CRT USE ONLY

File: SC-2019-005359

Type: Small Claims

Civil Resolution Tribunal

BETWEEN:

- Please enter legal names of all applicants exactly as they appear on the Dispute Notice or on the most recent Amended Dispute Notice
- If the applicant is a strata, identify either the legal name of the strata corporation or the separate strata section as appropriate

ROBERT BEAUCHEMIN

APPLICANT[S]

AND:

- Please enter legal names of all respondents exactly as they appear on the Dispute Notice or on the most recent Amended Dispute Notice
- If the respondent is a strata, identify either the legal name of the strata corporation or the separate strata section as appropriate

MEL'S U DRIVES (1978) LTD.

RESPONDENT[S]

CRT USE ONLY

DEFAULT DECISION AND ORDER

Tribunal Member: David Jiang

Date: August 21, 2019

DISPUTE NUMBER & DECLARATION

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

SC-2019-005359

☑ 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 evidence showing how you provided the Dispute Notice <u>for each</u> respondent and attach it separately to the email you send with this form. *See the instruction sheet for what must be provided.*

REQUEST FOR DEFAULT DECISION AND ORDER

A. MONETARY CLAIMS AND ORDERS

Liability is assumed in default orders. This means you do not need to prove the other party is at fault. If your claim is for a "debt", you do not have to provide evidence of the debt or the amount owing. The CRT does require that you provide evidence for non-debt claims. The differences between the two types of claims are discussed below.

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. Another example is a strata corporation claim for fees or fines owed by an owner or tenant. 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 - those amounts are entered in other sections of this form.

- Do not provide evidence for debt claims.
- Do not add additional principal amounts that were not owing as of the date of the Dispute Notice.
- It is your responsibility to make sure the amounts you are claiming are supported by your contract or agreement.
- You can't claim a contractual rate of interest in Section 4 if you did not request it in the Dispute Notice.

NON-DEBT CLAIMS

A non-debt claim is a claim where the exact amount owed has not been determined or agreed to. For example, the other party damaged your fence, and you are claiming the cost to repair it.

- Describe each claim and the amount of your non-debt claim..
- Describe evidence you have to support each claim in the section provided. You must provide a copy of 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.
- For example, if the other party damaged your fence and you are claiming repair costs, you should provide receipts that show the amount of money needed to repair your fence. You don't need to provide evidence to show that the respondent caused the damage. The other party is assumed to be at fault because they did not respond to your Dispute Notice.

A. Monetary Claims and Orders (do not include interest)	**Claim Amount ($)**	***CRT USE ONLY*** **Order ($)**
1. Describe claim "1": reembursment for drop off overcharged If claim 1 is a non-debt claim, describe evidence to support the amount of claim 1 (see above for information on debt claims and non-debt claims) ----------	$354.80	$354.80
2. Describe claim "2": ---------- If claim 2 is a non-debt claim, describe evidence to support the amount of claim. If claim 2 (see above for information on debt claims and non-debt claims) ----------	$0.00	$0.00
3. Describe claim "3": ---------- If claim 3 is a non-debt claim, describe evidence to support the amount of claim. If claim 3 (see above for information on debt claims and non-debt claims) ----------	$0.00	$0.00

B. NON-MONETARY 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. Explain what you would like the tribunal to order, and why you would like the order. For example, an order that my neighbour stop spraying pesticide on my lawn because it is affecting my health. Or, you want another strata owner to stop using your parking spot.

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 like them to do or stop doing?** ---------- **Why?** ----------

Party name: ----------	**What would like them to do or stop doing?** ---------- **Why?** ----------

Party name: ----------	**What would like them to do or stop doing?** ---------- **Why?** ----------

C. 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. If you are claiming more than $50, please submit your receipts to the tribunal by email, along with this form. For expense claims for $50 or less, retain your receipts in case the CRT requests them later.

