

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Yeung v. The Owners, Strata Plan EPS
1831,*
2025 BCSC 2369

Date: 20251120
Docket: S241939
Registry: Vancouver

Between:

Ying Sum Yeung

Plaintiff

And

The Owners, Strata Plan EPS 1831

Defendant

Before: The Honourable Justice Fowler

Oral Reasons for Judgment

In Chambers

The Plaintiff, appearing in person:

Y. Yeung

Counsel for the Defendant:

M.S. Both

Place and Date of Hearing:

Vancouver, B.C.
November 20, 2025

Place and Date of Judgment:

Vancouver, B.C.
November 20, 2025

Introduction

[1] **THE COURT:** The defendant to this action has applied to have the plaintiff's notice of civil claim dismissed or stayed on the basis that the plaintiff's claims are within the jurisdiction of the Civil Resolution Tribunal (the "CRT") and because it would not be contrary to the interests of justice or fairness for the CRT to adjudicate the plaintiff's claim.

Facts

[2] The plaintiff, Ms. Yeung, is the owner of a unit located at [address redacted] Highgrove Mews in West Vancouver. I will refer to her as the plaintiff or owner.

[3] The unit is commonly referred to as a townhouse but legally it is a strata lot governed by the defendant/applicant strata corporation, as defined by the *Strata Property Act*, S.B.C. 1998, c. 43 [SPA].

[4] From my review of the materials filed in this application, including the applicant's notice of application, the affidavits which were also included in the materials, and the CRT dispute notice, the underlying facts or allegations involve the owner making changes to the entrance or front door to her unit by installing new locking hardware including an electronic lock. In addition, it appears that the Strata has concerns with the owner's maintenance of the gardens associated with her unit and signage warning about the presence of dogs. I further understand that there may be dispute about the installation of security cameras by the owner.

[5] I understand the Strata has imposed some fines and that these are also the subject of dispute.

Chronology

[6] On February 16, 2024, the Strata submitted a dispute to the CRT, concerning the owner's alterations to the front door.

[7] On March 24, 2024, the owner filed a notice of civil claim in the Vancouver Supreme Court registry. The notice of civil claim seeks damages for losses

associated with the Strata's conduct in respect of four issues: (1) smart lock and security camera installation by the owner; (2) allegations of poor maintenance of plants on the owner's patio, albeit that the notice of civil claim confirms the Strata elected to take no further action; (3) the Strata's claims for costs related to the investigation and repair of losses caused to the Strata by the owner's installation of the "Beware of Dogs" signs.

[8] Considering the notice of civil claim being filed, the Strata asked the CRT to pause the Strata's dispute pending determination of jurisdictional questions.

[9] On May 16, 2024, the CRT ruled that it was not in the interests of justice to pause the Strata's dispute. Therefore, on May 29, 2024, the CRT formally issued a dispute notice addressing the Strata's claims against the owner for unauthorized alterations to the front door of her unit.

[10] On August 9, 2024, the Strata filed a response to civil claim in which they primarily present a jurisdictional defence, being that all matters raised by the owner are within the jurisdiction of the CRT.

Legal Framework

[11] As summarized by Justice Crerar in *Downing v. Strata Plan VR2356*, 2019 BCSC 1745, at paras. 21–22, the general purpose of the CRT is to provide a quick, efficient and inexpensive dispute resolution process, particularly for strata-related matters.

[12] Section 121(1) of the *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25 [CRTA] confirms that the CRT has broad authority to determine most forms of strata disputes.

[13] Justice Crerar in *Downing* adopts a summary of s. 121(1) as being: (a) the application of the SPA and strata's bylaws; (b) the decisions of the strata and its council; (c) the actions of the strata corporation.

[14] The *CRTA* generally limits the monetary jurisdiction of the CRT but notably does not limit the CRT's monetary jurisdiction with respect to *STA* claims. As again stated by Crerar J. in *Downing*, the *CRTA* presumptively bars a proceeding in the Supreme Court if the subject matter of that proceeding is one over which the *CRTA* deems the CRT to have specialized expertise.

[15] I note that in s. 121(2) of the *CRTA* the CRT is expressly considered to have specialized expertise over claims within the jurisdiction of the CRT which, as stated, generally includes all *STA* matters.

[16] Under s. 16.1 of the *CRTA*, if I determine that all matters within a proceeding, which includes a notice of civil claim, are within the jurisdiction of the CRT, I must dismiss the proceeding unless it is not in the interests of justice and fairness for the tribunal to adjudicate the claim.

[17] Section 16.3 of the *CRTA* sets out a list of factors I must consider in determining whether it is not in the interests of justice and fairness for the CRT to adjudicate the plaintiff's claim:

- 16.3(1) For the purposes of sections 16.1 (1) and 16.2 (1), when deciding whether it is in the interests of justice and fairness for the tribunal to adjudicate a claim, the court may consider the following:
- (a) whether an issue raised by the claim or dispute is of such importance that the claim or dispute would benefit from being adjudicated by that court to establish a precedent;
 - (b) whether an issue raised by the claim or dispute relates to a constitutional question or the *Human Rights Code*;
 - (c) whether an issue raised by the claim or dispute is sufficiently complex to benefit from being adjudicated by that court;
 - (d) whether all of the parties to the claim or dispute agree that the claim or dispute should not be adjudicated by the tribunal;
 - (e) whether the claim or dispute should be heard together with a claim or dispute currently before that court;
 - (f) whether the use of electronic communication tools in the adjudication process of the tribunal would be unfair to a party in a way that cannot be accommodated by the tribunal.
- (2) For the purposes of section 16.1 (2), when deciding whether it is in the interests of justice and fairness for the tribunal to make the

determination referred to in that subsection, the court may consider the principle of proportionality.

