

 **Strata Plan LMS3463 (Residential Section) v. Just George Cleaning and Maintenance Inc.**

British Columbia Judgments

British Columbia Provincial Court

M.F. Giardini Prov. Ct. J.

Heard: February 28, 2022.

Judgment: February 28, 2022.

File No.: 2169114

Registry: Vancouver

[2022] B.C.J. No. 577 | 2022 BCPC 55

Between Residential Section of The Owners, Strata Plan LMS3463, Claimant, and Just George Cleaning and Maintenance Inc., Klassen Technologies Inc., The Owners, Strata Plan LMS3463, Defendants

(58 paras.)

Case Summary

Damages — For torts — Affecting property — Personal property — Trespass or conversion — Application by Defendant for order dismissing Plaintiff's claim of trespass and conversion, allowed — Defendant was hired by Strata Corporation to enter limited common property without authorization and remove hardware and cameras — Plaintiff was residential section of that Strata Corporation and said Defendant did not take its permission — Defendant submitted dispute fell within Civil Resolution Tribunal's specialized jurisdiction with respect to Strata Corporations — Issues raised by Plaintiff were inextricably intertwined with questions relating to matters of Strata Corporation — It was in interests of justice and fairness for Tribunal to adjudicate claim

Application by Defendant for order dismissing Plaintiff's claim of trespass and conversion. Plaintiff was a Residential Section of the Owners of a Strata Corporation. Defendant was hired by the Strata Corporation to enter the limited common property without authorization and remove security cameras and other related hardware. Plaintiff filed a claim for damages against Defendant and two others. The allegation with respect to Defendant was that it was hired and directed by the Strata Corporation to change locks within the limited common property of the Strata Corporation and did so without authorization of Plaintiff. The claim was based on trespass and conversion. Plaintiff maintained that the Strata Corporation wrongfully converted the security cameras and related hardware. Further, it claimed that the Strata Corporation acted in contravention of the bylaws by causing the security cameras and related hardware to be removed. That equipment was not returned even though Plaintiff demanded its return. The Counsel for Defendant maintained that the true nature and substance of the dispute fell within the Civil Resolution Tribunal's specialized jurisdiction with respect to strata corporations. He stated that a number of issues raised by Plaintiff's claim required a review of the relationships of the three separate strata councils and an interpretation of the Strata Property Act and the Strata Corporation's bylaws. Plaintiff pointed out that there would be additional prejudice if the claim was dismissed. It submitted if the Civil Resolution Tribunal failed to adjudicate the case because it was above its monetary limit, it would have to reapply to the Provincial Court.

HELD: Application allowed.

The issues raised by Plaintiff were inextricably intertwined with the questions relating to the Strata Corporation's jurisdiction and authority, its bylaws, and the rights and responsibilities regarding common property and limited

common property. The claim should be heard at the Civil Resolution Tribunal. It was in the interests of justice and fairness for the Tribunal to adjudicate the claim.

Statutes, Regulations and Rules Cited:

Civil Resolution Tribunal Act, s. 2.1(b), s. 16.1(1), s. 121(1), s. 121(2)

Small Claims Act, s. 2, s. 3

Small Claims Rule, R. 16(6), R. 16(6)(a), R16(6)(o)

Counsel

Counsel for the Claimant: P. Furtula.

Counsel for the Defendant, Just George Cleaning and Maintenance Inc.: O. Li.

Appearing for the Defendant, Klassen Technologies Inc.: S. Klassen, Company Representative (For day of decision only).

Counsel for the Defendant, The Owners, Strata Plan LMS3463: K. Uppal (as Agent).

REASONS FOR JUDGMENT

M.F. GIARDINI PROV. CT. J.

Introduction

1 THE COURT: I will begin with an introduction. On February 1, 2022, Just George Cleaning and Maintenance, referred to as Just George Cleaning, filed an application for an order dismissing the claim against it filed by the Residential Section of the Owners, Strata Plan LMS3463, referred to as Residential Section. The claim filed by the Residential Section is reviewed below, but in summary, it is a claim against Just George Cleaning and two other defendants based on allegations of trespass and conversion.

