



Civil Resolution Tribunal

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Type: Societies and Cooperatives

Civil Resolution Tribunal

Indexed as: *Hyland v. British Columbia Lacrosse Association*, 2020 BCCRT 1259

B E T W E E N :

RYAN HYLAND

APPLICANT

A N D :

BRITISH COLUMBIA LACROSSE ASSOCIATION

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Luningning Alcuitas-Imperial

INTRODUCTION

1. This dispute is about the control and operations of a society under the *Societies Act* (SA).
2. The BC Lacrosse Association is a society incorporated under the SA. The society controls and governs lacrosse leagues in the province.

3. Mr. Hyland is president of a local minor lacrosse association (local association). He says that he was wrongly excluded from a March 2020 vote of a regional minor lacrosse commission (regional commission). The vote was about players to be released to another local association. Mr. Hyland says that this vote had implications for player billeting arrangements. He seeks an order that the society follow its bylaws and associated operating policies and regulations.
4. The society says that its bylaws and associated operating policies and regulations were followed. It says that, in any event, the season was not held due to the coronavirus pandemic. The vote had no practical implications.
5. Mr. Hyland is self-represented. The society is represented by its executive director.
6. For the reasons set out below, I find the society's bylaws and associated operating policies and regulations were followed. The society's documents do not specify whether the approval of a player release must be made by a vote of the commission as a whole, as opposed to the executive only. As well, the issue is moot as the season was cancelled.

JURISDICTION AND PROCEDURE

7. These are the formal written reasons of the Civil Resolution Tribunal (CRT).
8. Under section 129(1)(a) of the *Civil Resolution Tribunal Act* (CRTA), the CRT has jurisdiction over this society claim. The CRT has jurisdiction over the interpretation or application of a constitution or bylaw under the SA. Under section 131 of the CRTA and the CRT rules, in resolving this dispute the CRT may order a party to do or stop doing something, order a party to pay money, or order any other terms or conditions the CRT considers appropriate.
9. I note that, under section 129(1)(b) or (c) of the CRTA, the CRT has jurisdiction over society claims involving an action by or a decision of a society in relation to a member. I find this dispute does not relate to a member. Mr. Hyland is the president of a local

association. That local association is a member of the society. However, under the society's bylaws, Mr. Hyland as an individual is not a member of it.

10. I also note that another member of the CRT issued a preliminary decision in this dispute. She found that there was nothing in the CRTA that says the CRT has no jurisdiction over a society claim if an applicant has not used an available internal appeal process. I agree with her conclusion.
11. The CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. The CRT must act fairly and follow the law. It must also recognize any relationships between dispute parties that will likely continue after the CRT's process has ended.
12. The CRT has discretion to decide the format of the hearing, including in writing, by telephone, videoconferencing, email or a combination of these. I am satisfied an oral hearing is not required as I can fairly decide the dispute based on the evidence and submissions provided.
13. The CRT may accept as evidence information that it considers relevant, necessary and appropriate, whether or not the information would be admissible in court. The CRT may also ask the parties and witnesses questions and inform itself in any way it considers appropriate.

ISSUES

14. The issues in this dispute are:
 - a. Was the March 2020 vote of the regional commission on player releases contrary to the society's bylaws and associated operating policy and regulations?
 - b. If so, what remedy is appropriate?

BACKGROUND FACTS

15. I have read all the evidence provided but refer only to evidence I find relevant to provide context for my decision. In a civil proceeding like this one, Mr. Hyland as the applicant must prove his claim on a balance of probabilities.
16. The society's bylaws, operating policies, and regulations are filed with the BC Registrar of Companies.
17. The society's structure is complex. The bylaws set up a structure that creates directorates that govern play amongst different ages and different types of lacrosse across the province. In this dispute, the minor directorate is involved as the concern is with minor lacrosse players. Players are registered with teams and local associations. In turn, local associations form a league and a regional commission governs play within those leagues. The membership of a commission is made up of the executive, commissioners, and local associations that fall within the commission's boundaries.
18. The society's bylaws say that an operating policy will apply to all teams and players within that directorate.
19. Regulation 8 of the operating policy for minor lacrosse concerns moves. Regulation 8.01 says that players play within the association where they reside.
20. Regulation 8.09 says that, in all cases, where a player is not playing in an association where the player resides, a player release request form must accompany the annual registration form submitted to the society. The regional commission must approve these requests on or before April 30 and provide a list of approvals to the society's minor directorate within 20 days.
21. Regulation 8.09 also says that the player will be placed where the regional commission feels it would be in the best interest of the league and then the player. The only exception is for exempted players.

