



# Civil Resolution Tribunal

Date Issued: August 23, 2024

File: SC-2023-011633

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Rousseau v. 0804036 B.C. Ltd*, 2024 BCCRT 765

B E T W E E N :

BRITTANY ROUSSEAU and PATRICK HOLMES

**APPLICANTS**

A N D :

0804036 B.C. LTD and MELANIE MOORE

**RESPONDENTS**

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## FINAL DECISION

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Tribunal Member:

Christopher C. Rivers, Vice Chair

Date of Hearing:

August 9, 2024

## DECISION

1. This dispute was about custom marble installations. Brittany Rousseau and Patrick Holmes claimed \$3,530.25 from 0804036 B.C. Ltd, which does business as Timeless

Stone and Granite, and its president, Melanie Moore. The applicants argued that the respondents did not meet the industry standard in preparing the marble for installation and it was unusable. They say they are entitled to a return of their \$2,250 deposit, as well as the difference in cost of installing quartz in lieu. The corporate respondent said it provided services as required under the parties' agreement. Ms. Moore said the contract was with the corporation. Ms. Rousseau represented the applicants and Ms. Moore represented the respondents.

2. The Civil Resolution Tribunal (CRT) has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act* (CRTA). CRTA section 39 says the CRT has discretion to decide the hearing's format. The parties agreed to participate in a mediation-arbitration via videoconference, which took place on August 9, 2024. They did not settle their dispute during mediation, so I converted the mediation to an oral hearing and made a final decision. I provided my decision orally, with reasons, that day.
3. Section 46(3) says that when the CRT gives oral reasons, it only needs to produce formal written reasons if a party requests them. Despite having the opportunity to do so, the parties did not request formal written reasons. CRTA section 85(1) requires the CRT to publish all final decisions but does not require the CRT to publish a record of oral reasons. So, this final decision does not include my reasons.
4. I found in favour of the applicants but dismissed their claim against the respondent Melanie Moore. I ordered the respondent corporation, 0804036 B.C. Ltd., to pay the applicants a total of \$2,449.78, broken down as \$2,250 for the return of a deposit, and \$199.78 in pre-judgment interest, within 21 days of my decision.
5. The applicants are entitled to post-judgment interest, as applicable.

6. This is a validated decision and order. Under CRTA section 58.1, a validated copy of the CRT's order can be enforced through the Provincial Court of British Columbia. Once filed, a CRT order has the same force and effect as an order of the Provincial Court of British Columbia.

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Christopher C. Rivers, Vice Chair