

From: [Page, Doug OHCS:EX](#)
To: [Steves, Gregory OHCS:EX](#); [Vasey, Jeff OHCS:EX](#)
Subject: summary of meeting with Shannon Salter
Attachments: [image003.emz](#)
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Good news:

- The self-service Solution Explorer software is done; they just need to load the prepared content and beta-test it this summer. She has applied to UBCM to launch it there in September, but hasn't yet received their acceptance. Otherwise some other time this fall.
- The RTB Solution Explorer is in a similar state of readiness. Consider launching jointly?
- She has done everything within her power to be ready to launch: public and stakeholder relations/education (even the Law Society is now supportive), appointed tribunal members, launched website, drafted job descriptions and had them classified.

Bad news:

- The two key pieces needed to launch are not within her control: funding and the technology for the Dispute Resolution Suite.

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- She now tells people the CRT itself will likely launch sometime in 2016.

Other:

- I offered our support and our minister's, however she felt we could help.

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- She gets a lot of calls and emails from strata residents wondering when the CRT will launch. Senses great anticipation but also growing cynicism about the continued delays. Some need to make decisions about whether to wait or file in court, due to the Limitation Act clocks running.

Doug Page, RI(BC)
Director of Legislation

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Cc: [Merner, David JAG:EX](#); [Thompson, Darin JAG:EX](#); [Goldschmid, Robert JAG:EX](#)
Subject: CRT Strata Disputes Working Group
Date: Monday, May 6, 2013 11:31:17 AM
Attachments: [CRT-Business-Model.pdf](#)
[Things to be covered in Civil Resolution Tribunal Rules.docx](#)
[Things hardwired in Act.docx](#)
[Draft Strata Working Group Mandate.docx](#)
[LAFlowchart.pdf](#)

Hello all, just following up from last weeks meeting. The next meeting of this working group will be Thursday, May 16, 2013 from 1:30 to 3:30 pm. I will confirm meeting locations in advance of the meeting. We are looking into venues with video conferencing.

I attach the Working Group Mandate with a revised and up to date list of members, the CRT Business Model which provides an overview of the proposed CRT processes, a list of "things to be covered in the CRT Rules", a list of "things hardwired into the Act", and the Limitation Act flowchart that John Mendes referred to at the meeting as an example of a helpful process flowchart. Hopefully, we can design some similar tools that will help users navigate the CRT process.

Proposed next few meetings:

Please diarize the following dates for the next few Working Group Meetings.

Thursday, May 16, 1:30-3:30
Thursday, May 30, 1:30-3:30
Thursday, June 13, 10:00-12:00
Thursday, June 27, 1:30-3:30
Thursday, July 18, 1:30-3:30

I understand that not all of you will be able to attend every meeting, but hopefully many of you can plan around these dates. I will circulate some Notes from the last meeting in advance of the next meeting. In the meantime, please feel free to contact me if you have questions or ideas, or want to discuss anything.

Regards,

*Cheryl Vickers, Acting Chair
Civil Resolution Tribunal*

604-775-3117 (direct line)
1-888-775-1740 (toll free)
604-775-1742 (fax)
1-888-775-1742 (toll free fax)

Dispute Resolution Model for the Proposed Civil Resolution Tribunal

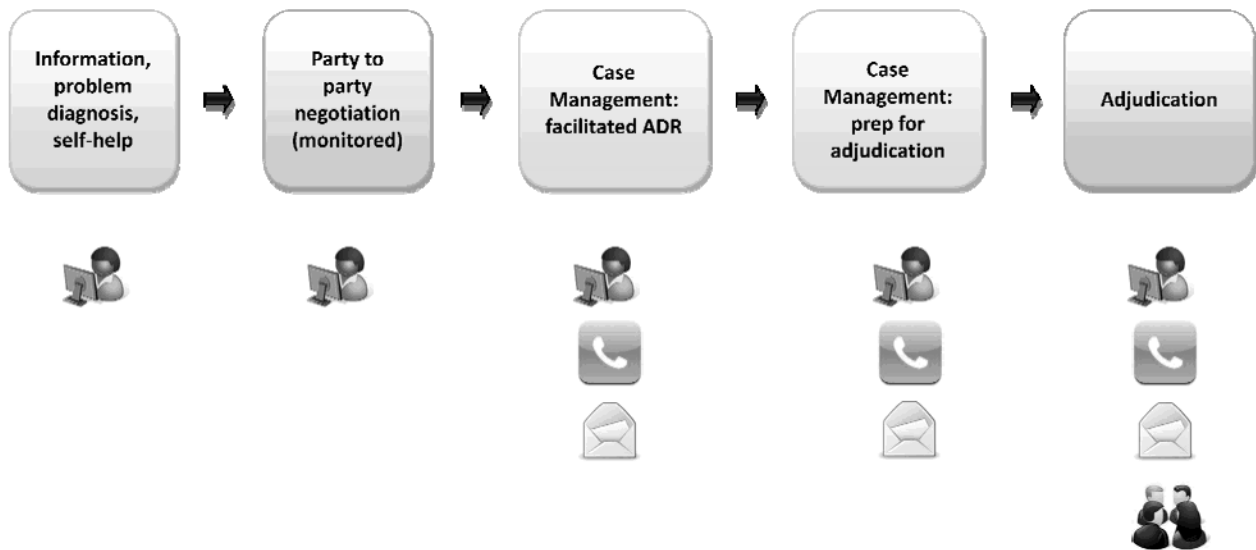
The proposed Civil Resolution Tribunal will offer services designed to encourage early resolution of disputes, using the minimum level of tribunal resources necessary to do so. Where formal adjudication of a dispute is required, the tribunal will actively case manage the dispute so that the adjudication is conducted quickly and efficiently. In all cases, the level of resources applied to a dispute will be proportionate to the nature of the dispute and the issues involved.

