

Civil Resolution Tribunal

May 28, 2021

Chair & Directors, Peace River Regional District
PO Box 810
Dawson Creek, BC V1G 4H8

Dear Chair & Directors,

Information for Motor Vehicle Accident Disputes

Thank you for helping us let your constituents know about the Civil Resolution Tribunal (CRT). We are writing to let you know we can now resolve claims with ICBC about entitlement to **enhanced accident benefits**. This coincides with the launch of BC's new "care-based" model of compensation for injuries from motor vehicle accidents.

These changes will make the CRT the dispute resolution body for most motor vehicle injury claims where the accident happens on or after May 1, 2021. For more information visit our website at civilresolutionbc.ca.

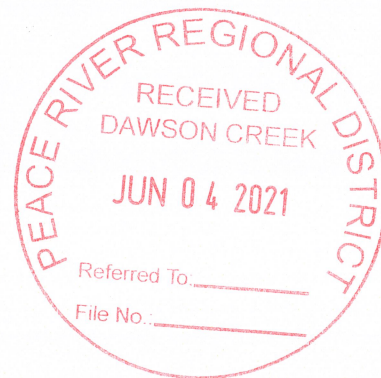
We have enclosed some of our new rack cards, FAQs, and posters with public information about the tribunal's jurisdiction over accident benefit disputes. I would be grateful if you could help us build awareness by posting this information for your constituents.

The CRT is an independent tribunal. In addition to motor vehicle injury disputes, the CRT's jurisdiction also includes small claims \$5,000 and under, strata property disputes, and societies and co-operative association disputes. The dispute resolution process is user-friendly, convenient, and affordable. A case manager will help the parties reach an agreement, if possible. If they can't reach an agreement, a tribunal member will make a binding decision. CRT decisions are made by legal experts, independently from ICBC and government.

If you need further information or more materials, please contact our Communications Specialist Wendy Wall (communications@crtbc.ca). The rack cards and FAQs are available in 9 languages in print and digital formats: English, Punjabi, Chinese Simplified, Chinese Traditional, Tagalog, Farsi, French, Spanish, and Vietnamese.

Sincerely,

Shannon Salter
Chair



FAQ – Motor Vehicle Injury Disputes and the Civil Resolution Tribunal

Since April 1, 2019 the Civil Resolution Tribunal (CRT) has been resolving many motor vehicle accident injury (MVI) disputes in British Columbia.

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

For accidents that happen on or after May 1, 2021, British Columbia will have an enhanced accident benefits regime and most motor vehicle injury disputes will come to the CRT.



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 CRT members are independent and neutral, and it is required to apply the law and make enforceable decisions.

The CRT has jurisdiction over most motor vehicle accident injury (MVI) disputes, as well as strata property disputes, small claims under \$5,000, and certain disputes involving societies and cooperative associations.

I thought the Court decided the CRT can't decide MVI disputes?

On March 2, 2021 the BC Supreme Court decided that certain parts of the CRT's jurisdiction were unconstitutional and no longer in effect. However, the Court of Appeal then modified this decision. This means the CRT can continue to decide MVI disputes at least until the Court of Appeal releases its final decision on the appeal. Visit www.civilresolutionbc.ca for more information.



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 criteria for qualifications, 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. You don't have to try to settle with ICBC before starting your CRT dispute.

Can I apply if the accident happened outside BC?

This depends on what you're claiming for. If your claim is for accident benefits, your accident does not have to have occurred in BC. If your claim is for something other than accident benefits, you may be able to dispute your claims through the CRT or you may have to apply in the province or country where the accident occurred.

Can I have a lawyer represent me?

Yes. For motor vehicle injury claims made on or after April 1, 2019, you can have a lawyer represent you. For other types of CRT disputes, you may need to ask the CRT for permission. Our online 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 Civil Resolution Tribunal (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 early in the process, and the amount of issues and evidence in the dispute.



Negotiation and facilitation

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 an agreement during online negotiation, we will refund your application fee and your agreement can be turned into an enforceable CRT 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 motor vehicle accident injury (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 (a person under 19 years of age) 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 a decision?

Civil Resolution Tribunal (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).



Have a dispute with ICBC about accident benefits?

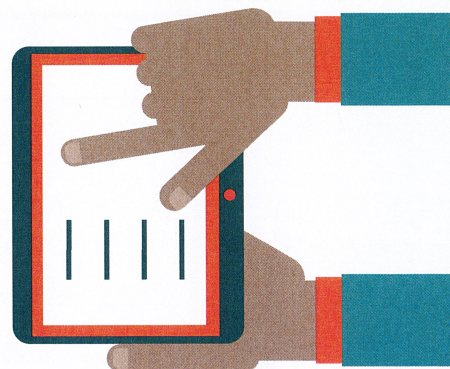
The CRT is an independent tribunal. It can resolve your dispute.

Visit our website to learn more.

Vous avez un différend avec l'ICBC au sujet de vos indemnités d'accident?

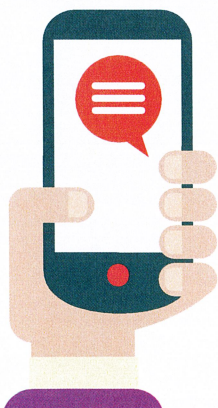
Le CRT est un tribunal indépendant. Il peut résoudre votre différend.

Visitez notre site Web pour en savoir plus.



Civil Resolution Tribunal

www.civilresolutionbc.ca



¿Tiene una disputa con ICBC acerca de subsidios por accidente?

El CRT es un panel independiente que puede resolver su disputa.

Visite nuestro sitio web para mayor información.



Have a dispute with ICBC about accident benefits?

The CRT is an independent tribunal.
It can resolve your dispute.

- Free legal information about accident benefits
- User-friendly, convenient and affordable
- Expert help to try to reach an agreement
- If you can't agree, a tribunal member will make a decision



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Starting May 1, 2021, the Civil Resolution Tribunal (CRT) can resolve disputes with ICBC about entitlement to Enhanced Accident Benefits.

The CRT makes decisions independently from ICBC and government.



Explore & Apply:

Get free legal information, then apply online or by mail.



Negotiation:

Use a secure, confidential negotiation platform.



Facilitation:

A case manager will help you reach an agreement, if possible.



Decision:

If you can't reach an agreement, a tribunal member will make a binding decision.

CRT decisions are made by legal experts.



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[English]