

### What is the new dispute resolution approach for strata corporations, owners and tenants?

A new Civil Resolution Tribunal with members that have strata property expertise will help resolve issues and conflicts within strata properties. Generally the tribunal will address strata disputes by:

- providing access to information to assist parties to prevent/manage disputes by themselves wherever possible, without the assistance of the Tribunal, including an online dispute resolution service;
- actively managing disputes the parties are not able to resolve themselves, through facilitated dispute resolution discussions and, where necessary, by a quick and efficient hearing of the issues in dispute.

### Overview: Tribunal stages and service channels (online, telephone, mail, in-person)



### What will it cost someone to bring a strata dispute to the tribunal?

The fees for Tribunal resolution of a dispute have not been finalized, but are expected to be similar to, or lower than, small claims court fees (currently \$100 for claims under \$3,000 and \$156 for claims over \$3,000) and much less than private arbitration or all the costs of going to Supreme Court. In addition, the Tribunal's fees will be graduated and structured so that fees are only payable for those services of the Tribunal that it uses. The earlier a dispute is resolved, the lower the fees.

### How does this compare to the model consulted on in 2011?

The Civil Resolution Tribunal differs from the original model for the strata tribunal, where all parties could have been compelled to participate for most types of disputes. With the Civil Resolution Tribunal owners and tenants will have a choice of whether to use the tribunal, but strata corporations will have to participate when an owner or tenant requests that the tribunal resolve a dispute with the strata corporation.

The Civil Resolution Tribunal will not have exclusive jurisdiction over the types of strata disputes that it can resolve. The Supreme Court of British Columbia will continue to have jurisdiction over all types of strata disputes and the Provincial Court will continue to be able to hear small claims. Parties will be able to choose which venue works better for resolving their dispute – the court or the Tribunal.

Finally, the scope of disputes to be handled by the tribunal will be somewhat narrower than proposed in the consultation, as the Supreme Court will retain exclusive jurisdiction over certain matters, particularly those involving fundamental real property rights.

### Why not just use the original model proposed?

As the legal and policy considerations related to establishing a new tribunal were explored, it became apparent that it would be appropriate for the Supreme Court to continue to have jurisdiction over strata property disputes, concurrent to the tribunal's jurisdiction for many types of disputes. The Supreme Court should probably retain jurisdiction over certain complex types of cases. However, after the Tribunal has fine-tuned its operations and developed its expertise, there may be an opportunity to explore transferring exclusive jurisdiction to the Tribunal for other types of strata disputes.

### When will the new tribunal be up and running?

There is a significant amount of work required to develop the Tribunal's technology, rules and processes. It is anticipated that the Tribunal will be ready to begin accepting requests for resolution in 2014.