

Authorities Reviewed

Total cases reviewed: 39 | Used in final output: 17

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
<i>Civil Resolution Tribunal Act, SBC 2012, c 25</i>	Civil Resolution Tribunal Act, SBC 2012, c 25	Sections: s. 121, s. 122, s. 16.1, s. 16.2, s. 16.3, s. 16.4	Statute governing the Civil Resolution Tribunal's jurisdiction, including strata property claims. Section 121 gives the CRT jurisdiction over most strata property claims and deems the CRT to have "specialized expertise" in them (s. 121(2)). Section 122 lists strata claims beyond CRT jurisdiction (e.g. ss. 33, 52, 174, 272 of the Strata Property Act — accountability, unanimous votes, administrators, winding up). Section 16.1(1) is the core stay/dismissal provision: if all matters in a court proceeding are within CRT jurisdiction, the court MUST (a) dismiss if within exclusive CRT jurisdiction; (b) dismiss, for claims where the CRT has "specialized expertise" (i.e. strata claims), unless not in the interests of justice and fairness for the CRT to adjudicate; (c) otherwise stay or dismiss as appropriate unless not in interests of justice and fairness. Section 16.2 lets the court order the CRT not to adjudicate if the CRT lacks jurisdiction or it is not in the interests of justice and fairness (but not if exclusive jurisdiction). Section 16.3(1) lists six considerations for the "interests of justice and fairness" analysis: (a) precedent-setting importance; (b) constitutional/Human Rights Code issues; (c) complexity; (d) whether ALL parties agree the matter should not be adjudicated by the CRT; (e) joinder with a claim already before the court; (f) unfairness from electronic adjudication. Section 16.4 restricts bringing or continuing CRT-jurisdiction claims in court absent listed	Yes

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			exceptions (tribunal refusal, s. 16.2 order, counterclaim, etc.).	
<i>Strata Property Act, SBC 1998, c 43</i>	Strata Property Act, SBC 1998, c 43	No	N/A	No
<i>The Owners, Strata Plan NW 2575 v Booth</i>	2020 BCCA 153	Yes	BCCA appeal concerning the CRT's refusal to permit a strata corporation to be represented by a lawyer under s. 20 of the CRTA. The appeal was allowed and the request remitted — not a stay decision, but it maps the CRT/court jurisdictional scheme. Section 121 of the CRTA confers CRT jurisdiction over most strata claims; s. 121(2) deems the CRT to have "specialized expertise" in them (which triggers s. 16.1(1)(b) mandatory dismissal unless not in the interests of justice and fairness). Section 122 lists strata claims outside CRT jurisdiction, where the Supreme Court retains jurisdiction (para 2). The Court expressly did NOT decide whether the CRT can entertain tort claims of this scale, flagging potential jurisdictional limits (paras 8, 28). Saunders JA noted the "specialized expertise" deeming. This case confirms the background structure: strata claims presumptively belong in the CRT unless a s. 16.1(1)(b) exception applies.	No
<i>Dolnik v The Owners, Strata Plan LMS 1350</i>	2023 BCSC 113	Yes	Brongers J, judicial review of a CRT strata decision. The source of the "rebuttable presumption" formulation every later stay/dismissal case cites. At para 52: although strata claims fall under concurrent CRT/court jurisdiction (the CRT has specialized expertise but not exclusive jurisdiction, citing <i>West v. The Owners, Strata Plan BCS 2637</i> , 2021 BCSC 824 at para 36), ss. 16.1, 16.3 and 16.4 of the CRTA "effectively impose a rebuttable presumption that the claim should be dismissed by the Court so that it can be heard by the Tribunal instead, unless it is not in the interests of justice and fairness	Yes

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			for the Tribunal to do so." The case itself was not a stay application — it set standards of review for CRT strata decisions (patent unreasonableness for facts/law/discretion under s. 56.7(2)(a); fairness for procedure; correctness reserved, with the SOCAN concurrent-jurisdiction category held inapplicable because no pure legal issue was engaged, paras 49-54). The significant-unfairness test under s. 123(2) CRTA mirrors s. 164 SPA per Dollan (paras 81-85). Note for citation: para 69 (quoted in my fetch) concerned repair-reasonableness principles, not the presumption — the presumption passage is para 52.	
<i>Kunzler v The Owners, Strata Plan EPS 1433</i>	2020 BCSC 576	Yes	Punnett J — the paradigm CONSENT retention case. Owners of a bare-land strata lot challenged bylaws prohibiting commercial cannabis production as significantly unfair under s. 164 SPA. Both parties consented to the court hearing the matter rather than the CRT (para 4). Relying on s. 16.3(1)(a), (c) and (d), the court assumed jurisdiction because the issue was complex, might have precedential value, and counsel wished to make full oral arguments (para 9) — expressly distinguishing Downing 2019 BCSC 1745 at para 42 where the contested issues fell within CRT expertise and turned on individual facts. On the merits the petition was dismissed: the reasonable-expectations test from Dollan was held inappropriate for bylaw passage (paras 72-74), and the New Bylaws were not significantly unfair under the Reid test (para 120). For this research question, Kunzler is one of the consent-line cases (with Shawn Oaks, Schappert, 356 Cathedral, Section 2 of LMS 257) that constitute the historical exception to referral — but as Ramgarhia 2022 BCSC 751 at para 38 later noted, the court did not assume jurisdiction "just because the parties consented"; complexity	Yes

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			and precedential value also drove the result.	
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	2024 BCSC 2232	Yes	The leading BCSC decision squarely addressing whether the court may retain a strata property claim over one party's objection. A strata corporation sued its owner developers' estates for \$1.035M in a complex, multi-issue action spanning 1989-2020 and two statutory regimes. The defendants objected that the claims belonged in the CRT. Wolfe J REFUSED to defer, granting a s. 16.2 order that the CRT not adjudicate — this is a case where the court retained jurisdiction WITHOUT both parties' consent. Framework: ss. 16.1, 16.3, 16.4 together impose a "rebuttable presumption" that a strata claim will be dismissed in favour of the CRT unless it is not in the interests of justice and fairness for the CRT to adjudicate (para 35, citing Dolnick 2023 BCSC 113 and West 2021 BCSC 824). Section 16.3(1) factors are neither mandatory nor exhaustive (para 37, citing 0806933 B.C. Ltd. 2022 BCSC 91 at paras 85-86). Whether all parties agree (s. 16.3(1)(d)) is only one factor; no single factor is determinative (para 49). The court acknowledged it "would be unprecedented" in the strata context to assume jurisdiction over objection, but held the lack of precedent is no bar where an individualized assessment is required; the court has assumed jurisdiction over one party's objection in Societies Act claims (Canadian Ramgarhia Society v. Pansear, 2022 BCSC 751). Grounds for retaining: the claim was "sufficiently complex" (s. 16.3(1)(c)), raised several issues of precedential importance (s. 16.3(1)(a)), referral would prolong rather than resolve the dispute (action filed Jan 2021; CRT referral would push resolution into 2025), and some claims (under the repealed Condominium Act) may be outside CRT jurisdiction, so dismissal would split	Yes

