

CANADA / JUDGMENT

Jacques v. Rona Inc.

2021 BCCA 340

COURT

British Columbia Court of Appeal

DECIDED

9 September 2021

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

2021 BCCA 340 Jacques v. Rona Inc. COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Jacques v. Rona Inc., 2021 BCCA 340 Date: 20210909 Docket: CA47575 Between: Chang Jacques Appellant (Petitioner) And Rona Inc. Respondent (Respondent) Before: The Honourable Mr. Justice Goepel The Honourable Mr. Justice Butler The Honourable Mr. Justice Voith On appeal from: An order of the Supreme Court of British Columbia, dated June 18, 2021 (Jacques v. Rona Inc., New Westminster Docket S207807). Oral Reasons for Judgment The Appellant, appearing in person: C. Jacques Counsel for the Respondent: E.J.F. Grant Place and Date of Hearing: Vancouver, British Columbia September 9, 2021 Place and Date of Judgment: Vancouver, British Columbia September 9, 2021 Summary: The appellant appeals from an order that she says was made by the Chief Justice of the British Columbia Supreme Court in a judicial management conference. In that conference, the Chief Justice told her that she could not continue to pursue proceedings against the respondent in that court as her claims had been resolved by previous orders and appeals. Held: Appeal quashed. The appellant was unable to identify any order or direction from which an appeal might lie to this Court.

- [1] BUTLER J.A.: The appellant appeals from an order purportedly made by Chief Justice Hinkson on June 18, 2021. The appellant says the order prevents her from seeking remedies in the Supreme Court of British Columbia arising from the alleged wrongful business practices and criminal conduct of the respondent that occurred in the course of work it performed pursuant to a contract between the parties. This matter was litigated in proceedings before the Civil Resolution Tribunal ("CRT"), the Provincial Court, and the Supreme Court. The appellant was declared a vexatious litigant pursuant to s. 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443, and a Houweling order was made preventing her from filing any document in the registry of the Supreme Court connected with the subject matter of the proceeding. The appellant's appeal of the latter order was dismissed by this Court.
- [2] This appeal represents yet another attempt by the appellant to pursue or continue proceedings against the respondent arising out of the same matter. The appeal is ill-conceived and meritless. I will provide a brief background of the proceedings to date and indicate why I would quash the appeal.

Background

- [3] The background of this matter was described in detail by Justice Warren in reasons indexed as 2019 BCSC 2459 at paras. 2-13, and succinctly summarized by Justice Verhoeven in reasons indexed as 2020 BCSC 1262:
- [5] In brief, in August 2015, the respondent Rona Inc. ("Rona") agreed to provide some landscaping materials and services with respect to a project on Ms. Jacques' property. The total net cost to Ms. Jacques was \$3,548.41, which she paid. The work was completed in August 2015. About a year later, Ms. Jacques advised Rona that she was not satisfied with the work. Rona attempted to address her concerns. She remained unsatisfied. On July 4, 2017 she commenced a proceeding before the Civil Resolution Tribunal ("CRT") seeking a full refund. The CRT dismissed her claims May 2, 2018. She appealed to the Provincial Court. She agreed to a settlement wherein Rona paid her \$1,500 in full and final settlement. On September 10, 2018 she applied to the Provincial Court to have the settlement agreement set aside. The application was heard and dismissed by the court October 1, 2018. Ms. Jacques cashed the cheque for \$1,500 that Rona sent her pursuant to the settlement. On October 11, 2018 Ms. Jacques brought another application to the Provincial Court making various complaints against Rona, including criminal misconduct. The Provincial Court dismissed the application on October 29, 2018.
- [4] Following the dismissal of proceedings in the Provincial Court, the appellant then commenced a petition in the Supreme Court seeking the same relief that had been dismissed in the Provincial Court. She sought an order to criminally charge the respondent for obstruction of justice and perjury, and claimed "the rest of the remedy". The respondent brought an application to strike the petition relying on the provisions of Rule 9-5(1)(a), (b) and (d). On January 15, 2019, Justice Warren heard the application and struck the petition on all three grounds. She concluded it disclosed no reasonable claim, was unnecessary, scandalous, frivolous or vexatious and was otherwise an abusive of process. With regard to the latter she stated:
- [26] Here, the parties are the same persons as the parties in the Provincial Court proceeding and the CRT proceeding. The settlement agreement reached in the Provincial Court and the subsequent orders issued are final. The questions apparently underlying this Petition were resolved in the Provincial Court proceeding and then re-litigated there in the first application and the second application. In plain language, the matter has already been determined. ...
- [5] Justice Warren also declared the appellant to be a vexatious litigant, stating:
- [31] In my view, the petitioner's conduct after the settlement agreement was reached, in particular the filing of the first application and the second application, followed by this Petition, particularly given the very serious allegations she has advanced against the defendant, justify an order under s. 18 of the Supreme Court Act.

