

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Nwabuikwu v. Remi Realty Inc.*,  
2024 BCSC 1371

Date: 20240731  
Docket: S228827  
Registry: Vancouver

Between:

**Christian Ejikemenwa Nwabuikwu**

Plaintiff

And

**Remi Realty Inc., Ishri Prasad, Harjeet Kaur Sandhu, Christopher Van Dyke  
(proxy), Quentin Van Dyke, Jacques Nguyen (Owner Unit 15), Sukjinder Kang  
Owner 13 140 St Surrey, BC, Strata Council, Strata Plan EPS3433, Greenwood  
Townhomes 7247 140 Street, Surrey BC V3W 1K8**

Defendants

Before: The Honourable Justice Doyle

## Reasons for Judgment

The Plaintiff, Christian Ejikemenwa  
Nwabuikwu, appearing on his own behalf:

C.E. Nwabuikwu

Counsel for the Defendants, Remi Realty  
Inc., Ishri Prasad, Harjeet Kaur Sandhu,  
Jacques Nguyen, Strata Plan EPS3433 and  
Strata Council:

B. Scheidegger

The Defendant, Christopher Van Dyke,  
appearing on his own behalf:

C. Van Dyke

The Defendant, Quentin Van Dyke,  
appearing on his own behalf:

Q. Van Dyke

Place and Dates of Hearing:

Vancouver, B.C.  
April 27-28, 2023  
September 5-6, 2023

Place and Date of Judgment:

Vancouver, B.C.  
July 31, 2024

**Table of Contents**

**OVERVIEW..... 3**

**NOTICE OF CLAIM ..... 5**

**OVERVIEW OF THE LEGISLATION AND RULES OF COURT ..... 7**

**DEFAMATION, *CHARTER, CANADIAN HUMAN RIGHTS ACT, CRIMINAL CODE* ..... 8**

    Defamation ..... 8

*Charter* ..... 8

*Canadian Human Rights Act* ..... 9

*Criminal Code*..... 9

**REMAINING CLAIMS..... 10**

**THE APPLICATION FOR DISMISSAL OR STAY..... 12**

**CONCLUSION..... 17**

**Overview**

[1] On July 15, 2024, I provided the parties with my decision, with reasons to follow. These are those reasons.

[2] Christian Nwabuikwu owns a residential strata lot, where he lives with his wife and children. He claims against various defendants for matters occurring in, around and in relation to that strata lot, himself, and his family.

[3] Mr. Nwabuikwu claims against the defendants as set out in the 2<sup>nd</sup> Amended Notice of Civil Claim, filed January 3, 2023 (the “Notice of Claim”).

[4] I have two applications before me:

- a) Mr. Nwabuikwu applied for determination of the matter by summary trial for various claims including defamation, discrimination, harassment, bullying, intimidation, threats, strata bylaw interpretation and prosecution and violations of several statutes including the *Strata Property Act*, S.B.C. 1998, c. 43, the *Human Rights Code*, R.S.B.C. 1996, c. 210, the *Canadian Human Rights Act*, the *Criminal Code*, and the *Canadian Charter of Rights and Freedoms [Charter]*.
- b) The strata defendants, Remi Realty Inc., Ishri Prasad, Harjeet Kaur Sandhu, Jacques Nguyen, The Owners, Strata Plan EPS3433 (the “Strata Corporation”) and the Strata Council sought:
  - 1) The claims against Remi Realty Inc. be struck pursuant to Rule 9-5 of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [*Rules*], or, in the alternative, dismissed pursuant to s. 16.1 of the *Civil Resolution Tribunal Act*, S.B.C. 2012, c. 25 [*CRTA*].
  - 2) The claims against Ishri Prasad, Harjeet Kaur Sandhu and Jacques Nguyen relating to their roles as members of the Strata Council be struck or, in the alternative, dismissed pursuant to s. 16.1 of the *CRTA*.

- 3) The claims against the Strata Corporation be struck or, in the alternative, dismissed pursuant to s. 16.1 of the *CRTA*.
- 4) No further amendments to the Notice of Claim without leave of the Court.
- 5) Costs.

[5] The strata defendants' application will determine which claims, if any, will proceed before this Court. These reasons address that application which, in my view, must be determined first. Accordingly, Mr. Nwabuikwu's application was adjourned generally.

