

CANADA / JUDGMENT

Kiss v. Canada (Attorney General)

2025 BCSC 1900

COURT

Supreme Court of British Columbia

DECIDED

1 October 2025

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2025 BCSC 1900 Kiss v. Canada (Attorney General)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Kiss v. Canada (Attorney General),

2025 BCSC 1900

Date: 20251001

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 Manochchri, 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

The Plaintiff, appearing in person in both actions:

Z. Kiss

Counsel for the Defendant, the Attorney General of Canada, in Action S253175:

A. Choi

Counsel for the Defendants Richard Singer and Singer Communications Inc. in Action S247442:

M. Clark

Counsel for the Defendants Dean Tate and Somers Paulin Hall in Action S247442:

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:

K. Fast

No other appearances

Place and Dates of Hearing:

Vancouver, B.C.

July 31 and August 1, 2025

Place and Date of Judgment:

Vancouver, B.C.

October 1, 2025

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Introduction

- [1] There are 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 [SCCR] and to have the plaintiff declared a vexatious litigant pursuant to s. 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443 [SCA]. I heard the applications on July 31 and August 1, 2025 (the "Hearing"). I will refer to the plaintiff, Zsolt Kiss, as Mr. Kiss or the plaintiff, throughout these reasons.
- [2] Mr. Kiss was in some type of relationship with Christy Kit Hing Leung, and they lived together for some period. Ms. Leung has a son, A.N. A.N. alleged that Mr. Kiss threatened to kill him. Mr. Kiss says that this never happened.

- [3] As a result of the threat, A.N. was removed from the home he shared with his mother and Mr. Kiss, by the Ministry of Children and Family Development (the "MCFD"), with the assistance of the Royal Canadian Mounted Police (the "RCMP"). Child protection proceedings were commenced under provincial court file number F-21-32391 ("Child Protection Proceeding") that ultimately ended in a mediated agreement pursuant to which Mr. Kiss was not permitted to be at Ms. Leung's home without her express consent and without taking A.N.'s wishes into account.
- [4] The thrust of the defendants' submissions is that the plaintiff has brought multiple vexatious actions against the various parties repeatedly without a reasonable cause of action in order to harass them or for some other improper purpose.
- [5] The plaintiff's position is that his current actions should proceed until his name has been cleared and the parties have acknowledged that he was misidentified as a "family member". He claims that the child protection matter should not have been "accepted" and that he should not have been involved in it.

Relevant Background

The Parties and Witnesses

- [6] At the time of the Child Protection Proceeding, the MCFD employed Reena Basran, Rajani Dhillon, and Lindsey Bertram as social workers. Ms. Bertram was the manager.
- [7] Richard Singer was appointed as the mediator in respect of the Child Protection Proceeding. As a mediator, he attended a mediation that took place on March 2, 2022. Mr. Singer's company, for which he is a sole director, is Singer Communications Inc. It is not clear to me why Singer Communications Inc. was named as a defendant in the S247442 action.
- [8] Dean Tate is a lawyer and was retained by the Provincial Director of Child Welfare ("Director") to appear as counsel for the Director in the Child Protection Proceeding. Mr. Tate is licenced to practice law and, at the material times, did so through the firm Somers Poulin Hall.
- [9] Christy Leung was previously in a relationship with the plaintiff for a period of time. Her son, A.N., lived with her. Mr. Kiss claimed that Ms. Leung was his common law spouse and that they lived together in a marriage-like relationship for approximately five years.
- [10] Mr. Kiss' family law action proceeded to an eight-day trial before Justice D. MacDonald in October 2024. Justice D. MacDonald released reasons on December 20, 2024, indexed as 2024 BCSC 2335 [MacDonald Reasons]. The plaintiff's action was dismissed on the basis that the parties were not spouses because they did not live together continuously for a period of two years and there were no indicia of a committed marriage-like relationship: MacDonald Reasons at para. 4.