2 I will next address the original claim and replies filed in the Small Claims Registry.

The Claim of the Residential Section

3 The claimant, the Residential Section, filed a notice of claim on May 20, 2021, against three defendants. The Residential Section claimed general damages of \$10,000, special damages of \$15,000, and punitive/aggravated damages of \$10,000 for a total claim of \$35,000. The specific issues raised by the Residential Section relate to security cameras and related hardware which it says were located on limited common property, which was designated for the exclusive use of the Residential Section strata lots.

4 The claim alleges that the defendant, the Owners of Strata Plan LMS3463, referred to as the Strata Corporation, hired and directed the other two defendants, namely, Klassen Technologies Inc., referred to as Klassen Technologies, and Just George Cleaning, to enter onto the limited common property.

5 I am going to pause for a moment, since I have been interrupted already, to note, as I did the other day when you folks made your application, that no recording is allowed and, if you want a copy of my ruling, you will have to get it by making an application to JC Word in the normal course.

6 The specific allegation is that Klassen Technologies was hired and directed either by the Strata Corporation or the property management company or Just George Cleaning to remove security cameras and related hardware from a location on the limited common property without authorization. The allegation with respect to Just George Cleaning is that it was hired and directed by the Strata Corporation to change locks within the Residential Section's limited common property and did so without authorization from the Residential Section.

7 The Residential Section alleges that all three defendants entered onto the limited common property of the Residential Section without authorization on three occasions, namely, November 27, December 2, December 14, 2020. It also suggests that there may have been other days. However, on those three days when the defendants entered without authorization, they did so to change the locks on the doors and to remove security cameras and related hardware from the Residential Section's limited common property. The Residential Section says the defendants had been advised by it that they were not authorized to do so.

8 The Residential Section's claim is based on trespass and conversion. The Residential Section maintains that the defendant, the Strata Corporation, wrongfully converted the security cameras and related hardware. Further, the Residential Section claims that the Strata Corporation acted in contravention of the bylaws by causing the security cameras and related hardware to be removed. That equipment was not returned even though the Residential Section demanded its return.

9 The Residential Section represents the individuals who make up the Residential Section's strata council and the owners of all residential strata lots. The issue it raises relates to limited common property which it claims falls under its control by virtue of Bylaw 1.1.

The Reply of The Strata Corporation

10 Next, I turn to the reply of the Strata Corporation. The defendant, the Strata Corporation, filed a reply on June 11, 2021. The reply provided a standard denial of each and every allegation. The Strata Corporation claims that the security cameras and related hardware, which were removed and which led to the claim by the Residential Section, were installed and used jointly by residential and commercial section owners. Moreover, the Strata Corporation asserts that the security cameras and related hardware were installed at the time the development was constructed.

11 The Strata Corporation expressly denies that the security cameras and related hardware, which were located in whole or in part on common property, were designated for the exclusive use of the Residential Section. Moreover, the Strata Corporation claims that the security cameras and related hardware were not necessarily the property of the Residential Section. The Strata Corporation specifically denies that it trespassed onto the limited common property and that security cameras and related hardware were wrongfully converted.

The Reply of Just George Cleaning

12 The defendant, Just George Cleaning, replied on July 12, 2021. It denies each and every allegation of fact contained in the notice of claim. Just George Cleaning provides cleaning services at the building called The Centro, I am not sure of the pronunciation, which comprises Strata Plan LMS3463. Just George Cleaning notes that The Centro is made up of a residential section and a commercial section. Separate strata councils represent the residential section and the commercial section.

13 Just George Cleaning says that it performed services at the direction of the Strata Corporation or FirstService Residential, which I understand is a management company that is agent for the Strata Corporation. Just George Cleaning denies that it owes and/or breached any duty to the Residential Section in any respect. Moreover, it denies that it trespassed on the property of the Residential Section and that the Residential Section sustained any loss, damage, or expense. Just George Cleaning also alleges that the Strata Corporation owned the security cameras and related hardware. It also claims that the Residential Section wrongfully changed the locks of the office where security cameras and related hardware were located.

