



Civil Resolution Tribunal

Date Issued: February 20, 2019

File: SC-2018-003385

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *RANDHAWA v. LILLIE FAMILY HEATING & PLUMBING (2014) LTD.*,
2019 BCCRT 204

B E T W E E N :

CHARNPREET RANDHAWA

APPLICANT

A N D :

LILLIE FAMILY HEATING & PLUMBING (2014) LTD.

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Julie K. Gibson

INTRODUCTION

1. The applicant Charnpreet Randhawa says that plumbing work completed by the respondent Lillie Family Heating & Plumbing (2014) Ltd. was substandard and failed a city inspection. The applicant seeks a refund of \$3,045.95.

2. The respondent says it completed installation of new plumbing fixtures to code. It says the work was completed according to the work order, and satisfactorily. At the time, they say the applicant did not instruct them to install plumbing for a legal suite, but only for a basement renovation.
3. In March 2018, the respondent says the applicant called them asking for a permit for the basement plumbing. Because the applicant was now seeking to make a legal suite, the city required more extensive plumbing and an upgrade of the under-slab drainage piping. The respondent offered to complete this additional work. The applicant declined. The respondent asks that the dispute be dismissed.
4. The applicant is self-represented. The respondent is represented by principal or employee Grant Russell.

JURISDICTION AND PROCEDURE

5. These are the formal written reasons of the Civil Resolution Tribunal (tribunal). The tribunal has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act*. The tribunal's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the tribunal must apply principles of law and fairness, and recognize any relationships between parties to a dispute that will likely continue after the dispute resolution process has ended.
6. The tribunal has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. I decided to hear this dispute through written submissions because I find that there are no significant issues of credibility or other reasons that might require an oral hearing.
7. The tribunal may accept as evidence information that it considers relevant, necessary and appropriate, whether or not the information would be admissible in a court of law. The tribunal may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.

8. Under tribunal rule 126, in resolving this dispute the tribunal may make one or more of the following orders:
 - a. order a party to do or stop doing something;
 - b. order a party to pay money;
 - c. order any other terms or conditions the tribunal considers appropriate.

ISSUES

9. The issue in this dispute is whether the respondent's plumbing work was substandard, such that it should refund the applicant for the work.

EVIDENCE AND ANALYSIS

10. This is a civil claim where the applicant bears the burden of proof, on a balance of probabilities. I have reviewed all of the evidence and submissions but refer only to what is necessary to give context to this decision.
11. On October 31, 2017, the applicant submitted a Building Permit Application to the City of Coquitlam to finish the basement of the home and include a "legal suite to rent."
12. The City of Coquitlam issued a permit for this work on December 15, 2017.
13. Based on the invoices prepared by the respondent, but filed by the applicant in evidence, I find the following facts:
 - a. In January 2018, the respondent's plumber met with the applicant's contractor at the applicant's home. The contractor asked the respondent to complete some plumbing work on a home renovation of a basement, providing some connections to rough in work had already been done.
 - b. The work included opening a floor to install a tub drainage connection, a shower diverter installation, laundry box and piping for a kitchen sink.

- c. Although the respondent's plumber and the contractor discussed upgrading the hot water tank, furnace and re-doing poly b piping that was existing in the home, the respondent was not instructed to complete this work.
14. Although the applicant says that the respondent knew the plumbing work was for a legal suite, the only evidence provided shows that their contractor asked for a limited scope of plumbing work, in line with renovating the basement, in January 2018.
15. In the respondent's January 31, 2018 invoice, it noted a discussion of adding a second hot water tank to supply the basement suite being renovated. The respondent's plumber then wrote:
- Explained that until reconfiguration of the water supply piping is done, there is no purpose in adding and installing a second hot\ water tank at this time. There is poly b piping through out (sic) the home and it is highly recommended that piping get replaced in the near future. At that time, addition of a second hot water tank and separation of piping between the upper and lower suites should then be planned, organized and installed. Until then a larger hot water tank would be recommended course of action to supply hot water to the home. The contractor will notify and discuss this plan with the homeowner and inform as necessary.
16. Based on this evidence, I find that, in January 2018, the respondent was to complete a limited scope of plumbing work. The applicant did not provide any evidence that it asked the respondent to complete a re-piping of the home, nor to separate out the water supply to the suite from the rest of the home. Put another way, the only evidence is that the respondent was asked to do some limited renovation plumbing, not to re-plumb for a separate legal suite.
17. The applicant may have decided, by March 2018, to proceed with the more extensive plumbing requirements needed for a legal suite. However, there is no evidence showing that the applicant hired the respondent for this additional work.

18. On March 5, 2018, the respondent submitted an Application for Plumbing Permit to the City of Coquitlam. A Plumbing Fixtures permit was issued to the respondent that day.
19. On March 8, 2018, a City of Coquitlam inspector examined the plumbing at the applicant's home and found deficiencies, including a lack of 2 inch pipe in the home's pre-existing plumbing, and not having a separate water shut off for the secondary suite.
20. I find that these deficiencies were with the home's existing plumbing with respect to the plan to create a second legal suite, which the applicant had, by March 2018, decided to pursue.
21. The applicant failed to provide any evidence showing that the plumbing completed by the respondent was substandard. The City of Coquitlam plumbing inspection identified only deficiencies with existing plumbing in the home, not that added in by the respondent. The inspection mainly raises issues that would need to be addressed if and when the applicant decided to complete the more extensive work for a separate legal suite.
22. The applicant says that once the respondent's plumbing work was corrected, the legal suite passed inspections and construction was completed in summer 2018. However, the applicant provided no evidence from their subsequent plumber, or any other trade expert, that the work completed by the respondent needed to be replaced or was deficient. I find that the applicant has not met the burden of proving her claim, on a balance of probabilities.
23. Under section 49 of the Act, and tribunal rules, the tribunal will generally order an unsuccessful party to reimburse a successful party for tribunal fees and reasonable dispute-related expenses. As the respondent paid no tribunal fees I make no order in this regard. As the applicant was unsuccessful, I dismiss her claim for reimbursement of tribunal fees.

ORDER

24. I dismiss the applicant's claim and this dispute.

Julie K. Gibson, Tribunal Member