



Civil Resolution Tribunal

Date Issued: August 1, 2025

File: ST-2023-005173

Type: Strata

Civil Resolution Tribunal

Indexed as: *Khajehpour v. The Owners, Strata Plan EPS4092*, 2025 BCCRT 1085

B E T W E E N :

MEHDI KHAJEHPOUR

APPLICANT

A N D :

The Owners, Strata Plan EPS4092

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Kate Campbell, Vice Chair

INTRODUCTION

1. The applicant, Mehdi Khajehpour, owns a strata lot in the respondent strata corporation, The Owners, Strata Plan EPS4092. Mr. Khajehpour says he left his bike in the strata's bike storage room, and the strata's management firm threw it away or donated it. Mr. Khajehpour claims \$3,000 for the bike.

2. Mr. Khajehpour is self-represented in this dispute. The strata is represented by a strata council member.
3. The strata says it did not remove or dispose of Mr. Khajehpour's bike. The strata admits it audited the bikes in the storage room. The strata says it did not dispose of any usable bikes, but only donated some small non-ridable bikes and bike parts.

JURISDICTION AND PROCEDURE

4. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction (authority) over strata property claims under *Civil Resolution Tribunal Act* (CRTA) section 121. The CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly.
5. 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. I find I am properly able to assess and weigh the documentary evidence and submissions before me. So, I decided to hear this dispute through written submissions.
6. The CRT may accept as evidence information that it considers relevant, necessary, and appropriate, even if the information would not be admissible in court.

ISSUE

7. Must the strata compensate Mr. Khajehpour for his bike, and if so, how much?

REASONS AND ANALYSIS

8. As applicant in this civil dispute, Mr. Khajehpour, as applicant, must prove his claims on a balance of probabilities. This means more likely than not. I have reviewed all the parties' evidence and submissions, but I only refer to what is necessary to explain my decision.

9. Mr. Khajehpour says the strata removed his bike from the storage room and disposed of it. The strata says Mr. Khajehpour has not proved this assertion. The strata also notes that its strata management firm, which conducted the bike audit, is not a party to this dispute. However, I find that the management firm was acting as the strata's agent for the purpose of the bike audit, and so the strata is liable for any damages arising from that audit.
10. The October 24, 2022 strata council minutes say the purpose of the upcoming bike audit was to create more space. The minutes say each resident would be given a pass by the building manager to identify their bikes, and bikes that were removed would be kept for a reasonable amount of time, then donated.
11. The bike audit is also documented in a November 7, 2022 memorandum, and a November 7, 2022 email to strata residents. The memorandum and email say that residents could pick up bike passes from the building manager during set hours from November 7 to 18, and that failure to register a bike would result it in being removed and donated.
12. The November 14, 2022 council minutes also include a reminder about the bike audit and the need for bike tags to avoid bikes being removed.
13. The January 30, 2023 council minutes say the bike audit was completed, and the unclaimed bikes were donated. The strata also provided a copy of a January 30, 2023 text message exchange between the building manager and someone with the initial D. In those texts, the building manager said the strata had 5 unclaimed bikes, and only one was in good shape.
14. The strata says Mr. Khajehpour has not proved that he had a stored bike. However, based on the photos Mr. Khajehpour provided, I accept that he did.
15. The strata also says it is unproven that it removed Mr. Khajehpour's bike, and that it could have been stolen by someone else. I find this is possible, but speculative and unlikely. Given that the bike audit occurred, Mr. Khajehpour admits he did not put a tag on his bike, and the building manager's January 30, 2023 text message that the

strata had 5 unclaimed bikes including one in good shape, I find it is more likely than not that the strata removed Mr. Khajehpour's bike.

16. However, for the following reasons, I find the strata is not liable for any damages for removing the bike.
17. First, I find the strata gave adequate warning of the bike audit, and the consequences of not labelling his bike. Mr. Khajehpour says he did not get any notice, but since the bike audit was announced in the October 2022 council minutes and November 7, 2022 email to residents, I accept that the strata gave sufficient notice of the audit and the failure to tag one's bike.
18. In making this finding, I rely on *Strata Property Act* section 61, which says a strata corporation may give a required notice by email, unless the person has provided the strata with an address outside the strata corporation for receiving notices. Emailed notices are deemed received after 4 days. In this dispute, Mr. Khajehpour bears the burden of proof and has not indicated that he provided an address outside the strata for receiving notices. So, I accept that he received the November 7, 2022 email by November 11, 2022.
19. Mr. Khajehpour says he was out of the country for 3 weeks, and also had surgery, but he provided no evidence to confirm these events, or when they occurred. Also, given that the strata first gave notice of the audit in October 2022, with reminders on November 7, 2022, and did not dispose of the bikes until at least January 2023, I find Mr. Khajehpour had sufficient notice to have someone either remove his bike or tag it for him.
20. In deciding this dispute, I place significant weight on strata bylaw 55.6, which was filed in the Land Title Office in December 2019. Bylaw 55.6 says:

At various times during the year, Strata Corporation may provide notice requesting that all owners remove their bicycles from a specific storage room by a designated date (two weeks notice will be provided). All bicycles not removed by this designated date may be removed from the premises without further

notice. This is to ensure that only current resident bicycles remain on premises and to allow cleaning of the storage room.

21. I find that bylaw 55.6 gave the strata authority to give notice and remove unlabelled and unclaimed bikes. The strata gave more than 2 weeks' notice, so followed bylaw 55.6. Also, residents are presumed to know the bylaws, so by passing a specific bylaw about removal of bikes from storage, the strata effectively notified all owners that this was a possibility.
22. For these reasons, I dismiss Mr. Khajehpour's claim.
23. Even if I found the strata had not given sufficient notice of the bike audit, I would not have ordered the claimed \$3,000 in damages. This is because Mr. Khajehpour provided no evidence of his bike's value, such as an invoice or receipt, or a sales listing for the same model of bike. I note that Mr. Khajehpour says the bike was a gift with sentimental or emotional value. However, as stated by the BC Supreme Court in *Smith v. British Columbia*, 2011 BCSC 298, sentimental value is generally not considered when ordering damages for lost or destroyed items because it would make assessing the amount of damages too imprecise and uncertain.

CRT FEES AND EXPENSES

24. 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. Mr. Khajehpour was unsuccessful, so I dismiss his claim for CRT fees. The strata did not claim any dispute-related expenses or pay any CRT fees.
25. The strata must comply with *Strata Property Act* section 189.4, which includes not charging dispute-related expenses to Mr. Khajehpour.

ORDER

26. I dismiss Mr. Khajepour's claims.

Kate Campbell, Vice Chair