



Civil Resolution Tribunal

Date Issued: January 29, 2026

File: SC-2024-004176

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Howse v. Coulton*, 2026 BCCRT 153

B E T W E E N :

CORINNE HOWSE and BRAYDEN BELL

APPLICANTS

A N D :

JAIMIE COULTON

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Jeffrey Drozdiak

INTRODUCTION

1. This dispute is about a dog attack.
2. The applicants, Corinne Howse and Brayden Bell, and the respondent, Jaimie Coulton, were neighbours. The respondent's dog, Panda, attacked the applicants' dog, June, through the parties' common fence. June suffered significant injuries.

The applicants claim \$3,942.38 for various expenses related to the incident. In their submissions, the applicants increased this amount to \$4,798.91.

3. The respondent says Panda was in their fenced yard. They say June dug under the fence, and June was partially in the respondent's yard when Panda attacked them. The respondent alleges the applicants did not fix their side of the fence, and they deny being responsible for the dog attack.
4. The parties are self-represented.
5. For the following reasons, I dismiss the applicants' claims.

JURISDICTION AND PROCEDURE

6. 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). CRTA section 2 says that the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly.
7. CRTA section 39 says the CRT has discretion to decide the hearing's format, including by writing, telephone, videoconferencing, email, or a combination of these. In some respects, the parties question the credibility, or truthfulness, of the other's evidence. The respondent also argues they did not have the opportunity to cross-examine the applicants or their witnesses, and challenge their testimony.
8. Under the circumstances, I find that I am properly able to assess and weigh the evidence and submissions before me without an oral hearing. In *Downing v. Strata Plan VR2356*, 2023 BCCA 100, the court recognized that oral hearings are not necessarily required where credibility is in issue. I also find the parties' disagreement about the facts largely relates to matters that are not relevant to this dispute. So, bearing in mind the CRT's mandate for proportionality and a speedy resolution of disputes, I decided to hear this dispute through written submissions.

9. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in court.
10. Under CRTA section 48(1), in resolving this dispute, the CRT may make an order on terms and conditions it considers appropriate.

The Applicants' Claimed Amount

11. In the Dispute Notice, the applicants say their expenses arising from the dog attack totaled \$5,624.27. After accounting for donations of \$1,681.89 they received from online donors, the applicants claimed \$3,942.37. In their submissions, the applicants say they miscalculated their expenses, but do not explain their mistake. The applicants say their actual expenses were \$6,480.08, and their loss was \$4,798.91. The applicants ask me to do what is “fair”.
12. The respondent says the applicants’ claim is improper. They argue the applicants are not entitled to reduce their claim below the \$5,000 small claims monetary limit at the CRT. They say this choice prejudices their defence because the CRT accepts hearsay evidence and they cannot cross-examine the applicants. The respondent asks me to decline jurisdiction over this dispute.
13. I disagree with the respondent’s interpretation of the CRT’s jurisdiction. The respondent says in *Re MacKinnon*, 2016 BCCA 111, the BC Court of Appeal emphasized that claims beyond the CRT’s monetary limit must be transferred to the appropriate forum. However, no such case exists with this citation, or any similar citation. I find it likely this was a “hallucination”, where artificial intelligence generated false or misleading results. CRTA section 118(2) says a party starting a CRT claim is entitled to abandon any amount over \$5,000 to fall within the CRT’s small claims monetary limit. There is nothing improper about the applicants’ actions.
14. The applicants also do not abandon any claim over \$5,000. Instead, they correctly deduct online donations to reflect their actual loss, which is less than \$5,000. That

being said, I ultimately find the applicants have not proven their claim. So, I find it unnecessary to decide their entitlement to damages.

The Parties' Evidence

15. Both parties provided evidence about their actions after the incident. These actions included the respondent allegedly trespassing to clean up blood in the applicants' home, an audio recording of Mr. Bell discussing the incident, and the applicants moving and selling their home. Both parties also allege the other party defamed them online. I find the evidence and submissions on these points are not relevant. As I discuss in further detail below, the issue I must decide is whether the respondent acted negligently as a dog owner. I find the parties' actions after the incident do not assist me with answering this question. So, I do not refer to this evidence and submissions in my decision.

False and Misleading Information

16. Finally, CRTA section 92(1) says it is an offence for a party to provide false or misleading information in a CRT proceeding. In submissions, the respondent accuses the applicants of providing false and misleading information. Under the *Provincial Court Act*, a BC Provincial Court judge has jurisdiction over CRTA section 92 offences because a conviction carries the possibility of imprisonment. Given this, I do not address this allegation in my decision.

ISSUE

17. The remaining issue in this dispute is whether the respondent is responsible for June's injuries, and if so, what is the appropriate remedy?

