



Civil Resolution Tribunal

2016/2017 Annual Report

Covering the period July 13, 2016 through March 31, 2017

Table of Contents

Purpose and Mandate	2
Guiding Principles.....	2
Timely.....	2
Flexible	2
Accessible	3
Affordable	3
Efficient	3
How the CRT Works	4
Highlights from 2016/2017.....	5
Appendix A: Operational Statistics	7
Appendix B: Statement of CRT Revenue and Expenses	9
Appendix C: Number of Employees and Full-time Members at Fiscal Year-end	10
Appendix D: Tribunal Members.....	11

Purpose and Mandate

The Civil Resolution Tribunal (CRT) is an independent, quasi-judicial tribunal operating under the authority of the *Civil Resolution Tribunal Act (CRTA)*. The CRT is Canada's first online tribunal, currently providing end-to-end dispute resolution services for strata property disputes of any amount. The CRT encourages a collaborative, problem-solving approach to dispute resolution, rather than the traditional courtroom model, by providing timely access to legal information, self-help tools, and dispute resolution services to help resolve disputes as early as possible. If parties are unable to resolve their dispute collaboratively, a CRT tribunal member makes a binding decision, enforceable as a court order.

Guiding Principles

The CRT is guided by five core principles. Dispute resolution services must be timely, flexible, accessible, affordable and efficient.

Timely

Protracted legal disputes harm the physical, mental and financial well-being of participants. This is why the CRT works to help people resolve their disputes as early in the process as possible. As a first step, the CRT provides the public with free legal information and self-help tools, through the Solution Explorer. The Solution Explorer provides expert legal knowledge to the public, through a simple question and answer platform available to anyone, regardless of whether they have a CRT claim. The Solution Explorer helps people better understand their legal rights and resolution options, before they spend time and money on initiating a formal legal claim. The Solution Explorer is available for free, 24 hours a day, 7 days a week. This year, the Solution Explorer was used 5,505 times.

As of March 31, 2017, the CRT had 262 disputes in progress. Since the CRT began operations in July, it resolved 49 disputes and 45% were resolved by consent or withdrawal. The CRT is continuing to add resources – employees and members – and to refine its procedures. The increased resources are expected to reduce the time required to resolve disputes and reduce the number of outstanding disputes. The CRT is working towards achieving its goal to resolve most disputes in under 90 days.

Flexible

The CRT offers a range of dispute resolution tools to support early, collaborative dispute resolution. These include:

- the Solution Explorer, which helps the public understand their legal problem and provides self-help options, all for free;
- access to CRT decisions to enable participants to understand likely resolution outcomes;
- mediation services and active case management from a CRT case manager; and
- a binding CRT decision from a CRT tribunal member, if the parties cannot resolve their dispute by agreement.

Wherever possible, the CRT works to assist the parties in resolving their dispute by agreement, relying on adjudication as a valuable last resort.

Accessible

The CRT works hard to ensure it is accessible to everyone in British Columbia, regardless of their background or circumstances. Participants can access online services wherever and whenever they choose, 24 hours a day, 7 days a week. They can also access CRT services through paper, telephone, videoconference, or in-person at one of 60 Service BC locations in the province. So far, almost all participants have chosen to use the CRT's online services. However, providing online services is only one of the many ways we work to increase accessibility and inclusivity.

The CRT works with community legal advocates around the province who represent people with barriers to accessing the justice system. We ask them to test anything we develop that will be used by the public, because we want to make sure the CRT works for our most vulnerable parties first and foremost. We are very grateful to these advocates who have volunteered their time, energy and expertise to help us make the CRT as accessible as possible. Here are some of our many accessibility initiatives:

Inclusivity is a Core Value



Affordable

The CRT offers affordable dispute resolution in several ways. The CRT's first stage is the Solution Explorer, which provides free legal information and self-help tools. The CRT has also worked with community legal advocates to develop a simple fee waiver form for people with a low income, without the need to provide additional documents, in most cases. CRT fees are staged, so participants only pay for the services they use. For most disputes there are no travel costs. The CRT also offers a \$25 discount for applications and responses filed online. Since the response fee is \$25, responses filed online are free. Finally, the CRT aims to offer dispute resolution with a focus on self-representation; in most disputes there are no lawyers or legal fees.