A. Pre-Filing

The tribunal will maintain a website that will be designed to help British Columbians identify, prevent and manage issues before they develop into full-blown disputes. Online information and education will be available to help businesses and individuals assess their options for dispute prevention and resolution and determine when and how to engage the tribunal's services.

B. Tribunal Dispute Resolution Stages

The following chart indicates the steps that a dispute would follow through the tribunal and the service channels (online, telephone, mail, in-person) available for each step:



Note: ADR is alternative dispute resolution.

1. *Information, Problem Diagnosis and Self-help*

If users cannot resolve their issues using the basic information on the tribunal's website, they will be able to review online tips, tools and strategies to encourage resolution. The information and services available in this phase will be open to all British Columbians who may need assistance with a dispute, even if the subject matter of the dispute is not within the tribunal's statutory decision-making jurisdiction.

2. *Online Party-to-Party Negotiations*

If the parties are unable to resolve the dispute on their own, one of the parties may request access to the online, party-to-party negotiation service provided and monitored by the tribunal (often referred to as online dispute resolution or ODR). Once the party has provided the necessary information and paid the applicable fee, the tribunal will notify the other parties to the dispute, providing specific information about the dispute and options for resolving it.

If the other parties to the dispute agree to participate, the online negotiation tool (or platform) will guide the parties through a structured negotiation phase, with the goal of facilitating a mutually acceptable settlement. The parties can access the platform through the Internet, at their own convenience. The parties can participate in the negotiations at different times, when and where it is convenient for them. The tribunal will provide templates and time lines and tribunal staff may occasionally provide case-specific suggestions to help the parties with their discussions. However, the parties will be expected to lead the process at this stage. The negotiation will end if no agreement is reached within a specified period of time.

3 *Case Management and Facilitated Settlement Discussions*

If the online dispute negotiation phase does not produce a resolution, any of the parties involved may pay the applicable fees and request active facilitation and resolution by the tribunal. All other parties must consent to resolution of the dispute by the tribunal before the tribunal can get further involved in the dispute, except for strata corporations, which can be compelled to participate.

In the next phase, the tribunal will focus on active case management and will typically involve a mediation-type approach. A tribunal case manager will contact the parties, either online or by telephone, and discuss the issues, canvas each of the parties' goals for resolution and explore options for settlement.

In case the mediation does not produce a settlement, the case management phase will also focus on preparing the parties for the adjudication phase. The case manager will ensure each of the parties has a clear understanding of the issues involved and the other parties' position on the issues. The tribunal may direct the parties to produce and provide the other parties with access to information that is relevant to the dispute and which may be accepted into evidence if the dispute continues to the adjudication phase. Most of the document exchange and communication during this phase will occur online.

4. *Adjudication*

Any case that is not settled by agreement will ultimately be resolved by adjudication. The adjudicator designated by the chair of the tribunal to hear the dispute will review the adjudication material and ensure that the parties had an adequate opportunity to exchange and examine all the relevant facts, voice their respective views and hear opposing arguments.

Adjudicators will decide most cases based on the evidence and arguments submitted through the tribunal's online tools. However, when necessary, the adjudicator will have discretion to conduct a telephone or video hearing. In rare situations, determined by the tribunal's rules, face-to-face hearings may be held. The tribunal will have the authority to decide the outcome of the case and make binding decisions. The tribunal may also order that the unsuccessful party must pay the successful party's expenses, excluding legal costs.

