



# Civil Resolution Tribunal

Date Issued: November 29, 2023

File: SC-2023-000329

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Stubbs v. Scissors & Comb Barbershop Ltd.*, 2023 BCCRT 1031

BETWEEN:

STEVEN STUBBS

**APPLICANT**

AND:

SCISSORS & COMB BARBERSHOP LTD.

**RESPONDENT**

---

## REASONS FOR DECISION

---

Tribunal Member:

Sarah Orr

## INTRODUCTION

1. Steven Stubbs received a haircut and beard trim from Scissors & Comb Barbershop Ltd. (S&C). Mr. Stubbs says he contracted a skin infection from S&C's allegedly contaminated hair cutting instruments. He claims \$5,000 for pain and suffering.

2. S&C denies causing Mr. Stubbs' skin infection. It says it follows all sanitation protocols required by the Fraser Health Authority. S&C says it does not owe Mr. Stubbs anything.
3. Mr. Stubbs is self-represented, and S&C is represented by a principal.

## **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.
5. 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. 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 in the interests of justice.
6. Section 42 of the CRTA says 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.
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 whether Mr. Stubbs contracted his skin infection at S&C, and if so, whether he is entitled to \$5,000 for pain and suffering.

## EVIDENCE AND ANALYSIS

9. As the applicant in this civil proceeding, Mr. Stubbs must prove his claims on a balance of probabilities, which means more likely than not. Mr. Stubbs did not provide reply submissions despite having the opportunity to do so. I have read all the parties' evidence and submissions but refer only to what I find relevant to explain my decision. For the following reasons, I dismiss Mr. Stubbs' claims.
10. On December 9, 2022, Mr. Stubbs received a haircut and beard trim from S&C. On December 18, 2022, he noticed a large red patch of skin on his chest, directly under his chin. He says it was extremely itchy and uncomfortable, and the condition worsened over the next few days. On December 23, 2022, Mr. Stubbs saw his doctor who prescribed oral and topical antibiotics. Mr. Stubbs says the antibiotics did not improve his condition, so on December 30, 2022 he went to a hospital, where he was diagnosed with folliculitis caused by a bacterial infection. He says he was prescribed medication for the following 2 to 3 weeks. He says that after completing treatment, he still had a large patch of infected skin under his chin, which he continued to treat. S&C does not dispute any of this.
11. Mr. Stubbs says he contracted his skin infection from unsanitary tools S&C used for his hair cut and beard trim. He says the infection has caused him pain, discomfort, loss of sleep, and stress.
12. S&C denies Mr. Stubbs' claims. It says it trimmed Mr. Stubbs' beard but did not shave it and did not touch his upper chest area where he developed the infection. S&C submitted its sanitation policy which it says it submitted to the Fraser Health Authority. S&C says it follows its sanitation policy daily and has never failed a health and safety inspection. Mr. Stubbs does not dispute any of this.
13. I find that expert evidence is required to determine the cause of Mr. Stubbs' skin infection. This is because medical causation is a technical matter outside the common knowledge of an ordinary person (see *Bergen v. Guliker*, 2015 BCCA 283).

14. Mr. Stubbs did not provide any expert evidence to support his claims. He submitted many photos showing the progression of his skin infection, but I find they are unhelpful in determining its cause. The record from his December 30, 2022 hospital visit says only that his rash was likely related to folliculitis, which is a bacterial infection “based on hair follicles”. It says nothing about where or how Mr. Stubbs contracted the infection.
15. Mr. Stubbs says he noticed symptoms of the infection 9 days after his haircut at S&C, which he says is consistent with the typical incubation period of folliculitis. However, he provided no evidence of the typical incubation period. Mr. Stubbs says bacterial transfer during S&C’s beard trim is “plausible” because S&C’s sanitation practices may not have been as effective as it claims. He says that lapses in sanitation can occur, even with regular health inspections. I find Mr. Stubbs’ arguments are entirely speculative. He does not explain how he believes S&C failed to follow its own policy, or the mechanism by which he believes he contracted the infection from S&C. Without more, I find Mr. Stubbs has failed to prove that he contracted his skin infection from S&C. I dismiss his claims.
16. Under section 49 of the CRTA and CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. I see no reason in this case not to follow that general rule. Since Mr. Stubbs was unsuccessful, I find he is not entitled to reimbursement of his CRT fees. S&C did not pay any CRT fees, and neither party claimed any dispute-related expenses.

## **ORDER**

17. I dismiss Mr. Stubbs' claims and this dispute.

---

Sarah Orr, Tribunal Member