



Civil Resolution Tribunal

CRT USE ONLY

Date: December 20, 2019

File: ST-2018-008742

Type: Strata

BETWEEN:

Please enter legal names of all applicants exactly as they appear on the Dispute Notice or on the most recent Amended Dispute Notice

The Owners, Strata Plan NW 2676

APPLICANT[S]

AND:

Please enter legal names of all respondents exactly as they appear on the Dispute Notice or on the most recent Amended Dispute Notice

Miguelangel Fabregas

RESPONDENT[S]

DEFAULT DECISION AND ORDER

CRT USE ONLY

DEFAULT DECISION AND ORDER

Tribunal Member: Kate Campbell

Date: December 20, 2019



A: MONETARY CLAIMS AND ORDERS

**Claim
Amount (\$)**

***CRT USE ONLY*
Order (\$)**

1. Describe claim "1" (claim summary for claim 1, from Dispute Notice):

We wish the owner to pay the \$25,000 chargeback owed to the Strata Corporation.

\$25,000.00

\$25,000.00

If claim 1 is a non-debt claim, describe evidence to support the amount of claim 1. (see above for information on debt claims and non-debt claims)

2. Describe claim "2" (claim summary for claim 2, from Dispute Notice):

\$0.00

\$0.00

If claim 2 is a non-debt claim, describe evidence to support the amount of claim 2. (see above for information on debt claims and non-debt claims)

3. Describe claim "3" (claim summary for claim 3, from Dispute Notice):

\$0.00

\$0.00

If claim 3 is a non-debt claim, describe evidence to support the amount of claim 3. (see above for information on debt claims and non-debt claims)



B. NON-MONETARY CLAIMS - OTHER ORDERS

(For example, requests for a party to do or stop doing something)

If you would like the tribunal to order a party to do or stop doing something, include it below. Do not add anything that was not requested in the Dispute Notice. Explain what you would like the tribunal to order, and why you would like the order. Examples might include: “an order that the strata repair my door” or “an order that the owner of strata lot x stop using my parking spot”.

Please note the CRT will not generally order parties to apologize, make donations, or stop serving on strata councils.

REQUESTS FOR A PARTY TO DO OR STOP DOING SOMETHING

Party name: -----	What would like them to do or stop doing? -----
Why: -----	

Party name: -----	What would like them to do or stop doing? -----
Why: -----	

Party name: -----	What would like them to do or stop doing? -----
Why: -----	



C. CRT FEES AND DISPUTE-RELATED EXPENSES

You can claim CRT filing fees and reasonable expenses you paid to prepare for the CRT dispute resolution process. Generally, the CRT will not order the reimbursement of fees paid to a lawyer or other representative. If you are claiming more than \$50, please submit your receipts to the tribunal by email, along with this form. For expense claims for \$50 or less, retain your receipts in case the CRT requests them later.

CRT Fees and Expenses Description	Expense Amount (\$)	CRT USE ONLY Order (\$)
a. Service fees if the CRT advised you that you must serve the Dispute Notice and instructions for response (For example, fees for courier or registered mail.) <i>(receipts required, if total of a. service fees, b. cost of expert reports, and c. other expenses is more than \$50)</i>	\$21.10	\$21.10
b. Cost of expert reports to support CRT claim <i>(receipts required, if total of a. service fees, b. cost of expert reports, and c. other expenses is more than \$50)</i>	\$0.00	\$0.00
c. Other expenses <i>(receipts required if more than \$50)</i> <i>expense description:</i>	\$0.00	\$0.00
d. CRT Application and other CRT fees		\$150.00
Total fees and dispute-related expenses		\$150.00



D. INTEREST

Please enter the interest rate that applies to your claim. Note that interest applies only to monetary orders (debt and non-debt) and doesn't apply to non-monetary awards. The interest rate must be specified in your contract or strata bylaws and claimed in your Dispute notice (do not submit your contract.). If it is not, please refer to the Court Order Interest Act to identify the applicable interest rate. The CRT will calculate interest from the date of the Dispute Notice to the date of the Default Order. For more information on Court Order Interest please see:

http://www.courts.gov.bc.ca/supreme_court/about_the_supreme_court/Court_Order_Interest_Rates.aspx

NOTE: If you don't calculate your interest claim correctly, or tick the box below to waive your claim, the CRT will return your form. There will be a delay in getting your default decision and order from the CRT.

Interest Item	Applicant Submission	CRT USE ONLY Order (\$)
1. Principal amount owing as of date of the dispute notice:	\$0.00	\$0.00
2. Contractual rate of interest (if any, specified as an annual rate) Leave this blank if you didn't claim a contractual rate of interest in the Dispute Notice (you will be entitled to interest below, under the Court Order Interest Act).	%	%
3. Interest on principal amount owing up to the date of the dispute notice calculated according to the contractual rate (above, if applicable) or the Court Order Interest Act	\$0.00	\$0.00
4. Interest from the Dispute Notice date to the Default Order date FOR CRT USE ONLY		\$0.00
Total interest order:		\$0.00

I am waiving my claim for interest

CRT USE ONLY

The applicant is also entitled to post-judgment interest.

TOTAL MONETARY ORDER:

\$25,171.10



CRT Default Decision and Order

The applicant(s) applied for strata property dispute resolution with the Civil Resolution Tribunal (CRT or tribunal) and requested a default decision and order of the tribunal. The following is the tribunal'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 tribunal.
2. Having reviewed the evidence, I am satisfied, on the balance of probabilities, that the respondent(s) received the Dispute Notice and did not respond to it by the deadline set out in the tribunal's rules. This means the respondent(s) are in default, as defined in section 1(1)(a) of the *Civil Resolution Tribunal Act* (CRTA).

Jurisdiction:

3. The tribunal's strata property jurisdiction is set out in section 121 of the CRTA. The applicable tribunal rules are those in place at the time the Dispute Notice was issued.
4. In a default decision such as this one, the tribunal will make a binding decision without the participation of the respondent(s). The tribunal will send the parties a copy of the final decision and order.
5. Under the CRTA and the tribunal's rules, in resolving this dispute the tribunal 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 assumed in default decisions. Since the respondent is in default, I find in favour of the applicant.
7. In accordance with the CRTA and the tribunal's rules, I find the respondent(s) must pay the applicant(s) the monetary amounts as set out in the preceding pages. This amount is payable immediately.
8. I find the applicant(s) is entitled to any applicable post-judgment interest, which is not included as part of the "total order" amount.

CRT ORDER

9. In accordance with the CRTA and the tribunal's rules, I order the respondent(s) to immediately pay the applicant(s) the monetary orders set out in the preceding pages. The applicant(s) is also entitled to post-judgment interest, as applicable.
10. Under section 57 of the CRTA, a party can enforce this final tribunal decision by filing a validated copy of the attached order in the Supreme Court of British Columbia (BCSC). The order can only be filed if, among other things, the time for an appeal under section 123.1 of the CRTA has expired and leave to appeal has not been sought or consented to. Once filed, a tribunal order has the same force and effect as a BCSC order.
11. Orders for financial compensation or the return of personal property can also be enforced through the Provincial Court of British Columbia (BCPC). However, the principal amount or the value of the personal property must be within the BCPC's monetary limit for claims under the *Small Claims Act* (currently \$35,000). Under section 58 of the CRTA, the applicant can enforce this final decision by filing a validated copy of the attached order in the BCPC. The order can only be filed if, among other things, the time for an appeal under section 123.1 of the CRTA has expired and

leave to appeal has not been sought or consented to. Once filed, a tribunal order has the same force and effect as a BCPC order.

Kate Campbell, Vice Chair