[6] In the course of the hearing, the strata defendants submitted that the current Notice of Claim sufficiently particularizes the alleged defamation and that those claims can proceed before this Court. Some or all of the strata defendants may apply for dismissal in the future, but I understood they no longer seek that remedy on this application. With the exception of claims relating to the *Charter, Criminal Code* and *Canadian Human Rights Act*, they seek the other claims be dismissed or stayed for resolution by the Civil Resolution Tribunal (the "CRT").

[7] Quentin Van Dyke filed a response to the plaintiff's application. Christopher Van Dyke did not file any response. Both were present for most of the hearing. Overall, I understood that they do not oppose the strata defendants' application.

[8] Mr. Nwabuikwu submits that this Court should hear all matters in his Notice of Claim. He made very detailed, careful and thoughtful submissions, orally and in writing. These included helpful reference to relevant emails, other correspondence, documents and video which chronicle his dealings with various of the defendants during the relevant times, from approximately the time he was elected to the Strata Council in January 2022 to the end of that year.

[9] Mr. Nwabuikwu acknowledged that the CRT has jurisdiction over certain of his claims. However, he particularly opposes the strata defendants' *CRTA* s. 16.1

application, submitting that it is not in the interests of justice and fairness for the CRT to hear those claims. In essence, he says those claims are sufficiently complex to benefit from adjudication in this Court.

[10] The primary issue on this application is thus whether Mr. Nwabuikwu's claims, other than defamation, should be heard in this Court or before the CRT. Section 121(1) of the *CRTA* sets out the jurisdiction of the CRT.

[11] The secondary issue is whether some of those other claims should be struck under Rule 9-5 of the *Rules* in any event.

**Notice of Claim**

[12] The Notice of Claim can be broadly summarized:

- 1) As against Remi Realty Inc., Ishri Prasad, Harjeet Kaur Sandhu and Jacques Nguyen:
  - a) Defamation;
  - b) Claims related to Remi Realty Inc. managing the conduct of the Strata Corporation and Strata Council business where either or both proceeded without authorization, infringed upon privacy, misused information, misled owners and proceeded with false and malicious disciplinary proceedings against the plaintiff;
  - c) Discrimination; and
  - d) Harassment, bullying, intimidation, racially motivated defamation and conspiracy in relation to the alleged actions of both Messrs. Van Dyke toward the plaintiff.
- 2) As against the Strata Corporation and Strata Council:

- a) Discrimination by declining to address the plaintiff's complaint against both Messrs. Van Dyke, and instead sending the plaintiff with notices of infraction;
  - b) Releasing the plaintiff's full legal name and email address to Christopher Van Dyke, which were allegedly published by both Christopher Van Dyke and Jacques Nguyen; and
  - c) Depriving the plaintiff and his family of the enjoyment of their strata property by various means.
- 3) As against Jacques Nguyen:
- a) Defamation;
  - b) Harassing and confronting the plaintiff and his family;
  - c) Releasing the plaintiff's full legal name and email address to Christopher Van Dyke; and
  - d) Depriving the plaintiff and his family of the enjoyment of their strata property by various means.
- 4) As against Christopher Van Dyke:
- a) Defamation;
  - b) Videotaping the plaintiff;
  - c) Harassing and intimidating the plaintiff and his family and trespassing; and
  - d) Depriving the plaintiff and his family of the enjoyment of their strata property by various means.
- 5) As against Quentin Van Dyke:

- a) Defamation; and
- b) Depriving the plaintiff and his family of the enjoyment of their strata property by various means.

**Overview of the Legislation and Rules of Court**

[13] Section 1 of the *CRTA* includes the following definitions:

“**claim**” includes any matter that may be resolved by the tribunal;

...

“**strata property claim**” means a claim over which the tribunal has jurisdiction under Division 4 [*Strata Property Claims*] of Part 10;

[14] Section 121(1) of the *CRTA* sets out the CRT’s jurisdiction for a wide variety of strata property claims. Section 121(2) provides that the CRT is to be considered to have specialized expertise for strata property claims within its jurisdiction.

[15] Section 122 sets out claims outside the jurisdiction of the CRT.

[16] Section 123 sets out orders available to the CRT, including subsection 1 which permits it to make an order requiring a party to do, or refrain from doing, “something” and an order requiring a party to pay money. There is no monetary limit, as discussed below.

[17] Section 119(a) provides that the CRT has no jurisdiction over libel and slander (defamation).