C. Other Features

Feedback and Continuous Improvement: To maximize the effectiveness of the tribunal and to foster high user satisfaction levels, the tribunal will incorporate a continuous improvement approach to its processes. Each user will be asked to provide feedback about their experience with the service. This information will be used to continually modify and improve the tribunal's services and processes.

Enforcement: Parties will be able to file final decisions and orders of the tribunal with either the B.C. Provincial Court or B.C. Supreme Court. Once filed, the tribunal's order can be enforced as though it were an order of that court.

Delivery of Tribunal Services: A significant proportion of the tribunal's services will be delivered online. Video, telephone, mail and face-to-face services will also be used to address specific user needs (such as the needs of users with certain disabilities) or the circumstances of particular disputes. This flexible approach will maximize resource efficiencies and will serve British Columbians as conveniently as possible, particularly those residing in rural and remote areas. The tribunal's technology will provide a model for service enhancement and transformation across the administrative justice system.

Tribunal Services to People with Disabilities: The tribunal's website and online services will be designed to adhere to web content accessibility (WCA) guidelines levels one and two, which were established as part of the American Web Accessibility Initiative. (The guidelines are available at: www.w3.org/WAI/guid-tech.html.) In addition, traditional, non-web-based services will be available to meet the needs of users with certain disabilities who do not have access to other supports.

Fees: There will be no fees to access the self-help information on the tribunal's website. Fees to access the tribunal's party-to-party negotiation platform will be nominal and set at a cost-recovery level. Additional fees will be charged as the dispute moves into the case management and adjudication phases, which may encourage parties to settle earlier in the process. Those fees will be lower than equivalent small claims fees, providing some cost recovery, while deterring frivolous cases. Fees can be recovered by the successful party.

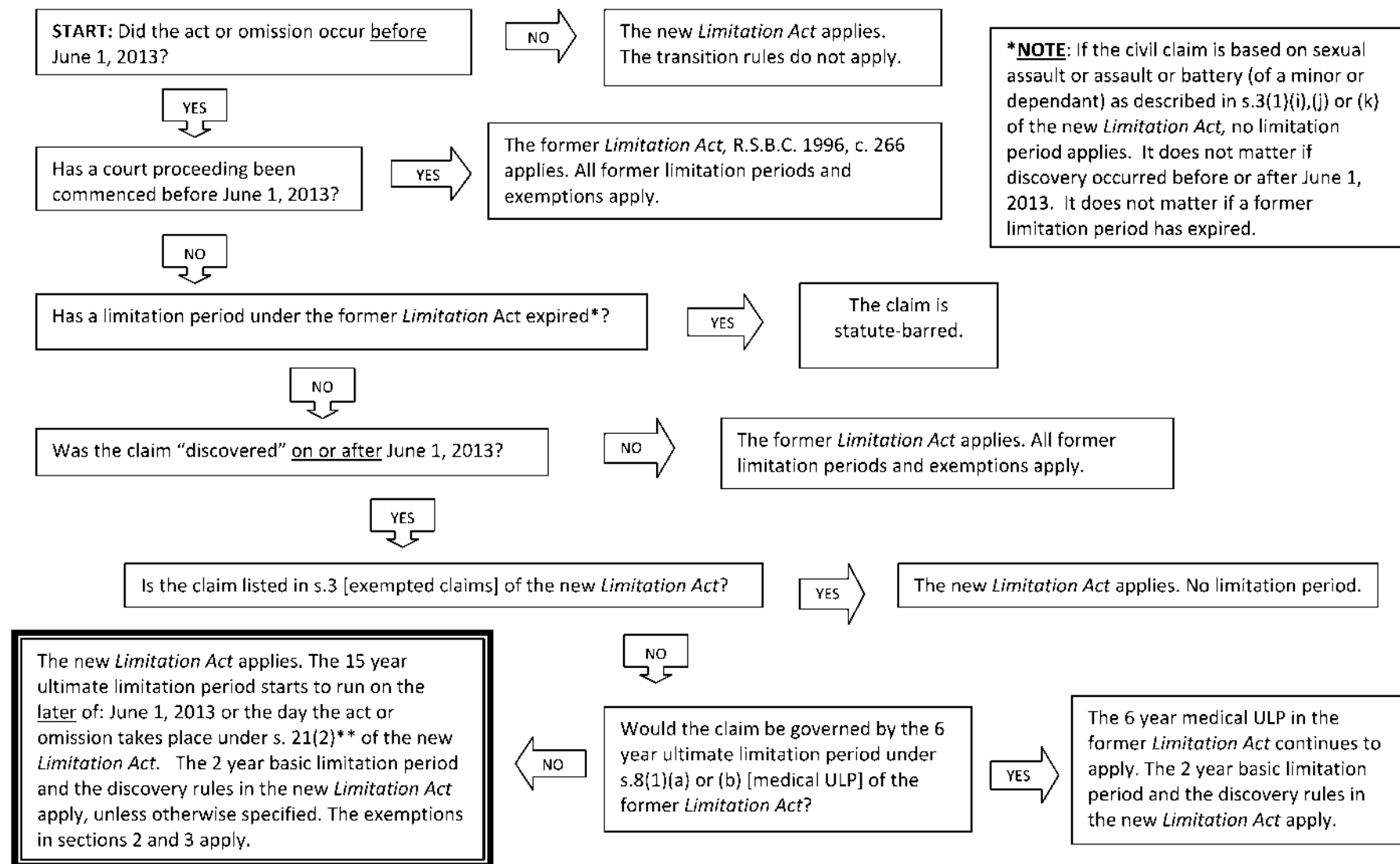
Process matters and authority “hardwired” into *Civil Resolution Tribunal Act*

