



Civil Resolution Tribunal

Date Issued: August 27, 2025

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Type: Strata

Civil Resolution Tribunal

Indexed as: *The Owners, Strata Plan NW 1719 v. Harlton*, 2025 BCCRT 1198

B E T W E E N :

The Owners, Strata Plan NW 1719

APPLICANT

A N D :

LARRY HARLTON

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Kate Campbell, Vice Chair

INTRODUCTION

1. This strata property dispute is about strata governance.
2. The applicant in this dispute is a strata corporation, The Owners, Strata Plan 1719. The strata says the respondent, Larry Harlton, was strata council president for about

10 years. The strata says Mr. Harlton refused to accept new council members elected at the December 22, 2022 annual general meeting (AGM), and that Mr. Harlton has engaged in various forms of obstructive behaviour. The strata asks for a declaration that the strata council is legally valid. The strata also asks the Civil Resolution Tribunal (CRT) to order Mr. Harlton to stop obstructing the strata council's efforts, and to return all strata property, including strata documents, owners' keys, and master keys.

3. Mr. Harlton denies the strata's allegations, and says the strata council was not properly elected.
4. The strata is represented in this dispute by a current or former strata council member. Mr. Harlton is self-represented.
5. For the reasons set out below, I dismiss the strata's claims.

JURISDICTION AND PROCEDURE

6. These are the CRT's formal written reasons. 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.
7. 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.
8. The CRT may accept as evidence information that it considers relevant, necessary, and appropriate, even if the information would not be admissible in court.
9. The strata and Mr. Harlton each raise various allegations of misconduct by the other. They provided submissions about conduct at general meetings, the outcome of particular votes, funding of depreciation reports, and numerous other matters. I have

not addressed these matters unless they are directly related to a remedy requested by the strata.

Strata Council Validity

10. As noted above, the strata asks the CRT to confirm whether the strata council is legal. This request arises from disagreements between the parties about general meeting procedures in December 2022 and June 2023, and how many people may be on the council.
11. I make no findings about the validity of the strata council for 2 reasons.
12. First, a declaratory order is an order making a statement about the law, or some other topic. This would include a statement about whether a strata council is valid. The CRT has no authority to make declaratory orders in strata property disputes. Under CRTA section 123(1), the CRT may order a party to do or stop doing something, or pay money.
13. Second, due to the passage of time, I find the issue of the council's validity is moot. Mootness means there is no longer a "present live controversy" between the parties.
14. The parties' arguments about the council's validity refer to the council in July 2023, when the strata filed this dispute. The strata has presumably had 2 more council elections since this time. So, I find there is no useful purpose to deciding the validity of the 2023 council.
15. From the strata's submissions, it appears to be asking the CRT to provide legal opinions on various other issues, including whether advice from its strata manager and lawyer is valid, whether certain votes are valid, and whether a strata management proposal is valid.
16. The strata did not request these remedies in the Dispute Notice, so I find they are not properly before me to decide. Also, they would require declaratory orders, which as explained above, I cannot make. Finally, the strata is essentially seeking legal

opinions from the CRT. This is not part of the CRT's mandate. The strata may hire a lawyer to get the legal opinions it seeks. I make no findings about these matters.

Late Evidence

17. Mr. Harlton provided late evidence in this dispute, after the CRT's deadline for providing evidence had passed.
18. Having reviewed this evidence, I find it is not helpful or directly relevant in determining the issues I must decide in this dispute, as defined in paragraph 18 below. So, I place no weight on this evidence. For the same reason, I find it is not necessary to disclose the late evidence to the strata or give the strata an opportunity to respond to it.
19. Mr. Harlton also said he mailed a document to the CRT. It is not clear what this document is. However, since I find in favour of Mr. Harlton in this dispute, I find nothing turns on this document.
20. The strata said in its submissions that it had difficulty uploading evidence to the CRT's online portal. However, the strata did upload 23 evidence items. So, I infer that the strata was able to upload its evidence.

ISSUES

21. The issues in this dispute are:
 - a. Should I order Mr. Harlton to stop obstructing the strata council?
 - b. Should I order Mr. Harlton to return any keys?
 - c. Should I order Mr. Harlton to return any other strata property?

REASONS AND ANALYSIS

22. As applicant in this civil dispute, the strata must prove its 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.

Should I order Mr. Harlton to stop obstructing the strata council?

23. The strata alleges that Mr. Harlton has obstructed its efforts in various ways. However, even if those allegations are proved (which I have not decided), I would not make the requested order that Mr. Harlton stop obstructing council.
24. To be enforceable, a legal order must be entirely clear, and not capable of different interpretations. Whether an action is an “obstruction” can be interpreted different ways, depending on one’s perspective. So, I find an order to stop obstructing is too vague to be enforceable. For this reason, I do not make this order, and I dismiss this part of the strata’s claim.

Should I order Mr. Harlton to return any keys?

25. In the Dispute Notice, the strata says Mr. Harlton has keys to the common property storage lockers and most owners’ strata lots, plus master keys to the strata building. However, the strata provided no further submissions about keys, no proof that Mr. Harlton has these keys, and no evidence that it requested the keys’ return.
26. In other cases, like *The Owners, Strata Plan 302 v. Dyson*, 2020 BCCRT 59, the CRT has ordered former council members to return strata property after their council term ends. However, the strata did not establish what keys, if any, Mr. Harlton possesses and did not return. So, I make no order to return keys.

Should I order Mr. Harlton to return any other strata property?

27. In the Dispute Notice, the strata requests an order that Mr. Harlton return “all strata property”, including contracts and all other documents in his possession.
28. The strata did not specify what documents or other property Mr. Harlton possesses. It provided no further submissions on this issue, no proof that Mr. Harlton has strata property, and no evidence that the strata requested its return.

29. Also, the strata provided no evidence that it does not have copies of any of the documents allegedly in Mr. Harlton's possession. Under SPA section 36, Mr. Harlton is entitled to keep copies of certain strata documents.
30. For these reasons, I dismiss the strata's claim for return of documents and strata property.

CRT FEES AND EXPENSES

31. 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. The strata was unsuccessful, so I dismiss its claim for CRT fees. Mr. Harlton did not claim any dispute-related expenses or pay any CRT fees.
32. The strata must comply with SPA section 189.4, which includes not charging dispute-related expenses to Mr. Harlton.

ORDER

33. I dismiss the strata's claims.

Kate Campbell, Vice Chair