[18] Section 16.1 is at the root of the strata defendants’ application for this Court to dismiss or stay the Notice of Claim. Section 16.3 provides that this Court may consider certain matters in determining such an application.

[19] Section 16.4 requires that strata property claims within the jurisdiction of the CRT not be brought or continued in this Court absent certain conditions.

[20] Rule 9-5(1) of the *Rules* addresses striking pleadings, including those which disclose no reasonable claim.

[21] I will first address the claims for defamation and those for relief under the *Charter*, the *Canadian Human Rights Act* and the *Criminal Code*. The plaintiff summarizes these claims concisely in his response to this application. I will then address section 16.1 of the *CRTA*.

**Defamation, *Charter*, *Canadian Human Rights Act*, *Criminal Code***

**Defamation**

[22] The CRT has no jurisdiction over the plaintiff's defamation claims (*CRTA*, s. 119). This Court does. As noted earlier, this hearing evolved such that there is currently no issue that the plaintiff's defamation claims, as amended and set out in the Notice of Claim, can proceed in this Court. This does not preclude any future application by one or more of the defendants seeking dismissal of those claims.

[23] Accordingly, the defamation claims will proceed before this Court.

***Charter***

[24] The strata defendants apply to strike these claims.

[25] An application to strike pleadings assumes that the facts set out in the pleadings are true, unless they are manifestly incapable of being proven (*Nevsun Resources Ltd. v. Araya*, 2020 SCC 5, paras. 64-66). I will proceed on the basis that the facts set out in the pleadings are true.

[26] The *Charter* claims are against several individuals, a real estate management company, a strata corporation and its council. In his response, the plaintiff summarizes these as claims pursuant to sections 2(b), (c) and (d) of the *Charter*.

[27] Section 32 of the *Charter* provides that it applies to the Parliament and government of Canada and to the Legislatures and governments of each province.

[28] In *Strata Plan NW 499 v. Kirk*, 2015 BCSC 1487, Mr. Justice Armstrong of this Court addressed a *Charter* claim against a strata corporation at paras. 143 to 166, including the two-step process which he summarized at para. 148.



[29] First, he found that the strata corporation was not by nature a government entity, nor were its activities controlled by government such that they attracted *Charter* scrutiny (para. 149). Second, he found that the strata corporation was not implementing a statutory scheme or government program, and that the nongovernmental activities of the strata corporation as provided in the *Strata Property Act* are not subject to the *Charter* (para. 161).

[30] In the circumstances of this case, the *Charter* does not apply to the alleged actions of any of the strata defendants, nor to the alleged actions of the individual Van Dyke defendants. It is “plain and obvious” that the *Charter* claims have “no reasonable prospect of success” (*Nevsun*, para. 64).

[31] The pleadings relating to the *Charter* claims are struck from the Notice of Claim with respect to all defendants.

#### ***Canadian Human Rights Act***

[32] The strata defendants seek that these claims be struck. The legal principles set out above apply.

[33] The plaintiff summarizes these claims in his response, citing various sections of the *Canadian Human Rights Act*.

[34] This federal statute has no application to these circumstances, and as such, the pleadings are not reasonable. The pleadings for relief under the *Canadian Human Rights Act* are struck from the Notice of Claim with respect to all defendants.

#### ***Criminal Code***

[35] The strata defendants seek that these claims be struck. Again, the legal principles set out above apply.

[36] The plaintiff summarizes these claims in his response, citing sections of the *Criminal Code* relating to defamatory libel and libel.

[37] This is not a *Criminal Code* proceeding. No relief is available to the plaintiff under the *Criminal Code* in this proceeding, and as such, the pleadings in this respect are not reasonable. The pleadings for relief pursuant to the *Criminal Code* are struck from the Notice of Claim with respect to all defendants.

**Remaining Claims**

[38] Aside from the defamation claims, and with the striking of claims for relief under the *Charter*, the *Canadian Human Rights Act* and the *Criminal Code*, the remaining claims in the Notice of Claim (the “Remaining Claims”) can be summarized as allegations of noise, harassment, bullying, intimidation, threats, discrimination, selective or uneven enforcement of strata bylaw infractions, failure to hold a special general meeting, disclosure of personal information and overall interference with the plaintiff’s use or enjoyment of his strata lot.

