



Civil Resolution Tribunal

Date Issued: December 21, 2023

File: ST-2022-008425

Type: Strata

Civil Resolution Tribunal

Indexed as: *Campbell v. The Owners, Strata Plan N.W. 1018*, 2023 BCCRT 1123

B E T W E E N :

DEREK CAMPBELL

APPLICANT

A N D :

The Owners, Strata Plan N.W. 1018

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Eric Regehr, Vice Chair

INTRODUCTION

1. Derek Campbell used to own a strata lot in the strata corporation The Owners, Strata Plan N.W. 1018. He alleges that the strata has not adequately prevented its contractors from putting yard waste into the strata's garbage bin. The requested order in his Dispute Notice is not entirely clear, but essentially he wants the strata to take steps to prevent the practice. He is self-represented.

2. The strata says that Mr. Campbell exaggerates how often landscaping waste has ended up in its garbage bins. It also says that it has reminded its contractors not to do so, and that the issue is not ongoing. The strata also says Mr. Campbell's claim is moot because Mr. Campbell no longer owns a strata lot in the strata. A council member represents the strata.
3. For the reasons that follow, I dismiss Mr. Campbell's claims as moot.

JURISDICTION AND PROCEDURE

4. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over strata property claims under section 121 of the *Civil Resolution Tribunal Act* (CRTA). 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.
5. The CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. In some respects, both sides to this dispute call into question the credibility, or truthfulness, of the other. However, in the circumstances of this dispute, I find that it is not necessary for me to resolve the credibility issues that the parties raised. I therefore decided to hear this dispute through written submissions.
6. The CRT may accept as evidence information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in court.
7. The parties both provided evidence and submissions about a long-running conflict between Mr. Campbell and certain strata council members. Mr. Campbell did not ask for an order about anything other than yard waste in his Dispute Notice. So, I find these issues are not properly before me, and I will not discuss them in this decision.

ISSUES

8. The issues in this dispute are:

- a. Is Mr. Campbell's claim about yard waste moot?
- b. If not, should I make any orders about the strata's contractor's handling of yard waste?

BACKGROUND AND EVIDENCE

9. In a civil claim such as this, Mr. Campbell as the applicant must prove his claims on a balance of probabilities. While I have read all the parties' evidence and submissions, I only refer to what is necessary to explain my decision.
10. The strata consists of 186 residential strata lots in 11 buildings. It was created in 1978.
11. Mr. Campbell says that in August 2021, he noticed the strata's garbage bin was full of tree branches. He emailed the strata manager asking why yard waste was in the garbage bins. He says the same thing happened in 2022. He has persistently tried to get the strata to be more aggressive about the issue but has been unhappy with the strata's responses. Given my conclusion about mootness, it is unnecessary for me to discuss the background of this dispute in any more detail.

ANALYSIS

Is Mr. Campbell's claim about yard waste disposal moot?

12. Mr. Campbell sold his strata lot in August 2023. The strata says that he no longer has any rights or interests in the strata. The strata asks me to dismiss Mr. Campbell's claim on that basis. The strata does not use this term, but its argument is essentially that Mr. Campbell's claim is moot.
13. In reply, Mr. Campbell argues that I should resolve his claim because the "issue is ongoing". I assume he means that the strata will continue to allow its contractor to dump yard waste in the garbage bins unless I resolve this dispute on its merits.

14. A claim is moot when something happens after the legal proceeding starts that removes any “present live controversy” between the parties. In other words, a claim is moot if the specific parties in the legal proceeding no longer have any ongoing dispute. A moot claim will generally be dismissed. This is to save the CRT’s resources by avoiding the time and expense of resolving claims that serve no purpose. However, the CRT has discretion to decide a claim if doing so would have a practical impact and potentially help avoid future disputes. See *Binnersley v. BCSPCA*, 2016 BCCA 259.
15. First, I find that Mr. Campbell’s claim is moot even if the alleged yard waste issues are ongoing or will likely reoccur in the spring. I say this because Mr. Campbell only requests an order about the strata’s future conduct. This is different than disputes where a former owner has claimed compensation for a past wrong, like in *Yang v. The Owners, Strata Plan VR732*, 2020 BCCRT 361. The applicant in that dispute asked for an order about ongoing bylaw enforcement and an order for compensation for noise she had experienced when she lived there. The tribunal member dismissed her claim about ongoing bylaw enforcement because she no longer had any interest in how the strata corporation enforced its bylaws. The tribunal member resolved the compensation claim about noise. I find the same reasoning applies here. Mr. Campbell does not claim any compensation for the strata’s past conduct and has no interest in whether the strata complies with municipal bylaws about yard waste disposal going forward.
16. In other words, Mr. Campbell has not persuaded me that resolving this dispute would provide any practical benefit to the parties. I say this not only because Mr. Campbell has no ongoing interest in the strata’s waste disposal. Also, Mr. Campbell’s primary remedy is that the strata tell its contractor not to put yard waste in the garbage bins. The strata says it has already done this, including after an October 2022 hearing with Mr. Campbell. The strata says there was no reported issue about yard waste in the garbage bins in 2023, so its efforts have resolved the issue. On that point, while Mr. Campbell makes other complaints about how the strata’s contractor handled yard waste in 2023, he does not say that he saw any yard waste in a garbage bin. Instead, he believes that the contractor subtly disposed of small amounts of yard waste at a

time, so as not to be noticed. However, this is purely speculative. For these reasons, I see no practical benefit to either party to resolving this dispute.

17. In reaching this conclusion, I recognize Mr. Campbell's argument that the ban on yard waste in landfills is an environmental issue. In that sense, all citizens have an interest in proper waste disposal. However, the CRT's role is not to police strata corporations' compliance with municipal bylaws. Municipalities have their own bylaw enforcement processes for that, which Mr. Campbell has engaged in the past. So, this is not a compelling reason for me to decide this dispute.
18. I also see no evidence that resolving this dispute would be likely to prevent future CRT disputes. There is no suggestion in the evidence that anyone else in the strata complained about its contractors' waste disposal practices. Also, as noted above, there is no evidence that anyone disposed of yard waste in garbage bins in 2023.
19. For these reasons, I decline to resolve Mr. Campbell's claim about yard waste. I dismiss this claim as moot.

TRIBUNAL FEES AND EXPENSES

20. 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. Mr. Campbell was unsuccessful, so I dismiss his claim for CRT fees and dispute-related expenses. The strata initially claimed its legal fees but abandoned the claim in submissions. The strata did not pay any CRT fees.

DECISION AND ORDERS

21. I dismiss Mr. Campbell's claims, and this dispute.

Eric Regehr, Vice Chair