

Case Screening Summary

Total cases screened: 39 | Passed pre-screen: 35 | Used in final output: 12

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>Civil Resolution Tribunal Act, SBC 2012, c 25</i>	Civil Resolution Tribunal Act, SBC 2012, c 25	Yes	Section 121(1) confers CRT jurisdiction over strata property claims broadly, including interpretation of the Strata Property Act, common property, strata lot use, money owing, and strata corporation decisions. Section 121(2) expressly provides that the CRT "is to be considered to have specialized expertise" in respect of strata property claims within its Division 4 jurisdiction. Section 122 carves out specific claims exclusively within Supreme Court jurisdiction. This means the s. 16.1(1)(b) mandatory stay/dismissal framework (with "interests of justice and fairness" exception) applies to strata property claims — not the weaker s. 16.1(1)(c) framework.	No
<i>Civil Resolution Tribunal Amendment Act, 2018, SBC 2018, c 17</i>	Civil Resolution Tribunal Amendment Act, 2018, SBC 2018, c 17	Yes	This is the amending act that introduced strata property jurisdiction to the CRT and added the specialized expertise provisions. The TOC structure is not clearly organized by subject matter, making it difficult to identify specific provisions of interest from the TOC alone. The substantive provisions of interest are already captured in the consolidated CRTA (ss. 121, 122, 16.1–16.4).	No
<i>Civil Resolution Tribunal Amendment Act, 2015, SBC 2015, c 16</i>	Civil Resolution Tribunal Amendment Act, 2015, SBC 2015, c 16	Yes	Earlier amending act dealing primarily with small claims jurisdiction. Not directly relevant to the strata property stay/dismiss question.	No
<i>Louis v. British Columbia (Civil Resolution Tribunal)</i>	2021 BCCA 404	No	This decision concerns a procedural dispute regarding the standing of a party to initiate a Civil Resolution Tribunal proceeding and the severance of issues in a judicial review; it does not address the court's refusal to stay proceedings where parties have not consented to the issue continuing in court.	N/A
<i>Nwabuikwu v Remi Realty Inc.</i>	2024 BCSC 1371	Yes	The decision directly addresses the court's application of s. 16.1 of the Civil Resolution Tribunal Act to determine whether strata property claims should be stayed in favour of the CRT, specifically considering the "interests of justice and fairness" when parties do not consent to the transfer.	No
<i>Canadian Ramgarhia Society v Panesar</i>	2022 BCSC 751	Yes	The decision directly applies sections 16.2 and 16.3 of the Civil Resolution Tribunal Act to determine whether the court should assume jurisdiction over matters currently before the CRT, specifically addressing the "interests of justice and fairness" in the context of repetitive litigation and forum-shopping.	Yes

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>The Owners, Strata Plan NW 2575 v Booth</i>	2018 BCSC 1605	No	This decision concerns a judicial review of a Civil Resolution Tribunal (CRT) decision regarding the right to legal representation, not a court's refusal to stay strata property proceedings. While the case mentions a stay petition, it notes that the petition became moot and does not address the legal principles regarding the court's refusal to stay proceedings where parties have not consented to the issue continuing in court.	N/A
<i>Downing v Strata Plan VR2356</i>	2019 BCSC 1745	Yes	The decision directly addresses the court's authority to refuse to stay a strata proceeding under the Civil Resolution Tribunal Act, specifically analyzing the "interests of justice and fairness" criteria in a situation where the parties did not consent to the matter being heard by the tribunal.	Yes
<i>The Owners, Strata Plan NW 2575 v Booth</i>	2018 BCSC 715	Yes	This decision directly addresses the court's authority to grant a stay of Civil Resolution Tribunal (CRT) proceedings pending judicial review, specifically in a context where the parties did not consent to the CRT process continuing. It applies the legal test for such a stay, which is central to the research question regarding when courts will intervene in strata property proceedings.	No
<i>Wang v. The Owners, Strata Plan LMS2970</i>	2019 BCCA 182	Yes	The decision directly addresses the statutory requirement under the Civil Resolution Tribunal Act that strata property appeals to the Supreme Court require either the consent of all parties or leave of the court, and it discusses the court's role in exercising its discretion to grant such leave.	No
<i>Yas v Pope</i>	2018 BCSC 282	Yes	This decision directly addresses an application under s. 12.3 of the Civil Resolution Tribunal Act to stay strata property proceedings in the CRT and move them to the Supreme Court, specifically analyzing the factors of "justice and fairness" and the lack of party consent to the CRT process.	Yes
<i>Yeung v The Owners, Strata Plan EPS 1831</i>	2025 BCSC 2369	Yes	The decision directly addresses the court's application of s. 16.3 of the Civil Resolution Tribunal Act to determine whether to dismiss a civil claim in favor of the CRT, specifically considering the factor of whether parties agree to the court's jurisdiction.	Yes
<i>Majithia v The Owners, Strata Plan EPS 2884</i>	2024 BCSC 1519	Yes	This decision directly addresses the court's application of sections 16.1, 16.2, and 16.3 of the Civil Resolution Tribunal Act to determine whether a strata dispute should be stayed in favour of the CRT, specifically analyzing the "interests of justice and fairness" exception.	Yes

