechanisms is not different from the above thoughts expressed by Adekoya (Gowok, 2007). Gowok mentions that mediation and conciliation methods were used in various forms of settlement involving families such as between husband and wife, parents and children, between communities, nations, and in even labour relations. These peaceful methods grew out of the belief that peaceful resolutions of matters are better options than using violence. These methods were pushed aside by modernity and the formal court process took over. He however mentions the rise of preference or demand or both for ADR processes today as court caseloads continue to swell, and disputants continue to feel disaffection for a settlement process that is adversarial, costly, consumes time and leaves disputants at cutthroat enmity. This situation has prompted the need for ADR in Ethiopia and in other legal jurisdictions.

According to Uwazie (2011), many African citizens have lost faith in the ability of their nations' courts to provide timely or quick justice to their grievances. He points to a 2009 survey in Liberia which reckoned that only 3 percent of criminal and civil disputes were taken to a formal court while over 40 percent sought resolution through informal mechanisms. The remaining 55 percent went to no forum at all. The latter involved cases that had to do with claimants who felt the need to take justice into their own hands, often with violent consequences. Thus, Uwazie (2011) affirms the criticality of a dispute resolution that was prompt to mend frayed nerves and broken relationships especially as post-conflict African states need not play with any form of crises which could snowball into fragile contexts. He believes that without timely, accessible, affordable, and trusted mechanisms to resolve differences, localised disagreements or crimes can degenerate into broader conflict. He concludes that without ADR, the culture of violence and vigilante justice will be sustained.

Thus from the 1970s and 1980s, ADR has gained popularity all over the world as an alternative to traditional litigation (Senft and Savage, 2003; Southerland and Sez nec, 2003). The use of ADR in a variety of dispute contexts has grown rapidly in recent years, and has been institutionalised to a large extent through the introduction of legislative schemes and through the development of professional bodies which have fostered the use of ADR processes. There is also an agreement that ADR processes are not ‘new’ but rather have been rediscovered, as informal justice mechanisms have long been the dominant method of dispute resolution in many societies, and in indigenous communities in particular (Southerland and Sez nec, 2003). The popularity and use of ADR processes have spread into other areas, such as family, environmental, commercial and industrial disputes. Part of the support for the use of ADR processes sprang from a radical critique of the traditional Western justice system which has been criticised as being expensive, inaccessible, conflict-inducing, and disempowering for those involved. In contrast, ADR has been seen as a more accessible, flexible and efficient form of justice which allows for the active participation of all parties and assists in the preservation of relationships. Alternative dispute resolution (ADR) is used around the world by businesses to resolve their commercial disputes. In the United States, nearly 100 percent of U.S. corporations use ADR, with 80 percent indicating that ADR is a more satisfactory process than litigation (Lipsky and Seeber, 1998). ADR is now applied in all industries and invoked in a wide spectrum of disputes, from corporate finance to employment. Contrary to widespread belief that always puts Africa down, venues for ADR are increasingly available in Africa. In West Africa alone, there are over 16 regional and local ADR centres serving investors and the community and over 65 law firms offering ADR services (Southerland and Sez nec, 2003).

2.1.15 Advantages of ADR Processes

As Omaka (2011) observed, the uptake of ADR depends on a combination of three critical factors. First, the extent to which disputants and their advisors are aware of ADR. Second, the adequacy of the supply of ADR services for those that would wish to take up ADR services. Third, the perceived advantages and disadvantages of ADR. This section is concerned primarily with the third of those factors. It notes, however, the low level of awareness of ADR among disputants, and the critical and influential position of lawyers in determining whether disputants seek resolution through ADR. The advantages of ADR mechanisms are drawn from the following sources (Centre for Public Health Law, 2004; Department for Business Innovation and Skills, 2014; Gowok, 2007;

Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011) as follows:

ADR mechanisms strengthen judicial modernisation efforts. They support and complement court reforms including decongestion of caseloads and court dockets. They bypass ineffectiveness in some courts processes by providing greater access to justice for citizens, disadvantaged groups and the poorest of disputants. They increase popular satisfaction with dispute resolution. They reduce delay in the resolution of disputes. ADR techniques also reduce the cost of resolving disputes and increase civic engagement and create public processes to facilitate economic restructuring and other social change.

Through ADR programmes, the level of tension and conflict in a community is reduced. They also help to manage disputes and conflicts that may directly impair development initiatives. ADR processes also reduce the formality of the legal process and this speeds up the dispute resolution process. In communities and countries where illiteracy prevails, they overcome this barrier by providing neutrals who speak the local languages of the people.

In addition, ADR programmes can serve rural populations. ADR techniques can also reduce the delay in the resolution of disputes. Disputes are fewer and quicker to resolve using ADR mechanisms. ADR programmes can help manage conflicts that may directly impair development initiatives.

Very importantly, too, ADR platforms provide an opportunity for recipients of inappropriate behaviour, harassment and discrimination to be empowered. They also offer a safe place for emotions to be expressed, concerns to be aired, and needs to be acknowledged without negative and stereotypical labels such as victim, trouble maker, racist or harasser. They provide equal opportunities for participation without casting blame or concentrating on liability and punishment. “Win/win” or interest-based solutions that are future-focused, action-oriented and proactive prevail within the ADR paradigm.

ADR makes dispute resolution happen within hours, instead of years. Thus, they are often quicker than going to trial. They are also often less expensive, saving the litigants court costs, attorney's fees and expert fees. Moreover, ADR mechanisms aid greater participation and empowerment, allowing the parties the opportunity to tell their side of the story and have more control over the outcome. They allow for flexibility in the choice of ADR processes and resolution of the dispute and foster cooperation by allowing the parties to work together with the neutral to resolve the dispute and mutually agree to a remedy.

ADR programmes are often less stressful than litigation. Thus, most people have reported a high degree of satisfaction with ADR. They also encourage communication and self-reflection rather than blaming and pointing accusing fingers at someone else. ADR mechanisms allow people to identify and focus on their needs rather than their 'positions' or demands. They shift people from expressing their 'power' to collaborating on creative solutions to address current and future needs of all stakeholders.

ADR can be flexible and creative, allowing for remedies that may not be available in litigation (e.g. a change in the policy or practice of a business). ADR can also mitigate the stress of disputants. These could be as a result of fewer court appearances, the speed of the process and because the parties are tasked to be cooperative. More importantly, ADR processes promote confidentiality which can be useful for disputes that border on family, probate, commercial, intellectual property, landlord-tenant and other peculiar disputes that may require confidentiality. ADR can produce good results. Settlement rates for ADR processes are often very high, generally between 50% and 85% (Mack, 2003).

ADR preserves, improves or restores relationships among disputants. ADR processes also support economic development by reducing transaction costs of disputes and increasing certainty of investments. ADR lessens public expenditures for courthouse facility expansion and can lead to greater satisfaction for disputants because of the above points.

Generally, the principal advantages in the use of ADR procedures lie not only in relieving the burden on the judicial system, but also in increasing possible choices for the parties to a dispute. The win-win dimension that it brings to dispute resolution also preserves relationships and disputes

that are sensitive by their nature. As Nosyreva (2003) affirms, the role of the state is only to provide a set of fair procedures for the regulation of disputes from which the parties can choose the method that best corresponds to the character of their legal relationship.

2.1.16 Disadvantages of ADR Processes

A significant issue is whether and in which situations ADR processes should be used. It has been suggested that certain disputes should never be referred to ADR processes and that mediation or conciliation may not be suitable for all conflicts and all parties. Therefore, there are limitations or disadvantages with ADR mechanisms and these have also been compiled in this section from several sources (Brown *et al.*, 1997; Centre for Public Health Law, 2004; Lau Kin Ho, 1996; Lebovits and Hidalgo, 2010; Medha, 2005; NADRAC, 2011; World Bank Group, 2011).

They are as listed below:

ADR processes do not set precedent, refine legal norms, or establish broad community or national standards, nor do they promote a consistent application of legal rules. As noted earlier, ADR programmes are tools of equity rather than tools that promote the rule of law. They seek to resolve individual disputes on a case-by-case basis, and may resolve similar cases in different ways if the surrounding conditions suggest that different results are fair or reasonable according to local norms. In disputes for which no clear legal or normative standard has been established, ADR may not be able to overcome the power imbalances or fundamental disagreements over norms among disputants.

ADR techniques cannot correct systemic injustice, discrimination, or violations of human rights. ADR systems often reflect the accepted norms of society which may support the discrimination against certain groups and populations. When this is true, ADR systems may hinder efforts to change the discriminatory norms and establish new standards of group or individual rights. In India, for example, the lok adalats were generally credited with resolving large numbers of cases efficiently and cheaply in the mid-1980s before the system was taken over by the formal judicial process. Women, however, did not like the system, especially, for family disputes, because resolution of disputes was based on local norms, which were often discriminatory towards women, rather than on more recently defined legal rights. The same was true for members of lower castes.

ADR processes do not work well in the context of extreme power imbalance between parties. These power imbalances are often the result of discriminatory norms in society, and may be acquired through identity, education, wealth and social networks for which mediators or conciliators are unable to compensate. The absence of legal or procedural protections for weaker parties in ADR systems could sustain the power imbalance. For example, a more powerful or wealthy party may press the weaker party into accepting an unfair result, so that the settlement may appear consensual, but in fact result from coercion. For the same reason, ADR programmes may not work well when one party is the government, for example, except in international commercial transactions where most actors enjoy equal power balance.

ADR settlements do not have any educational, punitive, or deterrent effect on the population. Since the results of ADR programmes are not made public, ADR techniques are not appropriate for cases which ought to result in some form of public sanction or punishment. This is particularly true for cases involving violent and repeat offenders, such as in many cases of domestic violence. Societal and individual interests may be better served by court-sanctioned punishment, such as imprisonment. It is important to note, however, that victim-offender mediation or conciliation may be useful in some cases to deal with issues unresolved by criminal process.

It is inappropriate to use ADR to resolve multi-party cases in which some of the parties or stakeholders do not participate. This is because the results of most ADR programmes are not subject to standards of fairness other than the acceptance of all the participants. When this happens, the absent stakeholders often bear an unfair burden when the participants shift responsibility and cost to them. ADR is more able than courts to include all interested stakeholders in disputes involving issues that affect many groups, such as environmental disputes. When all interested parties cannot be brought into the process, however, ADR may not be appropriate for multi-stakeholder public or private disputes.

ADR may undermine other judicial reform efforts. There is a concern that support for ADR may siphon money from needed court reforms, draw management and political attention from court reform efforts, or treat the symptoms rather than the underlying causes of problems. While these concerns are valid, they will rarely materialise if ADR programmes are not designed to act as

substitutes for legal reforms. In most cases, ADR programmes will be far less expensive to start and operate than broad-scale judicial reform efforts. In Ukraine, for example, the USAID mission considers the mediation programme to be very inexpensive compared with other rule of law programmes. In Sri Lanka, the Mediation Boards resolve cases at a fraction of the cost the government would incur through the ordinary court system (Brown *et al.*, 1997).

ADR through court-ordered process or included in a contract can restrict access to the people's access to the courts. Some women's rights organisations have articulated this concern (Lebovits and Hidalgo, 2010). They consider arbitration clauses as a condition of employment to be oppressive. Mandatory-arbitration clauses prevent plaintiffs from litigating. The denial of access to the courts can result in lower compensatory awards, less negative publicity for the defendant, and a lack of precedent.

ADR can also be used to obtain improper discovery. These worries dissipate, however, when the choice to participate in ADR is voluntary. There is a concern that if one of the parties cannot afford an attorney, as is often the case for tenants and small landlords in landlord-tenant disputes, the unrepresented party will be at a disadvantage and opt to settle in ADR. Unrepresented litigants can experience coercion when they negotiate with a lawyer rather than litigate before a neutral judge sensitive to the rights and needs of unrepresented litigants.

Another disadvantage of choosing ADR over litigation is that arbitration can result in one party's giving up of a key term to find a middle ground, a term the party would have received in litigation. In that respect, litigation can be considered beneficial, but if the type of ADR and neutral are chosen well, then the parties will more likely resolve their disputes in accordance with their needs. In some cases, neutrals are not competent and an incompetent neutral can cause the parties to become more contentious than they were at the start of the resolution process. The inexperienced neutral can waste time and effort by allowing the parties to dwell on feelings unrelated to the specific problem they are trying to resolve. However, the use of ADR can ensure that expert third-parties handle disputes which fall into areas of their competence (Lebovits and Hidalgo, 2010).

According to Medha (2005), ADR processes could be faced with the problem of implementation such as wrong attitudes of disputants who consider victory only in win-lose terms and not win-win

as proposed by ADR. This is followed by law schools who train their students more for conflict than for the arts of reconciliation and accommodation and therefore serve the profession poorly. Other challenges that may face ADR are impediments to settlement such as poor communication between the parties and/or their lawyers, denial to express emotions which may be useful as healing process to one or both parties, different views of facts which cannot be substantiated (since witnesses are not allowed in the process and there is lack of evidence), different views of legal outcome if settlement is not reached, constituency pressures which could impede agreement, linkage of one dispute to another which may have an effect on other disputes involving one or both parties, multiple parties with diverse interests, and the “Jackpot” syndrome in which a claimant is confident of obtaining in a Court a financial recovery far exceeding his/her damages, and the defendant thinks it is unlikely.

ADR mechanisms have a very great risk of being ridden by corruption. For instance, in cases of negotiation between a rich educated person and poor illiterate man over a land dispute, chances of the negotiator being bribed by the rich person is very high. Thus, corruption can become a raging problem in ADR.

Though recourse to ADR as soon as the dispute arises may confer maximum advantages on the parties; it can be used to reduce the number of contentious issues between the parties; and it can be terminated at any stage by any one of the disputing parties. However, there is no guarantee that a final decision may be reached.

ADR procedures are said to be helpful in reaching a decision in an amicable manner. However, the decisions arrived at after a non-litigative procedure are not binding as they are voluntary. This makes the entire exercise futile as parties do not stick to their decision resulting in a waste of time and money.

ADR procedure permits parties to choose neutrals who are specialists in the subject matter of the disputes. This does not mean that there will be a diminished role for lawyers. They will continue to play a central role in ADR processes; however, they will have to adapt their role to meet ADR requirements. Neutrals and trained ADR experts are very few to cater to the vast population.

Since ADR proceedings do not require a very high degree of evidence, most of the facts regarding the dispute which would have been proved otherwise continue to be a bane in the discussion which may lead to dissatisfaction. In ADR, the parties can choose their own rules or procedures for dispute settlement. Arriving at them is the major hurdle. ADR programmes are flexible and not afflicted with rigorous rules of procedure. There is, therefore, a possibility of the parties going back on the agreed rules and programmes. This creates a delay and slows the process of dispute resolution. Also, flexibility and unconfirmed procedures make it extremely difficult to quote and use precedents as directives. ADR procedures were introduced to lessen the burden of the courts. However, since there is an option to appeal against the finality of the arbitral or mediation awards to the courts, there is no difference in the burden.

There are also some situations under which an amicable settlement through ADR is not favoured. Such situations include when one party may be owed money and simply be looking for the final and enforceable decision which can be obtained by resorting directly to litigation; when a party may owe money and seek to use amicable settlement as a delay and discovery mechanism – the other party may, therefore, be concerned about the delay, incurring extra costs and being disadvantaged in the subsequent litigation; and where adjudicative methods may be most appropriate for resolving some situations, such as frivolous claims, claims which compromise a particular principle, cases which involve bodily injury or alleged criminality (Medha, 2005).

However, these disadvantages can be neutralised when the dispute is right and ripe for ADR, when the neutrals are independent, impartial and honest and when the parties are willing and committed to the amicable settlement of their disputes.

2.1.17 The CMC and its Mediation Mandate Vis-à-vis Landlord-Tenant Dispute Resolution in Lagos State

The Office of the Citizens Mediation Centre was established in 1999 as a unit under the Directorate of Citizens' Right of the Lagos State Ministry of Justice (Citizens Mediation Centre, 2016a). The CMC later became a separate entity by Law No.6 of 2007 of Lagos State established by the Lagos State Government for the enlargement of access to justice to provide free legal services to the

needy and residents of Lagos State through an alternative dispute resolution mechanism i.e. mediation. The state government had reasoned that the traditional method of resolving disputes where and when negotiation fails was litigation but that with the economic, social and political development in the country, there was a considerable rise in the number of cases in the court system, putting tremendous pressure on the courts and necessitating alternative dispute resolution mechanisms that would be fair, fast and affordable for citizens. However, the Centre's mandate is to use mediation in resolving disputes for parties that willingly visit it or are compelled by the courts to use its services.

These were the major reasons for the establishment of the CMC with an overriding objective to present an alternative to litigation with the intent of decongesting the court and making justice more affordable for the indigent members of the society. The CMC believes that *Mediation* is fast, confidential, without prejudice, inexpensive, and is able to generate outcomes that would not usually be achievable by going to court (Citizens Mediation Centre, 2016a, 2016b). The Centre believes that mediation can be used at any stage of a dispute, and if proceedings have already been issued, judges are increasingly willing to allow a stay in order for mediation to take place. Thus, the CMC argues that there is little to lose by giving mediation a try because even if no action is likely to be taken, for example in the case of many business disputes, mediation has been shown to be highly effective as a means of resolving the sort of conflict that could otherwise paralyse an organisation's operations. The Centre maintains that disputants who desire to resolve a dispute but do not have the time, money and distraction that court involves should feel free to visit them and that they would be very pleased to help. They also promise would-be clientele to arrange a free, no-obligation, and confidential discussion about their case.

According to the information from the Centre, the mandate of the CMC is as follows:

Vision

To be the most efficient and effective dispute resolution Centre in Lagos State and Nigeria in General, through promotion of effective means of accessibility to justice by the less privileged.

Mission Statement

To serve as a non-adversarial dispute resolution Centre through the use of Mediation process dispensing justice fairly, speedily and without discrimination, fear or favour between the disputing residents of Lagos State, irrespective of tribe, race and religion.

Its Goals and Guiding Principles

- Provision of qualitative mediation through skilled mediators
- Timely management of disputes
- Accessibility to or by the public
- Commitment to improvement in service provision and responsiveness to public feedback

Its Core Values

- **Quality service**, providing appropriate, efficient and effective services by competent, qualified and highly skilled mediators;
- **Respect** for human dignity and worth of each person who is involved in Mediation. This ensures that people are treated with courtesy, consideration and tolerance, and that services are provided for all residents of Lagos State regardless of age, socio-economic status, race, colour, gender, disability or religious beliefs;
- **Integrity** and truthfulness in all our dealings with everyone that interacts with the Centre;
- **Accountability** and transparency in our work;
- **Confidentiality** and Impartiality; and
- **Commitment** to maintaining high professional and ethical standards in all aspects of our work.

CMC Services

Landlord/Tenant Disputes

The CMC is concerned about the timely, inexpensive and objective resolution of landlord-tenant disputes. It also believes that mediation is a better process to resolve such disputes through the intervention or use of a neutral third person called a mediator who acts to encourage and facilitate the resolution of such disputes. The Centre maintains that as an informal and non-adversarial process with the objective of helping the disputing parties reach a mutually acceptable and

voluntary agreement, mediation empowers both the landlord/landlady and the tenant with the decision making authority to reach amicable solutions for their dispute. The role of the mediator from the Centre, in this instance, would be to assist the parties in identifying issues, fostering joint problem solving, and exploring settlement alternatives (Citizens Media Centre, 2016a). In 2015 alone, the Centre mediated between scores of landlords and tenants on issues bordering on forceful ejection, arbitrary rent increases, injurious self-help measures by some landlords and tenants, and accumulated unpaid rent matters.

Employer/Employee Disputes

The CMC also states that mediation is a more appropriate alternative to litigation because it is typically less expensive and less time-consuming, and that it leaves control in the hands of the disputing parties rather than a judge and jury. This confers freedom on the parties to fashion their own solutions for both the employee and the employer. Mediation also provides the opportunity to resolve an employment dispute in a non-adversarial way so that valuable business relationships may continue after the dispute resolution process. According to the CMC, since the inception of the present Lagos State administration, its mediators have mediated over 360 employment disputes in Lagos State, including disputes involving racial, disability, gender, age, and national origin discrimination, sexual harassment, and employment contracts (Citizens Mediation Centre, 2016b). Its mediators have also mediated between supervisors and supervisees and between workplace peers to develop improved working relationships for the benefit of both employees and their companies.

Workers' Compensation Matters

At the CMC, their mediation service is extended to cover workers' compensation matters. Generally, since mediation centres around the parties' interest in finding a solution to the issue before the court, tribunal, or worker's compensation board, the CMC states that its neutrals help disputants or litigants by facilitating dialogue between the parties with the goal to reach an amicable resolution of their dispute(s). The mediation may involve the ultimate settlement of the workers' compensation case or it may be limited to a particular issue such as medical treatment for a torn rotator cuff, surgery on a back claim, or even mileage reimbursement. At the Citizens' Mediation Centre (CMC), the mediation settlement conference is free of charge to the

participants. Generally, the parties begin with an opening statement. Subsequently, the parties are separated into their respective “caucus.” The mediator then shuffles between the parties providing neutral insight to both parties as well as delivering messages. The information exchanged at the mediation is meant to be confidential (Citizens Media Centre, 2016a). The Citizens’ Mediation Centre (CMC), claims to have successfully mediated hundreds of claims and reached favourable results for workers and employers who visited the Centre (Citizens Mediation Centre, 2016b). Employees or employers in Lagos State area seeking resolution of an employment dispute without litigation are advised to visit any its centres for assistance.

Family Matters

The Citizens Mediation Centre understands that separation and divorce are difficult moments for families, hence the appropriateness of mediation as a dispute resolution process for parties. The aim of mediation, in this instance, is to help parties find sensible, workable arrangements, which, as far as possible, meet the needs of everyone, especially the children. CMC recognises that mediation can involve other family members for example grandparents. When the arrangements for children cannot be agreed, mediation offers a way of making those decisions. Within the mediation process, the children are and can be consulted and their views taken into account during the discussions. This reassures the children that their views are important to their parents. Mediation can also help to improve communication by reducing the chance of misunderstanding and arguments between spouses. This is especially important for children as they can be damaged by the ongoing conflict (Citizens Mediation Centre, 2016b). In order for Child Consultation to take place, both parents are advised to agree on the mediation process and carefully plan how the children would be taking care of if the intended divorce or separation is sustained.

Commercial Disputes

The CMC also offers services in Civil and Commercial Mediation. This is because mediation is now recognised as a serious and cost-effective means of resolving a wide range of commercial which could be when:

- i. an amount of money is in dispute, or there is a dispute over the supply of goods and/or services;
- ii. one party feels that they have suffered damages or personal injury due to another's actions;

- iii. one person, group, or organisation feels that they are owed some form of recompense by another;
- iv. someone leaving their employment is about to take an action against their employer, and/or a compromise agreement is being sought;
- v. the normal functioning of a business is being held up by an unresolved disagreement.

According to an official report, the CMC within the period of January to December 2015, received a total number of **34,511** new cases; mediated **20,966** cases; successfully resolved **19,464** cases, about 93%; adjourned **3,622** matters while only **1,351** matters were unresolved (Citizens Mediation Centre, 2016a). The same report had it that within the period of January to December 2015, the Citizens Mediation Centre was able to collect the sum of **Seven Hundred and Fifty-Two Million, Nine Hundred and Seventy-Four Thousand, Two Hundred and Seventeen Naira only (N752,974,217)** on behalf of parties. In this study, focus is on the investigation of the effectiveness of the Citizens Mediation in the resolution of landlord-tenant disputes in Lagos State. The procedure and model for investigating the CMC in this regard is the focus of the next section.

2.1.18 Models for Investigating the Effectiveness of the Citizens Mediation Centre in the Resolution of Landlord/Landlady-Tenant Disputes in Lagos State

It has rarely been possible to compare studies of effectiveness, since few have used common criteria for indicating effectiveness (Campbell, 1973; Steers, 1975), and effectiveness has been linked with a wide variety of organisational phenomena and enjoyed a wide variety of perspectives. Difficulty in empirically assessing organisational effectiveness has arisen because no one ultimate criterion of effectiveness exists. Instead, organisations may pursue multiple and often contradictory goals (Dublin, 1976; Hall, 1978), effectiveness criteria may change over the life cycle of an organisation (Cameron, 1978; Miles and Cameron, 1977), different constituencies may have particular importance at one time or with regard to certain organisational aspects and not others (Barney, 1978), criteria at one organisational level may not be the same as those at another organisational level (Weick, 1977), and the relationships among various effectiveness dimensions may be difficult to discover (Kirchhoff, 1975). This is why Cameron (1978) argues that organisational effectiveness may be described as mutable because it is composed of different

criteria at different life stages, comprehensive because it includes a multiplicity of dimensions, divergent because it relates to different constituencies, transpositive because it alters relevant criteria when different levels of analysis are used and is complex because it shares generous relationships among dimensions.

Therefore, while there is no universality on the best of dimensions for measuring organisational effectiveness, the three dimensions that predominate works that measured organisational effectiveness include goal achievement or outcome criterion, process criterion and resource acquisition criterion. Scholars who advocated goal achievement argue that accomplishment of goals should be the defining characteristic of organisational effectiveness (Campbell, 1977; Scott, 1977). However, criticisms trailing this position were hinged on the arguments that:

1. There is a focus on official or management goals to the exclusion of the organisational member, organisational constituency, and societal goals;
2. There is neglect of implicit, latent or informal procedures and goals;
3. There is neglect of the multiple and contradictory nature of organisational goals;
4. Environmental influences on the organisation and its goals are ignored;
5. Organisational goals are retrospective and serve to justify organisational action, not to direct it;
6. And organisational goals change as contextual factors and organisational behaviour change (Cameron, 1978; Pfiffner, 1977)

An alternative to the goal model is the system resource model or the natural systems model introduced by Yuchtman and Seashore (1967). This approach focuses on the interaction of the organisation with its environment, and defines organisational effectiveness as the ability of the organisation to exploit its environment in the acquisition of scarce and value resources. Organisational inputs and acquisition of resources replace goals as the primary criteria of effectiveness. This model, too, has been criticised as having the following flaws:

1. Efficiency and effectiveness are not separated under this model;
2. Focusing on inputs alone may have damaging effects on outputs;
3. The model assumes that the only valuable aspects of organisations are those which aid input acquisition;

4. Only the organisational directors' viewpoint is taken;
5. It is similar to the goal model since increasing inputs is an organisational operative goal;
6. This approach is inappropriate when considering non-profit organisations (Molnar and Rogers, 1976).

Another model relies on organisational processes as defining characteristics of effectiveness. Steers (1977) views effectiveness as a process and not an end state. Pfiffner (1977) suggested that to study organisational effectiveness, it was important to consider the process by which organisations articulate preferences, perceive demands, and make decisions. The process model has been criticised on the bases that it is difficult to monitor organisational processes, it ignores the high cost of gathering data on processes, it focused on means to the neglect of ends and it ignores the possibility of the processed data being inaccurate (Campbell, 1977, 1978).

It is important to mention that organisational effectiveness criteria are likely to differ depending on whose viewpoint is taken, that is, their sources since effectiveness criteria always reflect someone's values and biases. Thus, there is conflict about who should determine effectiveness criteria and who should provide data for their measurement. For this study, the goal achievement/outcome criterion, process criterion and the vision and objectives of the CMC have been adopted as criteria for the design of the questionnaire instrument and the development of the In-depth interview guide and the Key Informant Interview guide to elicit robust viewpoints in order to examine the effectiveness of the Citizens Mediation Centre and how the institution's effectiveness can be enhanced.

The goal achievement criterion was adopted in order to examine the goals achieved so far by the CMC in the area of landlord/landlady-tenant dispute resolution by engaging selected respondents made up of landlords or landladies and tenants to answer questions tailored to discern the goals achieved by the Centre, and develop dimensions by which its effectiveness can be examined and enhanced. The process model was to correct whatever flaws the goal model has by examining the dispute resolution process of the Centre and to understand its strengths and weaknesses as viewed by landlords or landladies and their tenants who have attended the Centre's mediation programmes

between the periods of 2006-2016. These models are to be supported by an examination of the vision and objectives of the CMC and an assessment of the Centre in fulfilling these.

2.2 Theoretical Framework

The Social Conflict Theory and the Human Needs Theory have been adopted for the study. Both theories provide peculiar understanding concerning landlord-tenant disputes and what can be done to address them.

2.2.1 Social Conflict Theory

Social conflict theory is a macro-oriented paradigm in sociology that views society as an arena of inequality that generates conflict and social change. It is also a Marxist-based social theory which argues that individuals and groups (social classes) within society interact on the basis of perpetual conflict rather than consensus. Social conflict theory sees social life as a competition for scarce or limited resources characterised by power imbalances and social inequality (Sociology Guide, 2017). Conflict theorists view conflict as a driver of change, since conflict produces contradictions which are sometimes resolved, creating new conflicts and contradictions in an ongoing dialectic. In the classic example of historical materialism, Karl Marx and Friedrich Engels argued that the history of all hitherto existing societies was the history of conflict or struggle between classes, which evolved over time in accordance with changes in society's means of meeting its material needs, i.e. changes in society's mode of production (Marx and Engels, 1848; Marx, 1971).

According to Karl Marx, in all stratified societies, two major groups crystallise: a ruling class and a subject class. The ruling class derives its power from its ownership and control of the forces or means of production. The ruling class also exploits and oppresses the subject class. As a result, there is a basic conflict of interest between the two classes, and the social and power relations between the two major groups are skewed in favour of the ruling or dominating class. Marxists view the various institutions of society such as the legal and political systems as mere instruments of the ruling or dominant class erected to further foster and feather its interests. For Karl Marx and other Marxists, this location of individuals into two major conflicting groups has been a historical evolution represented in all societies, where there have been masters and slaves in ancient societies,

lords and serfs in feudal societies, and capitalists and wage labourers in the modern capitalist society (Sociology Guide, 2017).

Social Conflict theorists argue that since the interests or goals of the two groups or classes in society are divergent, the dominating and exploitative class enjoys more advantages over the less powerful or dominated class. For example, the relationship between a landlord and a tenant in a rental unit captures important points about the social conflict theory. A consensus theorist might suggest that the relationship between the owner and the tenant is founded on mutual benefit, that is, the landlord provides the rental accommodation which the tenant needs and the tenant in turn provides the rent or money which the landlord needs. In contrast, social conflict theory identifies conflict in that relationship because the landlord and tenant are struggling against each other to maximise their gains with regard to the rental accommodation. The landlord or landlady will seek to maximise his or her earnings through rent collection with minimal spend on wear and tear of the rental accommodation while the tenant will seek to maximise his or her rental payments by getting the best of facilities, relative peace and security in the rental unit, less invasion by the landlord of his or her living space, among others. Their relationship is, therefore, defined by the balance in their abilities to extract resources from each other, e.g. rent payments or a place to live. The bounds of the relationship are set where each is extracting the maximum possible amount of resources out of the other.

Conflict can take many forms and involve struggle over many different types of resources, including status or power relations. However, social conflict theory locates its foundations in the analysis of class conflict, and the example of the landlord and the tenant can be understood in terms of class conflict. In this conflict, owners are likely to have relative advantages over non-owners. For example, the legal system underlying the relationship between the landlord (owner) and tenant can be biased in favour of the owner. Suppose the landlord wishes to keep the tenant's security deposit after that tenant has moved out of the owner's residence. In the English common law, the landlord is only required to notify the tenant that the security deposit is being withheld. To regain the security deposit, the tenant must file a lawsuit. The tenant bears the burden of proof and is, therefore, required to prove that the residence was adequately cleaned before he or she

moved out (Office of Consumer Protection, 2010; UN-HABITAT, 2008). This can be a very difficult if not an impossible task.

