



Civil Resolution Tribunal

Cariboo Regional District
File No. 400-01

March 21, 2019

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Referred To CAO

Hello,

On April 1, 2019, the Civil Resolution Tribunal (CRT) will begin resolving motor vehicle accident disputes related to:

- damages and liability claims up to \$50,000,
- minor injury determinations, and
- entitlement to accident benefits

Using the CRT to resolve these disputes is mandatory, and we want to ensure drivers in B.C. know about the new process and how they can use the Civil Resolution Tribunal to resolve disputes.

Tribunals provide an efficient, flexible, and accessible alternative to courts, increasing access to justice for the public. The CRT is an independent online tribunal which already resolves small claim disputes \$5,000 and under, and strata property (condominium) disputes of any amount. To date, the CRT has resolved approximately 10,000 disputes, in most cases, in under 120 days.

The CRT's mandate is to bring the justice system to British Columbians by providing an accessible, collaborative approach to dispute resolution. Moving motor vehicle accident disputes under the jurisdiction of the online CRT means that injured parties will be able to resolve their disputes anytime, anywhere, without having to hire a lawyer if they don't want to. Settlements can be reached more quickly, while injured parties avoid the cost, time, and stress of going through the court system.

The CRT's tribunal members are independent decision-makers with extensive experience in personal injury and motor vehicle accident claims. They have the combination of training and expertise to fairly evaluate and resolve disputes.

Enclosed, you will find answers to some frequently asked questions about the CRT and the new process for motor vehicle accident disputes. I have also included a copy of a rack card with information for the public.

I would be grateful if you could help us build awareness by sharing this information with those you assist. If you need further information, more rack cards or an e-poster (both available in English, Punjabi and/or traditional or simplified Chinese) or would like a CRT representative to provide a newsletter article or in-person presentation on the CRT, please contact our Tribunal Administrator, Raquel Gofredo-Battad (Raquel.GofredoBattad@crtbc.ca).

Sincerely,

Shannon Salter
Chair

Quick Facts –

Motor Vehicle Injury Disputes and the Civil Resolution Tribunal



The Civil Resolution Tribunal

- Starting April 1, 2019, individuals injured in a motor vehicle accident can use the Civil Resolution Tribunal (CRT) to resolve disputes with ICBC, including damages and liability claims up to \$50,000, instead of hiring a lawyer and going to court.
- The CRT is an independent, quasi-judicial organization which, to date, has successfully resolved approximately 10,000 disputes, in most cases, in under 120 days.
- Seventy-five per cent of those who have accessed CRT services since April 2018 say they would recommend the CRT to others.
- Comprised of independent decision-makers with extensive experience in personal injury claims, the CRT has proven expertise to resolve ICBC settlement disputes.
- Using the CRT will allow the public to obtain timely, inexpensive, and fair resolutions to disputes.
- This will let them focus on regaining their health, rather than enduring the stress of a lawsuit, possible court delays and ultimately paying a large portion of their settlement to legal fees.
- It should also lower ICBC's legal expenses – which are currently 24% of the corporation's total annual costs and contribute to rising auto insurance rates—and reduce pressure on the provincial court system.





The CRT Process

- Many people who are injured in motor vehicle accidents work successfully with ICBC adjusters to receive support and compensation for their injuries.
- Where this is not possible, the CRT process will resolve disputes accessibly and efficiently. People can navigate it without legal representation, meaning the customer's settlement is not subject to lawyer contingency fees.
- People interested in using the CRT to resolve disputes start by using the Solution Explorer – an online guided pathway that helps them learn about their legal issue and access free tools for resolving it.
- If the dispute cannot be resolved using the Solution Explorer's free tools, people can apply for dispute resolution from the CRT. People who don't have internet access can also apply by mail or in person at one of 61 Service BC locations.
- The CRT provides facilitators with mediation training to help the parties reach an agreement. The facilitators have access to multi-lingual, real-time translation services in over 200 languages. If mediation proves unsuccessful, an independent tribunal member with subject matter expertise related to the dispute will make a binding, enforceable decision.
- The CRT may also order an independent expert medical examination to better understand a party's injuries.
- The process for the public to apply for resolution of motor vehicle injury disputes is the same as for strata or small claims disputes. This process has been in place, tested and refined for over two years. The focus is on helping the parties reach an agreement and making a binding decision if the parties can't agree.
- CRT decisions are enforceable in the court.