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			proceedings. On the merits the court granted only modest relief (about \$2,000 plus a declaration and a s. 20(3) SPA reimbursement order), dismissing most claims including punitive damages. This is the case the defendants themselves cited as having "no precedent" — the court created it here.	
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	2025 BCSC 76	Yes	Branch J dismissed an owner's s. 164 SPA significant-unfairness petition in favour of the CRT — a case where the court REFERRED the matter to the CRT despite the petitioner wanting to keep it in court (no agreement under s. 16.3(1)(d)). It contains the most comprehensive survey of the consent/non-consent case law. Framework: where claims can be advanced under either s. 164 SPA or ss. 121-123 CRTA, s. 16.1(1)(b) requires dismissal unless not in the interests of justice and fairness; the petitioner effectively bears the burden of providing a basis for maintaining the matter in court (paras 33, 64). The court reviewed the precedent line in two groups. Cases RETAINED in court — every one except Ngai Estate involved BOTH parties consenting: Shawn Oaks 2018 BCSC 1162 (para 52), Kunzler 2020 BCSC 576 (para 53), Schappert 2023 BCSC 2080 (para 54), 356 Cathedral Ventures 2020 BCSC 1583 (para 55); Ngai Estate 2024 BCSC 2232 is the sole exception where the court assumed jurisdiction over objection (para 56). Cases REFERRED to the CRT despite the claimant wanting court: Majithia 2024 BCSC 1519 (para 57), Yas 2018 BCSC 282 (para 58), Nwabuikwu 2024 BCSC 1371 (para 59, partial), Downing BCSC 2019 BCSC 1745 aff'd 2023 BCCA 100 (para 60). Applying the factors: no agreement negated one factor for retention (para 44); complexity and the large damages claim (\$280,393+ lost rent) favoured court, but Downing BCCA's obiter on limited CRT procedural safeguards was answered	Yes

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			by the CRT's available procedural tools (paras 40-43, 49-50); following Majithia, the matter was referred. Key holding for this research question: "the parties do not consent to the matter being heard by the Court (unlike most of the cases above that maintained the matter in court, save Ngai Estate)" — para 62(a) — confirming that as of January 2025, Ngai Estate was the ONLY case retaining jurisdiction without both parties' consent; every other retained case had consent, and contested cases went to the CRT.	
<i>Section 2 of the Owners, Strata Plan LMS 257 v The Owners, Strata Plan LMS 257</i>	2025 BCSC 1985	No	The petitioner, representing the commercial section of a strata corporation, challenged two special levies passed by the respondent strata to repair common property catwalks. The court first addressed whether to assume jurisdiction over the matter, which otherwise fell under the Civil Resolution Tribunal. Exercising its discretion under the Civil Resolution Tribunal Act, the court took jurisdiction, noting that the matter involved legal uncertainty and complexity. The court specifically highlighted that the parties agreed the petition should not be adjudicated by the tribunal, a factor supporting the court's decision to intervene under s. 16.3. On the merits, the court held that s. 195 of the Strata Property Act creates a default rule allowing expenses for common property to be allocated to a specific section if those expenses relate solely to that section, regardless of whether a specific bylaw exists. The court found that the catwalks provided no benefit to the commercial section and were used exclusively by the residential section. Consequently, the court granted the petition, set aside the resolutions approving the special levies, and ordered the return of any funds already collected from the commercial section. The court did not reach the issue of	N/A

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			significant unfairness under s. 164.	
<i>Downing v Strata Plan VR2356</i>	2022 BCSC 590	No	The petitioner sought judicial review of a Civil Resolution Tribunal decision that dismissed her claims for damages against her strata corporation. The petitioner alleged that the strata committed trespass, nuisance, and negligence by dismantling her unit during an investigation into water ingress. The Supreme Court of British Columbia applied the patently unreasonable standard of review to the tribunal's findings. The court upheld the tribunal's conclusion that the strata did not commit trespass, finding it reasonable for the tribunal to infer that the petitioner's real estate agent had authorized the strata to investigate the water ingress on her behalf. The court also affirmed the tribunal's dismissal of the negligence claim, concluding that the strata acted reasonably by relying on the advice of its contractors and engineers. Furthermore, the court rejected the petitioner's arguments regarding procedural unfairness, finding that the tribunal's limits on submissions and the absence of cross-examination did not render the process unfair. Consequently, the court dismissed the petition for judicial review. The decision does not address s. 16.3(1)(d) of the Civil Resolution Tribunal Act or the role of party consent within that specific provision.	N/A
<i>The Owners, Strata Plan LMS205 v 0806933 B.C. Ltd.</i>	2022 BCSC 91	No	The petitioner strata corporation sought an order for the sale of two strata lots to enforce liens for unpaid special levies and judgment for non-lienable fines and penalties. The court addressed three procedural issues: notice compliance, the Limitation Act, and jurisdiction over non-lienable claims. Regarding notice under s. 112 of the Strata Property Act, the court found the demand for one lot valid, as the notice was properly addressed to the owner's director, but dismissed the	N/A

