Shannon Salter, Chair
VISOA AGM Presentation, February 28, 2016
Introduction to the CRT

• What is the CRT?
• How will it work?
• What about people with barriers?
• Discussion
Small Claims Jurisdiction

Small claims disputes up to $25,000, including:

• debt or damages;
• recovery of personal property;
• personal injury; or
• specific performance of agreements

The tribunal will not decide matters that affect land
Strata Jurisdiction

CRT will decide strata property disputes such as:

- fees and fines
- unfair actions by the strata council or majority of owners
- interpreting and enforcing:
  - strata bylaws
  - legislation
  - regulations
- problems with meetings, voting, and proxies
- issues with repairs or common property
### Strata: Key Points & Examples

<table>
<thead>
<tr>
<th>Category</th>
<th>Example</th>
</tr>
</thead>
<tbody>
<tr>
<td>No $ Limit</td>
<td>i.e. payment of a $50,000 special levy or insurance deductible</td>
</tr>
<tr>
<td>Bylaws &amp; Rules</td>
<td>Are they enforced properly and fairly?</td>
</tr>
<tr>
<td></td>
<td>Consistent with legislation?</td>
</tr>
<tr>
<td></td>
<td>i.e. election signage</td>
</tr>
<tr>
<td>Start claim without (\frac{3}{4}) vote</td>
<td>Strata council can start CRT claim on own motion</td>
</tr>
<tr>
<td>Injunctive-type relief</td>
<td>Orders to do or stop doing something</td>
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<tr>
<td></td>
<td>i.e. hardship, pay fines/fees, comply with bylaws, convene meetings</td>
</tr>
</tbody>
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CRT Amendments

*Civil Resolution Tribunal Act*, passed in 2012

- Voluntary jurisdiction:
  - most strata disputes
  - small claims matters

*CRT Amendment Act*, passed in 2015

- After first year, mandatory for:
  - strata claims
  - small claims <$10,000
Why the CRT?

Access
- Rural parties
- Complexity
- Limited support
- Few cases go to trial

Time
- ~ 8-12 months (small claims)
- Delays & backlogs

Cost
- Travel
- Legal fees
- Court costs (strata)

Proportion
- Generic processes
- Limited ADR
To summarize...

Access to justice barriers

Win/lose outcome

Citizen dissatisfaction
Put the public FIRST

- Whose justice system is it?
- Design for lived lives
- Principle v. Process
- Power of Precedent

Put the public FIRST
Online Civil Justice Services
Survey 2015

British Columbians are online

92% use the internet daily

another 5% use it weekly

Civil Resolution Tribunal
Online Civil Justice Services

Survey 2019

British Columbians want to participate in their civil justice process and shape resolutions

82% want party to party participation

94% want a say in shaping their resolution

87% want to DIY without full legal representation
Online Civil Justice Services

Survey 2015

81% would use an online civil justice process that was user-friendly and available 24/7
Guiding Principles

- **Timely**
  - Focus on early resolution
  - 60 day process

- **Flexible**
  - Range of ADR options
  - Continuous improvement

- **Accessible**
  - 24/7
  - Anywhere
  - Legal information and support

- **Affordable**
  - Staged fees
  - Usually no travel/legal costs
  - Fee exemptions

- **Efficient**
  - Active case management
  - Tailored timelines and processes
  - Avoid duplication
How will it work?

Dispute volumes

- Solution Explorer: information, diagnosis, self-help
- Party to party negotiation
- Case Management: facilitated ADR & hearing preparation
- Adjudication

Dispute volumes
How will it work?

• Responsive design

• Asynchronous interactions

• Online, mail or phone (no one left behind)

• Telephone support
Solution Explorer

- Free public information, available 24/7
- Guided pathways
- Interactive question and answers
- Tools, templates, resources
- Resolution or preparation for CRT process
- Beta launching this spring
The Guided Pathway Approach to Justice

By Darin Thompson This is the third post in a four-part series about the Solution Explorer, the first stage of the CRT, which will provide free legal information and resources to the public. In earlier posts here and here we ... Continue reading →

9 Things to Know About the Civil Resolution Tribunal Act (CRTA) Changes

Posted on March 11, 2015

The Civil Resolution Tribunal Amendment Act was introduced in the legislature yesterday. Here is some more information about the changes, and the Civil Resolution Tribunal generally. What are the main changes being proposed to the Civil Resolution Tribunal Act? Amendments to the Civil Resolution Tribunal Act ... Continue reading →

New amendments to the CRT Act

Welcome from the CRT Chair

Welcome to the implementation website for B.C.’s Civil Resolution Tribunal (CRT), Canada’s first online tribunal. I will be using this website to keep you informed about our progress towards implementing the CRT in 2015.

The CRT implementation site will also provide you with basic information about the CRT and opportunities to provide constructive input.
What is your strata dispute about?

- Another owner, tenant or occupant asked me to do or stop doing something
- I want another owner, tenant or occupant to do or stop doing something
- The strata won't give me permission for something

Not finding an option you were expecting? Help us improve our site and tell us what's missing.
Renting Your Strata Lot

Are you considering renting out your strata lot?

What you should know

Your strata might have bylaws that prohibit rentals. It could also have a bylaw limiting the number or percentage of strata lots that can be rented, and for how long they can be rented.