FAQ –

The Civil Resolution Tribunal and Motor Vehicle Injury Disputes

On April 1, 2019 the Civil Resolution Tribunal (CRT) will start resolving many motor vehicle accident injury (MVI) disputes in British Columbia.

This includes disputes about accident benefits, disputes about damages and fault up to \$50,000, and determining whether an injury is a “minor injury”.



About the CRT

Is the CRT the same as a court?

The CRT is an administrative tribunal, not a court. But like a court, the CRT is part of the public justice system, its tribunal members are independent and neutral, and it is required to apply the law and make enforceable decisions.

The CRT has jurisdiction over most MVI disputes, as well as strata property disputes, small claims under \$5,000 and soon, societies and cooperative association disputes. In most cases, you have to use the CRT and not the court to resolve disputes in these areas.

Are CRT members employed by ICBC?

No. CRT members are independent and appointed by the provincial government, based on recommendations by the CRT Chair, after an extensive merit-based competition. The competition includes strict application criteria, intensive screening, an anonymously evaluated decision-writing exercise, a panel interview, reference checks, and other due diligence. In addition, all CRT tribunal members must follow the CRT Code of Conduct.





Applying for CRT dispute resolution

Do I have to try to settle with ICBC first?

You might get a faster resolution if you negotiate a settlement with the insurer. But if you can't reach a settlement on your own, the CRT is here to help.

Can I apply if the accident happened outside BC?

Yes. If the accident happened outside BC, you can make a claim under our small claims jurisdiction. But the most you can claim is \$5,000.

Can I apply if the accident happened before April 1, 2019?

Yes. If the accident happened before April 1, 2019, you can make a claim under our small claims jurisdiction. But the most you can claim is \$5,000.

Can I have a lawyer represent me?

Yes. For most motor vehicle injury claims made on or after April 1, 2019, you can have a lawyer represent you. But in some cases, you may need to ask the CRT for permission. Our application form will guide you through this process.

Do you think my dispute will be successful?

The CRT is an independent, neutral decision maker. Our staff can't provide legal advice or tell you how likely you are to succeed.

If you need advice about your chances of success, you may want to get professional advice from a lawyer or legal services provider before applying for CRT dispute resolution.

How long does the dispute resolution process take?

The CRT aims to resolve disputes as fairly, quickly, and affordably as possible. But every dispute is different. The time to resolve a dispute depends on whether the parties can reach an agreement earlier in the process, and the amount of issues and evidence in the dispute.





Reaching an agreement

What if I don't want to negotiate?

The negotiation process is voluntary, and you don't have to participate in it. But if you reach a negotiated agreement, your application fee will be refunded and your agreement will be turned into an enforceable court order.

Do I have to participate in facilitation?

Yes. Parties are required to participate in facilitation, where a case manager will help you try to reach an agreement. If you can't reach an agreement, an independent CRT member will make an enforceable decision on your dispute.



Getting a decision

Who will decide my dispute?

If you can't reach an agreement, an independent CRT member will decide your dispute. All CRT members are expert decision-makers and are appointed after an extensive merit-based competition process. CRT members deciding MVI disputes are lawyers with expertise in personal injury law.

Will the decision and my name be made public?

In most cases, yes. The *Civil Resolution Tribunal Act* requires that final decisions and orders must be posted to the CRT's website, where they are available to the public. But if a party or witness is concerned that information in a final decision or order would be harmful to their privacy or security, they may request that this information be redacted or anonymized.

Generally, if a decision involves a minor or similarly vulnerable person, the CRT will anonymize the decision or take other steps to protect the vulnerable person's privacy.





After a decision

What if I don't agree with the decision?

CRT decisions for motor vehicle injury disputes are subject to judicial review. This means that you can ask the BC Supreme Court to review the CRT's decision.



Have a question we didn't answer here?

Contact us!

Visit www.civilresolutionbc.ca and use our Contact Us form. Or call us at 1-844-322-2292 (toll-free in North America).



INJURED in a crash?

There's a faster road
to resolution.

Starting April 1, 2019 the
Civil Resolution Tribunal
(CRT) will resolve most
new ICBC disputes.

**The CRT is
here to help**



Avoid the cost, time, and
stress of going to court



Online, convenient, any
place, any time, 24/7



Fair and independent
decisions that can be
enforced like a court order
and more...

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Civil Resolution Tribunal

A faster road
to resolving
your dispute
with ICBC
starts online



EXPLORE

Your options with free
legal information and
tools



NEGOTIATE

Facilitation to help you
reach an agreement



GET A DECISION

If you can't reach
an agreement, an
independent CRT
member will make an
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