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			lien for the second lot as a nullity because the notice was sent to the wrong address. The court held the claims were not barred by the Limitation Act, finding that special levies are not claims to remedy injury, loss, or damage, and that partial payments postponed the limitation period. Regarding the non-liable claims, the court considered whether to assume jurisdiction over matters otherwise within the Civil Resolution Tribunal's (CRT) authority. The court noted that while the CRT has specialized expertise, the court may assume jurisdiction if it is not in the interests of justice and fairness for the CRT to adjudicate. The court considered the owner's prior consent to court jurisdiction in the strata bylaws as a factor under s. 16.3(1)(d) of the Civil Resolution Tribunal Act. The court did not stay the proceeding but adjourned the non-liable claims generally, allowing the parties to pursue CRT or other processes without prejudice to the petitioner seeking a future order under s. 16.2.	
<i>Hui v The Owners, Strata Plan BCS3702</i>	2025 BCSC 1209	Yes	Dion J refused a strata corporation's application to dismiss/stay an owner's s. 164 SPA significant-unfairness action in favour of the CRT — the second clear case of the court retaining a strata proceeding WITHOUT both parties' consent (after Ngai Estate 2024 BCSC 2232). The claim (defendant unreasonably withheld building-permit consent, causing city vacancy-tax liability) fell within concurrent court/CRT jurisdiction (paras 29-33, citing 1289083 B.C. Ltd. 2025 BCSC 76, Dolnik 2023 BCSC 113, Dollan 2012 BCCA 44). Attornment was rejected: attornment does not apply where jurisdiction already exists, and Rule 21-8(2) alone governs where a party asks the court to decline existing jurisdiction (paras 35-40, quoting Nordmark 2019 BCCA 433 at paras 47-48, 56-59). Framework: s. 16.1(1)(b) mandates	Yes

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			dismissal unless not in the interests of justice and fairness; Dolnik's "rebuttable presumption" places the effective burden on the party opposing referral (para 43); s. 16.3 factors are non-mandatory and non-exhaustive, and proportionality may also be considered (para 44, citing Canadian Ramgarhia 2022 BCSC 751 at para 31 and Ngai at para 37). On s. 16.3(1)(d), there was NO agreement, but the court noted Ngai had declined to refer despite lack of agreement; lack of precedent is no bar because the assessment is individualized, and "no single factor is determinative" (paras 57-59). Weighing factors: complexity favoured CRT (Majithia 2024 BCSC 1519), but the Rules' more robust document discovery (especially given Kayne 2007 BCSC 1610 and Hamilton 2019 BCSC 863 showing CRT production may be confined to s. 35 SPA categories) and the defendant's near-three-year delay — bringing the application the day before a documents application challenging privilege claims, in apparent tactical fashion — weighed heavily against referral (paras 49-56, 64-73). Outcome: court retained the case and refused to convert it to a petition.	
<i>Yeung v The Owners, Strata Plan EPS 1831</i>	2025 BCSC 2369	Yes	Fowler J dismissed a self-represented owner's notice of civil claim against her strata under s. 16.1(1)(b) — a referral over the claimant's objection (no agreement under s. 16.3(1)(d)). The claims (smart lock/security camera fines, garden maintenance, cost claims) were "prototypical owner/strata complaints" squarely within s. 121(1) (para 18). Applying s. 16.3(1)(a)-(c), the issues were not of sufficient importance or complexity to warrant the court adjudicating (para 27); even discrimination allegations did not justify the court assuming jurisdiction (para 28). Notably, the court described the claims as within the "presumptive exclusive jurisdiction" of the CRT	Yes

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			(para 18) — a misnomer since strata claims attract specialized-expertise treatment under s. 121(2), not exclusive jurisdiction — but applied the correct s. 16.1(1)(b) test. This is another instance confirming that without consent and without compelling s. 16.3 factors, contested applications are dismissed into the CRT.	
<i>The Owners, Strata Plan KAS 53 v Ireson</i>	2026 BCSC 1472	Yes	Young J dismissed a strata corporation's petition under ss. 16.2/16.3 CRTA seeking to block an owner's CRT claim as res judicata/abuse of process after a related court action was dismissed for want of prosecution. Cause of action estoppel failed: the want-of-prosecution dismissal was final as against Ms. Sisson but not against Mr. Ireson, who was not a party or privy to the 2012 proceeding (paras 57-61, 66); abuse-of-process discretion did not reach the "rare circumstances" threshold (paras 59, 67). Bearing on this research: (1) para 20 restates the concurrent-jurisdiction/rebuttable-presumption framework (citing the Dolnik formulation); (2) para 21 confirms that ss. 16.2/16.3 provide a basis for the Court to ASSUME jurisdiction over matters before the CRT, not a mechanism to stay CRT proceedings entirely (citing Canadian Ramgarhia 2022 BCSC 751 at para 29); (3) the practical outcome was that the CRT claim proceeds — the court declined to pull a strata dispute out of the CRT even where 14 years of prior court litigation had occurred. Another data point that the courts rarely disturb CRT jurisdiction over strata claims without strong justification; the petition itself was refused.	Yes
<i>Downing v Strata Plan VR2356</i>	2023 BCCA 100	Yes	The only BCCA decision substantively addressing the s. 121 CRTA referral framework, though on a procedural-fairness appeal, not the referral decision itself (which was not	Yes

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			appealed). The underlying 2019 referral (Crerar J, 2019 BCSC 1745) REFERRED a \$100,000+ trespass/nuisance/negligence claim to the CRT over the petitioner's objection — a contested, non-consent referral (paras 5-7). Willcock JA, in obiter at para 8, cautioned that "a chambers judge hearing a s. 121 application should... pay close attention to the fact that there are limited procedural safeguards at the CRT. In cases involving significant sums or other important issues, the potential limitation on a party's procedural rights before the CRT may militate against the referral" — the passage every later court weighs when deciding whether to retain over objection (e.g. 1289083 B.C. Ltd. at para 41). At para 65 the Court acknowledged the regime "diverts disputes—some of which are large in terms of money and of vital concern to residents of condominiums—into a tribunal that is not required to afford the litigants a traditional hearing", describing it as the legislature's balancing of efficiency and fairness. Notably para 71 describes the factual question of consent to entry as "within the exclusive jurisdiction of the CRT" — loose language, since strata claims attract specialized-expertise treatment under s. 121(2), not true exclusive jurisdiction; the operative referral had been under s. 16.1. Appeal dismissed; the CRT's written-hearing process and patent-unreasonableness review standard upheld.	
<i>Nwabuikwu v Remi Realty Inc.</i>	2024 BCSC 1371	Yes	Doyle J dismissed most of a self-represented owner's claims to the CRT over his objection — another contested, non-consent referral. The owner brought defamation, discrimination, harassment, bylaw-enforcement and Charter claims against the strata, council members, manager and fellow owners; the strata defendants applied under s. 16.1	Yes