Generally, there are 4 categories that permit rentals:

- There are available units for rent under the strata bylaws, or there are no rental bylaws that restrict the number of units to be rented.
- You have an exemption from rental restrictions created by a Rental Disclosure Statement (Form J).
- You want to rent your unit to a family member.
- The strata granted you a temporary exemption from rental restrictions because the restrictions cause you hardship, such as financial hardship.

The owner must give the strata a Notice of Tenant’s Responsibilities (Form K) within 2 weeks of renting all or part of a strata lot. It must be signed by the tenant, to show they have received these documents.

If the owner fails to give the tenant the Form K and the bylaws and rules, the tenant is still bound by the bylaws and rules. The tenant may terminate the tenancy without penalty within 60 days of learning of the owner’s failure to provide the tenant with the bylaws and rules, and the Form K within 2 weeks of renting the unit.
Which category does your rental fit in?

- There are available units for rent under the strata bylaws or there are no rental bylaws that restrict the number of units to be rented
- Exemption created by a Rental Disclosure Statement (Form J)
- Family exemption
- Hardship exemption

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

Dear Strata Council,

RE: Request for hearing

In accordance with the requirements of the Strata Property Act, please accept this letter as [my/our] application for a hearing with strata council. I understand that the Act provides for a hearing as an opportunity to be heard in person at a council meeting and that council must hold a hearing within four weeks of receiving this request.

The reason for my request is to [describe your reason for asking for the hearing].

Please contact me at [enter your preferred contact method and information] by [date by which you want the recipient to respond] to discuss a resolution to this problem.

Thank you for taking the time to read this letter.
Dispute Summary

You exploration has identified 2 claim(s). Use the tabs to view the summary, resources and information for each claim and the actions and resources available that may help you achieve resolution. If you are unable to resolve this dispute, options for engaging the services of the Civil Resolution Tribunal are available at the bottom of this page (fees may apply). Dispute summary reports are deleted from this server after 30 days.

Claim 01

Strata failure to comply with bylaws: Fined in excess of maximum amount allowed by the Strata Property Act and Regulation

Based on what you told us, you appear to have been fined in excess of the maximum amount allowed by the Strata Property Act ($200) or a lower amount as set by your strata bylaws. Before you continue, you should review your local bylaws and make sure that you know what the exact allowed fine amount is for your Strata.

As you have not been heard by nor have responded to your Strata Council about this claim, you may want to consider raising this issue directly with the strata corporation by either responding with a letter that outlines the specific sections of the Strata Regulation or Act that set the maximums (a sample template is in the resources). You can also request to be heard at a Strata Council meeting where you can present the excess fine amount claim and have it reduced to an appropriate amount.

Resources

- 2014 Strata Property Regulation Act - Section 7.1.1(a)
- Strata rules that apply to the issue of fines or penalties
- Excess fine amount letter template
Who is applying for dispute resolution?

Enter the information for the person or business asking for dispute resolution.

Tell us who you are:

Are you a...

- Person
- Organization/business
- Strata Corporation

Legal first name

Legal last name

List other names you go by (optional)

Are you an owner, occupant or tenant?

Mailing address

Address Line 1

Street address, P.O. box, c/o, etc.
Negotiation

• Connects parties to encourage negotiated settlement
  • Zero to nominal cost

• Low intervention
  • Negotiation resources
  • Opportunity to avoid spending more time/money on dispute
Facilitation

• Dispute resolution professional helps reach a consensual agreement

• Very flexible processes:
  • Asynchronous or synchronous
  • Resolve some or all of disputes
  • Can decide dispute with consent
Facilitation

If agreement
• Quick order from tribunal member
• Enforceable in court

If no agreement
• Adjudication support
• Help narrow issues, organize claims

Enhances access to justice
• Avoids duplication and delays
Adjudication

• Mostly **part-time tribunal members**
  • Lawyers with subject expertise
  • Located all over province

• Primarily **written hearings**
  • Some telephone/video hearings

• Brief written **reasons**

• Decisions enforceable as **court orders**

• Decisions can be **appealed**:
  • Small claims: Prov. Court - new trial
  • Strata: BC Supreme Court - appeal
How can we remove barriers?

**Language**
- Telephone interpretation
- Multi-lingual guides and resources
- Flexible tribunal procedures

**Technology**
- Telephone support
- Paper or telephone-based service
- Working with PovNet on focus groups and helper tools

**Disability**
- Web accessibility best practices
- Welcoming and supporting helpers
- Case managers/facilitators to support the parties
Continuous Improvement

1. Ask for feedback/advice
2. Listen
3. Incorporate feedback
4. Improve
Where are we now?

Winter 2015
- Design concept
- Tech partner selected
- Registrar hired
- Website

Spring/Summer 2015
- CRT members
- Rules & templates
- Technology build continues

Winter 2016
- SE beta launches
- DRS build – intake
- User testing
- Vancouver facilities open

CRT Launch!
What will the future look like?

- access to justice
- flexibility & public choice
- continuous improvement
- tailored to each tribunal

CRT is pioneering new civil justice model

Applied to other administrative tribunals
More information

Email: info@crtbc.ca

Twitter: @shannonnsalter

www.civilresolutionbc.ca