



Civil Resolution Tribunal

Date Issued: February 25, 2026

Files: ST-2023-010914 and
ST-CC-2024-006243

Type: Strata

Civil Resolution Tribunal

Indexed as: *Jackson v. The Owners, Strata Plan LMS 298*, 2026 BCCRT 317

BETWEEN:

SCOTT JACKSON

APPLICANT

AND:

The Owners, Strata Plan LMS 298

RESPONDENT

AND:

SCOTT JACKSON

RESPONDENT BY COUNTERCLAIM

REASONS FOR DECISION

Tribunal Member:

J. Garth Cambrey

INTRODUCTION

1. This strata property dispute is about an alleged bylaw breach for landscaping alterations and a resulting fine. It includes 2 linked disputes that I find are a claim and counterclaim involving the same parties and overlapping issues, so I have

issued a single decision.

2. The applicant in ST-2023-010914, Scott Jackson, co-owns and resides in strata lot 62, or SL62, in the respondent strata corporation, The Owners, Strata Plan LMS 298, or strata. Mr. Jackson was a previous strata council president and is self-represented. The strata is represented by a current council member.
3. According to Mr. Jackson, he was given authority to alter landscaping as the strata council president which included removing a plant from a planter located in the parking area. He says he had the plant removed for security reasons as part of his elected duties as president. He says the strata council has personally attacked and harassed him in meeting minutes. Mr. Jackson seeks orders that the strata remove from SL62 a chargeback of \$598.13 for replacing the plant and a related \$200 bylaw fine. He also seeks orders for \$5,000 in damages for stress and public embarrassment and that the strata to include an apology in its minutes.
4. The strata denies Mr. Jackson's claims. It agrees the plant material was removed from the flower bed while Mr. Jackson was the council president, but says the change was significant under *Strata Property Act*, or SPA section 71. It says Mr. Jackson required approval from the strata council and a $\frac{3}{4}$ vote of the strata owners before having the work done, which he did not obtain. The strata says it acted in accordance with the SPA and that a forced apology would serve no purpose. The strata asks that Mr. Jackson's claims be dismissed.
5. In ST-CC-2024-006243, the strata says, that in addition to Mr. Jackson requiring approval as council president to remove the plant material, the cost of removal was not a budgeted expense nor an emergency, so he had no authority to spend the strata's funds for that purpose. It seeks orders that Mr. Jackson reimburse it \$598.13 for the cost to restore the planter and pay it the \$200 bylaw fine.
6. Mr. Jackson disagrees with the strata's counterclaim. He says it was not a significant change under SPA section 71 and that a majority of the strata council agreed to removal of the plant for security reasons. He says the strata cannot make claims against him personally for things he did as a council member. I infer Mr. Jackson asks that the strata's counterclaim be dismissed.

7. As explained below, I refuse to resolve Mr. Jackson's claim for harassment. I order the strata to immediately remove the \$200.00 bylaw fine and \$598.13 chargeback for the plant replacement from SL62. I dismiss the parties' remaining claims.

JURISDICTION AND PROCEDURE

8. These are the formal written reasons of the Civil Resolution Tribunal or CRT. The CRT has jurisdiction over strata property claims under section 121 of the *Civil Resolution Tribunal Act* or CRTA. CRTA section 2 says the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT must apply principles of law and fairness and recognize any relationships between the dispute's parties that will likely continue after the CRT process has ended.
9. Under CRTA section 10, the CRT must refuse to resolve a claim that it considers to be outside the CRT's jurisdiction.
10. CRTA section 39 says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. I find I am properly able to assess and weigh the documentary evidence and submissions before me. I am satisfied an oral hearing is not necessary in the interests of justice and decided to hear this dispute through written submissions.
11. CRTA section 42 says the CRT may accept as evidence information that it considers relevant, necessary, and appropriate, even where the information would not be admissible in court.

Preliminary Issues

The strata as sole respondent and late evidence

12. As I note below, the strata created separate sections for townhouse-style and apartment-style strata lots in 2019. Under SPA Part 11, separate sections are legal entities distinct from the strata corporation to which they belong. It is not clear whether the parties understand the roles of separate sections and their executive committees in relation to the strata and strata council. I say this because they refer

to Mr. Jackson as a council member when it appears he was also a member of the apartment section executive. Further, some of the evidence suggests Mr. Jackson was also the chair of the apartment section. Mr. Jackson also says he had approval from the apartment section executive to remove the plant material, but the strata says he need approval from the strata council. For the purposes of this dispute, I find Mr. Jackson was the council president, which the respondent strata does not dispute.