Efficient

The CRT focusses on efficiency by automating business processes, actively case managing files to reduce delay, and using data analytics and a continuous improvement process to make data-based improvements. The CRT regularly publishes its case volumes and user satisfaction statistics on its website to increase accountability for its operations.



Civil Resolution Tribunal

How the CRT Works

The CRT process includes four stages, described below:



EXPLORE AND APPLY

Start with our Solution Explorer. It has free legal information and tools. It will also give you the right CRT application form for your type of dispute.



NEGOTIATE

Once your application is accepted, try our secure and confidential negotiation platform. You can talk through your dispute and try to reach an agreement.



REACH AN AGREEMENT

If you can't resolve your dispute by negotiation, a case manager will try to help you reach an agreement. Agreements can be turned into orders, and be enforced like a court order.



GET A DECISION

If you can't reach an agreement by negotiation or facilitation, an independent CRT member will make a decision about your dispute. A CRT decision can be enforced like a court order.

Highlights from 2016/2017

From July 13, 2016 to March 31, 2017, the CRT received 311 applications for dispute resolution. During that same period, the CRT closed 49 disputes, leaving 262 disputes outstanding as at March 31, 2017.

The following table shows the outcomes of the closed disputes.

Outcome	
1. CRT Refused to Accept	7 (14%)
2. Resolved by Consent/Withdrawn	22 (45%)
3. Default	7 (14%)
4. Final decision after TDP	13 (27%)
5. Refuse to Resolve/Other	0 (0%)
Total	49

Outcome 1: CRT Refused to Accept

The CRT refuses to accept applications that are not within the CRT's jurisdiction. During the period July 13, 2016 to March 31, 2017, 14% of applications were found to be out of CRT jurisdiction at the time the application was screened.

The CRT provides information about the CRT's jurisdiction and appropriate other dispute resolution bodies through the free Solution Explorer. Where an application is made for issues outside the CRT's jurisdiction, the tribunal advises parties of this fact and notifies them that they can either withdraw their application and receive a refund of their application fee or make submissions on why they think it is in jurisdiction. If a party makes submissions, the issue is escalated to a tribunal member for a preliminary decision. If the tribunal member finds it is not in jurisdiction, the application fee is not refunded.

Outcome 2: Resolved by Consent/Withdrawn

The CRT encourages parties to reach a collaborative agreement wherever possible. Parties who reach agreements are generally more satisfied with the outcome of their dispute than where a tribunal or court issues a binding decision. Parties typically withdraw a dispute when they settle it without the need for a CRT decision or order. In other disputes, the parties' resolution is incorporated into a consent order.

In 2016/17, 45% of disputes were resolved by consent or withdrawn. This represents a significant percentage of all CRT disputes completed during the year. The CRT continues to improve its processes and dispute resolution approach to encourage the consensual resolution of disputes.

Outcome 3: Default

After an applicant has filed an application for dispute resolution and the respondent has been served with notice of the dispute, the respondent must file a response with the CRT. If the respondent fails to provide a response, the applicant can request a decision from the CRT without the respondent's participation. This is known as a default decision.

In 2016/17, 14% of disputes resulted in a default decision.

Outcome 4: Final Decision after TDP (Tribunal Decision Plan)

After a respondent provides a response to the CRT, the parties have an opportunity to negotiate and then mediate their dispute. If the parties do not come to an agreement, they may request that the CRT issue a binding decision.

When parties request a binding decision, the CRT creates a Tribunal Decision Plan and requests and exchanges submissions and evidence from the parties. A CRT tribunal member conducts a written or oral hearing, then issues a final decision that is binding on the parties.

During the period July 13, 2016 to March 31, 2017, 27% of disputes were resolved with a binding decision after a hearing. This number reflects the generally high success rate of the negotiation and facilitation phases, as well as the significant volume of default decisions.