To social conflict theorists, the relationship between the home owner and tenant is built primarily on conflict rather than harmony. Even though the landlord-tenant relationship may often appear harmonious, any visible harmony is only a product of the law and other elements of the superstructure which constrain the relationship and which are themselves a product of an even deeper conflict, class conflict, according to the Marxian ideology. A conflict theorist would say that conflict theory holds more explanatory power than consensus theory. This is because in this situation, consensus theory cannot explain lawsuits between landlords and tenants nor the legal foundations of the asymmetrical power relationship between the two. This is why institutions such as the Citizens Mediation Centre in a capitalist society are established by the government to maintain peace and harmony between landlords and tenants and to grant justice to the injured party while also moderating the skewed power relations which favour landlords more than tenants.

However, social conflict theorists or core Marxists are suspicious of the processes and operations of mainstream political, legal and cultural institutions which they claim favour the ruling or dominant groups and individuals in the society at the expense of an exploited class which can only attain freedom or justice by revolting and rebelling against the injustices and inequalities in the society.

2.2.2 Human Needs Theory

This school is led by the following theorists: Abraham Maslow, John Burton, Marshall Rosenberg and Manfred Max-Neef. Studies have tried to link the relationship that human needs have with conflict and peace. The Human Needs theory proposes that all humans have certain basic universal needs and that when these needs are not met or people are deprived of them, they will revolt and even fight back. Abraham Maslow proposed a hierarchy of needs beginning with the need for food, water, and shelter followed by the need for safety and security, then the need for love or sense of belonging, self-esteem and finally, personal fulfilment and self-actualisation. Later on in his life, Maslow proposed self-transcendence as a need above self-actualisation in the hierarchy of needs. By doing so, Maslow and the conflict scholar Burton have acknowledged that human needs go

beyond the essentials of food, water, and shelter. They include both physical and non-physical elements needed for human growth and development, as well as all those things human beings are innately driven to attain. Some of these needs (Burton, 1990) itemised are as follows:

- i. **Safety/Security:** This is the need for structure, predictability, stability, and freedom from fear and anxiety.
- ii. **Belongingness/Love:** This is the need to be accepted by others and to have strong personal ties with one's family, friends, and identity groups.
- iii. **Self-esteem:** This is the need to be recognised by oneself and others as strong, competent, and capable. It also includes the need to know that one has some effect on his or her environment.
- iv. **Personal fulfilment:** This is the need to reach one's potential in all areas of life.
- v. **Identity:** This is the need that goes beyond a psychological "sense of self." Burton and other human needs theorists define identity as a sense of self in relation to the outside world. Identity becomes a problem when one's identity is not recognised as legitimate, or when it is considered inferior or is threatened by others with different identifications.
- vi. **Cultural security:** This need is related to identity; it is the need for recognition of one's language, traditions, religion, cultural values, ideas, and concepts.
- vii. **Freedom:** This is the condition of having no physical, political, or civil restraints; having the capacity to exercise choice in all aspects of one's life.
- viii. **Distributive justice:** This is the need for the fair allocation of resources among all members of a community.
- ix. **Participation:** This is the need to be able to actively partake in and influence civil society.

According to Human Needs theorists, conflict or dispute does not just arise as a result of the lack of needs for subsistence, but unmet human needs in the areas of protection, identity, recognition, respect, participation and understanding can trigger dispute which if not well managed can engender violent conflict. Human Need theorists advise that disputants should give more importance to these latter needs, truly recognising them as human needs essential to the wellbeing of all human beings (Danielsen, 2005).

John Burton has been applying human needs theory more actively to current social and political conflicts. In his work on protracted, social conflicts, he looks at how universal human needs often are neglected, leading groups to use violence to claim their rights and satisfy their needs (Burton, 1990, 1997). In what is really a compatibility of human needs, Burton (1997) argues that education and culture make parties manipulate the issues and dehumanise the other parties. In Marshall Rosenberg's approach, human needs are universal and meeting them is essential to human survival and well-being. Rosenberg groups the needs in sub-groups, and is open to the existence of needs beyond what he has defined. He states that education and culture often alienate people from connecting with their real needs, and through Nonviolent Communication, he proposed a model for connecting with one's needs and those of others (Danielsen, 2005). The Chilean economist Manfred Max-Neef also proposed nine universal human needs, through which he argues that individuals can achieve human development and peaceful societies. Max-Neef defines his main proposal, Human Scale Development, as "focused and based on the satisfaction of fundamental human needs, on the generation of growing levels of self-reliance, and on the construction of organic articulations of people with nature and technology, of global processes with local activity, of the personal with the social, of planning with autonomy, and of civil society with the state (Danielsen, 2005). Like Burton and Rosenberg, Max-Neef agrees that no need is superior to the other, and that they are all complementary and essential to human life. According to the explanations by Maslow, Burton, Rosenberg and Max-Neef, the various needs important to human beings have been tabulated below:

Table 2.2: Theorists' Postulations on Human Needs

Maslow	Burton	Rosenberg	Max Neef
Food, water, shelter (1)	Distributive justice	Physical Nurturance	Subsistence
Safety and security (2)	Safety, Security	Interdependence	Protection
Belonging or love (3)	Belongingness, Love	Integrity	Affection
Self-esteem (4)	Self-esteem	Autonomy	Understanding
Personal fulfilment (5)	Personal fulfilment	Play	Creation
	Identity	Celebration and mourning	Identity
	Cultural security	Spiritual communion	Leisure, Idleness
	Freedom		Freedom
	Participation		Participation

Source: Danielsen (2005)

In the tenancy relationship, each party strives to achieve its need for self-fulfilment, safety and security, freedom, autonomy and justice. The landlord or landlady has need for the payment of his or her rent as and when due, demands or expects the careful preservation of the rental unit by the tenant while the tenancy lasts, expects the tenant to be civil, cooperative and neighbourly in case the rental unit is shared by more than one tenant, and demands that the tenant be law-abiding and alive to his or her responsibilities. These needs, demands or expectations are so important to the landlord that often times they are inked in the written agreement given to the tenant before he or she takes up the piece of rental property. At other times, the tenant is made aware of the importance of these needs orally and both parties through oral agreement reach a compromise.

On the other hand, the tenant also comes to the tenancy relationship with his or her needs or expectations. The tenant in this case would want or demand for a rental unit that is safe and secure, is free of harassment, can guarantee him or her some level of comfort evidenced by the availability of facilities in the rental accommodation, and also expects the landlord or owner of the rental unit to be civil, fair, just, self-respecting and alive to his or her responsibilities with regard to the maintenance of the said rental unit. These needs are often times also communicated to the landlord or landlady before the tenancy relationship is consummated, and some tenants might insist that some of their concerns find their way into the tenancy agreement to be drawn up by the landlord. Although it is important to mention that in reality the needs and expectations of tenants with respect to the rental unit may not always find their way into the tenancy agreement, making the document a product of a unilateral decision by the house owner. This could point to the skewed power relations embedded in the tenancy relationship where owners seem to enjoy relative advantages over non-owners. It could also point to the dominating class or group seeking to exploit and dominate the subject class.

Generally, that conflict still exists in the tenancy relationship in spite of tenancy agreements, whether written or oral, reached by landlords/landladies and their tenants points to unmet needs and lack of fulfilment of some of the parties' expectations. As observed in a United Nations report on the environment, landlords still complain that their tenants do not take good care of the rental housing, they pay their rent late, misbehave in general and do not understand that rising costs of utilities, maintenance and repairs make it necessary to raise the rent (UN-HABITAT, 2008). The

same report argues that tenants, on the other hand, also complain that their landlords do not maintain the rental housing properly, do not repair things when they break, charge unfairly high fees for utilities, increase the rent without giving lawful notice, turn hostile when the rent is paid a little late, threaten with eviction at the slightest provocation or misunderstanding or fail to return security deposits when they (tenants) move out. These unmet needs or expectations by both parties result in dispute between landlords/landladies and their tenants and sometimes are resolved through violent or injurious self-help measures or through the courts or with the intervention of the police.

There is a convergence between these two theories with regard to landlord-tenant relations and disputes. The Social Conflict theory contends that there is embedded conflict in the landlord-tenant relationship because of the general housing shortages experienced in most parts of the world, including in a developing country such as Nigeria where the private rental sector predominates. The Social Conflict theory also identifies the existence of power differentials and inequality in the landlord-tenant relationship which need to be balanced by a neutral third party such as the state or any of its organs as a way of reducing their disputes, improving their relations or administering justice to parties. For example, as part of the dominating or owner class, landlords and landladies are tempted to see themselves as having more advantages than the non-owner class which consists of tenants, and if not deterred by the law or the state and its institutions could become abusive and predatory. Some tenants could resort to self-help to pursue their grievances as can also be done by the home owners. This breeds bad blood between the parties, pitches one against the other and if not contained could lead to a disruption of public peace, or injury or death to one or both parties. This must have informed Lagos State Government's creation of the Citizens Mediation Centre armed with the mandate to amicably resolve disputes between landlords/landladies and their tenants.

On the contrary, the Human Needs theory suggests that landlord-tenant relations is founded on needs and expectations which if parties recognise and strive to meet could lead to peace and harmony in the relationship. Therefore, according to the Human Needs theory, landlord-tenant disputes could arise out of feelings that one party does not recognise, respect, accept, listen to or accommodate the other party's needs or interests. This implicates that when landlords and tenants

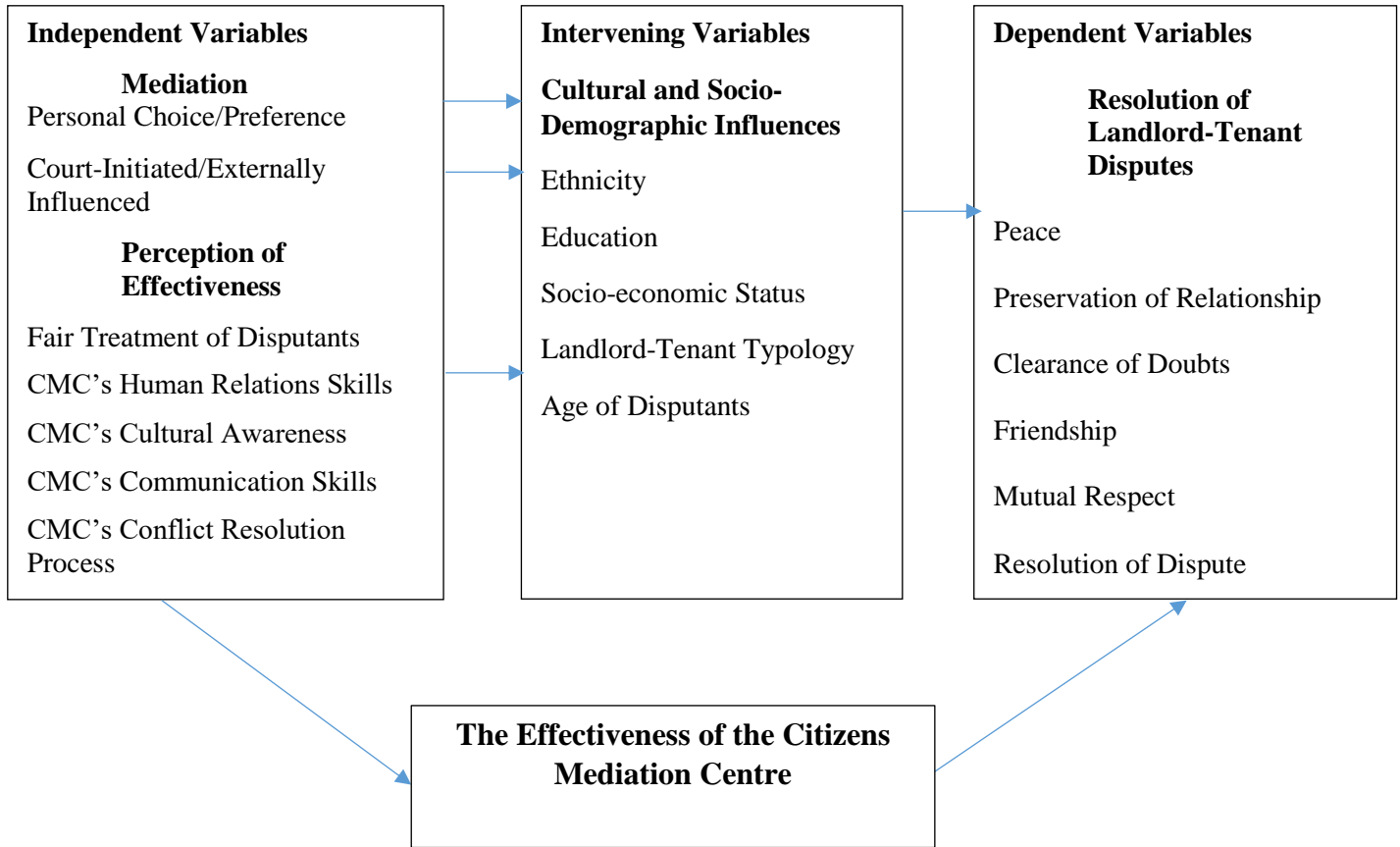
understand each parties' needs and expectations and strive to meet them within the bounds of the law, relative peace and harmony could be achieved even if the tenancy relationship, like other social and industrial relationships, is by its very nature conflictual (George and Amusan, 2013; Onyeonoru, 2015). However, since disputes arise in the tenancy relationship because of unmet needs or expectations or as a violation of the rights of one party by another, resolving these disputes in a timely, inexpensive, amicable and confidential fashion will bring quick justice to the injured party or parties and also save the tenancy relationship from the domination of oppressive parties.

Since the judicial forum and other interpersonal dispute resolution measures have been accused of possessing numerous weaknesses which make them unfit to perform this function effectively (Burton, 1977; Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011), the establishment of the Citizens Mediation Centre by the Lagos State Government was conceived as a veritable platform to reduce the factors that cause conflict in the tenancy relationship by moderating the power differentials, inequality and competition by parties that seek to outwit one another. This could help parties to achieve harmony in the tenancy relationship and at the same time lessen the injurious and existential threats that self-help measures could bring to parties in the tenancy relationship in particular, and the state and nation in general.

2.3 The Conceptual Model for the Study

This has been captured below:

Figure 2.1: The Conceptual Model for the Study



Source: Researcher, 2015

2.3.1 The Independent Variable

In this research, the independent variables are (1) mediation as a personal choice or preference or court-induced process for Landlord-Tenant dispute resolution; (2) the perception of disputants regarding the effectiveness of mediation on landlord-tenant dispute resolution.

2.3.2 The Dependent Variable

The dependent variable is the resolution of landlord-tenant disputes. However, there are dimensions that were examined within this variable. This variable was examined based on whether it led to peace between the disputants or whether the resolution of conflict led to a preservation of

the relationship, clearance of doubts, restoration of friendship, mutual respect, or the complete resolution of dispute which may mean that the tenant could continue his or her tenancy or renew the tenancy relationship when the substantive tenancy expires.

2.3.3 The Independent and Dependent Variables

This research also investigated the relationship that existed between mediation as a personal choice or preference and the resolution of dispute. In this sense, the research tested whether mediation as a personal choice or preference would lead to the resolution of dispute or whether mediation as a court-mediated process would be more effective in resolving disputes between landlords and tenants or both. In other words, the research examined the relationship that exists between:

1. Self-initiated mediation and landlord-tenant dispute resolution
2. Court-initiated mediation and landlord-tenant dispute resolution

The second Independent Variable examined the perception of disputants to the successful resolution of disputes. This perception covered the following areas:

1. Fair Treatment of disputants during the process of dispute resolution
2. CMC's cultural awareness during the process of dispute resolution
3. CMC's human relations skills and landlord-tenant dispute resolution
4. CMC's communication skills
5. CMC's dispute resolution process (performance)

The researcher is proposing that an existence of fair treatment by CMC mediators, their cultural awareness, human relations skills, communication skills and a neutral and an unbiased dispute process at the Centre would lead to the Effectiveness of the Centre and contribute to the actualisation of the dependent variable which is the resolution of landlord-tenant disputes and increase the chances to also actualise the dimensions of the dependent variable such as Peace, Preservation of Relationship, Clearance of Doubts, Friendship, Mutual Respect, and Resolution of Dispute.

2.3.4 The Intervening Variables

There are moderating variables that were also examined along with the independent and dependent variables. For instance, the study considered the intervening role that ethnicity, education, socio-economic status, landlord-tenant typology (small-scale landlord, formal commercial landlord, live-in landlord), and age of disputants play in moderating the quality of dispute resolution outcome reached by disputants.

Consequently, through this study, the researcher investigated these variables so as to develop a model that could be used in resolving landlord-tenant disputes in Lagos State. Findings made are to lead to an amendment and development of an empirical model that would be suitable for resolving landlord-tenant disputes in Lagos State.

CHAPTER THREE

METHODOLOGY

The subsequent sections contain details and description of the research method adopted for the study. These include the research design, study population, sample size, sampling procedure, research instruments and methods of data analysis engaged for the study on the basis of which the research findings, conclusions and recommendations are anchored.

3.1 Research Design

The research design adopted for the study is a triangulation of method. The survey design was used to gather quantitative data. This involved the use of structured questionnaire with mostly closed-ended and a few open-ended questions. The availability of closed-ended questions allowed respondents to quickly complete the administered questionnaire while open-ended questions also gave them the opportunity to express themselves, add their views, and make valuable suggestions where these were requested. Additionally, qualitative data were used to complement data gathered through the quantitative method. This was done through In-Depth Interviews and Key Informant Interviews. The primary data collection tool was a faceless approach which denied the researcher access to respondents. Such access could have afforded the researcher to observe respondents, their responses to questions posed to them, their body language, and their disposition to the research. This was why the qualitative data collection methods helped the researcher to achieve those objectives. Besides, through the IDI and KII, the researcher tapped into the wealth of experiences of interviewees, and got added meaning and value to the responses elicited through the questionnaire. Therefore, for the study, the survey design through the preparation and administration of questionnaire as well as in-depth and key informant interviews constituted the primary source of data collection while the secondary sources involved the use of journals, periodicals, textbooks, magazines and internet resources.

3.2 Study Population

Relying on figures from the Lagos State Bureau of Statistics of 2006, the study population was estimated to be within the region of **4,973,649**. Since there is no updated population breakdown for Local Governments in Lagos State as at 2014, the researcher multiplied the total number of men and women by 3.2% which is said to be the annual population growth in Lagos State to arrive at the population figure for the selected six catchment areas of the CMC. This has been estimated as **6,399,009**. The population of study comprised adults who were either landlords or tenants and who resided around the six centres that formed the operational locations of the Citizens Mediation Centre. The centres covered include Ikeja, Yaba, Onikan, Ikorodu, Alimosho and Ibeju-lekki.

Table 3.2: Estimated Population of Six Catchment Areas of the Citizens Mediation Centre as at 2014

LGAs	2006			2014
	Male	Female	Total	
Alimosho	1,099,656	947,370	2,047,026	2,633,667
Ibeju-Lekki	49,613	49,927	99,540	128,066
Ikeja	328,778	319,942	648,720	834,632
Ikorodu	364,207	324,838	689,045	886,513
Lagos-Island (Onikan)	461,830	398,019	859,849	1,106,267
Lagos-Mainland (Yaba)	326,433	303,036	629,469	809,864
Total	2,630,517	2,343,132	4,973,649	6,399,009

Source: Lagos State Bureau of Statistics (2006) and Researcher (2015)

3.2.1 Background Information on the Citizens' Mediation Centre

The Citizens Mediation Centre (CMC) under the Directorate of the Citizens Rights of the Lagos State Government Ministry of Justice was set up in 1999 in response to the pressure and demands for an Alternative Dispute Resolution scheme and also as part of the Lagos State Government policy of providing an enlargement of access to justice and its institutions (Citizens Mediation Centre, 2015). The Centre was carved out of the Directorate for Citizens Rights (DCR), which was established from the complaint centre. CMC is the first agency established by any government in Nigeria to provide comprehensive legal assistance and mediation services for indigent members of the public and residents as an Alternative Dispute Resolution body distinct from the court

system and arbitration (Citizens Mediation Centre, 2015). These legal services were to be offered free to disputants.

The CMC later became a separate entity by the enactment of the Lagos State Citizens Mediation Law No. 6 of 2007 which consolidated and institutionalised the development of the Centre, providing legal framework for its operations (Lagos State Government Ministry of Justice [LSGMJ], 2013). The law seeks to provide mediation on disputes relating to:

1. Landlord and Tenant matters
2. Workmen Compensation Matters
3. Family Matters (including marital disputes, child custody)
4. Employer and Employee Disputes
5. Property Inheritance and Land Matters
6. Monetary Claims
7. Juvenile
8. Estate
9. Commercial disputes
10. Other Civil-Related Disputes

The state government had considered that the traditional adversarial method was not only incapable of amicably resolving disputes, but arising from the economic, social and political development in the country, there was a considerable rise in the number of cases in the courts, which put tremendous pressure on the court system and made the adjudicatory process a painful one for disputants. Moreover, most people, particularly the indigents found litigation to be cumbersome, technical, time-consuming, and expensive, hence the resort to alternative dispute resolution mechanism (Citizens Mediation Centre, 2015).

Therefore, CMC was created with a view to providing a friendly, congenial and business-like atmosphere where disputes are resolved by experienced mediators. Particularly, some disputes are of sensitive and confidential nature and disputants would wish to settle them in private rather than in the glare of public proceedings. In addition, there are claims by parties involving small sums which are hardly worth the expenses of litigation. It is for all these concerns that parties seek

alternative methods of dispute resolution which led to the government's establishment, support and promotion of the Citizens' Mediation Centre in the state. The Lagos State Government through the Citizens' Mediation Centre offers its mediation services for free in Alausa, Agege, Amukoko, Bariga, Iba, Ibeju-Lekki, Alimosho, Ikorodu, Ikotun, Onikan, Yaba and Badagry (Citizens Mediation Centre, 2015).

The overriding objective of the CMC is to present an alternative to litigation with the intent of decongesting the court and making justice more accessible and affordable for the indigent members of the society (Citizens Mediation Centre, 2015; Rhodes-Vivour, 2007). Rhodes-Vivour observed that complaints and requests for the free mediation services of the Centre from members of the public increased from 4,623 in 2000 to 9,465 in 2007 and in 2014 alone, out of about 28,000 disputes brought before it, the CMC resolved about 20,000 (Egbe, 2015). The Centre has a number of highly trained mediators who offer quality conflict resolution services through mediation to members of the public (Citizens Mediation Centre, 2015; Rhodes-Vivour, 2007).

According to the Lagos State Government Ministry of Justice (2013), the Agency recently moved its main office to 1, Motorways Centre, Opposite 7up Bottling Company, Old Toll Gate Area. It initially had six (6) offices at the following addresses in Lagos State before expanding further into six additional catchment areas:

1. Ikeja Location: Democracy House, 11 Folawewo Street, Off Ogundana Street, Allen Avenue, Ikeja
2. Lagos Mainland Location: 154 Murtala Mohammed Way, Yaba,
3. Lagos Island Location: No. 18, King George V Road, Onikan, Lagos.
4. Ikorodu Location: Ikorodu Local Government Premises.
5. Alimosho Location: Alimosho Local Council Development Area Office
6. Ibeju-Lekki Location: Ibeju-Lekki Local Council Development Area Office

3.3 Sample Size

According to Godden (2015), the formula to be used in calculating the sample size in a research is dependent on whether the population is finite or infinite. A population is considered infinite if it is greater than 50,000 while a population is considered finite when it is less than 50,000. According to Godden (2015), the formula for determining the sample size for a sample size with an infinite population is:

$$SS = \frac{Z^2 \times (p) \times (1 - p)}{C^2}$$

SS = Sample Size

Z = Z-value (e.g., 1.96 for a 95 percent confidence level)

P = Percentage of population picking a choice, expressed as decimal

C = Confidence interval, expressed as decimal (e.g., .04 = +/- 4 percentage points)

A Z-values (Cumulative Normal Probability Table) represent the probability that a sample will fall within a certain distribution.

The Z-values for confidence levels are:

1.645 = 90 percent confidence level

1.96 = 95 percent confidence level

2.576 = 99 percent confidence level

Determining the Sample Size =

$$SS = \frac{(1.96)^2 \times (0.5) \times (0.5)}{0.0016}$$

SS = 600

Add = 750 (To increase the adequacy of the sample size)

SS = 1,350

Since this study will be gathering data from landlords and tenants who have passed through the CMC at one time or the other, the researcher decided to consider the distribution of the survey instrument to respondents in a 1:5 ratio, meaning that for every five tenants that was engaged for the field study, questionnaire was administered to a landlord, bringing the figures to:

270 Landlords

1,080 Tenants

1,350 Respondents

These assumptions guided the determination of the sample size in the study area.

1. The catchment areas were divided into Landlord and Tenants who had used CMC services only.
2. Since there were six catchment areas which this research was to study, 270 respondents were to be randomly selected for the survey from the pool of landlords who had been attended to by the CMC while 1,080 respondents were randomly selected from the pool of tenants who had also used the Centre's services. The researcher subjected the calculation of the respondents based on the size of the locations of study. For instance, the survey instrument was administered to respondents in more populated locations than those in less populated locations. This further increased the objectivity of the process and enabled a fair outcome. This has been tabulated on the next page for clarity.
3. The 1:5 ratio was informed by the researcher's observation when he carried out the pilot study. For every house visited for the administration of the questionnaire, five tenants averagely compared with a landlord or landlady on an average basis.

Table 3.2: Sample Size Calculation

This has been prorated based on the population sizes of the locations. That is,

$$\begin{aligned} \text{Alimosho} &= \frac{2,633,667 \times 1,350}{6,399,009} = 556 \text{ respondents} \\ \text{Ibeju-Lekki} &= \frac{128,066 \times 1,350}{6,399,009} = 27 \text{ respondents} \\ \text{Ikeja} &= \frac{834,632 \times 1,350}{6,399,009} = 176 \text{ respondents} \\ \text{Ikorodu} &= \frac{886,513 \times 1,350}{6,399,009} = 187 \text{ respondents} \\ \text{Onikan} &= \frac{1,106,267 \times 1,350}{6,399,009} = 233 \text{ respondents} \\ \text{Yaba} &= \frac{809,864 \times 1,350}{6,399,009} = 171 \text{ respondents} \end{aligned}$$

Catchment Areas	Respondents Sample	Respondents (Users of CMC Mediation Service) – Ratio 1: 5	
		Landlords	Tenants
Alimosho	556	111	445
Ibeju-Lekki	27	5	22
Ikeja	176	35	141
Ikorodu	187	38	149
Onikan	233	47	186
Yaba	171	34	137
Total	1,350	270	1,080

Source: Researcher, 2015

3.4 Sampling Procedure

Since the sample size is 1,350 (one thousand, three hundred and fifty), 1,350 copies of the questionnaire were administered to respondents (landlords and tenants) who had used CMC's mediation service in the period between 2005 – 2015 until all the copies were exhausted. The focus of the study was on the six catchment areas where the Citizens Mediation Centre offices are located. The research utilised a list from the CMC bearing the population of landlords and tenants who had attended the mediation sessions of the Centre to resolve their tenancy-related disputes. The research adopted a multistage sampling technique to choose the streets where respondents were selected from based on easy access to respondents and closeness of the streets. Thereafter, the researcher subjected the list to purposive sampling for its choice of landlords and tenants for the survey.

Consequently, selected CMC officials whom the researcher discussed the project with and who were mandated by the Director of the Centre helped to administer the questionnaire to landlords and tenants already chosen from the purposive sampling for the study. However, through the Landlords Associations in some of the catchment areas, the researcher was able to visit and administer questionnaire to landlords and tenants that had attended the CMC's mediation service. This was to complement the number of respondents that the questionnaire was administered to at each office of the CMC. This was done from one house/compound to the other in each of the six catchment areas based on the assistance of the Landlords Associations until the 1,350 copies of the questionnaire were administered.

3.4.1 Selection and Training of Research Assistants

Two research assistants were recruited and trained for each catchment area making a total of 12 research assistants in all for the study. These persons had at least a university degree, were resident in these areas, knew much about the area of study and were instrumental in the distribution of the questionnaire materials.

3.4.2 Pilot Study

A pilot study was carried out in May, 2016 to test the strength of the research instruments to be made use of in the main study. The pilot study afforded the researcher the opportunity to know whether or not respondents would be able to answer the questions prepared in the course of the bench work, identify questions that needed to be recast or removed for the main study and assess the general perception of the respondents regarding the instruments and the research, among others. The researcher was guided by the objectives of the study.

The area used for the pilot study was the main office of the Citizens Mediation Centre located at No. 1, Motorways Centre, Opposite 7up Bottling Company, Old Toll Gate Area. This was to ensure that the researcher got maximum cooperation from the CMC, used the opportunity to further drum up support from the CMC for the main field work that was later embarked upon after the completion of the pilot, and helped the researcher to assess and counter logistical problems that might arise with the officials at the CMC.

The questionnaire that was administered during the pilot study contained 63 questions, while the In-Depth Interview Guide had 17 questions. The questionnaire for the pilot study was the one that was amended arising from the last College presentation made by the researcher. The researcher had been advised to limit the study to respondents who had participated in the CMC's landlord-tenant dispute resolution process within the last ten (10) years i.e. (2006-2016) and to eliminate questions directed at landlords and tenants who had not participated in the process. Thus, the questionnaire which had been two representing a separate instrument each for landlords and tenants who had participated in the CMC dispute resolution process and another one for those who had not participated was reduced to one targeted at only the former group. The questionnaire also included "effectiveness questions" as recommended by examiners during the College Presentation which were aimed at eliciting the opinions or perceptions of respondents on how effective the CMC as an institution and its services were. For the pilot study, fifty (50) copies of the questionnaire were produced and administered to respondents who had visited the main office of the CMC as landlords/landladies or their representatives and tenants to subject their disputes to the centre's mediation process.

The pilot study made use of frequency tables for the univariate analyses while bivariate analyses were applied using statistical correlation.

Major Findings Made During the Pilot Study

The tenancy relationship was subject to dispute as 20% of the respondents said they had had disputes with tenants while 42% of the respondents said they had had disputes with their landlords/landladies, 22% had had issues with their co-tenants while 16% of the respondents had had issues with either house agents or caretakers.

A generality of the respondents (64%) believed that the Citizens Mediation Centre was the best option for resolving disputes between landlords/landladies and their tenants. A majority of the respondents (56%) indicated that the cases they took to the CMC had been resolved by the Centre, while another majority (63%) said the CMC resolution process helped them find ways to resolve their disputes. Many of the respondents (60%) also said they visited the Citizens Mediation Centre on their own volition while 32% did so having been referred to the Centre either by the police, the courts, landlord associations or any other body or individual who had knowledge of CMC services.

Half of the respondents (50%) believed that CMC mediators created room for open discussions among disputants, 52% agreed that the outcome of the decision reached was fair to all and 72% were of the opinion that mediators were interested in the amicable resolution of disputes. However, 48% of respondents, another majority, felt that mediators favoured landlords/landladies over them while 32% had a different view. This particular finding was an important one because it was pointing to a confirmation of the Marxian thesis that those with economic advantages and that belonged to the dominant class could also manipulate the superstructure such as legal institutions to favour their interest or cause or both.

