

Case Screening Summary

Total cases screened: 31 | Passed pre-screen: 24 | Used in final output: 13

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>Civil Resolution Tribunal Act, SBC 2012, c 25</i>	Civil Resolution Tribunal Act, SBC 2012, c 25	Yes	The key provisions for the research question are ss. 16.1–16.3 and 121. Section 121 gives the CRT jurisdiction over strata property claims (interpretation of Strata Property Act, common property, use/enjoyment of strata lot, money owing, strata corporation decisions, etc.) and deems the CRT to have "specialized expertise" in these matters. Section 16.1(1)(b) requires a court to dismiss a strata proceeding where all matters are within CRT jurisdiction and the CRT has specialized expertise, UNLESS "it is not in the interests of justice and fairness for the tribunal to adjudicate the claim." Section 16.4(1) bars bringing a strata claim in court unless one of the listed exceptions applies — notably s. 16.4(2) does NOT include strata claims among those that can be brought in court by consent (unlike accident claims under s. 16.4(2)(b)). Section 16.3 lists non-exhaustive factors the court may consider when assessing interests of justice and fairness: precedent value, constitutional/HRC issues, complexity, all-party agreement, consolidation with existing court proceeding, electronic-communication unfairness. Notably s. 16.3(1)(d) — "whether all of the parties agree that the claim should not be adjudicated by the tribunal" — is one factor only, not a gateway. Unlike accident claims (s. 16.4(2)(b)), strata claims have no provision permitting court proceedings by consent alone. The default for strata claims within CRT jurisdiction is dismissal from court absent an interests-of-justice finding.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	2024 BCSC 2232	Yes	The Court explicitly addressed the defendants' application to dismiss the claim in favour of the CRT, and pursuant to ss. 16.1, 16.2, and 16.3 of the CRTA, the Court ordered that "the interests of justice and fairness require the Court to adjudicate the Strata Corporation's claims" and ordered "that the CRT not adjudicate the claims" (paras. 54, 66).	Yes

<i>Hui v The Owners, Strata Plan BCS3702</i>	2025 BCSC 1209	Yes	The court explicitly decided whether to stay or dismiss a court proceeding involving strata property in favour of the CRT, engaging ss. 16.1 and 16.3 of the CRTA, as stated in paragraph 14: "The Defendant filed the present application, seeking orders that: a) Pursuant to s. 16.1(1)(b) of the Civil Resolution Tribunal Act... the Plaintiff's action is dismissed... b) In the alternative, pursuant to s. 16.1(c) of the CRTA, the Plaintiff's action is stayed and referred to the CRT."	Yes
<i>Canadian Ramgarhia Society v Panesar</i>	2022 BCSC 751	No	The decision concerns a dispute involving a religious society and its governance under the Societies Act, not a strata property dispute. While the court applied ss. 16.2 and 16.3 of the CRT Act to stay proceedings at the Civil Resolution Tribunal, the subject matter does not involve strata property as required by the criterion.	N/A
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	2025 BCSC 76	Yes	The court explicitly decided to dismiss the petition in favour of the Civil Resolution Tribunal (CRT) after considering the factors in ss. 16.1 and 16.3 of the CRTA, as stated in paragraph 65: "I grant the application and dismiss the petition in favour of the matter being put before CRT."	Yes
<i>Yeung v The Owners, Strata Plan EPS 1831</i>	2025 BCSC 2369	Yes	The court explicitly applied s. 16.1 of the CRTA to dismiss a civil claim in favour of the CRT, specifically considering the factors in s. 16.3 to determine whether it was in the interests of justice and fairness to keep the matter in court (paras. 16, 27, 29).	No
<i>The Owners, Strata Plan LMS205 v 0806933 B.C. Ltd.</i>	2022 BCSC 91	Yes	The court explicitly addressed whether it should exercise jurisdiction over non-lienable claims that would otherwise fall to the CRT, specifically analyzing the factors under s. 16.3 of the CRTA and the court's authority under s. 16.2 to order that the CRT not adjudicate the matter (paras. 77-78, 85-96).	No
<i>Section 2 of the Owners, Strata Plan LMS 257 v The Owners, Strata Plan LMS 257</i>	2025 BCSC 1985	Yes	The court explicitly exercised its discretion under ss. 16.1, 16.2, and 16.3 of the CRTA to retain jurisdiction over the matter rather than referring it to the CRT, stating at paragraph 8: "Having considered the factors in s. 16.3 of the CRTA, I have concluded that the test for taking jurisdiction is met."	No
<i>Keen v The Owners, Strata Plan NW 2408</i>	2026 BCSC 325	Yes	The court explicitly addressed the application of ss. 16.1 and 16.2 of the CRTA, granting an order to retain the matter in court rather than remitting it to the CRT because the parties agreed it was not in the interests of justice and fairness to dismiss the proceedings at that stage (paras. 31-32).	No

