



Civil Resolution Tribunal

Date Issued: June 20, 2025

File: ST-2023-009441

Type: Strata

Civil Resolution Tribunal

Indexed as: *Butler v. The Owners, Strata Plan NWS 3403*, 2025 BCCRT 844

B E T W E E N :

KENNETH BUTLER

APPLICANT

A N D :

The Owners, Strata Plan NWS 3403

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Deanna Rivers

INTRODUCTION

1. This dispute is about strata governance.
2. Kenneth Butler (owner) owns a strata lot in the strata corporation, The Owners, Strata Plan NWS 3403 (strata). The owner says the strata council members did not hold the appropriate meeting to create the agenda for the February 2022 annual

general meeting (AGM). The owner asks for an order that the strata hold AGMs. The owner also asks for an order the strata owners be able to observe all meetings of council members, including informal meetings.

3. The strata says it followed the correct procedures for the 2022 AGM. It says it is not required to record or distribute information from informal meetings.
4. The owner is self-represented. A council member represents the strata.

JURISDICTION AND PROCEDURE

5. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over strata property claims under *Civil Resolution Tribunal Act* (CRTA) section 121. CRTA section 2 says 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, and recognize any relationships between the dispute's parties that will likely continue after the CRT process has ended.
6. CRTA section 39 says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. Bearing in mind the CRT's mandate that includes proportionality and a speedy resolution of disputes, I find that I am properly able to assess and weigh the documentary evidence and submissions before me without an oral hearing.
7. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, even where the information would not be admissible in court.
8. Under CRTA section 61, the CRT may make any order or give any direction in relation to a CRT proceeding it thinks necessary to achieve the objects of the CRT in accordance with its mandate. The CRT may make such an order on its own initiative, on request by a party, or on recommendation by a case manager.

Res judicata

9. Although not argued by the parties, I considered whether the owner's claim about the strata's AGM procedure was similar to the claim addressed in the previous CRT decision of *Butler v. The Owners, Strata Plan NWS 3403*, 2024 BCCRT 379 (Butler 2024). The legal principle of *res judicata*, meaning "already decided," prevents a party from bringing multiple legal proceedings about the same issue. In Butler 2024, the owner claimed for an order that the strata hold regular AGMs. In that decision, the owner made submissions concerning the February 4, 2022 AGM. While in this dispute the owner's arguments mainly concern the procedure used to create the agenda for the February 2022 AGM, the requested remedy is the same. So, I find that the owner's claim that the strata hold annual AGMs has already been decided in the Butler 2024 decision, and I refuse to resolve it under CRTA section 11(1)(a)(ii).
10. The owner also made submissions concerning both the outcome of previous CRT decisions between the parties, and that the strata did not follow the orders. The CRT has no jurisdiction to review its own decisions. Instead, a party may request the BC Supreme Court judicially review the CRT decision. Further, CRTA section 57 provides that a CRT decision may be enforced by filing it in the BC Supreme Court. The August 28, 2024 letter from the owner's lawyer to the strata says the Butler 2024 order was filed in the BC Supreme Court. So, I do not consider those submissions in my decision.

Late evidence

11. The owner submitted evidence after the CRT's deadline. I reviewed all of the evidence. I found the August 28, 2024 letter I note above to be relevant to this dispute. I find that the remaining late evidence, including various financial documents, screenshots of unrelated websites, and correspondence between the owner and his lawyer, is not relevant to the remaining issue concerning council member meetings. So, I place no weight on the late evidence other than the noted letter.

Council member conduct

12. In submissions, the owner makes claims about the personal conduct of individual strata council members. An owner does not have standing, meaning a legal right, to make a claim against an individual about the standard of honesty and good faith expected of a council member. In any event, the owner does not ask for a remedy about these submissions. So, I do not consider these submissions in my decision.
13. I appreciate that the owner is frustrated by what he perceives as improper governance of the strata by the current strata council. However, the CRT's jurisdiction over a strata is limited to the specific claims set out in CRTA section 121. For all other claims, the BC Supreme Court has jurisdiction.

ISSUE

14. The remaining issue in this dispute is whether the strata must record all meetings of council members, including informal meetings, and distribute the recording to the owners.

EVIDENCE AND ANALYSIS

15. In a civil proceeding like this one, the applicants must prove their claims on a balance of probabilities (meaning more likely than not). The strata did not provide submission or evidence, although CRT staff provided opportunities and 4 extensions. I have read the owner's submissions and evidence and the strata's Dispute Response in making my decision. I refer only to those parts that I find necessary to explain my decision.
16. The strata was created in 1990 and includes 9 residential strata lots in 2 buildings. Since January 1, 2022, the Standard Bylaws in the SPA have applied to all strata corporations, except to the extent that a strata corporation had already dealt with the same subject matter by filing an amended bylaw in the Land Title Office. The strata filed bylaw amendments in 1992. I find these bylaws continued to apply after

2002, except to the extent that they are silent on an issue dealt with in the Standard Bylaws, or conflict with the Standard Bylaws.

17. In the Dispute Notice, the owner asked that the strata allow owners to observe all meetings, including informal meetings. While I infer that the council members live in the same complex and do engage with each other on occasion, the owner did not provide evidence that the council members engage in informal meetings related to strata issues.
18. However, even if there was evidence of informal meetings, in *Kayne v. The Owners, Strata Plan LMS 2374*, 2007 BCSC 1610 at paragraph 23 the BC Supreme Court found that there are occasions when members of a council will meet informally to discuss matters. The Court said these are not council meetings, and the council does not need to keep minutes of such meetings. However, the Court also said that any decisions made at an informal meeting had to be ratified by a properly constituted and minuted meeting of the council before it was valid.
19. Finally, SPA section 17(3) provides that owners may attend council meetings as observers, with some exceptions set out in subsection (4). There is no evidence that the strata prevented the owner from observing properly constituted strata council meetings.
20. For this reason, I find the CRT has no jurisdiction to order that owners be allowed to observe informal or casual meetings of the council members.
21. I dismiss the owner's claim.

CRT FEES AND EXPENSES

22. 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. However, neither the owner or the strata paid CRT fees or claimed dispute-related expenses.

23. The strata must comply with section 189.4 of the SPA, which includes not charging dispute-related expenses against the owner.

ORDERS

24. I dismiss the owners claim.

Deanna Rivers, Tribunal Member