Generally, the outcome of the Pilot helped the researcher to prune down the number of questions in the survey instrument from 63 to 59 eliminating four questions that were either tautological or may not be relevant to the work. Three instruments were therefore adopted for the main study following the outcome of the Pilot, namely, the survey questionnaire, an In-Depth Interview guide and a Key Informant Interview guide. The pilot also helped the researcher to meet severally with

the CMC authorities and to mutually find ways to nip the red tape encountered in the pilot for the main study that was embarked on between June and August 2016.

3.4.3 Secondary Source of Data Collection

The collection of secondary data involved the use of Journals, Periodicals, Textbooks, Magazines and Internet resources. The information gathered was not only used in the literature review but was used as part of the supporting information regarding findings from the primary data.

3.5 Data Collection Instruments

For the purpose of this study, three (3) research instruments were engaged. The first is the questionnaire containing open- and closed-ended questions with six sections covering vital questions relating to the study objectives. The second instrument was in-depth interview guide where general and specific questions of significance to the study were asked major stakeholders in landlord/landlady-tenant dispute resolution. For clarity, some probing questions were also raised in the IDI guide to enable respondents give in-depth explanations relevant to the study findings.

The third instrument engaged was the key informant interview (KII) guide for carefully selected respondents knowledgeable about the study objectives with a view to providing some vital information which the other research instruments were not able to cover. Overall, the three (3) instruments were utilised and complemented findings on the basis of which the conclusion and recommendations for the study are anchored.

3.5.1 Questionnaire

A structured questionnaire containing 59 questions with mostly closed-ended and some open-ended with a Likert Scale comprising questions bordering on the effectiveness of the CMC was administered to respondents comprising adults who were either landlords, landladies or tenants or representatives of property owners. These respondents were persons residing in the six catchment areas where the Citizens Mediation Centres (CMC) operates. The questionnaire was divided into six sections. Section one included questions that sought to elicit information on respondents' socio-demographic data. Section two had questions intended to understand the description of respondents' accommodation ownership status. Section three focused on the causes of

landlord/landlady-tenant dispute resolution and resolution strategies adopted by respondents. Section four sought to generate data on the Citizens Mediation Centre (CMC) and its effective landlord/landlady-tenant dispute resolution. Section five posed questions aimed at understanding the Citizens Mediation Centre as an institution from respondents' perspective. Lastly, section six examined the effectiveness of the Citizens Mediation Centre using three effectiveness criteria namely, Process Criterion, Goal Achievement/Outcome Criterion and CMC's Vision and Objectives.

3.5.2 In-Depth Interview Guide

For each of the six areas comprising Ikeja, Yaba, Onikan, Ikorodu, Alimosho and Ibeju-Lekki, in-depth interviews were conducted. This involved two tenants and two landlords who at one point or the other had had severe landlord-tenant disputes to the extent of resorting to either the formal legal process which implies either the court of law, the Citizens Mediation Centre, or any other alternative dispute resolution platform. In addition, two CMC officials belonging to each catchment area were also interviewed. This then implies that for each area, six (6) in-depth interviews were conducted making thirty-six in-depth interview sessions and involving (36) respondents in the six catchment areas where the CMC Unit is located. The selection of interviewees was based on gender and age in order to achieve gender equity, greater inclusiveness of both sexes and robustness of perspectives. This is further broken down for clarity:

- i. Two Landlords + 2 Tenants + 2 CMC Officials = 1 Catchment Area
- ii. Six interview sessions x 6 catchment areas = 36 interview sessions

An in-depth interview guide was developed for the In-depth Interview. A tape recorder was used to record all discussions and the audio clips were later transcribed. The in-depth interview guide covered questions that aimed to elicit interviewees' perspectives on their perception of CMC's performance vis-à-vis other formal and informal third-party interventions, the weaknesses of the Centre, the Centre's mediators, factors that determined the success of the Centre's mediation process, contributions of the Centre to the outcome of the mediation process and suggestions on how the Centre's functions especially with regard to landlord/landlady-tenant dispute resolution could be improved.

3.5.3 Key Informant Interviews (KIIs) Guide

Key informant interviews comprising six carefully selected individuals were also engaged to derive critical information that would enhance the study. These individuals included a top official in the housing ministry in the state, two top officials of the CMC in order to compare their responses, Chairmen of Landlords Associations in three of the catchment areas, a landlord with not less than 10 years of residency in the study area who was aware of the activities of the CMC and a tenant of not less than five years of residency in the study area who also was aware of the activities of the CMC. As much as possible, gender and age were considered in the selection of officials for the KIIs. The composition of officials that participated in the KII sessions is further broken down for clarity:

- i. Official in the Housing Ministry in Lagos State
- ii. Chairmen of Landlords Association (3)
- iii. A Facility Manager with not less than 10 years of residency
- iv. A Tenant with not less than 5 years of residency

A Key Informant Interview Guide was developed and its questions bordered on the commonest causes of landlord-tenant disputes in Lagos State, suggestions on how landlords or landladies and tenants could avoid disputes in the tenancy relationship, the role of government, landlords and tenants and the Citizens Mediation Centre in quelling landlord-tenant disputes in Lagos State, challenges of the Centre and sundry other questions.

A tape recorder was used to record all discussions in addition to a note taker, who also documented the discussions for later use.

3.6 Methods of Data Analyses

The data analysis for this study was conducted in two stages. The first stage involved the analysis of quantitative data using the Statistical Package for Social Sciences (SPSS) version 17. This comprised the use of frequency distribution tables, assessment and description of the socio-demographic characteristics of the respondents such as age, religion, sex, level of education, ethnicity, occupation and income.

Descriptive statistics was also employed for other variables that were of particular interest to the researcher for a clearer presentation and measurement of responses. Thus, the Multiple Regression analysis were used to identify patterns of associations between the independent and dependent variables tested for the study hypotheses using both the Fisher Scale involving Yes or No questions and 5 Likert Scale involving questions stated in categories ranging from Strongly Agree, Agree, Undecided, Disagree to Strongly Disagree.

The second stage involved the analysis of the qualitative data. This was to complement the quantitative data. The in-depth interview sessions were transcribed, edited, analysed and interpreted. Summaries of discussion under the objectives of the study were made and striking statements were noted and used to validate the findings generated from the quantitative data. Also, excerpts from the in-depth interview were incorporated as appropriate to support the results generated from the qualitative analysis.

3.7 Ethical Considerations

The study respected the rights, integrity, confidentiality and privacy of all the participants before, during and after the study.

Specifically, the research design for the study respected the fundamental principles and standards of scientific research which include not engaging in fabrication of data or plagiarism or any form of misconduct that could violate the integrity of the work. The scientific standards and ethical codes the study abided by are as follows:

Informed Consent: The researcher disclosed the information about the research to all participants, and sought their approval to participate in it before engaging them in the study. To this end, only adults of legal age (from 18 years and above) participated in the study as respondents and not minors who are not mature or knowledgeable enough to give consent. Consent was given verbally in most of the cases. When given verbally, the researcher ensured that respondents or participants were in the know about the research and its objectives before engaging them in the completion of the questionnaire and during the interviews.

Human Subjects Protection: The researcher ensured that participants were not in any way affected by the study. To achieve this, the researcher protected participants' identity, privacy and autonomy.

Confidentiality: The researcher also ensured that the information so provided by participants did not reveal their identities to members of the general public or in publications derived from the study. Information from participants was handled with care and anonymity. The researcher endeavoured to protect the identities, reputations, and character of respondents.

Carefulness, Honesty and integrity: The researcher exercised caution and avoided unnecessary errors while implementing the study. There was careful and systematic recording of research activities including correspondences with participants and all stakeholders. The researcher showed honesty throughout the study and maintained good relationship with respondents and all stakeholders. The researcher avoided any deceptive tactics to get respondents' involvement or approval from the Citizens Mediation Centre by obtaining a clearance from the Centre before approaching respondents.

Objectivity: The researcher was objective, and avoided any form of biases or research conducts that could prejudice the outcomes and interpretations of the data. Therefore, in conformity with ethical requirements of integrity and honesty, this researcher disclosed any personal and or financial interests that have the potential of affecting the study.

Openness and Respect for Colleagues and Intellectual Property: The researcher is willing to share research findings and procedures with colleagues and the academic community as well as other interested parties in order to expand the frontiers of knowledge in the field. The researcher respects the intellectual property of others, and duly acknowledged ideas or works replicated or borrowed to support or give substance to the study. The researcher acknowledged unpublished data, research methodologies, and results, patents, copyrights, and all other forms of intellectual property.

Responsible Publication: The researcher dutifully discharged the responsibility of contributing to the literature or scholarship in the field of housing with regard to the rental housing market in Lagos. Once the research is complete, the researcher will publish the findings and disclose the methodologies and difficulties encountered to aid future research in the field.

Non-Discrimination and Social Responsibility: The researcher demonstrated a commitment to promoting social good while striving to prevent any harm that the research or other related activities may cause. Importantly, the researcher did not discriminate against any individual or group on the basis of sex, religion, sexual orientation, class, or race.

3.8 Problems Encountered During Data Collection

The following challenges were faced in the course of collecting data in the six catchment areas where the Citizens Mediation Centre was located:

1. Bureaucracy from the Citizens Mediation Centre regarding accessing their clients (landlords and tenants) was problematic. The researcher had intended getting the register of the landlords and tenants with the CMC but later discovered that it was not possible and that the Centre did not consider that as ethical because of its principle to protect the identity of its clients. While this was a professional approach to shielding landlords or landladies and their tenants who had attended the CMC's mediation service, this was a challenge for the researcher who needed the register to compile names and addresses of landlords and their tenants to be visited. However, the Centre made it up to the researcher by sending each Head of Unit representing each catchment area a letter introducing the researcher and the research and soliciting for their support. Principally, they were asked to assist the researcher by administering the questionnaire to landlords and tenants attending the Unit's dispute resolution sessions. This helped a lot. However, the number of questionnaire distributed at this point was not adequate. The researcher had to visit Chairmen of Landlords Association in each catchment area who advised the researcher on the list of its members who had visited the CMC to resolve a dispute with their tenants. This helped the researcher to visit these landlords and subsequently their tenants in order to administer the questionnaire to them.

2. Some respondents with little formal education needed assistance from the field workers in order to complete the questionnaire. While this not only slowed the completion of the questionnaire, it is also meant that field workers had to translate the local languages that conveyed their responses into the English Language. This approach did not allow for the independent completion of the questionnaire by such respondents for the sake of objectivity. But such respondents were in the minority.

3. Some of the respondents felt that the questions were too many. Even though at the pilot stage, the questions were reduced from 63 to 59 questions, those respondents still complained that the questions in the questionnaire were too many for them. However, the researcher and his team had to encourage such respondents to complete the questionnaire as their own way of contributing to the greater effectiveness of the Citizens Mediation Centre in its efforts to reduce landlord or landlady-tenant disputes in Lagos State.

In spite of all these challenges, the study was received with much enthusiasm and recorded very high response and support from respondents in the course of the data collection.

CHAPTER FOUR

DATA PRESENTATION AND ANALYSIS

The overall objective of this study was to examine the effectiveness of the Citizens Mediation Centre in the resolution of disputes between landlords and tenants in Lagos State. This chapter furthers the attainment of this objective by analysing and interpreting data collected in the field by the researcher in this regard using the Statistical Package for Social Sciences (SPSS). Therefore, this chapter deals with the presentation of data starting with the response rate of distributed questionnaire, the description and discussions of the respondents' demographic data, discussions of the study objectives and testing of the hypotheses formulated for the study using Pearson Correlation Coefficient and Multiple Regressions analyses.

4.1 Data Presentation

One of the instruments used for the collection of data in the study was a structured questionnaire. The instrument was administered to respondents of the study. The responses gathered from the administered questionnaire were then analysed. The results are presented in Table 4.1

Table 4.1: Descriptive result of responses to questionnaire administered

Questionnaire	No of Respondents	% of Respondents
Returned	1200	88.9
Not Returned/Not Usable	150	11.1
Total	1350	100

Source: Field Survey, 2016

Table 4.1 shows the result of the administered questionnaire to respondents, thus, revealing the number of copies of the questionnaire administered and the number that was either returned to the researcher or found not usable. Out of the one thousand, three hundred and fifty (1,350) copies of the questionnaire that was administered, 88.9% of the respondents completed and returned the questionnaire while 11.1% of the respondents did not return theirs and some were found unusable

after screening and editing the returned questionnaire. The questionnaire returned was due to some of the landlords and tenants who could not understand the English Language and therefore could not adequately complete their questionnaire legibly or to a reasonable extent to be found usable by the researcher. But the response rate could be said to be high in spite of this challenge and considering the population of the study made up of about 8.3% with no formal education and about 11.3% with primary education.

4.2 Demographic Profile of Respondents

Table 4.2 presents the demographic profile of the respondents of the study using eight demographic characteristics, namely, Sex, Age at last Birthday, Marital Status, Educational Attainment, Ethnicity, Religion, Occupation and Monthly Income.

Table 4.2: Demographic Profile of Respondents

Respondent's Profile	Frequency	Percent
<i>Sex</i>		
Male	975	81.2
Female	225	18.8
Total	1200	100
<i>Age at Last Birthday (Years)</i>		
Less than 25	0	0
25 - 34	91	7.6
35 - 44	312	26.0
45 - 54	554	46.2
55 and above	243	20.3
Total	1200	100.0
<i>Marital Status</i>		
Married	963	80.3
Single	98	8.2
Divorced	115	9.6
Separated	24	2.0
Total	1200	100.0
<i>Educational Attainment</i>		
No Formal Education	99	8.3
Primary	135	11.3
Secondary	333	27.8
Tertiary	633	52.8
Total	1200	100.0
<i>Ethnicity</i>		
Yoruba	754	62.8
Igbo	419	34.9

Respondent's Profile	Frequency	Percent
Table 4.2 Continues		
Hausa	11	0.9
Other	16	1.3
Total	1200	100.0
Religion		
Christianity	844	70.3
Islamic	349	29.1
None	7	0.6
Total	1200	100.0
Occupation		
Civil Servant	117	9.8
Self Employed	384	32.0
Corporate Employment	418	34.8
Other	281	23.4
Total	1200	100.0
Monthly Income (Naira)		
1000 - 30999	135	11.3
31000 - 60999	339	28.3
61000 - 90999	563	46.9
91000 - 120999	42	3.5
121000 and above	121	10.1
Total	1200	100.0

Source: Field Survey (2016)

Interpretation of the Responses on Demographic Characteristics of Respondents

Table 4.2 shows the sex of the respondents categorised into male and female. While 975 (81.2%) respondents were males which constitute the highest percentage, 225 (18.8%) respondents were females. This implies that majority of the respondents that completed the questionnaire were males based on the result. This outcome is a reflection of the land ownership system in Nigeria, including Lagos, which favours men more than women and that housing is a type of investment that requires huge capital which many women cannot afford to engage in. The few landladies the researcher met in the course of the fieldwork were widows or accomplished career or business women.

Regarding the age at last birthday of the respondents, none of the respondents was less than 25 years of age. From the table, 91 (7.6%) respondents fell into the age bracket of 25-34 years, 312 (26.0%) respondents were between the age bracket of 35-44 years, 554 (46.2) respondents were within the age group of 35-44 years and 243 (20.3%) respondents were 55 and above. This then

implies that majority of the respondents were between the age group of 45-54 years. This provides them with the needed exposure on the subject matter owing to the fact that their age can be said to confer more experience on them either as tenants or as landlords or landladies.

On the marital status of the respondents categorised into married, single, divorced and separated, the Table reveals that 963 (80.3%) respondents were married, 98 (8.2%) were single, 115 (9.6%) were divorced and 24 (2.0%) were separated. This shows that more married individuals completed the administered questionnaire.

Regarding respondent's educational attainment as and when the questionnaire was administered, 99 (8.3%) had no formal education, 135 (11.3%) had Primary School education, 333 (27.8) had Senior Secondary School Leaving Certificate, while 663 (52.8) had tertiary certification or degree of one level or the other. Thus, majority of the respondents were products of one tertiary institution or the other, suggesting that they were educated and therefore qualified to provide informed responses to the questions posed in the administered questionnaire.

On the ethnic categories of respondents, a majority of them 754 (62.8%) were of the Yoruba ethnic group, 419 (34.9%) were Igbo, 11 (0.9%) were Hausa while 16 (1.3%) respondents belonged to other ethnic groups. This, therefore, connotes that majority of the respondents were Yoruba since the study was carried out mainly in a Yoruba-speaking state.

Concerning the religious beliefs of respondents, 844 (70.3%) claimed to be Christians, 349 (29.1%) were Muslims, while 7 (0.6%) indicated not sharing any religious beliefs. This implies that majority of the respondents were Christians.

On the occupational status of respondents, Table 4.2 further reveals that 117 (9.8%) were civil servants, 384 (32.0%) were self-employed, 418 (34.8%) were in corporate employment and 281 (23.4%) respondents were in other forms of occupation. Thus, more respondents were in corporate and government employment than in any form of employment.

The monthly income of respondents shows that majority (563, about 46.9%) earned between N61000-90999, followed by 339 (28.3%) who earned between N31000-60999 monthly, 135 (11.3%) who earned N1000-30999 monthly, 121 (10.1%) who earned N121000 and above monthly and the least number of respondents 42 (3.5%) who earned between N91000-120999. This connotes that majority of the respondents earned between N61000-90999 monthly and that highest earners grossed a monthly income range of N121000 and above.

4.3 Descriptive Statistics of Respondents' Status in the Tenancy Relationship

This section identifies the status of respondents within the tenancy relationship. This was done by asking them nine relevant questions on their accommodation status. The descriptive results of their responses are presented in Table 4.3.

Table 4.3: Description of Accommodation Ownership Status

Accommodation Ownership Status	Frequency	Percentage
<i>What is the nature of your present accommodation?</i>		
A Room	126	10.5
A room and a Parlour	313	26.1
Two Bed Room Flat	474	39.5
Three or More Bedroom Flat	206	17.2
Duplex	81	6.8
Total	1200	100.0
<i>What is your status in the tenancy relationship?</i>		
Tenant	787	65.6
Landlord/Landlady	333	27.8
Care-taker	75	6.3
Total	1195	100.0
<i>If you are a landlord, how do you collect payment on your property?</i>		
Monthly	60	27.4
Every three months	70	3.2
Every six month	49	22.4
Yearly	103	47.0
Total	219	100.0
<i>If you are a tenant, how do you pay for your rent?</i>		
Monthly	16	2.0
Every three months	19	2.4
Every six month	2	0.3
Yearly	750	95.3
Total	787	100.0
<i>How was the agreement on the property done?</i>		
Through Oral Agreement	105	8.8
Through Written Agreement	1067	89.8
Other	16	1.3
Total	1188	100.0
<i>If you are a tenant, do you live in the same house with your landlord/landlady?</i>		
Yes	11	3.4
No	317	96.6
Total	328	100.0
<i>If no to the earlier question, does your landlord/landlady or their agent or representative regularly visit the house?</i>		
Yes	314	93.2
No	23	6.8
Total	337	100.0
<i>Was there any written agreement before the occupation of the property over which there is dispute?</i>		
Yes	1077	89.8
No	123	10.3
Total	1200	100.0
<i>Does the house over which there is dispute have basic amenities which are commensurate with the rent being paid?</i>		
Yes	971	80.9
No	229	19.1
Total	1200	100.0

Source: Field Survey (2016)

Table 4. reveals the nature of the present accommodation of the respondents and their status in the tenancy relationship. From the Table, about 126 respondents (10.5%) resided in a room, 313 (26.1%) resided in a room and a parlour, 474 (39.5%) resided in a Two Bedroom Flat, 206 (17.2%) resided in a Three or More Bedroom Flats and 81 (6.8%) resided in a Duplex. The result thus depicts that more respondents resided in a Two-Bedroom Flat than in any other type of accommodation.

Regarding respondents' status in the tenancy relationship, Table 4.3 reveals that 787 (65.6%) representing a greater part of the respondents were tenants, 333 (27.8%) respondents were Landlords or Landladies while 75 (6.3%) respondents were Caretakers. Majority of those that participated in the survey were, therefore, tenants which is normal because it is expected that landlords should be fewer than tenants.

Table 4.3 also depicts how rent was paid to landlords or landladies or their representatives in terms of periodicity. While sixty (27.4%) landlords/landladies collected monthly rental payments, 7 (3.2%) landlords/landladies collected their rent every three months, 49 (22.4%) landlords/landladies collected rent every six months and 103 (47.0%) landlords/landladies collected rent on their properties annually. There seems to be a preference for the collection of rents on a yearly basis. It is important to note that before the passage of the Lagos State Tenancy Law 2011, some landlords in Lagos took their greed to opportunistic proportions by demanding rental payments for as many as 5 years from their residential or commercial tenants (Akogun and Ojo, 2013; Gbadegesin and Oletubo, 2013; Wahab and Adetunji, 2015; Wahab and Odetokun, 2014). This further increased the cost of living in Lagos and was one of the reasons coupled with other sharp practices that prompted the Lagos State Government to enact the Tenancy Law that ordered landlords not to request more than a year's rent from Lagos' tenants particularly in low-income neighbourhoods of the state (Lagos Tenancy Law, 2011) Some landlords observed that practice of demanding multiple years of rent because of their intention to immediately recoup investments made in their property, others did so as part of the efforts to repay bank loans used in the construction of their property, some collected those multiple years' rents to raise money for their businesses or other pressing needs or to meet some important goals while some landlords did it purely on the grounds of greed. Consequently, with the new legal regime on Tenancy relationship

in Lagos State, many landlords are left with no choice but to abide by the demands of the law to collect their rents on a yearly basis at the most. This must have been the reason that more landlords who participated in the study collected yearly rents than those who did not. A male informant had this to say about the collection of rents by landlords in Lagos State:

The reason for the passage of the 2011 Tenancy Law in Lagos State was government's attempt to regulate tenancy matters in the state and make it more difficult for tenants to be exploited by shylock landlords. The law was also an attempt by government to protect tenants particularly low-income ones from being exploited in the State. The law addressed arbitrary increases of rent but also took into cognizance that in some areas like Victoria Island, Ikoyi, Lekki, Ikeja, GRA and Apapa, anyone looking for rental apartments should be ready to abide by the tenancy rules or the tenancy agreement over there. The low-income areas such as Agege, Badagry, Mushin, Oshodi and others are to be based on the collection of yearly rents. Thus, government intends to make Lagos habitable for all Nigerians irrespective of their socio-economic status.

Table 4.3 also shows the payment plan used by tenants in the payment of their rent to their respective landlords/landladies. The Table indicates that 16 (2.0%) tenants paid their rents monthly, 19 (2.4%) paid their rents every three months, 2 (0.3%) paid their rents every six months while the majority, about 750 tenants or 95.3% paid their rents annually. This could point to the fact that more tenants in Lagos are likely to pay their rents on a yearly basis than those who make payments on a monthly or other bases. This scenario also speaks of the prevalent rental system in Lagos that new residents who may want to take up residential accommodation or commercial accommodation should expect in the State.

From Table 4.3, the method of rental agreement entered into by landlords and tenants in Lagos State before the finalisation of the tenancy relationship indicates that 105 (8.8%) of the agreements were done orally, 1,067 (89.8%) of the agreements were done through writing and 16 (1.3%) were done through other techniques. This shows that the dominant style of tenancy agreement in the study areas is written agreement possibly because of the advantages that written agreement has over oral agreement. Written agreement tends to spell out the expectations of the landlord and the rights of tenants which means that before the tenancy relationship is consummated, both parties are expected to have read, understood and agreed to the provisions of the agreement and if there are areas of concerns, the tenant is expected to bring these to the attention of the landlord or

landlady and have such resolved before entering into the agreement with the landlord/landlady. While a landlord or landlady might also spell out orally what he or she expects from a tenancy relationship to a new tenant, such provisions can be forgotten and when disputes arise, it may be difficult to protect the tenant or landlord/landlady against the excesses of the other party. The adoption of written agreement is corroborated by an earlier study by the UN-HABITAT/UNESCAP (2008) which claims that commercial landlords who are found in cities such as Lagos tended to operate in a more professional way. Since they have larger capital to invest, their rental business is on a larger scale and they more often than not employ professional staff to manage their rental units for them and operate in a formal way by using written lease agreements and following the building and safety standards of the state and federal government. However, the report notes that even though the relationship of the landlord or landlady and the tenant was based on an agreement, this seems to be inadequate in curbing the excesses of each of the parties as common problems surface which threaten the relationship (UN-HABITAT/UNESCAP, 2008). Many writers and scholars have therefore regarded landlord or landlady-tenant relationship as dispute-laden (Akogun and Ojo, 2013; Awodiran, 2008; Bank, 2007; Crankshaw, 1993; Gbadegesin and Oletubo, 2013; Guillaume and Houssay-Holzschuch, 2002; Kehinde, 2010; Lemanski, 2009; Wahab and Adetunji, 2015; Wahab and Odetokun, 2014).

Table 4.3 answers the question on whether tenants lived in the same residential property with their landlords or landladies. Eleven tenants (3.4%) said they were sharing the rental property with their landlords/landladies, while 317 (96.6%) claimed they were not living in the same rental property with their landlords/landladies. This implies that majority of the tenants do not live within the same property with their landlords/landladies perhaps because they preferred a residential accommodation that was free of their landlords' or landladies' prying eyes, and constant and inescapable confrontations. Live-in landlords or landladies could, as some studies have shown, roil or sour the relationship they have with their tenants because of their overbearing disposition or intolerance (Biobaku, 2010; Kolugo, 2010; Wahab and Adetuyi, 2015; Wahab and Odetokun, 2014). Thus, where landlords or landladies live with their tenants, and share facilities and common areas with them, this could expose both parties to avoidable bickering. However, this is not to mean that in tenancy relationships where there are absentee landlords do not also face disputes. A

male CMC official made the following observation about some resident or live-in landlords or landladies vis-à-vis visitation of the Centre for dispute resolution:

When you take into cognizance the case we usually handle, we have more landlords living with their tenants who come to us than landlords not staying with their tenants coming to us. I should think in native intelligence that the landlord living with the tenant would want to put up perfectionist temperament by checking his property from time to time. He wants to eat his cake and have it. He wants to complain about everything such as why haven't you done this, why haven't you done that, why haven't you cleaned or swept this place, why is your wife frying something in that place and the smoke is damaging the colour of the paint and I just repainted the place six months ago? All these are manifestations of perfectionist temperament as displayed by the landlord. Sometimes, you find tenants putting up resistance to this saying, "Landlord, you can't come into my house and talk to me this way every time. You were here last week; I'm paying you. You shouldn't be coming every week to come and tell me what to do in my house." From there, you see some aggression manifesting from both parties. The ultimate position is that they come to the CMC for the resolution of their disputes. We're here for them. Let me put it on record that when you have landlords not living with their tenants, it is not as if there are no problems, they also come here in their numbers reporting matters to us. But we do not have cases from tenants not living with their landlords as much as cases with tenants living with their landlords. And I think that the reasons are obvious.

This view of overbearing landlords was shared by many tenants who participated in the IDI sessions. One of these tenants, a 46-year-old corporate worker who lives in Yaba made this claim:

Some landlords are just not it. They are quarrelsome, arrogant and sometimes even unapproachable. My experience has been mixed. This is my second rental accommodation and I can tell you that while my first landlord does not really quarrel with one over minor issues like cleaning of the common areas and corridors, he did not live up to his responsibility. He was just not responsible for effecting repairs but he did not fight anyone. The present one is willing to fight anyone who opposes his "decrees" in the house. Indeed, my perception of resident landlords is not a favourable one at all.

This general perception of arrogant landlords or landladies and the patron-client relationship that typifies the tenancy relationship had been captured by many writers in the rental housing literature who suggested that property owners strutted around like egoists and treated their tenants as if they were their subjects (Bank, 2007; Crankshaw, 1993; Guillaume and Houssay-Holzschuch, 2002; Lemanski, 2009).

However, a 55-year-old landlady in Ibeju-Lekki did not share the perception that live-in or resident landlords were the problem. This was her view:

No sane landlord or landlady would want to fight or quarrel with his or her tenant. We are the ones that said we want tenants and cannot at the same time be the ones fighting and quarrelling with them. Because I live with my tenants does not mean that I make life difficult for them. You know, over the years, my experience as a property owner is that some tenants are very bad. You cannot please them. They meet the accommodation in habitable conditions but in few months' time have already damaged the fixtures, stained the wall paints and damaged the kitchen area. I have had one who at any small misunderstanding will threaten to kill his co-tenants and even sue me. So, not all landlords or landladies are bad but some tenants are the ones who provoke the landlord or landlady to become hostile and put up an offensive look which may not be good for kind or easy-going tenants. I started out playing with many of them but over the years I mind my business and ensure that the right things are done.

Another 60-year-old landlord in Ikorodu was also of the opinion that some tenants were intractable.

His words:

It is the person that wears the shoes that knows where it pinches him or her. Come to think of it, what do you do to a tenant who owes you rent for the past three years, and every peaceful attempt to recover your money is met with stiff and arrogant resistance? Fine, things became difficult for him after a few years in my house. But am I the government or the Central Bank? I have children and wives to take care of. I have my own needs. While this is one of my numerous houses, I built everyone of them as an investment. I don't even live with any of my tenants, but sometimes I am fed up regarding their excesses. I have contemplated many times to use self-help to teach some of them a lesson but I restrain myself because I fear God and don't want to break the law. Some tenants don't have manners. They are arrogant, disrespectful and self-imposing. That is not to say that all tenants are like that. You see, that is why you cannot also condemn all landlords or landladies.

This latter view has also been vindicated as various authors in the rental housing literature consider some tenants as being wicked, difficult and irregular, and that they even threaten the property owner's investment by either failing or refusing to pay their rent as and when due and most times mishandle or mismanage the rental accommodation (Akogun and Ojo, 2013; Gbadegesin and Oletubo, 2013; Wahab and Adetunji, 2015; Wahab and Odetokun, 2014).

Table 4.3 also shows that landlords, landladies or their proxies regularly visited the rental accommodations of their tenants as indicated by 315 (93.2%) respondents while 23 (6.8%) respondents mentioned that their landlords or landladies or their agents did not regularly visit their

residential accommodations. This could imply that majority of the landlords/landladies in the study areas were concerned about the state of their rental properties and were constantly in touch either directly or by paid proxies to monitor the properties and ensure their tenants abided by the provisions of the rental agreement entered into by the parties. While some tenants frowned at their landlords or ladies or their proxies visiting their accommodations frequently, saying it did not allow them to enjoy their rental accommodation peacefully, some landlords felt justified based on nasty past experiences they have had regarding their rental accommodation. Some CMC officials, landlords and tenants interviewed in Onikan, Alimosho and Ikeja had this to say:

A Female CMC Official (Ikeja): I don't think that absentee landlords and landladies or their agents should be visiting their rental properties every now and then. It may not augur well for the peace of the landlord-tenant union. But they can visit there from time to time to know what is happening to their properties and to speak with their tenants to know what their complaints or suggestions are.

A Male CMC Official (Onikan): When you look at the nature of the tenancy agreement, for instance, the tenant has sublet a part of the property, the landlord or landlady has a right of re-entry periodically to see wear and tear or structural damage or to discover any anomaly so he or she can hold the tenant liable, so the tenant can put the house back in tenable condition. At the CMC, we ensure that the landlord is not overstepping his bounds by inconveniencing the tenants who have the right to personal enjoyment of the property to the exclusion of none other. We try to put each party in their regulated positions. We say, "Landlord, this is your bounds; Tenant, this is your bounds." We try to operate as a third party and tell each of the disputants that if both of you respect these things mutually, you will be able to reach a reasonable compromise and arrive at a truce.

