

Introduction to the BC Civil Resolution Tribunal

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Civil Resolution Tribunal

Effective Date: **June 1, 2017**

Monetary Jurisdiction: **Claims under \$5,000**

New Small Claims Maximum: **\$35,000**





Civil Resolution Tribunal

Jurisdiction over claims involving:

- Contracts
- Debts
- Personal injury
- Property damage
- Consumer issues
- Strata disputes





Civil Resolution Tribunal

Does not have jurisdiction to hear claims involving:

- Libel, slander
- Malicious prosecution
- Claims for or against the government
- Claims involving constitutional questions
- Claims under the *Human Rights Code*





Civil Resolution Tribunal

Key goals:

- Encourage early and collaborative dispute resolution
- Access to justice for unrepresented parties and individuals in remote locations
- Encourage efficiency in the resolution process
- Reduce strain on court resources for monetary claims under \$5,000





Civil Resolution Tribunal

Background and Statistics

July 13, 2016: CRT began accepting strata property disputes only

November 7, 2016: the CRT Rules were published for public reference

November 24, 2016: first decision issued by the CRT: *The Owners, Strata Plan LMS 2900 v. Mathew Hardy*, 2016 CRTC 1

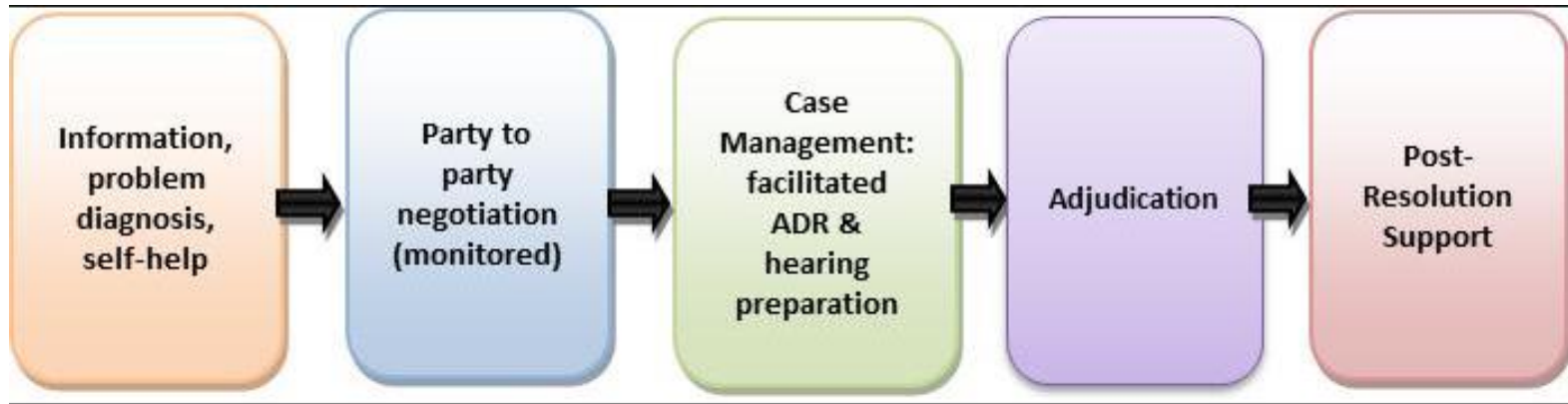
- **The CRT has issued a total of 16 decisions to date**
- **All decisions so far relate to strata disputes**





Civil Resolution Tribunal

Rules and Procedures - Overview





Civil Resolution Tribunal

STEP 1: Solution Explorer

- Basic information and advice about specific claims or disputes
- Required series of questions claimant must answer before application for dispute can be filed

The screenshot shows a web browser window displaying the 'About Construction' page. The page title is 'About Construction' and the subtitle is 'Learn about issues that arise during residential construction.' Below the subtitle, there is an information icon (i) followed by the heading 'What you should know'. The main text states: 'Residential construction projects usually involve a property owner asking contractors to perform some work on their home. The contractor may then involve subcontractors to help them do the work.' Below this, it says 'A variety of issues can arise during construction, such as:' followed by a bulleted list of issues: 'Disagreement about the work to be done', 'Disagreement about costs', 'Nuisance while the work is being done', 'Quality or scheduling of the work', 'Injury on the construction site', and 'Property damage'.





