

The future of litigation? B.C.'s new online small claims adjudication process

As of June 1, 2017, any small claims court disputes in B.C. claiming an amount under \$5,000.00 will be adjudicated by the Civil Resolution Tribunal (the “CRT”), an online tribunal. According to B.C.’s Justice Minister, it’s the first online tribunal in the world to be integrated into the public justice system.

The first step in the CRT claim dispute process is to encourage the parties to settle the matter, either independently or with the help of CRT staff. In the event the dispute is not resolved, a CRT adjudicator may make a decision that can be enforced, similar to a court order made by a provincial court. In the event a party is not satisfied with a CRT adjudicator’s decision, the party has twenty-eight (28) days to file a Notice of Objection with the CRT, making the CRT’s decision unenforceable. The party can then file the claim or counterclaim in provincial court and proceed through the normal litigation process. The *Civil Resolution Tribunal Act* contains provisions to discourage people from filing a Notice of Objection without a good reason.

While the CRT is meant to allow parties to resolve claims faster, with less complexity and expense, the unintended consequence could be an increase in the number of frivolous claims brought against employers, claims that could ultimately be decided by individuals with little to no employment law training.

In addition to the introduction of the CRT, on June 1, 2017, the monetary jurisdiction of the B.C. small claims court will increase from \$25,000.00 to \$35,000.00.

Employers in B.C. should keep an eye out to see if employees start using the CRT to resolve certain employment matters. Furthermore, should the implementation of the CRT go well, we can expect other provinces to introduce similar online systems in the future.

If you have any questions or concerns, please feel free to contact e2r® to speak with an Advisor.

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