[39] Some of the Remaining Claims include allegations that, within the strata context, various defendants posted or distributed signs and made adverse comments about the plaintiff. The Remaining Claims all arise in the context of the strata property and encompass various and multiple alleged interactions by one or more of the defendants with the plaintiff, a strata lot owner.

[40] The Remaining Claims fall within the ambit of s. 121(1) of the *CRTA* in one or more respects:

- Interpretation or application of the *Strata Property Act* or a regulation, bylaw or rule under that Act (for example: claims related to the special general meeting or bylaw enforcement decisions);
- Common property of the strata corporation (for example: claims related to incidents on the common property, including allegations of harassment, bullying, intimidation, threats and discrimination);
- The use or enjoyment of a strata lot (for example: some of those above, as well as noise); and

- A decision of the Strata Corporation, including the Strata Council, in relation to an owner (for example: some of those above as well as allegations of improper disclosure of information).

[41] The discrimination claims within the Remaining Claims include alleged violations of the B.C. *Human Rights Code* and are within the jurisdiction of the CRT, subject to its limited jurisdiction and discretion to decline jurisdiction under s. 114 of the *CRTA*.

[42] A recent example of the CRT dealing with a *Human Rights Code* claim is *Cheslock v. The Owners, Strata Plan NW3158*, 2021 BCCRT 712 (note para. 31). In that case, the CRT awarded damages against the strata for a violation of the *Human Rights Code*.

[43] In *The Owners, Strata Plan NW 2575 v. Booth*, 2020 BCCA 153, the Court stated:

[2] The Civil Resolution Tribunal is an innovative addition to dispute resolution in British Columbia. Its constating legislation, the Civil Resolution Tribunal Act, S.B.C. 2012, c. 25, came into force March 15, 2013, and the Tribunal commenced operations on July 13, 2016. The purpose of the Tribunal is to provide dispute resolution services within its mandate in an “accessible, speedy, economical, informal and flexible” manner (s. 2(2)(a)) that “applies principles of law and fairness ...” (s. 2(2)(b)). The legislation adopts a model of electronic communication, employing “online dispute resolution services available to the public” (s. 2(3)(b)). By s. 2.1 the Tribunal may adjudicate claims in relation to the Strata Property Act, S.B.C. 1998, c. 43, as specified in Division 4 of Part 10 of the Civil Resolution Tribunal Act. Sections 121 and 122 in that part divide strata property claims into those over which the Tribunal has jurisdiction and those over which it does not, in which case the Supreme Court has jurisdiction.

[44] Dealing with a previous version of the *CRTA*, Mr. Justice Baird stated in *Yas v. Pope*, 2018 BCSC 282:

[14] The CRT is limited in most matters over which it has jurisdiction to claims not exceeding the small claims monetary jurisdiction of the Provincial Court. However, for strata property claims the Act contains no such limit. The *Act* makes a point, in other words, of differentiating strata property claims from all others rendered justiciable by the CRT. The legislature by necessary inference has mandated that the CRT should handle strata claims in any amount, large or small.

[15] The Act was designed to deal quickly, efficiently and inexpensively with strata matters and to remove a wide swathe of strata disputes from the dockets of our over-burdened ordinary courts: see *Act* s. 3.6. Counsel have informed me, and my own research has confirmed, that the members of the CRT have been carefully selected for their specialised expertise, competence and experience within the areas of jurisdiction reserved to it.

The former s. 3.6(1) is essentially the same as the current s. 121(1).

[45] As Baird J. noted in *Yas*, the *CRTA* does not limit the monetary jurisdiction of the CRT for strata property claims, so the amount of the claim is no bar to determination by the CRT instead of this Court.

[46] In *Downing v. Strata Plan VR2356*, 2019 BCSC 1745 [*Downing BCSC*], Justice Crerar notes that sections 16.1 and 16.4 of the *CRTA* are both “presumptive” sections (para. 28). *Downing BCSC* was an application under s. 16.2, where the petitioner sought that the CRT not adjudicate her claim.

[47] It is true that aspects of the Remaining Claims include alleged comments and writings that are also relevant to the defamation claims.

### **The Application for Dismissal or Stay**

[48] The strata defendants apply under section 16.1 of the *CRTA*, seeking a determination that the claims within the CRT’s section 121(1) or 114 jurisdiction be dismissed or stayed.

[49] Under section 16.1, if this Court determines that “all matters” are within CRT jurisdiction, it “must” dismiss or stay a proceeding as set out in subsections (a) to (c).

