Civil Resolution Tribunal

DEFAULT DECISION AND ORDER

(This shaded box is for CRT use only)

DISPUTE NUMBER: SC-2022-003562

DISPUTE AREA: Small Claims

DATE OF DECISION: August 15, 2022

TRIBUNAL MEMBER: Sherelle Goodwin

Enter the names of all applicants and respondents, exactly as they appear on the Dispute Notice. Separate names with a comma (for example, "John Doe, Jane Doe").

*** BETWEEN APPLICANT(S):** YU CHIH CHENG

*** AND RESPONDENT(S):** JACK SALEM

Part A: Monetary Claims and Orders

You can only claim what's in the Dispute Notice. Don't add new claims. You can enter a lower amount than you claimed in the Dispute Notice, but not a higher amount. Don't include your CRT fees and dispute-related expenses in your claim totals – enter those in Part C of this form.

Description	Claim Amount ($)	*(CRT use only)* Order Amount ($)
* Claim 1 summary (*enter the Claim Summary from the Dispute Notice*): Animal emergency hospital bill	$ 5,000.00	$ 5,000.00
Claim 2 summary (*enter the Claim Summary from the Dispute Notice*): ----------	$ ----------	$
Claim 3 summary (*enter the Claim Summary from the Dispute Notice*): ----------	$ ----------	$

Part B: Non-Monetary Claims and Orders

You can only claim what's in the Dispute Notice. Don't add new claims or use this space to explain more about your claims. If you filled out Part A (Monetary Claims), don't add the same claims here.

Description

Claim 1 summary of what you want the respondent(s) to do or stop doing (*enter the short Requested Resolution from the Dispute Notice*):

If you named more than 1 respondent in your dispute, which respondent is this claim for?

Why do you want them to do or stop doing this (*maximum 100 characters*)?

Claim 2 summary of what you want the respondent(s) to do or stop doing (*enter the short Requested Resolution from the Dispute Notice*):

If you named more than 1 respondent in your dispute, which respondent is this claim for?

Why do you want them to do or stop doing this (*maximum 100 characters*)?

(This shaded box is for CRT use only)

CRT Decision on Non-Monetary Order:

Part C: Dispute-Related Fees and Expenses

You can claim CRT filing fees and reasonable dispute-related expenses you paid to prepare for the CRT process. Generally, the CRT won't order reimbursement of fees paid to a lawyer or other representative or for your time spent dealing with the dispute.

If you're claiming more than $50, include receipts. But you don't need to include receipts for CRT fees.

Description	Expense Amount ($)	*(CRT use only)* Order Amount ($)
Fees paid to the CRT. (*You don't need to include receipts for these.*)	$ 150.00	$150.00
Service fees, if you served the Dispute Notice yourself. For example, fees for registered mail or a courier.	$	$
Total cost of expert reports to support your claim. (*Include the reports with your form.*)	$	$
Other dispute-related expenses (*briefly describe the expenses and how they relate to your dispute*):	$	$
Total amount of claimed fees and expenses.	**$** 150.00	**$**150.00

(This shaded box is for CRT use only)

CRT Decision on Dispute-Related Fees and Expenses: $ 150.00

Part D: Interest

Description	Interest	*(CRT use only)* Interest Order
■ Check this box if you waive interest. If you check this box, don't enter anything else in this Part.		
The interest accrual date. In the Dispute Notice, this is the line "*When interest started applying to the amount owing"*.	Date:	
Contractual interest rate. Enter this if you agreed to a specific interest rate in a contract or agreement with the respondent(s), and only if you claimed this rate in the Dispute Notice. In the Dispute Notice, this is the line "*Annual rate of interest agreed to in your contract"*.	%	%
If you haven't waived interest and didn't agree to a specific interest rate in a contract or agreement with the respondent(s), the CRT will calculate interest according to the *Court Order Interest Act*.		
Principal amount owing as of the Dispute Notice date, not including interest.	$	$
(This shaded line is for CRT use only) Amount of contractual interest, from the date interest arose to the date of this decision.	$	
(This shaded line is for CRT use only) Amount of court-ordered interest, from the date interest arose to the date of this decision.	$	

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CRT Decision on Total Interest Amount: $ 0.00

Part E: Total Monetary Order

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CRT Total Monetary Order Amount: $ 5,150.00

The applicant is also entitled to post-judgment interest as provided under the *Court Order Interest Act*.

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 CRT'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 CRT. A respondent served outside of British Columbia has 30 days to respond, instead of 14 days.

2. Based on the proof of notice form submitted by the applicant, I am satisfied that the respondent received the Dispute Notice and did not respond to it by the deadline set out in the CRT's rules.

Jurisdiction:

3. The CRT's small claims jurisdiction is set out under section 118 of the *Civil Resolution Tribunal Act* (CRTA). The applicable CRT rules are those in place at the time the Dispute Notice is issued.

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

5. Where permitted under 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 tribunal considers appropriate.

Decision:

6. Liability is generally assumed in default decisions, and as the respondent has not participated in the dispute, I find in favour of the applicant. However, in non-debt claims such as this one, the applicant must still prove their claimed damages.

7. Based on the May 23, 2022 animal emergency clinic receipt submitted by the applicant, I find they spent more than $5,000 on medical expenses for their injured dog. So, I find the applicant is entitled to the claimed $5,000 in damages, which is the CRT's small claim monetary limit.

CRT ORDER

8. In accordance with the CRTA and the CRT'S rules, further to the decision set out above, I order the respondent to immediately pay the applicant the amount set out in the preceding pages. The applicant is also entitled to post-judgment interest.

9. 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). Under section 58.1 of the CRTA, the applicant(s) can enforce this final decision by filing a validated copy of this order in the Provincial Court of British Columbia. Once filed, a CRT order has the same force and effect as an order of the Provincial Court of British Columbia.

Tribunal Member: Sherelle Goodwin

Tribunal Member Signature: _____