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			CRTA to dismiss/stay everything except defamation (CRT has no defamation jurisdiction, s. 119). The Charter, Canadian Human Rights Act and Criminal Code claims were struck under Rule 9-5 (paras 24-37, following Strata Plan NW 499 v. Kirk, 2015 BCSC 1487 on strata corporations not being government actors). The court rejected the argument that adding a defamation claim outside CRT jurisdiction defeats the "all matters" requirement of s. 16.1(1) — that would frustrate the CRTA's legislative objectives (paras 51-54). On the s. 16.3 factors: no precedential value, no constitutional question, no real complexity ("the underlying factual matrix is not complex"), NO agreement that the matter should stay in court (para 58(4)), and partial evidentiary overlap with the defamation claims was manageable because the CRT cannot determine defamation in any event (para 58(5)). Applying Downing BCCA's para 8 caution, the court found the CRT's procedures (including discretionary oral hearings) adequate on this record (paras 59-63). Outcome: Remaining Claims dismissed under s. 16.1(1)(b) and (c) with an interim stay so the plaintiff could initiate at the CRT; defamation claims proceed in court (paras 64-66). This confirms the contested-default: referral absent mutual consent and absent compelling s. 16.3 factors.	
<i>Downing v Strata Plan VR2356</i>	2019 BCSC 1745	Yes	Crerar J — the founding contested-referral decision under the current CRTA provisions. A 92-year-old owner's trespass/significant-unfairness petition (claims potentially exceeding \$100,000) against her strata was STAYED under s. 16.1 and referred to the CRT under s. 16.4, over her objection and with NO mutual consent (para 36). Framework holdings: s. 121(2) confirms the CRT's specialized expertise over SPA disputes (para 23); s. 122 carves out only the most	Yes

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			drastic matters (forced sale, administrator, winding up) (para 25); the CRT has NO monetary limit on strata claims — "the legislature... has mandated that the CRT should handle strata claims in any amount, large or small" (para 26, quoting Yas at para 14); ss. 16.1 and 16.4 presumptively bar a court proceeding over CRT specialized-expertise subject matter unless exceptional interests-of-justice-and-fairness circumstances exist (paras 27-30). Every one of the petitioner's s. 16.3 arguments failed: precedential value — fact-specific issues falling within CRT expertise (paras 42-43, citing Allard 2019 BCCA 45 at para 26); constitutional/Human Rights analogy — inapt (para 44); amount and complexity — no monetary limit, single-incident dispute relatively simple (paras 45-46); procedural limitations — CRT frequently resolves credibility conflicts and can convene oral hearings under ss. 39-42 (para 48); patent-unreasonableness review — a legislative policy choice (para 49). Critically for this research question, at para 50: assuming jurisdiction over a CRT matter "over a party's objection... would be unprecedented" — the only s. 16.2 transfer case found was Shawn Oaks 2018 BCSC 1162, where ALL parties consented (and 29 parties distinguished it from a typical two-party dispute). Also held, as a live issue: a former owner remains an "owner" under SPA ss. 1 and 189.1, so selling the unit would not oust CRT jurisdiction (paras 51-57, following Sze Hang 2016 BCSC 32). Referral aspect not appealed; BCCA later affirmed in 2023 BCCA 100 with the para 8 obiter caution on procedural safeguards.	
<i>Majithia v The Owners, Strata Plan EPS 2884</i>	2024 BCSC 1519	Yes	Latimer J — a contested referral decided on the owners' own s. 16.2(1)(b) application. Owners of three strata lots sought an order that the CRT not adjudicate their s. 164 SPA	Yes

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			significant-unfairness claim (strata retroactively withdrew approval of a unit merger); the strata OPPOSED, so there was no mutual consent. The court dismissed the application and referred the matter to the CRT under ss. 16.1/16.4 (paras 3, 36). Holdings: ss. 16.1 and 16.4 "presumptively bar" a court proceeding whose subject matter is within the CRT's deemed specialized expertise, subject to limited exceptions (para 11); the CRT has no monetary limit on strata claims (para 10, citing Downing BCSC at para 26); the dispute was not sufficiently complex — developer-conflict and proxy allegations are factual inquiries squarely within CRT competence, and ss. 39-42 CRTA permit oral hearings if needed (paras 24-28); no precedential value because reasonable-expectation questions turn on facts and the CRT is well positioned to develop that body of law (paras 29-33, distinguishing Kunzler); urgency unproven (paras 34-35). Confirms the pattern: absent consent and absent genuinely compelling s. 16.3 factors, the presumption holds.	
<i>Res. Sec. of the Owners, Strata Plan LMS3463 v Just George</i>	2022 BCPC 55	Yes	BCPC Small Claims. A residential section's \$35,000 trespass/conversion claim against its strata and contractors was dismissed under s. 16.1(1)(b) in favour of the CRT, over the claimant's opposition — a contested, non-consent dismissal (paras 55-57). The court held the claims, though framed in tort, were inextricably intertwined with strata authority, bylaws and common-property issues within s. 121(1)(a), (b), (e) (paras 49-51). The claimant's monetary-limit argument failed because the CRT has NO monetary limit on strata claims (paras 36, 55, citing Yas and Downing BCSC). The court expressly declined to decide whether the CRT has exclusive jurisdiction over trespass/conversion torts occurring on strata property (para 56). Consent under s.	Yes

