

CANADA / JUDGMENT

British Columbia (Attorney General) v. Randhawa

2024 BCSC 421

COURT

Supreme Court of British Columbia

DECIDED

13 March 2024

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2024 BCSC 421 British Columbia (Attorney General) v. Randhawa

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

British Columbia (Attorney General) v. Randhawa,

2024 BCSC 421

Date: 20240313

Docket: S240461

Registry: Vancouver

Between:

Attorney General of British Columbia

Plaintiff

And

Kuldip Singh Randhawa

Defendant

Corrected Judgment: The text of the judgment was corrected on the cover page on March 15, 2024

Before: The Honourable Justice Iyer

Reasons for Judgment

Counsel for Plaintiff:

M.J. Kleisinger

Counsel for Defendant:

No appearance

Place and Date of Hearing:

Vancouver, B.C.

March 5, 2024

Place and Date of Judgment:

Vancouver, B.C.

March 13, 2024

OVERVIEW

- [1] The Attorney General of British Columbia ("AG") applies for an interim injunction imposing strict terms and conditions on Kuldeep Singh Randhawa's attendance at courthouses in British Columbia and communications with court services staff. She relies on s. 2(c) of the Attorney General Act, R.S.B.C. 1996, c. 22, and s. 18.1 of the Supreme Court Act, R.S.B.C. 1996, c. 443, as well as her *parens patriae* power relating to the administration of justice in the province. She also relies on the court's inherent jurisdiction to grant such orders.
- [2] Mr. Randhawa filed a response to the application but did not appear at the hearing. He filed his own application record, which he did not provide to counsel for the AG. It contains much of the same material as in the AG's application record. Mr. Randhawa also provided an email and two affidavits through counsel for the AG. I understand from this material that he opposes both this application and the underlying notice of civil claim, which seeks a final injunction with the same terms as the interim injunction sought in this application.
- [3] Although the order sought is very unusual, I am satisfied that it is warranted based on the evidence before me for the following reasons.

BACKGROUND FACTS

Vexatious Litigant Orders Against Mr. Randhawa

- [4] Over the last decade or longer, Mr. Randhawa has commenced about a dozen actions in the New Westminster Registry ("NW Registry") or in the Vancouver Registry. In 2011, 2013, 2014 and 2107, judges of this Court granted orders declaring him a vexatious litigant under s. 18 of the Supreme Court Act in four different proceedings.

- [5] The 2011 vexatious litigant order arose out of a foreclosure proceeding against Mr. Randhawa and his spouse. Justice Harris granted the order sought, prohibiting the Randhawas from initiating any legal proceedings, including interlocutory applications, against Vancouver City Savings Credit Union or any of its officers, agents or employees in this Court without leave of the court: *Vancouver City Savings Credit Union v. Randhawa*, 2011 BCSC 1308.
- [6] The 2013 vexatious litigant order arose out of oppression actions commenced by Mr. Randhawa and his brother against each other. Justice Burnyeat granted the order sought, prohibiting Mr. Randhawa and the corporate plaintiffs/petitioners from bringing or commencing proceedings in this Court against the applicant lawyers and law firms, as well as the lawyer and law firm representing the applicants without leave of the court: *Gateway Building Management Limited. v Manjit Singh Randhawa*, 2013 BCSC 350.
- [7] The 2014 vexatious litigant order arose out of an action commenced by Mr. Randhawa and his engineering firm against a number of defendants, all relating to discipline imposed on him by the Association of Professional Engineers and Geoscientists of BC. Justice Verhoeven summarized the previous vexatious litigant applications in relation to the application before him:
- [65] In *VanCity* and *Gateway*, and here, Mr. Randhawa has repeatedly made allegations of dishonest, fraudulent and criminal misconduct on the part of legal counsel and others, without foundation. In addition to the pleadings he has filed, the record includes correspondence in which Mr. Randhawa has made many similar allegations. Mr. Randhawa has complained to the Law Society about legal counsel, to the RCMP about a police officer, and to the Canadian Judicial Council about judges, including Justices Burnyeat and Harris.
- [66] Mr. Randhawa's allegations have grown more outlandish with time. He sees himself as being at the centre of a criminal conspiracy, which includes this Court. Subsequent to the hearing of the application before me, Mr. Randhawa sent an email message to the Law Society (he requested that a copy be forwarded to me in relation to this matter), in which he contends that Justice Burnyeat and the lawyers acting for opposing parties in the *Gateway* matter are "involved in criminal activity". He seeks to have the lawyers and the judge arrested, he says.
- [67] The overall pattern of Mr. Randhawa's conduct is quite clear. When rulings are made with which he disagrees, he accuses those involved of various forms of fraud, dishonesty and criminal misconduct. Lately he has added allegations of ethnic prejudice and discrimination. The court cannot allow its processes to be misused to abuse and harass others in this way.
- [8] In light of this, Justice Verhoeven granted a much broader order, prohibiting Mr. Randhawa and any company directly or indirectly controlled by him from instituting any legal proceedings in this Court without leave of the court: *Acumar Consulting Engineers Ltd. v. APEGBC*, 2014 BCSC 814.

