



*CRT Use Only*

Date Issued: \_\_\_\_\_

File: \_\_\_\_\_

Type: \_\_\_\_\_

Civil Resolution Tribunal

Indexed as: *LendCare Capital Inc. v. Charlie et al, 2017 BCCRT 57*

**B E T W E E N :**

- Please enter legal names of all applicants as they appear on the Dispute Notice
- If the applicant is a strata, ensure that you identify either the strata corporation or the strata section as appropriate


**APPLICANT**

**A N D :**

- Please enter legal names of all respondents as they appear on the Dispute Notice
- If the respondent is a strata, ensure that you identify either the strata corporation or the strata section as appropriate


**RESPONDENTS**

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	<b>DEFAULT</b>	<b>Decision Order</b>

Tribunal Member: \_\_\_\_\_

Date: \_\_\_\_\_





### Dispute Number & Declaration

Enter the Dispute Number as it appears on the Dispute Notice. *Example: ST-2017-12345 or SC-2017-12345*

I confirm I have provided the Dispute Notice to all respondents. The CRT advised me that no respondent has submitted a Dispute Response Form.

You must provide confirmation of service for each respondent you served and submit it with this form.  
*If you served a respondent by registered mail, you must provide the Canada Post confirmation of delivery.*  
*If you served a respondent by fax, you must provide a copy of the fax confirmation sheet.*  
*If you served a respondent by courier, you must provide confirmation of delivery from the courier.*  
*If you served a respondent by delivering to a designated person or by following directions from the CRT, the CRT will rely on the signed proof of service as evidence you have served the respondent.*

### Claims and Order

#### Debt Claims

A debt claim is a claim for a specific amount of money that the other party has agreed to pay you. For example, the other party agreed in a contract to pay you for services or goods. Only include claims that you included in your application for dispute resolution. Do not add new claims. Do not include CRT fees, dispute-related expenses, or interest.

- Liability is assumed in default orders. This means you do not need to prove the other party is at fault.
- Do not provide evidence for debt claims.
- It is your responsibility to make sure the amounts you are claiming are supported by your contract or agreement.

Debt Claim Description	Debt Claim Amount (\$)	CRT Order (\$)
a.	\$	
b.	\$	
c.	\$	
d.	\$	
<i>For CRT Use Only</i>		<b>Total Debt Claim Order:</b>





**Non-Debt Claims**

A non-debt claim is a claim where the exact amount owed has not been determined or agreed to. This also includes claims where you are asking a party to do or stop doing something. For example, the other party damaged your fence, and you are claiming the cost to repair it. Or, you want another strata owner to stop using your parking spot.

**Section 1: Non-Debt Claim Description**

If you are making a claim for money from the other party, please enter the details below. Only enter claims you included in your application for dispute resolution.

- Describe each claim
- Describe evidence to support each claim in the section provided. You must provide a copy evidence to support the amount or value of each claim. Please remember to attach an electronic copy of the evidence when you submit this form.
- Liability is assumed in default orders. This means you do not need to prove the other party is at fault. For example, if the other party damaged your fence and you are claiming repair costs, you should provide evidence to support the amount of money needed to repair your fence. The other party is assumed to be at fault because they did not respond to your Dispute Notice. You must provide evidence to show the amount of money needed to repair your fence.

Non-Debt Claim		Claim Amount (\$)	CRT Order (\$)
a.	Describe claim "a":	\$	
	Describe evidence to support the amount of claim "a":		
b.	Describe claim "b":	\$	
	Describe evidence to support the amount of claim "b":		
c.	Describe claim "c":	\$	
	Describe evidence to support the amount of claim "c":		
d.	Describe claim "d"	\$	
	Describe evidence to support the amount of claim "d":		
<i>For CRT Use Only</i>			<b>Total Non Debt Claim Order:</b>





**Section 2: Non-debt Claims - Other Orders (For example, requests for a party to do or stop doing something)**

If you would like the tribunal to order a party to do or stop doing something, include it below. You must explain what you would like the tribunal to order, and why you would like it to make this order. For example, an order that my neighbour stop spraying pesticide on my lawn because it is affecting my health.

Please note the CRT will not generally order parties to apologize, make donations, or stop serving on strata councils.

Requests for a party to do or stop doing something		
Party Name	What would you like them to do or stop doing?	Why?