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			16.3(1)(d) was absent; the interests-of-justice-and-fairness exception was not made out. Another data point confirming the contested-default, at the Provincial Court level.	
<i>Canadian Ramgarhia Society v Panesar</i>	2022 BCSC 751	Yes	Walkem J — the non-strata case Ngai Estate relied on for assuming jurisdiction over one party's objection. Under the Societies Act claim category, the court granted a s. 16.2 order that the CRT not adjudicate six complaints, where the complainants (who opposed the application) had brought repeated, discontinued-and-revived actions across both court and CRT in what amounted to forum-shopping against an existing court order (the Winteringham Order) (paras 1-2, 47-49). Two holdings important for the consent analysis: (1) para 32 — "Cases where the court assumed jurisdiction from the CRT thus far appear limited to those where the parties consented to the assumption of jurisdiction"; (2) para 38 — in the consent cases (Kunzler, Shawn Oaks) the court "did not assume jurisdiction over a matter before the CRT just because the parties consented. Rather, both decisions pointed to other factors, such as complexity... Consent of the parties alone may not be enough for the court to assume jurisdiction." Also restates that ss. 16.2/16.3 let the court ASSUME jurisdiction over CRT matters — not a mechanism to stay CRT proceedings (para 29, later quoted in Ireson 2026 BCSC 1472 at para 21). So the consent landscape cuts both ways: consent is neither necessary (Ramgarhia itself, Ngai, Hui) nor sufficient (para 38) — it is one non-determinative factor. The retention here rested on the totality of abusive multi-forum litigation, an extreme fact pattern.	Yes
<i>Strata Plan VR 2213 v Schappert</i>	2023 BCSC 2080	Yes	Coval J — a CONSENT retention case. A strata-insurers' subrogated claim against an Airbnb guest was heard as a	Yes

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			special case under Rule 9-3. Both parties requested court determination (s. 16.3(1)(d)); the court retained jurisdiction because the issues (no-subrogation rule, covenant-to-insure/waiver in bylaws) were legally complex and of sufficient importance to benefit from in-person court adjudication (ss. 16.3(1)(a), (c), (f)), and the special case would resolve the entire dispute rather than leaving residual issues for the CRT (paras 13-16, citing Shawn Oaks and Kunzler for similar reasoning). Conclusion stated under "SPA s. 16.2(1)" (para 68 — the provision is CRTA s. 16.2(1), not SPA; minor citation slip). On the merits: the claim was barred by the no-subrogation rule (short-term renter was a named insured under SPA s. 155(c) as a person who "normally occup[ies]" a strata lot), but not by the bylaws' waiver, which benefited owners only. Confirms the consent-line pattern: retained where both parties agreed AND complexity/precedential value existed.	
<i>The Owners, Strata Plan BCS1022 v 1067192 B.C. Ltd.</i>	2026 BCSC 980	No	In this petition proceeding, the petitioner strata corporation sought a declaration of default and enforcement of a lien for unpaid strata fees against the respondent owner, 1067192 B.C. Ltd. The respondent applied to pay a portion of the disputed arrears into trust, discharge the lien, and convert the petition into an action for the trial list. Associate Judge Bilawich dismissed the respondent's application to pay a reduced amount into trust, finding no authority to order an amount less than the current lienable sum, which included accrued interest and legal costs. Regarding the request to convert the proceeding to an action, the court declined to order a wholesale transfer. Relying on the discretion to tailor procedures in petition proceedings, the court instead ordered limited discovery of documents and examinations for	N/A

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			discovery regarding specific triable issues, including the adequacy of notice for fees and budgets, and the calculation of interest. The court did not stay or dismiss the petition in favor of the Civil Resolution Tribunal, nor did the parties consent to the court retaining jurisdiction; rather, the court exercised its discretion to manage the petition through hybrid procedures. The court noted that the respondent's previous separate civil action had been dismissed for falling within the Civil Resolution Tribunal's jurisdiction, but the current petition remained before the Supreme Court.	
<i>Trial Lawyers Association of British Columbia v British Columbia (Attorney General)</i>	2021 BCSC 348	No	The Trial Lawyers Association of British Columbia and individual plaintiffs challenged the constitutional validity of amendments to the Civil Resolution Tribunal Act (CRTA) that granted the Civil Resolution Tribunal (CRT) jurisdiction over motor vehicle accident claims. Specifically, the plaintiffs argued that assigning the CRT authority to determine minor injury classifications and liability and damages up to \$50,000 violated s. 96 of the Constitution Act, 1867, by encroaching on the exclusive jurisdiction of superior courts. Applying the three-part Residential Tenancies test, the Supreme Court of British Columbia concluded that personal injury tort claims were historically within the exclusive jurisdiction of superior courts in three of the four confederating provinces. The court further determined that the CRT's adjudicative role regarding these claims constitutes a judicial function that is neither subsidiary to administrative duties nor necessarily incidental to broader legislative policy goals. Consequently, the court declared sections 133(1)(b) and (c) of the CRTA unconstitutional and of no force or effect. Additionally, the court read down section 16.1, which mandated staying or dismissing court	N/A

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			proceedings in favour of the CRT, limiting its application to accident benefits under section 133(1)(a). This decision did not involve a specific strata proceeding, nor did it address party consent regarding the retention of jurisdiction, as the matter was a constitutional challenge to the legislative scheme itself.	
<i>Yas v Pope</i>	2018 BCSC 282	Yes	Baird J — the founding decision on ousting CRT jurisdiction over strata claims, decided under the predecessor provision (s. 12.3(1)(b), now s. 16.2(1)(b)). Owners sought to remove two competing CRT claims (noise complaint; counterclaim over fines and harassment) to the Supreme Court. The other parties did NOT consent to Supreme Court resolution — s. 12.3(2)(e) (all parties agree) was expressly held inapplicable (para 30) — yet the petition was DISMISSED and the claims remitted to the CRT (para 50). Foundational propositions: the legislature has "mandated that the CRT should handle strata claims in any amount, large or small" — no monetary limit for strata claims (para 14); the CRT has specialized expertise; credibility concerns do not defeat a written/electronic process (para 35); the burden rests on the party seeking to oust CRT jurisdiction (para 5). This is the first contested case in the line: no mutual consent, court declined to take the case from the CRT. Note the citation-count anomaly: paras 32-38 are heavily cited (1300+), but that count reflects boilerplate CRT self-representation/jurisdiction language reused across the corpus — the referral analysis at paras 12-15 has the meaningful following.	Yes
<i>The Owners, Strata Plan NW2275 v Emerson</i>	2019 BCPC 207	Yes	BCPC Small Claims decision. A strata sued its former council president for \$4,753.42 under SPA s. 33 (accountability for conflicted transactions). The defendant	No