EVIDENCE AND ANALYSIS

18. In a civil proceeding like this one, the applicants must prove their claims on a balance of probabilities (meaning "more likely than not"). I have read all the parties'

submissions and evidence but refer only to the evidence and argument that I find relevant to provide context for my decision.

The Dog Attack

19. As I noted above, the parties were next door neighbours and shared a common fence. The applicants say they moved after this incident.
20. On February 26, 2024, both June and Panda were in their respective backyards. Nobody saw how the altercation started. The respondent says they were in their home when they heard a repetitive yelp coming from their backyard. They say they went outside and saw that Panda had June's paw in their mouth and was pulling June further into the respondent's yard. The respondent says they yelled at Panda to let go and called for the applicants to come outside and get June. The respondent says the applicants did not come outside, so they went over to the applicants' home to alert them about the incident.
21. The parties live in a small town that I infer does not have emergency veterinarian care. The applicants provided evidence to show they drove 185 kilometers to the nearest major city so June could be treated at a veterinary hospital.
22. The veterinary hospital's report noted that June suffered 2 lacerations to their front left leg. One laceration extended into the muscle layer, and the other laceration showed evidence of lacerated tendons and exposed bones. I find the pictures in evidence show 2 significant lacerations. The report also noted that June suffered fractured metacarpal bones.
23. Due to the injuries' severity, the applicants say the veterinarian discussed the option of either amputating June's leg or salvaging it. They decided against amputation. June stayed at the hospital until February 28 before being switched over to "medical boarding". The applicants took June home on March 11 to continue June's care. They say June eventually recovered from their injuries.

24. From the evidence before me, I find June suffered serious injuries in the incident. The hospital's detailed invoice shows it charged the applicants \$4,241.08 for June's care. The applicants say they made 4 round trips to the hospital, totaling 1,480 kilometers. They also claim expenses for meals and treatment supplies.

Must the respondent pay the costs associated with June's injuries?

25. In British Columbia, there are currently 3 ways a pet owner can be held responsible for their pet's actions. They are the legal concept of scienter, occupiers liability, and negligence.

Scienter

26. Scienter presumes that domesticated animals, such as dogs, are harmless. So, liability requires proof that a party actually knew, before the events underlying a claim, that the animal in question had the propensity to cause the type of damage that it did. See *Evans v Anderson*, 2023 BCSC 143 at paragraph 90.

27. In *Garside v. Dougan*, 2022 BCSC 799 at paragraph 61, the BC Supreme Court reviewed the history of scienter and found it applies only where an animal harms a person, and not where it damages property, including pets. Since the applicants' dog was injured in this dispute, I find the law of scienter does not apply.

Occupiers Liability

28. *Occupiers Liability* Act section 3(1) says an occupier of a premises owes a duty of care to ensure a person, and their property, will be reasonably safe while on the premises. Since the incident took place in the respondent's yard, I find the respondent was an occupier of premises under the act. This means the respondent had a duty to take all reasonable care in the circumstances to protect property, such as June, from an objectively unreasonable risk of harm. See *Agar v. Weber*, 2014 BCCA 297 at paragraph 30.

29. The applicants say after the respondent got Panda, they started having problems with Panda attacking the fence, chewing the fence, and breaking through into their

yard. The applicants provided a July 1, 2022 picture showing Panda in their yard. The picture shows that the fence had 2 holes. One hole had been covered with wood, while the other hole was uncovered. I infer Panda entered the yard through the uncovered hole.

30. The respondent says they approached the applicants about fixing the common fence, but the applicants refused due to finances. The respondent says the applicants never said anything about Panda having allegedly aggressive behaviour. Instead, they say the fence issues were always attributed to the fence's condition. Neither party gives the fence's age, but I find the pictures in evidence show an older wooden fence that needs repairs.
31. The respondent says they bought galvanized sheet metal to repair their side of the fence. They say they chose this material due to cost, durability, and functionality. The respondent provided an August 19, 2022 invoice that shows they spent \$1,004.86 for 30 sheets of 6-foot sheet metal and 250 screws. The respondent also provided a September 11, 2023 invoice for more sheet metal. They say they needed to reinforce the fence after a windstorm.
32. Based on this evidence, I find the respondent started taking steps to fix their side of the fence in 2022. The respondent provided a January 28, 2024 picture showing their side of the fence before the incident. The picture shows sheet metal installed along the entire length of the common fence.
33. The applicants argue that the respondent's actions were irresponsible and the sheet metal was not appropriate. They say leaving a sharp edge along the underside of the fence was a hazard and this contributed to June's injuries.
34. Based on the pictures in evidence, I find there is no inherent hazard to the respondent's method for fixing their side of the fence. The applicants say Panda dug under the fence to expose a sharp edge. However, they provided no pictures to prove this. The pictures in evidence show the fence in the snow. Despite the applicants' assertion, the pictures do not show that Panda dug under the fence.