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>The Owners, Strata Plan VR 855 v Shawn Oaks Holdings Ltd.</i>	2018 BCSC 1162	Yes	Justice Norell exercised jurisdiction over strata property petitions under the predecessor s. 189.6 of the Strata Property Act, finding it was not in the interests of justice and fairness for the CRT to resolve the dispute. Crucially, both parties CONSENTED to having the matter heard in Supreme Court (para 54-56). Court found this was an unusual case involving a developer with 27 strata lots, potential winding up, complex bylaw validity questions, and significant public interest in a Supreme Court precedent. This is the leading case (and perhaps only case until Ramgarhia) where a court ordered that strata matters remain in court over CRT jurisdiction — but consent was present. Court distinguished from Yas v Pope on the basis that this was not a typical strata neighbour dispute but a complex developer/strata corporation conflict. At para 58, court made the s. 189.6 finding based on "totality of factors."	Yes
<i>Kunzler v The Owners, Strata Plan EPS 1433</i>	2020 BCSC 576	Yes	Justice Punnett assumed Supreme Court jurisdiction over strata property petition where BOTH parties consented to court jurisdiction under s. 16.1(1)(c) and 16.3(1)(a),(c),(d). At para 4, court notes explicitly: "Counsel for both parties consent to this Court hearing the matter, rather than the Civil Resolution Tribunal." At para 9, court found the issue was complex, may have precedential value, and the parties wished to make full oral arguments. Court took jurisdiction on this basis. This is one of the few cases where jurisdiction was assumed — but only because of bilateral consent plus complexity. This case, alongside Shawn Oaks, forms the core of the "consent" line of authority distinguished in Downing and Ramgarhia.	Yes
<i>The Owners, Strata Plan NW 2575 v. Booth</i>	2020 BCCA 153	Yes	BCCA decision addressing the reasonableness of a CRT decision denying legal representation under s. 20 of the CRTA — not a s. 16.1/16.2 stay/dismiss application. Court applied Vavilov and allowed the appeal, finding the Tribunal unreasonably failed to account for the complexity of a \$25,000 tort claim bundled with a strata repair dispute. Not directly on point for the research question (court jurisdiction over strata matters vs. CRT representation rights), but cited frequently in the stay/dismiss case law for the proposition that complexity is a relevant factor under the interests of justice and fairness analysis. Confirms s. 121(2) specialized expertise designation and CRT's broad strata jurisdiction.	No

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>Downing v. Strata Plan VR2356</i>	2023 BCCA 100	Yes	BCCA dismissed appeal from judicial review of CRT strata decision on procedural fairness and negligence grounds. Not directly about s. 16.1/16.2 stay applications — instead addresses judicial review standards and procedural fairness at the CRT. However, at para 65, the Court makes an important observation about the legislative policy choice to divert strata disputes to the CRT. At para 8, Willcock JA expressly notes that chambers judges hearing s. 121 applications should "pay close attention to the fact that there are limited procedural safeguards at the CRT" and that significant sums or important issues "may militate against the referral." The Court confirmed the 2019 BCSC <i>Downing</i> s. 16.1 referral was not appealed, treating it as settled. Cited frequently by subsequent courts on the policy rationale for CRT strata jurisdiction.	Yes
<i>The Owners, Strata Plan LMS205 v 0806933 B.C. Ltd.</i>	2022 BCSC 91	Yes	The decision directly addresses the court's jurisdiction to hear strata property claims alongside Civil Resolution Tribunal (CRT) matters, specifically discussing the court's authority under s. 16.2 of the Civil Resolution Tribunal Act to determine whether it is in the interests of justice and fairness for the court to retain jurisdiction over claims that would otherwise fall to the CRT.	No
<i>Trial Lawyers Association of British Columbia v British Columbia (Attorney General)</i>	2021 BCSC 348	Yes	This decision directly addresses the constitutionality of the Civil Resolution Tribunal Act, specifically analyzing the provisions (ss. 16.1 and 133) that mandate the stay or dismissal of court proceedings in favor of the tribunal, which is the core of the research question.	No
<i>Hui v The Owners, Strata Plan BCS3702</i>	2025 BCSC 1209	Yes	The decision directly addresses the court's discretion under the Civil Resolution Tribunal Act to refuse to stay or dismiss a strata property proceeding in favor of the CRT, specifically weighing factors such as procedural fairness, document discovery, and the timing of the application in the absence of party consent.	Yes
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	2025 BCSC 76	Yes	This decision directly addresses the court's application of the Civil Resolution Tribunal Act's stay provisions, specifically analyzing the "interests of justice and fairness" test under s. 16.3(1)(d) where parties have not consented to the court retaining jurisdiction.	Yes
<i>Strata Plan VR 2213 v Schappert</i>	2023 BCSC 2080	Yes	The decision explicitly addresses the court's jurisdiction under the Civil Resolution Tribunal Act, specifically applying the "interests of justice and fairness" test to determine whether to retain a strata property dispute in court rather than staying it for the CRT. It provides a clear example of the court exercising its discretion to refuse a stay when both parties consent to the court's jurisdiction and the issues are complex.	Yes