14 Additionally, Just George Cleaning raises the issue whether this court has jurisdiction to hear the matter. In its reply, it notes that, pursuant to the *Civil Resolution Tribunal Act*, it is the Civil Resolution Tribunal, not the Provincial Court of British Columbia, which has jurisdiction over this specific matter. In particular, Just George Cleaning maintains that the Civil Resolution Tribunal has exclusive jurisdiction over strata property, and that includes decisions made by a strata corporation including the council and/or agents with delegated authorities, such as a property management company.

The Reply of Klassen Technologies Inc.

15 Klassen Technologies filed a short *pro forma* reply. That reply asserts that Klassen Technologies was hired by FirstService Residential to relocate a CCTV system video-recorder and fob access control system computer from a ground-floor office to the building communications room at P1, which suggests it was in an underground parking area. Klassen Technologies states it does not understand the claim. It maintains that the communications room is a common area room and that all stratas should have access to that location and the equipment. Klassen Technologies disagrees with every damage claim and maintains that no damage was caused. It also maintains it should not be sued for doing the job it was hired to do.

Application to Dismiss

16 I now turn to the application by Just George Cleaning for dismissal of the claim. On February 1, 2022, Just George Cleaning filed an application asking that the claim of the Residential Section be dismissed. It did so on the basis that the claim filed in the Small Claims Court discloses a cause of action arising from a decision of the Strata Corporation. Therefore, the claim falls exclusively within the jurisdiction of the Civil Resolution Tribunal.

Position of Just George Cleaning on Application to Dismiss

17 Just George Cleaning filed an affidavit of the sole director and shareholder of Just George Cleaning as well as other supporting materials. The director attests that her company, Just George Cleaning, entered into a contract with the Strata Corporation. The contract was for one year and was renewed from time to time. The contract was attached to the materials filed with this Court by Just George Cleaning. It is not clear from the contract filed whether Just George Cleaning also provides services to the owners of strata lots represented by the Residential Section.

18 In any event, it is clear from the materials provided on this application that Just George Cleaning, through its director, and the defendant, Klassen Technologies, were involved in gaining access to an office and moving certain equipment from that office to another location. Just George Cleaning asserts that the background to the claim in this case arose out of a dispute between the Residential Section and the commercial section and the Strata Corporation. It maintains that Just George Cleaning proceeded under directions from the Strata Corporation or the management company to move security and other equipment from an office to another office located in the underground parking lot.

19 Just George Cleaning submits that the issues in dispute relate to which strata council holds the authority to control and make decisions over the office and the security equipment contained in it. Accordingly, it maintains the dispute in question arises out of Strata Corporation governance issues. It relies on a letter sent by the Residential Section to Steve Maddess at FirstService Residential, a property management company that represents the Strata Corporation.

20 Counsel for Just George Cleaning maintains that the true nature and substance of the dispute falls within the Civil Resolution Tribunal's specialized jurisdiction with respect to strata corporations. He says that a number of issues raised by the Residential Section's claim require a review of the relationships of the three separate strata councils and an interpretation of the *Strata Property Act* and the Strata Corporation's bylaws.

21 Counsel for Just George Cleaning submits that the Civil Resolution Tribunal has specialized expertise over the

strata management decisions. He points to the *Civil Resolution Tribunal Act* s. 2.1(b) which provides that the Civil Resolution Tribunal may adjudicate claims in relation to the *Strata Property Act*. He also relies on the definition in s. 1(4) which provides that the Civil Resolution Tribunal is considered to have special expertise in respect to a claim category that falls under Part 10, Division 4, of the *Strata Property Act*.

22 Counsel for Just George Cleaning also points to s. 121(1) of the *Civil Resolution Tribunal Act*, in particular subsections (a) and (b) which provide that the Civil Resolution Tribunal has jurisdiction over a claim in respect of the *Strata Property Act* concerning the interpretation of that Act or a regulation, bylaw, or rule under that Act and also concerning common property or common assets of a strata corporation.

