



Civil Resolution Tribunal

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Type: Strata

Civil Resolution Tribunal

Indexed as: *Young v. The Owners, Strata Plan VIS 6296*, 2025 BCCRT 1327

B E T W E E N :

JANNE MARY YOUNG

APPLICANT

A N D :

The Owners, Strata Plan VIS 6296

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Max Pappin

INTRODUCTION

1. The applicant, Janne Mary Young, owns a strata lot in the respondent strata corporation, The Owners, Strata Plan VIS 6296. I refer to the respondent as the strata. Ms. Young is self-represented. A strata council member represents the strata.

2. Ms. Young says that tennis courts near her strata lot were changed into pickleball courts. She alleges this was a significant change that required the owners' approval, but no vote was held. Ms. Young seeks an order that pickleball be stopped.
3. The strata says it did not unilaterally change the courts. It says a committee made up of representatives from 4 strata corporations, including the respondent strata, make decisions about the courts. So, the strata says that it does not have authority to stop pickleball from being played.
4. For reasons I will explain, I dismiss Ms. Young's claims.

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 section 121 of the *Civil Resolution Tribunal Act (CRTA)*. 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. Here, I find that I am properly able to assess and weigh the documentary evidence and submissions before me. Further, bearing in mind the CRT's mandate that includes proportionality and a speedy resolution of disputes, I find that an oral hearing is not necessary in the interests of justice and fairness.
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.

ISSUE

8. The issue in this dispute is whether the strata required owner approval to change the tennis courts into pickleball courts.

EVIDENCE AND ANALYSIS

9. In a civil proceeding like this one, Ms. Young, as the applicant, must prove her claims on a balance of probabilities, meaning more likely than not. I have read all the parties' submissions and evidence but refer only to the evidence and argument that I find necessary to explain my decision.

Background

10. The strata was created in 2007 under the *Strata Property Act* (SPA). It consists of 30 residential strata lots located in a single 5-storey building above an underground parking area.
11. Ms. Young alleges that in 2022, nearby tennis courts were changed into pickleball courts. She says that the "noise and vocals are a constant irritant". In her evidence, Ms. Young references SPA section 71, which says that a significant change to common property requires owner approval by means of a $\frac{3}{4}$ vote. I infer that Ms. Young argues that adapting the courts to allow pickleball was a significant change that required owner approval.
12. The strata says it has no authority over the courts. Rather, it says a separate committee has authority over the courts. In submissions, the strata explains that it entered into an agreement with 3 other strata corporations to share certain amenities. The 4 strata corporations agreed to create a committee to make and enforce rules about the shared amenities. The committee is called the Community Lands Committee (CLC) and has representatives from each strata corporation.
13. The strata says that the courts are "community land" so the CLC has authority to make decisions about the courts, not the strata. The strata provided a copy of a 2014 guideline document that identifies which shared amenities are classified as

“community land” and are under the CLC’s authority. The courts are included in this list. This document was signed by representatives from all 4 strata corporations, including the respondent strata. Section 9(2) of the strata’s bylaws says that the CLC exercises and performs the strata’s duties and responsibilities with respect to “community land”.

Did the strata require owner approval to change the tennis courts into pickleball courts?

14. Ms. Young provided a photo showing the distance from her strata lot to the courts. Ms. Young says that the distance from her unit to the courts is 88 feet. When compared to the strata plan, this distance suggested that the courts are not on the strata’s common property.
15. So, through CRT staff, I requested the adjacent strata corporation’s strata plan. That plan clearly shows that the courts are on the adjacent strata corporation’s common property. No portion of the courts are on the respondent strata’s common property.
16. SPA section 71 only requires an owners’ vote when a strata corporation wishes to significantly change common property. SPA defines “common property” as the land and building shown on the strata plan that is not part of a strata lot. The definition does not include land and buildings on other strata plans.
17. Here, the courts are on another strata corporation’s common property. So, I find that the respondent strata has no direct authority over the courts.
18. The only connection that the strata has to the courts is through the CLC. In evidence is a March 2022 letter from the strata to the CLC. In the letter, the strata raised concerns with the noise levels at the pickleball courts. The evidence also shows that the strata put forward a motion at a September 2022 CLC meeting requesting that owners be given an opportunity to vote to amend the permitted pickleball playing hours. This motion was defeated with all the other strata corporations voting against it.

19. So, I find the strata has taken steps to try and resolve Ms. Young's concerns about the courts. However, the other strata corporations on the CLC have opposed the strata's attempts. As this is an issue with the CLC and other strata corporations, I find there is no order that I can make against the strata that would resolve Ms. Young's complaints.
20. Based on the above, I dismiss Ms. Young's claim.
21. Ms. Young also claims \$50,000 for loss of property value due to pickleball play at the courts. Ms. Young did not provide any evidence to prove a loss in property value. Further, I have already found that the courts are not on the strata's common property, so the strata does not have direct authority over pickleball play on the courts. So, I dismiss this claim.
22. Nothing in this decision prevents Ms. Young from starting a claim against the other strata corporation alleging the pickleball courts create a nuisance. I make no comment on the merits of such a claim.

CRT FEES AND EXPENSES

23. Under section 49 of the CRTA, 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. Ms. Young was unsuccessful, so I dismiss her claim for CRT fees. The strata did not pay CRT fees or claim dispute-related expenses.
24. The strata must comply with section 189.4 of the SPA, which includes not charging dispute-related expenses against Ms. Young.

ORDERS

25. I dismiss Ms. Young's claims.

Max Pappin, Tribunal Member