13. I considered whether I should seek submissions from the parties about adding the apartment section as a respondent, but decided it was not necessary. This is because I find the planter in question is the strata's common property and that it was the strata that imposed the bylaw fine and charged back the cost to replace the removed plant. In my view, the apartment section has not been involved in this dispute, so I find there is no reason to add it now.
14. Finally, Mr. Jackson provided late evidence consisting of April 14, 2025 minutes of meetings held by both the apartment section and strata council. The minutes confirm the issue of plant removal and fines relate only to the strata council and not to the apartment section.
15. As for admitting the late evidence, the strata did not object to its admission and had an opportunity to respond to it. Therefore, I find there are no procedural fairness issues arising from admitting the late evidence and I have considered it in my decision below.

ISSUES

16. The issues in this dispute are:
 - a. Is the strata entitled to hold Mr. Jackson personally liable for actions he took or decisions he made as a council member and, if so, what is an appropriate remedy?
 - b. Is Mr. Jackson entitled to damages and, if so, in what amount?

BACKGROUND, EVIDENCE AND ANALYSIS

17. As applicant in a civil proceeding such as this, Mr. Jackson must prove his claims on a balance of probabilities, meaning more likely than not. The strata must prove its counterclaims to the same standard. I have considered all the parties' submissions and evidence but refer only to information I find relevant to explain my decision.
18. The strata was created in March 1992 under the *Condominium Act* and continues to operate under the SPA. It consists of 130 residential strata lots located in several buildings. The strata lots comprise both apartment-style and townhouse-style strata lots. SL62 is an apartment-style strata lot.
19. Land Title Office documents confirm the strata filed a complete new set of bylaws on December 10, 2019. The bylaws created 2 separate sections: Section 1 of The Owners, Strata Plan LMS 298 comprising all the townhouse-style strata lots and Section 2 of The Owners, Strata Plan LMS 298 comprising all the apartment-style strata lots. Additional bylaw amendments were filed between December 9, 2020, and December 23, 2022, but I find they are not relevant here. I also find bylaw amendments filed January 19, 2024 are not relevant because they were filed after this dispute was started. I address applicable bylaws below as necessary.
20. Four of the buildings are located above the underground parking area. There is a central courtyard on the interior area between the four buildings with one area that is open to the parking area below. The courtyard and parking areas are shown as common property on the strata plan. The planter in question is not shown on the strata plan, however, photographs confirm it is located on the parking level below the open area of the courtyard. Therefore, I find the planter is common property of the strata.

Is the strata entitled to hold Mr. Jackson personally liable for actions he took or decisions he made as a council member?

21. Mr. Jackson was elected council president in 2020 and served in that position until he was removed from the strata council. In June 2022, he asked the strata's landscaper to remove a plant from the planter for security reasons. Mr. Jackson and

all other council members were removed from the strata council at a July 4, 2022, special general meeting. I infer that at least one new member also served on the previous council with Mr. Jackson based on a written statement from that individual dated April 2025, stating they had served on the strata council for 10 years.

22. The strata alleges Mr. Jackson failed to seek the approval of all council members or record the decision to remove the plant in the council minutes. At most, I find this is an allegation that Mr. Jackson acted outside his authority as a council member. To the extent the strata argues that Mr. Jackson made a unilateral decision to remove the plant, I disagree. I say this because 2 other strata council members provided written statements that support Mr. Jackson's decision, implying they were aware of it, and the strata manager at the time provided emails that support Mr. Jackson was given the authority to make decisions about landscaping matters, provided the cost of such decisions were within the budget.
23. For these reasons, I find Mr. Jackson was acting in his capacity as council president when he instructed the strata's landscape contractor to remove the plant for safety reasons.
24. Bylaw 30.1 states a council member is not personally liable for "anything done or omitted in the exercise or intended exercise of any power or the performance or intended performance of any duty of the council", as long as the member acts honestly and in good faith.
25. Bylaw 30.4 goes on to say that the strata will indemnify and save harmless the member after they are no longer a council member for any liability, costs, charges, and expenses not covered by the strata's insurance policy. An exception to this indemnity occurs if a court, tribunal, or arbitrator finds the member did not act honestly and in good faith.
26. Read together, I find these bylaws require a finding that Mr. Jackson acted in bad faith before the strata can take action against him by imposing fines or charging him with the cost of replacing the plant. The strata did not argue bad faith, and I find none has been proven. Therefore, I find the strata is not entitled to hold Mr. Jackson personally liable for his actions of removing a plant from a common property planter.