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>356 Cathedral Ventures Ltd. v Owners of Strata Plan BCS3598</i>	2020 BCSC 1583	Yes	The decision explicitly addresses the court's jurisdiction in light of the Civil Resolution Tribunal Act, specifically discussing the criteria under s. 16.1 and s. 16.3 for when a court should stay or decline to stay proceedings that would otherwise fall under the CRT's jurisdiction. The court confirms that the parties consented to the court hearing the matter and provides reasoning for why it was not in the interests of justice and fairness for the CRT to adjudicate the claim.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	2024 BCSC 2232	Yes	Justice Wolfe found the interests of justice and fairness required the court to adjudicate a complex multi-issue strata claim against the defendants' objection — one of only a small number of cases where a court assumed jurisdiction over strata matters without bilateral consent. Key factors: (1) complexity of interrelated claims spanning 30+ years and two statutory regimes (Condominium Act and SPA); (2) three areas of novel law where the Strata Corporation asked the court to make new law; (3) risk of bifurcated proceedings if only some claims were referred (Condominium Act claims outside CRT jurisdiction); (4) proceedings already significantly advanced (summary trial scheduled); and (5) practical inefficiency of referral at that stage. Court at para 49 explicitly addressed the "no precedent" argument and dismissed it, finding Canadian Ramgarhia (Societies Act context) established the court can assume jurisdiction without consent, and that s. 16.3(1)(d) is just one non-determinative factor. At para 54, court granted s. 16.2 order that CRT not adjudicate.	Yes
<i>Dolnik v The Owners, Strata Plan LMS 1350</i>	2023 BCSC 113	Yes	Judicial review of CRT strata decision on repair and maintenance obligations, significant unfairness, and limitation period. Not about s. 16.1/16.2 stay or dismiss applications. Court allowed the petition on the significant unfairness ground only, finding the CRT had failed to apply the Dollan two-part test. Para 52 contains a useful summary acknowledging that 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 for the Tribunal to do so" — helpful background framing but not a stay/dismiss application decision.	No
<i>Downing v. Strata Plan VR2356</i>	(no citation)	Yes	The decision substantively engages with the research question by analyzing the criteria for staying strata proceedings in favour of the CRT, specifically addressing the tension between the CRT's statutory mandate for efficiency and the procedural fairness concerns (such as the need for oral hearings and cross-examination) that arise when parties do not consent to the tribunal's jurisdiction.	No

