

Condo Smarts

Headline: Civil Resolution Tribunal: The First Decision

Topic: Civil Resolution Tribunal

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Dear Tony: "How do we get our council to...." This is the opening line to the many thousands of emails and letters our offices receive every month. Ever since the first strata was filed in BC back in the mid 1960's, strata councils, owners, tenants and occupants have struggled with the challenges of accessible justice. The cost was not the only barrier that prevented many strata corporations and owners from taking action when their rights were violated, or the strata bylaws were breached or the strata had to try and collect a large sum of money. Before a strata could commence an action in the Supreme Court of BC or give notice of arbitration to order an owner, tenant or occupant to comply with the bylaws or stop doing something they had to convene a general meeting of the owners, approve the action by 3/4 vote and approve the funding for the action. Either way, the strata owners often rejected the action because of the potential cost which could easily reach \$50,000 and may have taken 24 months or longer. While all of these procedures were underway with little hope of proceeding any further, owners and councils were plagued by chronic nuisance problems, unauthorized alterations or activities that put the residents and property at risk, or chronic non-compliance with the *Act* or Bylaws of the strata. While a noise complaint from an unauthorized flooring installation seems trivial for many of us, it is a nightmare for the neighbours who have to live with the consequences. Likewise, a strata council that is not complying with the *Act* and refusing to disclose financial information may be leading a community down the path of financial disaster.

The solution now in full effect and operation is the Civil Resolution Tribunal (CRT) of BC. Along with the introduction of the CRT under the BC Justice system, the public is also the beneficiary of significant changes in procedures for dispute resolution. The CRT is an online system that returns the justice system back into the hands of the public and provides a cost effective, speedy resolution to the common day to day issues for strata corporations. Strata councils can now file a CRT action by a simple majority vote of the council for the enforcement of bylaws and collection of debts. The CRT is essentially an online hybrid small claims/supreme court that includes the authority to enable the tribunal to order a strata corporation, owner, tenant or their occupants to do or stop

doing something, or to pay for something without any financial limits.

There are 3 stages to the Tribunal:

1. First there is the Solution Explorer which is anonymous and no cost. It's a guided question and answer process to help the users identify the nature of their problem and provide a series of solutions including information guides, sample letters and procedures to resolve their issue.
2. Failing the self-help solutions, the second stage is starting a CRT complaint, paying a nominal fee, and the involvement of a case manager to work with the parties. If the parties come to a consensual solution, the outcome can be a consent order that is binding on both the strata, the owner, tenant and occupant.
3. If the parties do not agree, the matter proceeds to stage 3, adjudication with an additional fee. The adjudicator reviews the evidence and issues a decision, which has the appearance of a mini court decision.

All of this for the parties costs a couple hundred dollars, and the result is a binding order. There are provisions for appeal within 28 days of the decision being issued with some limitations. All of this basically comes together for under \$300 and in about 90 days. **The best news:** the first decision was published on the CRT website last week. The decision ordered an owner to cease smoking substances on the strata property in violation of the strata bylaws. What once required a general meeting, unrealistic voting threshold, a major expense and an eternity for the communities is now cost efficient, timely, and easy for anyone to start the process. For more information go to www.civilresolutionbc.ca.