23 Counsel for Just George Cleaning submits that this Court must dismiss the proceedings in circumstances where the Civil Resolution Tribunal has specialized expertise. In this regard, Just George Cleaning relies on s. 16.1(1) of the *Civil Resolution Tribunal Act* which provides that a court which deals with the bringing or continuation of a claim must stay or dismiss certain proceedings if the court determines that "all matters are within the jurisdiction of the tribunal."

24 One of the instances in which a court must do so is in the case of a claim in respect of which the Civil Resolution Tribunal is considered to have specialized expertise. The only exception is if it is not in the interests of justice and fairness for the Tribunal to adjudicate the claim. Another instance where a court must dismiss a matter is in any other case as the court considers appropriate, unless it is not in the interests of justice and fairness for the Tribunal to adjudicate the claim.

25 Just George Cleaning submits there are no relevant facts before this Court which support any reason why it is not in the interests of justice and fairness for the Civil Resolution Tribunal to adjudicate the claim in the instant matter. Counsel for Just George Cleaning also relies on the Small Claims Rule 16(6)(o) which provides that, after a hearing, a judge may make any order which he or she has the power to make and notice of which is served on another party.

26 He also relies on the decision of *Gill v. Posthuma*, [2020 BCPC 190](#), where Judge Wilson Lee of the Provincial Court noted that caselaw also supports the authority of a Provincial Court judge to hear an application to dismiss a claim prior to or following a settlement conference. Further, counsel for Just George Cleaning relies on the case of *Lura v. Jazz Forest Products*, [2014 BCPC 14](#), where the court said it may use its power for summary determination where it is clear from a proper application of the law what the result will be. This rule has been applied where the court lacks jurisdiction over the subject matter of the claim and in other cases where strata claims have been brought before the Small Claims Court.

27 In this regard, counsel relies on an unreported decision, *Anshu Prasad v. The Owners, Strata Plan LMS2122 and FirstService Residential BC Ltd.* where a unit owner disputed the strata council's decision to install cameras in the common areas of the strata. Judge Brownstone of the Provincial Court ordered a stay of proceedings. Regrettably, the materials forwarded to this Court regarding that recent ruling are simply the application and an application record/order. These materials do not provide any meaningful judicial analysis of the jurisdiction issue. They simply confirm that the claim was stayed. As such, their precedential value on this application is trifling at best.

Position of The Residential Section

28 I now turn to the position of the Residential Section. Counsel for the Residential Section submits that the focus of Just George Cleaning on general governance matters and, in particular, on a letter sent by counsel for the Residential Section to the attention of the management company has no relevance to the claim currently before this Court. The Residential Section acknowledges that there are internal issues regarding the Strata Corporation and its relationship with the Residential Section. However, the Residential Section submits that this had nothing to do with the actions of the two defendants, namely, Just George Cleaning and Klassen Technologies.

29 The Residential Section argues that the issues with respect to those two defendants pertain to trespass on

limited common property, which falls under the control and responsibility of the Residential Section and conversion of surveillance cameras and related equipment, which were purchased by the Residential Section. The Residential Section maintains that none of the defendants had authorization to be on the limited common property or to deal with the security cameras and related hardware.

30 The Residential Section also raises issues about the monetary limit of the Civil Resolution Tribunal for claims such as trespass and conversion. It submits that the limit is \$5,000 because these are matters that, absent the *Civil Resolution Tribunal Act*, would fall within the jurisdiction of the Small Claims Court as long as they were within its monetary jurisdiction. The Residential Section notes that the claim it advances against the defendants is well in excess of \$5,000. Therefore, it would be prejudiced in its ability to pursue full recovery for damages it has sustained.

31 Additionally, the Residential Section points out that there would be additional prejudice if this Court were to dismiss the claim as requested by Just George Cleaning. If the Civil Resolution Tribunal fails to adjudicate the case because it is above its monetary limit, the Residential Section is concerned that it would then have to reapply to the Provincial Court.