[50] Subsection 16.4(1) states that “a person must not bring or continue, as the case may be, a claim that is within the jurisdiction of the tribunal as a claim in court unless one or more of the following apply”. Paragraphs (a) to (f) set out those exceptions. None of them apply in this case:

- 1) The plaintiff’s claim was filed in this Court, not with the CRT. Accordingly, paragraphs 16.4(1)(a), (b) and (d) do not apply.

- 2) This Court has not previously been asked to make an order pursuant to paragraph 16.4(1)(c), so it does not apply.
- 3) The claim is not a counterclaim, so paragraph 16.4(1)(e) does not apply.
- 4) Finally, paragraph 16.4(1) (f) does not apply to this plaintiff.

[51] Can the plaintiff avoid the presumption in s. 16.1 for matters within CRT jurisdiction (the strata property claims and the *Human Rights Code* claim) by adding one or more matters which are patently outside the CRT's jurisdiction (in this case, the defamation claims) and thereby contend that:

- a) the "all matters" requirement of s. 16.1 is not met, since one matter is defamation; and
- b) as a consequence, the s. 16.1 application must be dismissed?

[52] In my view, he cannot. This would frustrate the legislative objectives of the *CRTA* for claims within its jurisdiction, as elucidated by the Court of Appeal in *Booth*.

[53] Notably, the term "all matters" in s. 16.1(1) is statutorily subject to the provisions of s. 16.4(1).

[54] Since none of the exceptions in s. 16.4(1) applies here, in tandem those sections, along with s. 16.3, accomplish the objective that claims such as the Remaining Claims must be brought before the CRT unless it is not in the interests of justice and fairness for the CRT to adjudicate those claims. One of the considerations under s. 16.3(1) is: "whether the claim or dispute should be heard together with a claim or dispute currently before" this Court.

[55] Since I find that section 16.1 does apply to the Remaining Claims, I will address the interests of justice and fairness.

[56] The plaintiff did not ask the CRT to resolve the Remaining Claims (*CRTA*, s. 4). Instead, he commenced a proceeding in this Court. In no way is this a criticism.

The plaintiff is self-represented and has devoted substantial time and effort to navigating various statutes, regulations and rules.

[57] The plaintiff is candid that some of his claims are within the CRT's jurisdiction. However, he submits his preference for this Court to hear the matter, saying it is in the interests of justice and fairness due in large part to what he says is the complexity of the matter.

[58] When considering the interests of justice and fairness under s. 16.1, s. 16.3 (a) to (f) provide some matters that I may consider. The plaintiff's key submission is complexity:

- 1) The Remaining Claims are ones that commonly arise in the strata context, and, as with any particular case, the findings will turn on the facts. There is not an issue which would benefit from precedent from this Court.
- 2) There is no constitutional question. There is a *Human Rights Code* claim. Though it does have discretion to decline jurisdiction over such claims (s. 114), the CRT does deal with such claims. *Cheslock* is one example. The discrimination claims are intertwined with the strata property claims.
- 3) An issue or claim may be sufficiently complex to benefit from adjudication by this Court. This is the factor upon which the plaintiff primarily relies.
  - a) The plaintiff carefully took the Court through the many documents filed on this application and his application for a summary trial. This included his detailed and cogent submissions, both written and oral. Similarly, counsel for the strata defendants reviewed the materials filed and made cogent submissions. Perhaps given their positions on the s. 16.1 application, the Van Dyke defendants did not review the matter to that depth.
  - b) The plaintiff submits that he prefers this Court over the CRT. In his response, he submits that "the CRT lacks the adequate human, legal

jurisdiction and material resources to handle a matter of this kind”  
(para. 25).

