

CANADA / JUDGMENT

Brewis v. British Columbia (Attorney General)

2020 BCCA 266

COURT

British Columbia Court of Appeal

DECIDED

10 September 2020

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2020 BCCA 266 Brewis v. British Columbia (Attorney General) COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Brewis v. British Columbia (Attorney General), 2020 BCCA 266 Date: 20200910 Docket: CA46662 Between: William James Brewis Appellant (Petitioner) And Attorney General of BC, WSR Holdings ULC Inc & WCR Holdings ULC Inc Respondents (Respondents) Before: The Honourable Mr. Justice Willcock The Honourable Mr. Justice Abrioux The Honourable Madam Justice DeWitt-Van Oosten On appeal from: An order of the Supreme Court of British Columbia, dated January 7, 2020 (Brewis v. British Columbia (Attorney General), 2020 BCSC 1293, Penticton Docket S44652). Oral Reasons for Judgment The Appellant, appearing in person (via videoconference): W.J. Brewis Counsel for the Respondent Attorney General of British Columbia (via videoconference): M.J. Kleisinger R.V.A. Doerksen Counsel for the Respondents WSR Holdings ULC Inc WCR Holdings ULC Inc & (via videoconference): J.D. Metherell Place and Date of Hearing: Vancouver, British Columbia September 10, 2020 Place and Date of Judgment: Vancouver, British Columbia September 10, 2020 Summary: The appellant contends the trial judge erred in dismissing his petition as nonsensical and having no basis in law. Held: Appeal dismissed. There was no error in characterizing the appellant's arguments as pseudolegal and nonsensical. In any event, to the extent the claim may be characterized at all it is an action for the recovery of land for which an indefeasible title has been registered and is barred by s. 25 of the Land Title Act, R.S.B.C 1996, c. 250.

[1] WILLCOCK J.A.: The appellant's petition was dismissed for reasons indexed at 2020 BCSC 1293. The judge held as follows:

[1] THE COURT: The petitioner, Mr. William James Brewis, filed this petition on November 19, 2019 seeking, essentially, an interest in property that is registered in the names of the respondents WSR Holdings ULC Inc. and WCR Holdings ULC Inc. Mr. Brewis claims to be entitled to ownership of those lands through a land trust that he claims is created by operation of law.

- [2] In his various written submissions that were filed and are contained within a copious set of documents, in a trial binder of some 42 tabs, he states the main issue in the petition is "assumption of the continued acceptance to the land trust and the legal status as tenant for life, which will continue to be assumed as such until determined otherwise within the jurisdiction of a judge or a senior court within English law".
- [3] He says, "This requisition is for the court's determination based on the doctrine of remitter, a redress that operates by operation of law to the land trust as established by s. 16 of the Settled Land Act 1925".
- [4] He then says a secondary issue is the determination of his past, current, and future rights as settlor, with specific performance concerning the duties and powers to the land trust in order to send a Supreme Court of B.C. determination that justifies the notice already sent to those in possession of the land trust assets who have failed to respond in regards to determining the matter as required by the Settled Land Act.
- [5] He says he is the settlor of a trust of the subject properties, which he now seeks to revoke. Those properties are owned by WSR Holdings ULC and WCR Holdings ULC. They are registered owners under the Land Title Act.
- [6] He suggests that his claim involves established legal concepts such as the common law; the Settle Land Act, which is an English statute; and that he has somehow become the settlor of a trust that he now wants to abandon. He cites numerous legal authorities and case law, legislation, academic and reference text, none of which apply to his argument.
- [7] He has not satisfied me, even remotely, that he is the settlor of any trust or, indeed, that there is any trust established in the first place.
- [8] His submissions have no basis in law and simply make no sense. I am amply satisfied that his arguments are in the nature of the methodologies adopted by the Organized Pseudolegal Commercial Argument litigants, otherwise known as OPCAs, as were discussed by Associate Chief Justice Rooke in *Meads v. Meads*, 2012 ABQB 571.
- [9] His arguments distort and misapply recognized legal principles and rules. They are illogical, incoherent, and delusional. They are wholly rejected. Accordingly, the petition is dismissed.
- [2] The appellant says the judge erred as follows (and here I am paraphrasing his factum as best I can):
1. by "not applying" the Settled Land Act, apparently a reference to the Settled Land Act 1925 (UK), 15 & 16 Geo V, c 18;
 2. by "not applying the applicants subject matter";
 3. by effecting institutional bias toward the appellant as settlor "so severe it serves to disinherit all tenants for life, the inheritance created by the settlement subject to a trust for sale scheme";

4. by "not applying the mandatory foundation provisions to settlements";
 5. by "forcing the appellant to constitute and be subject to a trust as tenant for life"; and
 6. by granting costs, and that is a reference to the fact the chambers judge ordered the appellant to pay special costs to the respondents WSR Holdings ULC Inc ("WSR") and WCR Holdings ULC Inc ("WCR").
- [3] Unfortunately, the appellant's submissions on appeal, in his factum and his oral submissions today, are, in my view, as incoherent as those made at the hearing of the petition. It is impossible to discern in them any basis upon which this appeal might be allowed.
- [4] It is clear the appellant is claiming an interest as settlor in two properties, land with Parcel Identifier 011-775-971, Lot 3, District Lot 3637 Similkameen Division Yale District, Plan 1191 purchased by the respondent WCR in February 2010 and registered in its name, and land with Parcel Identifier 003-275-515, Lot C, District Lots 1442S, 2312, and 3145, Similkameen Division Yale District, Plan 32904 purchased by the respondent WSR February 2010 and registered in its name. As the Attorney General of British Columbia correctly points out, s. 25 of the Land Title Act, R.S.B.C 1996, c. 250 is a complete answer to the appellant's claim. It provides: 25
- (2) An action of ejectment or other action for the recovery of land for which an indefeasible title has been registered must not be commenced or maintained against the registered owner named in the indefeasible title, except in the case of
 - (a) a mortgagee or encumbrancee as against a mortgagor or encumbrancer in default,
 - (b) a lessor as against a lessee in default,
 - (c) [Repealed 2005-35-13.]
 - (d) a person deprived of land improperly included in an indefeasible title of other land by wrong description of boundaries or parcels,
 - (e) 2 or more indefeasible titles having been registered under this Act in respect of the same land, the registered owner claiming under the instrument that was registered first,
 - (f) a right arising or partly arising after the date of the application for registration of the title under which the registered owner claims, including, without limitation,
 - (i) the right of a purchaser claiming under a contract with the registered owner for the sale of the land, and (ii) the right of a beneficiary if the registered owner is a trustee, and
 - (g) a right arising under section 23 (2).

- [3] In any case other than those enumerated by way of exception in subsection (2), the production of a subsisting state of title certificate must be held in all courts to be an absolute bar and estoppel to an action referred to in subsection (2) against the registered owner named in the certificate, despite a rule of law or equity to the contrary. [Emphasis added.]
- [5] Insofar as the appeal of the costs order is concerned, I agree with the respondents WCR and WSR that the judge properly turned his mind to the general deterrent and punishment justification for an order for special costs, and that the order made is a discretionary one which ought not to be interfered with in the absence of an error in principle: *Grewal v. Grewal*, 2016 BCCA 237. In my view, no such error is made out by the appellant.
- [6] For those reasons, and for substantially the reasons of the judge, I would dismiss the appeal.
- [7] ABRIOUX J.A.: I agree.
- [8] DEWITT-VAN OOSTEN J.A.: I agree. "The Honourable Mr. Justice Willcock"

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Prepared on 28 October 2026 · Esheria