Position of the Strata Corporation

32 Counsel for the Strata Corporation who appeared as counsel and as agent for the Strata Corporation took no position on the present application.

Position of Klassen Technologies

33 Klassen Technologies did not attend the hearing of the application and thus made no submissions.

Applicable Legal Principles

34 I now turn to applicable legal principles. First, I will deal with the Civil Resolution Tribunal. In the decision of *The Owners, Strata Plan BCS 1721 v. Watson*, [2018 BCSC 164](#), the court summarized the general purpose of the Civil Resolution Tribunal and, as well, made other observations, which I will paraphrase. The mandate of the Civil Resolution Tribunal, which is an online tribunal, is to provide dispute resolution services within its jurisdiction in a way that are accessible, speedy, economical, informal, and flexible. The Tribunal uses electronic communication tools to facilitate dispute resolution and encourages the resolution of disputes by agreement between the parties.

35 The court went on to say that the Civil Resolution Tribunal's online processes and emphasis on facilitated dispute resolution are intended to provide the parties with a quick and less expensive form of decision-making than an adjudication in the Supreme Court. In *Yas v. Pope*, [2018 BCSC 282](#), the court noted that the *Civil Resolution Tribunal Act* directs most strata disputes from the courts to specialized adjudicators with the Civil Resolution Tribunal.

36 Of relevance to the dispute before this Court is the fact that, pursuant to s. 121(2) of the *Civil Resolution Tribunal Act*, the Tribunal is, for the purposes of that Act, considered to have specialized expertise in respect of claims within the jurisdiction of the Tribunal under Part 10, Division 4, of that Act, which specifically deals with strata property claims. The Tribunal has a statutorily limited jurisdiction with respect to the amount of a claim. The amounts vary depending on the nature of the claim and are set by regulation. On Tribunal small claims matters, the amount of the monetary jurisdiction is \$5,000. On accident claims for fault and damages, it is \$50,000. However, on strata property claims, there is no set monetary limit. This has been specifically noted in several cases including *Yas v. Pope* and *Downing v. Strata Plan VR2356*, [2019 BCSC 1745](#).

37 I next turn to this Court's authority to dismiss before a settlement conference. The Provincial Court of British Columbia is a statutory court created by the Legislature of British Columbia. It hears matters pertaining to criminal,

civil, family, youth, and traffic and bylaw matters. The Provincial Court of British Columbia is one of two trial courts in the province. The other trial court is the Supreme Court of British Columbia.

38 Section 3 of the *Small Claims Act* provides that the jurisdiction of the Provincial Court on civil matters is for claims for debts or damages, recovery of personal property, specific performance of an agreement relating to personal property or services, or relief from opposing claims to personal property. The current monetary jurisdiction of the Provincial Court in civil matters is \$35,000. The overriding purpose of the Small Claims Division of the court is set out in s. 2 of the *Small Claims Act*, namely, to resolve disputes in a "just, speedy, inexpensive and simply manner."

39 I now wish to briefly review this Court's authority to hear an application to dismiss a matter before a settlement conference. Under Small Claims Rule 16(6), a judge may make an order after a hearing. Moreover, under Rule 16(6)(a), a judge has the authority to make any order that a judge has power to make and notice of which is served on another party. In *Jazz Forest Products*, Judge Skilnick reviewed a judge's power to make an order which essentially resulted in giving summary judgment before the parties had a settlement conference. He noted that the Small Claims Rules do not contain a provision like Rule 18A of the Supreme Court Rules, which allows for summary judgment on written materials. However, he also considered Rule 16(6)(o).

40 Citing other cases decided in Provincial Court, Judge Skilnick found that the jurisprudence was clear that the proper time to bring such an application is at the settlement conference. He noted that a claim to dismiss prior to a trial is a drastic remedy and one that should only be used in the clearest of cases. He also noted that summary determination of a claim is a remedy which should only be used where it is clear what the result will be from the facts, which are not in issue, or from a proper application of the law, or from a combination of the two.