27. On this basis, the strata's counterclaims that Mr. Jackson must pay it a \$200 bylaw fine and \$598.13 to replace the removed plant must fail. I order the strata to remove both of these charges from SL62's account.
28. I agree with the strata that a forced apology would serve no practical purpose. The strata must disclose the outcome of this dispute to its owners, and I find that is sufficient to inform them of Mr. Jackson's success. I make no order for an apology.
29. Given my findings above, I need not consider the strata's other arguments about Mr. Jackson's authority to spend funds or whether the change was significant under SPA section 71.

Is Mr. Jackson entitled to damages?

30. Mr. Jackson claims \$5,000 in damages largely because he says the strata is harassing him and partially because the strata is unfairly enforcing bylaw contraventions. For the following reasons, I find Mr. Jackson is not entitled to damages.
31. First, I have previously found that a claim for civil harassment is outside the CRT's strata property jurisdiction under CRTA section 121(1) unless the strata has a valid bylaw that addresses harassment. See for example, *Hu v. The Owners, Strata Plan BCS 1732*, 2025 BCCRT 603 at paragraphs 15 through 21.
32. This is because section 121(1) of the CRTA says CRT has jurisdiction over a claim, in respect of the SPA, concerning one or more listed areas including the interpretation or application of the SPA, or a regulation, bylaw or rule under the SPA, common property, use or enjoyment of a strata lot, money owing, and actions or decisions by a strata corporation against an owner. Absent a bylaw about harassment, as is the case here, I find Mr. Jackson's harassment claims do not fall within CRTA section 121(1) and are therefore outside the CRT's strata property jurisdiction.
33. Second, Mr. Jackson did not specify the strata council members he alleges harassed him and did not name any strata members as respondents in this dispute.

So, I cannot make orders against any council members because they have not had the opportunity to respond to the applicants' allegations.

34. Third, SPA section 31 sets out the standard that strata council members must meet in performing their duties. It says that each council member must act honestly and in good faith, with a view to the best interests of the strata, and exercise the care, diligence, and skill of a reasonably prudent person in comparable circumstances. I find a strata council member's standard of care would capture claims of harassment. So, I find Mr. Jackson's harassment claim is a claim under SPA section 31.
35. In *Rochette v. Bradburn*, 2021 BCSC 1752 at paragraph 82, the BC Supreme Court confirmed that the SPA does not allow another strata owner to sue for violations of section 31. This means that a strata lot owner cannot bring a claim against a strata corporation for duties owed by its strata council members under section 31.
36. The court's decision in *Rochette* is binding precedent. So, I find the CRT has no jurisdiction to decide Mr. Jackson's section 31 claim, as set out above.
37. For all of these reasons, I refuse to resolve Mr. Jackson's harassment claim under CRTA section 10(1).
38. Next, Mr. Jackson says the strata has failed to enforce its bylaws fairly. While he asserted many examples about bylaw infractions committed by strata council members, I find he provided no evidence to support his assertions.
39. Finally, I consider whether the strata caused Mr. Jackson to suffer stress and public embarrassment, such that it should pay him damages. I find any public embarrassment Mr. Jackson may have suffered is not deserving of damages, but I accept the strata's actions were stressful to him. However, as discussed in *Lau v. Royal Bank of Canada*, 2017 BCCA 253, there must be an "evidentiary basis" for a claim of mental distress, which I find applies to Mr. Jackson's claim here about stress. Given Mr. Jackson did not provide any evidence to support his claim, such as a doctor's note, I find it unproven, and I dismiss it.

40. Overall, I find Mr. Jackson has not proved he suffered any loss, so I find he is not entitled to damages.

CRT FEES AND EXPENSES

41. Under CRTA section 49 and the CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. I find both parties were partially successful, so I make no order for reimbursement of CRT fees.

42. Neither party claimed disputed-related expenses, so I order none.

43. The strata must comply with section 189.4 of the SPA, which includes not charging dispute-related expenses against Mr. Jackson.

DECISION AND ORDERS

44. I refuse to resolve Mr. Jackson's claim for harassment under CRTA section 10(1).

45. I order the strata to immediately remove the \$200.00 bylaw fine and the \$598.13 chargeback for the plant replacement from Mr. Jackson's strata lot account.

46. I dismiss the parties' remaining claims.

47. This is a validated decision and order. Under section 57 of the CRTA, a validated copy of the CRT's order can be enforced through the British Columbia Supreme Court. Under section 58 of the CRTA, the order can be enforced through the British Columbia Provincial Court if it is an order for financial compensation or return of personal property under \$35,000. Once filed, a CRT order has the same force and effect as an order of the court in which it is filed.

J. Garth Cambrey, Tribunal Member