- [9] The 2017 vexatious litigant order was made in the context of the litigation that continued between Mr. Randhawa and his brother after Justice Burnyeat's decision in 2013. Justice Murray described Mr. Randhawa's vexatious behaviour since the 2014 vexatious litigant order as having continued and warranting a further order with more specific restraints: *Randhawa v Gateway Building Management Ltd.*, 2017 BCSC 2279. In relevant part, she ordered at para. 39:
- (4) Kuldeep or anyone acting on his behalf except a member in good standing of the Law Society of British Columbia, or with leave of this Court, shall not file or attempt to file by any means whatsoever, any document in the registry of the British Columbia Supreme Court pertaining to or in any way connected with the subject matter of the proceedings with the following Supreme Court of British Columbia, Vancouver registry file numbers: S123329, S111030, S126910 and S127699;
- (5) Kuldeep or anyone acting on his behalf except a member in good standing of the Law Society of British Columbia, or with leave of this Court, shall not institute or attempt to institute by any means whatsoever, any legal proceedings against Manjit; and
- (6) Court Registry staff are authorized to reject any document that is attempted to be filed in contravention of this Order and destroy any document that is filed in contravention of this Order.

Communications from ACJ Cullen to Mr. Randhawa

- [10] In addition to the vexatious litigant orders, A.C.J. Cullen wrote to Mr. Randhawa about his conduct both in and out of court on two occasions, first in 2013 and then in 2017.
- [11] In his letter dated May 6, 2013, the A.C.J. wrote, in relation to the Gateway Building Management litigation that was proceeding in the Vancouver Registry:

Over the last number of months, you have repeatedly attended at the courthouse in Vancouver and New Westminster on a number of related proceedings. Your behaviour has been aggressive and threatening and it has alarmed the registry staff and members of the court. In addition, the language you use in your correspondence with the court and including its aggressive tone is of concern to me.

You must understand, Mr. Randhawa, that your behaviour is unacceptable and that it will not be tolerated any longer. In order to address the concerns of the registry staff and other people who working the courthouse, your attendance at both the New Westminster Law Courts and the Vancouver Law Courts will be restricted. You will be able to attend at the courthouse for scheduled appearances and you must leave the courthouse when the hearing has ended. The enclosed document sets out our expectations with respect to your future attendances at the courthouse and the manner in which you deal with people that you encounter in the courthouse. A failure to meet these expectations may result in you being prohibited from attending the courthouse at all.

[12] The restrictions attached to the letter were:

Mr. Kuldip Randhawa AGREES to the following with respect to his future conduct:

1. I will not attend the Vancouver Law Courts, except to attend a scheduled appointment at a specified date and time as agreed to by the courts. I will come alone unless I have received permission from the (MINISTRY) office in advance to bring other individuals or agents. I will speak only to the person that I have a scheduled appointment with.
2. I will not remain at the courthouse longer than 5 minutes after my scheduled appointment has concluded, or will linger longer than is necessary to conduct my business.
3. I will not attempt to have any contact in any way with the Ministry employees outside of my scheduled appointments. I will not phone them, email them, write to them, confront them on the street, go to their home, or in any way contact or harass them.
4. I will not swear, yell, threaten, intimidate, or otherwise abuse any person at the courthouse office or area around the office.
7. [sic] I will not bring any objects such as knives or any other weapons into any court house location.
- 9.[sic] I will not act in a manner that causes or is likely to cause feelings of harassment, alarm or distress to anyone in the courthouse area.