<i>Nwabuikwu v Remi Realty Inc.</i>	2024 BCSC 1371	Yes	The court explicitly decided an application under s. 16.1 of the Civil Resolution Tribunal Act to dismiss or stay "Remaining Claims" (strata property and human rights claims) in favour of the CRT, despite the plaintiff's argument that the matter should remain in court due to its complexity (see paragraphs 4, 48, 57, and 64).	Yes
<i>Majithia v The Owners, Strata Plan EPS 2884</i>	2024 BCSC 1519	Yes	The court explicitly decided an application under s. 16.2(1)(b) of the CRTA to determine whether it was in the interests of justice and fairness to keep a strata dispute in court rather than at the CRT, ultimately ordering the petition dismissed and the matter referred to the CRT pursuant to s. 16.1 and s. 16.4.	Yes
<i>Dr. Aref Tabarsi Inc. v British Columbia (Workers' Compensation Appeal Tribunal)</i>	2026 BCSC 631	No	This decision concerns a judicial review of a Workers' Compensation Appeal Tribunal (WCAT) decision regarding the interpretation of "court" and "action" under the Workers Compensation Act; it does not involve a strata property proceeding or the application of ss. 16.1 or 16.2 of the Civil Resolution Tribunal Act.	N/A
<i>Dolnik v The Owners, Strata Plan LMS 1350</i>	2023 BCSC 113	No	This decision is a judicial review of a final decision made by the Civil Resolution Tribunal on its merits; it does not involve a court decision to stay or dismiss a proceeding under ss. 16.1 or 16.2 of the CRTA.	N/A
<i>Dolnik v The Owners, Strata Plan LMS 1350</i>	2023 BCSC 113	Yes	Brongers J. conducted judicial review of a CRT strata property decision (leaky condo — significant unfairness claim). This is NOT a case about whether to stay or dismiss a court proceeding in favour of the CRT; rather it is a judicial review of a CRT decision already rendered. The decision's relevance to the research question is limited to para 52, which contains Brongers J.'s articulation of the "rebuttable presumption" framework: ss. 16.1, 16.3, and 16.4 of the CRTA "effectively impose a rebuttable presumption that the claim should be dismissed by the Court so that it can be heard by the Tribunal instead, unless it is not in the interests of justice and fairness for the Tribunal to do so." This passage is widely cited by later courts (Hui, 1289083 B.C. Ltd., etc.) as the foundational statement of the presumption. On the merits, the court set aside the CRT's significant unfairness finding as patently unreasonable (paras 80-91) but upheld the rest. Not relevant to the stay/dismiss question except as the source of the rebuttable presumption formulation. Also confirms concurrent (not exclusive) jurisdiction per para 52, citing West 2021 BCSC 824 para 36.	Yes
<i>Downing v Strata Plan</i>	2023 BCCA 100	Yes	BCCA (Willcock JA) dismissed Ms. Downing's appeal from judicial review of a CRT decision. This is NOT a case about whether to stay/dismiss a court proceeding — by	No