A Male CMC Official (Alimosho): Tenants cannot expect that the landlord should not visit his property when he wants to do so especially if he has not been overdoing it. Landlords too should know that tenants want to live in peace, enjoy reasonable autonomy and that they want to have their space uninvaded. Striking a balance such that everyone is happy should be the goal of the parties.

Landlord (Ikeja): By experience, I have discovered that some landlords are very funny. They want to have their house in impeccable state and also earn rental income by leasing it out to tenants. They want to achieve the first goal without letting up on the second goal. And so they embark on ceaseless visitations to their property every now and then in order to browbeat their tenants to fall in line with their dictates. It doesn't work that way. Why this is not to deny or excuse the excesses and sometimes irresponsible behaviours of some tenants, landlords should also respect themselves and allow their tenants be. Constant landlord visitation can be irritating particularly when tenants are law abiding.

A Female Tenant (Alimosho): My landlord is a very kind man. When I hear other tenants complain about their landlords' excesses, I thank God for bringing me to this house. I don't see anything wrong in a landlord visiting his rental property every now and then because if the tenant is law abiding, and responsible, he has nothing to fear.

A Male Tenant (Onikan): We tabled that issue in my house the other time. How can my landlord be visiting the house sometimes at odd hours? Is not fair? And then when he comes, he wants everyone to be around. That is very wrong. I believe tenants have rights and if I knew the landlord would be this micromanaging, I would not have rented his apartment in the first place.

In Table 4.3, about 1,077 (89.7%) respondents agreed that there was a written agreement before occupying their rental accommodations over which there was dispute while 123 (10.3%) disagreed that they had inked any written agreement before occupying their rental accommodations. This scenario shows that in spite of written agreements, disputes can still arise in tenancy relationships. This might point to other reasons that explain why dispute exists in the tenancy relationship in spite of a written agreement that purportedly brought the relationship into existence and that guided it. As indicated in literature, there are other factors that still bring dispute about between landlords and their tenants in spite of the existence of a written agreement (Awodiran, 2008; Kehinde, 2010; Wahab and Odetokun, 2014).

Regarding whether there were basic amenities in the rental property over which there was dispute which were commensurate with the rent being paid, 971 (80.9%) respondents indicated that there were basic amenities in their rental accommodations and that those were commensurate with the rent being charged by their landlords, landladies or representatives. However, 229 (19.1%) tenants denied the existence of basic amenities which justified the rents being collected from them by their landlords, landladies or proxies. From this scenario, it shows that non-availability of amenities may not necessarily be the reason or reasons for disputes as disputes also arose in rental accommodations that tenants themselves adjudged to have adequate basic amenities.

4.4 Causes of Landlord-Tenant Dispute and Resolution Strategies

This section investigated the causes of disputes between landlords or landladies and their tenants in the study areas in Lagos State and tried to understand the strategies used by parties for resolving

their disputes. Seven (7) relevant questions were posed to respondents to elicit their views on these. The descriptive results of responses obtained are presented below in Table 4.4.

Table 4.4: Causes of Disputes between Landlords or Landladies and their Tenants and Resolution Strategies

Identified Causes of Disputes Between Landlords/Landladies and Their Tenants, and Methods of Resolving Them	Frequency	Percentage
<i>Have you ever resolved any dispute with either your landlord or landlady or tenant?</i>		
Yes	1066	88.8
No	134	11.2
Total	1200	100.0
<i>If yes, who resolved the dispute for you?</i>		
Landlord/Landlady	201	18.5
Disputants (Tenant or Landlord/Landlady)	24	2.2
Co-tenant	16	1.5
Citizens Mediation Centre	848	77.9
Total	1089	100.0
<i>What do you think are the causes of disputes between the landlord/landlady and tenants (multiple answers allowed)?</i>		
Late payment of Rent	864	72.2
Increase in Rent at random	23	1.9
Lack of maintenance of property/rental unit	99	8.3
Intolerant/difficult or arrogant landlord	104	8.7
Late payment of utility bills	16	1.3
Increase in rent at random and intolerant/difficult or arrogant landlord	90	7.5
Total	1196	100.0
<i>Does your landlord/landlady normally threaten to evict you on the smallest of misunderstandings?</i>		
Yes	389	74.7
No	132	25.3
Total	521	100.0
<i>Is your landlord fair the way he/she treats his/her tenants?</i>		
Yes	245	47.0
No	276	53.0
Total	521	100.0
<i>Are you enjoying your present accommodation?</i>		
Yes	895	75.5
No	290	24.5
Total	1185	100.0
<i>If no, can you give reasons?</i>		
The landlord worries a lot	132	89.2
There are litters in the common areas as a result of non-cooperative co-tenants	16	10.8
Total	148	100.0

Source: Field Survey (2016)

Referring to Table 4.4, the first question which was on whether respondents had resolved disputes with their landlords/landladies or tenants alike elicited the following responses: 1,066 (88.8%) respondents agreed that they had resolved disputes with their landlords or landladies or tenants while 134 (11.2%) respondents claimed that they had not had any disputes which they resolved with either their landlords/landladies or with their tenants. Consequently, from Table 4.4 it can be inferred that majority of the respondents have at one point or the other had disputes which were later resolved. This justifies the stance taken in literature by some scholars in which they contended that the landlord or landlady-tenant relationship for many reasons was dispute laden (Awodiran, 2008; Kehinde, 2010; Opoko and Oluwatayo, 2014; Scanlon, 2011; Shodayo, 2011; Wahab and Odetokun, 2014).

From Table 4.4, the dispute resolution strategies adopted by respondents are evident. The table shows that 201 (18.5%) respondents resolved their disputes through the informal mediatory interventions of their landlords or landladies as the owners of the rental properties who waded into the disputes between tenants in order to guarantee and promote peace within the rental accommodations. Also, 24 (2.2%) respondents indicated that their disputes were resolved directly between the disputants (whether as tenants or landlords/landladies), 16 (1.5%) respondents indicated that their disputes were resolved by other co-tenants in order to ensure peace in the rental accommodations among themselves, while a majority of the respondents claimed (about 848, 77.9%) that their disputes were resolved by the intervention of the Citizens Mediation Centre. The high rate of respondents who had visited the CMC for the resolution of their disputes must have done so because of the competence of the mediators at the Centre, the affordability of the process and the fairness in the resolution outcomes, among other benefits. This recorded high number is also as a result of the researcher's focus on directly studying landlords or landladies and tenants who had visited the CMC at one time or the other to have their disputes resolved in order to learn from them ways by which the Centre's effectiveness could be enhanced. The comparison between the CMC's mediatory platform and informal dispute resolution elicited different viewpoints from the IDI and KII interviewees. The views of some CMC officials and an informant who is a Facility Manager in a popular upscale estate in Alimosho Local Government Area have been captured below:

A Male CMC Official (Yaba): You cannot compare the work we do at the Centre with informal mediatory interventions. Not that the latter are bad in themselves, but the lack of structure and other weaknesses of this interventions make them inappropriate to stave off landlord-tenant disputes in the most appropriate way and with better results. The CMC's mediation is more structured and I think I would prefer it not just because I work here but because the results are there to show for it. It's more precise, definite, and I think I will precisely prefer it to other informal dispute resolution processes.

A Female CMC Official (Ikeja): CMC's mediation process does not have shared loyalty, interest or compassion, but informal mediation processes have shared loyalties, interests and compassions where the mediators belong to one of the parties in one way or another e.g. Landlords Association, Tenant Associations, and Estate Agents. The mediator representing the centre does not have vested interest. Therefore, outcomes of CMC's mediatory interventions are expected to be more objective, dispassionate and credible.

A Male CMC Official (Alimosho): I think that mediation can only be comparable to other formal third-party interventions. Informal third-party interventions may not achieve the objectivity, fairness and equalitarian qualities that the CMC mediation will provide. This makes the CMC mediation platform better than informal mediatory platforms.

A 53-year-old male informant in Alimosho Local Government Area also had this to say:

My knowledge of the CMC tells me that the Centre treats disputants as strangers which they are. CMC is a public organisation set up to serve the public and while discharging their duties, they are expected to be above board. Anyone who wants to get quicker, fairer, more objective and cheaper justice should go to the CMC particularly bearing in mind that it is affordable if not free for indigent landlords or tenants.

A very important issue that is depicted in Table 4.4 is the issue regarding the causes of disputes between landlords or landladies and their tenants in the six selected CMC-based locations in Lagos State. Majority of the respondents, that is, 864 (about 72.2%) indicated that the major cause of disputes between landlords/landladies and their tenants is late payment of rent. Twenty-three respondents or 1.9% pointed to arbitrary increases in rent as another cause, 99 (8.3%) respondents claimed it was due to the lack of maintenance of property/rental unit, 104 (8.7%) respondents mentioned the issue of intolerant, difficult or arrogant landlords/landladies as another cause, 16 (1.3%) respondents identified late payment of utility bills as another tinderbox and 90 (7.5%) respondents identified multiple reasons that trigger landlord/landlady-tenant disputes as ranging from increase in rent to others such as late payment of rent, lack of maintenance of property/rental unit by landlords or landladies, intolerant, difficult and arrogant landlords/landladies, lack of payment of utilities, among others. Therefore, based on the results obtained, the major cause of

landlord/landlady-tenant dispute is the late payment of rent. This becomes worrisome to landlords or landladies who had invested huge sums of money to build their rental units or properties as some of their tenants owe them rents running into several months and years, leading to disaffection and later disputes and oftentimes requiring third-party interventions such as the one provided by the CMC. This is why some landlords or landladies out of their concern to avoid such ugly situations hire the services of agents or lawyers who deal directly with the tenants on behalf of their principals and ensure that from the point of selection and onwards they manage the tenancy relationship in order to minimise losses or control recalcitrant tenants for the owners. This particular disposition of landlords to getting professional help for the management of their tenants and rental units has been acknowledged in literature (Ojo, 2007; Oni, 2010; Oni Durodola, and Oni, 2014; Shodayo, 2011). However, other causes of disputes between landlords/landladies and their tenants which should not be ignored include lack of maintenance of rental property or unit by landlords and landladies, intolerant, difficult or arrogant landlords or landladies, arbitrary increases in rent, among other factors, as indicated by respondents.

The Chairman of Landlords Association in Epe had this to say about the causes of landlord or landlady-tenant disputes in Lagos State:

There are many reasons that lead to landlord and tenant disputes. One very important reason is rent payment. Most times, it seems that when tenants come into the rental accommodation and pay the first year's rent, when time comes for them to renew this rent, they begin to default. This enrages the landlord who is already looking forward to collecting the rent from the tenant. Even when tenants face adverse conditions, the landlord cannot help it because his accommodation is not for charity but for commercial purposes. Other reasons that account for landlord-tenant disputes are live-in landlords who may micromanage the housing unit, when the landlord complains a lot or is quarrelsome, where the landlord's wives and children are the problem in the case of resident landlords, quarrelsome tenants, their wives and children are all reasons that can precipitate crisis in the tenancy relationship and should be managed.

A 61-year-old landlord in Ibeju-Lekki also shared his opinion regarding causes of landlord or landlady-tenant disputes:

Rent is one of the problems that negatively affect landlord or landlady-tenant relationship in Lagos. Don't forget that the landlord or landlady built his or her house in order to generate rent proceeds. When those proceeds are no longer forthcoming forth, you don't expect the landlord to be happy, particularly if the landlord is depending on the proceeds of the house to meet his economic needs. Bear in mind that

some landlords are retirees and use the proceeds from the house to maintain themselves. This is why landlords or landladies get agitated when their tenants fail to pay their rent. For me, I have a good paying job and may try to understand when a good tenant complains that his rent renewal for a particular period may be coming in late. But not all landlords have other means of income. Other causes of landlord disputes include insolent and irregular tenants who are rude and at the same time very quarrelsome. The landlord too could be the problem if he refuses to maintain the property or if he is seen all over the rental property without considering that tenants need some space. The landlord can lose his respect in this case.

A Female CMC official belonging to the headquarters also has this to say:

The major cause of landlord and tenants dispute is normally the issue of renewal of rent. When the tenants are coming in, usually they pay but when they have stayed for 1 year, 2 years, subsequently they start to give excuses. Meanwhile, the landlord probably a retiree or pensioner or someone who has lost his job and he is banking on the proceeds from the house may also need money. Such desperation may put them against each other. The landlord will say “Give me my money or you quit” and the tenant may not just have the money to pay at that material time. Again, another cause is the issue of arbitrary increase in rent, a situation where the landlord is only depending on the rent from the house. May be the house is also not refurbished, may be the roofs are leaking, but all he wants is just his money, while some landlords would be requesting for two years’ rent from an existing tenant so that they can have money. Don’t also forget that the two years will finish and they will still come again. This could largely explain the quarrels between landlords and their tenants in Lagos State.

A 40-year-old tenant in Alimosho also shared his views regarding the causes of landlord-tenant disputes in Lagos State. According to her:

The issue of landlord-tenant dispute is not strange. Friends and family members quarrel or disagree to agree. But if fair play is involved, if mutual respect is there and if each party carries out his own responsibility well, these disputes will be downplayed. For me, rent is an important cause of landlord-tenant disagreements followed by others such as quarrelsome or arrogant parties; this could be the landlord or the tenant. Also, when landlords do not fulfil their responsibilities as agreed in the rental agreement, even if it is a gentleman’s agreement, this could lead to misunderstanding. Landlords are sometimes difficult and tenants are also sometimes unruly.

These views all agree that rent payment is a major issue that bugs landlord-tenant relationship. This position has been acknowledged in literature according to Kolugo (2010), Biobaku (2010), Shodayo (2011), and Wahab and Odetokun (2014). For these scholars, the major cause of dispute between landlords and their tenants is irregular or non-payment of rental fees by the tenants followed by the failure of landlords to undertake proper maintenance of the housing environment

as and when required. Aside default or delay in the payment of rent, other causes of landlord-tenant disputes in Lagos include misunderstanding, house being controlled by an agent, and others such as stealing, snatching of another person's wife or husband, adultery, backbiting, assault, jealousy, noisy generator and carelessness in the maintenance of the housing property. Following a review of extant literature on the subject of causes of housing conflict in Lagos State, the causes can be encapsulated as social, economic, interpersonal, or personality factors.

Table 4.4 also illustrates the views of respondents regarding whether landlords or landladies threaten to evict them on the smallest of misunderstandings. About 389 (74.7%) respondents confirmed that their landlords or landladies threaten them with eviction over smallest of misunderstandings, while 132 (25.3%) respondents denied it. This may support the thinking that landlords or landladies are imperial or overbearing in the tenancy relationship and (within the context of a ballooning population of residents and would-be residents in Lagos) have become somewhat of a bride to be courted or treated with kid gloves by their tenants even when the latter suffer perceived injustices or do not receive commensurate benefits for rents being paid. This also may strengthen the allusion that the landlord or landlady-tenant relationship enjoys skewed power relations that favour landlords more than their tenants as a rule because why would these house owners threaten to evict their tenants at the slightest of misunderstandings if not that they consider themselves superior in the tenancy relationship? Moderating these power relations to protect the weaker party in the tenancy relationship might have informed the enactment of the Lagos State Tenancy Law of 2011 and the establishment and promotion of the services of the CMC in order to guarantee an equitable tenancy relationship where parties would be guided by a tenancy agreement that is not repugnant or oppressive to one of the parties or that puts one in an advantageous position over the other. According to Scanlon and Whitehead (2011), retaliatory evictions have been engaged by landlords in even developed countries when tenants try to enforce their rights such as compel landlords or landladies to effect repairs in their rental units. However, some authors have also argued based on their study of tenants with guaranteed tenure living near the centres of Cairo, Delhi or Mexico that some tenants get on well with their landlords and are not constantly being threatened with eviction (Gilbert *et al.*, 1997). Thus, it can be argued that some landlords do not threaten their tenants with eviction over smallest of misunderstandings but rather provide them with comfortable rental accommodations that they enjoy.

Regarding whether landlords or landladies treated their tenants fairly, Table 4.4 shows that 245 (47.0%) respondents were of the opinion that their landlords or landladies were fair to them while 276 (53.0%) respondents claimed their landlords or landladies were not fair to them. This strikes at the heart of the nature of tenancy relationship practised in the study areas. It further suggests as earlier insinuated that landlords or landladies seem to enjoy skewed power relations and that this monocratic or imperious attitude by landlords or landladies makes them to treat their tenants unfairly. While it is important not to ignore that many respondents declared that their landlords or landladies were fair to them which also suggests that there are many good, fair-minded and dispassionate landlords or landladies in the study areas in Lagos State, the majority that asserted that they got unfair treatment shows that dispute is likely to continue in the landlord/landlady-tenant relationship which would also necessitate the effectiveness of the CMC in the discharge of its mediatory services to landlords/landladies and their tenants seeking justice in the tenancy relationship. Copious studies on landlord-tenant disputes have asserted that many landlords in the rental housing market whether in developed or developing housing markets such as Nigeria were arrogant and imperial in their dealings with their tenants (Bank, 2007; Crankshaw, 1993; Guillaume and Houssay-Holzschuch, 2002; Lemanski, 2009). This also means that these landlords or landladies may not be used to fair play because they assume that they are the superior party in the tenancy relationship giving them multiple disadvantages that tenants do not have. These power differentials which favour landlords over their tenants (Stiglitz, 2011) also pit them against their tenants who would strive to refuse or resist their impunity. Perhaps, the poor treatment of tenants by their landlords is one of the reasons the former look out to own their own properties as soon as they have the means to escape such unfair or poor treatment. As Opoko and Oluwatayo (2014) observed, the extortionate cost of renting accommodation and the idiosyncrasies of shylock landlords force many average urban residents in Nigeria, particularly in Lagos, to prefer ownership of their residential units to renting. This means that if tenants were well treated, possibly, many would still have maintained their rental accommodations much longer than going for their own properties immediately they have the means.

In Table 4.4, responses to the question ‘Are you enjoying your present accommodation?’ show that 895 (75.5%) respondents agreed that they were enjoying their present accommodation while 290 (24.5%) respondents disagreed that they were enjoying their present accommodation. The

minority that stated that they were not enjoying their accommodation could have affirmed so as a result of the disputes between tenants and their landlords or landladies or because the property-owners were intolerant or arrogant towards their tenants. It could also be that tenants were uncooperative or intractable or both. However, the majority that agreed that they were enjoying their accommodation show that in spite of the challenges that tenants and landlords faced in the tenancy relationship, they could still enjoy their occupation of the rental unit as tenants or as live-in landlords or landladies which means that peace could be found in the tenancy relationship in spite of the embedded challenges facing it if parties indeed give peace a chance. Therefore, substantiating existing finding in literature, tenants could actually enjoy their tenancy (Gilbert *et al.*, 1997).

Table 4.4 further reveals that 413 (75.8%) tenants complained that their landlords' or landladies' micromanagement of their rental units was the reason they were not enjoying their accommodation because the property owners worried over little things which suggest that they either had live-in landlords or landladies or they had property owners or their proxies who frequently visited the rental unit to superintend the affairs there. Conversely, 132 (24.2%) tenants explained that the constant litter in the common areas or the uncleanliness of the common areas was the reason they were not enjoying their rental properties. This may be as a result of tenants' nonchalance in maintaining the property in their care because they might be thinking the property belongs to someone else. Pressing some interviewees to share their opinion on live-in landlords or landlords or their proxies who frequently visited, two landlords both in Alimosho and two tenants both in Ibeju-Lekki shared their views thus:

Landlord A: The inability of tenants to enjoy their rental accommodations may not solely be due to their landlords' erratic behaviour or micromanagement as you call it. The landlord-tenant relationship is a very dicey one. A wise landlord knows that he or she needs the tenant and not just the other way round. Each of the parties needs the other. If a landlord realises this, he would not engage in actions that may affect the relationship. If you look at it deeply, some tenants that claim that they are not enjoying their tenancy might not have kept their own part of the bargain which forces their landlords to resort to some irregular behaviours to make them behave.

Landlord B: Landlords may have their blames as to why their tenants may not be enjoying their accommodations but you need to understand that some tenants too are difficult. I have a tenant in my house right this moment who does not pay his utility bills in time. Sometimes

he doesn't want to pay at all. In addition, his wife quarrels and fights with everyone. I have called and cautioned him and his wife a few times, but the situation has not improved. Tell me, what should I do as a landlord? Continue to condone their excesses at the detriment of the other tenants' welfare and rights?

Tenant A (Male): My landlord is a good man and does not disturb anybody. In fact, this year, we have not seen him at all. As long as you pay your rent, he does not disturb anybody. He is a top official in one of these government's agencies and has many houses. May be that is the reason we are enjoying relative peace for many years now.

Tenant B (Female): Landlords can be terrible especially because they feel they own the house. Some of them would always want to let you know every time you are discussing with them that they are the ones in charge and can do as they please. In such a situation, the tenant is wedged between doing the right thing or fighting back such oppression. Even though tenants can be terrible too, but most faults regarding the tenants not enjoying their tenancy can be traced to bad landlords.

4.5 Respondents' Knowledge of the Citizens Mediation Centre (CMC) and Their Perception of Its Dispute Resolution Process

This section examines the effectiveness of the Citizens Mediation Centre particularly regarding the way it handled landlord/landlady-tenant disputes in selected areas in Lagos State. Five (5) relevant questions were posed to respondents who participated in the study and the responses are presented below in Table 4.5.

Table 4.5: Respondents’ Knowledge of the Citizens Mediation Centre (CMC) and Their Perception of its Dispute Resolution Process

Effectiveness of the Citizens Mediation Centre	Frequency	Percentage
<i>Have you ever resolved any dispute with anyone over any property?</i>		
Yes	1035	88.2
No	138	11.8
Total	1173	100.0
<i>If yes, with whom did you have the dispute?</i>		
Tenant	834	80.6
Landlord	79	7.6
Co-tenant	34	3.3
Agent/caretaker	68	6.6
Other	20	1.9
Total	1035	100.0
<i>If need be, how do you think dispute over property can be resolved?</i>		
One on one settlement with the landlord or tenant	148	13.6
Co-tenant intervention	105	9.6
Through the landlord association	75	6.9
Through the Citizens Mediation Centre	583	53.4
Through the Police Intervention and Citizens Mediation Centre	181	16.6
Total	1092	100.0
<i>How long have you heard about the Citizens Mediation Centre?</i>		
Less than a year	27	2.3
1-5 years	1158	97.7
Total	1185	100.0
<i>Was the dispute you took to the Citizens Mediation Centre resolved?</i>		
Yes	905	96.0
No	38	4.0
Total	943	100.0

Source: Field Survey (2016)

The foregoing table captures respondents’ views on whether they had resolved dispute in the past regarding their rental units. Majority of the respondents, about 1,035 (88.2%), concurred that they had resolved dispute with parties in the tenancy relationship in the recent past while 138 (11.8%) respondents claimed that they had not resolved any dispute with parties within the tenancy relationship. The result of Table 4.5 establishes that majority of the respondents have at one time or the other had disputes with either a co-tenant, landlord or landlady which was later resolved. This qualifies them to participate in this research. This agrees with studies that have pointed out the dispute-laden nature in the landlord-tenant relationship which for many obvious reasons seem

true (Awodiran, 2008; Kehinde, 2010; Opoko and Oluwatayo, 2014; Scanlon, 2011; Shodayo, 2011; Wahab and Odetokun, 2014). Regarding who the fault lies more with when landlord-tenant dispute is concerned, a Chairman of a Landlords Association in Epe had this to say:

The fault lies with both parties. No one can fight himself or herself. Because landlords give out their properties to tenants and because tenants take up rental units from their landlords, this relationship is bound to lead to misunderstanding. This is because each party has expectations of the other, each party has specific needs that he or she wants to be met in the union, each party has interests that he or she wants to have protected; all these could lead to disputes when a party feels that he is not getting enough from the relationship or if his or her expectations are not met.

Table 4.5 also shows the person with whom the tenant or landlord/landlady has disputes in the recent past. It reveals that 834 (80.6%) respondents had had disputes with tenants, 79 (7.6%) with their landlords or landladies, 34 (3.3%) had had disputes with co-tenants, 68 (6.6%) had had disputes with agents or caretakers while 20 (1.9%) respondents had had disputes with other parties in the tenancy relationship. This thus implies that majority of the respondents had had disputes with their tenants owing to the fact that landlords or landladies or their proxies often engage in disputes with the tenants over such issues as unpaid rents, arbitrary increases in rents, lack of payment of utility bills, lack of maintenance of rental property, arrogant or intolerant behaviour of the property owner, difficult tenants, among other reasons. These factors trigger misunderstanding or dispute between tenants and their landlords or landladies.

In addition, Table 4.5 presents the views of respondents regarding how best they think disputes over rental property could be resolved. For 148 (13.6%) respondents, one-on-one settlement with the landlord or tenant was a much better way of settling disputes since parties know the genesis of the disputes, what interests or needs are involved and how to go about settling them in order to preserve the tenancy relationship. However, 105 (9.6%) respondents believed that disputes could best be resolved through co-tenant intervention, 75 (6.9%) respondents considered that disputes could best be resolved through the landlord association, but 583 (53.4%) were of the opinion that the Citizens Mediation Centre (CMC) was the best place for the settlement of disputes between property owners and their tenants, while 181 (16.6%) respondents believed that a combination of informal and formal third-party interventions such as one-on-one settlement with the landlord or

tenant, and interventions from co-tenants, agents, landlord associations, police, the courts and the Citizens Mediation Centre was going to ease off disputes between property owners and tenants.

From the foregoing, it is clear that majority of respondents were of the opinion that disputes would be best resolved amicably through the intervention of the Citizens Mediation Centre perhaps because of its formality, impartiality or objectivity, power balancing, competence of the neutrals, inexpensiveness of the process, among others. Thus, because the CMC provides neutrals who possess mediatory skills, have knowledge of the law concerning the dispute brought before them, and handle disputes in an unbiased manner, this might have informed the choice of the Centre as respondents' ideal recourse for landlord or landlady-tenant dispute resolution. In literature, there are many indigenous third-party dispute resolution interventions that landlords and tenants have been used to before the emergence of the CMC. These include tenants' intervention, ejection of conflicting tenants by the landlords or their representatives, intervention by mediators made up of members of the executive committee of landlords associations, community leaders (*Baale* or Ward Chief), opinions leaders, Estate Surveyors/Managers/Agents, elders in the community, and the local government/town planning authority, among others (Kehinde, 2010; Oni, Durodola and Oni, 2014; Shodayo, 2011; Wahab and Odetokun, 2014). The police, and the law courts are other types of dispute resolution institutions that landlords and tenants often engaged. But because these interventions are fraught with a lot of difficulties and challenges, the introduction of the CMC by the Lagos State government brought a lot of hope to the rental housing market in the state. Mediation which the CMC uses in resolving landlord-tenant disputes offers multiple benefits to disputants which include confidentiality, clarity, informality, justice, inexpensiveness, preservation of relationships, flexibility, equity and privacy, among others (Condliffe, 2002; Lucas, 2014).

Regarding how long the respondents have known about the existence and operations of the Citizens Mediation Centre, 27 (2.3%) respondents mentioned that they had heard about the Centre in less than a year while majority of the respondents numbering 1,158 (97.7%) said that they had heard about the Citizens Mediation Centre within 1 - 5 years. This finding suggests that respondents were aware of the existence of the Citizens Mediation Centre before the commencement of the study.

On whether the disputes taken to the Citizens Mediation Centre was resolved, Table 4.5 further shows that 905 (96.0%) respondents said the disputes they took to the Citizens Mediation Centre were resolved whereas 38 (4.0%) respondents commented that the disputes taken to the Citizens Mediation Centre were not resolved for them. Therefore, this depicts that the Citizens Mediation Centre was reliable and effective for landlord or landlady-tenant dispute resolution as pointed out by majority of the respondents. Thus, one of the objectives of the CMC which is to help resolve disputes between landlords or landladies and their tenants is being fulfilled by the Centre. Here are the views expressed by landlords and tenants during interview sessions held with them in Epe and Ikeja during the fieldwork:

Landlord A (Epe): For those who live in the Epe axis of the state, we are aware of the CMC's operations and about the many cases they have resolved for members of our Landlords Association. The Head of Unit (HoU) in Epe is also close to our Association. When a landlord goes there and finds their services to be good, he spreads the news. They also have jingles on TV and radio which sensitise Lagos residents about the work they do. I am confident the Centre has come to stay.

Landlord B (Ikeja): The Citizens Mediation Centre is really trying. I have personally attended one of their dispute resolution sessions and the commitment, speed and competence they displayed helped to resolve the dispute that we had taken there without much delay. I commend the work they are doing.

A Male Tenant A (Epe): I was invited to attend the mediation sessions at the Centre having been reported there by my landlord who wanted us to settle our grievances outside of the courts. We had been having issues in our rental housing facility for quite a while and some of us tenants were considering a wide array of options top of which was to go to court. But their early intervention helped us to save ourselves the time and money to expend on court proceedings. Our landlord and we tenants eventually made up, patched up our relationship and the emotional wounds have already healed.

A Male Tenant B (Ikeja): I am a believer in alternative dispute resolution and have always fancied the great work being done at the Centre. While the Centre is not perfect as they have few patches here and there to clear up, they are indeed serving the interests of the local economy in Lagos by ensuring that landlords or landladies and their tenants resolve their disputes in an inexpensive, collaborative, speedy and amicable fashion. Landlords make more money because tenants stay back in their rented apartments for a longer period and are more aware of their rights and responsibilities, the landlords too who use the services of the Centre are also aware of their rights and responsibilities towards their tenants. These bring peace, stability and continuity to the private rental housing market in Lagos.

4.6 Respondents' Perceptions of the Workings of the Citizens Mediation Centre

In Section 4.6, focus was on the investigation of the Citizens Mediation Centre using 7 pre-tested and relevant questions to find out respondents' views and knowledge of the workings of the CMC. The descriptive result of the investigation is presented in Table 4.6 below in frequency and percentages.

