



# Civil Resolution Tribunal

Date Issued: June 10, 2022

File: SC-2021-004877

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Mohebi v. Song (dba Christine Lee Song)*, 2022 BCCRT 688

BETWEEN:

NAZANIN MOHEBI

**APPLICANT**

AND:

CHRISTINE LEE SONG (Doing Business As CHRISTINE LEE SONG)

**RESPONDENT**

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## REASONS FOR DECISION

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Tribunal Member:

Andrea Ritchie, Vice Chair

## INTRODUCTION

1. This dispute is about hair extensions. The applicant, Nazanin Mohebi, hired the respondent, Christine Lee Song (doing business as Christine Lee Song), to install hair extensions. Mrs. Mohebi says the hair was not installed properly and needed to be replaced, so she seeks a refund of \$698.29.

2. Ms. Song disagrees the extensions were improperly installed, and says Mrs. Mohebi is unhappy with 7 pieces out of the 100 pieces installed. Ms. Song says she offered several options to Mrs. Mohebi, each of which were declined.
3. The parties are each self-represented.

## **JURISDICTION AND PROCEDURE**

4. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act* (CRTA). Section 2 of the CRTA states that the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT 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.
5. Section 39 of the CRTA says that the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. Here, I find that I am properly able to assess and weigh the documentary evidence and submissions before me. Further, bearing in mind the CRT's mandate that includes proportionality and a speedy resolution of disputes, I find that an oral hearing is not necessary.
6. Section 42 of the CRTA says that the CRT 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 CRT may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.
7. Where permitted by section 118 of the CRTA, in resolving this dispute, the CRT may order a party to do or stop doing something, pay money, or make an order that includes any terms or conditions the CRT considers appropriate.

## **ISSUE**

8. The issue in this dispute is to what extent, if any, Mrs. Mohebi is entitled to a \$698.29 refund for allegedly defective hair extension installation.

## **EVIDENCE AND ANALYSIS**

9. In a civil claim such as this, the applicant Mrs. Mohebi must prove her claims on a balance of probabilities (meaning “more likely than not”). While I have read all of the parties’ submitted evidence and arguments, I have only addressed those necessary to explain my decision.
10. On June 15, 2021, Mrs. Mohebi paid Ms. Song \$698.29 to install hair extensions. It is undisputed that Mrs. Mohebi was unhappy with a portion of the installation, and asked Ms. Song to fix it. The parties attempted to schedule a second appointment, but could not agree on how to proceed with the fix. Mrs. Mohebi argues Ms. Song should have replaced the hair for free. Ms. Song says she offered to remove and replace the existing hair or to install new hair provided by Mrs. Mohebi, but Mrs. Mohebi declined, and ultimately started this dispute.
11. Mrs. Mohebi wants a full refund of the \$698.29 she paid to Ms. Song. In a text message to Ms. Song on June 16, 2021, Mrs. Mohebi said the extensions were not “balanced” at the back of her head, and seemed “unnatural”. The problem for Mrs. Mohebi is that although she alleges the hair extensions were poorly installed, she did not provide any evidence of this, such as photographs. As noted, Ms. Song says the hair was properly installed. To be entitled to any refund, the burden is on Mrs. Mohebi to prove the hair was not installed correctly. I find she has not done so. Therefore, I dismiss her claims.
12. Under section 49 of the CRTA, and the CRT rules, a successful party is generally entitled to the recovery of their tribunal fees and dispute-related expenses. I see no reason to deviate from that general rule. As Ms. Song was successful, I find she is entitled to reimbursement of the \$50 she paid in tribunal fees. Ms. Song did not claim

any dispute-related expenses. As Mrs. Mohebi was unsuccessful, I dismiss her claim for reimbursement of tribunal fees.

## **ORDERS**

13. Within 30 days of the date of this decision, I order the applicant, Nazanin Mohebi, to pay the respondent, Christine Lee Song (doing business as Christine Lee Song), a total of \$50 as reimbursement for tribunal fees.
14. Ms. Song is also entitled to post-judgment interest, as applicable.
15. Mrs. Mohebi's claims are dismissed.
16. Under section 48 of the CRTA, the CRT will not provide the parties with the order giving final effect to this decision until the time for making a notice of objection under section 56.1(2) has expired and no notice of objection has been made. The time for filing a notice of objection is 28 days after the party receives notice of the CRT's final decision.
17. Under section 58.1 of the CRTA, a validated copy of the CRT's order can be enforced through the Provincial Court of British Columbia. A CRT order can only be enforced if it is an approved consent resolution order, or, if no objection has been made and the time for filing a notice of objection has passed. Once filed, a CRT order has the same force and effect as an order of the Provincial Court of British Columbia.

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Andrea Ritchie, Vice Chair