Child Protection Proceedings

- [11] On December 6, 2021, the Director commenced proceedings in relation to Ms. Leung and A.N. by filing a Presentation Form (Form 1) in Provincial Court at the Vancouver Provincial Court on Robson Street.
- [12] On December 8, 2021, the Director filed a Report to Court (Form A) detailing the circumstances that lead the Director to remove A.N. from Ms. Leung's home pursuant to the Child, Family and Community Service Act, R.S.B.C. 1996, c. 46 [CFCSA]. Mr. Tate was subsequently retained as counsel for the Director respecting the Child Protection Proceeding. At no time did he act for the plaintiff or provide the plaintiff with any legal advice.
- [13] On December 8, 2021, Mr. Tate appeared in Provincial Court before Judge Phillips regarding the Presentation Form and the Report to Court. No one else appeared and the matter was adjourned for one week to December 15, 2021. For all appearances, the parties appeared by MS Teams.
- [14] On December 15, 2021, Mr. Tate and Ms. Leung appeared before Judge Adams. Judge Adams ordered that the Director retain interim custody of A.N. and set the Protection Hearing for January 26, 2022.
- [15] On January 13, 2022, the Director filed an Application for an Order (Form 2) in Provincial Court returnable on January 26, 2022 for an order that A.N. remain in the custody of the Director for a period of six months while the protection concerns were being addressed.
- [16] On January 26, 2022, Mr. Tate and Ms. Leung appeared before Judge Stark regarding the Director's application for a six-month temporary custody order and the hearing was adjourned to February 18, 2022.
- [17] On February 15, 2022, the Director filed an Application for an Order (Form 2) seeking an order pursuant to s. 28 of the CFCSA prohibiting any contact between the plaintiff and A.N. as a way of addressing the protection concerns ("Protection Intervention Order Application"). The unfiled application was served on the plaintiff on February 14, 2022. This was the only application filed by the Director in Provincial Court directly involving the plaintiff.
- [18] On February 16, 2022, Mr. Tate, Ms. Leung, and the plaintiff appeared before Judge Stark who adjourned the applications for one week to allow A.N. and Ms. Leung to seek legal advice.
- [19] On February 23, 2022, Mr. Tate and Ms. Leung appeared and the applications were adjourned for another week to March 2, 2022, since Ms. Leung and A.N. had not yet received legal advice.

- [20] On March 2, 2022, Mr. Tate, Ms. Leung and the plaintiff appeared before Judge Reeves and both applications were adjourned to April 13, 2022, so that a mediation could occur and to allow for discussions to ensure that A.N. was in a safe living environment. The plaintiff and Ms. Leung indicated to Judge Reeves that they were both agreeable to participate in a mediation.
- [21] On March 31, 2022, the assigned mediator, Mr. Singer, Ms. Dhillon, Ms. Bertram, Ms. Leung, A.N., and the plaintiff attended a mediation. It was held over MS Teams. At the conclusion of the mediation, Ms. Leung and A.N. signed a mediation agreement ("Mediation Agreement"). The plaintiff attended and participated in the mediation but did not sign the Mediation Agreement.
- [22] On April 7, 2022, the Director filed the Mediation Agreement in the Child Protection Proceedings. The Director also filed a Form B to indicate that the Director was withdrawing from the file pursuant to s. 48(1) of the CFCSA and that the outstanding concerns for A.N. were resolved by the Mediation Agreement.
- [23] On April 13, 2022, Mr. Tate and Ms. Leung appeared before Judge Dhillon, who acknowledged the filing of the Form B and the circumstances supporting the Director's reasons for withdrawing from the proceeding. The Protection Intervention Order Application was also withdrawn. Following this hearing, Mr. Tate had no further involvement on behalf of the Director in respect to Ms. Leung, A.N., or the plaintiff.

Review of Pleadings

Vancouver Reg. Action No. S223577

- [24] On May 2, 2022, the plaintiff filed a notice of civil claim naming Ms. Basran, Ms. Dhillon, Ms. Bertram, Mr. Singer, and Mr. Tate as defendants and asserting that they had abused their power, registered false statements in the Child Protection Proceeding, and acted in bad faith ("Previous Action #1"). Under Part 2, Relief Sought, the plaintiff sought that the defendants pay him \$850,000 as an all-inclusive settlement for wage loss, emotional suffering, and out of pocket expenses from 2019 to April 30, 2022. Under Part 3, Legal Basis, the only authority cited is "The rules of the Supreme Court of BC".
- [25] On May 16, 2022, the plaintiff filed a notice of discontinuance against all of the defendants and noted that the discontinuance was with the consent of all parties of record. It is my understanding that none of the defendants had appeared on record because this notice of civil claim was not served on the defendants.

Vancouver Reg. Action No. S225437

- [26] On July 5, 2022, the plaintiff filed a notice of civil claim with six paragraphs naming the MCFD as defendant. The original claim was that the Child Protection Service ("CPS") had caused him financial loss in filing paperwork in the Family Court under oath knowing it was

not true. He further claimed that the CPS had acted in bad faith having him evicted. He asserted that because of the actions of the CPS, he had been unable to work and suffered emotionally and financially. In Part 2, Relief Sought, he sought an all-inclusive settlement of \$1.5 million. Part 3, Legal Basis, referred only to the rules of the Supreme Court ("Previous Action #2").