Table 4.6: Respondents' Perceptions of the Workings of the Citizens Mediation Centre

<i>How did you hear about the Citizens Mediation Centre?</i>	Frequency	Percentage (%)
From the landlords/landlord association	301	25.2
From tenants/tenants association	267	22.3
From the media	628	52.5
Total	1196	100.0
<i>Was it your personal choice to go to the Citizens Mediation Centre (CMC) with your disputant?</i>		
Yes	682	57.0
No	514	43.0
Total	1196	100.0
<i>Was it initiated by a court of competent jurisdiction in Lagos State?</i>		
Yes	46	3.8
No	1150	96.2
Total	1196	100.0
<i>Does the Citizens Mediation Centre resolve dispute within a good time frame?</i>		
Yes	964	88.4
No	126	11.6
Total	1090	100.0
<i>If yes to the preceding question, how long does it take to resolve dispute by the Citizens Mediation Centre?</i>		
Within a month	636	59.1
Within three months	247	23.0
Within six months	125	11.6
Within nine months	53	4.9
Within a year	15	1.4
Total	1076	100.0
<i>What was the outcome of the CMC dispute resolution on your relationship with the tenant/landlord/landlady?</i>		
Peace	521	44.2
Preservation of Relationships	104	8.8
Clearance of Doubts	75	6.4
Friendship	99	8.4
Mutual Respect	42	3.6
Resolution of Dispute	315	26.7
Peace, preservation of relationship and Resolution of dispute	24	2.0
Total	1180	100.0
<i>In your opinion, how do you think CMC services can be more effective to serve Lagosians and Nigerians better? Please suggest how</i>		
Competent and well-trained neutrals	379	45.6
There should be fairness and continued government support	353	42.5
Prompt response and settlement of dispute	99	11.9
Total	831	100.0

Source: Field Survey (2016)

In Table 4.6, respondents were asked how they got to know about the Citizens Mediation Centre. About 301 (25.2%) respondents claimed they learnt about the existence of the Citizens Mediation Centre from their fellow landlords or from their respective Landlord Associations; 267 (22.3%) respondents learnt about the Citizens Mediation Centre from their fellow tenants or tenants association while 628 (52.5%) respondents learnt about the Citizens Mediation Centre from the media. This suggests that majority of the respondents became aware of the existence of the CMC and its services through media channels, probably the state-sponsored TV station, radio or newspapers as a result of the state government's push to address embedded crises in the private rental housing sector in the state, which have seen landlords and tenants engaged in a throttlehold over tenancy-related issues. Some of the disputes have led to violence and infliction of injury on one or both parties as each party resorted to self-help. Asked whether enough landlords and tenants in Lagos know about the existence and operations of the Citizens Mediation Centre, a male informant (52 years old) who is a Facility Manager in middlebrow estate in Alimosho has this to say:

Lagos has this huge public awareness need regarding any government programmes for the people. In this case, there are many privately owned rental properties, landlords and tenants that need to be covered in Lagos State. Advertising is expensive and the budget if not creatively done may eat into subventions given to the CMC. But in our own estate, when we ask our landlords that in the event that they have issues with their tenants, where would they prefer to go? They mostly tell us they would want to visit the CMC for dispute resolution. This shows the level of awareness in place. But this response could be as a result of the middle class residents living in the estate who by virtue of their education and exposure would be used to such a programme. But elsewhere, this may not be so. Personally, I have heard their jingles on radio and on TV.

Another male informant (55 years old) who is Chairman of a Landlords Association in Epe had this to say with regard to the awareness of the CMC's existence and operations by Lagos' landlords and tenants:

Opening more centres will be the way more landlords can access the centre. Epe, for instance, should have up to 4 or 5 centres by virtue of its size. You can imagine only one office attending to all landlords and tenants. There is Epetedo, Oke Epe, Eko aspect of Epe, and those closer to the Lagos State Engineering Faculty. So, you see that there are not enough CMC offices to go round. Government needs to look critically into this.

On the motivation to visit the CMC with their fellow disputants, Table 4.6 reveals that 682 (57.0%) respondents visited the Citizens Mediation Centre of their own volition having considered the benefits such a move held for the settlement of their disputes when compared with other informal and formal third-party dispute resolution channels. However, 514 (43.0%) respondents affirmed that visiting the Citizens Mediation Centre with their disputants was not their doing but that they were urged to do so either by other tenants or the Tenants Association or sometimes by other landlords/landladies or by the Landlords Association as the case may be in order to ensure prompt resolution of their disputes. This was confirmed during the interviewees held with different respondents some of whom had gone to the CMC of their own accord and those who were advised to do so by third parties. A tenant residing in Ikeja who had gone to the CMC of his own accord had this to say:

I had heard about the good works that the CMC was doing and decided to report my landlord there knowing full well that it would provide us with an opportunity to settle our dispute without the court fees, slow proceedings and suchlike. My landlord was invited and he consented and after the sessions we reached an amicable agreement that even surprised both of us. Even though I have left his house for my own house, that is the dream of every hardworking Nigerian in order to be free from landlord's harassments and problems, that settlement helped to strengthen our bond. We still talk once in a while these days.

In another interview with a landlord in Epe, he shared with the researcher how he got to know about the CMC and who urged him to visit the centre. His words:

I didn't know about the CMC until few months before I visited them to resolve a dispute with my tenant. I had been having problems with this tenant so much so that we had called in the police at some point but the matter still dragged on for months. I gave him quit notice; he countered by sending me a letter from his lawyers and he was spoiling for war. The way things were going, I knew I needed to tread softly with him so that we won't get into a fight and hurt each other or employ self-help that we would regret later. It was while discussing my situation with one of the landlords in the neighbourhood that he brought the issue of CMC up and told me how to reach them. I eventually did. And the rest is history. My tenant was invited and the mediators helped us to reach a truce. Eventually, few months after, he moved out of my house and I breathed a deep sigh of relief.

When probed on whether their visitation of the CMC was initiated by an order from a court of competent jurisdiction in Lagos State, 46 (3.8%) respondents agreed that their visit to the CMC was initiated by a court of competent jurisdiction in Lagos State while 1150 (96.2%) respondents

disagreed visiting the Citizens Mediation Centre following an order from a court of competent jurisdiction in Lagos State. This corroborates both the pilot study and earlier finding that the motivation to visit the Citizens Mediation Centre by majority of the respondents was self-initiated. Therefore, this portends that visits to the Citizens Mediation Centre by a majority of the respondents was of their own accord and not an act of obedience to the order of any court of competent jurisdiction in Lagos State.

Concerning whether disputes taken to the Citizens Mediation Centre were resolved within a good time frame, Table 4.6 shows that 964 (88.4%) respondents reported that the CMC helped to resolve their disputes within a good time frame while 126 (11.6%) respondents did not share that opinion. Going by the responses of majority of the respondents, it can be argued that the Citizens Mediation Centre settles disputes within good time frames. The Citizens Mediation Centre is thus seen as providing timely, accessible, affordable, and trusted justice which is why majority of the respondents visited the Centre on their own accord for the resolution of their disputes. Majority of the responses also reflect a vote of confidence of the CMC, its mandate and mediation services. Another important implication of this finding is that by resolving landlord-tenant disputes in a timely fashion, the CMC is helping to stabilise the tenancy relationship of respondents, is promoting peace and amicability among residents in the state and is helping to stave off any form of violence, or disruption of public peace that may arise from self-help actions by any of the parties. Probing further on the specific length of time required by the Citizens Mediation Centre to settle disputes between landlords or landladies and their tenants, Table 4.6 discloses that 636 (59.1%) respondents considered a period within the first one month of registering the dispute at the CMC, 247 (23.0%) respondents believed that disputes were settled by the Centre within the first three months of registering the dispute at the Centre, 125 (11.6%) respondents believed that the Citizens Mediation Centre settles dispute within the first six months of registering the dispute at the Centre, 53 (4.9%) believed that the Citizens Mediation Centre settles dispute within first nine months of registering the dispute at the Centre whereas 15 (1.4%) respondents were of the opinion that the Citizens Mediation Centre settles disputes within a year of registering the dispute at the Centre. While the perceptions of respondents varied based on the dealings with the CMC in the recent past, they all seem to see the CMC as a quick dispute resolution channel when compared with other third-party dispute resolution interventions such as the Police or the formal court system

where it takes years before judgement on a matter is given or months before a matter is even given hearing. This is aside the mounting legal fees, inconveniences, adversarial atmosphere of the judicial forum which pits disputants as enemies with its zero-sum outcomes where one person wins and the other loses. A CMC official in Ikeja bared his mind during an interview session the researcher had with him and this was what he said about CMC's time frame for resolving disputes:

We have mandates as a public organisation and we go by them. Here, we don't adjourn cases like the courts. Speed is our watchword. What will make us different from the courts if we keep adjourning one month, two months and all that? There are instances here that we resolve cases within 24 hours, 48 hours and 72 hours. We don't have to tell aggrieved landlords or landladies and tenants to go home and come back in 2 months' time. You have given them the licence to start fighting each other and killing each other. We look at each case and we nail it as quickly as possible from the perspective of the law and perspective of discretion.

The comment by the CMC official is in line with the mandate of the CMC which seeks to achieve more enlargement of access to justice through the provision of free legal services to the needy and residents of Lagos State by means of an alternative dispute resolution mechanism i.e. mediation (Citizens Mediation Centre, 2016a, 2016b). The process is different from litigation and other interpersonal dispute resolution mechanisms.

A summary of the views of tenants and landlords who participated in the interview sessions showed that:

In terms of speed, mediation is much better than other formal dispute resolution intervention processes because the process is quite speedy.

Regarding the outcome of the dispute resolution process at the CMC, 521 (44.2%) respondents claimed that peace was restored to the relationship, 104 (8.8%) respondents stated that their relationship with the other party was preserved which means the tenancy relationship was not jeopardised because there was the absence of zero-sum decisions, 75 (6.4%) respondents affirmed that doubts were cleared, 99 (8.4%) respondents confirmed that it restored friendship between the parties, 42 (3.6%) respondents claimed that it begot mutual respect between respondents, 315 (26.7%) respondents averred that there was resolution of the disputes brought to the CMC and 24 (2.0%) respondents disclosed that the outcome of the dispute resolution process at the CMC opened the vistas of peace, preservation of relationship, mutual respect and resolution of disputes.

As a result, their visit to the CMC brought about peace to and the preservation of the tenancy relationship while eliminating the potential of violence, injury and bad blood that could have arisen out of self-help actions. This finding agrees with the advantages of mediation which have been duly acknowledged in literature as having the potential to restore peace to relationships of those in disputes, preserve such relationships, clear doubts that exists between disputants, restore friendship and mutual respect between the parties, among others (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011).

On how the Citizens Mediation Centre could further become more effective to serve Lagosians and Nigerians better, 379 (45.6%) respondents opined that continuous training with the goal to produce competent and well-trained neutrals was uppermost in ensuring the effectiveness of the services of the Citizens Mediation Centre and its ability to resolve disputes according to its mandate, and 353 (42.5%) respondents suggested that CMC officials should continue to guarantee fairness in the discharge of their functions while government support should be sustained and increased to expand the operations of the Centre in Lagos State. However, 99 (11.9%) respondents stressed the need for continuous prompt resolution of landlord or landlady-tenant disputes as a way of guaranteeing greater effectiveness of the CMC in the State. In other words, for the latter, the Centre should continue to ensure that justice is not delayed by promptly attending to disputes brought to it by parties in the tenancy relationship. However, respondents also stressed more training and competence for neutrals and government support in order to support the operations and expansion of the Centre to other parts of Lagos where it does not yet have a presence.

A Male CMC Official (43 years old) that participated in the interview in Yaba has this to say on what could be done to make the CMC more effective:

We have our carefully worded mandate which goes to the root of the functions of the Centre. This has been addressing the issue. But like we say here, there is always room for improvement. However, I think that what we have at the moment is answering for us, but we ought to be dynamic. We are also working round the clock and are continuing to review our mandate to ensure that it addresses the challenges coming from the field. The feedbacks we are getting, the outcome of the published research or researches from people like you who have come to us at different points in time also help us. Whatever we find in the accumulation of complaints against us as well as suggestions towards our improved performance, we are trying to accommodate and

address. But you know our establishment is a function of the law. We also need to package all these and communicate them to the legal department so they can see how legislation can modify our mandate. We can't do anything outside our mandate because it is a function of legal establishment but it can be modified provided the appropriate legislative authority is duly informed on how best to address the issue.

Another CMC official in Epe enumerated areas she thinks that CMC needed assistance in order to be more effective. Her words:

To be more effective, the CMC needs greater assistance in the areas of funding and creation of more centres. We also need to improve on and deepen our human relations. There needs to be more openness, friendliness and others. Regarding funding, we need more of it for the Centre while we also as an institution need to get more creative about our funding approach.

4.7 Effectiveness of the Citizens Mediation Centre

4.7.1 The Process Criterion of CMC's Effectiveness

This section explored the effectiveness of the Citizens Mediation Centre using a 5-Point Likert Scale of 1 = No Opinion, 2 = Disagree, 3 = Strongly Disagree, 4 = Agree and 5 = Strongly Agree. The descriptive results of the effectiveness of the Citizens Mediation Centre under the three sub-headings of Process Criterion of CMC's effectiveness, Goal Achievement/Outcome Criterion of CMC effectiveness and CMC's Vision and Objectives were obtained using frequencies and the percentages presented in Tables 4.7.1, 4.7.2 and 4.7.3.

Table 4.7.1: Effectiveness of the Citizens Mediation Centre

The Process Criterion of CMC's Effectiveness	Frequency	Percentage (%)
<i>Mediator(s) were courteous during the sessions</i>		
No Opinion	31	2.7
Disagree	358	31.4
Agree	739	64.9
Strongly Agree	11	1.0
Total	1139	100.0
<i>Mediator(s) did not take sides with any party during the sessions</i>		
No Opinion	290	25.5
Strongly Disagree	766	67.3
Agree	11	1.0
Strongly Agree	72	6.3
Total	1139	100.0
<i>Mediator(s) created a forum for open discussions for disputants</i>		
Table 4.7.1 Continued		
No Opinion	81	8.3
Disagree	714	73.1
Strongly Disagree	17	1.7
Agree	99	10.1
Strongly Agree	66	6.8
Total	977	100.0
<i>Mediator(s) favoured the landlord over me during the session</i>		
No Opinion	829	72.8
Disagree	122	10.7
Strongly Disagree	23	2.0
Strongly Agree	165	14.5
Total	1139	100.0
<i>Mediator(s) favoured the tenant over me during the session</i>		
No Opinion	17	1.5
Disagree	910	79.9
Strongly Disagree	24	2.1
Agree	188	16.5
Total	1139	100.0
<i>Decision(s) made were fair to the disputants</i>		
No Opinion	6	.5
Disagree	173	15.2
Strongly Disagree	937	82.3
Strongly Agree	23	2.0
Total	1139	100.0
<i>The CMC mediator(s) listened to our needs during the sessions</i>		
Disagree	171	16.2
Strongly Disagree	173	16.4
Agree	714	67.5
Total	1058	100.0
<i>The CMC mediator(s) listened to our interests during the sessions</i>		
No Opinion	99	8.7
Disagree	66	5.8

Table 4.7.1 Continued		
Strongly Disagree	266	23.4
Agree	17	1.5
Strongly Agree	691	60.7
Total	1139	100.0
<i>The CMC mediator(s) were interested in the amicable resolution of the disputes</i>		
Disagree	122	10.7
Strongly Disagree	66	5.8
Agree	934	82.0
Strongly Agree	17	1.5
Total	1139	100.0
<i>Where needed, mediators used local languages that disputants could understand</i>		
No Opinion	23	2.0
Strongly Disagree	790	69.4
Agree	83	7.3
Strongly Agree	243	21.3
Total	1139	100.0
<i>Mediators showed respect to disputants' ethnic origin</i>		
Disagree	626	55.0
Strongly Disagree	99	8.7
Agree	397	34.9
Strongly Agree	17	1.5
Total	1139	100.0
<i>Mediators showed respect to disputants' religious beliefs</i>		
No Opinion	691	60.7
Disagree	11	1.0
Strongly Disagree	23	2.0
Agree	17	1.5
Strongly Agree	397	34.9
Total	1139	100.0
<i>Mediators accorded respect to disputant's educational status</i>		
No Opinion	11	1.0
Disagree	691	60.7
Agree	426	37.4
Strongly Agree	11	1.0
Total	1139	100.0

Source: Field Survey (2016)

According to Table 4.7.1, under the process criterion of CMC's Effectiveness, when asked about the courtesy of CMC mediators during the dispute resolution sessions, 31 (2.7%) respondents did not give their opinion as to whether the mediators were courteous or not during the sessions, 358 (31.4%) respondents believed that mediators were not courteous during the dispute resolution sessions, but 739 (64.9%) respondents attested that mediators were courteous during the dispute resolution sessions while 11 (1.0%) respondents strongly agreed that mediators were courteous

during the dispute resolution sessions. This reveals that CMC mediators were courteous to disputants during the dispute resolution sessions as this was necessary to get the commitment of disputants to support the dispute resolution process. Courtesy shown to disputants would make them relax their frayed nerves and motivate them to be active participants in the dispute resolution process but rudeness or shabby treatment could force them to seek alternative dispute resolution sources outside of the CMC, some of which are adversarial, expensive, prejudiced, power imbalanced and zero-sum, defeating the whole purpose for the establishment of the Centre.

A CMC official in Alimosho shared his view on the issue of CMC's courtesy to disputants before and during the mediation sessions. His words:

It shouldn't be a difficult thing at all for us. We are trained to respect our clients and to treat them well. Besides, we are Africans. We know that when disputants visit our Centre, they have different opinions swimming in their minds. They are tense, especially if they are first-timers, and we try to douse the tension and relieve their nerves by talking to them well and courteously. We cannot accomplish a win-win situation if we ourselves are the obstacles by our poor attitudes. We mind this very well.

On whether CMC mediators took sides with any of the parties during the dispute resolution sessions, 290 (25.5%) respondents failed to give their opinions. Meanwhile, 766 (67.3%) strongly disagreed with the notion that mediators did not take sides, meaning that they believed that mediators took sides, 11 (1.0%) respondents agreed that mediators did not take sides with any party during the sessions while 72 (6.3%) respondents strongly agreed that the mediators did not take sides with any party during the sessions. This shows clearly that majority of the respondents believed that the mediators were not impartial. This implicates strongly an error on the part of CMC mediators who were seen by a generality of the respondents as not being biased. This also suggests that mediators might have sided with the party they have interest in for whatever reasons is best known to them at the material time. While this negates the spirit of mediation as an alternative dispute resolution anchored in fairness and objectivity, it leaves little to wonder that in a developing clime such as Nigeria, purveyors of justice might descend into the arena to satisfy or meet whatever interests or needs they have. This suggests that the mediators sometimes side with either landlords or landladies or tenants, thus biasing the dispute resolution process and outcomes which would leave disputants disappointed and forlorn. This is one of the dangers or challenges

facing mediation practice in most societies. This was aptly captured by the views expressed by a CMC official in an interview conducted in Alimosho:

Well, I hope my perception is not subjective because I work here. We were trained to handle this. But I will also say that if we take sides, we do not know the disputing parties from anywhere, so who do we side? You see, when you are dealing with human beings, even at the Supreme Court, the decision of the Supreme Court, where they have no opportunity or right to go anywhere, you still find that a party will be complaining that injustice has been done to him. It is a continuous complaint. Human beings keep complaining. But on our own, we ask ourselves this questions oftentimes in rhetorics, “Why wouldn’t we be fair to them? Do we know either of the parties from anywhere?” While I agree that for a human being, there’s always a place for sentiments, to the best of our training, competences and ability, we do not want to intermeddle with people’s personal issues. We try as much as possible to be objective and in a larger number of cases, I think the objectivity that we tailor is usually very obvious. Put in mind that the party who feels not favoured, even in a win-win will still feel aggrieved. These are the few instances when parties will feel the process is not fair.

A CMC official in another interview session conducted in Yaba had this to say:

In spite of the resolution of disputes by the Centre, it seems that some disputants still do not rule out visiting the courts over the same disputes that the Centre had handled for them. This may point to the litigious nature of the Nigerian society where people are used to winning while others are losing. It could also point to the culture shock that comes with embracing a new idea such as the CMC where there are no court judges, lawyers in wigs and bailiffs which many disputants are already used to. This also means that the CMC and the Lagos State Government have a lot of work to do in the education and re-education of Lagosians concerning the centre, the worthiness of the mediation forum and its advantages over and above the judicial forum and that the specific dispute between landlords or landladies and their tenants is best suited for the mediation forum.

This latter view from the CMC official syncs with the position taken by Medha (2005) when the author argued that one challenge facing Mediation is the wrong attitudes of some disputants who consider victory only in win-lose terms and not win-win as proposed by ADR. In such a situation, resolutions made at the CMC may be seen to only favour a party while the disgruntled party may go ahead to seek redress at the law court.

Concerning whether the mediators created and promoted a forum for open discussion for disputants, 81 (8.3%) respondents were undecided and did not give their opinion while 714

(73.1%) respondents disagreed that the mediators created a forum that fostered open discussions for disputants supported by another group of respondents numbering 17 (1.7%) who strongly disagreed with the assertion that the mediators created a forum for open discussions for disputants. Only 99 (10.1%) respondents agreed that mediators created a forum for open discussions for disputants and 66 (6.8%) respondents strongly supported this view. It could be that mediators did employ a question-and-answer approach which could have denied disputants the opportunity to state their case, worries, needs, anger or interests in such a way that the mediators could take a dispassionate look at such cases. But if mediators are said to take sides with disputants, it is also likely they may not promote an air of open discussion for participants. It could also be that mediators are swamped with so many cases but few personnel prompting them to decide to dispatch a case in time in order to enter another session. If the latter is the case, then the Lagos State Government might deem it fit, working with the top hierarchy of the CMC, to fund the greater expansion of the Centre and to employ more qualified hands to join the mediation team of the CMC. However, this finding points to a weakness of mediation as identified by Medha (2005).

Other challenges that may face ADR are impediments to settlement such as poor communication between the parties and/or their lawyers, denial to express emotions which may be useful as healing process to one or both parties, different views of facts which cannot be substantiated (since witnesses are not allowed in the process and there is lack of evidence), different views of legal outcome if settlement is not reached, constituency pressures which could impede agreement, linkage of one dispute to another which may have an effect on other disputes involving one or both parties, multiple parties with diverse interests, and the “Jackpot” syndrome in which a claimant is confident of obtaining in a Court a financial recovery far exceeding his/her damages, and the defendant thinks it is unlikely (p.51).

Consequently, the finding may point to the weakness of the Mediation forum as practised by the CMC.

When asked to rate the statement that mediators favoured landlords over tenants, 829 (72.8%) respondents did not give their opinion. However, 122 (10.7%) respondents disagreed with the statement meaning that mediators did not favour landlords over them, supported by 23 (2.0%) respondents who strongly disagreed with the statement. Only 165 (14.5%) respondents strongly agreed that CMC mediators favoured their landlords or landladies over them. Therefore, based on

the results, it is evident that mediators were seen by more respondents to have favoured disputants who were property owners over and above those who were merely tenants. This situation is in synch with the Social Conflict Theory which contends that power belongs to those who own and control the means of production. This theory does not agree with the neutrality of the state and its institutions in the protection and promotion of individual rights of citizens but believes that the state only exists to protect and perpetuate existing dominant social and economic relations. Since landlords who are in the minority own rental properties, they are likely to enjoy undue advantage in the society over their tenants particularly if the state or its organs or both fail to neutralise the power differentials by creating a fair and objective way of accessing justice. While the CMC may mean well for disputants that come to it for dispute resolution, its mediators according to the respondents seem to consider many factors before dispensing justice to those that visit the Centre. As some scholars have observed, alternative dispute resolution, of which mediation is a part, has been accused of the possibility of being ridden by corruption (Brown *et al.*, 1997; Centre for Public Health Law, 2004; Lau Kin Ho, 1996; Lebovits and Hidalgo, 2010; Medha, 2005; NADRAC, 2011; World Bank Group, 2011). This is because in cases of negotiation between rich, influential and educated persons and poor, struggling and illiterate men over land disputes, chances of the negotiators being bribed by the rich person are very high. Thus, corruption can become a raging problem for the CMC.

On whether the tenant was favoured over the landlord during the dispute resolution sessions, 17 (1.5%) respondents failed to give their opinion while 910 (79.9%) respondents strongly disagreed with the statement that tenants were favoured ahead of their landlords. They were supported by 24 (2.1%) respondents who also strongly disagreed with the statement. In contrast, 188 (16.5%) respondents agreed that respondents who were tenants were favoured during the dispute resolution ahead of their landlords or landladies by the mediators. Since majority of the respondents disagreed with the notion that tenants were favoured over and above their landlords, it is safe to argue that perhaps tenants were not favoured over their landlords because they did not belong to the propertied or dominant class, or we can extrapolate that tenants did not get favoured over their landlords or landladies because they might not have anything to offer the mediators the way the property owners do. On the other hand, some tenants are more influential and economically

advantaged more than their landlords. If the ADR process is prone to corruption as adduced by some scholars, could it be that such tenants too could game the process ahead of their landlords?

Regarding whether decisions made by mediators were fair to the parties involved in landlord or landlady-tenant disputes, 6 (0.5%) respondents did not share their views on the matter. However, 173 (15.2%) respondents disagreed that there was fairness in the decisions made at the Centre, and were supported by 937 (82.3%) respondents who strongly disagreed with the statement that the decisions made by CMC mediators were fair to parties in the dispute. Only 23 (2.3%) respondents strongly agreed that decisions made at the Citizens Mediation Centre were fair enough to the disputants. Therefore, since majority of the respondents believed that the decisions reached or awards given by CMC mediators were not fair to both parties involved in landlord or landlady-tenant disputes, it can be suggested that such decisions or awards might have been biased or subjective and would have favoured one party over another. Since other findings from the field work have shown that property owners tended to be favoured at the CMC dispute resolution sessions, it follows that the biased awards given could also have been tipped in their favour. This could also be a function of the litigious society that Nigeria is about where disputants might already have been used to the win-lose doctrines of law found in the judicial forum. Hence, any form of adjudication that is not adversarial, does not declare one party a winner and another one a loser does not fit their ideal picture of a fair adjudicatory system.

Table 4.7.1 also captures the opinions of respondents in relation to whether CMC mediators listened to the needs of disputants during the dispute resolution session. According to 171 (16.2%) respondents, CMC mediators did not listen to the needs of respondents during the mediation sessions, and this position was further corroborated by 173 (16.4%) respondents who also strongly disagreed with the statement that CMC mediators listened to their needs during the sessions. However, 714 (67.5%) respondents strongly agreed with the statement that the mediators listened to their needs during the mediation sessions. Based on these results, it can be construed that the mediators listened to the needs of the respondents during the dispute resolution sessions by providing opportunity for respondents to vent their emotions, concerns, and needs without possibly discouraging them with negative and stereotypical labels such as victims, trouble makers, tribalists or harassers. This shows that the mediators displayed professionalism, having been trained to be

good listeners, which is one of the prerequisites that dispute resolution is contingent on for the effective settlement of dispute. This helps the mediators to understand what the dispute is all about and to discern how to lead disputants to reach an amicable decision.

Accordingly, when asked to respond to the statement that CMC mediators listened to the interests of the disputants during the dispute resolution process, 66 (5.8%) respondents disagreed with the statement, followed by 266 (23.4%) other respondents who strongly disagreed with the statement. However, 17 (1.5%) respondents agreed with the statement that CMC mediators did listen to their interests during the dispute resolution sessions followed by 691 (60.7%) respondents who strongly agreed that CMC mediators listened to their interests during the dispute resolution sessions. On the other hand, 99 (8.7%) respondents failed to give a response to the statement. It suggests then that CMC mediators applied their professional training to the dispute resolution sessions by listening to disputants. Such attentiveness to hear what the interests of disputants are in a dispute acts as an important plank to build an understanding of what the dispute is about and how it can be resolved particularly because disputing parties are allowed to bare their minds without restraint.

Apropos the statement that sought respondents' opinion on whether CMC mediators were interested in the amicable resolution of the dispute brought before them, 122 (10.7%) respondents believed that CMC mediators were not interested in the amicable resolution of their disputes, while 66 (5.8%) respondents further strongly disagreed with the statement. In contrast, 934 (82.0%) respondents believed that CMC mediator(s) were interested in the amicable resolution of their disputes and this view was further substantiated by 17 (1.5%) respondents who strongly agreed with the statement. This implies that mediators were interested in the amicable resolution of respondents' disputes which is what their mandate as an institution is all about. Disputants might have opted for the mediation services of the Centre because of their perception that it would afford them an amicable resolution of their disputes with all the advantages of alternative dispute resolution. Therefore, it is expected that CMC mediators would endeavour to keep to the mandate of the CMC.

As regards the use of local languages that disputants could understand in cases where one of the parties or both parties do not understand the English language, 790 (69.4%) respondents strongly

disagreed with the statement that local languages were used that disputants could understand. However, 83 (7.3%) respondents agreed that mediators used local languages that disputants could understand and another group of 243 (21.3%) respondents strongly agreed with the statement. This shows that CMC mediators did not in most cases use any of the local languages to communicate with disputants. This also means that they communicated in most cases in the English language, which could be confusing to disputants that do not have Western education or are not literate. The rationale for not using the local languages essentially may be as a result of the attempt by the mediators to communicate in English, which is the official language in Nigeria due to the different ethnic and racial groups of Nigerian and foreign origins who reside in Lagos. Thus, while some mediators might resort to using a local language sparingly to get across to an illiterate landlord, landlady or tenant, findings show that the norm with regard to the use of language at the CMC was to use the English language. Importantly, Lagos, being a cosmopolitan city, it is believed should at least have residents who have smattering knowledge of the English language or who can converse in Pidgin English in case they cannot converse in Standard English language. Thus, mediators at the CMC might not see the need to speak the local languages since it would be presumed that disputants coming to the Centre should be able to converse in Pidgin English at least.

Concerning whether disputants were accorded respect based on their ethnicity, 626 (55.0%) respondents denied the statement and were corroborated by 99 (8.7%) other respondents who strongly felt that mediators did not show respect to disputants on the basis of ethnicity. Contrariwise, 397 (34.9%) respondents strongly agreed with the statement that mediators deferred to disputants on the basis of their ethnicity and were supported by 17 (1.5%) other respondents who also thought so. Therefore, the results connote that CMC mediators did not show respect to disputants because of the ethnic group they were from but would have treated disputants equally. This is what should be expected of a public service institution or agency of government tending to the needs of the public. It is expected that disputants should earn the respect of the mediators as citizens of the country or because of their humanity and not because of their ties with a particular ethnic group. This approach will tend to achieve the mandate of the Centre and also enhance access to justice by all comers. Corroborating CMC mediators' stance on ethnicity, a CMC official in their Ikeja office who partook in the interview had this to say:

Honestly, ethnicity plays a great role in our society but it cannot certainly be a factor in determining success. I know that a whole number of disputants would have said, “Oh, if the whole landlords and tenants were from a tribe, it would have been a lot easier!” Again, too, when you are talking to them, particularly when we have parties that are not really educated or one side is educated and the other is not, it presents a lot of challenges. We could have easily brokered that in their mother tongue. Again, we find landlords that are recalcitrant and that would say I don’t want Igbo or Yoruba man in my house. Even we have landlords that would not want to give their homes to a lawyer or a police officer because they claim such tenants are troublesome. So when you look at ethnicity, nepotism, tribalism, they all play greater role when we come to the field of mediation but of course, they have no way to influence the judgement of our mediators because by our training, we know where and how to regard them.

This opinion was further substantiated by another CMC official who partook in the interview session held at their Ibeju-Lekki office. He had this to say:

I think ethnicity does not impinge on the work of or at the Centre. I do not think ethnicity is a strong factor in determining the success of the centre’s mediation services.

Similarly, when asked to share their opinion on whether mediators showed respect to disputants’ religious beliefs, 11 (1.0%) respondents disagreed with the statement, followed by 23 (2.0%) respondents who strongly disagreed with it. Oppositely, 17 (1.5%) respondents agreed with the assertion that CMC mediators showed respect to disputants’ religious beliefs and this position was also shared by 397 (34.9%) respondents who strongly believed it. However, 691 (60.7%) respondents did not give their opinion on this. Therefore, the responses imply that CMC mediators were sensitive to the religious beliefs of disputants and tried to respect those beliefs in the course of the mediation process. Consequently, the religion of disputants was not treated with scorn or seen as a barrier to effective dispute resolution.