[13] These terms were framed as an agreement between Mr. Randhawa, the Ministry of Justice and the Vancouver Law Courts. The consequences of breaching the agreement included the possibility of charges being laid against him and banning him from coming to the Vancouver Law Courts.

[14] Mr. Randhawa did not sign this agreement.

[15] On July 4, 2017, the A.C.J. wrote to Mr. Randhawa again, referring to his previous letter to Mr. Randhawa in May 2013. The A.C.J. characterized Mr. Randhawa's behaviour as unacceptable and intolerable:

Over the last number of months, you have repeatedly attended at the Vancouver Law Courts and the New Westminster Law Courts. You have also sent several emails to the Supreme Court Scheduling Departments in Vancouver and New Westminster in respect of number of proceedings in the Supreme Court. During your attendances at the courthouse, your behaviour has been aggressive and threatening and it has alarmed the registry staff and members of the court. In addition, the language you use in your email correspondence is equally aggressive and alarming. In short, the way in which you are interacting with the Court and its staff is completely unacceptable. It must stop.

[16] The letter attached a detailed list of behavioural expectations and set out the consequences if Mr. Randhawa breached them:

Behavioural Expectations

1. You will not attend at the Vancouver Law Courts or the New Westminster Law Courts, except to attend a scheduled appointment or a scheduled Court appearance, at a specified date and time as agreed to by the Courts.
2. In order to schedule an appointment, you must contact the sheriffs at the relevant courthouse in advance by phone:
 - Vancouver Law Courts Sheriff Office - (604) 660-2624
 - New Westminster Law Courts Sheriff Office - (604) 660-8540
3. When attending at the Vancouver Law Courts or the New Westminster Law Courts for a scheduled appointment, you
 - a. will come alone unless permission to bring other individuals or agents has been received from the sheriffs In advance.
 - b. will speak only to the person with whom the appointment has been scheduled.
 - c. will not swear, yell, threaten, intimidate, or otherwise abuse any person at the courthouse or in the area adjacent to the courthouse.
 - d. will not bring any objects such as knives or any other weapons into any court house location.
 - e. will not act in a manner that causes, or is likely to cause feelings of harassment, alarm or distress to anyone in the courthouse or In the area adjacent to the courthouse.
4. You will leave the Vancouver Law Courts or the New Westminster Law Courts within 5 minutes of the conclusion of a scheduled appointment.
5. You will not contact or attempt to contact or harass any Superior Courts Judiciary employees including Supreme Court Scheduling staff, judicial administrative assistants and judicial administration staff or any Ministry of Justice employees including court clerks, registry staff, or sheriffs outside of scheduled appointments by phone, email, or other means. You may only communicate with Supreme Court Scheduling in writing by regular mail.

Action on breaking the agreement:

6. The consequences if you fail to abide by the behaviour expectation set out above, may include some or all of the following:
 - a. A report will be made and consideration will be given to contacting police and requesting that criminal charges be laid against you;
 - b. You will be prohibited from entering the Vancouver Law Courts and/or the New Westminster Law Courts except when you are accompanied by a member In good standing of the Law Society of British Columbia; and

- c. You will be subject to search upon entry to the Vancouver Law Courts or the New Westminster Law Courts.

