

CANADA / JUDGMENT

Kiss v. Canada (Attorney General)

2025 BCSC 2447

COURT

Supreme Court of British Columbia

DECIDED

10 December 2025

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2025 BCSC 2447 Kiss v. Canada (Attorney General) IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Kiss v. Canada (Attorney General), 2025 BCSC 2447 Date: 20251210 Docket: S253175 Registry: Vancouver Between: Zsolt Kiss Plaintiff And: The Department of Justice, Aaron McCoy, Matteo Bonamin, Pavendeep Rana, Tristan Scally, Igor Hanov, Ashley Kumar, Helen Mac, Matthew Hutchins, Zahira Baji, Jonathan Killin, Sarah Manochehri, Massud Khan, Daniel Ducai, Desery Carins, Igor Hanov, Unknown Sandhu, Graig Abraham, Vlad Baran, Elizabeth Sushko and Sundeep Khangura Defendants

- and - Docket: S247442 Registry: Vancouver Between: Zsolt Kiss Plaintiff And: Mitzi Dean, Dean Tate, Richard Singer, Reena Basran, Rajani Dhillon, Lindsey Bertram, The Attorney General of British Columbia, The Ministry of Children and Family Development, His Majesty the King, The Province of British Columbia, Somers Paulin Hall, Singer Communications Inc. and Unnamed Burnaby RCMP Officers Defendants Before: The Honourable Madam Justice Forth Reasons for Judgment re Costs The Plaintiff, appearing in person in both actions: Z. Kiss Counsel for the Defendant, the Attorney General of Canada, in Action S253175: (the "AG"): A. Choi Counsel for the Defendants Richard Singer and Singer Communications Inc. in Action S247442 (the "Singer Defendants"): M. Clark Counsel for the Defendants Dean Tate and Somers Paulin Hall in Action S247442 (the "Tate Defendants"): C. Wong Counsel for the Defendants Mitzi Dean, Reena Basran, Rajani Dhillon, Lindsey Bertram, The Attorney General of British Columbia, The Ministry of Children and Family Development, His Majesty the King, and The Province of British Columbia in Action S247442 (the "Provincial Defendants"): K. Fast No other appearances Written Submissions of the Attorney General of Canada Received (the "AG"): October 23, 2025 Written Submissions of the Defendants Dean Tate and Somers Paulin Hall in Action S247442 Received (the "Tate Defendants"): October 24, 2025 Written Submissions of the Defendants Richard Singer and Singer Communications Inc. in Action S247442 Received (the "Singer Defendants"): November 10, 2025 No other written submissions received Place and Date of Judgment: Vancouver, B.C. December 10, 2025

Introduction

- [1] I heard a series of applications brought by the defendants in two actions seeking to strike or dismiss the plaintiff's claims pursuant to R. 9-5(1) or 9-6(5) of the Supreme Court Civil Rules, B.C. Reg. 168/2009 [Rules] and to have the plaintiff, Zsolt Kiss, declared a vexatious litigant pursuant to s. 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443 [SCA]. In reasons indexed at 2025 BCSC 1900 ("Reasons"), I dismissed the actions against all defendants in Vancouver Reg. Action No. S253175 (the "175 Action") and against the defendants Somers Paulin Hall, Dean Tate, Richard Singer, and Singer Communications Inc. in Vancouver Reg. Action No. S247442 (the "442 Action").
- [2] At paragraph 171 of the Reasons, a schedule for written submissions was provided.
- [3] On November 10, 2025, I sent a memo to counsel noting that the Singer Defendants had not sent in any written submissions seeking costs. On November 10, 2025, counsel for the Singer Defendants advised that the Singer Defendants were not seeking any costs to be awarded. I provided a deadline of November 27, 2025, for the plaintiff to submit submissions respecting costs. The plaintiff did not provide any written submissions. Legal Principles
- [4] The applicant defendants were entirely successful in the applications brought. As such, pursuant to R. 14-1(9), costs of a proceeding must be awarded to the successful party unless the court orders otherwise, or if a party does not seek any costs. The issue to be addressed is whether any of the defendants are entitled to an award of special costs.
- [5] Special costs are awarded against an unsuccessful party as punishment for reprehensible litigation conduct. The test for special costs was set out in *Garcia v. Crestbrook Forest Industries Ltd.* (1994), 9 B.C.L.R. (3d) 242 (C.A.), where Justice Lambert, writing for the Court, determined that the threshold for awarding special costs is "reprehensible" conduct during the litigation, which includes "scandalous or outrageous conduct but it also encompasses milder forms of misconduct deserving of reproof or rebuke": at para. 17. He further explained this standard at para. 23: the fact that an action or an appeal "has little merit" is not in itself a reason for awarding special costs....Something more is required, such as improper allegations of fraud, or an improper motive for bringing the proceedings, or improper conduct of the proceedings themselves, before the conduct becomes sufficiently reprehensible to require an award of special costs.
- [6] Special costs have been awarded in a wide range of circumstances, which include:
- (a) where a party pursues a meritless claim and is reckless with regard to the truth;
 - (b) where a party makes improper allegations of fraud, conspiracy, fraudulent misrepresentation, or breach of fiduciary duty;
 - (c) where a party has displayed "reckless indifference" by not recognizing early on that its claim was manifestly deficient;