Analysis and Ruling

[18] All claims set out in the notice of civil claim are clearly within the presumptive exclusive jurisdiction of the CRT. The plaintiff's allegations and claims are prototypical owner/strata complaints that fall squarely within s. 121(1) of the *CRTA*.

[19] The owner's claims clearly raise issues about the *SPA* or a regulation, bylaw or rule and clearly raise claims in respect of common property and the use and enjoyment of the strata unit. In addition, the owner raises claims about fines, intended fines, money owing and the actions or threatened actions of the Strata.

[20] As I see matters, the only issue to be determined is whether it would be contrary to the interests of justice or fairness for the CRT to adjudicate the claims.

[21] Ms. Yeung was represented by counsel when the notice of civil claim was filed. She is now self-represented. Before she responded to the Strata's application, I suggested that she should focus her attention on the factors set out in s. 16.3 of the *CRTA*.

[22] I have heard her submissions and considered the factors in s. 16.3. I make the following observations about her submissions and evidence.

[23] Ms. Yeung feels like she has been treated unfairly by the Strata. She advised the Court that she installed the same kind of electronic lock as another resident and strata council member. She believes that council members have trespassed on her common area and even phoned the police to complain about her security cameras. I note parenthetically that there is in the application materials a text message from the West Vancouver Police Department notifying the plaintiff of a complaint about her security cameras.

[24] Ms. Yeung advises me that there are no regulations or bylaws about smart locks. She says that she lives alone with her son and dogs in an area close to

wilderness on the slopes of Cypress Park. She wants and needs to feel safe. As a result of these issues with the Strata, she has suffered emotionally and physically. She concludes by saying that her notice of civil claim is more about personal matters than strata matters.

[25] I have reviewed the notice of civil claim carefully, and in my view it relates, to a very significant degree, to strata matters. It is inevitable that when you live in close proximity to strata council members and other residents that strata issues can quickly become and feel very personal. That does not change the essential legal character of the dispute.

[26] I accept that Ms. Yeung feels that the Strata has treated her very poorly. She may be correct about that. But I believe the CRT has jurisdiction to consider her concerns.

[27] Applying the factors set out in s. 16.3 of the *CRTA*, most notably 16.3(a), (b) and (c), I do not believe it is contrary to the interests of justice or unfair to have the CRT adjudicate the plaintiff/owner's claims. The issues are not of such importance or complexity that this Court should adjudicate the matters.

[28] Although Ms. Yeung has raised issues of discrimination, I am not satisfied that they are of such a nature that this Court should assume jurisdiction over matters which are in every essential quality the type of matters to which the CRT is especially well-equipped to adjudicate.

Ruling

[29] Pursuant to s. 16.1(1)(b) of the *CRTA*, the notice of civil claim file number S241939 - Vancouver Registry, is dismissed.

[30] In addition, I order that a copy of these reasons be transmitted to the CRT, who will adjudicate Ms. Yeung's claims as set out in her notice of civil claim.

[31] Thank you.

[32] In respect of costs, it is my view, given the underlying dispute can be resolved in the CRT, that if there is any issues abouts costs that they can be dealt with during those proceedings. All right?

[33] Thank you, counsel. Thank you. Good luck, Ms. Yeung.

[34] CNSL M. BOTH: Pardon me. Will that last part on costs, the comment that the CRT should deal with costs get --

[35] THE COURT: Yes. I mean, the fact --

[36] CNSL M. BOTH: That -- that would be in the decision?

[37] THE COURT: Yes, it will be a part of the decision.

[38] THE COURT: Okay.

[39] THE COURT: I mean, as I see it, the problem in ordering costs is this was essentially a jurisdictional argument as opposed to an argument on the merits. It seems unfair to Ms. Yeung for you to get costs and then she could be ultimately successful in every aspect at the CRT. That does not to me seem particularly fair. I would rather -- because part of the -- as I understand the CRT claim against Ms. Yeung, it includes costs for investigating and bringing a claim against her. The Strata is already considering its costs and is already bringing that as part of their CRT claim.

[40] If there is any further submissions about the costs of coming here, if ultimately the Strata is successful, it seems to me that those matters can be adjudicated by the CRT, and that is fairer to Ms. Yeung because if she is ultimately successful before the CRT she should not have to pay costs here if she is ultimately successful in resisting in all of the claims of the Strata against her.

[41] So that is why I think it is better that anything that happened here in respect of costs be adjudicated by the CRT.

[42] CNSL M. BOTH: Yes, and in accordance with the CRT's mandate it is very unlikely that costs are awarded except in exceptional circumstances and this --

[43] THE COURT: I appreciate that but it can still form --

[44] CNSL M. BOTH: -- this may be one of those circumstances.

[45] THE COURT: -- it can still form part of the Strata's claim against an owner.

[46] CNSL M. BOTH: Yes.

[47] THE COURT: Right. So, it can in that sense be included. Whatever happens here can in that sense be included in the Strata's claim against Ms. Yeung.

[48] All right. Thank you. Thank you, both.

“The Honourable Justice Fowler”