- c) The plaintiff is entitled to that view, but this Court must approach the matter more broadly. The CRT process for strata property complaints exists to achieve the objects of the legislation. It is a valid legislation.
  - d) The substance of the plaintiff’s claims is serious, and is of understandable importance to the plaintiff and defendants. But the underlying factual matrix is not complex, as was demonstrated by the clear and comprehensive materials filed by each party, and the equally clear and thorough submissions of the parties outlining the matters in issue.
- 4) The parties do not agree that the matter should not be heard by the CRT.
  - 5) With regard to whether the claim or dispute should be heard together with a claim or dispute currently before the court, this would entail the Remaining Claims to be heard along with the defamation claims in this Court.
    - a) The defamation claims and their underlying evidence are subject to the particular law related to defamation, including proof of its essential elements by the plaintiff and, upon such proof, a shifting burden to the defendants.
    - b) The Remaining Claims include intimidation, harassment, bullying, discrimination, loss of enjoyment and improper strata bylaw proceedings. The materials filed on this application make it clear that the associated evidence will be much broader and more extensive than that related to the discrete defamation claims.
    - c) If the defamation claims are heard in this Court, and the balance of the strata property claims are heard by the CRT, there will be some

overlap in some evidence. The CRT may make findings about who published words or writings, and if those were related to the plaintiff. However, the CRT cannot, and will not, determine if there was defamation. The CRT's role will be to determine the Remaining Claims —no more and no less.

- 6) With regard to the use of electronic communication tools in the CRT process being unfair to any party in a manner which cannot be accommodated by the CRT, there is nothing before me to suggest any party is anything other than adept in the use of technology.

[59] With regard to other considerations relevant to the interests of justice and fairness, I am mindful of the comments of the Court of Appeal in an appeal from the judicial review consequent upon the CRT hearing the matter arising from *Downing BCSC*.

[60] In *Downing v. Strata Plan VR2356*, 2023 BCCA 100, the Court stated:

[8] While the chambers judge correctly observed that the CRT frequently adjudicates disputes where there are conflicts in the evidence and adjudicators may exercise a discretion to convene an in-person hearing with oral testimony, a chambers judge hearing a s. 121 application should, in my view, pay close attention to the fact that there are limited procedural safeguards at the CRT. In cases involving significant sums or other important issues, the potential limitation on a party's procedural rights before the CRT may militate against the referral. The dismissal of a s. 121 application implies that, at least on the limited record at the hearing of the application, the interests of justice do not demand that the case proceed in the trial court. In the case at bar, the s. 121 application judge was of the view that the CRT adjudicator would be able to afford procedural fairness to the parties. His decision was not appealed.

[61] In this case, I did have an extensive record before me and heard extensive submissions. Much of the record consists of emails and other documents about which the parties provided articulate and detailed submissions.

[62] There may be conflicts in the evidence, as shown to some extent by the affidavits. However, the CRT process does provide procedures to address that, including a discretion for an in-person hearing with oral testimony.



[63] The matters here are important to the plaintiff and to the defendants. However, my view is that the Remaining Claims are, in essence, strata property claims and intertwined *Human Rights Code* claims. In my view, they are claims of a nature that the CRT process was designed to address in a timely and efficient manner, absent some of the strictures of a proceeding in this Court.

[64] Given the general considerations of the interests of justice and fairness, and including consideration of the particular matters set out above, I find that the Remaining Claims should be determined by the CRT, and to that extent, the s. 16.1 application is granted. I will dismiss the Remaining Claims, but will impose an interim stay on that dismissal so that the plaintiff can initiate the CRT process, and I will seek an update from the parties on that process in due course (see *CRTA*, s. 15).

[65] This will result in proceedings before the CRT except for the defamation claims, which will proceed before this Court.

### **Conclusion**

[66] Accordingly, I make the following orders:

- 1) The plaintiff's application for a summary trial, filed March 15, 2023, is adjourned generally. I am not seized of that matter.
- 2) The claims against all the defendants pursuant to the *Charter, Canadian Human Rights Act* and the *Criminal Code* are struck.
- 3) The defamation claims against the defendants in the 2<sup>nd</sup> Amended Notice of Civil Claim filed January 3, 2023 will proceed in this Court.
- 4) The Remaining Claims against the defendants are dismissed pursuant to section 16.4(1)(b) and (c) of the *CRTA* for adjudication by the CRT, subject to:

- a) That dismissal is stayed, on an interim basis, pending the plaintiff initiating a claim before the CRT and the issuance of an initiation notice by the CRT with respect to those claims; and
  - b) The parties have leave to apply to this Court for further directions in regard to that interim stay, and I am seized of that aspect of the matter.
- 5) In any event, the parties will appear before me on September 10, 2024 at 9:00 a.m. to update the Court on the matter generally and for submissions regarding directions for the further conduct of the matters before this Court. Aside from the issue of those directions, I am not seized of the matter before this Court.
- 6) In the circumstances, including divided success, there is no award of costs to any party.

“Doyle J.”