- (d) where a party made the resolution of an issue far more difficult than it should have been;
 - (e) where a party who is in a financially superior position to the other brings proceedings, not with the reasonable expectation of a favourable outcome, but in the absence of merit in order to impose a financial burden on the opposing party;
 - (f) where a party presents a case so weak that it is bound to fail, and continues to pursue its meritless claim after it is drawn to its attention that the claim is without merit;
 - (g) where a party brings a proceeding for an improper motive;
 - (h) where a party maintains unfounded allegations of fraud or dishonesty; and
 - (i) where a party pursues claims frivolously or without foundation. *Mayer v. Osborne Contracting Ltd.*, 2011 BCSC 914 at para. 11, citations omitted.
- [7] As this list indicates, reprehensible conduct can include conduct by a litigant who abuses the court's process, misleads the court, and carries out persistent breaches of the rules of court. It can also include where there has been harassment of counsel to agree to a proposed settlement: *Kim v. Kim*, 2006 BCSC 1508 at para. 17; *Moon v. Pirooz*, 2012 BCSC 1666 at paras. 21-23, 25.
- [8] Although leeway should be given to self-represented litigants participating in the justice system, particularly in respect to the procedural requirements, this does not mean that they have a "licence to employ accusations of dishonesty as a feature of their rhetoric unless such allegations are firmly grounded in the evidence, are relevant to the proceedings, and are responsibly made": *The Owners, Strata Plan LMS3259 v. Sze Hang Holdings Inc.*, 2015 BCCA 424 at para. 11. There is an expectation that all participants in the justice system treat one another professionally, and that includes the self-represented litigant: *Morecorp Holdings Ltd. v. Island Tug & Barge Ltd.*, 2009 BCSC 1692 at para. 37. Position of the Parties Position of the AG
- [9] The AG submits that based on the findings in the Reasons the plaintiff's litigation conduct was reprehensible and the 175 Action, being an abuse of process, supports an award of special costs against him. It argues that Mr. Kiss used pressure tactics in an attempt to force the defendants to settle on his terms. It argues that the following consists of reprehensible conduct:
- a. sending hundreds of harassing e-mails to Chief Superintendent Graham de la Gorgendiere and Mr. Choi, counsel for the AG, in an attempt to prevent Ms. Leung from being able to make further police reports against the plaintiff;
 - b. sending hundreds, if not thousands, of harassing e-mails to opposing counsel and other parties to pressure them to accept his demands;
 - c. making physical threats against parties;

- d. being verbally abusive towards opposing counsel;
 - e. making claims that he reported Mr. Choi to the Law Society of British Columbia; and
 - f. making legal threats of going after Mr. Choi's house. Position of the Tate Defendants
- [10] The Tate Defendants seek their costs either as lump sum costs of \$9,504.58 as tariff B costs or, alternatively, if special costs are awarded against the plaintiff, then these defendants ask that those special costs also be awarded to them to be assessed. Position of the Singer Defendants
- [11] The Singer Defendants do not seek any costs. Position of the Plaintiff
- [12] The plaintiff chose not to make any submissions on costs. I will assume that the plaintiff opposes any costs against him.

Analysis

- [13] I will reproduce the findings made in my Reasons respecting some of the plaintiff's litigation conduct:
- [156] The plaintiff also says that he will commence a lawsuit for \$100 million, claiming the house of Mr. Choi, the lawyer for the AG. He states that he is prepared "to litigate forever".
- [157] The plaintiff has made serious threats and allegations in emails sent to the media, provincial officials, mediation services, and the various defendants, including the following:
- a) referring to Mr. Tate and Mr. Singer as "fraudsters" that should be removed from public service, as "the masterminds of fraud and deceit", and alleging they were involved in child sexual exploitation, fraud, coverups, and other crimes;
 - b) making racist and hateful comments against Hindus;
 - c) referring to ministers and a judge as "whore", "bitch", and "pimps" and other vile language;
 - d) threatening the children of ministers, a judge, RCMP officers, and lawyers;
 - e) threatening to "erase" the defendants and others;
 - f) threatening to fight Mr. Tate, Mr. Singer and others and to "fuck" them up for "sexually exploiting" his stepson and to beat them until they are "braindead"; and
 - g) threatening to charge individuals, including the defendants and their lawyers, criminally.
- [158] The plaintiff has ignored the requests made by the various defendants asking him to stop emailing them. He excessively emails various defendants, their lawyers and others in a harassing manner, even after being asked to stop. Of significance is the following:

- a) In the month of October 2023, Mr. Tate received approximately 115 emails from the plaintiff and approximately 140 emails in February 2025;
- b) From December 9, 2024 to February 20, 2025, Mr. Choi, counsel for Mr. Tate, received approximately 441 emails from the plaintiff;
- c) From February 15 to May 5, 2025, Mr. de la Gorgendiere, Chief Superintendent of the RCMP, received 255 emails from the plaintiff;
- d) On January 2, 2025, the plaintiff sent emails to a group of recipients including Mr. Tate, Mr. Singer, and their counsel at the following times: 12:01 a.m.; 12:08 a.m.; 12:21 a.m.; 12:31 a.m.; 12:40 a.m.; 1:01 a.m.; 1:03 a.m.; 1:21 a.m.; 1:23 a.m.; 1:37 a.m.; 1:41 a.m.; 1:43 a.m.; 1:46 a.m.; 1:57 a.m.; 2:04 a.m.; 2:08 a.m.; 7:34 a.m.; 8:01 a.m.; 8:09 a.m.; 8:31 a.m.; 9:16 a.m.; 9:18 a.m.; 9:21 a.m.; and 9:24 a.m.
- e) On January 23, 2025, the plaintiff sent emails to a group of recipients including Mr. Tate, Mr. Singer and their counsel at the following times: 5:39 p.m.; 5:45 p.m.; 5:47 p.m.; 5:48 p.m.; 6:03 p.m.; 7:08 p.m.; 7:09 p.m.; 7:10 p.m.; 8:09 p.m.; 8:19 p.m.; 9:06 p.m.; 9:07 p.m.; 9:08 p.m.; 9:43 p.m.; 9:55 p.m.; 9:56 p.m.; 9:57 p.m.; 10:11 p.m.; 10:13 p.m.; 10:14 p.m.; 10:15 p.m.; and 10:17 p.m.

[159] This type of incessant volume of emails at all times of the day, alongside the offensive, abusive, and inappropriate language contained in many of the emails, is undoubtedly a form of harassment. The plaintiff should cease this type of behaviour.

[160] The plaintiff has threatened to rely on excessive materials including:

- a) 15,000 emails he has sent;
- b) the entire CPS file, being all "30000 to 10000 [sic] pages" which will take two months to read; and
- c) an affidavit with 1,963 pages of exhibits.

[161] I find that the plaintiff's conduct has taken him over the line. Based on his litigious behaviour and reprehensible conduct, I find it is appropriate to declare him a vexatious litigant under s. 18 of the SCA.

[162] I now turn to the terms of the order. The main question is whether the s. 18 order should be restricted by subject matters or parties. I am persuaded that a broad vexatious litigation order is required in these circumstances. The plaintiff has threatened to sue many individuals, as set out at para. 155 of these reasons. In my view, a restricted order would not be an end to the plaintiff's vexatious conduct. As the plaintiff said, he is prepared "to litigate forever".

- [14] In my view, an award of special costs is warranted in light of the plaintiff's conduct during the course of the litigation. The plaintiff's threats made against the judiciary, ministers, lawyers, and parties were outrageous and repugnant. He engaged in a campaign of harassment against the parties and their lawyers with a view to extracting a settlement. His actions capture the essence of a vexatious litigant.
- [15] I note that the plaintiff sought and obtained an order that he is indigent and is not required to pay any of the court filing fees. It appears that the plaintiff sought such an order in all of the various actions he has started. The existence of indigent status is not a bar to a special costs order: *Leger v. Metro Vancouver YWCA*, 2013 BCSC 2021 at para. 78.
- [16] That said, if a party is going to seek special costs, then submissions should be made in support of an award of special costs. The Tate Defendants did not make any submissions in support of an award of special costs. As such, the Tate Defendants will only be awarded costs on Scale B. I see no basis to award lump sum costs in the circumstances. The plaintiff has a right to contest the amount set out in the Tate Defendants' bill of costs.

Conclusion

[17] The following orders are made:

1. The defendants in Vancouver Registry Action No. S253175 are entitled to special costs against the plaintiff.
2. The defendants Dean Tate and Somers Paulin Hall, in Vancouver Registry Action No. S247442, are entitled to costs against the plaintiff at Scale B.
3. The defendants Richard Singer and Singer Communications Inc., in Vancouver Registry Action No. S247442, are awarded no costs.
4. The signature of the plaintiff is waived on the orders in both actions. "Forth J."

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Prepared on 26 October 2026 · Esheria