Mr. Randhawa's Conduct since 2017

- [17] Mr. Randhawa has not complied with the expectations set out in the A.C.J.'s July 2017 letter. As set out in the evidence, Mr. Randhawa's appearances at and communications with court staff in the NW Registry and the Vancouver Registry are intermittent. However, during periods in which he is engaging with those registries, he makes frequent and confrontational visits to the registries, sends voluminous e-mails to courthouse staff containing conspiracy theories and threats, and refuses to be searched by sheriffs.
- [18] Mr. Randhawa's postings on his website and YouTube channel demonstrate his continuing animus to the justice system and those who work in it.
- [19] The affidavit evidence in this application supports a finding that Mr. Randhawa's conduct is abusive of court staff and a drain on public resources. His confrontations and demands on staff time prevent them from serving the needs of other members of the public in a timely way.
- [20] Exhibits to the affidavit of Lorraine Greselin, legal assistant to counsel for the AG, include postings to Mr. Randhawa's website, "Real Randhawa," in which he describes the court and justices of it as criminal and as condoning crime. In an email to counsel for the AG dated November 23, 2023, Mr. Randhawa refers to his intention to bring corruption charges against certain justices of this Court.
- [21] In her affidavit dated December 20, 2023, Maja Novcic, Manager of Registry operations at the Vancouver Registry, describes her experiences and those of her staff with Mr. Randhawa from 2015 or 2016 to December 2023. She explains that dealing with Mr. Randhawa is very time-consuming, as compared to dealing with other members of the public, and that he often becomes agitated and aggressive. Often, staff members have had to call sheriffs to intervene.
- [22] Ms. Novcic says that between November 2022 and February 2023, Mr. Randhawa came to the Vancouver Registry at least once a week and stayed for up to 60 minutes per visit. He often emailed Ms. Novcic daily and sometimes multiple times in a day. His emails were often long and disturbing, such that Ms. Novcic became concerned about Mr. Randhawa's mental well-being and the safety of staff. For example, in an email to Ms. Novcic on December 3, 2022, Mr. Randhawa wrote (in part):

For now, I wish to alert victim services of seeking a protection order for myself as a victim of institutional crime where sheriffs or two courts, with the Supreme Court of British Columbia have exceeded the boundaries of their legal and lawful duties. Courts have been involved in criminal activity.

This complain is being made after many years of abuse in the Court, where considerable funds have been extorted and embezzled, with considerable criminal stalking practices within the Court taking place where most activities appear to be legal and lawful, but are not.

I have noticed an intentional policy of Sikh litigants being harmed and threatened by Sikh Sheriffs, as well as direct harm from other Sheriffs.

I understand that protection orders are normally issued for family matters, by people who are considered vulnerable. I am of the view that the situation here is sort of reversed. The person who is victimized is neither vulnerable, nor weak, and capable of defending himself and can cause considerable patience, and have restrained myself. I am someone who stands for truth and is honest, and being harmed and provoked by Sheriffs such as illegally searched in New Westminster and Vancouver Courts, pushed around on some matters in New Westminster Court. The scams within the Court are being exposed, so such harsh treatment is being made, to prevent me from coming freely.

The harm done over a decade, is taking its toll, not only emotional, physical; but financial. The continuous activities can be seen to induce a suicide, for those [sic] who are weak.

[Emphasis in original.]

- [23] Mr. Randhawa's emails frequently refer to justices, associate justices, sheriffs and court staff by name with demeaning adjectives.
- [24] The affidavits of Tracy Armstrong, Sandra King and Ranbir Bhullar, all of whom work as sheriffs at the NW Registry or Vancouver Registry, attest to the numerous difficult encounters they and their colleagues have had with Mr. Randhawa over the years. Other than one physical altercation when escorting Mr. Randhawa out of a courtroom in 2017, in which a sheriff was injured, they have not been violent. Mr. Randhawa frequently refuses to be searched and can become agitated and confrontational, yelling and swearing at sheriffs and staff. Despite their training in de-escalation, the sheriffs have found it hard and time-consuming to deal with him.
- [25] Affidavits from Shelly Lin, manager at the Court of Appeal and Scott Kinloch, a senior manager at the Vancouver law courts describe incidents at the Court of Appeal registry in September 2023, when Mr. Randhawa showed up with a friend and said that he was helping the friend with his appeal. Mr. Randhawa was argumentative and difficult. Another court staff member had to move away so that Mr. Randhawa could not see her. The sheriffs had to attend to ensure that Mr. Randhawa and his friend left.

