



## CRT Fee Refunds Policy

### ***Application of this Policy***

The CRT collects a variety of fees for resolving disputes. The most common are application fees, the fee to request a default decision, and the fee for a tribunal decision.

This document sets out the Civil Resolution Tribunal's (CRT's) rules and policies regarding the circumstances in which the CRT may refund a fee paid during the dispute resolution process. These rules are authorized by section 62 (2)(m) of the [Civil Resolution Tribunal Act](#).

These rules authorize refunds of the fees paid by parties at various stages in the CRT dispute resolution process. Unless authorized by these rules, the CRT cannot refund a fee to a party.

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## ***Refunds of Fees During Intake***

The CRT Intake stage includes the following actions by CRT staff:

1. Receiving and screening an application for dispute resolution, including a counterclaim and third-party claim;
2. Referring an application to a Tribunal Member for decision on whether the CRT has jurisdiction over a claim;
3. Issuing a Dispute Notice and mailing it for service on the respondents or providing directions for service to the applicant;
4. Advising applicants that the CRT has refused to issue a Dispute Notice, because of a lack of jurisdiction or deficiencies in the application; and
5. Receiving and reviewing a Dispute Response.

## **Application Fees**

During Intake, the CRT may refund application fees, including fees paid for a counterclaim or third-party claim, in the following circumstances:

1. The CRT refuses to issue the Dispute Notice due to the claim being outside the CRT's jurisdiction and the dispute was not referred to a tribunal member for a decision on jurisdiction or any other issue;
2. The CRT refuses to issue the Dispute Notice because the applicant is non-compliant with CRT rules or directions, including:
  - a) not providing necessary information when requested to do so;
  - b) not responding to CRT staff inquiries intended to move dispute resolution forward;
  - c) not paying any additional amount requested, where the applicant paid less than the full fee amount required by the CRT (the amount paid will be refunded);
3. The applicant withdraws the dispute and the dispute was not referred to a tribunal member for a decision on jurisdiction or any other issue;
4. The party overpaid the application fee (in which case, the difference between the amount paid and the required fee amount will be refunded); or
5. The CRT approved a waiver of fees for the party, but payment was accepted in error.

## Dispute Response Fees

During Intake, the CRT may refund Dispute Response fees in the following circumstances:

1. The CRT refuses to accept the Dispute Response and the dispute was not referred to a tribunal member for a decision on whether to accept the Dispute Response, including where the party:
  - a) did not provide necessary information when requested to do so;
  - b) did not respond to CRT staff inquiries intended to move dispute resolution forward;
  - c) the party did not pay any additional amount requested, where the applicant paid less than the full fee amount required by the CRT (the amount paid will be refunded);
2. The applicant withdraws the dispute, and the dispute was not referred to a tribunal member for a decision on jurisdiction or any other issue;
3. The party should not have paid a Dispute Response fee;
4. The party overpaid the Dispute Response fee (in which case, the difference between the amount paid and the required fee amount will be refunded); or
5. The CRT approved a waiver of fees for the party, but payment was accepted in error.

## Refunds of Fees During Case Management

CRT Case Management includes the following two stages:

1. The parties discuss possible resolution of the claims using the CRT's portal, accessed using their CRT Account (**Negotiation**); and
2. A CRT case manager facilitates discussions with the parties about the possibility of resolving the dispute by agreement, avoiding the need for adjudication by a tribunal member (**Facilitation**).

## Application Fees

The CRT may issue a refund of the application fee paid by a party during Case Management, only where:

- a) the parties agreed to a full and final resolution of the dispute, or
- b) the applicant withdrew all claims,

before the case manager commenced facilitation activities.

Once a case manager has commenced facilitation activities, the CRT will not refund the application fee.

### Consent Resolution Order Fees

Fees paid for a Consent Resolution Order (CRO) during Case Management may be refunded when:

1. The case manager determines, or the parties agree, that a CRO is not required;
2. The tribunal member does not approve the CRO agreed to by the parties, unless the decision not to approve the CRO is based on the conduct of the party that paid the fee; or
3. There is a fee waiver in place, but payment was accepted in error.

### Dispute Response Fees

During case management, the CRT may issue a refund of Dispute Response Fees when:

1. The parties agreed to a full and final resolution of the dispute, or
2. The applicant withdrew all claims,

before the case manager commenced facilitation activities.