Regarding whether mediators accorded respect to disputants based on their educational status, 691 (60.7%) of the respondents disagreed with the statement. On the contrary, 426 (37.4%) respondents agreed with the statement and their view was further substantiated by 11 (1.0%) respondents who strongly felt that the mediators accorded respect to disputants based on their educational status. However, 11 (1.0%) respondents did not share their views on the matter. Therefore, the results reveal that mediators did not accord respect to disputants’ educational status while overseeing the dispute resolution meetings. This is very important for the effectiveness of the dispute resolution

outcomes at the CMC that disputants should be respected whether they have low or high educational status. Mediators should be guided by the merits of a case and not by what educational qualifications disputants have. On this matter, in an interview session a CMC official participated in Ikeja, he said:

For the educated, we have fewer challenges. For the uneducated, it comes with a lot of complications. You'll keep explaining and explaining. And when one side is educated and the other side is not, the uneducated party may think he or she is being cheated. It gives the mediators a lot of concerns because the uneducated party may think that you are cheating in favour of the educated party, and that every step you take, the fellow may think you want to use the education advantage. When you even give them a document to sign, they tell you they cannot until they see their son or daughter or even lawyer before they sign or thumb print. And such interventions by their sons, daughters or lawyers come with their own complications or redirections. Sometimes, they tell the landlords not to sign this cause saying this clause or that clause is meant to embarrass you. Sometimes, the lawyer also comes in to complicate matters for many, many reasons. I think education plays a vital role. When you are dealing with parties that are educated, they appreciate all you are saying easily and if they have differences, they may say, "We are not satisfied and we'll want to go somewhere else" or in many cases, they want to reach consensus as quickly as possible. However, we strive to treat every case by its own merit.

Another CMC Official in Alimosho had this to say regarding education as a factor for successful mediation process:

An illiterate landlord or tenant most times can have shallow- or narrow-minded perspective. The level of education can help to advance the robustness of understanding of disputants. They can easily read, write and understand discussions being engaged in and they are more informed.

4.7.2 Goal Achievement/Outcome Criterion of the Citizens Mediation Centre's Effectiveness

This segment concerns itself with the effectiveness of the Citizens Mediation Centre with regard to the goals it had achieved or outcomes it had engendered while working to resolve landlord or landlady-tenant disputes. These goals include: (1) Provision of qualitative mediation through skilled mediators; (2) Timely management of disputes; (3) Accessibility to or by the public; (4) Commitment to improvement in service provision and responsiveness to public feedback. Five (5) statements were posed to respondents using a 5-Point Likert Scale of 1 = No Opinion, 2 = Disagree,

3 = Strongly Disagree, 4 = Agree and 5 = Strongly Disagree. The descriptive results are presented through the use of the frequency and percentage in Table 4.7.2 below.

Table 4.7.2: Goal Achievement Criterion of the CMC’s Effectiveness

Goal Achievement Criterion of CMC’s Effectiveness	Frequency	Percentage
<i>The CMC's dispute resolution process helped us to resolve the dispute</i>		
Disagree	99	8.7
Strongly Disagree	33	2.9
Agree	692	60.8
Strongly Agree	315	27.7
Total	1139	100.0
<i>The CMC's dispute resolution process helped us agree on how to resolve our disputes</i>		
No Option	99	8.7
Strongly Disagree	23	2.0
Agree	337	29.6
Strongly Agree	680	59.7
Total	1139	100.0
<i>The CMC's dispute resolution helped me get justice</i>		
Disagree	133	11.7
Agree	658	57.8
Strongly Agree	348	30.6
Total	1139	100.0
<i>The CMC helped maintain my relationship with the other party after the dispute resolution</i>		
No Option	23	2.0
Disagree	11	1.0
Strongly Disagree	653	57.3
Agree	290	25.5
Strongly Agree	162	14.2
Total	1139	100.0
<i>The CMC through its intervention prevented us from proceeding to the courts for settlement</i>		
Disagree	588	51.6
Strongly Disagree	137	12.0
Agree	110	9.7
Strongly Agree	304	26.7
Total	1139	100.0

Source: Field Survey (2016)

From Table 4.7.2, when posed with the statement that CMC helped disputants to resolve their disputes, 99 (8.7%) respondents disagreed with the statement and 33 (2.9%) more respondents

strongly disagreed with the position. Contrariwise, 692 (60.8%) respondents strongly agreed with the statement that the CMC's dispute resolution process indeed helped them to resolve their dispute and 315 (27.7%) more respondents strongly shared that opinion. Consequently, it can be inferred from the views of respondents that the CMC's dispute resolution process helped many disputants who had attended its dispute resolution sessions to resolve their disputes with the dissenting parties. This suggests that the CMC helped to put an end to the antagonism, rancour, and unending disagreements of more disputants that attended the Centre's mediation processes, restoring peace to the tenancy relationship which could have discouraged disputants from proceeding to the law courts in search of justice. Thus, through the CMC disputes were resolved amicably among the disputants. Several studies have argued in favour of mediation as a means to resolving disputes whose relationship is sensitive and fragile in an amicable manner more than what obtains in the law courts (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012). An informant who is also a CMC official also bared his mind on the ability of the CMC to arrive at amicable outcomes for disputants. His words:

The Centre is striving to fulfil its mandate which is to bring about early resolution of dispute for those that come to it. The Centre is doing pretty well even though there is still room for improvement.

Another CMC official who participated in the interview session in their Ikorodu office also supported the earlier view. His views are captured below:

My assessment of the performance of the CMC is a good one. Not only because I work here but this is supported by facts and figures as to the success that we have attained. We've also had members of the public thanking God that if not for the fact that a department like this was established in Lagos State, the number of threats arising from domestic violence between landlords and tenants would have been on the increase as ever but with the coming of this department, at least it has been reduced to a reasonable minimum through the early and amicable resolution of landlord-tenant disputes.

Concerning whether the CMC's dispute resolution process helped respondents to agree on how to resolve their disputes, 23 (2.0%) respondents strongly disagreed with the statement that CMC's dispute resolution process helped them agree on how to resolve their disputes. However, 337 (29.6%) respondents agreed that the CMC's dispute resolution process helped them agree on how to resolve their disputes and this view was further strongly supported by 680 (59.7%) respondents. Ninety-nine respondents did not record their opinion regarding the statement. Thus, the results

show that the CMC's dispute resolution process helped respondents agree on how to resolve their disputes. This consensus in the creation of a solution to the disputes as agreed and supported by disputants means that there is a greater likelihood that parties would agree to the outcome of the mediation process because of their involvement in the generation of the solution rather than if they were not involved in the creation of the solution. This implicates that enduring peace could be achieved through the CMC-mediated dispute resolution process for disputing parties.

On whether the CMC dispute resolution had helped in securing justice for aggrieved disputants, 133 (11.7%) respondents did not share that view because they think the CMC did not help them to get justice. On the other hand, 658 (57.8%) respondents agreed that the CMC's dispute resolution process had helped them to get the desired justice and this position was corroborated by 348 (30.6%) respondents who strongly agreed to the statement. This suggests that the CMC's dispute resolution helped more disputants to secure justice which could also mean that the aggrieved would be pacified or compensated and the guilty would be reprimanded or made to pay damages. This also implicates a justice system that is quick, inexpensive and more accessible to landlords or landladies and their tenants and would deny disputants from seeking self-help in a bid to secure justice. This finding harmonises well with the argument in literature that ADR in general and mediation in particular bypasses ineffectiveness in some court processes by providing greater access to justice for citizens, disadvantaged groups and the poorest of disputants (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012).

Regarding the statement that CMC helped disputants maintain good relationship with the other party after the dispute resolution, 11 (1.0%) respondents disagreed with the statement while 653 (57.3%) respondents also strongly disagreed with the statement. Only 162 (14.2%) respondents strongly agreed with the statement that the CMC helped them to maintain good relationship with the other party after the dispute resolution. However, 23 (2.0%) respondents did not state their opinion on the subject. It can therefore be deduced that majority of the respondents were of the opinion that the CMC did not help the disputants to maintain good relationship with the other party after the dispute resolution. This could be as a result of CMC's mediators' bias handling of disputes which could have occasioned the situation where disputants leave the dispute resolution sessions without reverting to the previous good relations between the parties. Or it could be a function of

the negative attitude of disputants in accepting the win-win solutions embedded in the practice of mediation. However, if this finding is a product of the bias handling of the dispute resolution process by the CMC mediators, if not corrected, this means the CMC's mediation process is not different from the court system which turns disputants into adversaries rather than friends. And if such biased dispute resolution process is not corrected, the CMC might not be performing its statutory functions, one of which is the amicable resolution of disputes. In such a situation, the party that feels cheated might end up severing his or her relationship with the other party at the end of the dispute, defeating a fundamental and cardinal principle of ADR, which is the amicable resolution of disputes or conflicts.

On the subject of whether the intervention of the CMC prevented disputants from proceeding to the courts for the settlement of their disputes, 588 (51.6%) respondents denied the statement and 137 (12.0%) respondents strongly disagreed with the statement. Nevertheless, 110 (9.7%) respondents agreed with statement that the CMC's intervention had led to the prevention of disputants from going to the courts for settlement and the view was further supported by 304 (26.7%) respondents who strongly agreed with the statement. Overall, respondents stated that the CMC did not prevent them from seeking further redress from the courts. This could be traced to the alleged bias that disputants faced during the dispute resolution process which might have forced them to seek redress from the courts. If this is not corrected, there is a likelihood that one of the reasons for the creation of the CMC which was to reduce court dockets has been defeated. Thus as mentioned earlier, the litigious nature of the Nigerian society could compel disputants to still prefer the court system even after having attended the CMC's mediation sessions.

4.7.3 Effectiveness of the Citizens Mediation Centre in Keeping to Its Vision and Objectives

This sections examined the effectiveness of the Citizens Mediation Centre with regard to the pursuit and attainment of its vision and objectives by subjecting respondents to give their views on statements posed to them being guided by a 5-Point Likert Scale of 1 = No Option, 2 = Disagree, 3 = Strongly Disagree, 4 = Agree and 5 = Strongly Disagree. The descriptive results are presented below in Table 4.7.3 below.

Table 4.7.3: Effectiveness of the CMC in Keeping to its Vision and Objectives

CMC's Vision Objectives	Frequency	Percentage
<i>The lower income disputants have better access to justice through the CMC</i>		
No Option	35	3.1
Disagree	667	58.6
Agree	356	31.3
Strongly Agree	81	7.1
Total	1139	100.0
<i>The CMC's dispute resolution is better than the formal court system</i>		
Disagree	35	3.1
Strongly Disagree	766	67.3
Agree	168	14.7
Strongly Agree	170	14.9
Total	1139	100.0
<i>The CMC's dispute resolution is faster than the formal system</i>		
Disagree	99	8.7
Strongly Disagree	35	3.1
Agree	1005	88.2
Total	1139	100.0
<i>The CMC's dispute resolution is less adversarial than the formal system</i>		
No Option	99	8.7
Strongly Disagree	23	2.0
Agree	182	16.0
Strongly Agree	835	73.3
Total	1139	100.0
<i>Mediators only guided the discussions before the decision was reached</i>		
Disagree	122	10.7
Strongly Disagree	16	1.4
Agree	651	57.2
Strongly Agree	350	30.7
Total	1139	100.0

Source: Field Survey (2016)

From Table 4.7.3, when presented with the statement that lower-income people had access to justice through the CMC, 667 (58.6%) respondents disagreed with the statement. However, 356 (31.3%) respondents agreed with the statement that the CMC provided access to justice to lower-income people supported by 81 (7.1%) respondents who strongly shared that view. Thirty-five (35, 3.1%) respondents nevertheless did not share their views. It can then be assumed that lower-income earners did not access justice at the CMC perhaps owing to the allegation by respondents

that mediators sometimes favoured the influential or the wealthier party in the dispute. If this is true, it is a strong indictment on that form of justice system and negatively affects the administration of justice to the poor or have-nots.

On the statement that the CMC's dispute resolution process was better than that of the formal court system, 35 (3.1%) respondents disagreed which means they considered the court system to be better than the CMC and their position was further validated by 766 (67.3%) respondents who also strongly did not share the view that the CMC's dispute resolution process was better than the court system. On the contrary, 168 (14.7%) respondents agreed that the CMC's dispute resolution process was better than the formal court system followed by 170 (14.9%) respondents who strongly shared that viewpoint. Since, majority of the respondents strongly disapproved of the statement, it clearly shows that respondents still believed that the last hope for justice for the common man or Nigerians was the court system in spite of the latter's challenges and frailties. Although the Nigerian formal court system, like every judicial forum in all jurisdictions, is known for its zero-sum, adversarial, lack of confidentiality, expensive and protracted legal processes, the respondents still vouched for it. And this may explain why they still preferred to visit this forum even after mediation awards had been given by the CMC. Perhaps, if the allegation that CMC mediators take sides with influential or wealthy parties is true, this might have resonated badly with respondents who think that true justice would only be achievable at the law courts. A CMC official in Onikan had this to say about the Centre's mediation service and why she considers it better than related third-party intervention forums:

I certainly prefer our mediation service to litigation and similar third-party interventions. I trained as a lawyer from the university and the Nigerian Law School. I've always known that if you look at this our method, I still go to court when the need arises, you cannot compare the time that would be spent in court, you cannot compare the cost implication of having to procure a lawyer, even when you refuse to procure a lawyer and the state is giving you one, the state is also paying because the lawyer is earning from the coffers of the government. But I'll like to say that when you look at it, what we do here, like some few weeks back, when we had led some matters, within 2 days we were done and both parties were happy and they signed consensus that there would be truce but if you go to court, the several adjournments that go with it and the several legalities, the whole lot of bureaucracies and the doctrines of law, which cases are subjected to, make litigation vis-à-vis mediation a whole lot complicated and processual.

Summarising the views of other CMC Officials that were interviewed in Ikeja, Epe and Alimosho, they affirmed their preference for mediation than for litigation. Their words suggested that:

The tenancy relationship is a very fragile relationship that requires a specific third party intervention that will consider cost, duration, process and outcome among others. These benefits, among others, are the things that make mediation more attractive than litigation.

Concerning the statement that the CMC's dispute resolution was faster than the formal court system, 99 (8.7%) respondents dismissed the statement as being untrue, and 35 (3.1%) respondents also strongly towed this line of thought. On the contrary, 1005 (88.2%) respondents believed that the CMC's dispute resolution process was faster than the formal court system where there is usually adjournment of cases with some lasting for decades, making it a forum where settlement of disputes could take years even after the demise of the initial disputants. This agrees with the position of many scholars in literature about the fact that mediation as well as other ADR forums was quite speedy (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011).

On the subject of the CMC's dispute resolution being less adversarial than the formal court system, 23 (2.0%) respondents strongly disagreed with the statement. However, the statement was supported by 182 (16.2%) respondents and another group of 835 (73.3%) respondents strongly believed that the CMC's dispute resolution was less adversarial than the formal system. Ninety-nine (99, 8.7%) respondents did not choose any of the options. Consequently, the majority of the respondents' view that the formal court system was more adversarial than the CMC dispute resolution process has been established in literature and in practice when judicial proceedings are compared with ADR or mediation processes (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011). Thus, the CMC's dispute resolution process was perceived by respondents to be less adversarial than the formal court system.

The statement that CMC mediators only guided the discussions before the decisions were reached elicited different responses as expected. About 122 (10.7%) respondents disagreed with the

statement and their stance was corroborated by 16 (1.4%) respondents who strongly disapproved of the statement. Conversely, 651 (57.2%) respondents agreed with the statement that CMC mediators only guided the discussions before decisions were reached and they were supported by 350 (30.7%) respondents who strongly agreed with the statement. Consequently, majority of the respondents believed that CMC mediators only guided the discussions before decisions were reached which is in the true spirit of mediation where mediators are expected to guide the proceedings or dispute resolution processes, and help disputants come up with solutions regarding their disputes. Thus, mediators are selected because of their knowledge of the issues relevant to a dispute, and are trained to ensure that disputes are resolved by only guiding the discussions and not influencing it, and by refraining from suggesting solutions to the parties involved in the dispute.

4.8 Hypotheses Testing

This section tested the first hypothesis of this study by using the inferential statistic of multiple linear regression.

Hypothesis One

H₀: CMC's mediation has no significant effect on effective resolution of landlord-tenant disputes.

H₁: CMC's mediation has significant effect on effective resolution of landlord-tenant disputes.

Table 4.8.1: Model Summary of the Relationship between CMC's Mediation and the Effective Resolution of Landlord-Tenant Disputes

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.575(a)	.331	.328	.264

Source: Field Survey (2016)

a. Predictors: (Constant), The CMC through its intervention prevented us from proceeding to the courts for settlement; The CMC's dispute resolution process helped us to resolve the dispute; The CMC helped maintain my relationship with the other party after the dispute resolution; The CMC's

dispute resolution helped me get justice; The CMC's dispute resolution process helped us agree on how to resolve our disputes.

Table 4.8.1 indicates the model summary of the multiple regression equation that predicted the significance of the regression model on **significant relationship between CMC’s mediation and the effective resolution of landlord-tenant disputes**. In this case, the Citizens Mediation Centre’s intervention explains a significant relationship of variance in landlord-tenant dispute resolution in Lagos State. The independent variable which is the Citizens Mediation Centre accounts for 57.5 percent of the variance in landlord-tenant dispute resolution. The Table provides useful information about the regression analysis. First, the ‘multiple r’ column has shown the relationship between the actually observed independent variable and the dependent variables predicted by the regression equation (Landlord-Tenant dispute resolution). R^2 is the square of R and is also known as the ‘coefficient of determination’. It states the proportion (or percentage) of the (sample) variation in the dependent variable that can be attributed to the independent variable. In this study, 33.1% of the variation in Citizens Mediation Centre can be explained by the effective dispute resolution (Explained variation) also known as co-efficient of determination while 66.9% are the unexplained variables (Co-efficient of alienation). The ‘adjusted R^2 ’ refers to the best estimate of R^2 for the population from which the sample was drawn. Finally, the ‘standard error of estimate (SE)’ indicates that, on average, Citizens Mediation Centre deviates from the predicted regression line by a score of 0.264.

Table 4.8.2: ANOVA Table of the Significant Relationship between CMC’s Mediation and the Effective Resolution of Landlord-Tenant Disputes

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	39.095	5	7.819	111.939	.000(a)
	Residual	79.140	1133	.070		
	Total	118.235	1138			

Source: Field Survey (2016)

a. Predictors: (Constant), The CMC through its intervention prevented us from proceeding to the courts for settlement; The CMC's dispute resolution process helped us to resolve the dispute; The CMC helped maintain my relationship with the other party after the dispute resolution; The CMC's

dispute resolution helped me get justice; The CMC's dispute resolution process helped us agree on how to resolve the disputes.

b. Dependent Variable: Have you ever resolved any dispute with either your landlord or landlady or tenant?

In the ANOVA Table presented (Table 4.8.2), it shows that the F calculated value of 111.939 is significant at the 0.05 level. This is because the p-value is 0.000 which is less than 0.05 ($p < 0.05$) and the said F calculated is greater than the tabulated value $111.939 > 2.22$ ($F_{cal} > F_{tab}$). Overall, the regression model with the independent variable (Citizens Mediation Centre) is suitable in explaining the variation in landlord-tenant dispute resolution. Therefore, since the F calculated is greater than the F tabulated, the alternative hypothesis which states that **“There is a significant relationship between CMC’s mediation and the effective resolution of landlord-tenant disputes”** is accepted. This infers that the Citizens Mediation Centre has strongly enabled the effective resolution of landlord-tenant disputes by restoring peace to troubled tenancy relationships and putting an end to any form of disagreement that could have led to violence or disruption of public peace. The Citizens Mediation Centre handles dispute resolution in a healthy manner, settles irreparable rifts, resentments, and breakups among disputants. Through the Citizens Mediation Centre disputes get resolved in a healthy way and could strengthen the bonds of relationship between landlords or landladies and their tenants.

Table 4.8.3: Coefficient Table of the Significant Relationship between CMC’s Mediation and the Effective Resolution of Landlord-Tenant Disputes

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	.367	.062		5.968	.000
	The CMC's dispute resolution process helped us to resolve the dispute	-.193	.034	-.482	-5.614	.000
	The CMC's dispute resolution process helped us agree on how to resolve disputes	.543	.036	1.922	15.148	.000
	The CMC's dispute resolution helped me get justice	-.534	.024	-1.452	-21.901	.000
	The CMC helped maintain my relationship with the other party after the dispute resolution	.059	.028	.150	2.070	.039
	The CMC through its intervention prevented us from proceeding to the courts for settlement	.373	.035	1.493	10.593	.000

Source: Field Survey (2016)

a. Dependent Variable: Have you ever resolved any dispute with either your landlord or landlady or tenant?

Coefficient Table 4.8.6 shows the model coefficients for the parametric model (multiple regression). In addition to the estimates of the coefficients, the table includes a measure of the variability or error of each estimate and a test statistic (**t value**) of the null hypothesis. A **p-value** for the statistical test is also provided. A small **p-value** (typically less than 0.05) indicates that the null hypothesis can be rejected, that is, that the coefficient is significant or important in the model. Therefore, the null hypothesis is rejected while the alternative hypothesis shows a **significant**

relationship between CMC’s mediation and the effective resolution of landlord-tenant disputes.

Hypothesis Two

H₀: Socio-economic factors have no significant influence on effective CMC landlord-tenant dispute resolution.

H₁: Socio-economic factors have significant influence on effective CMC landlord-dispute resolution.

Table 4.8.4: The Model Summary of the Relationship between Socio-Economic Factors and Effective CMC Landlord-Tenant Dispute Resolution

Model	R	R Square	Adjusted Square	Std. Error of the Estimate
1	.498(a)	.248	.246	1.904

Source: Field Survey (2016)

a. Predictors: (Constant), Monthly Income, Sex, Ethnicity

Table 4.8.4 indicated the model summary of the multiple regression equation that predicted the significance of the regression model on **significant relationship between socio-economic factors and effective CMC landlord-dispute resolution**. In this case, socio-economic factors can explain a significant relationship of effective CMC landlord-tenant dispute resolution. The independent variable which refers to socio-economic factors accounts for 49.8% percent of the variance in effective CMC landlord-tenant dispute resolution. The Table provides useful information about the regression analysis. First, the ‘multiple r’ column has shown the relationship between the actually observed independent variables and the dependent variables predicted by the regression equation (Effective CMC landlord-tenant dispute resolution). R^2 is the square of R and is also known as the ‘coefficient of determination’. It states the proportion (or percentage) of the (sample) variation in the dependent variable that can be attributed to the independent variables. In this study, 24.8% of the variation in socio-economic factors can be explained by the effective CMC landlord-tenant dispute resolution (Explained variation) also known as co-efficient of

determination while 75.2% are the unexplained variables (co-efficient of alienation). The ‘adjusted R²’ refers to the best estimate of R² for the population from which the sample was drawn. Finally, the ‘standard error of estimate (SE)’ indicates that, on average, Citizens Mediation Centre deviates from the predicted regression line by a score of 1.904. Based on this, the Adjusted R Square adjusts for a bias in R Square.

Table 4.8.5: ANOVA Table of Significant Relationship between Socio-Economic Factors and Effective CMC Landlord-Tenant Dispute Resolution

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	1407.507	3	469.169	129.476	.000(a)
	Residual	4261.337	1176	3.624		
	Total	5668.844	1179			

Source: Field Survey (2016)

- a. Predictors: (Constant), Monthly Income, Sex of Respondents, Ethnicity
- b. Dependent Variable: Outcome of the CMC dispute resolution

In the ANOVA table presented (Table 4.8.5), it shows that the F calculated value of 129.476 is significant at the 0.05 level. This is because the p-value is 0.000 which is less than 0.05 ($p < 0.05$) and the said F calculated value is greater than the tabulated value, that is, $129.497 > 3.01$ ($F_{cal} > F_{tab}$). Overall, the regression model with the independent variable (Socio-economic factors) is suitable in explaining the variation in the effective CMC landlord/tenant dispute resolution. Therefore, since the F calculated is greater than the F tabulated, the alternative hypothesis which states that “**There is a significant relationship between socio-economic factors and effective CMC landlord-dispute resolution**” is accepted. Consequently, it is evident that socio-economic factors such as ethnicity, monthly income and the sex of respondents have significant impact on effective CMC landlord-tenant dispute resolution.

Table 4.8.6: Coefficient Table of Significant Relationship between Socio-Economic Factors and Effective CMC Landlord-Tenant Dispute Resolution

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	1.093	.282		3.874	.000
	Sex	2.664	.156	.464	17.026	.000
	Ethnicity	-.943	.122	-.216	-7.720	.000
	Monthly Income	.048	.061	.023	.784	.433

Source: Field Survey (2016)

a. Dependent Variable: What was the outcome of the CMC dispute resolution on your relationship with the tenant/landlord/landlady

Coefficient Table 4.8.6 shows the model coefficients for the parametric model (multiple regression). In addition to the estimates of the coefficients, the table includes a measure of the variability or error of each estimate and a test statistic (**t value**) of the null hypothesis. A **p-value** for the statistical test is also provided. A small **p-value** (typically less than 0.05) indicates that the null hypothesis can be rejected, that is, that the coefficient is significant or important in the model. Therefore, the null hypothesis is rejected in the influence that sex and ethnicity have on effective CMC landlord-tenant dispute resolution while there is a significant **relationship between monthly income and effective CMC landlord-dispute resolution**. This finding supports the social conflict theory which presupposes that those with the wherewithal can influence social institutions of the state such as the political realm, jurisprudence and others for their private interests.

Hypothesis Three

H₀: Application of merit in decisions and awards have no significant influence on effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State.

H₁: Application of merit in decisions and awards have significant influence on effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State.

Table 4.8.7: The Model Summary of the Relationship between the Application of Merit in Decisions and Awards and the Effectiveness of the Citizens Mediation Centre in the Resolution of Landlord-Tenant Disputes in Lagos State

Model	R	R Square	Adjusted Square	R	Std. Error of the Estimate
1	.626(a)	.391	.390		.629

Source: Field Survey (2016)

a Predictors: (Constant), The CMC mediators were interested in the amicable resolution of the disputes; Mediators did not take sides with any party during the sessions; Decision(s) made were fair to the disputants.

Table 4.8.7 indicated the model summary of the multiple regression equation that predicted the significance of the regression model on **between application of merit in decisions and awards and the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State**. In this case, the application of merit in decisions and awards can explain a significant relationship of effectiveness of the CMC in landlord-tenant dispute resolution in Lagos State. The independent variable of application of merit in decisions and awards accounts for 62.6% percent of the variance in effective CMC resolution of landlord-tenant dispute in Lagos State. The table provides useful information about the regression analysis. First, the ‘multiple r’ column has shown the relationship between the actually observed independent variable and the dependent variables predicted by the regression equation (Effectiveness of the CMC in the

resolution of landlord-tenant dispute). R^2 is the square of R and is also known as the ‘coefficient of determination’. It states the proportion (or percentage) of the (sample) variation in the dependent variable that can be attributed to the independent variables. In this study, 31.9% of the variation in the application of merit in decisions and awards can be explained by the effectiveness of the CMC landlord-tenant dispute (Explained variation) also known as co-efficient of determination while 68.1% are the unexplained variables (Co-efficient of alienation). The ‘adjusted R^2 ’ refers to the best estimate of R^2 for the population from which the sample was drawn. Finally, the ‘standard error of estimate (SE)’ indicates that, on average, application of merit in decisions and awards deviates from the predicted regression line by a score of 0.629. Based on this, the **Adjusted R Square** adjusts for a bias in **R Square**.

Table 4.8.8: ANOVA Table of the Relationship between Application of Merit in Decisions and Awards and the Effectiveness of the Citizens Mediation Centre in the Resolution of Landlord-Tenant Disputes in Lagos State

Model		Sum of Squares	Df	Mean Square	F	Sig.
1	Regression	288.846	3	96.282	243.408	.000(a)
	Residual	448.959	1135	.396		
	Total	737.805	1138			

Source: Field Survey (2016)

a Predictors: (Constant), The CMC mediator(s) were interested in the amicable resolution of the disputes; Mediator(s) did not take sides with any party during the sessions; Decision(s) made were fair to the disputants.

b Dependent Variable: The CMC's dispute resolution process helped us to resolve the dispute.

In the ANOVA Table presented (Table 4.8.8), it shows that the F calculated value of 243.408 is significant at the 0.05 level. This is because the p-value is 0.000 which is less than 0.05 ($p < 0.05$) and the said F calculated is greater than the tabulated value $243.408 > 3.01$ ($F_{cal} > F_{tab}$). Overall, the regression model with the independent variable (application of merit in decisions and awards) is suitable in explaining the variation in the effectiveness of the Citizens Mediation Centre in the

resolution of landlord-tenant disputes in Lagos State. Therefore, since the F calculated is greater than the F tabulated, the alternative hypothesis which states that “**There is a significant relationship between the application of merit in decisions and awards and the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State**” is accepted. This outcome shows that the application of merit in decisions and awards has an influence on the effectiveness of the CMC in the resolution of landlord-tenant disputes in Lagos State. Whenever merit is applied in the dispute resolution process, it positively adds to the CMC’s effectiveness and overall makes the Centre’s dispute resolution process effective and impartial to parties that come to the Centre for the resolution of their disputes.

Table 4.8.9: Coefficient Table of the Significant Relationship between Application of Merit in Decisions and Awards and the Effectiveness of the Citizens Mediation Centre in the Resolution of Landlord-Tenant Disputes in Lagos State

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	2.589	.202		12.838	.000
	Mediator(s) did not take sides with any party during the sessions	-.173	.018	-.230	-9.613	.000
	Decision(s) made were fair to the disputants	-.127	.043	-.077	-2.987	.003
	The CMC mediator(s) were interested in the amicable resolution of the disputes	.616	.031	.505	19.854	.000

Source: Field Survey (2016)

a. Dependent Variable: The CMC's dispute resolution process helped us to resolve the dispute

In Coefficient Table 4.8.9, the null hypothesis is rejected because the p-values are smaller than 0.05. Therefore, the alternative hypothesis is accepted because there is a significant relationship between the **application of Merit in Decisions and Awards and the Effectiveness of the Citizens Mediation Centre in the Resolution of Landlord-Tenant Disputes in Lagos State.**

CHAPTER FIVE

DISCUSSION

This chapter discusses the research objectives of the study vis-à-vis findings made. This is done by relating findings to the positions in extant literature regarding the research objectives posed in the study. The interpretations are to enable inferences to be drawn from the research results in line with the research objectives. Therefore, the chapter will consider the study's research objectives vis-à-vis research results. It will also compare findings with the reviewed literature. This is to facilitate a robust interpretation that covers the study's research objectives as they relate with the research results and reviewed literature.

5.1 Socio-Demographic Profile of Respondents

Respondents for the research survey were drawn from the pool of landlords and tenants who had visited the CMC in the last 10 years to have their disputes resolved at and by the Centre. More males participated in the study and the reason for this is obvious. More landlords in the study area are men and this speaks to the skewed socio-economic pecking order in the study area which favours more men than women. As a result, property owners who participated in the study were more of the male gender than the female gender.

Many of the respondents were within the age bracket of 45 and 54 years, which meant that the survey handled responses from very experienced people who were at the peak of their career, professions or business or were in the least accomplished. This age bracket is significant because the study is such an important one that required maturity, some level of social exposure and experience for robust discussions or contributions to be made. Respondents that participated in the study, whether as tenants or property owners, were married. Many more respondents also had some level of education or another, with more than half of the respondents possessing one form of tertiary education or certification. Their educational level helped the study in the sense that many of the respondents were able to participate in the completion of the questionnaire, while those who

participated in the In-depth Interview and Key Informant Interview sessions acquitted themselves well. However, few of them did not have formal Western education.

