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Small claims, strata disputes go digital

Adjudication online: You'll soon be able to settle squabbles without setting foot in a courthouse

Have a small-claims battle or condo war to settle? In B.C., there's an app coming for that. More and more provincial legal services will be going online and soon you'll be able to use your computer or smartphone, night or day, rather than going to court to settle squabbles.



FREDERIC J. BROWN/AFP/GETTY IMAGES FILES

B.C. will be the first Canadian jurisdiction to operate an online Civil Resolution Tribunal, for small-claims disputes up to \$10,000 and strata conflicts. Victoria intends to make using it mandatory, possibly in 2017.

Europe is well down this road and — given the high cost of lawyers, the archaic procedures, the difficulty of navigating those shoals, the length of time it takes to get a resolution and the emotional cost of the ordeal — this is clearly the way of the future.

B.C. was the first province to experiment with electronic filing of documents back in 2005.

Since then, Consumer Protection B.C. and the Property Assessment Appeal Board have embraced online dispute resolution.

Later this year, the province will become the first Canadian jurisdiction to operate an online Civil Resolution Tribunal for small-claims disputes up to \$10,000 and strata conflicts.

A website (civilresolutionbc.ca) has been established and the government is encouraging people to help test it before it goes live. It will start as a voluntary portal, but Victoria intends to make using it mandatory, possibly as soon as next year.

It will have a broad and sweeping effect.

The pioneering system includes party-to-party negotiations, a facilitation phase, akin to mediation, and adjudication with the same force as a court ruling.

There will be information pathways, online tools and resources.

Case managers and facilitators will monitor and enable the parties' progress or transfer the dispute to a specialist tribunal member for a decision if they reach an impasse.

It is hoped the process will take no more than 60 days and cost no more than the filing fees charged for small claims. Those who settle early will get a discount.

On strata matters, which at the moment must be heard in B.C. Supreme Court, a decision will be final, though you will be able to appeal to that bench in limited circumstances.

For small claims, there is a form of appeal to the provincial court.

The problem-solving software is similar to that used and perfected by companies such as eBay and PayPal, which resolve millions of disputes annually with such systems.

The ostensible rationale offered by Justice Minister Suzanne Anton when she unveiled the plan a year ago was that such a system is less expensive, far more convenient and will improve access to justice.

It can take up to 16 months for a small claims case to be resolved and even longer for strata fights involving neighbours. You can imagine how emotionally stressful communal living becomes when you can't get rid of an irritating burr.

The bottom line is the courts are pricing themselves out of dispute resolution — big companies are abandoning B.C. Supreme Court in favour of mediation and arbitration while provincial court judges have become too expensive for this work.

Such minor legal skirmishes are also usually not a gold mine for lawyers, so the government has not faced much opposition.

When you consider 90 per cent of the people involved in smallclaims conflicts are self-represented, the approach makes a lot of sense.

Over the following months, other online legal services are going to be rolled out.

Still, there are concerns around computer literacy and availability, English comprehension and legal understanding.

In the past, the courts and legal-system stakeholders also have proven highly resistant to accepting modern communications technology.

Regardless, it is inevitable — it is already part of the mainstream landscape in the EU and several states. 'Gccb`j'h'k j``VY`YfY"