



Civil Resolution Tribunal

Date Issued: September 5, 2024

File: SC-2023-011058

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Ezeodili v. Albasha*, 2024 BCCRT 836

B E T W E E N :

JOSEPH EKENECHUKWU EZEODILI

APPLICANT

A N D :

BAHAAEDDEEN ALBASHA

RESPONDENT

FINAL DECISION

Tribunal Member:

Sarah Orr

Date of Hearing:

August 27, 2024

INTRODUCTION

1. This dispute was about the purchase of a used vehicle. Joseph Ekechukwu Ezeodili purchased a used vehicle from Bahaaeddeen Albasha through a payment

plan. After Mr. Ezeodili had partially paid for the vehicle, it was taken from his property, and Mr. Albasha later took possession of it. Mr. Ezeodili claimed \$4,500 as a refund of the payments he says he made towards purchasing the vehicle, plus the return of his personal property that he says was in the vehicle. Mr. Albasha argued that Mr. Ezeodili breached their agreement by failing to make monthly payments, so he was entitled to keep the vehicle. Both parties were self-represented.

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 format of the hearing. The parties agreed to participate in a mediation-arbitration via videoconference, which took place on August 27, 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. The CRT gave the parties seven days to request formal written reasons, and neither party did so. So, I have not prepared 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. On August 27, 2024, I made the following orders as part of my oral decision:
 - a. Within 14 days of my oral decision, I order Mr. Albasha to make Mr. Ezeodili's documents, clothing, and any other of his personal property that was in the vehicle that Mr. Albasha now has in his possession available for pickup by Mr. Ezeodili, or someone Mr. Ezeodili has designated in writing to pick up on his behalf, at Mr. Albasha's address indicated on the Dispute Notice, or another mutually agreeable location, on 3 days' notice.
 - b. Within 14 days of the date of this decision, I order Mr. Albasha to pay Mr. Ezeodili a total of \$3,251.50, broken down as follows:

- i. \$3,000 as a partial refund,
 - ii. \$126.50 in pre-judgment interest under the *Court Order Interest Act*, and
 - iii. \$125 in CRT fees.
5. Mr. Ezeodili is entitled to post-judgment interest, as applicable.
6. This is a validated decision and order. Under section 58.1 of the CRTA, 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.

Sarah Orr, Tribunal Member