All the respondents were in one form of occupation or another. They had to engage in an income-generating activity whether as property owners or as tenants particularly. Since the study confirmed the position in literature that lack of or delay in rent payment was one of the major causes of landlord-tenant disputes (Akomoledede, 2006; Biobaku, 2010; Kolugo, 2010; Shodayo, 2011; Wahab and Odetokun, 2014), in a commercial environment like Lagos, not having an occupation that generates income would make it difficult, if not impossible, for parties in the tenancy relationship to fulfil their responsibilities to one another.

Also, the study revealed that majority of the respondents earned between ₦61,000-90,999 monthly while a minority grossed a monthly income range of ₦121,000 and above. This suggests that respondents were mainly in the middle-income category and this may be connected to the locations in which respondents resided as catchment areas for CMC operations.

5.2 Re-visiting the Research Objectives

These were the findings made regarding the study's research objectives:

5.2.1 Examine the extent to which the Citizens Mediation Centre has been effective in resolving disputes between landlords and tenants

Since this study is a combination of findings made in the secondary and primary data conducted by the researcher, it may be pertinent to start by summarising the achievement of the CMC as an institution by referring to an official report in 2016 which referred to what the Centre had achieved in 2015. The report stated that within the period of January to December in 2015, the CMC had received a total number of 34,511 new cases, out of which it mediated 20,966 cases, successfully resolved 19,464 cases (92.8%), adjourned 3,622 matters while unable to resolve 1,351 cases only (Citizens Mediation Centre, 2016a). Within the same period by the same report, the Centre helped parties to collect the sum of **N752,974,217**. For an organisation that was set up to also mediate over employer-employee disputes, workers' compensation matters, family matters and

commercial disputes to be able to resolve 19,464 cases out of 20,966 cases it mediated that points to a high level of commitment, diligence and focus to settle matters brought to it. However, if 34,511 new cases of landlord-tenant disputes were brought to the CMC, but it could only mediate 20,966 cases, one may want to ask what happened to 13,545 cases which were not mediated at all? Was it that the parties suddenly changed their minds and dropped the matters? Was it that the CMC could not go ahead with the cases because they were not found to have merit? If the answer is yes, but is it possible that 13,545 cases did not have or might not have had merit? Was it that the CMC could not go ahead with those cases because it did not have enough manpower to do so or its budget constrained it? Then what were the criteria for going ahead with the ones it mediated? Certainly, if 34,511 new cases of landlord-tenant disputes were brought to the CMC but it could only mediate 20,966 cases, leaving out 13,545 cases, this may point to a hidden dysfunction or malfunction which should prompt the CMC management to examine its processes again.

However, for the research, in examining the effectiveness of the CMC, the researcher considered three criteria which are process criterion, goal achievement criterion and CMC's adherence to its visions and objectives or mandate setting it up.

5.2.1a The Effectiveness of the Process Criterion

The process criterion in determining CMC's effectiveness is very important because the effectiveness of an institution such as the CMC could be examined from the point of its process. In this wise, CMC mediators who represented the institution and offered its services to the public were examined. CMC was perceived by respondents to have scored high with reference to its mediators' courtesy towards the disputing parties. They also scored high in the area of listening to the needs and interests of parties; they were also interested in the amicable resolution of disputes. Furthermore, they did not allow disputants' ethnicity or educational status to bias the process, but only respected disputants' religious beliefs perhaps because of the volatile nature of religion and the importance Nigerians attached to their religious beliefs. But findings showed that respondents' perception in other areas was not positive. Respondents felt that mediators took sides with one of the parties, and this party was the property owners and not the tenants, something that is against the spirit of mediation and natural justice. Respondents also complained that mediators did not

create a forum for open discussions but only guided the discussions. The height of vulnerability in CMC dispute resolution process, according to respondents, was that decisions made were not fair to the parties.

The findings from the primary research confirm the principles of mediation as upheld by mediators in the CMC. For example, as Condliffe (2003), Ilegbune (2004) and Law Reform Commission (2008, 2010) observed, mediation is a veritable ADR platform that promotes direct participation and communication between parties with mediators or neutrals moderating the process. And to effectively guide the discussions, mediators must not be seen to be unwilling to listen to the parties' needs or interests or not to show courtesy or respect to parties, their concerns and needs. To this end, these findings agree with the spirit of mediation as advocated in existing literature. However, findings from the primary research diverged from the principles of mediation as an effective ADR tool because respondents felt the process was biased as mediators took sides with property owners and that neutrals did not create a forum for open discussions perhaps as a way of ensuring that certain interests were protected. This negates the doctrines of fairness, objectivity and openness that abounds in literature regarding the nature and character of mediation, and points to weaknesses that could hamper the effectiveness of the mediation process in helping parties reach amicable resolution of their disputes in a fair and square manner.

While the biased nature of mediation at the CMC and the seeming obeisance shown by some mediators towards the more powerful and wealthier party may confirm the position of the Social Conflict Theory which sees society as harbouring a natural binary which manifests as conflict between the strong and the weak or the rich and the poor, it does seem that the finding in the study also supports the Social Conflict Theory which identifies the society as having a fetish for money and power and those who control them. The inability of CMC mediators to guarantee justice for users of its services thus confirms the correctness in the Human Needs Theory where the need for fairness or security or justice is a need every human being naturally wants and if when denied could lead to conflict.

However, according to the In-depth Interviews that some CMC officials participated in, the lack of fairness and bias by mediators only existed in the imaginations of the parties because before

approaching the CMC, parties were strangers to the mediators and by their training also, mediators are supposed to handle the mediation process professionally and not cave in to any form of pressures or inducements at any point in time. Nevertheless, is it possible to discountenance the views of numerous respondents who pointed out that the process was biased in favour of the stronger, more powerful and wealthier party, in this case, landlords or landladies? While the views of CMC mediators in this matter is important, any assessment of the institution could be better done by those receiving the service and not those offering it. This is why it might interest the institution better to revamp the entire mediation process, find a way of collecting users' complaints and keeping a track of these complaints so that they are addressed by a Committee put in place by the Management of the Centre to evaluate the performance of individual mediators and the established process in place. This could help to improve the process criterion with regard to CMC's effectiveness and reduce such complaints about bias, lack of fairness and corruption by some mediators.

5.2.1b The Effectiveness of the Goal Achievement/Outcome Criterion

The goal of the CMC according to its mandate is that it dispenses justice fairly, speedily and without discrimination, fear or favour between the disputing residents of Lagos State, irrespective of tribe, race or religion, and that it provides qualitative mediation through skilled mediators, timely management and resolution of disputes, among other pertinent goals (Citizens Mediation Centre, 2016a, 2016b).

Findings in the research show some strengths and weaknesses in the effectiveness of the CMC when cast against the Goal Achievement/Outcome Criterion. For example, majority of respondents believed the CMC's dispute resolution helped them to resolve their disputes or agree on how to resolve their disputes. Many respondents also were of the opinion that they found justice through the CMC. These are positive achievements by the CMC in terms of achieving its mandate bordering on its goals. This advantage of mediation has been adequately captured in literature by ADR scholars and researchers who acknowledge judicial modernisation efforts by ADR mechanisms including mediation by the decongestion of caseloads and court dockets (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish

Civil Justice Council, 2014; World Bank Group, 2011). ADR schemes, including mediation, bypass ineffectiveness in some court processes by providing greater access to justice for citizens, disadvantaged groups and the poorest of disputants. They even increase popular satisfaction with decisions reached. However, by scoring the CMC low in the area of maintenance of relationship after the dispute resolution, and the inability of CMC's intervention stopping them from proceeding to the courts for settlement, respondents betrayed what may seem contradictory in their assessment of CMC's Goal Achievement criterion. It seems, on one hand, they claim that the CMC helped them get justice and to resolve their disputes and, on the other hand, they seem to say the CMC was unable to prevent them from proceeding to the courts for settlement or to even for disputants to even maintain their relationship after CMC's intervention.

This may speak to the quality of dispute resolution respondents received at the Centre because if their cases were resolved satisfactorily, would they think of proceeding to the courts to seek further redress? It may also point to the weakness of the mediation mechanism which in seeking to establish a win-win situation may anger litigious minded individuals who may not share in that kind of jurisprudence. Such persons want a situation where one person is punished severely and made to pay for the wrong committed against the complainant or plaintiff. On the whole, findings from the primary research showed that while CMC's intervention brought justice to many respondents and resolution of their disputes, such interventions did not prevent respondents from proceeding to the courts, which in itself defeats the purpose of ADR, which is providing an alternative to the judicial forum and reducing court dockets.

5.2.1c Effectiveness of the CMC Adhering to its Vision and Objectives

The vision of the CMC is to be the most efficient and effective dispute resolution Centre in Lagos State and Nigeria in general, through the promotion of effective means of accessibility to justice by the less privileged (Citizens Mediation Centre, 2016a, 2016b). Findings from the research reveal that most respondents did not think the CMC was effective in giving lower-income disputants better access to justice neither did they think the CMC's alternative dispute resolution via mediation was better than the formal court system. However, they believed the CMC was

effective with regard to speedy resolution of conflict, was less adversarial than the judicial forum and that mediators only guided the discussion.

Therefore, from the findings drawn from the research, the effectiveness of the CMC with regard to the fulfilment of its visions and objectives was mixed. It was strong in some areas and weak in others. Respondents' perception that CMC did not offer any better succour to lower-income disputants when compared to other forums such as the judicial forum needs to be seriously examined by the Centre. This is because, if found true, it defeats the essence of the Centre which is to widen the doors of justice to many more citizens including and especially the disadvantaged and underprivileged and it calls to question the need to either recalibrate the system at the CMC or find alternative uses for government resources. Although, the weaknesses of CMC's mediation have only justified the position in extant literature that ADR techniques, including mediation, cannot correct systemic injustice, discrimination, violations of human rights, extreme power imbalance between parties, and can even limit people's access to the courts (Brown *et al.*, 1997; Centre for Public Health Law, 2004; Lau Kin Ho, 1996; Lebovits and Hidalgo, 2010; Medha, 2005; NADRAC, 2011; World Bank Group, 2011), the benefits ADR has brought to the justice landscape should compel the Management of the Centre and the State Government to seek out ways to improve on the areas of weaknesses and to strengthen areas of strength.

5.2.2 Factors that affect the Citizens Mediation Centre's resolution of landlord-tenant disputes in Lagos State

The study was mindful of factors that could affect the Citizens Mediation Centre's resolution of landlord-tenant disputes in Lagos State. Findings from the primary research revealed that respondents suggested that continuous training with the goal to produce competent and well-trained neutrals should be uppermost to the Centre in order to guarantee the effective resolution of landlord-tenant disputes in Lagos State. This is to be followed by the Centre's commitment to guaranteeing fairness in the discharge of its functions while government support should be sustained and increased to expand the operations of the Centre in Lagos State to other parts of the State where it does not yet have a presence. Respondents also emphasised the need for continuous prompt resolution of landlord or landlady-tenant disputes as a way of guaranteeing greater effectiveness of the CMC in the State. Put differently, respondents wanted the CMC to continue

to ensure that justice was not delayed by promptly attending to disputes brought to it by parties in the tenancy relationship.

From an In-depth Interview that a male CMC official participated in, other factors that may affect the CMC's resolution of landlord-tenant disputes, include the review of the CMC's mandate to accommodate the complaints, suggestions and contributions from the field or research works, and possibly suggest an amendment of the legislation establishing the CMC to guarantee an improved and effective organisation.

A CMC Official in Epe, who also participated in the In-depth Interview pointed to the issue of funding and creation of more centres. Her words:

... the CMC needs greater assistance in the areas of funding and creation of more centres. We also need to improve on and deepen our human relations. There needs to be more openness, friendliness and others. Regarding funding, we need more votes to the Centre while we also as an institution need to get more creative about our funding approach.

The poor relational skills of neutrals at the Centre could also put off disputants or endear them to the Centre, making them more committed to the resolution of their disputes. Therefore, being courteous and respectful should not be a rhetoric to the CMC but must be acted out by its neutrals. Fairness or lack of it in the dispute resolution process at the Centre is another factor that can draw people to or deter them from the Centre. When disputants perceive that neutrals can be bought and that justice is given to the highest bidder or that dispute resolution is not based on quality but on quantity, these might affect the resolution of disputes at the CMC because disputants might resist the process, or might just be biding their time such that as soon as the dispute is resolved at the Centre, the aggrieved participant can proceed to the court to get "justice".

Another important factor for the resolution of disputes at the Centre is the need to create and promote a forum for open discussion for disputants, giving them the opportunity to state their case, worries, needs, anger or interests in such a way that the mediators could take a dispassionate look at such cases. However, if mediators do not stop taking sides with some disputants over others,

they may not be willing to create and promote an air of open discussion for participants. Also, if mediators are bent on increasing the numbers of cases settled at the Centre and not the quality of such outcomes, they may be relaxed with regard to promoting a forum that enables all parties to vocalise their needs, fears and interests, thus helping the Centre arrive at quality decisions which may be favourable to more parties.

5.2.3 Challenges facing the Citizens Mediation Centre when resolving landlord-tenant disputes in Lagos State

Findings from the research also reveal the challenges facing the CMC when resolving landlord-tenant disputes. These include alleged non-existence of an open forum conducive for discussions between disputants who visit the Centre. Another challenge is the biased dispute resolution process which seems to favour the wealthier and more powerful party, leaving the weaker party at the mercy of the former and leading to a non-satisfactory decision-making process which does not prevent parties from proceeding to the courts but rather goads them to do so. The absence of the use of local languages by the neutrals during the dispute resolution process and for resolving disputes brought to the centre may not augur well for disputants who do not have a good grasp of the English Language. Although located in Lagos State, the CMC still needs to consider that population of landlords and tenants who should not be denied audience at the Centre due to their understanding of only local languages. Even those whose cases are being considered at the Centre would be more at ease if they discover that there are neutrals who would converse with them in their local languages and who would reach decisions also using their local languages. Alleged corruption at the Centre is another major challenge facing the Centre. If discovered to be true, this could truncate objectivity, fairness and justice at the Centre, leading to a crisis of confidence among disputants and affecting the credibility and acceptance of the CMC to its target audiences in Lagos State. These challenges have been identified in literature as some of the challenges that ADR techniques, mediation included, face (Brown *et al.*, 1997; Centre for Public Health Law, 2004; Lau Kin Ho, 1996; Lebovits and Hidalgo, 2010; Medha, 2005; NADRAC, 2011; World Bank Group, 2011). Tackling them headlong will help to improve the credibility and acceptance of the CMC in Lagos' justice space.

5.2.4 Mechanisms that can enhance the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State

There are some mechanisms that can enhance the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes. According to findings from the research, early or speedy resolution of disputes remains the selling point of CMC's dispute resolution. This can enhance the effectiveness of the CMC particularly when mediators concentrate on the quality of decision making and not just the numbers or quantity. Mediators must continue to show greater relational skills to parties which could endear many more to the Centre and also act as a mouth-of-word publicity for the Centre's activities by satisfied clients. Mediators must be courteous and respectful in all their dealings with parties. Another finding is the need for the CMC to sustain the willingness to x-ray its performance and that of its mediators and to close gaps identified from their periodic reviews. Video coverage of mediation sessions or use of independent assessors to evaluate mediation sessions could reduce the likelihood of corruption and enhance the quality of the mediation processes and even the decision reached.

Alternative dispute resolution which does not employ adversarial nature of the formal judicial system but believes in and promotes the amicable adjudication of disputes should be encouraged and sustained as an attraction for more landlords and tenants who need the services of the CMC to visit the Centre for solution to their disputes. The Centre must keep to its vision and objectives which are to help the less privileged and downtrodden access justice within its gates. Neutrals must also aim to reach agreeable outcomes that are satisfactory and favourable to most of the parties. Without this, outcomes may not restore or enhance the tenancy relationship between the parties, preserve the tenancy relationship between the parties, clear doubts, restore friendship between the parties, beget mutual respect between disputants, resolve the disputes brought to the Centre and open the vistas of peace, preservation of relationship, mutual respect and resolution of disputes. Therefore the quality of decisions reached, their acceptability and satisfaction disputants derive from them should guide neutrals to evolve a fair, transparent, just and amicable resolution. This findings sync with the advantages of mediation which have been duly acknowledged in literature as having the potential to restore peace to relationships of those in disputes, preserve such relationships, clear doubts that exists between disputants, restore friendship and mutual respect

between the parties, among others (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2011; Nosyreva, 2003; Oyesola, 2012; Scottish Civil Justice Council, 2014; World Bank Group, 2011).

Training and retraining of CMC officials for greater skills and competence on the job is also crucial to evolving a competent, capable and responsible group of mediators. This should include ethical training which frowns at all forms of corruption and misconducts, but should also include clear-cut policies which stipulate punishment for corruption and vices by respondents. For an effective dispute resolution at the CMC, there should be fairness in the administration of justice. There needs to be sustained promptness in the resolution of landlord or landlady-tenant disputes and avoidance of delayed justice because justice delayed may be tantamount to justice denied. Government's support in terms of funding of existing operations and expansion of the Centre to other parts of Lagos State where it does not yet have a presence should be secured. Discouragement of corruption of any form at the Centre and swift punishment of the corrupt as a deterrent to others should be done. Use of local languages on occasions when parties do not have a good grasp of the English Language is important for an effective CMC to happen in Lagos State. Employment of skilled mediators with moral values and who would swear to upholding the high ethical requirements expected of neutrals should be carried out. Therefore, the process, goal achievement and the vision and objectives of the CMC should be adhered to in a seamless, faultless and fair manner admitting all seekers of justice within its gates irrespective of tribe, race, gender, religion and socio-economic status.

5.3 Discussion of Other Findings

There are many other findings the study threw up. Some validate the position of scholars in literature regarding the workings of mediation as an ADR mechanism while some of the findings contradicted the stance taken by some writers in the literature. The following are the empirical findings made in this study and discussions about them.

Generally, this study has brought to the fore the weaknesses immanent in ADR or mediation as one of its mechanisms. The mediation process does not deliver decisions or awards that are enforceable or can it correct systemic injustice, discrimination or violation of human rights. The CMC mediation process has also shown that it is weak when there is a demonstration of extreme power imbalance between parties. These power imbalances can support discriminatory norms in society, and may be acquired through identity, education, wealth and social networks for which mediators are unable to compensate. ADR settlements do not have any educational, punitive, or deterrent effect on the population, meaning that decision reached in one case may not be relied upon in assessing or deciding another case or both. Wrong attitudes of disputants who consider victory only in win-lose terms may jeopardise the implementation of decisions reached. ADR and CMC mediation could be exposed to corruption where the richer party could attempt to game the process to favour himself or herself and to get a desired outcome. These obvious disadvantages were observed to hold true in the study and vindicate earlier studies that had identified them as challenges to the effectiveness of mediation or any other ADR mechanism as a reliable platform for dispute resolution in the society.

It was found out that late payment or default in the payment of rent was a major reason for landlord or landlady-tenant disputes in Lagos State. Other reasons that led to landlord-tenant disputes in Lagos State include arbitrary increases in rent, lack of maintenance of property/rental unit by landlords, intolerant, difficult or arrogant landlord, late payment or lack of payment of utility bills, quarrelsome tenants, among others.

The study also found out that written agreements do not prevent landlord-tenant disputes in Lagos State as claimed by some studies in the rental housing literature. According to these studies the

informal relations in the rental housing market in developing countries such as Nigeria involving oral agreements were the reasons for the unending disputes in the tenancy relationship (Aluko and Amidu, 2006; Barbosa *et al.*, 1997; Gbadegesin and Oletubo, 2013; Gilbert *et al.*, 1997; Gunter, 2014; Oladokun and Ojo, 2011; UN-HABITAT/UNESCAP, 2008). But the study has shown that in spite of the majority of respondents claiming that they had entered into a written agreement with their landlords or tenants, these parties still had disputes which made them to visit the CMC for resolution.

As a corollary to the above, the behaviour of parties tend to stoke conflict in the landlord-tenant relationship. Even when other factors such as written agreements, availability of amenities, early payment of rent, among others, are held constant, the behaviour of parties could either encourage conflict or friendship. This is why many tenants that were interviewed complained of their landlords' penchant for complaining, their arrogance and micromanagement as some of the bad attitudes that festered into misunderstanding and then disputes between the parties. Landlords also complained that some of their tenants were intractable, rude, difficult, quarrelsome and failed to honour their responsibilities some of which include early payment of rent as and when due, cleaning of the common areas or maintaining their rental accommodations in tenantable and habitable conditions. Thus, these kinds of behaviours led to disputes between landlords and tenants in the rental housing market in the study location. This finding corroborates the Human Needs Theory that states that all humans have certain basic universal needs and that when these needs are not met or people are deprived of them, they will revolt and even fight back. These include primary needs for food, water, and shelter followed by the need for safety and security, then the need for love or sense of belonging, self-esteem and finally, personal fulfilment and self-actualisation. In this case, both landlords and tenants have needs for shelter and financial security which gave birth to the tenancy relationship. Within the relationship itself, the tenant has a need for safety, security and self-esteem including respect. When the tenant feels that these needs are not met, particularly that the landlord fails to provide a rental accommodation that guarantees their peace of mind, safety and security, this could lead to dispute between the parties. In addition, if tenants feel that the landlord disrespects them, according to the Human Needs Theory, that also can lead to dispute between the parties. This also applies to home owners. If the landlord or landlady senses that the tenant does not show responsibility by meeting his or her obligations as they fall due, and if the

relational skills of the tenant are poor such that it affects the relationship the tenant has with the landlord or fellow tenants, this also could lead to conflict. Therefore, the Human Needs Theory believes that the need for **safety or security, belongingness/love, self-esteem, cultural security, freedom from fear, intimidation and oppression**, a need for fair treatment and justice and respect for self when denied people could lead them to resist the guilty party or culprit. Therefore for there to be peace and harmony in any social unit, including the tenancy relationship, landlords and tenants should identify the needs of each party and strive to meet those needs in order to preserve the relationship and reduce to the barest minimum the possibility of dispute between the parties.

Religion and ethnicity were found not to significantly impact on the mediation sessions, processes and outcomes. They were rejected as factors that determined the success of the CMC's effective resolution of landlord or landlady-tenant disputes.

The study also found out that tenants need some space whether it is a live-in landlord tenancy arrangement or an absentee landlord tenancy arrangement in order to have a better tenancy experience. In cases where landlords were found to abuse or practice extreme visits to their rental properties, it affected the tenants negatively and pushed some to spoil for war.

In addition, the study has shown that the availability of amenities in the rental accommodation does not remove disputes if other conditions enumerated above are not met. Importantly, this study corroborates the position of Awodiran (2008), Kehinde (2010) and Wahab and Odetokun (2014) that argued that the landlord-tenant relationship is dispute-laden. This is because landlords and tenants are from different backgrounds, have diverse expectations, needs and interests that they desire the other party to meet. In the event that those expectations, needs or interests are not met, the situation leads them to dispute.

Interpersonal mediatory interventions were considered not as effective as the CMC's mediation platform barring the exposure of the process to corruption by its mediators. These mediatory processes are composed of elders in the community, landlords and landladies as the case may be, members of the executive committee of landlord associations, community leaders (*Baale* or *Ward*

Chief) and opinion leaders, Estate Surveyors/Managers/Agents, the law court, the police and local government/town planning authorities (Kehinde, 2010; Shodayo, 2011; Wahab and Odetokun, 2014).

The study also found that self-help and eviction threats would only fuel landlord-tenant disputes and not douse them. In the study, majority of respondents claimed that their landlords over minor misunderstandings issues eviction threats which further embroiled the tenancy relationship leading to misunderstanding and consequent disputes.

The study further reveals that the CMC remains a top option for respondents when it comes to resolving disputes between landlords and tenants in Lagos State and from the quantitative data and qualitative analysis, a lot needs to be done to expand the CMC's operations. For example, in the study about 77.9% of the respondents claimed that their disputes were taken to the Citizens Mediation Centre for resolution. Thus, these respondents might have done so because of the perceived competence of the mediators, the perceived affordability of the process and the perceived fairness in the resolution outcomes, among other benefits. Also, many CMC officials who participated in the In-depth Interview Sessions spoke about the superiority of the mediation services at the Centre over and above informal mediatory interventions that exist as options for landlord-tenant dispute resolution. They pointed out that these informal mediatory interventions lacked structure, were vulnerable to shared loyalty, interest and compassion of the third parties who are far from being neutral and may never achieve the objectivity, fairness and equalitarian qualities that the CMC mediation would provide. These advantages that the CMC is perceived to offer might explain why many of the respondents saw it as a top option in the resolution of landlord-tenant disputes.

Also, the study shows that more respondents visited the CMC of their own accord than those who did so in obedience to court orders. This is a positive sign that many more respondents were beginning to embrace the role of ADR mechanisms in resolving their tenancy disputes.

Another finding in the study discloses that the CMC has been solving disputes for respondents but need to improve on its record of fairness in the treatment of disputants and the provision of justice

such that disputants would not feel they should still patronise the courts after having attended its mediation sessions.

The study vindicates scholars who had argued that mediation was speedier than other third-party dispute resolution mechanisms such as the courts. This is because according to majority of the respondents, the time frame for the resolution of disputes was better than what obtained with the courts.

Also, from the study, it was revealed that the decisions or awards by the CMC did not turn disputants into friends as envisaged in literature. This may not be unconnected to the air of bias that rings round the mediation sessions which also would have prompted the party that felt cheated in the process to consider that the system was unfair and therefore no need to embrace the party presumed to be the winner as friends. Therefore, the outcome of CMC mediation sessions need to be worked on to ensure that disputants become friends and not enemies.

Mediators' behaviour is sacrosanct in enabling early resolution of disputes and in achieving outcomes that would be favourable to both parties. From the study, findings indicate that CMC mediators have a duty to be courteous, respectful, fair, impartial and should listen more when conducting mediation sessions in order to build more confidence into the process and encourage disputants to buy into both the process and its outcomes.

As against what is believed in literature that mediation offers open forums for discussions between disputants and that mediators only guided the process (Gowok, 2007; Lebovits and Hidalgo, 2010; NADRAC, 2006; Nosyreva, 2003; Oyesola, 2012; World Bank Group, 2011), findings in this study prove this view otherwise. Therefore, open forum for discussions should be encouraged in order to secure the trust, faith and belief of respondents' in the CMC's mediation process and its outcomes. This corroborates the position of Medha (2005) that one of the weaknesses of mediation is poor communication between the parties and/or their lawyers which denies disputants from expressing emotions which may be useful as healing process to one or both parties.

The study also discloses that decisions made and awards given did not favour all the parties as one or both parties felt these were not fair to them. While this may be attributed to the mediators' bias or corruption, this finding may also point to the weakness of the mediation process itself as a forum that may not give commensurate punishment or reward to the deserving party the way this is done in the judicial forum.

Another positive finding in the study is that the CMC helped many more respondents to find justice and to settle their disputes in spite of the weaknesses of the system and within the mediation process at the Centre. This means that with a lot more improvement the CMC would be able to reach more disputants in the tenancy relationship in Lagos State with affordable justice.

The study also reveals that the CMC helped disputants to maintain good relationship after the dispute resolution process but did not stop them from proceeding to the courts. This could be as a result of the biased or partial process as alleged by respondents or the weakness of the mediation process where disputants feel that the court would serve their justice purposes better than the mediation forum.

From the study, it is clear that respondents still favoured the court system over and above the mediation process. While this may point to the weakness of the mediation forum, it however may defeat the purpose of establishing the CMC which is to decongest court dockets while handling certain disputes best suited to the forum, in this case, landlord-tenant disputes, among others.

However, the study justified the belief that the CMC dispute resolution process was less adversarial than the formal court system. This validates existing studies (Adekoya, 2013; Gowok, 2007; Oyesola, 2010; Uwazie, 2011) that argue that mediation was less adversarial than litigation.

The study also revealed that CMC mediators only guided the discussions but decisions were authored by the disputants. While this is a positive for the CMC, it nevertheless did not improve the perception respondents have about the bias handling of disputes or the perception that wealthy parties tend to have their way with the Centre.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Summary of Findings

This research was carried out in six catchment areas of the Citizens Mediation Centre located in Alimosho, Ibeju-Lekki, Ikeja, Ikorodu, Lagos Island (Onikan) and Lagos Mainland (Yaba). The largest population of these areas was Alimosho and the smallest in terms of population was Ibeju-Lekki. The study focused on the effectiveness of the Citizens Mediation Centre in Landlord-Tenant dispute resolution in Lagos State. The primary aim of the study was to examine the effectiveness of the CMC with regard to landlord-tenant dispute resolution by exploring three criteria of effectiveness which in the study were (a) the process criterion of the effectiveness of the CMC, (b) the goal achievement/outcome of the CMC and, (c) the vision and objectives of the CMC. The study population was made up of 787 tenants, 333 landlords and landladies and 75 caretakers who represented their principals with the highest age bracket being 45 – 55 years and the lowest age bracket being 25 – 35 years. Theoretical frameworks used in the study were the Social Conflict Theory (RC/MT) and the Human Needs Theory (HNT). The conceptual model developed for the study explains concepts and variables such as mediation (personal choice/preference or court-initiated) and perception of effectiveness which were attributes of the Independent Variable and its outcome on the dependent variable (Resolution of Landlord-Tenant Disputes). The independent and dependent variable were moderated by the intervening variable (which refers to cultural and socio-demographic influences) using dimensions such as ethnicity, education, socio-economic status, landlord-landlady typology and age of disputants.

Multiple methods of data collection were employed: the survey method was utilised to generate the quantitative data. This was supplemented by In-Depth Interviews and Key Informant Interviews. Three principal research tools utilised in this study include a survey questionnaire, an In-Depth Interview Guide and a Key Informant Interview Guide. A pilot study was carried out to test the strength of the research instruments to be made use in the main study. The pilot study was to enable the researcher test the relevance and utility of the questionnaire instrument, whether the questions drawn up were easily understood by respondents, identify questions that needed to be

recast or removed from the main field study and assess the general perception of the 50 respondents that participated in the pilot study regarding the instrument and the research. The main office of the Citizens Mediation Centre located at No. 1, Motorways Centre, Opposite 7up Bottling Company, Old Toll Gate Area, Lagos was the study area during the pilot study. This was to ensure that the researcher got maximum cooperation from the CMC, used the opportunity to further drum up support from the CMC for the main field work that would be embarked upon after the completion of the pilot study, and to assess and counter logistical problems that arose with the officials at the CMC. The pilot study outcome and criticisms by the researcher's supervisors assisted him to improve on the questionnaire instrument by recasting some of the questions which were either tautological or were not relevant to the work and to remove five questions from the instrument. Also, the contributions of the researcher's supervisors helped him to include Effectiveness Criteria Models in the design of some of the questions posed to respondents which were in place to help the researcher investigate the effectiveness of the Citizens Mediation Centre. The In-Depth Interview and Key Informant Interview Guides were also adjusted as a result of the Pilot Study.