[26] Collectively, this evidence establishes that Mr. Randhawa has not complied with the behavioural expectations stipulated in the A.C.J.'s 2017 letter. Specifically, he does not schedule appointments in advance as directed and does not obtain prior permission to bring others with him. He continues to swear, yell, threaten and intimidate people in the courthouse, and he does not leave the courthouse promptly. He continues to email court staff, including in relation to the present application.

Mr. Randhawa's Response to this Application

[27] In the material he put before me, Mr. Randhawa says that he will not appear in this application because he characterizes this Court as the "Crime House" and does not feel safe inside it. He threatens that, if counsel for the AG proceeds with the application and if the affidavits to which I have referred are not retracted, he will file criminal charges against all sheriffs. He accuses counsel and justices of this Court of being corrupt and characterizes the application and underlying claim as fraudulent. He does not address the legal basis for the orders sought.

ANALYSIS

[28] The AG has the authority to seek the orders set out in the notice of application. Section 2(c) of the Attorney General Act gives the AG the power to supervisory powers over the administration of justice in this province with respect to matters falling outside the jurisdiction of the Attorney General of Canada. This means that the AG is responsible for protecting and defending the integrity of the province's courts: *Nagase v. Taylor*, 2023 BCSC 1572 at para. 8. The AG's *parens patriae* powers authorize her to seek injunctions where there is a public nuisance or an ongoing breach of the public law: *In the Matter of Access to the Courts of Justice*, 2011 BCSC 1815 at paras. 3-4.

[29] This Court has the authority to grant the orders sought. In *British Columbia (Attorney General) v. Andrews*, 2016 BCCA 361, the Court of Appeal affirmed this Court's power to grant a permanent injunction prohibiting an individual from attending any courthouse in the province or contacting court staff except in accordance with restrictive terms and conditions:

[17] I agree that the judge had jurisdiction to issue an injunction restraining the appellant from attending a courthouse or registry or from harassing staff, or judges, on the basis of public nuisance. Public nuisance has been defined as "any activity which unreasonably interferes with the public's interest in questions of health, safety, morality, comfort or convenience" (*Ryan v. Victoria (City)*, [1999] 1 S.C.R. 201 at para. 52). Upon an application by the Attorney General, the Court may grant an injunction to abate a public nuisance: see *British Columbia v. Canadian Forest Products Ltd.*, 2004 SCC 38 at paras. 66-68, [2004] 2 S.C.R. 74.

- [18] Overlapping this first basis for the order is the court's inherent jurisdiction to protect the public from activities which are contrary to the public interest and which interfere with the administration of justice. In *MacMillan Bloedel Ltd. v. Simpson*, [1995] 4 S.C.R. 725, in discussing the inherent jurisdiction to punish for contempt, Lamer C.J. wrote (at para. 38):

The core jurisdiction of the provincial superior courts comprises those powers which are essential to the administration of justice and the maintenance of the rule of law. ...

- [30] In reviewing the terms of the order sought in *Andrews*, the Court of Appeal cautioned against overly restrictive terms and emphasized the importance of expressly addressing how the person may appear in a criminal proceeding: at para. 31.
- [31] In my respectful opinion, while the AG has the authority to bring applications such as this and the court has the power to grant them, they should be exercised sparingly, reserved for those comparatively rare cases where lesser measures are demonstrably ineffective. The right of all individuals to access the courts is fundamental and should be restricted as little as possible. However, where a person's exercise of their right of access directly or indirectly diminishes those of others and places unreasonable burdens upon court resources, restrictions are justified. They should be tailored to respond to the particular circumstances of the case.
- [32] The orders sought by the AG against Mr. Randhawa closely follow the expectations and consequences for non-compliance set out by the A.C.J. in his 2017 letter, modified to address the concerns expressed by the Court of Appeal in *Andrews*. With one exception, the evidence I have summarized above demonstrates that each of the orders sought is necessary to protect the public interest in equitable access to the justice system and to address the public nuisance caused by Mr. Randhawa's conduct.
- [33] The exception is the restriction in paragraph 8 in the Notice of Application, which seeks to restrict Mr. Randhawa from attempting to contact any members of the province's judiciary except when at a scheduled court appearance or by "regular mail to Supreme Court Scheduling". Unlike the evidence in *Andrews*, the evidence in this application does not show that Mr. Randhawa has ever tried to contact judges inappropriately.