Outcome 5: Refuse to Resolve

The CRT may refuse to resolve a dispute if the applicant does not provide requested information, or otherwise refuses to comply with the CRT's direction. The CRT may also refuse to resolve a dispute where the dispute is outside the tribunal's jurisdiction.

In 2016/17, no disputes were closed because the CRT refused to resolve the dispute.

This indicates that applicants generally comply with CRT directions and that intake screening is generally accurate in determining jurisdictional issues early in the dispute resolution process.

Appeal/Judicial Review

CRT decisions in strata disputes are subject to a statutory appeal to the BC Supreme Court. In order to appeal a CRT strata decision, a party must ask the court for leave to appeal. If leave is granted, an appeal is limited to a question of law.

Prior to June 2016, people with a strata dispute were required to bring their claim to the BC Supreme Court for resolution. The CRT has been able to provide a highly effective and affordable way to resolve strata property disputes in BC.

Appendix A: Operational Statistics

This table shows the CRT's operational statistics for all disputes from July 13, 2016 to March 31, 2017.

New Solution Explorer Explorations	
Solution Explorer Explorations	5,505
New Disputes	
New applications for dispute resolution	311
Completed Disputes	
1 – CRT Refused to Accept	7
2 – Resolved by Consent / Withdrawn	22
3 – Default / Non-compliance	7
4 – Final Decision after TDP	13
5 – Refuse to Resolve	-
Total Completed Disputes	49
Disputes in Progress	
Stage 1: Intake Screening	70
Stage 2: Negotiation & Facilitation	184
Stage 3: Tribunal Decision (Hearing or Default)	8
Total Disputes in Progress	262

Operational Statistics Definitions

New Solution Explorations	
Solution Explorer Explorations	The number of unique uses of the Solution Explorer. Each use is a potential participant exploring their options to resolve their dispute.
New Disputes	
New applications for dispute resolution	The number of applications for dispute resolution submitted to the CRT.
Completed Disputes	
1 – CRT Refused to Accept	The number of applications where the CRT refused to issue a Dispute Notice under section 6 of the <i>CRTA</i> .
2 – Resolved by Consent/Withdrawn	The number of disputes where the parties resolved their dispute without the need for a final decision after the tribunal decision process.
3 – Default/Non-compliance	The number of disputes where the respondent failed to participate in the dispute, or a party did not comply with CRT directions.
4 – Final Decision after TDP	The number of disputes where the CRT issued a final decision at the request of the applicant or respondent. Parties are given the opportunity to provide their evidence and arguments, and to respond to the evidence and arguments provided by other parties.
5 – Refuse to Resolve	The number of disputes where the CRT refused to resolve the dispute under s.10 or s.11 of the <i>CRTA</i> .
Disputes in Progress	
Stage 1: Intake Screening	The number of disputes where the CRT has received an application and is in the process of reviewing it, as required by s.6 of the <i>CRTA</i> , before giving the initiating notice.
Stage 2: Negotiation & Facilitation	The number of disputes where parties are actively engaged in negotiation and facilitation to try to resolve the dispute consensually.
Stage 3: Tribunal Decision (Hearing or Default)	The number of disputes where the parties are: a) preparing a tribunal decision plan, b) the applicant has submitted a request for a default decision, or c) the tribunal decision plan or default decision request are with a tribunal member for decision.

Appendix B: Statement of CRT Revenue and Expenses

Total Revenue	\$	38,152
Expenses		
Salaries and Benefits	\$	1,360,648
Part-time Member Per Diems & Expenses		34,453
Information Systems and Technology		344,833
Travel expenses		12,202
Building Occupancy Costs		102,203
Amortization		763,656
Other Operating Expenses		47,951
Total Expenses	\$	2,665,946

- *Salaries and Benefits includes base salaries and employee benefits for all employees of the CRT, as well as all full-time tribunal members (including the Chair and Vice Chairs).*
- *Travel expenses includes travel expenses for CRT employees and full-time tribunal members. Travel expenses for part time members are included in Part-time Member Per Diems & Expenses.*
- *Amortization expenses for capital costs related to initial development costs for CRT's case management/online dispute resolution system.*
- *Other Operating Expenses includes professional & legal services, office expenses and bank charges.*