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>Yeung v The Owners, Strata Plan EPS 1831</i>	(no citation)	No	While the court discusses the Civil Resolution Tribunal's jurisdiction, it does not address the specific research question regarding the frequency or circumstances under which courts refuse to stay proceedings due to a lack of party consent. The decision focuses on the court's mandatory dismissal of a claim under s. 16.1 of the CRTA because the subject matter fell within the tribunal's exclusive jurisdiction.	N/A
<i>Hui v The Owners, Strata Plan BCS3702</i>	(no citation)	Yes	The decision provides a substantive analysis of the factors under s. 16.3 of the Civil Resolution Tribunal Act that courts must weigh when deciding whether to refuse a stay of proceedings, specifically addressing the impact of procedural complexity, document discovery limitations, and the timing of a defendant's application.	No
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	(no citation)	Yes	The decision provides a detailed analysis of the factors courts use to determine whether to stay strata property proceedings in favour of the Civil Resolution Tribunal (CRT) under the Civil Resolution Tribunal Act. It specifically addresses the "interests of justice and fairness" test and distinguishes between cases where the court retains jurisdiction versus those where it defers to the CRT, directly addressing your research question.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	(no citation)	Yes	The decision provides a detailed analysis of the court's discretion to retain jurisdiction over strata property claims despite the Civil Resolution Tribunal's (CRT) presumptive jurisdiction. It specifically addresses the "interests of justice and fairness" test under the Civil Resolution Tribunal Act and concludes that the court should adjudicate the claims rather than defer to the CRT, which is directly responsive to the research question.	No
<i>Downing v. Strata Plan VR2356</i>	(no citation)	Yes	The decision substantively engages with the research question by reviewing the criteria for staying strata proceedings in favour of the CRT, specifically addressing the tension between the CRT's statutory mandate for efficiency and the procedural fairness concerns (such as the need for oral hearings or cross-examination) that arise when parties do not consent to the tribunal's jurisdiction.	No
<i>Hui v The Owners, Strata Plan BCS3702</i>	(no citation)	Yes	The decision provides a substantive analysis of the factors under s. 16.3 of the Civil Resolution Tribunal Act that courts must weigh when deciding whether to refuse a stay of proceedings in favour of the CRT, specifically addressing the impact of procedural complexity, document discovery, and the timing of a defendant's application.	No

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>Kim v. Insurance Corporation of British Columbia</i>	(no citation)	Yes	The court explicitly addresses the criteria under s. 16.3(1)(d) of the Civil Resolution Tribunal Act, confirming that the parties' mutual agreement to remain in court is a valid factor for the court to retain jurisdiction and refuse to stay the proceedings.	No
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	(no citation)	Yes	The decision provides a detailed analysis of the factors courts use to determine whether to stay strata property proceedings in favour of the Civil Resolution Tribunal (CRT) under the Civil Resolution Tribunal Act. It specifically addresses the "interests of justice and fairness" test and distinguishes between cases where the court retains jurisdiction versus those where it defers to the CRT, directly addressing your research question.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	(no citation)	Yes	The decision provides a detailed analysis of the court's discretion to retain jurisdiction over strata property claims despite the Civil Resolution Tribunal's (CRT) presumptive jurisdiction. It specifically addresses the "interests of justice and fairness" test under the Civil Resolution Tribunal Act and explains why the court may refuse to stay proceedings in favor of the CRT when claims are complex or involve issues of significant legal importance.	No
<i>Kim v. Insurance Corporation of British Columbia</i>	2025 BCPC 7	Yes	Provincial Court MVA accident responsibility case — not a strata property dispute. Court applied s. 16.1(1)(b) and 16.3 framework and retained jurisdiction where BOTH parties consented to court hearing. Not relevant to the strata-specific question but confirms the broader s. 16.1(1)(b) framework operates consistently across CRT jurisdiction areas.	No
<i>Hui v The Owners, Strata Plan BCS3702</i>	(no citation)	Yes	The decision provides a substantive analysis of the factors under s. 16.3 of the Civil Resolution Tribunal Act, specifically addressing whether it is in the "interests of justice and fairness" to retain jurisdiction in court versus referring the matter to the CRT when parties have not consented to the latter. The court explicitly weighs procedural fairness, the complexity of the claim, and the impact of the defendant's delay in bringing the application as reasons to refuse a stay.	No
<i>The Owners, Strata Plan VIS 1210 v Ngai Estate</i>	(no citation)	No	This decision is a costs ruling that briefly mentions the court's prior decision to exercise jurisdiction over the dispute rather than deferring to the Civil Resolution Tribunal; however, it does not substantively analyze or provide new legal principles regarding the refusal to stay strata proceedings.	N/A

Case Name	Citation	Passed Pre-Screen	Reasoning	Used in Final Output
<i>1289083 B.C. Ltd. v Owners, Strata Plan BCS3215</i>	(no citation)	Yes	The decision provides a detailed analysis of the factors courts use to determine whether to stay strata property proceedings in favour of the Civil Resolution Tribunal (CRT) under the Civil Resolution Tribunal Act. It specifically addresses the "interests of justice and fairness" test and distinguishes between cases where the court retains jurisdiction versus those where it defers to the CRT, directly addressing your research question.	No