CONCLUSION

- [34] On an interim basis until a court orders otherwise, Mr. Randhawa is enjoined from entering any courthouse in British Columbia and is also enjoined from communicating with court services staff and sheriffs, except on the following terms:
1. Kuldeep Singh Randhawa must not enter any courthouse in British Columbia, except to:
 - a. attend an appointment with courthouse staff as approved and scheduled in advance through the British Columbia Sheriff Service ("BCSS") in accordance with paragraph 2 of this order ("scheduled appointment"); or

- b. attend a previously scheduled court appearance ("scheduled court appearance") in accordance with paragraph 3 of this order.
2. To obtain a scheduled appointment at any courthouse, Mr. Randhawa must:
 - a. telephone the Vancouver Law Courts ("VLC") Sheriff Office at (604) 660 - 2625 or the New Westminster Law Courts ("NWLC") Sheriff Office at (604) 660 - 8540;
 - b. inform the BCSS of the details and purpose of his requested scheduled appointment;
 - c. obtain BCSS approval and confirmation of the date, time, place and duration of the scheduled appointment;
 - d. obtain a time and place from the BCSS to meet with the BCSS prior to the scheduled appointment; and
 - e. comply with any direction of the BCSS regarding the scheduled appointment.
3. At least three business days before any scheduled court appearance, Mr. Randhawa must:
 - a. telephone the VLC Sheriff Office at (604) 660 - 2625 or the NWLC Sheriff Office at (604) 660 - 8540; and
 - b. arrange a time and place to meet with the BCSS prior to the scheduled court appearance.
4. Immediately on entering any courthouse, Mr. Randhawa:
 - a. must meet with the BCSS at the time and place as arranged pursuant to paragraph 2 or 3 of this order;
 - b. must follow the instructions and directions of the BCSS; and
 - c. may be subject to search for weapons under the Sheriff Act, R.S.B.C.1996, c. 425.
5. Paragraphs 3 and 4 of this order do not apply to any criminal proceedings that Mr. Randhawa must attend by summons or other legal process.
6. Mr. Randhawa must leave a courthouse within five minutes of:
 - a. the end of his scheduled appointment;
 - b. the end of his scheduled court appearance, unless the court orders or directs otherwise; or
 - c. BCSS directing him to do so.
7. Mr. Randhawa must attend courthouses alone, except if accompanied by:
 - a. a member in good standing with the Law Society of British Columbia; or
 - b. individuals or agents for whom Mr. Randhawa has obtained express approval from BCSS in advance of a scheduled court appearance or scheduled appointment.

8. Mr. Randhawa must not contact or attempt to communicate with, in any manner whatsoever, Court Services staff, including registry staff, except:
 - a. during a scheduled appointment;
 - b. BCSS; or
 - c. through regular mail.
 9. When attending a scheduled appointment, Mr. Randhawa must:
 - a. Speak only with the person or people with whom he has a scheduled appointment.
 - b. Not swear, yell, threaten, intimidate, or otherwise abuse any person at the courthouse or in the area adjacent to the courthouse.
 - c. Not bring any objects such as knives or any other weapons into any courthouse location.
 - d. Not act in a manner that causes, or is likely to cause, feelings of harassment, alarm, or distress to anyone in the courthouse or in the area adjacent to the courthouse.
 10. Any peace officer who believes, on reasonable and probable grounds, that Mr. Randhawa has failed to comply with any term of this order may forthwith arrest Mr. Randhawa without warrant and bring him before the Court as soon as practicable.
- [35] Mr. Randhawa's signature approving the form of order is dispensed with.
- [36] Although the AG seeks costs of this application, I decline to grant them. The application was brought in the exercise of the AG's public function as a protector of the integrity of the court system. The costs incurred in doing so should be borne by the public purse.

"Iyer J."

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