Consent of respondent required (unless not required under an Act)	s. 7	
Decisions binding on consenting parties or persons bound to participate	s. 8	
Govt may not be a party	s. 9	
Claim outside of tribunal's jurisdiction may be amended to fall within jurisdiction	s.10(2)	
Tribunal may refuse to resolve claims and criteria for refusal	s. 11	
Proceeding started when tribunal gives notice that it has accepted request for resolution	s. 12	
Running of time for <i>Limitation Act</i> postponed	s. 14	
Can't commence court proceeding or must suspend court proceeding when tribunal proceeding starts	s.15	
No court proceeding if tribunal makes a final decision	s. 16	
Tribunal proceedings have 2 phases: case mgmt. and hearing	s. 17	
Tribunal proceeding to be as informal and speedy as permitted by Act and Rules	s.18	
Tribunal may require use of electronic communications	s. 19	
General rule re self representation unless Rules otherwise permit or other exceptions	s. 20	
Parties may withdraw	s. 21	
Parties may request consent dismissal	s. 22	
Role of case manager	s. 23	
Authority of case manager	s. 25	
Methods of dispute resolution	s. 25(2)	
Consent resolutions	s. 26	
Authority to provide non-binding neutral evaluation	s. 27	
Case manager may make recommendation for resolution	s. 28	
Case manager may make a decision with agreement of the parties	s. 29	
If not resolved, claim proceeds to hearing	s. 30	
Consent of added parties	s. 31(2)	
Authority for directions of case manager re preparation for hearing and orders for compliance	s. 32	
Summons	s. 33	
Responsibility for witness fees	s. 33(3)	
Authority to require person to provide evidence	s. 34	
Referral of frivolous/vexatious claims	s. 35	
Reasons for dismissal of frivolous/vexatious claims	s. 35(3) (4)(5)	
Referral to tribunal for non-compliance	s. 36	
Reasons for orders of referral of disputes	s. 36(4)(5)	
Leave for claims where refused for non-compliance	s. 36(6)(b)	
Method of hearing	s. 39(1)	

Hearings public/authority to exclude	s. 39(5)	
Notice of hearing	s. 40	
Parties may request consent resolution	s. 41	
Evidence	s. 42	
Discretion to receive evidence in confidence and ex parte	s. 43	
Tribunal may record proceedings	s. 44	
Referral back to case manager	s. 45	
Final decisions with reasons	s. 46	
Extension of time periods for reasons	s. 46(4)	
Notice of decision/access to/copies of	s. 47	
Order giving effect to final decisions	s. 48(1)	
Inclusions in orders to pay	s. 49	
When orders effective	s. 50	
Amendment of decisions	s. 51	
Authority to proceed w/o party	s. 52	
Requests to cancel decisions made in absence of party	s. 53	
Time limit for JR/standard of review	s. 54- 56	
Authority for enforcing tribunal orders	s. 57, 58, 59	
Authority to make orders	s. 61(2)	
Amendment of decision	s. 64	
Authority to administer oaths	s. 66	

Transition Rules Flowchart for the new *Limitation Act*

This document was developed by the Civil Policy and Legislation Office, Ministry of Justice. It is posted as educational material to support the transition to the new *Limitation Act*. It is not intended to constitute legal advice and should not be relied upon for those purposes.