- [32] Among other things, the petitioner said: · Rona's representatives laid a trap for her; · there is a need to protect other people from Rona's deceptive practices; · Rona used her money to pay for someone else's project; · it was a scam; · there was an intentional violation of business practices and an intentional obstruction of justice; and · that Rona's representatives lied and committed perjury. These are extremely serious allegations that have been advanced in a manifestly deficient manner. That reality, layered on top of the other factors mentioned, satisfies me that a vexatious litigant order is warranted.
- [6] The appellant attempted to appeal that order to this Court. However, the appeal was not filed in time and, on March 27, 2019, Justice Fitch dismissed her application for an extension of time.
- [7] Notwithstanding the order of Justice Warren, the appellant attempted to bring further proceedings in the Supreme Court by way of requisition. The appellant attempted to do so on at least 14 occasions. On the 15th attempt, the appellant's request for leave to file proceedings was heard by Justice Verhoeven. He dismissed her application and granted a Houweling order that prohibited the appellant from filing any document in the registry of the Supreme Court that is in any way connected with the subject matter of the proceeding and authorized registry staff to discard any document that the appellant attempted to file in contravention of the order.
- [8] The appellant's appeal from that order was dismissed by this Court on January 21, 2021: *Jacques v. Rona Inc.*, 2021 BCCA 37.
- [9] The appellant then set down a judicial management conference which was conducted by telephone before the Chief Justice on February 25, 2021. It would appear that the Chief Justice explained the effect of the Houweling order to the appellant: that she could not file further materials and the matter was at an end. In spite of that advice, the appellant made further attempts to schedule hearings or further judicial management conferences. The Supreme Court registry refused to schedule any hearings or accept any materials presented for filing. On June 18, 2021, Supreme Court scheduling, New Westminster, sent an email to the appellant stating: When these files were last before Chief Justice Hinkson on February 25, 2021, his direction was that "Ms. Jacques cannot keep bringing this matter back and that it is now concluded as far as the courts are concerned. She cannot file anymore documents on these files". Ms. Jacques has no further remedy in this Court. Discussion
- [10] The appellant's notice of appeal reads: Take notice that Chang Jacques, hereby appeals to the Court of Appeal for British Columbia from the order of Chief Justice Hinkson of the Supreme Court of BC pronounced on the 18th day of June 2021 at New Westminster British Columbia that "Ms. Jacques can not keep bring this matter back" "Ms. Jacques has no further remedy in this court".
- [11] The appellant argues that the Chief Justice made the order from which she appeals at the judicial management conference on February 25, 2021 and that the email of June 18, 2021 constitutes "further notice" of the order. She also argues that the evidence establishes that

the order declaring her to be a vexatious litigant was made in error. She further argues that the actions of the respondent violated the criminal law, amounted to deceptive business practices, and caused her mental and physical suffering, expenses, and loss of enjoyment of life.

- [12] The respondent opposes the appeal on the basis that the Chief Justice did not make any appealable order at the judicial management conference. Alternatively, the respondent says that if any order was made, it was a further Houweling order identical in terms to that made by Justice Verhoeven and that the appellant cannot identify any reviewable error in the making of that discretionary order.
- [13] I need not consider the alternative ground raised by the respondent. It is clear that the appeal is entirely misconceived. The appellant is unable to identify any order or direction from which an appeal might lie to this Court. Neither the statements of the Chief Justice at the judicial management conference, nor the email from court scheduling can be a basis for the jurisdiction of this Court.
- [14] The jurisdiction of this Court is set out in the Court of Appeal Act, R.S.B.C. 1996, c. 77: 6 (1)
An appeal lies to the court
- (a) from an order of the Supreme Court or an order of a judge of that court, ...
- [15] Order is defined in s. 1 of the Act to include:
- (a) a judgement,
- (b) a decree, and
- (c) an opinion, advice, direction, determination, decision or declaration that is specifically authorized or required under an enactment to be given or made; ... [Emphasis added.]
- [16] There is no question that the Chief Justice's statements at the judicial management conference are not "a judgment" or a "decree". There was no motion or application considered at the judicial management conference. The Chief Justice did not give judgment with respect to any proceeding and did not make any decree.
- [17] Similarly, his statements cannot fall within the extended definition of order in subsection (c). Any statement he made must be considered in context. The s. 18 vexatious litigant order was made on January 15, 2019, and the appellant's application to extend the time to file an appeal of that order was dismissed on March 27, 2019. The Houweling order was made on August 27, 2020, and the appeal from that order was dismissed on January 21, 2021. The appellant had exhausted her appeal rights from those orders. Accordingly, the appellant was prohibited from bringing proceedings in the Supreme Court without leave and was not permitted to file any document in that court that was in any way connected with the subject matter of the proceeding with the respondent.

- [18] The judicial management conference was held when the appellant continued to attempt to bring some form of proceeding and to file documents contrary to the final orders. The Chief Justice attempted to explain to the appellant the effect of the orders and the futility of her attempts to pursue a remedy in that court. In these circumstances, the Chief Justice's statements cannot be "an opinion, advice, direction, determination, decision or declaration that is specifically authorized or required under an enactment to be given or made". Not only is there no enactment that authorized or required the Chief Justice to give the appellant an explanation regarding the effect of the final orders in the proceeding, the statements had no impact on the appellant's interests or rights. Those had been settled by the previous orders and appeals.
- [19] For similar reasons, the email from trial scheduling is not an order that can provide a basis for this Court's jurisdiction.

Disposition

- [20] It follows that I would quash the appeal because the Court is without jurisdiction to entertain it.
- [21] GOEPEL J.A.: I agree.
- [22] VOITH J.A.: I agree.
- [23] GOEPEL J.A.: The appeal is quashed. [Discussion with counsel re: dispensing with appellant's signature as to the form of order]
- [24] GOEPEL J.A.: The appellant's signature is dispensed with as to the form of order. "The Honourable Mr. Justice Butler"

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/21/03/2021BCCA0340.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/jacques-v-rona-inc-2021>

Prepared on 29 October 2026 · Esheria