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			objected that the claim belonged in the CRT (under \$5,000). The court held the CRT lacks jurisdiction over s. 33 SPA claims under then-s. 3.6(2)(a) CRTA (now s. 122(1)(a)) — claims dealt with by "the Supreme Court" under listed SPA provisions — and that the Provincial Court was "a court having jurisdiction" under s. 33(1) SPA (paras 45, 57-68). This is NOT a refusal-to-stay-on-discretionary-grounds case: the CRT simply had no jurisdiction over the claim category, so s. 16.1 did not engage. It illustrates the s. 122 carve-outs but contributes nothing to the consent analysis. On the merits the strata recovered the remuneration.	
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	2025 BCSC 546	No	In this costs decision following the summary trial in <i>The Owners, Strata Plan VIS 1210 v. Ngai Estate</i> , 2024 BCSC 2232, Justice Wolfe addressed whether either party achieved substantial success to warrant a costs award. The underlying action involved a strata corporation's claims against developer estates, where the court had previously retained jurisdiction over the defendants' objection, applying the framework of the Strata Property Act. In the costs application, the defendants argued they were substantially successful because the plaintiff recovered only a nominal amount compared to the \$1.035 million claimed. The plaintiff contended it succeeded on the primary issues of substance. The court rejected both positions. Applying the Fotheringham test, the court assessed the matters in dispute globally, categorizing them by weight and importance rather than by mathematical outcomes. The court found that success was fairly evenly divided across the significant, moderate, and limited issues. Consequently, the court concluded that neither party met the threshold for substantial success and ordered each side to bear their own costs. The decision does not alter	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			the jurisdictional findings made in 2024 BCSC 2232, where the court had previously exercised its discretion to retain the matter rather than deferring to the Civil Resolution Tribunal.	
<i>Tran v The Owners, Strata Plan NW468</i>	2026 BCSC 1350	No	In <i>Tran v. The Owners, Strata Plan NW468</i> , 2026 BCSC 1350, the petitioner sought judicial review of a Civil Resolution Tribunal (CRT) decision that dismissed her claim for repairs to address basement flooding, damages for loss of use, and document production. The Supreme Court of British Columbia dismissed the petition regarding the substantive claims but remitted the costs order for reconsideration. Applying the standard of procedural fairness articulated in <i>Downing v. Strata Plan VR2356</i> , 2023 BCCA 100, the Court held that the CRT is subject to a high standard of procedural fairness, resembling the trial model. Although the Court found the Tribunal breached procedural fairness by failing to provide the petitioner with the Strata's objection notice, it concluded this error did not affect the outcome. The Court upheld the Tribunal's substantive findings, determining it was not patently unreasonable for the Strata to prefer a less expensive drainage maintenance solution over the petitioner's requested cove piping. The Court set aside the Tribunal's costs order, finding it patently unreasonable because it relied on an incorrect determination that the petitioner breached a document production order by redacting insurance documents. The matter of costs was remitted to the Tribunal. This decision does not address the s. 121 Civil Resolution Tribunal Act referral framework or the decision in 2019 BCSC 1745.	N/A
<i>Jobanputra v The Owners, Strata Plan VR 911</i>	2025 BCSC 1610	No	In this judicial review, the petitioner sought to quash a Civil Resolution Tribunal decision that dismissed her claims	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			against her strata corporation regarding unit repairs, special levies, financial record-keeping, and significant unfairness. The Supreme Court of British Columbia dismissed the petition, finding that the tribunal's decision was not patently unreasonable and that the petitioner was not denied procedural fairness. The court rejected the petitioner's arguments regarding procedural unfairness, including her challenge to the strata's legal representation by a council member who was also a lawyer, and her complaints about the CRT's electronic portal constraints. Regarding statutory interpretation, the court affirmed that the requirement to account for contingency reserve and special levy funds does not mandate the use of separate bank accounts. The court applied the test for significant unfairness established in <i>Dolnik v The Owners, Strata Plan LMS 1350</i>, 2023 BCSC 113. It held that the tribunal member correctly applied the two-part test—examining whether the evidence supported the applicant's reasonable expectations and whether those expectations were violated by significantly unfair conduct. The court found the tribunal's application of this test was correct and entitled to deference. The decision does not address Brongers J or the rebuttable presumption regarding the CRT's jurisdiction. Consequently, the court upheld the tribunal's findings and ordered the petitioner to pay costs.	
<i>Stein v PS Motors Ltd.</i>	2025 BCCA 407	No	In <i>Stein v. PS Motors Ltd.</i>, 2025 BCCA 407, the Court of Appeal for British Columbia dismissed an appeal from a chambers judge's order upholding a Civil Resolution Tribunal (CRT) decision. The appellant, who had sued a repair shop for damages to her vehicle, challenged the CRT's dismissal of her claim, arguing the adjudicator erred by relying on human experience to assess credibility and that the	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			process was procedurally unfair for failing to hold an oral hearing. The Court of Appeal affirmed the chambers judge's decision, holding that the CRT adjudicator was entitled to rely on common-sense assumptions in making credibility determinations. Furthermore, the Court found no procedural unfairness, noting that the appellant had not requested an in-person hearing and failed to demonstrate prejudice from the tribunal's reliance on written submissions. The Court applied <i>Downing v. Strata Plan VR2356</i> , 2023 BCCA 100, to confirm that CRT decisions are reviewed on a reasonableness standard, while procedural challenges are reviewed on a fairness standard. The decision does not address the s. 121 CRTA referral framework.	
<i>Harmorg Properties Inc. v Scott</i>	2026 BCSC 649	No	Harmorg Properties Inc. petitioned for judicial review of a Civil Resolution Tribunal decision that dismissed its small claims action for lack of standing. The Tribunal had concluded, based on its own inferences, that Harmorg was a separate legal entity from Just Flooring, which it assumed was a corporate subsidiary. The Supreme Court of British Columbia allowed the petition and remitted the matter for rehearing. Applying <i>Downing v. Strata Plan VR2356</i> , 2023 BCCA 100, the Court held that the Tribunal breached the duty of procedural fairness by raising the issue of corporate standing sua sponte without providing the petitioner an opportunity to lead evidence or make submissions. The Court further found the Tribunal's factual finding that the entities were separate to be unreasonable, noting that Just Flooring was a sole proprietorship, and that the Tribunal erred in law by misapplying <i>Edgington v. Mulek Estate</i> . Additionally, the Court held the Tribunal's reasons were inadequate for failing to address central credibility arguments. This decision does	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			not address the s. 121 CRTA referral framework or the principles regarding contested, non-consent referrals to the CRT.	
<i>Driver v Worth</i>	2026 BCSC 652	No	In this judicial review, the petitioner challenged a Civil Resolution Tribunal decision that found him liable for breaching the implied warranty of durability under section 18(c) of the Sale of Goods Act regarding a private used vehicle sale. The petitioner argued that the tribunal misapplied the burden of proof regarding the as is, where is nature of the sale and failed to provide adequate reasons. The Supreme Court of British Columbia dismissed the petition. The court held that the tribunal correctly placed the burden on the buyer to prove the implied warranty applied and was breached, noting that the seller failed to exclude the warranty using clear and unambiguous language. Regarding the adequacy of reasons, the court adopted an organic approach, finding the reasons sufficient to permit meaningful judicial review. The court cited Downing v. Strata Plan VR2356 at paragraph 16 as the authority for the standard of review applicable to questions of procedural fairness and natural justice. This decision does not address the section 121 CRTA referral framework, as it concerns a judicial review of a tribunal decision on the merits rather than a challenge to a referral order.	N/A
<i>Dr. Aref Tabarsi Inc. v British Columbia (Workers' Compensation Appeal Tribunal)</i>	2026 BCSC 631	No	The petitioner sought judicial review of a Workers' Compensation Appeal Tribunal (WCAT) decision asserting jurisdiction to issue a certification under section 311 of the Workers Compensation Act regarding a private arbitration. The Supreme Court of British Columbia quashed the decision, finding it patently unreasonable for WCAT to	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			interpret the terms court and action to include private arbitration proceedings. The court held that private arbitrations are distinct from court actions and that the legislature did not intend to expand WCAT's jurisdiction to encompass non-court alternative dispute resolution mechanisms. While the court rejected the petitioner's argument regarding the nature of the claim, finding it reasonable for WCAT to characterize the dispute as involving personal injury, it concluded that the jurisdictional error regarding the definition of court action necessitated remitting the matter for reconsideration. In distinguishing the Civil Resolution Tribunal (CRT) from private arbitrations, the court relied on Downing v. Strata Plan VR2356, 2023 BCCA 100, to characterize the CRT as a statutorily mandated adjudicative forum whose proceedings are closer to the trial model. This decision does not address the section 121 CRTA referral framework.	
<i>Sidhu v British Columbia (Civil Resolution Tribunal)</i>	2025 BCSC 1836	No	The petitioner sought judicial review of a Civil Resolution Tribunal decision that dismissed his motor vehicle accident claim as time-barred. Although the petitioner submitted his application before the two-year limitation period expired, he paid the required filing fee one day after the deadline. The Supreme Court of British Columbia held that the Tribunal's interpretation of the limitation period, which required both the application and fee payment to commence the claim, was not patently unreasonable. However, the Court set aside the decision and remitted the matter for reconsideration. The Court determined that the Tribunal failed to consider its discretion under section 36 of the Civil Resolution Tribunal Act to address non-compliance. Given the high degree of procedural fairness owed by the Tribunal, the Court	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			concluded that the Tribunal must explicitly consider whether this section permits the claim to proceed despite the late fee payment. In its analysis of procedural fairness, the Court applied <i>Downing v. Strata Plan VR2356</i> , 2023 BCCA 100, affirming that the Tribunal’s mandate to resolve civil disputes requires procedural protections akin to the trial model. The decision does not address the section 121 CRTA referral framework.	
<i>Sikora v Deputy Director Community Safety Unit</i>	2025 BCSC 57	No	The petitioners sought judicial review of two decisions by the Deputy Director of the Community Safety Unit (CSU) under the Cannabis Control and Licensing Act (CCLA): the refusal to return seized cannabis and the imposition of an administrative monetary penalty. The petitioners operated an unlicensed storefront, which they characterized as a medicinal dispensary. They argued that the CSU violated their Charter rights under s. 7 (due to administrative delay and the denial of an oral hearing) and s. 8 (due to the warrantless search of their premises and a vehicle). The Court dismissed the petition. Regarding s. 7, the Court held that the proceedings involved only economic interests, which are not protected by s. 7, and that there is no common law right to an oral hearing in this administrative context. In support of the latter point, the Court cited <i>Downing v. Strata Plan VR2356</i> , 2023 BCCA 100. Regarding s. 8, the Court found the search was authorized by s. 89 of the CCLA and that the Deputy Director reasonably balanced the petitioners' diminished privacy expectations—inherent in a highly regulated commercial activity—against the CCLA’s statutory objectives of public health and safety. The decision does not address the s. 121 CRTA referral framework.	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
<i>Kim v Insurance Corporation of British Columbia</i>	2025 BCPC 7	No	In <i>Kim v. Insurance Corporation of British Columbia</i> , 2025 BCPC 7, the Provincial Court of British Columbia addressed a motor vehicle accident liability dispute where ICBC had assessed the claimant as fully responsible. The claimant initiated a Small Claims action against the other driver to contest this assessment. The court first addressed its jurisdiction under the Civil Resolution Tribunal Act. Although the Tribunal has specialized expertise in accident responsibility, the court exercised its discretion to retain the matter. The court reasoned that the parties agreed to proceed in court, were prepared for trial, and that in-person testimony was preferable for assessing credibility. Regarding <i>Yas v. Pope</i> , 2018 BCSC 282, the court applied the principle that while credibility can be addressed via written records, in-person testimony often provides a superior basis for assessment. The decision does not mention <i>Baird J.</i> The court dispensed with the formal requirement for a Form 36 Application for Exemption, citing inherent procedural jurisdiction. On the merits, the court apportioned liability equally between the parties. It found the claimant negligent for failing to exercise sufficient care while reversing, and the defendant negligent for failing to exercise sufficient care while turning into the parking lot with an obstructed windshield.	N/A
<i>1028677 B.C. Ltd. v The Owners, Strata Plan LMS 1083</i>	2024 BCSC 578	No	The petitioner sought judicial review of a Civil Resolution Tribunal decision ordering the reversal of alleged unauthorized strata alterations. The Court set aside the decision on grounds of procedural unfairness and patent unreasonableness. Regarding procedural fairness, the Court held that the tribunal member failed to adequately weigh the necessity of an oral hearing when faced with a central,	N/A