41 He gave a non-exhaustive list of some of the more common situations where the rule has been applied. Those situations include a claim that is statute-barred or precluded by a limitation period, a claim where the court lacks jurisdiction over the subject matter of the claim, and certain claims against strata corporations.

42 Judge Skilnick concluded that while applications for summary determination should generally be brought before the settlement conference judge, he nevertheless would exercise his discretion to rule on the application for summary judgment in the matter before him. He did so in order to spare the parties the costs of re-arguing the issue in front of the settlement conference judge and, in that way, to cut down on the expense of the proceedings. In that case, Judge Skilnick ruled that the matter was not appropriate for summary judgment and dismissed the claimant's application.

43 Judge Skilnick reviewed those principles in a more recent case, *Chefs Secret Service Inc. v. Greyell*, [2021 BCPC 42](#) [sic]. In that case, he restated the basis on which summary determination before the trial might be appropriate:

The law concerning dismissal of a Claim prior to trial has been the subject of a number of decisions of this Court. There are two core principles which apply to such an application:

1. Dismissal of a claim at or before a settlement conference has been held is a remedy to be used sparingly and only in clear cases.
2. Where a Judge of this Court is satisfied that a claim is without reasonable grounds, discloses no triable issue, seeks a remedy that the Court is not empowered to grant, or is otherwise found to be frivolous or an abuse of the Court's process, the claim should be dismissed prior to trial.

44 In that case, Judge Skilnick again decided that dismissal was not appropriate because the issues raised could not be dealt with summarily, also see *Gill v. Posthuma*, *Schiller v. Northern Health Authority*, [2019 BCPC 60](#), and *Hoban Construction v. SMS Equipment Limited*, [2018 BCPC 261](#).

45 I am satisfied that I have the jurisdiction to consider the application before me to dismiss a claim even though the application is brought before a settlement conference has taken place. I therefore need to consider whether it is

appropriate in the circumstances of the case before this Court to dismiss the claim filed by the Residential Section, for want of jurisdiction.

Analysis

46 I now turn to my analysis. Counsel for Just George Cleaning submits that the true nature and substance of the dispute before this Court falls within the Civil Resolution Tribunal's specialized jurisdiction with respect to strata corporations. In particular, he submits that a number of the issues raised by the Residential Section's claim arise out of the relationship of separate strata councils and the Strata Corporation. He submits that a resolution of the dispute at trial will involve an interpretation of the *Strata Property Act* and the Strata Corporation's Bylaws.

47 Counsel for Just George Cleaning relies on s. 121(1) of the *Civil Resolution Tribunal Act*. That section is found at Part 10 of that Act. It deals with the Tribunal's jurisdiction. Under Division 4 of Part 10, strata property claims are specifically addressed. Section 121(1) falls under those jurisdictional provisions relating to strata property claims. In particular, Just George Cleaning relies on the following:

- (a) the interpretation or application of the Strata Property Act or a regulation, bylaw or rule under that Act; [and]
- (b) the common property or common assets of [the] strata corporation ...

48 To that, I add subsection (e):

... an action or threatened action by a strata corporation, including the council, in relation to an owner or tenant ...

I appreciate that the wording in the Act is in the singular and not the plural. However, my common-sense interpretation of that subsection is that it would also apply to an action or threatened action by a strata corporation against a group of owners or tenants. In this case, the group of the residential strata lot owners is represented by the Residential Section.

49 In this case, I find that the issues raised by the Residential Section, although couched as a claim for trespass and conversion, are inextricably intertwined with the questions relating to the Strata Corporation's jurisdiction and authority, the bylaws of the Strata Corporation, and the rights and responsibilities regarding common property and limited common property of the Residential Section and the Strata Corporation.