Note: The new *Limitation Act* is a default statute. If another provincial statute contains a limitation period, the new *Limitation Act* does not apply, except to the extent provided for in the other provincial statute. The new *Limitation Act* is not yet in effect. Until June 1, 2013 the former *Limitation Act* continues to apply.

**Special ULP start dates for claims involving conversion, fraud, fraudulent breach of trust, future interest in trust property, demand obligations, security realization or redemption, contribution or indemnity, a minor, or a person under a disability.

Things to be covered in Civil Resolution Tribunal Rules

Content of rule	s. of CRTA	
Manner for requesting resolution of dispute	4(2)	
Stage of court process that prevents an application to tribunal	4(3)(b)	
Requirements for using ODR before making an application	5	
Time for providing consent to forum	7(3)(a)	
Permission for representation	20(2)(b)	
Who may be a representative	20(4)(a) 20(5)(b)	
Process for withdrawal	21(2)	
Dispute resolution processes to be used in case management	25(1)	
Circumstances re provision of non-binding neutral evaluation in case management	27(1)(a)	
Adding parties	31(1)	
Manner of providing evidence	32(1)(b) 33(1) 34(1)(c)	
Form of summons	33(1)	
Cancellation of summons	33(4)	
Review of referred frivolous/vexatious claims	35(2)	
Time limits for taking actions in case management	36(1)(b)	
Hearing disputes referred for non-compliance	36(3)(a)	
Requests for cancellation of dismissals referred for non-compliance	37(2) 37(3)	
Circumstances for cancelling dismissals of disputes referred for non-compliance	37(3)	
Conduct of hearings	38	
Information to be included in notice of hearing	40	
Circumstances where evidence may not be provided in electronic form	42(3)	
Circumstances for referral back to case management	45(b)	
Time limits for final decision	46(1)	
Orders required to give effect to decisions	46(1)(c)	
Time period to provide written record of oral decision	46(2)	
Time period for formal written reasons	46(3) 52(3)	
Amendment of final decisions	51(1)	

Proceeding in absence of a party	52(1)(a)	
Requests to cancel decisions made in absence of a party	53(2)	
Circumstances for cancelling decisions made in absence of a party	53(3)	
Orders and directions to achieve objects	61(1)	

Rule making authority under section 62

Form of consent under section 6

Factors for refusal under section 11

Dispute resolution services

Proceedings and process including

- Authority to modify rules
- Times for actions and authority to extend
- Authority re adjournments
- Restrictions on evidence and submissions where non-compliance
- Hearing processes in absence of a party

Authority of orders and directions including

- Process to request order or direction
- Cancellation of decisions made where non-compliance or in absence of a party

Form of notices and summons

- Authorization of service by electronic or other means
- Requirements for service/address for service
- Substituted service
- Deemed service

Receipt, disclosure and exchange of evidence

- Method
- Experts
- Summons and witness fees
- Allocation of expenses between parties

Participation in tribunal proceedings

- Who may act for a party
- Representation by lawyers
- Supporting persons
- Participation of non-parties

Consequences of non-compliance

Tariff of expenses a party may pay to another party

Preparation of validated copies of orders/decisions

Communications

- Use and authenticity of electronic communications
- Access to/restricted access to records
- Confidential information

Fees

- Fees for tribunal services
- Waive fees
- Refund fees

Any other matter for which rules contemplated in the act

Section 62

Classes of disputes

- Different rules for different classes

Civil Resolution Tribunal

Strata Working Group Mandate

Role of Working Group

The Working Group will provide input into issues relating to the implementation of the Civil Resolution Tribunal's dispute prevention and resolution processes for strata disputes.

Meetings

The Working Group will meet at the call of the Chairs, and generally once every three or four weeks.

Chair

The Co-Chairs of the Strata Working Group are Cheryl Vickers and Tony Gioventu

Membership

The following members have been identified to date:

- Civil Resolution Tribunal: Cheryl Vickers
- Condominium Home Owners Association: Heidi Marshall, Tony Gioventu
- Ministry of Justice: Bob Goldschmid, Darin Thompson
- Vancouver Island Strata Owners Assn: Sandy Wagner, David Grubb
- Housing Policy Branch: Doug Page
- REBGV: Harriet Permut
- BCAMI: Peter Austin
- Jamie Bleay
- John Mendes
- Cora Wilson
- Allyson Baker
- Adrienne Murray
- Sharon Kelly
- Pat Williams
- Garth Cambrey
- Andrew Seaton
- Kelly Raby
- s.22

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