Civil Resolution Tribunal

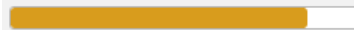
Civil Disputes

Property

Quit

Save and exit

Your Exploration Information

 85%

 Access code: **wFdZw6RXJ**  Email  Print



Information You Provided

1. My dispute is about real property
2. There's damage to my property
3. Damage caused by someone
4. Someone else caused the damage

Resources

- [INFO: About Homeowners Insurance](#)

Additional External Resources

- [Limitation Periods - General](#) 
- [How Can I Make my Claim to the CRT?](#) 
- [Resolution Options Outside the Solution Explorer](#) 

Which solution would you like to explore?

- Contact the person to discuss a solution
- Contact my insurance provider
- Contact the local government
- Contact the First Nation
- Seek professional advice
- Make a claim with the Civil Resolution Tribunal (CRT)
- Take no further action on this issue

Not finding an option you were expecting? Help us improve our site and [tell us what's missing](#).



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Strong reputation, fresh approach.





Civil Resolution Tribunal

STEP 2: Submitting a Dispute

- Dispute form is submitted to the CRT for approval
- CRT will consider whether:
 - Dispute is within jurisdiction;
 - Request for resolution appears reasonable on its face; and
- If accepted, claimant must serve the initiating notice on all parties within 90 days
 - Option for attempted email service





Civil Resolution Tribunal

Responding to a Claim

- Respondent must file Dispute Response Form within 14 days of service or risk being found in default.
- May use Addition Claim Form to add other parties to the proceeding - must also be filed within 14 days of service of the claim





Civil Resolution Tribunal

STEP 2: Facilitation & Case Management Phase

- Goal is to encourage resolution by agreement between the parties
- Facilitator :
 - Acts as intermediary in communications between the parties, as well as communicating directly with party
 - Can request documents and information
 - Can refer matters to Tribunal, e.g. non-compliance
 - May provide neutral evaluation of the claim
 - May provide a binding resolution to the claim in some circumstances





Civil Resolution Tribunal

STEP 3: Tribunal Phase

- If the parties cannot come to a resolution, either the applicant or respondent must pay a “tribunal fee” in order for the claim to move to be heard by the tribunal
- Facilitator can assist the parties with preparation for hearing: narrowing the issues, identifying relevant facts, agreeing on facts, providing necessary information, etc.
- Facilitator will provide a Tribunal Decision Plan which will set out the framework for the process





Civil Resolution Tribunal

Tribunal Procedure

- Hearings can be conducted by phone, writing, email, or videoconferencing
- In-person meeting only in “extraordinary circumstances” (open to public)
- Evidence may be considered if it is relevant, necessary, and appropriate, whether or not the information would be admissible in court (except privilege)
- Once filed, a CRT Order has the same force and effect as if it were a judgment of the Supreme Court of BC.





Civil Resolution Tribunal

Representation at CRT

- Presumption against representation, i.e. legal counsel
- Exception for insured party
 - By default, may be represented by the insurer (authorized employee)
- Must submit “Representative Request Form” to be represented, including by legal counsel
- Representative must have decision-making authority
- Party who is represented must still be fully informed and providing direct input





Civil Resolution Tribunal

Recovery of Fees and Expenses

- By default, unsuccessful party will be required to pay successful party's fees and reasonable expenses
- Tribunal can order recovery of fees and expenses in other circumstances
- Except in extraordinary cases, the tribunal will not order one party to pay to another party any fees charged by a lawyer or another representative.





Civil Resolution Tribunal

Tribunal Members

- Appointed by the provincial government, in consultation with the chair of the CRT
- Made up of lawyers who have experience and expertise in civil litigation and administrative law





Civil Resolution Tribunal

CRT: Implications for Insurance Clients

- Online and accessible platform
- Solution finder
- Facilitator: neutral evaluation
- Ability to refer matters to Tribunal - no reasonable chance of success; lack of compliance
- Representatives and helpers – insurance professionals/
lawyers