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			credibility-dependent issue of forgery. The Court noted that while the tribunal member relied on <i>Yas v. Pope</i> to justify a written hearing, that decision is not an immutable rule and has been eclipsed by the requirement in <i>Downing v. Strata Plan V2356</i> for tribunals to actively assess procedural needs, particularly for self-represented parties. Regarding patent unreasonableness, the Court found the order was based on an erroneous factual premise, as the tribunal incorrectly attributed the construction of a mezzanine and HVAC unit to the petitioner when they actually pre-existed the petitioner's ownership. Because the order required the reversal of alterations that were not unauthorized, and because the tribunal failed to make findings on the pre-alteration state of the property, the order was impossible to comply with and patently unreasonable. The matter was remitted to the CRT for a new hearing. This decision concerns a judicial review of a final CRT order and does not address the removal of claims to the Supreme Court or the jurisprudence of <i>Baird J</i> regarding the ousting of CRT jurisdiction.	
<i>Macdonald v The Owners, EPS 522</i>	2023 BCSC 1215	No	The petitioner sought judicial review of a Civil Resolution Tribunal (CRT) decision dismissing seven complaints against his strata corporation. Applying the patently unreasonable standard of review, the court affirmed the legislative mandate that the CRT possesses specialized expertise in strata claims. The decision cites <i>Yas v Pope</i> , 2018 BCSC 282, to support the principle that administrative tribunals may resolve credibility issues on written records without oral hearings, a practice the court upheld here in the interest of proportionality. The decision does not mention or apply the <i>Baird J</i> line of authority regarding the ousting of CRT jurisdiction. The court dismissed most of the petitioner's	N/A

