

CANADA / JUDGMENT

D'Angola v. Fraser Health Authority

2025 BCSC 2061

COURT

Supreme Court of British Columbia

DECIDED

21 October 2025

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2025 BCSC 2061 D'Angola v. Fraser Health Authority IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: D'Angola v. Fraser Health Authority, 2025 BCSC 2061 Date: 20251021 Docket: S21592 Registry: Port Alberni Between: Battista D'Angola Petitioner And Fraser Health Authority Respondent Before: The Honourable Mr. Justice Baird Reasons for Judgment The Petitioner, Battista D'Angola, appearing in person: B. D'Angola Counsel for the Respondent: C. Alexander Place and Date of Hearing: Nanaimo, B.C. September 22, 2025 Place and Date of Judgment: Port Alberni, B.C. October 21, 2025

INTRODUCTION

- [1] The respondent Fraser Health Authority ("FHA") has brought this application seeking the following relief:
1. An order that the petitioner's proceeding against FHA be struck and dismissed pursuant to Rule 9-5.
 2. An order dismissing the petition pursuant to Rule 9-6.
 3. Costs as against any party who opposes this application; and
 4. Such further relief as this Court deems just.

BACKGROUND

- [2] On May 6, 2025, Ms. Battista D'Angola commenced this petition proceeding naming FHA as the sole respondent. She seeks a wide range of relief from FHA and others, including the New Westminster Police. Her pleadings relate to her involuntary hospitalisation at the Royal Columbian Hospital ("RCH") in December 2008 under the Mental Health Act, R.S.B.C. 1996, c. 288. FHA operates RCH.

- [3] In FHA's filed response to petition, it pleads that the petition is a combination of material and immaterial assertions of fact, evidence, and irrelevant background information to which a reasoned, succinct and coherent response in accordance with the requirements of the Supreme Court Civil Rules, B.C. Reg. 168/2009 is not possible. It also maintains that the petitioner's claim is statute barred.
- [4] I will leave aside the question whether the proceeding should have been started by a notice of civil claim and not a petition. Whether or not they were filed in the proper form, the petitioner's pleadings suffer from a multitude of the frailties articulated in R. 9-5(1). They must be struck out. There is no issue to be tried in any event because the petition was filed only in May 2025, exceeding the applicable 2-year limitation by over 16 years. RULES 9-5(1)
- [5] Rule 9-5(1) provides that:
- (1) at any stage of a proceeding, the court may order to be struck out or amended the whole or any part of a pleading, petition or other document on the ground that:
 - (a) it discloses no reasonable claim or defence, as the case may be,
 - (b) it is unnecessary, scandalous, frivolous or vexatious,
 - (c) it may prejudice, embarrass or delay the fair trial or hearing of the proceeding, or
 - (d) it is otherwise an abuse of the process of the court, and the court may pronounce judgment or order the proceeding to be stayed or dismissed and may order the costs of the application to be paid as special costs.
- [6] The purpose of R. 9-5(1)(a) is to ensure the parties and the court have a clear understanding of the nature of the claims advanced. A party must plead assertions of fact which would establish the essential elements of a successful claim if proven. Prolix, convoluted, and incomprehensible pleadings do not lend themselves to permit the parties to have a clear understanding of the claims advanced: *Grosz v. Royal Trust Corporation of Canada*, 2020 BCSC 128 at para. 59.
- [7] Under R. 9-5(1)(b), a pleading is unnecessary or vexatious if it does not go to establish the petitioner's cause of action, if it does not advance any claim known in law, where it is obvious that an action cannot succeed, or where it would serve no useful purpose and would be a waste of the court's time and public resources. If a pleading is so confusing that it is difficult to understand what is pleaded, it may also be unnecessary, frivolous, or vexatious: see *Skyllar v. The University of British Columbia*, 2022 BCSC 439 at para. 61 and the authorities cited therein.
- [8] Under R. 9-5(1)(c), a pleading is embarrassing or prejudicial where it:
- a) is so irrelevant that it will involve the parties in useless expense: see *Keddie v. Dumas Hotels Ltd (c.o.b. Cariboo Trail Hotel)*, [1985] B.C.J. No. 2328;