## ***Refunds of Fees During Default Decision Process***

After the CRT issues a Dispute Notice, the CRT or the applicant will serve a copy of the Dispute Notice on the respondents named in the Dispute Notice. Once served, the respondents have a limited amount of time to file a Dispute Response.

If all parties are served, but none of them file a Dispute Response, the CRT will refer the dispute to the default decision process.

During the default decision process, the applicant is required to pay a fee for a default decision and provide information to support the decision. The CRT may refund the default decision fee in the following circumstances:

1. The CRT accepts a late Dispute Response from a respondent and the dispute will proceed to case management;
2. The CRT refuses to refer the dispute to a tribunal member to issue the default decision, including where the party:
  - a) did not provide necessary information, including a properly completed default decision request form, when requested to do so;

- b) did not serve the respondent(s) properly and the CRT directs the applicant to serve the respondent(s) according to the CRT Rules;
  - c) did not respond to CRT staff inquiries intended to move the default decision process forward;
  - d) the party did not pay any additional amount required for the fee, where the applicant paid less than the full fee amount required by the CRT (the amount that was paid will be refunded);
3. The tribunal member refuses to issue a default order;
  4. There is a fee waiver in place, but payment was accepted in error; or
  5. The applicant withdraws the dispute before the request for a default is assigned to a tribunal member for decision.

### ***Refunds of Fees During Adjudication***

The CRT's adjudication process includes the Tribunal Decision Plan (TDP) Preparation and Adjudication stages. During TDP Preparation, the CRT accept the parties' evidence and submissions, creating the Tribunal Decision Plan (TDP). Once the TDP is created, the dispute is assigned to a tribunal member for adjudication and a final decision.

A party is required to pay a tribunal decision fee before the CRT will move a dispute to the TDP Preparation stage. The CRT may refund an adjudication fee when:

1. The parties agreed to a full and final resolution of the dispute or the applicant withdraws all claims, prior to finalization of the Tribunal Decision Plan;
2. A tribunal member directs that the dispute be referred back to case management, unless the dispute is likely to return to TDP Preparation and Adjudication and it would be inefficient to refund the fee, then require payment of the fee again; or
3. There is a fee waiver in place, but payment was accepted in error.

### ***Refunds of Fees After Tribunal Decision***

After the CRT has issued a final decision in a dispute, a party who disagrees with the decision may file a Notice of Objection within 28 days of receiving the decision. Once the Notice of Objection is filed and the applicable fee is paid, the CRT decision becomes unenforceable and the applicant may pursue the claims through the Provincial Court.

The Notice of Objection is not available to a party who was in default (did not file a Dispute Response) or was found to be non-compliant in the CRT process. However, those parties may pay a fee and file a Request to Cancel the decision.

If a tribunal member is satisfied with the reasons for the default or non-compliance and that it is appropriate to

do so, the member may set aside the default or non-compliance decision. The dispute is then referred to the stage of dispute resolution that it was at when the decision was made.

The CRT may refund the fee paid for a Notice of Objection or Request to Cancel when:

1. A CRT error led to the default or non-compliance decision;
2. The Notice of Objection was filed after the 28-day deadline and the CRT can't accept it; or
3. There is a fee waiver in place, but payment was accepted in error.

### ***Refunds of Fees in Other Circumstances***

The Executive Director or Director may approve a fee refund in other circumstances not described in this policy, where it appears to be in the interests of justice and fairness to do so.

The CRT will refund fees paid by a party where a CRT member directs staff to do so, while exercising decision-making authority granted to the member under the *Civil Resolution Tribunal Act*.

### ***Authorization and Payment of Refunds***

A fee paid to the CRT will not be refunded unless:

1. the refund is authorized under this policy; and
2. the refund has been approved by a CRT employee with designated authority to approve refunds, under the CRT Revenue Matrix.

Approved fee refunds shall only be paid to the person who paid the fee to the CRT.

Where the person paid by credit card, the refund must be refunded to that credit card, unless the card or account are no longer active. Where a refund must be paid by cheque, CRT staff must verify the name of the person who paid the fee and request the cheque be made payable to that person.

### ***References***

- [Civil Resolution Tribunal Act, section 62](#)
- [CRT Website: Fees page](#)