



Civil Resolution Tribunal

Date Issued: August 30, 2024

File: SC-2023-011728

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Houle v. Alpha Auto Access Ltd.*, 2024 BCCRT 816

B E T W E E N :

ELIZABETH JACQUELINE HOULE

APPLICANT

A N D :

ALPHA AUTO ACCESS LTD.

RESPONDENT

FINAL DECISION

Tribunal Member:

Christopher C. Rivers, Vice Chair

Date of Hearing:

August 20, 2024

DECISION

1. This dispute was about responsibility for repair costs for a used Mazda M5. Elizabeth Jacqueline Houle claimed \$5,000 from Alpha Auto Access Ltd. The

applicant argued that the respondent was responsible for repairs to the Mazda under the respondent's warranty. She provided evidence of damages in excess of \$5,000, but limited her claim to the Civil Resolution Tribunal's (CRT) small claims limit of \$5,000. The respondent said it was not responsible for the cost of repairs and that the warranty did not apply. The applicant was self-represented. Mykhalio Tkachenko represented the respondent.

2. The 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 20, 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 partially in favour of the applicant. I ordered the respondent, within 21 days of my decision, to pay the applicant a total of \$1,029.56, broken down as \$951.83 in damages, \$15.23 in pre-judgment interest, and \$62.50 in CRT fees. The applicant is entitled to post-judgment interest, as applicable.

5. 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.

Christopher C. Rivers, Vice Chair