



Civil Resolution Tribunal

Date Issued: August 22, 2023

File: SC-2022-006326

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Haug v. BC College of Oral Health Professionals*, 2023 BCCRT 716

B E T W E E N :

OTTO B HAUG and EDITH NORMANDIN

APPLICANTS

A N D :

BC COLLEGE OF ORAL HEALTH PROFESSIONALS

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Simmi K. Sandhu, Chair

INTRODUCTION

1. The applicants, Otto B Haug and Edith Normandin, claim against the respondent, the BC College of Oral Health Professionals (“BCCOHP”). The applicants dispute services that Ms. Normandin received through a local dental clinic and seek

compensation from BCCOHP for time spent seeking information on treatments they received.

2. The applicants say that they had asked local dental clinics and dentist associations in both BC and Manitoba for an “explanation of the benefit and price for measuring depths around their teeth.” They have not received a satisfactory response. They ask the Civil Resolution Tribunal (CRT) to order BCCOHP to pay them \$4,125 as compensation for “time wasted looking for an answer”. It is unclear why the applicants have filed a claim against BCCOHP.
3. In its response, BCCOHP say that it does not handle financial disputes between patients and their oral health providers. It is a non-profit organization that investigates complaints and concerns about the professional conduct or competence of oral health professionals. Further to this, BCCOHP says the applicants filed a complaint that has been resolved.
4. The applicants are self-represented. BCCOHP is represented by an employee. Other than the Notice of Dispute, the applicants provided the CRT with no further material or evidence despite the opportunity to do so. In an email, the applicants confirmed that they did not want to provide any further submissions other than contained in their Dispute Notice.

JURISDICTION AND PROCEDURE

5. These are the CRT’s formal and final written reasons. The CRT has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act* (CRTA).
6. Section 39 of the CRTA says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. There is no request for an oral hearing, and I find that I am properly able to assess and weigh the documentary evidence and submissions before me and that an oral hearing is not necessary in the interests of justice.

ISSUE

7. The issue in this dispute is:
 - a. Whether the applicants are entitled to \$4,125 from BCCOHP for “time wasted” in trying to get an explanation regarding dental treatment?

EVIDENCE AND ANALYSIS

8. In a civil proceeding like this one, the applicants must prove their claims on a balance of probabilities and must provide sufficient evidence to support their claims. In this instance, they have not met this obligation. As noted, they provided no evidence or submissions to support the allegations in the Dispute Notice. BCCOHP denies the allegations. The applicants provide no explanation as to why they have filed the claim against BCCOHP.
9. In the Dispute Notice, the applicants say that in April 2019, they contacted a local dental clinic to obtain an explanation of “the benefit and price for measuring depths around our teeth.” They were told to contact the BC Dental Association and the College of Dental Surgeons of BC.
10. In the Dispute Notice, they further state that: “Nov. 2, 2019 JDC told us: mandatory. On Oct. 17, 2021, CDSBC confirmed: mandatory”. It is unclear what the applicants mean by this. They state that they then went to another local clinic and “got the same treatment, plus what seems to be a five minute medical checkup, again, both services were performed without any up front advice. The five minute service for \$192 indicates a \$2,300 hourly rate.”
11. The applicants ask for \$4,125 for 165 hours at \$25/hour that they spent over the last 3.5 years pursuing the matter plus reimbursement for “services we paid for, but never asked for and did not need”, such as the cost a local clinic charged for teeth straightening. However, they provide no evidence to support what the services were and who provided them and no evidence to support the time and the rate per hour claimed.

12. I accept that the applicants have filed this claim as they were not satisfied with services and information provided by a local dental clinic. However, that clinic is not party to this dispute.
13. The applicants fail to explain how BCCOHP is responsible for their claim of “time wasted” or for services paid for but not requested. There is no evidence that BCCOHP is legally responsible in any way to the applicants in this dispute. The BCCOHP has no authority or jurisdiction over financial disputes between patients and their oral health care providers, which is the thrust of the applicants' claim.
14. I find the applicants have not proved their claims on the balance of probabilities as required. They have only provided unsupported allegations in the Dispute Notice with no evidence or further submissions. Therefore, I dismiss this dispute.
15. 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. As the applicants were unsuccessful, I dismiss their claim for reimbursement of tribunal fees. BCCOHP did not pay tribunal fees or claim any dispute-related expenses.

ORDER

16. This dispute is dismissed.

Simmi K. Sandhu, Chair