VR2356			2023 the matter had already been adjudicated by the CRT (after being referred there by Crerar J. in the 2019 BCSC 1745 decision). The appeal concerned procedural fairness (oral hearing/cross-examination) and substantive review of the CRT's trespass/negligence findings. Most relevant passage for the research question: para 8 (obiter) — Willcock JA cautioned that chambers judges hearing s. 121 applications "should, in my view, pay close attention to the fact that there are limited procedural safeguards at the CRT. In cases involving significant sums or other important issues, the potential limitation on a party's procedural rights before the CRT may militate against the referral." This passage is frequently cited in subsequent cases (Hui, 1289083 B.C. Ltd.) as a factor supporting retaining jurisdiction. Para 65 contains a candid acknowledgment that the legislature's policy decision to funnel strata disputes to CRT can result in outcomes "that might initially strike an observer [as] procedural unfairness." The 2019 BCSC decision (Crerar J., 2019 BCSC 1745) referred Downing's petition to CRT over her objections — confirmed at para 6-7 of this decision. That referral order was not appealed.	
<i>Downing v Strata Plan VR2356</i>	2019 BCSC 1745	Yes	Crerar J. referred Downing's petition to the CRT over the petitioner's objections — one of the earliest contested strata CRT jurisdiction decisions. Key holdings: (1) All matters (including trespass and mental distress claims added by amendment) fell within CRT s. 121 jurisdiction as they arose from strata corporation's powers to enter and repair (paras 35-40); (2) s. 16.1 presumptively requires stay/dismissal unless interests of justice and fairness favour court (paras 28-29); (3) Rejected all five s. 16.3 arguments the petitioner advanced: (a) precedential value — issue squarely within CRT expertise and fact-specific (para 42); (b) constitutional/HRC analogy — inapt where no one home during alleged trespass (para 44); (c) complexity/large amount — legislature mandated CRT for all strata claims any amount (paras 45-46); (d) procedural limitations — CRT can convene oral hearings under ss. 39-42 (para 48); (e) limited appeal/review — policy decision of efficiency (para 49); (4) Critical at para 50: Crerar J. expressly noted it would be "unprecedented" to order the court to assume jurisdiction over a CRT matter over a party's objection — the only prior s. 16.2 case (Shawn Oaks 2018) involved party consent and a 29-party proceeding readily distinguishable from a two-party dispute. Confirms that as of 2019 there were no non-consensual retention cases. The referral to CRT over the petitioner's objection was not appealed (confirmed in 2023 BCCA 100).	Yes

<i>Yas v Pope</i>	2018 BCSC 282	Yes	Baird J. dismissed petition under s. 12.3(1)(b) of the then-CRTA (predecessor provision to current ss. 16.1-16.3) — the petitioners sought to remove noise/fines strata dispute from CRT over the respondents' objection. This is one of the earliest cases under the CRTA strata jurisdiction. Key holdings: (1) CRT has unlimited monetary jurisdiction for strata claims — legislature mandated CRT handle strata claims "in any amount, large or small" (para 14); (2) s. 12.3(2)(e) (all parties agree to Supreme Court) explicitly noted as inapplicable — Popes and Strata opposed removal from CRT (para 30); (3) electronic tools concern rejected — CRT can adapt procedures including in-person hearings (paras 32-38); (4) precedential value rejected — alteration agreement transferability question within CRT expertise (paras 39-44); (5) complexity rejected — noise dispute not complex regardless of amounts claimed (paras 45-49); (6) petition dismissed, claims remitted to CRT (para 50). This is a "court refused to stay" case from the petitioner's perspective — petitioners wanted out of CRT and into court; court kept them at CRT. Under the old s. 12.3 framework (which operated in reverse — petitioner sought to oust CRT jurisdiction rather than the current regime where CRT automatically presumed unless interests of justice favour court). The respondents (Popes and Strata) both opposed the application for removal from CRT.	No
<i>The Owners, Strata Plan VR 855 v Shawn Oaks Holdings Ltd.</i>	2018 BCSC 1162	Yes	Norell J. retained jurisdiction over consolidated strata petitions involving a developer (Shawn Oaks Holdings) owning 27 of 72 strata lots, enforcement of rental bylaw, and significant unfairness claims. Key on the consent/jurisdiction question: (1) Court raised jurisdiction sua sponte at outset — both the Strata Corporation and Shawn Oaks consented to and wanted court adjudication (para 54); (2) The applicable provision at the time was s. 189.6 SPA (not the current CRTA s. 16.1 — predecessor provision); (3) Court found it was not in the interests of justice and fairness for the CRT to resolve the dispute based on: consent of all parties, complexity of developer/strata redevelopment context (29 parties), multi-party proceeding distinguishable from a typical two-party strata dispute, concern about CRT accommodating 27 potential tenant parties, potential precedential value in novel legal issues (paras 56-58); (4) The bylaw was found unenforceable on the merits regardless (para 53). This is a CONSENT case — all parties agreed to court adjudication (para 54). Consistent with the survey in 1289083 B.C. Ltd. (2025 BCSC 76) which correctly identifies all pre-Ngai Estate retention cases as consensual. The decision was rendered under an earlier	Yes

