



# Civil Resolution Tribunal

Date Issued: February 23, 2024

File: SC-2023-004651

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *KL v. JL*, 2024 BCCRT 175

BETWEEN:

KL

**APPLICANT**

AND:

JL

**RESPONDENT**

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## REASONS FOR SUMMARY DECISION

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Tribunal Member:

Andrea Ritchie, Vice Chair

## INTRODUCTION

1. This is a summary decision of the Civil Resolution Tribunal (CRT). The underlying dispute is about compliance with a court order. The applicant, KL, and the respondent, JL, are former spouses. The applicant says the respondent failed to comply with a court order in relation to a family law matter. As a result, the applicant says they incurred unnecessary costs and seeks a total of \$3,000 including \$1,500 for parenting coordinator fees, \$1,000 for stress, and \$500 for time off work.

2. The respondent says this matter has been dealt with by the parenting coordinator and family court, and that the applicant caused the increased costs. I infer the respondent asks that I dismiss the applicant's claim.
3. The parties are each self-represented.
4. In the published version of this decision, I have anonymized the parties' names to protect the identity of a non-party minor child.

## **JURISDICTION AND PROCEDURE**

5. These are the CRT's formal written reasons. The CRT has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act* (CRTA). Section 2 of the CRTA states that 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 parties to a dispute that will likely continue after the dispute resolution process has ended.
6. Section 39 of the CRTA says that 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.
7. Section 42 of the CRTA says that the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in court. The CRT may also ask questions of the parties and witnesses and inform itself in any other way it considers appropriate.
8. Under section 10 of the CRTA, the CRT must refuse to resolve a claim that is outside its jurisdiction. The CRT may also refuse to resolve a dispute that is within its

jurisdiction, if it would be more appropriately resolved in another legally binding or dispute resolution process, under CRTA section 11(1)(a).

## **ISSUE**

9. The issue in this summary decision is whether I should refuse to resolve this dispute because it is outside the CRT's jurisdiction or would be more appropriately resolved by another legally binding process.

## **EVIDENCE AND ANALYSIS**

10. In a civil claim such as this, the applicant must prove their claims on a balance of probabilities (meaning "more likely than not"). While I have read all of the parties' submitted evidence and arguments, I have only addressed those necessary to explain my decision. The respondent did not provide any documentary evidence, despite the opportunity to do so.
11. The basis of this dispute is that the applicant says the respondent was under court order to sign a passport application for the parties' child, and lied about doing so. As a result of the respondent's alleged breach of the court order, the applicant says they suffered unnecessary parenting coordinator fees, stress, and time off work.
12. The respondent says they complied with the court order, as required. The respondent also says the parenting coordinator found there was no basis for the applicant's allegations that the respondent did not comply with the order, and reallocated their fees so the majority had to be paid by the applicant.
13. I find the applicant's claim in this CRT dispute is that the respondent breached or failed to comply with the BC Provincial Court order. The CRT has no jurisdiction to enforce a BC Provincial Court order. Only the courts have authority to enforce their orders. I find this includes ordering either party to compensate the other for any such breaches.

14. On balance, I refuse to resolve this dispute under CRTA sections 10 and 11(1)(a), as I find the CRT has no jurisdiction to enforce a court order and because the BC Provincial Court is a more appropriate venue for the applicant's claim. For clarity, I make no findings on the merits of the applicant's claim.

## **ORDER**

15. Under CRTA sections 10 and 11(1)(a), I refuse to resolve the applicant's claims.

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Andrea Ritchie, Vice Chair