22. Regulation 8.10 says that players attending a specialized hockey school that is far enough from their principal residence that they must be billeted will provide proof of school attendance. The player will be placed where the regional commission feels it would be in the best interest of the league and then the player.
23. A society document outlines the 2020 process for player release requests, as well as appeals. A player registers with their home association and requests a release. If the association approves, they must advise the chair of the regional commission. Commissions will review requests monthly, starting in January and ending in April.
24. The regional commission also has bylaws. Bylaw 1.2 says that each member association should provide two voting representatives. Voting rights are given to these representatives at regional commission meetings, annual general meetings, special sessions or extraordinary general meetings. Under bylaw 6.6 dealing with regional commission executive meetings, the voting representatives are not mentioned. Regional commission executive meetings are called to deal with a decision that only requires executive approval “as per policy.”

EVIDENCE AND ANALYSIS

25. Mr. Hyland says that he was entitled to vote on the player release requests for 2020. As president of the local association, he was a voting representative of the regional commission. This was the previous practice of the regional commission, but it was suddenly changed in 2019 to limit voting to the commission executive. He says that I should interpret the word “commission” under regulation 8.09 as including the voting representatives like him. There is nothing in the regulation or the commission’s bylaws that give the executive of the commission sole authority to approve player release requests. He says the vote unfairly impacted billeted players and host families. In support of his claim, Mr. Hyland submitted evidence from the president of another local association who was not allowed to vote at the March 2020 meeting.

26. The society says that the regional commission has sole authority under the society's bylaws to approve player release requests. If a player or association disagrees with the commission's decision, there can be an appeal to the society.
27. The society says that it does not dictate the voting processes of the regional commission. The regional commission itself is not a separate registered society under the SA. This is in contrast to the local associations, which are required to be registered societies under the SA according to the society's bylaws. In support of its response, the society submitted evidence from the chair of the regional commission. While the chair acknowledged the impacts of the March 2020 decision, he stated that he was obliged to follow the guidance in the society's regulations.
28. Considering all of the evidence, I find that the March 2020 vote was not contrary to the society's bylaws and associated operating policies and regulations. Regulation 8.09 grants the regional commission the authority to decide on player requests. It does not specify whether the commission as a whole or the executive of the commission must carry out the approval. Nor does regulation 8.09 specify the voting process to reach such an approval.
29. I carefully considered the wording of regulation 8.09. There is no further definition of the "commission" in regulation 8.09. Although Mr. Hyland argues that I should interpret "commission" as referring to the commission as a whole and not just the executive, I find no reasonable basis to do so. In the absence of specific wording, I decline to add words into the society's regulation to support Mr. Hyland's argument.
30. The society is an umbrella organization concerned with governing lacrosse in the province. It has decided to grant certain functions to internal directorates, local associations, and regional commissions. I infer that such a structure assists in facilitating the playing of lacrosse in BC, which is one of the society's purposes.
31. I consider that the society should be afforded a measure of deference to organize its activities, given that it has the powers of an individual of full capacity under section 6 of the SA. However, I acknowledge that there are limits on a society's activities, as the SA states that it must not exercise any power that it is restricted from exercising

by its bylaws or that is contrary to its purposes. It also must not exercise any of the society's powers in a manner inconsistent with those restrictions or purposes.

32. I find that there is insufficient evidence that the society has exercised its power in a way that is restricted in its bylaws or that is contrary to its purposes. I also find that the society has not exercised its power in a manner inconsistent with those restrictions and purposes.
33. If I were to accept Mr. Hyland's approach to the interpretation of regulation 8.09, I would need to consider the commission's bylaws, processes, and structures. I would also likely need to consider how those documents reconcile with the society's bylaws and associated documents.
34. My jurisdiction is limited to a registered society. It does not extend to a voluntary association such as the regional commission. I acknowledge that the commission is directly linked with the society. However, that direct link does not mean that the CRT's jurisdiction extends into the affairs of the commission.
35. In reaching this conclusion, I am mindful of the decision of the BC Supreme Court in *Roberts v. Vernon Pickleball Association*, 2018 BCSC 1834. In paragraph 28, the court stated that there is no freestanding right to procedural fairness with respect to decisions taken by voluntary associations. Mr. Hyland feels that the commission's voting procedure in March 2020 was unfair. However, his remedy does not lie with the CRT since the commission is not a registered society. Although I cannot inquire into the commission's affairs, nothing in my decision prevents discussion and voting to resolve disputes within the structures of a voluntary association such as the commission.
36. If I am wrong in my interpretation of the society's bylaws and associated operating policies and regulations, I find that the issue is effectively moot given that the season was cancelled due to the coronavirus pandemic. There was no need for the society, the local associations, or the regional commission to act on the approved player requests resulting from the March 2020 vote. It would be inappropriate to grant a remedy where an issue is moot.

37. For all of these reasons, I dismiss the applicant's claims and this dispute.

CRT FEES AND EXPENSES

38. Under section 49 of the CRTA 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. I see no reason in this case not to follow that general rule. As the applicant was unsuccessful, I find Mr. Hyland is not entitled to any reimbursement. While the society was the successful party, it did not pay any CRT fees or incur any dispute-related expenses.

ORDER

39. I dismiss the applicant's claims and this dispute.

Luningning Alcuitas-Imperial,
Tribunal Member