Appendix C: Number of Employees and Full-time Members at Fiscal Year-end

Full-time Members	
Chair	1
Vice Chairs	2
Members	0
Total Full-time Members	<u>3</u>
Employees	
Managers, Legal Counsel	2
Administration/Finance/Technology	1
Case Management (Facilitators)	3
Information & Intake Support	6
Adjudication & Decision Support	1
Total Employees	<u>13</u>
Total Full-time Members & Employees	<u>16</u>

Appendix D: Tribunal Members

Terms of Appointment for the year ending March 31, 2017

The CRT had 3 appointed members in the fiscal year ending March 31, 2017, including 1 Chair and 2 Vice Chairs. Current members were appointed by Order-in-Council by the Lieutenant Governor, for renewable terms of 2-4 years. Members fulfill quasi-judicial functions under the *CRTA* including the determination of all applications and adjudicating disputes. Members have undergone specialized CRT training and are also engaged in reviewing and approving expert content for the CRT’s Solution Explorer.

In addition to an adjudicative role, the Chair is responsible for the effective implementation, management, and operation of the CRT and the organization and allocation of work among its members. Section 75 of the *CRTA* provides that the remuneration and benefits for members is set in accordance with applicable [Treasury Board Directives](#). A new Treasury Board directive on remuneration was implemented effective December 15, 2016. Under the new directive, tribunal members are classified in the following annual salary and per diem ranges and entitled to benefits under the Terms and Conditions for Excluded Employees/Appointees.

	Chair	Vice Chair	Members	Members
Administrative Tribunal Group	Group 4 – Full-time	Group 4 – Full-time	Group 4 – Full-time	Group 4 – Part-time
Treasury Board Directive Range	\$168,000-\$200,000	\$143,000-\$161,000	\$118,000-\$132,000	\$500-\$575 per day

Member Remuneration for the year ending March 31, 2017

Name	Position	Total Remuneration	Current rates of Remuneration <i>Per Diem rates for Part Time Tribunal Members Only</i>
Shannon Salter	Chair/Full Time	\$160,065.56	\$160,000/year
James Garth Cambrey	Vice Chair/Full Time	\$100,063.91	\$120,000/year
Shelley Lopez	Vice Chair/Full Time	\$17,539.75	\$143,000/year
Maureen Abraham	Member/Part Time	\$525.00	\$525/day (\$262.50/half day)
Maureen Baird	Member/Part Time	\$2,100.00	\$525/day (\$262.50/half day)
Wendy Baker	Member/Part Time	\$787.50	\$525/day (\$262.50/half day)
Kathryn Berge	Member/Part Time	\$1,312.50	\$525/day (\$262.50/half day)
Jamie Bleay	Member/Part Time	\$1,575.00	\$525/day (\$262.50/half day)
Colleen Cattell	Member/Part Time	\$1,837.50	\$525/day (\$262.50/half day)
Bonnie Elster	Member/Part Time	\$7,350.00	\$525/day (\$262.50/half day)
Andrew Gay	Member/Part Time	\$1,575.00	\$525/day (\$262.50/half day)
Julie Gibson	Member/Part Time	\$3,937.50	\$525/day (\$262.50/half day)
Angus Gunn	Member/Part Time	\$4,200.00	\$525/day (\$262.50/half day)
Richard (Hoops) Harrison	Member/Part Time	\$1,312.50	\$525/day (\$262.50/half day)
Kamaljit Lehal	Member/Part Time	\$582.20	\$525/day (\$262.50/half day)
Michael Litchfield	Member/Part Time	\$1,168.50	\$525/day (\$262.50/half day)
Barry Long	Member/Part Time	\$787.50	\$525/day (\$262.50/half day)
Andrew Pendray	Member/Part Time	\$1,312.50	\$525/day (\$262.50/half day)
Patrick Williams	Member/Part Time	\$3,150.00	\$525/day (\$262.50/half day)



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