			version of the regime (s. 189.6 SPA) before the current CRTA framework was in place.	
<i>Allard v The Owners, Strata Plan VIS 962</i>	2019 BCCA 45	Yes	Kirkpatrick JA (Fitch and Hunter JJA concurring) allowed the strata corporation's appeal and set aside the chambers judge's order granting leave to appeal from a CRT strata property decision under s. 56.5 CRTA (the old leave-to-appeal provision, since replaced by judicial review). Not directly on point for the research question about staying court proceedings — this concerned leave to appeal from a CRT decision, not whether to refer a court proceeding to the CRT. The BCCA held that the proposed questions were mixed fact and law (not pure questions of law), and even if they could be reframed as questions of law, it would not be in the interests of justice and fairness to grant leave given: (1) limited precedential value — issues bound up in unique facts (para 26); (2) limited importance to the parties as a whole — only one of 54 owners affected (paras 27-29); (3) proportionality principle — granting leave would undermine the CRT's mandate of accessible, speedy, economical resolution (paras 30-35). Key contextual value: establishes the BCCA's strong endorsement of the CRT's proportionality mandate (para 35) and the framework for "interests of justice and fairness" analysis across CRTA provisions generally. Cited in subsequent cases (including Ngai Estate and Hui) for the proposition that delays caused by forum-switching are a factor weighing against referral.	No
<i>Canadian Ramgarhia Society v Panesar</i>	2022 BCSC 751	Yes	Walkem J. granted s. 16.2 CRTA order bringing six CRT Societies Act complaints before the court instead of the CRT. This is a NON-STRATA case (Societies Act claims) but is significant because: (1) it is the first case where the court assumed jurisdiction over CRT matters over at least some parties' objections — the CRT Complainants opposed the s. 16.2 order (para 22); (2) Walkem J. at para 32 explicitly acknowledged "Cases where the court assumed jurisdiction from the CRT thus far appear limited to those where the parties consented to the assumption of jurisdiction" — but then proceeded to assume jurisdiction anyway based on the totality of the litigation history (abuse of process, Winteringham Order, proliferation of complaints across fora) (paras 39-49); (3) Factors: protracted nature of dispute, existing court orders being circumvented, some claims outside CRT jurisdiction altogether, forum-shopping to avoid Winteringham Order (paras 47-49); (4) Key distinction from strata cases: this involved the Societies Act CRT jurisdiction (s. 2.1(e) CRTA / s. 130 Societies Act), not s. 121 strata jurisdiction; (5) Walkem J. also noted at para 38 that	Yes

