



## MEDIA RELEASE

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# Civil Resolution Tribunal and Access to Justice – Concerns Remain

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**VANCOUVER** – The Canadian Bar Association BC Branch has reviewed the provincial government’s proposed Bill 19 to amend the Civil Resolution Tribunal Act. The Bill reflects a number of important amendments to address issues raised by the CBABC, and for that we thank Attorney General Suzanne Anton, QC, Ministry of Justice staff, and Civil Resolution Tribunal Chair Shannon Salter. It is clear that the consultation and input leading up to the Bill’s introduction was taken seriously. Previous ideas such as allowing secret/confidential evidence have been removed, and language around the “reasonableness” of a claim has been improved.

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“We commend the government and the Minister for committing to increasing access to justice in British Columbia,” said CBABC President Alex Shorten. “There is no question that for strata disputes in particular, the new Civil Resolution Tribunal will be a significant improvement. Court was rarely a practical or accessible option for strata disputes, despite the fact that even the smallest of disputes was important to the people involved, and lack of resolution could cause community harm. We have strongly and consistently supported the Condominium Home Owners Association in calling for a separate dispute resolution process to address those types of disputes.”

On the matter of extending the Civil Resolution Tribunal process to small claims matters currently resolved through provincial court, there remain two significant issues of concern to the bar:

1. CBABC strongly advocates for the repeal of s20, which is a provision that sets restrictions on the parties' right to legal counsel. People who are involved in legal disputes should not be discouraged from receiving legal counsel and representation regarding their rights and responsibilities. This is particularly troubling when Bill 19 proposes a complete switch from voluntary to mandatory application of the CRT process in small claims matters, unless an exemption is allowed to permit disputants to access a judicial court. People and businesses in dispute should continue to have their existing right maintained to access the courts, and legal representation, rather than a 'second tier' of extra-judicial administration.
2. The second concern of the bar is that as the government moves funding and jurisdiction away from justice administered by independent courts, the public is being funneled into a process that relies on appointees of the government who are fulfilling adjudicative roles in deciding general civil claims matters, without actual judicial independence (security of tenure, a higher degree of administrative independence from government, etc.). The amendments proposed in Bill 19 do not address this significant public interest concern, which CBABC has expressed on numerous occasions to the government.

"We believe in and support innovation in the development of new approaches to improve access to justice in BC, and in investing in opportunities for early and lasting resolution to disputes," said President Shorten. "Bill 19 introduces an approach that has not yet been implemented or studied, and is being watched by others around the world. We strongly recommend that as Bill 19 goes through the Committee stage, amendments be incorporated to address the outstanding concerns."

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*The Canadian Bar Association is the professional organization representing more than 38,000 lawyers, judges and law students in Canada, including 6,700 members in British Columbia.*