35. As I explain below, the incident also occurred at an unrepaired hole in the wooden fence where the respondent's sheet metal is visible from the applicants' side of the fence. If the applicants were concerned about the alleged hazard, they could have easily repaired the hole and eliminated the risk. The hole is not big and did not require a major repair. I am not persuaded by the applicants' argument that Panda caused the hole, so they did not need to repair it.

36. In the circumstances, I find the respondent took reasonable care to protect people and property from a risk of harm by installing sheet metal to reinforce their fence. I find the applicants have not proven that the sheet metal was inherently dangerous. So, I find the applicants have not proved the respondent is liable under the *Occupiers Liability Act*.

Negligence

37. To prove negligence, the applicants must show that the respondent knew or should have known that Panda was likely to create a risk of harm to people or pets, and the respondent failed to take reasonable care to prevent such harm. The first element is about foreseeability and the duty of care. The second element is about a breach of the standard of care. See *Garside* at paragraph 78.

38. In *Pederson v. Bedard*, 2025 BCCRT 1479, the CRT found that in British Columbia, dog owners are not strictly liable for injuries caused by their dogs. Instead, an applicant must prove that the dog had shown previous dangerous behaviour. Although past CRT decisions are not binding on me, I agree with this reasoning and apply it here. So, for the respondent to be found negligent, the applicants must prove that the respondent knew Panda had a tendency for dangerous behaviour.

39. Neither party knows how the altercation started. The respondent provided pictures from both sides of the fence, which they say they took right after the incident.

40. The pictures from the applicants' side of the fence show the following. There is a hole in the wooden fence where the incident occurred. The sheet metal on the other side of the fence has been damaged. The metal is torn from the bottom upwards

and bent towards the respondent's yard. The metal is covered in what I infer is blood. There is an impression in the snow in front of the fence and paw marks. Based on these markings and the depression, I find it likely that a dog had been digging around the hole in the wooden fence.

41. The picture from the respondent's side of the fence shows the following. The sheet metal has been damaged, and the metal is bent towards the respondent's yard. I find there is no strong indication that a dog was digging on the respondent's side of the fence.
42. The applicants object to the pictures showing the incident from their side of the fence. They say the respondent trespassed on their property to take the pictures. The applicants did not provide a legal basis for why the pictures would be inadmissible.
43. As I noted above, CRTA section 42 says I may accept evidence that I find relevant, necessary, and appropriate. The respondent's pictures provide evidence of the scene right after the incident. In contrast, the applicants originally provided a February 27, 2024 picture. This picture shows the fence after the respondent repaired the hole. I find this evidence is not helpful in deciding how the altercation started. So, I find the respondent's evidence is relevant and necessary. I am not persuaded that the respondent's alleged trespassing while taking the pictures automatically makes the evidence inappropriate. So, I accept the respondent's pictures of the fence right after the incident.
44. Based on the direction of the bent sheet metal, and the respondent's uncontradicted statement, on a balance of probabilities, I find the following. June likely was digging around the wooden fence where the hole was and part of their leg entered the respondent's yard. Panda likely then grabbed June's leg and pulled.
45. Given this, did the respondent know Panda was dangerous, and should they have taken additional steps to prevent a risk of harm? The applicants suggest Panda should have been wearing a muzzle. From their submissions, I infer the applicants

argue Panda was dangerous. However, they provided very little evidence to support this. Other than their bare statements, the applicants' only evidence of Panda's alleged behaviour is an April 25, 2024 statement from their friend, KD.

46. In their statement, KD wrote that they visited the applicants' home "a lot" in January 2024 and noticed Panda being "very aggressive to the fence". They say they heard loud bangs and scratching. I find KD's statement does not prove Panda was dangerous. On its own, a dog banging and scratching a fence is not evidence of dangerous behaviour. KD also does not further explain what they meant by "aggressive behaviour" towards a fence.
47. The applicants do not say that they talked to the respondent about this allegedly aggressive behaviour in January 2024. There is also no evidence before me that Panda ever attacked another dog. So, I find the applicants have not proven that Panda was dangerous and the respondent should have taken additional steps when Panda was in their own backyard.
48. Overall, I find the applicants have not proven that the respondent was negligent or breached the *Occupiers Liability Act*. I acknowledge that this was an awful incident for everyone involved, and it was especially traumatizing for the applicants' family. However, under the law, I find the applicants have not proven that the respondent was responsible for June's injuries. So, I dismiss the applicants' claim for compensation.

CRT FEES

49. Under CRTA section 49 and the CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. The applicants were unsuccessful, so I dismiss their claim for CRT fees. The respondent did not pay any CRT fees, nor claim any dispute-related expenses, so I order none.

ORDER

50. I dismiss the applicants' claims and this dispute.

Jeffrey Drozdiak, Tribunal Member