For the main fieldwork, the survey was a 59-item questionnaire which contained both open- and close-ended questions and a Likert Scale used specifically in measuring the Effectiveness of the Citizens Mediation Centre. In conducting the study, both Multistage and Purposive Sampling methods were adopted in order to be able to access respondents who had previously in the recent past used the services of the Citizens Mediation Centre in relation to landlord or landlady-tenant dispute resolution. The Citizens Mediation Centre was chiefly instrumental in the researcher's access to landlords or landladies and tenants who had attended or were attending the dispute resolution sessions at the Centre. Letters of Introduction were written to the centres the researcher and his team were to visit by the Director of the Citizens Mediation Centre where she advised the Head of the Units in those locations or catchment areas to help the researcher in administering the questionnaire to users of the Centre. The Landlords Association in the study areas also lent their support as they helped the researcher and his team to access many more landlords and tenants who had visited the CMC for tenancy-related disputes. A total of 36 in-depth interview sessions were held in all six catchment areas comprising 6 interview sessions (involving two tenants and two

landlords who had visited the CMC, and two officials of the CMC) for each catchment area times the six catchment areas.

A total of 6 key informant interview sessions were held comprising carefully selected individuals such as a top official in the housing ministry in the state, three Chairmen of the Landlords Association, a facility manager with not less than 10 years of residency in one of the catchment areas aware of the activities of the CMC and a tenant of not less than 5 years of residency in one of the study areas also aware of the activities of the CMC. As much as possible, gender and age were considered in the selection of officials for the KIIs as three men and three women participated in the KII sessions. The researcher appointed and trained two research assistants for each area making a total of twelve research assistants who helped to gather quantitative and qualitative data for the study using the survey questionnaire, and IDI and KII guides as appropriate.

A 59-item questionnaire was designed and administered exclusively to landlords or landladies and their tenants using multistage and purposive sampling methods. Of the one thousand, three hundred and fifty (1,350) questionnaire forms that were administered, 1,200 were duly completed and returned, representing an 88.9% completion rate while 11.1% of the questionnaire forms were not returned or were found unusable. The 1,200 were adjudged usable for analysis. The statistical tools employed include frequency distribution, simple percentages, and Pearson Correlation Coefficient and Multiple Regression Analysis which were utilised to test the validity of the three (3) hypotheses stated for the study.

In hypothesis one, the statement “There is no significant relationship between CMC’s mediation and the effective resolution of landlord-tenant disputes” was tested and it focused on dimensions such as “The CMC through its intervention prevented us from proceeding to the courts for settlement”; “The CMC's dispute resolution process helped us to resolve the dispute”; “The CMC helped maintain my relationship with the other party after the dispute resolution”; “The CMC's dispute resolution helped me get justice”; and “The CMC's dispute resolution process helped us agree on how to resolve our disputes”. The study rejected the null hypothesis but accepted the alternative hypothesis. The study found that there was a significant relationship between the Citizens Mediation Centre and landlord-tenant dispute resolution in Lagos State. Regarding

whether respondents visited the CMC of their own volition or were mandated by a court order, findings showed that majority of respondents visited the CMC of their own volition. Hypothesis one, therefore, shows that the CMC has contributed to the effective resolution of landlord-tenant disputes and by so doing restored peace to troubled tenancy relationships and put an end to areas of disagreements which could have led to violence or disruption of public peace barring the Centre's intervention.

In hypothesis two, Table 4.8.4 showed there exists a positive relationship between socio-economic factors (ethnicity, monthly income and the sex category of respondents) and effective CMC landlord-tenant dispute resolution. This is because the F calculated was greater than the F tabulated, meaning the null hypothesis was rejected while the alternative hypothesis was accepted. Thus, the study found that socio-economic factors such as ethnicity, monthly income and the sex category of respondents had a positive relationship with effective CMC landlord-tenant dispute resolution. For example, the sex category of respondents has dealings with how effective the landlord-tenant dispute resolution will be carried out or how its outcome will turn out. In most cases, adult females get cheated due to their gender during the course of disputes. Mediators are most times of the male gender and are selected because of their knowledge of the issues relevant to the dispute at hand. Thus, justice could be perverted on the grounds of gender. Ethnicity too could also impact on landlord-tenant dispute resolution as over 35% of the respondents, though in the minority, felt that CMC mediators deferred to them on the basis of their ethnic origin suggesting that mediators could have been biased or supported disputants from their own ethnic stock, rather than settle dispute in the most appropriate and fair way. Regarding monthly income, this also impacts on the dispute resolution process since respondents had alleged that the mediators seemed to kowtow to the influential or propertied disputants during the dispute resolution process.

In hypothesis three, the study found that there was a positive relationship between the application of merit in decisions and awards and the effectiveness of the Citizens Mediation Centre. Thus, the null hypothesis was rejected and the alternative hypothesis which states that "There is a significant relationship between application of merit in decisions and awards and the effectiveness of the Citizens Mediation Centre in the resolution of landlord-tenant disputes in Lagos State" was accepted. The dimensions tested in this case include that "The CMC mediators were interested in

the amicable resolution of the disputes”; “Mediators did not take sides with any party during the sessions”; and “Decision(s) made were fair to the disputants”. Consequently, the application of merit in decisions and awards has a positive relationship with the effectiveness of the CMC in the resolution of landlord-tenant disputes in Lagos State. This shows that when the CMC applies merit to its dispute resolution process, it helps the Centre to competently midwife the dispute resolution process in a fair and impartial manner which is in line with its mandate to offer accessible justice that would discourage respondents from proceeding to the courts over the same matter.

6.2 Conclusion

This work set out to examine the effectiveness of the Citizens Mediation Centre in Landlord-Tenant Dispute resolution in Lagos State, Nigeria, with focus on six catchment areas of the CMC in Lagos State, namely, Alimosho, Ibeju-Lekki, Ikeja, Ikorodu, Onikan and Yaba. On the basis of the findings of the study, and having anchored a better understanding of the study on three criteria: Process Criterion, Goal Achievement/Outcome Criterion and CMC’s Vision and Objectives, it can be concluded that the Citizens Mediation Centre has made a lot of progress in fulfilling its mandate of resolving landlord-tenant disputes in Lagos State.

However, a lot of misunderstanding still surrounds the practice of mediation as a dispute resolution mechanism by the CMC. Many disputants do not understand that the mediation forum is quite different from the judicial forum, for instance. This is why they expect to get the same judgements that they would have got from the law courts. This is the reason it is important to assert that the Lagos State Government and the Citizens Mediation Centre have a lot of work to do in the area of sensitisation and enlightenment such that players in the housing sector will understand what the forum stands for, what it can offer, the advantages it has over other forms of dispute resolution process and its weaknesses. This approach is important because focusing on the weaknesses of the mediation forum as represented by the CMC, may create the wrong perception about the system and lead to some wrong conclusions that the Centre may not be living up to its mandate. These weaknesses are embedded challenges facing the mediation forum or ADR as a commixture of non-judicial dispute resolution approaches.

Nevertheless, conscious effort has to be made to correct the weaknesses facing the CMC mediation process in the areas of power imbalances, biased or unfair resolution process and the allegation of corruption that was levelled at its mediators by many respondents who said the CMC mediators favoured landlords over tenants or favoured richer and more influential parties over the less influential ones. This is a very serious allegation that can put a question mark on other great milestones that the Centre has recorded over the years since its establishment in 1999.

This study has further enriched existing literature on the rental housing market in Lagos because it has empirically found that the landlord-tenant relationship is dispute-laden for many obvious reasons. One major cause of landlord-tenant disputes as found in the study is the issue of late payment or default in the payment of rent by tenants. Also, the behaviour of the parties has been found to be another provocateur resulting in incessant landlord-tenant disputes in the state. Therefore, the state government and CMC have a lot of work to do regarding educating players in the private rental housing sector so that each one can better understand its responsibilities and rights and ensure they stay committed to their responsibilities without encroaching on the other party's rights. This should help to mitigate the problem of violence and disputes that characterise landlord or landlady-tenant relations in Lagos State with its attendant social, economic, interpersonal or personality consequences. For example, landlords should stop to micromanage their rental properties and respect the privacy of their tenants to a large extent while tenants are expected also to honour their obligations to their landlords as and when due.

Having displaced interpersonal mediatory interventions which have been considered by disputants as being inferior to CMC's mediation process, the CMC as an institution has to work on itself by addressing its shortcoming in the handling of disputes and treatment of disputants in the right affirmative way in line with global best mediation practices so that its results can be in tandem with the best practices in the global mediation field. Particularly, the CMC should address the issue of fair treatment of disputants without recourse to their economic wherewithal just like one would find with the judicial forum.

Very importantly, the CMC should retrain its mediators to imbibe the best of cultures befitting mediation practice. This is because as findings have shown mediators can further frustrate the

justice dispensation process at the Centre or build the trust disputants have in the Centre in the area of accessing justice fair and square. Mediators should also respect the mandates that bear the vision and objectives of the Centre and work in line everyday ensuring that every process put in place and every action by them is in line with the Centre's vision and objectives.

Achieving peace and stability in the tenancy relationship as it relates to the private rental housing system is important for the development of Lagos State and the peaceful co-existence of landlords and tenants in the state. No development can happen in any society where self-help, jungle justice or private justice as initiated by certain individuals because of their influence or affluence prevail. Having justified the use of Social Conflict Theory in the analysis of landlord-tenant disputes in Lagos State, it is important to note that the goal of the theory is that of equilibrium in the distribution of resources and justice in the society. While the theory impugns the actions and domineering interests of the dominant classes in the society and questions their sustainability, for enduring peace to happen in the tenancy relationship in Lagos State, justice has to be given to the deserving irrespective of their position in the economic scheme of things. This is why the Human Needs Theory advocates that as long as the needs of human beings are met, they can be motivated and galvanised to play constructive roles in any system. Put differently, when the need for justice in the landlord-tenant relationship is guaranteed in Lagos State, parties may not seek further interventions from the courts but would be comfortable with the decisions and awards given by the CMC and even support the mediation processes of the Centre.

Therefore, the study concludes on the need for Lagos State Government and the CMC top hierarchy to work together to remove bad eggs from its workforce, the government should invest in the expansion of the presence of the Centre so it can further reach many parts of Lagos where its presence is still lacking and the weaknesses in the mediation process of the CMC should be addressed in order to have a rejuvenated institution that is able to withstand the request made on it by disputants in the rental housing sector seeking justice at its doors.

6.3 Recommendations for Policy

On the basis of the findings in this study, the following recommendations are hereby made for direct policy intervention:

- i. The Lagos State Government should provide more oversight functions in the activities of the CMC to ensure that it keeps to its mandate, vision and objectives for which it was established. An institution that is supposed to grant greater access to justice to low-income disputants should not be seen to be doing the biddings of some rich disputants, negating the mandate that established it, wasting government's funding by the undeserving because they are wealthy and by being partial in its mediation processes and outcomes.
- ii. The State government needs to create more awareness of the Citizens Mediation Centre such that more Lagos' landlords and tenants can get to know about the Centre and thereby move their disputes more to the centre. One of the weaknesses facing CMC's mediation process is the lack of understanding of how the forum works or should work. This weakness can be mitigated by either addressing the litigious nature of the society, the psychology of conquest where a litigant thinks he or she needs to win and the other lose before justice can be achieved. The government and the CMC need to widen their conversation and awareness letting landlords and tenants know their rights and responsibilities.
- iii. The Citizens Mediation Centre should review the kind and quality of mediators it has. The Centre needs to find a way to connect with its clients who should be given the opportunity to send their feedback to the top management team at the Centre. When clients or disputants are allowed to give feedbacks and even score the performance of the mediators that handled their cases based on a format to be developed by the Centre, this would help to stem the problem of corruption and other misconducts perpetrated by the mediators.
- iv. The state government and the CMC need to educate and enlighten the players in the rental housing sector in Lagos State to ensure that each party recognises its responsibilities as well as its rights. This will help to stem many disputes before they even arise because if

the landlord does what is right in the eyes of the law and based on natural justice and the tenant does the same, dispute might not arise in the tenancy relationship.

- v. Government should punish erring landlords and tenants who take the laws into their hands by carrying out self-help actions to get justice by themselves. Such punitive measures will force players to tow the line of doing things right and lawfully.
- vi. There is need to expand CMC offices and presence in Lagos State, thereby giving more access to disputants. Currently, there are about 12 CMC offices in Lagos State* (<http://lagosministryofjustice.org/offices/citizens-mediation-centre/>). This number is grossly inadequate considering the huge size of the human population in the state and the growing need of justice in the private rental market which presently offers 72% of the housing products to Lagos residents (Economist Intelligence Unit, 2012). The presence of more offices of the CMC in the state would help to disputants find a much better and less adversarial option for settling disputes that may arise in the tenancy relationship.
- vii. Creative funding of CMC operations has become imperative. Since the Centre is serving the interest of the private sector by preserving the relationship of landlords and tenants so that public peace is not disrupted and that violence is eliminated in the tenancy relationship, the Centre should qualify for the corporate social responsibility initiatives of companies in the private sector in Lagos State. This support could come in the form of fixed assets and funding of certain infrastructure development projects at the Centre.
- viii. An empowered CMC should employ more professionals to meet up with the staff requirements when it begins to aggressively expand its operations and presence in the state. There should therefore be more employment of mediators and lawyers who should also be trained in the art of mediation according to global best mediation practices.

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- ix. Promoting the use of local languages among neutrals could as well help to fast-track the resolution of disputes while carrying those concerned along. One of the advantages of ADR techniques, including mediation, is the possibility of being useful in rural areas and the promotion of local languages as the medium of communication (Gowok, 2007). Perhaps with greater utilisation of local languages, the resolution of disputes among landlords and tenants by the CMC would be more effective and robust.
- x. Lastly, there is need for continuous training for CMC officials. Also, CMC is expected to rein in its officials caught in the act of corruption. CMC should continue to guarantee fairness in its dispute resolution process, and foster prompt resolution of conflicts. These suggestions should be considered when amending the legislation that established the Centre.

6.4 Contributions to Knowledge

The contributions to knowledge by this study are listed below:

- i. This study has provided a scientific, objective and empirical analysis of the Citizens Mediation Centre's (CMC's) operations which will further the understanding of mediation as a viable tool for landlord-tenant dispute resolution in Lagos State. This study will be helpful for the Ministry of Lands and Housing in Lagos, State Ministry of Justice, Investors, Landlords, Tenants and other Stakeholders in Commercial Real Estate in the state, government in the area of policy and legislation, the security agencies, and better still sharpen the CMC's effectiveness in achieving landlord-tenant dispute resolution in Lagos State.
- ii. The study has also provided empirical data useful to the State Ministry of Lands and Housing, State Ministry of Justice and the Citizens Mediation Centre for proper understanding of landlord-tenant disputes in the state, causes of these disputes and how these disputes can be inexpensively, amicably and swiftly resolved between the parties.

- iii. The study through its Conceptual Model has provided a better understanding of the relationship between Self-initiated mediation and landlord-tenant dispute resolution as well as Court-initiated mediation and landlord-tenant dispute resolution. These were two ways, as confirmed in the study, that disputants learnt about the CMC and approached it to have their disputes heard and resolved at the Centre. However, the study shows that more disputants visited the Centre of their own accord or learnt about the Centre from their landlord or tenant associations or from fellow landlords or landladies or fellow tenants. The conceptual model also attempts to show the relationship between respondents' perception of: fair treatment by the CMC, CMC's conflict resolution ability, cultural awareness of CMC mediators in the dispute resolution process, CMC's mediators' human relations skills and performance with regards to the restoration of peace in the landlord-tenant relationship, preservation of the relationship, clearance of doubts which leads to better understanding and camaraderie between landlords and tenants, restoration of friendship for the parties, reinstatement of mutual respect and early resolution of disputes.

The conceptual, in addition, model corroborates existent literature's position that the CMC mediation process was informal, non-adversarial, confidential and private in nature thus able to lead to mutual respect and restoration of peace in the tenancy relationship. However, some respondents did not share the opinion that CMC mediators were fair to them because they assumed that the wealthier or more educated party had an advantage over them during the mediation process. This may be arguable as the problem might be located in the win-lose mentality or disposition that some disputants might have had when they came to the Centre. In such a situation, these parties felt that justice should have been much more severe on the guilty party than what the decision that was given. A few of the respondents also mentioned that the mediation process was favourable to the wealthier party, which substantiates the thesis by the social conflict theory adopted in the study that in the conflict between the haves and the have-nots, the former had an advantage. Some respondents felt that CMC mediators had been compromised. This may suggest that socio-economic standing of disputants was a strong intervening variable that could affect the dependent variable (peace, preservation of friendship, resolution of dispute, mutual respect, among others). Education also seemed to be another strong moderating variable which impacted

somewhat on the outcome of the dependent variable as some respondents who did not have formal education but were provided with interpreters who spoke to them in their local languages still felt that that was a disadvantage that gave an edge to the educated parties. Aside these two moderating or intervening variables, ethnicity, landlord-tenant typology and age of disputants, were weak in influencing the outcome of the mediation process. However, the feeling by some respondents that they were not treated fairly by some mediators positively reflected the bias of the Human Needs Theory that dispute does not just arise as a result of the lack of needs for subsistence, but unmet human needs in the areas of identity, recognition, respect, participation and understanding. When these needs are not met, disputants feel violated, disrespected and disillusioned, which could make them doubt the fairness in the decision taken by Mediators at the Centre. This could even make them uncooperative. Thus the Conceptual Model is a good starting point in the study of an institution such as the CMC with regard to understanding the weaknesses and strengths of the institution and how the weaknesses can be addressed and the strengths firmed up in order to make the institution more effective in delivering its mandate. This conceptual model can also assist future studies in developing a relevant theory that would aid a better understanding and analysis of an institution such as the CMC.

- iv. The study has harvested perspectives from a rich cross-section of respondents made of CMC officials, landlords and tenants, and experts in the Housing Sector and Rental Housing Markets through the use of triangulation of methods, involving the use of survey research method, In-Depth Interview and Key Informant Interviews, which have added to the body of knowledge on the subject of private housing development in Lagos State and will be useful for further research.
- v. The study has provided findings which have validated some positions in literature about landlord-tenant disputes in Lagos State such as that the relationship is dispute-laden, that late or non-payment of rent is a prominent source of dispute between landlords and tenants and that when the needs of disputants are not met, whether those of the landlords or tenants, it could lead to conflict. Another position that has been validated by the study is that mediation was weak in addressing the skewed power relations that exist in the tenancy

relationship. This favours the thesis promoted by the Social Conflict Theory which believes that members of the dominant class have a way of running or dominating any system to suit their will, caprices and interests. However, a perception that was invalidated by the study is that disputants may not still desire to take their disputes to the law courts after having gone through the mediation process. In Nigeria, where some of the identified weaknesses of mediation exist, and the fact that some disputants are stuck onto a win-lose justice system and not a win-win one, these disaffected persons may still want to visit the judicial forum for their cases to be heard and adjudicated upon. This defeats the purpose of ADR-centred mediation which is being positioned as an alternative (although not a replacement) to the adversarial judicial system and which aims to reduce court dockets, leaving more room for the courts to attend to other forms of civil disputes and criminal cases.

- vi. Lastly, through the study, findings may offer an opportunity for further empirical research into other areas of dispute involved in the commercial housing development in Lagos State.

6.5 Suggestions for Further Research

The topic on the effectiveness of Citizens Mediation Centre in landlord-tenant dispute resolution in Lagos State has no doubt led to some interesting findings and revelations regarding the functioning, operations and dispute resolution processes and outcomes of the Citizens Mediation Centre with regard to Landlord-Tenant disputes in the state.

The author calls for further studies in the near future in the following areas:

The application of other methods in the study of the Centre that might involve participant observation so that the researcher can have first-hand information about the mediation processes of the Centre and better understand how it works to help in the reporting.

The use of comparative studies that may involve comparing how the CMC and related organisations in other states within Nigeria or in other jurisdictions outside Nigeria work to elicit comparative results that could expand the frontiers of knowledge in this area of scientific enquiry.

The use of other theoretical frameworks in analysing landlord-tenant dispute with focus on how such a theory speaks to the behaviour of parties involved in the tenancy relationship, the mediation process and outcomes.

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**COVENANT UNIVERSITY
OTA, OGUN STATE**

SURVEY QUESTIONNAIRE

Dear Respondent,

Good day Sir/Madam.

My name is **Taiwo Olufemi Kasumu**. I am a PhD student in the Department of Sociology of the above-named institution. I am conducting a study on **EFFECTIVENESS OF THE CITIZENS MEDIATION CENTRE IN LANDLORD-TENANT DISPUTE RESOLUTION IN LAGOS STATE**. I need to ask you some questions to assist me in my research work. Please answer the questions below with all honesty and patience. All information will be used strictly for academic purposes and will be held in utmost confidentiality.

Thank you.

SECTION A: SOCIO-DEMOGRAPHIC DATA

1. Sex: (a) Male (b) Female
2. Age as at last birthday -----
3. Marital status (a) Married (b) Single (c) Divorced (d) Separated (e) Widowed
4. Educational attainment? (a) None (b) Primary (c) Secondary (d) Tertiary (e) Other, specify.....
5. Ethnic Group (a) Yoruba (b) Igbo (c) Hausa (d) Other, specify
6. Religion (a) Christianity (b) Islam (c) Traditional (d) None (e) Other, specify
7. Occupation (a) Civil Servant (b) Self-employment (c) Corporate Employment (d) Other, specify.....
8. Monthly Income (a) N1,000 – N30,999 (b) N31,000 – N60,999 (c) N61,000 – N90,999 (d) N91,000 – N120,999 (e) N121,000 and above.

SECTION B: DESCRIPTION OF ACCOMMODATION OWNERSHIP STATUS

9. What is the nature of your present accommodation? (a) A room (b) A room and parlour (c) Two-bedroom flat (d) Three or more bedroom flat (e) Duplex.
10. What is your status in the tenancy relationship? (a) Landlord/Landlady (b) Tenant (c) Care-taker.

11. If you are a landlord, how do you collect payment for your property? (a) Monthly (b) Every three months (c) Every six months (e) Yearly.
12. If you are a tenant, how do you pay for your rent? (a) Monthly (b) Every three months (c) Every six months (e) Yearly.
13. How was the agreement on the rental property done? (a) Through oral agreement (b) Through written agreement (c) Other, specify
14. If you are a tenant, do you live in the house with your landlord/landlady living within the same property? (a) yes (b) no.
15. If no to question 14, does your landlord/landlady, agent or representative regularly visit the house? (a) Yes (b) No.
16. Was there any signed agreement before the occupation of the rental property over which there is dispute? (a) Yes (b) No.
17. Does the house over which there is dispute have basic amenities commensurate with the rent being paid? (a) Yes (b) No.

SECTION C: CAUSES OF LANDLORD-TENANT DISPUTE AND RESOLUTION STRATEGIES

18. Have you ever resolved any dispute with either your landlord or landlady or tenant? (a) Yes (b) No.
19. If yes, who resolved the dispute for you? (a) Landlord/Landlady (b) Tenant (c) Caretaker or Agent (d) Co-tenant (e) Citizens Mediation Centre (f) Other, specify
20. What do you think are the causes of dispute between landlord/landlady and tenants (multiple answers are allowed)?
- (a) Late payment of rent
 - (b) Increase in rent at random
 - (c) Lack of maintenance of property/rental unit
 - (d) Intolerant/difficult or arrogant landlord
 - (e) Late payment of utility bills
 - (f) Lack of payment of utility bills
 - (g) Quarrel with co-tenants (h) Parking space problem
 - (i) Behavioural issues (j) Not cleaning the common areas
 - (k) Poor living conditions
 - (l) Other, specify

- 21. Does your landlord/landlady normally threaten to evict you on the smallest of misunderstandings? (a) Yes (b) No.
- 22. Is your landlord fair the way he/she treats his or her tenants? (a) Yes (b) No.
- 23. Are you enjoying your present accommodation? (a) Yes (b) No.
- 24. If no, can you give reasons?

.....

SECTION D: ABOUT THE CITIZENS MEDIATION CENTRE (CMC) AND EFFECTIVE LANDLORD/TENANT DISPUTE RESOLUTION

- 25. Have you ever resolved any dispute with anyone over the rental property? (a) Yes (b) No.
- 26. If yes, with whom did you have the dispute? (a) Tenant (b) Landlord (c) Co-tenant (d) Agent/Care-taker (e) Other, specify
- 27. If need be, how do you think dispute over a rental property can be resolved?
 - (a) One-on-one settlement with the landlord or tenant
 - (b) Co-tenant intervention
 - (c) Through the agent/landlord’s representative
 - (d) Through landlord association
 - (e) Through police intervention
 - (f) Through the courts
 - (g) Through the Citizens Mediation Centre
 - (h) Other, specify.....

28. How long have you heard about the Citizens Mediation Centre? Please state it in years.....

29. Was the dispute you took to the Citizens Mediation Centre resolved? (a) Yes (b) No.

SECTION E. ABOUT THE CITIZENS MEDIATION CENTRE

- 30. How did you hear about the Citizens Mediation Centre?
 - (a) From other landlords/landlord association
 - (b) From tenants/tenants association
 - (c) From the community development meetings
 - (d) From the media (e) Other, specify

31. Was it your personal choice to go to CMC for mediation with your disputant? (a) Yes (b) No.

32. Was it initiated by a court of competent jurisdiction in Lagos State? (a) Yes (b) No.

33. Does the Citizens Mediation Centre resolve dispute within a good timeframe? (a) Yes (b) No.

34. If yes to question 33, how long does it take to resolve dispute by the Citizens Mediation Centre?

- (a) Within one month
- (b) Within three months
- (c) Within six months
- (d) Within nine months
- (e) Within a year

35. What was the outcome of the CMC dispute resolution on your relationship with your tenant/landlord or tenant?

- (a) Peace
- (b) Preservation of relationship
- (c) Clearance of doubts
- (d) Friendship
- (e) Mutual respect
- (f) Resolution of dispute
- (g) All of the above.

36. In your own opinion, how do you think CMC services can be more effective to serve Lagos residents better? Please list the points:

.....

.....

.....

SECTION F. ABOUT EFFECTIVENESS OF THE CITIZENS MEDIATION CENTRE

S / N	Please, rate the following statements according to how each appears true to you by ticking each one according to your preference.	Strongly Agree	Agree	Strongly Disagree	Disagree	No Opinion
	Process Criterion of CMC Effectiveness					
37	Mediator(s) were courteous during the sessions.					
38	Mediator(s) did not take sides with any of the parties during the sessions.					
39	Mediator(s) created a forum for open discussions for disputants.					
40	Mediator(s) favoured the landlord over me during the session.					
41	Mediator(s) favoured the tenant over me during the session.					
42	Decision(s) reached were fair to the disputants.					
43	The CMC mediator(s) listened to our needs during the sessions.					
44	The CMC mediator(s) listened to our interests during the sessions.					
45	The CMC mediator(s) were interested in the amicable resolution of the dispute.					
46	Where needed mediators used local languages that disputants could understand.					
47	Mediators showed respect to disputants' ethnicity.					
48	Mediators showed respect to disputants' religious beliefs.					
49	Mediators accorded respect to disputants' educational status.					
	Goal Achievement/Outcome Criterion of CMC Effectiveness					
50	The CMC's dispute resolution process helped to resolve the dispute.					
51	The CMC's dispute resolution process helped us to agree on how to resolve our disputes.					
52	The CMC's dispute resolution helped me to get justice.					
53	The CMC helped me to maintain my relationship with the other party after the dispute resolution.					
54	The CMC through its intervention prevented us from proceeding to the courts for settlement.					
	CMC's Vision and Objectives					
55	The lower income disputants have access to justice through the CMC.					
56	The CMC's dispute resolution is better than the formal court system.					
57	The CMC's dispute resolution is faster than the formal court system.					
58	The CMC's dispute resolution is less adversarial than the formal court system.					
59	Mediators only guided the discussions before decision was reached.					

**COVENANT UNIVERSITY
OTA, OGUN STATE**

IN-DEPTH INTERVIEW GUIDE

Dear Respondent,

I am a PhD student in the Department of Sociology of the above-named institution. I am conducting a study on **EFFECTIVENESS OF CITIZENS MEDIATION CENTRE IN LANDLORD-TENANT DISPUTE RESOLUTION IN LAGOS STATE**. I need to ask you some questions to assist me in my research work. Please answer the questions below with all honesty and patience. All information will be used strictly for academic purposes and will be held in utmost confidentiality.

The aim of this session of interview is to find out how effective the Citizens Mediation Centre has been in landlord-tenant dispute resolution in Lagos State. Kindly permit us to use some recording machines for easy retrieval of the conversation afterwards.

Thank you.

1. What is your assessment of the performance of the Citizens Mediation Centre especially during your dispute resolution?
2. Do you prefer the Centre's mediation process to other third-party interventions?
3. Do you prefer it to litigation?
4. Do you prefer it to other informal mediation processes?
5. What do you consider to be the weaknesses of the Centre in its ability to discharge prompt resolution of disputes between landlords and tenants?
6. What is your perception of the Centre's mediator's fairness towards disputants?
7. What is your perception of the Centre's mediators' knowledge regarding mediation and dispute resolution?
8. Are you satisfied with the human relations skills of the Centre's mediators?

9. How do you consider the dispute resolution process of the Centre in terms of speed?
10. Do you consider ethnicity as a strong factor in determining the success of the Centre's mediation process?
11. Do you consider socio-economic factors as a strong factor in determining the success of the Centre's mediation process?
12. Do you consider landlord typology as a strong factor in determining the success of the Centre's mediation process?
13. Do you consider the age of disputants as a strong factor in determining the success of the Centre's mediation process?
14. Do you consider the level of education of disputants as a strong factor in determining the success of the Centre's mediation process?
15. What are the contributions of the Centre to the outcome of the mediation process?
16. In what way can the Centre's functions especially with regard to landlord-tenants dispute resolution be improved?

COVENANT UNIVERSITY
OTA, OGUN STATE

KEY INFORMANT INTERVIEW GUIDE

Dear Respondent,

I am a PhD student in the Department of Sociology of the above-named institution. I am conducting a study on **EFFECTIVENESS OF CITIZENS MEDIATION CENTRE IN LANDLORD-TENANT DISPUTE RESOLUTION IN LAGOS STATE**. I need to ask you some questions to assist me in my research work. Please answer the questions below with all honesty and patience. All information will be used strictly for academic purposes and will be held in utmost confidentiality.

The aim of this discussion is to find out the causes of landlord-tenant disputes in Lagos State, what should be done and to appraise the role of the Citizens Mediation Centre and how this can be improved upon. Kindly permit us to use some recording machines for easy retrieval of the conversation afterwards.

Thank you.

1. What are the commonest causes of landlord-tenant disputes in Lagos State?
2. Do you think that the fault lies more with landlords than with their tenants?
3. Do you consider random rent increases by landlords to be the one of the top reasons for landlord-tenant disputes in Lagos State?
4. How do you think landlords and tenants can avoid disputes in the tenancy relationship?
5. What should government do more to reduce landlord-tenant disputes in Lagos State?
6. What should landlords do more to reduce or avoid landlord-tenant disputes in Lagos State?
7. What should tenants do more to reduce or avoid landlord-tenant disputes in Lagos State?
8. Do you think that the Citizens Mediation Centre is doing enough to resolve landlord-tenant disputes in Lagos State?

9. Do you think that enough landlords and tenants know about the existence of the CMC in Lagos State?
10. In what ways can the mediation services of CMC be accessed by more landlords and tenants in Lagos State?
11. What are the challenges the CMC faces in discharging its functions towards landlords and tenants in Lagos State?
12. What are the benefits to reap from cordial landlord-tenant relationship in Lagos State?
 - To the landlords
 - To tenants
 - To the government
 - To the society