50 The claims filed with this Court are framed as pertaining to trespass and conversion. However, they stem from a dispute about whether the security cameras and related hardware were stored in a location to which Just George Cleaning could be given authorized access by the Strata Corporation. The Residential Section alleges that entry into the area where the security cameras and related hardware were located was unauthorized. The Residential Section also alleges that the equipment, which was kept in that area and subsequently moved, was owned by them and not by the Strata Corporation.

51 A close consideration of the various issues relating to the civil claim filed by the Residential Section makes it clear that a consideration of whether trespass and/or conversion occurred will require an assessment of the relationships among all of the parties including, but not limited to, the powers and authority of the Strata Corporation, the power and authority of the Residential Section, as well as any relevant bylaws that apply in the particular circumstances that led to this dispute.

52 In reaching a conclusion, I also considered s. 16.1(1) of the *Civil Resolution Tribunal Act*. That section provides that the court must determine whether "all matters" are within the jurisdiction of the Tribunal, in which case, a court must dismiss the proceeding.

53 In the *Downing* case, the individual petitioner who was the owner of a strata lot, argued that the Supreme Court of British Columbia could only dismiss the proceedings before it in favour of resolution by the Civil Resolution

Tribunal if the court determined that all matters were within the jurisdiction of the Tribunal. Justice Crerar rejected that argument, noting that:

... at its core, this dispute concerns the strata corporation's powers and duties to enter, inspect, maintain, and repair strata property. This falls firmly within the specialized expertise and jurisdiction granted to the [Civil Resolution Tribunal] under s.121(1), and specifically under paragraphs (a), (e), and (f).

54 In *Downing*, the court dealt with several other arguments advanced by the petitioner in that case, namely, (a) that the decision was of great importance not only to the petitioner, but other strata owners in the complex; (b) that the trespass in that case (entry was to the inside of a condo unit) was serious in nature; (c) that the Civil Resolution Tribunal essentially was limited in the amount it could award; and (d) that the evidence was potentially quite complex. Judge Crerar considered those points, but was not persuaded that they were significant enough to find that fairness and justice demanded that the dispute remain in the Supreme Court of British Columbia. He concluded that the issues fell squarely within the Civil Resolution Tribunal's statutorily recognized area of expertise and would likely turn entirely or substantially on the interpretation of the *Strata Property Act*. He also noted that the dispute would largely turn on the individual facts of that case.

55 While only some of the above-noted points were argued before me, as in the *Downing* case, I find that the issues which the Residential Section raises, namely, the monetary limit and its inability to perhaps be able to claim for recovery for damages it has sustained, as well as the prejudice that might result if the matter is not resolved at the Civil Resolution Tribunal and it would have to reapply to Provincial Court, are not sufficient for me to conclude that it is not in the interests of justice and fairness for the Tribunal to adjudicate this particular claim. Accordingly, I find that this matter should be dismissed under s. 16.1(1)(b) on the basis that the Civil Resolution Tribunal is considered to have specialized expertise.

56 In reaching this conclusion, I am not deciding whether the Civil Resolution Tribunal has exclusive jurisdiction to deal with matters such as the torts of trespass and conversion simply because those causes of action occurred on strata property. However, given the background information provided in the materials accompanying this application, I conclude on the facts of this specific case that the dispute, at its core, concerns matters which clearly involve the Strata Corporation and the Residential Section, which is a strata council, and the bylaws at the Centro complex.

Summary

57 Having heard the submissions of the parties, except the Strata Corporation which took no position and Klassen Technologies which did not attend the hearing of the application, I am satisfied that the claim in this matter should be heard at the Civil Resolution Tribunal. I cannot conclude in the circumstances of this case that it is not in the interests of justice and fairness for the Tribunal to adjudicate the claim. Accordingly, the application of Just George Cleaning is granted. The claim filed by the Residential Section is dismissed as the Tribunal has jurisdiction over this claim. I decline the applicant's request for costs.

58 Those are my reasons. If a transcript is ordered, I retain the right to make any minor grammatical, formatting, and any changes and I will definitely double-check the citations. So, if I have made an error with the citations, I will correct that, as well, but this is my oral ruling so we are finished for the day.

(REASONS CONCLUDED)