- b) fails to identify the cause of action, contains irrelevant material, or is intended to confuse: see Grosz at para. 64;
- c) is prolix, confusing and incomprehensible, such that it would be impossible to respond to in a reasoned and concise manner: see Olenga v. British Columbia, 2015 BCSC 1050 at para. 23.
- [9] The doctrine of abuse of process referred to in Rule 9-1(5)(d) engages the court's inherent jurisdiction to prevent the misuse of its procedures. Claims that violate principles of judicial economy, consistency, finality, and the integrity of the administration of justice are to be struck as an abuse of process: see *Skyllar* at para. 60 citing *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 at para. 37; *Roeder v. Lang Michener Lawrence & Shaw*, 2007 BCCA 152 at para. 22. DISCUSSION
- [10] I agree with FHA that the petitioner's pleadings in this case meet most of the unflattering descriptors in Rule 9-1(1)(a)-(d). They are prolix, rambling, convoluted, incomprehensible, vexatious and embarrassing. They are replete with wholly irrelevant and tangential information, conjecture and speculation. They fail to plead a cause of action against FHA, focusing instead on the alleged misconduct of police officers and independent medical practitioners who are not named as respondents and for whom FHA is neither directly nor vicariously responsible. It is plain and obvious that her claim against FHA cannot succeed. To permit the matter to go any further would be an inexcusable waste of the court's limited time and resources and a groundless and expensive nuisance to the respondent.
- [11] Nothing that the petitioner said during the hearing persuaded me that there was any admissible basis upon which her claim should be allowed to proceed. The scope of the problem is, I think, clearly illustrated under the heading "Orders Sought", which includes a demand for an "Order that the extraordinary intellectual capacity of Battista D'Angola (greatest universal genius of all time) be annotated in her medical records and in all pertinent public records." This court is under no obligation to indulge such fantasies, or to attempt to divine what the petitioner is getting at, or to conjure a legally comprehensible or recognisable cause of action for her: *Sahyoun v. Ho*, 2015 BCSC 392. Her claim is a flagrant abuse of process that must be stopped immediately. RULE 9-6
- [12] Rule 9-6 permits the court to dismiss a claim where there is no genuine issue to be litigated, including where it is plain and obvious that an applicable limitation period has been exceeded: *Dudley (Personal representative of) v. British Columbia*, 2018 BCSC 236 at para. 11. This petition, filed approximately 16 and a-half years after the involuntary hospitalisation complained of, was limited by the provisions of s. 3 of the now-repealed Limitation Act, R.S.B.C. 1996, c. 266, which mandated that no court proceeding was permitted after two years for, amongst other things, personal injury damages, trespass to property, and false imprisonment. This two-year limitation period was confirmed in a case of involuntary hospitalisation in *N.T. v. British Columbia*, 2017 BCSC 1742.

[13] The petitioner bears the burden of establishing that this period should be postponed for some reason, and in her response to this application she has offered no plausible basis for doing so. It is no good claiming that there is no limitation period because she supposes that some of the conduct alleged in her pleadings is criminal in nature and could be prosecuted by indictment. This is a civil proceeding, not a criminal one. There is no merit to her contention that her treatment was a violation of international law not subject to any limitation, or that the limitation has been postponed indefinitely because she does not know the identity of various people who dealt with her while she was hospitalised, or that the allegedly wrongful conduct referred to in her petition is ongoing, or that the matter is already settled because she has the legal right to a default order (in fact, she has been denied such an order by my colleague Justice Fowler).

CONCLUSION

[14] For all these reasons the petitioner's pleadings are struck, and the petition is dismissed. The respondent would ordinarily be entitled to its ordinary costs of this application, but I decline to make such an order as I am certain that the petitioner has no means to pay them. "Baird J."

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Prepared on 26 October 2026 · Esheria