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			claims, finding the CRT's analysis rational. However, it allowed the claim regarding the petitioner's nomination for strata council. The court found the CRT's dismissal of this claim patently unreasonable because the strata's property manager had incorrectly ruled the petitioner ineligible due to a conflict of interest, which constituted significantly unfair conduct. Regarding other claims, the court upheld the CRT's findings, noting that while the tribunal occasionally mischaracterized the nature of the petitioner's requests, the outcomes were reasonable. The court also affirmed that the CRT lacks jurisdiction to grant declaratory relief. Success was divided, and the court awarded the respondent party and party costs at Scale B.	
<i>The Owners, Strata Plan VR 1120 v Mitchinson</i>	2022 BCSC 2054	No	This judicial review concerns the disclosure of privileged legal opinions by a strata corporation to an owner under the Strata Property Act (SPA). The Court applied a correctness standard of review, determining that solicitor-client privilege is a general question of law of central importance. While the Court acknowledged <i>Yas v. Pope</i> (2018 BCSC 282), in which Baird J. affirmed the CRT's specialized expertise and broad jurisdiction over strata claims, it held that the fundamental nature of solicitor-client privilege necessitated judicial intervention rather than deference to the Tribunal. The Court rejected the argument that individual owners are clients of the strata's legal counsel, affirming that the strata corporation is a separate legal entity. It further declined to follow the approach in <i>Azura Management (Kelowna) Corp. v. Owners of the Strata Plan KAS2428</i> (2009 BCSC 506), finding that the decision lacked sufficient analysis of the importance of solicitor-client privilege. Consequently, the Court narrowed the disclosure framework: legal opinions regarding	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			contemplated or ongoing disputes are not disclosable until the litigation is fully resolved and all avenues of appeal are exhausted. Once resolved, opinions may be disclosed, provided the requesting owner is prohibited from sharing them. The Court set aside the CRT's order for immediate disclosure, substituting an order consistent with this timing restriction.	
<i>The Owners, Strata Plan LMS 992 (Re)</i>	2022 BCSC 1829	No	The Owners, Strata Plan LMS 992 petitioned the Supreme Court of British Columbia to confirm a voluntary wind-up resolution and appoint a liquidator. Commercial owners opposed the petition, arguing that the wind-up was significantly unfair due to the distribution of proceeds based on the Schedule of Interest upon Destruction and alleging procedural deficiencies in the special general meeting, specifically regarding proxy voting and pandemic-related attendance restrictions. The court confirmed the wind-up resolutions, finding they were in the best interests of the owners given the building's significant structural deficiencies and the owners' history of opposing necessary repair levies. Regarding <i>Yas v. Pope</i> , 2018 BCSC 282, the court accepted it as non-binding guidance on interpreting the Strata Property Act regarding attendance and voting rights but distinguished the present facts, concluding the strata's notice package did not improperly restrict owner participation. The decision does not address <i>Baird J</i> or the ousting of CRT jurisdiction. The court further held that the liquidator could be appointed and vested with the property simultaneously with the confirmation order, rejecting the argument that this bypassed statutory procedures. The court found the distribution of proceeds, while disadvantageous to the commercial owners, was mandated by the Strata Property Act and did not	N/A

Case Name	Citation	Reviewed in Full	Reasoning	Used in Final Output
			constitute significant unfairness sufficient to override the majority's decision.	
<i>The Owners, Strata Plan VR 855 v Shawn Oaks Holdings Ltd.</i>	2018 BCSC 1162	Yes	Norell J — the first case where the court assumed jurisdiction over a strata dispute, and the foundational CONSENT case. Two petitions (strata seeking rental-bylaw enforcement against a developer; developer seeking a s. 164 significant-unfairness order) involved 29+ parties including 27 tenants and a related redevelopment action. Decided under the then-operative s. 189.6 SPA (the predecessor dismissal provision; the dismissal framework later moved to ss. 16.1-16.4 CRTA) (para 55). Both counsel consented to Supreme Court adjudication (paras 54, 56). The court retained jurisdiction on the s. 189.6(2) factors: mutual consent, the atypical nature of the dispute (developer/strata redevelopment-and-winding-up context, not an owner-complaint about day-to-day use and enjoyment), potential precedential value given the 2016 winding-up amendments, and the practical difficulty of the CRT accommodating 27 more potential parties (paras 56-58, distinguishing Yas v. Pope). Downing BCSC at para 50 later identified this as the only s. 16.2-style transfer case where the court moved a dispute to court, noting "the parties in Shawn Oaks all consented." The court also held that the strata's bylaw was unenforceable under s. 141 SPA (para 53), so it ruled on the merits as well as jurisdiction.	Yes