

Ministry of Justice, Economy Sector, Families Sector, Cariboo Chilcotin Coast Region, Kootenay Rockies Region, Northern B.C. Region, Provincewide, Thompson / Okanagan Region, Vancouver Coast & Mountains Region, Vancouver Island / Coast Region

Online civil dispute tools to save time, money

<http://www.newsroom.gov.bc.ca/2012/05/online-civil-dispute-tools-to-save-time-money.html>

Monday, May 7, 2012 2:02 PM

VICTORIA - B.C. plans to create the first-ever tribunal in Canada that offers a full array of online tools to allow British Columbians to solve common strata and small civil claims outside of courts, Minister of Justice and Attorney General Shirley Bond announced.

If passed, the Civil Resolution Tribunal Act will create an independent tribunal offering 24/7 online dispute resolution tools to families and small business owners as a speedy and cost-effective alternative to going to court. The tribunal would address disputes by providing parties with information that may prevent disputes from growing and resolve disputes by consent or, where necessary, by an independent tribunal hearing. Resolving a dispute through the tribunal is expected to take about 60 days, compared to 12 to 18 months for small claims court.

Giving families alternatives to seeking solutions in court is among the B.C. government's justice reform initiatives to achieve efficiencies and deal with growing resource pressures. The February 2012 Green Paper, Modernizing British Columbia's Justice System, identified tribunals as a simple and less expensive solution to easing delays in the court system.

Quote:

Minister of Justice and Attorney General Shirley Bond -

"Both individuals and business owners will find this a convenient and affordable way of reaching agreements. Few people want to go to court to solve a legal dispute, which can be costly, intimidating and time consuming. A tribunal offers an innovative alternative to settling a dispute in a faster, more amicable way."

Quick Facts:

- The new service is the first of its kind in Canada and is expected to be in place by 2013-14. It will use mainly online web technologies, with some assistance by phone or mail.
- Tribunal fees would be less than small claims court and overall costs significantly less than court proceedings because the legal resources used would be proportionate to the dispute's complexity.
- Final decisions and tribunal orders could be enforced by filing them with the Provincial or Supreme Court.
- Today's legislation aligns with an international trend towards using tribunals, mediation and other dispute resolution models to reduce reliance on adversarial styles of litigation.

Learn More:

Information on the tribunal:

www.ag.gov.bc.ca/legislation/civil-resolution-tribunal-act/index.htm (<http://www.ag.gov.bc.ca/legislation/civil-resolution-tribunal-act/index.htm>)

Information on strata property and the tribunal: www.housing.gov.bc.ca/strata (<http://www.housing.gov.bc.ca/strata>)

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BACKGROUND

Online dispute resolution explained

Resolving disputes in less adversarial ways benefits people who see each other regularly, such as neighbours in strata properties. For rural British Columbians, the online tribunal would reduce legal fees and travel costs. In addition, families who need child care, newcomers with limited English and business owners who want convenient and quick solutions would also benefit from the anytime, anywhere services.

Civil Resolution Tribunal:

- The service would use proven online technologies and be voluntary, except for strata corporations, which could be compelled to participate for certain strata disputes. Once online dispute resolution is started, ongoing participation would be mandatory until a voluntary or binding settlement was reached.
- The service would have four stages, with participants progressing to the next stage only if they were unable to reach agreement:
 - The first phase would be an interactive dispute resolution guide, with information, tips and templates to help the parties reach a settlement.
 - Stage two would be party-to-party negotiations, using online tools to make contact and exchange information. The tribunal would monitor and intervene in the discussions if necessary.
 - Stage three would involve a case manager, who would contact the parties by phone or online to discuss the issues and attempt a facilitated settlement.
 - If that failed, the final stage would be a tribunal hearing. A tribunal member would discuss the issues with the parties online, by phone, videoconference or occasionally in person and give a binding decision on the dispute.
- Tribunal members would be subject experts in the disputes they hear and be selected based on merit. Members would be appointed by cabinet.
- Several Australian states have mandatory civil administrative tribunals for small claims.
- Alternatives to online resolution, such as telephone, mail and even in-person hearings, would be available to people unable to access the online tools. British Columbians would still have the alternative of going to court.

Strata dispute resolution:

- Last year, the Province consulted extensively on an alternative strata dispute resolution model. The consultations wrapped up with a discussion paper and online survey.
- The public consultation results demonstrated strong support for a tribunal, with 95 per cent of respondents to the online survey indicating they favoured a tribunal model.
- The tribunal will make dispute resolution services available to strata owners and offer an accessible, efficient and lower-cost alternative to the current arbitration and court system.

make decisions under the Strata Property Act.

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Justice reform: www.justicebc.ca