

CANADA / JUDGMENT

Gonzalez v. British Columbia

2014 BCCA 468

COURT

British Columbia Court of Appeal

DECIDED

24 November 2014

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

COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Gonzalez v. British Columbia, 2014 BCCA 468 Date: 20141124 Docket: CA041990 Between: Roberto Orellana Gonzalez Appellant (Plaintiff) And "Her Majesty the Queen in Right of the Province of British Columbia" and Workers' Compensation Board of British Columbia Respondents (Defendants) Before: The Honourable Mr. Justice Chiasson The Honourable Mr. Justice Frankel The Honourable Mr. Justice Harris On appeal from: An order of the Supreme Court of British Columbia, dated June 19, 2014 (Gonzalez v. Workers' Compensation Board (now Work Safe) of B.C., Vancouver Registry S140781). Oral Reasons for Judgment Appellant appearing In person: Counsel for the Respondent, Workers' Compensation Board of British Columbia: N.J. Bower and A. Tait Place and Date of Hearing: Vancouver, British Columbia November 24, 2014 Place and Date of Judgment: Vancouver, British Columbia November 24, 2014 Summary: An application to review the order of a justice refusing to extend time to file a review is dismissed.

- [1] HARRIS J.A.: This is an application to vary an order of a justice pronounced September 19, 2014. The issue before the justice was whether to extend the time to file a notice of appeal.
- [2] Mr. Gonzalez wishes to appeal an order of Mr. Justice Grauer pronounced June 19, 2014 dismissing an action brought by him as an abuse of process.
- [3] The test on an application to vary the order of a single justice is well settled. Before this Court will interfere with a discretionary order, which this is, the Court must be persuaded that there has been an error in principle or in law, or the judge has misconceived or misapprehended the facts. A review application is not a rehearing and it is not appropriate for the Court to substitute its discretion for the discretion exercise by the single justice. The Court will not interfere unless it is satisfied that the chambers judge was wrong in the legal sense and not merely that he or she exercised discretion incorrectly.
- [4] After setting out the relevant test to extend time, the justice provided a detailed review of the factual background to the underlying appeal. The respondents had conceded certain factors relevant to the exercise of the Court's discretion to extend time, namely a bona fide intention to appeal; that they had been informed of the intention to appeal; and they would not be unduly prejudiced by an extension of time.

- [5] Accordingly, the application turned on the merits of the appeal and the interests of justice.
- [6] It would serve no useful purpose to reproduce the justice's careful analysis of the history of Mr. Gonzalez's repeated efforts to bring litigation stemming originally from injuries he suffered during the course of his employment. That analysis includes reference to a number of other decisions involving this matter in the Supreme Court, this Court, and includes an application for leave to appeal to the Supreme Court of Canada.
- [7] On a number of occasions the courts have decided that Mr. Gonzalez's cases are without merit, but he continues to try to litigate his complaints in the face of those conclusions. The justice concluded that the action in which this appeal is sought to be brought is the same as his earlier actions except for the substitution of the Crown as a defendant in place of the Workers' Compensation Appeal Tribunal. As the justice said para. 17: His action has already been found by numerous courts to have no merit. He does not have a cause of action against these defendants. The appeal is doomed to fail.
- [8] In brief, the justice concluded that it was neither in the interests of justice nor in Mr. Gonzalez's interest to extend time to enable him to appeal the order of Mr. Justice Grauer. She concluded such an appeal would be completely devoid of merit and bound to fail.
- [9] Mr. Gonzalez argues that the judge failed to appreciate that his appeal has merit on a number of different grounds including issues to do with his injury and issues of alleged discrimination.
- [10] I am not persuaded that the judge did fail to understand the merits of his case. Mr. Gonzalez simply fails to understand the implications of the numerous court judgments that have decided his case is without merit. Mr. Gonzalez has, accordingly, failed to demonstrate that the justice made any error in principle or in law, or misconceived or misapprehended the facts. It is not appropriate for the Court to substitute its discretion for that of the justice.
- [11] I would dismiss the application. I would decline to award costs.
- [12] CHIASSEON J.A.: I agree.
- [13] FRANKEL J.A.: I agree.
- [14] CHIASSEON J.A.: The application is dismissed. [discussion with counsel re. dispensing of Mr. Gonzalez's signature on the form of order]
- [15] CHIASSEON J.A.: Mr. Bower is to draft an order and send it to Mr. Gonzalez. He will have two weeks after the date the draft is sent to him to either sign it and send it back, or indicate to counsel what Mr. Gonzalez says is wrong with it so that counsel can have a draft order settled if that has to happen. If Mr. Gonzalez does not do that, either he does not sign or he does not indicate to counsel what he says is wrong with it then the order may be entered without Mr. Gonzalez's signature. "The Honourable Mr. Justice Chiasson" "The Honourable Mr. Justice Harris"

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/CA/14/04/2014BCCA0468.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/gonzalez-v-british-columbia-2014>

Prepared on 26 October 2026 · Esheria