CRT Fees and Expenses Description	Expense Amount ($)	*CRT USE ONLY* Order ($)
a. Service fees (For example, courier or registered mail) *(receipts required, if total of a. service fees, b. cost of expert reports, and c. other expenses is more than $50)*	$0.00	$0.00
b. Cost of expert reports to support CRT claim *(receipts required, if total of a. service fees, b. cost of expert reports, and c. other expenses is more than $50)*	$0.00	$0.00
c. Other expenses *(receipts required if more than $50)* *expense description:*	$0.00	$0.00
d. CRT Application and other CRT fees		$100.00
Total fees and dispute-related expenses		$100.00

D. INTEREST

Please enter the interest rate that applies to your claim. Note that interest applies only to monetary orders (debt and non-debt) and doesn't apply to non-monetary awards. The interest rate must be specified in your contract or strata bylaws and claimed in your Dispute notice (do not submit your contract.). If it is not, please refer to the Court Order Interest Act to identify the applicable interest rate. 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

NOTE: If you don't calculate your interest claim correctly, or tick the box below to waive your claim, the CRT will return your form. There will be a delay in getting your default decision and order from the CRT.

Interest Item	**Applicant Submission**	***CRT USE ONLY*** **Order ($)**
1. Principal amount owing as of date of the dispute notice:	$0.00	$0.00
2. Contractual rate of interest (if any, specified as an annual rate) Leave this blank if you didn't claim a contractual rate of interest in the Dispute Notice (you will be entitled to interest below, under the Court Order Interest Act).	%	%
3. Interest on principal amount owing up to the date of the dispute notice calculated according to the contractual rate (above, if applicable) or the **Court Order Interest Act**	$0.00	$0.00
4. Interest from the Dispute Notice date to the Default Order date FOR CRT USE ONLY		$0.00
Total interest order:		$0.00

☑ I am waiving my claim for interest

CRT USE ONLY

The applicant is also entitled to post-judgment interest.

TOTAL MONETARY ORDER:

$454.80



Civil Resolution Tribunal

CRT Default Decision and Order

The applicant(s) applied for small claims dispute resolution with the Civil Resolution Tribunal (CRT or tribunal) and requested a default decision and order of the tribunal. The following is the tribunal's default Decision and Order.

CRT DECISION

Proof of Notice:

1. 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.

2. Having reviewed the evidence, I am satisfied, on the balance of probabilities, that the respondent(s) received the Dispute Notice and did not respond to it by the deadline set out in the tribunal's rules.

Jurisdiction:

3. The tribunal's jurisdiction is set out under sections 118 and 121 of the *Civil Resolution Tribunal Act* (Act). The applicable tribunal rules are those in place at the time the Dispute Notice is issued.

4. The tribunal will make a binding decision without the participation of the respondent(s). The tribunal will send the parties a copy of the final decision and order.

5. Under the Act and the tribunal's rules, in resolving this dispute the tribunal may order a party to do or stop doing something, pay money or make an order that includes any terms or conditions the tribunal considers appropriate.

Decision:

6. In accordance with the Act and the tribunal's rules, I find the respondent(s) must pay the applicant(s) the monetary amounts as set out in the preceding pages. This amount is payable immediately.

7. I find the applicant(s) is entitled to any applicable post-judgment interest, which is not included as part of the "total order" amount.

CRT ORDER

8. In accordance with the Act and the tribunal's rules, further to the decision set out above, I order the respondent(s) to immediately pay the applicant(s) the monetary orders set out in the preceding pages. The applicant(s) is entitled to post-judgment interest.

9. As set out in 58.1(3) of the Act, a party may only enforce this order if the time for making a notice of objection has passed and a Notice of Objection has not been filed. The party in default has no right to make a Notice of Objection, as set out in section 56.1(2.1) of the Act.

10. Orders for financial compensation or the return of personal property can be enforced through the Provincial Court of British Columbia, so long as the principal value is within its jurisdiction under the *Small Claims Act* (currently $35,000). The applicant(s) can enforce this final decision by filing in the Provincial Court of British Columbia a validated copy of this Order. Once filed, a tribunal order has the same force and effect as an order of the Provincial Court of British Columbia.

Tribunal Member: David Jiang

Tribunal Member Signature: _____