**CRT fees and dispute-related expenses**

You can claim CRT filing fees and reasonable expenses you paid to prepare for the CRT dispute resolution process. Generally, the CRT will not order the reimbursement of fees paid to a lawyer or other representative. Please submit your receipts to the tribunal by email, along with this form.

CRT Fees and Expenses Description	Expense Amount (\$)	CRT Order (\$)
a. Service fees (For example, courier or registered mail) <i>(receipts required)</i>	\$	\$
b. Cost of expert reports to support CRT claim <i>(receipt required)</i>	\$	\$
c. Other expenses _____ <i>(receipts required)</i>	\$	\$
d. CRT Application and other fees (No receipts required)	\$	\$
<i>For CRT Use Only</i>		<b>Total Expense Order:</b>

**Interest:**

Please enter the interest rate that applies to your claim. The interest rate must be specified in your contract or strata bylaws. If it is not, please refer to the *Court Order Interest Act* to identify the applicable interest rate. Do not submit your contract. The CRT will calculate interest from the date of the Dispute Notice to the date of the Default Order. For more information on Court Order Interest please see: [http://www.courts.gov.bc.ca/supreme\\_court/about\\_the\\_supreme\\_court/Court\\_Order\\_Interest\\_Rates.aspx](http://www.courts.gov.bc.ca/supreme_court/about_the_supreme_court/Court_Order_Interest_Rates.aspx)

	Interest Rate or Method	Interest Amount (\$)	CRT Order (\$)
a. Interest before the Dispute Notice date		\$	\$
b. Interest from the Dispute Notice date to the Default Order date		\$	\$
<i>For CRT Use Only</i>			<b>Total Interest Order:</b>

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<b>Total Order</b> <i>Including applicable post-judgment interest</i>	\$
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The following default Decision was made by Civil Resolution Tribunal (tribunal) member Shelley Lopez on August 10, 2017;

The applicant has applied for small claims dispute resolution with the tribunal and has requested a default decision and order of the tribunal.

**Proof of Notice:**

A respondent must respond to a Dispute Notice within 14 days of receiving the Dispute Notice, as indicated on the Dispute Response Form or as permitted by the tribunal.

The applicant states it became aware of the dispute on March 31, 2016, and thus that is the date the cause of action arose. I have reviewed the Dispute Notice dated June 21, 2017 and the completed proof of notice with submitted evidence and find both the respondents have properly been provided with a copy of the Dispute Notice under the *Civil Resolution Tribunal Act (Act)* and tribunal rules. In particular, the respondents were provided with notice on June 26, 2017, as the respondent Ms. Charlie signed for two separate registered mail deliveries that date. One of the deliveries was the package addressed to her and the other addressed to Mr. Charlie, with both of them at the same address. Tribunal staff have confirmed the respondents have not provided a response to the tribunal by the response deadline, which in this case was July 10, 2017.

I am satisfied, on the balance of probabilities, that the respondents received the Dispute Notice and did not respond to it by the deadline set out in the tribunal's rules.

**Jurisdiction:**

The tribunal's jurisdiction is set out under sections 3.1 and 3.6 of the Act. The applicable tribunal rules are those in place at the time the Dispute Notice is issued.

The tribunal will make a binding decision without the respondents' participation. The tribunal will send the parties a copy of the final decision and order.

Under the Act and the tribunal's rules, in resolving this dispute the tribunal may make one or more of the following orders:

- a) Order a party to do something
- b) Order a party to refrain from doing something
- c) Order a party to pay money

**Decision:**

In accordance with the Act and the tribunal's rules, I order the respondents to pay the applicant the monetary orders as set out in the preceding pages, which total \$4,825.31. This amount is payable immediately.

The applicant is entitled to any applicable post-judgment interest, which despite indication on the tribunal's form on the preceding pages is not included as part of the "total order" amount of \$4,825.31.

Under the Act, this decision is not enforceable without a validated copy of the associated Order. The tribunal cannot provide a copy of the Order until the time period for filing a Notice of Objection has expired, which is 28 days after the parties have received it and only if a Notice of Objection has not been filed. Accordingly, the tribunal will hold the associated Order until 40 days after the date of the decision and will only provide it if a Notice of Objection has not been filed.

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Shelley Lopez, Vice Chair