

CANADA / JUDGMENT

Contreras v. Thomson

2023 BCSC 2362

COURT

Supreme Court of British Columbia

DECIDED

19 December 2023

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2023 BCSC 2362 Contreras v. Thomson IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: Contreras v. Thomson, 2023 BCSC 2362 Date: 20231219 Docket: S235362 Registry:

Vancouver Between: Ruben Ricardo Castelblanco Contreras Plaintiff And Ian Thomson, Collection Officer, Revenue Services of British Columbia, Mark Pearmain/CEO, Raj Sandhu/ Senior Payroll Manager, John Thomas/Payroll Assistant, Liana Hunsche/Team Leader Payrolls, School District 36 Surrey AKA Surrey Schools Defendants Before: The Honourable Madam Justice Wilkinson Oral Reasons for Judgment In Chambers The Plaintiff, appearing on his own behalf: R. Contreras Counsel for the Defendants Ian Thomson and Revenue Services of British Columbia: M.J. Kleisinger No other appearances Place and Date of Hearing: Vancouver, B.C. December 19, 2023 Place and Date of Judgment: Vancouver, B.C. December 19, 2023

- [1] THE COURT: These are my reasons for judgment on the application brought by the plaintiff.
- [2] The plaintiff filed this action on July 28, 2023. In essence, and with the assistance of counsel for the Province who appeared today, I understand the plaintiff sues those involved with garnishing his wages to repay his student loan debt. He employs the use of organized pseudo-legal commercial arguments ("OPCA") in his pleadings. He suggests that he is not responsible for repaying the loans as he is merely a surety for the legal entity that took out the loans. There is also reference to a resulting trust which he claims exists.
- [3] With respect to this application, like the notice of civil claim, this application contains hallmarks of OPCA types of litigation and it is difficult to follow. That said, the plaintiff appears to seek the following categories of relief in Part 1 of his application, and pursuant to his submissions before me today: (1) an injunction against the defendants to stop them from garnishing his wages; and (2) orders that relate to the final determination of the liability in the action regarding the ultimate responsibility to pay the debts, including requirement to pay damages and costs to the plaintiff.
- [4] The school district defendants obtained an order striking the claims against them from this court on December 13, 2023.

- [5] With respect to the remaining defendants, though not properly named, they are, in essence, the Province or representatives of the Province. As such, no injunction lies against them by way of s. 11 of the Crown Proceeding Act, RSBC 1996, c 89. That application is therefore dismissed.
- [6] Other orders which the plaintiff seeks are in the nature of a final determination of the merits on the action and are not appropriate on an interlocutory application which is before me today. The plaintiff does not support his application with reference to any applicable rule of court. The application with respect to those orders is dismissed.
- [7] There are some other orders that are included in the notice of application. They do not appear to have any recognizable foundation in law. The application for those orders is likewise dismissed.
- [8] The Province has appeared today, although not properly named. The pleadings will need to be amended to reflect the proper remaining defendants. It appears as if there is an underlying basis to a claim that could be dealt with in a fairly swift manner by hearing the applicant on the merits at some point.
- [9] The Crown seeks its costs on today's application. Mr. Kleisinger, do you have any submissions with regards to costs specifically?
- [10] CNSL M. KLEISINGER: All I note is that Justice Thomas ordered \$2,000 for last week's hearing. I don't think the Province requires that. A token amount of maybe \$500 would probably cover my appearance today.
- [11] THE COURT: All right. Mr. Contreras, normally a successful party on an application would be entitled to their costs. The Crown is seeking a fixed sum of \$500. That would be all-inclusive of disbursements. It seems very reasonable to me, given the fact that we have had to wait until the afternoon to get this on. I am inclined to make that award, subject to what you submit with regard to an order for costs, if you want to say anything with regard to that.
- [12] RUBEN CONTRERAS: Regard to what?
- [13] THE COURT: An order for costs for \$500 payable to the Crown.
- [14] RUBEN CONTRERAS: To pay -- me paying?
- [15] THE COURT: For you to pay because you have not been successful on this application, yes.
- [16] RUBEN CONTRERAS: Your Honour, I will -- I will see what's my next step because I'm not quite clear. I'm new at this. I certainly respect opinions, but I do think everybody's [indiscernible] to this matter and -- and I am actually the beneficiary, so --

-
- [17] THE COURT: Thank you. I will award costs to the Province in defending this application. In particular, I note that the Province did consult with the applicant and try to convince him to hold off on making this application until they could be properly named and perhaps matters could be streamlined. I will fix the costs at \$500 inclusive of disbursements. Thank you.
- [18] RUBEN CONTRERAS: Thank you.
- [19] CNSL M. KLEISINGER: Thank you, Justice. "Wilkinson J."
-

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/23/23/2023BCSC2362.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/contreras-v-thomson-2023>

Prepared on 26 October 2026 · Esheria