			consent alone may not be sufficient — other factors (complexity) must also be present. This decision is the non-strata predecessor to Ngai Estate — the first non-consensual retention decision under the CRTA, relied upon by Wolfe J. in Ngai Estate (para 49 of that decision) as establishing that non-consensual retention is possible, albeit in a non-strata context.	
<i>Trial Lawyers Association of British Columbia v British Columbia (Attorney General)</i>	2021 BCSC 348	No	This decision is a constitutional challenge regarding the Civil Resolution Tribunal's jurisdiction over motor vehicle accident claims; it does not involve a court deciding whether to retain jurisdiction over a specific strata property proceeding under ss. 16.1 or 16.2.	N/A
<i>Kunzler v The Owners, Strata Plan EPS 1433</i>	2020 BCSC 576	Yes	The court explicitly addressed its jurisdiction under s. 16.1 of the CRTA, noting that "Counsel for both parties consent to this Court hearing the matter" and subsequently ruling that "I agree that it is not in the interests of justice and fairness for the CRT to hear the matter, thus this Court will take jurisdiction" (paras. 4, 9).	Yes
<i>Owners of Strata Plan EPS 6068 v Hope Health Holdings Ltd. Inc.</i>	2025 BCSC 1292	No	While the court mentions that it assumed jurisdiction under s. 16.1 of the Civil Resolution Tribunal Act at paragraph 9, the parties in this case agreed to this arrangement, and the court did not decide a dispute where one party opposed the court retaining jurisdiction or opposed referral to the CRT.	N/A
<i>Strata Plan VR 2213 v Schappert</i>	2023 BCSC 2080	Yes	Coval J. retained jurisdiction over a subrogated insurance claim (strata fire damage) brought as a special case under Rule 9-3. This is a CONSENT case — both parties requested court adjudication (para 14: "Under (d), both parties request determination by this special case"). Court found issues legally complex and of sufficient importance (s. 16.3(1)(a) and (c)), and noted the special case would resolve the entire dispute without leaving residual issues for the CRT (para 15). On the merits, claim barred by no-subrogation rule (para 68). Not relevant to the research question about non-consensual retention — all parties consented. Consistent with the 1289083 B.C. Ltd. survey at para 54 which correctly identifies this as a consent case.	Yes
<i>356 Cathedral Ventures Ltd. v Owners of Strata Plan BCS3598</i>	2020 BCSC 1583	Yes	MacNaughton J. dismissed a significant unfairness petition about parking allocation at a mixed-use strata. This is a CONSENT case — "counsel for the parties consented to the court hearing this petition instead of the [CRT]" (para 4). The court found consent, complexity, and potential precedential value sufficient under ss. 16.3(1)(a), (c), and (d). Petition dismissed on the merits. Not relevant to the research question about non-	Yes

			consensual retention — all parties consented.	
<i>Hauck v Kiem</i>	2024 BCSC 388	Yes	Krentz AJ addressed a MOTOR VEHICLE ACCIDENT s. 16.1(2) CRTA stay application — not a strata property case. Both applications dismissed: plaintiff's application for a declaration to stay in court was dismissed (no sufficient evidence CRT process would be unfair for minor injury determination); defendant's stay application was dismissed because the pleadings failed to adequately allege CRT jurisdiction under s. 16.1(2). Not relevant to the strata property research question — this concerns the entirely separate minor injury/accident claims regime under CRTA s. 133/16.1(2), not the s. 121 strata jurisdiction under s. 16.1(1)(b). Cited in Hui 2025 BCSC 1209 (para 67) only to be distinguished.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	2025 BCSC 546	No	The decision cites 2024 BCSC 2232 only to identify it as the source of the original judgment being reconsidered for costs; it does not engage analytically with the reasoning, scope, or legal principles established in that decision.	N/A
<i>Wight v Strata Plan VR 123</i>	2024 BCSC 1952	Yes	The court engages analytically with Downing by using it to establish a specific interpretive framework for determining whether a proceeding "at its core" falls within the CRT's jurisdiction when an amended claim introduces issues outside the CRT's statutory mandate. This constitutes an application and refinement of Downing's reasoning regarding the scope of CRT jurisdiction.	Yes
<i>Arbabi v McLelland</i>	2024 BCSC 91	No	The decision cites Downing only as a brief, secondary authority to support the uncontested proposition that there is a presumptive requirement to bring strata-related claims in the CRT. It does not engage analytically with Downing's reasoning, scope, or limits.	N/A
<i>Downing v Strata Plan VR2356</i>	2022 BCSC 590	Yes	The citing decision engages analytically with the target case (2019 BCSC 1745) by discussing the procedural history of the dispute, specifically how the target case functioned as the foundational order staying the petitioner's initial court action and mandating the referral to the CRT, which the citing court then relies upon to address the petitioner's arguments regarding jurisdiction and the binding nature of that referral.	No
<i>Res. Sec. of the Owners, Strata Plan LMS3463 v Just George</i>	2022 BCPC 55	Yes	The court engages analytically with Downing by applying its reasoning to a new context (a Provincial Court Small Claims application) and explicitly addressing the petitioner's arguments regarding monetary limits and prejudice, thereby refining the	No

			scope of Downing's application to jurisdictional disputes between the Small Claims Court and the Civil Resolution Tribunal.	
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