- [27] On July 7, 2022, the plaintiff filed an amended notice of civil claim. Therein, he provided a list of entities including the MCFD, Ms. Basran (identified as Team Leader and A.N.'s first social worker), Ms. Rajani (identified as A.N.'s second social worker), Mr. Dean (identified as counsel for the ministry), Mr. Singer (identified as mediator), Ms. Betram (identified as a Supervisor in the Ministry), and A.N. I will refer to the three MCFD social workers collectively as the "Social Workers". The amendment provided a history of what the plaintiff says took place with A.N. and the MCFD investigation. There was a reference to the mediation that took place in 2022 and an assertion of certain things that occurred during the mediation. Parts 2 and 3 remained the same.
- [28] On August 15, 2022, the MCFD filed a response to the amended notice of civil claim noting that the MCFD is not a legal entity capable of participating in legal proceedings. It states that the correct legal entity to name is "Her Majesty the Queen in right of the Province of British Columbia".
- [29] On October 19, 2022, the parties filed a consent dismissal order ("CDO #1") with the plaintiff's claim against MCFD being dismissed without costs to any party. Paragraph 2 of CDO #1 provided: "[t]he said dismissal be for all purposes of the same force and effect as if judgment had been pronounced after a trial of this action on its merits". I will refer to this as the "Dismissed on Merits Clause".

Vancouver Reg. Action No. S231985

- [30] On March 20, 2023, the plaintiff filed a notice of civil claim naming Ms. Basran, Ms. Dhillon, Ms. Bertram, Mr. Singer, Mr. Tate, His Majesty the King ("HMTK"), MCFD, and the Province of British Columbia as defendants. The plaintiff alleges that the defendants represented their client, A.N., and had a duty to act in A.N.'s best interest. The plaintiff asserts that A.N. abused Ms. Leung and the plaintiff with the assistance of the defendants, and that the defendants filed false claims against the plaintiff from 2019 to 2023 on behalf of A.N. He alleges that the defendants made A.N. the "decision maker" at home ("Previous Action #3).
- [31] The plaintiff sought the following at Part 2: Relief Sought:
- 1) An order that the defendants pay back the wage loss to the plaintiff \$302400.00.
 - 2) An order that the defendants replace the loss [sic] money of \$192.000.00 thousand [sic] and \$25.000.00 thousand [sic] dollars Zsolt's settlement.

- 3) An order to void all of the paperwork against Zsolt and Christy in the CPS and Police files, it was all [A.N.'s] fault, together with his team that it was created.
 - 4) An order that the defendants pay the plaintiff 500 thousand dollars for emotional suffering and evictions caused during the case.
 - 5) An order, that the defendants apologize to the [plaintiff].
 - 6) An order, to remove the police ban, so the plaintiff can visit Asha [a dog].
- [32] Part 3, Legal Basis, refers to "the rules of the Supreme Court" and to s. 380(1) of the Criminal Code, R.S.C. 1985, c. C-46, which deals with fraud.
- [33] The response of the defendants HMTK and the Social Workers was filed on May 12, 2023, and claimed, in part, that the action was res judicata in light of CDO #1.
- [34] Mr. Singer filed his response on May 16, 2023 relying on, in part, the doctrines of res judicata, issue estoppel, and abuse of process.
- [35] Mr. Tate filed his response on May 23, 2023, pleading that since he never acted for nor provided any legal advice to the plaintiff, he owed no duty of care to him. Mr. Tate also relied on the doctrines of res judicata, issue estoppel, and abuse of process.
- [36] On August 24, 2023, the plaintiff filed a consent dismissal order ("CDO #2") dismissing the action against all the defendants without costs. It contained the same Dismissed on Merits Clause.

Vancouver Reg. Action No. 238109

- [37] On November 29, 2023, the plaintiff filed a notice of civil claim against the Royal Canadian Mounted Police Burnaby ("Burnaby RCMP") and Burnaby Central Secondary School alleging that these defendants and MCFD knew that the plaintiff's stepson was chatting with strangers and being lured out. The plaintiff claimed that the defendants and MCFD were covering for each other.
- [38] Part 2, Relief Sought, was for an order that the Burnaby RCMP, Burnaby Central Secondary School and MCFD stop "exploiting kids" to "wave" their liability. Part 3: Legal Basis cited the law of consent and "the rules of the Supreme Court" (the "109 Action").
- [39] On February 2, 2024, the plaintiff filed a notice of discontinuance against the defendants stating that it was made with the consent of all parties of record.

Vancouver Reg. Action No. 247442

- [40] On October 29, 2024, the plaintiff filed a notice of civil claim naming the following parties:
- a) Mitzi Dean;
 - b) Mr. Tate;

- c) Mr. Singer;
- d) the Social Workers;
- e) the Attorney General of BC ("AG");
- f) MCFD;
- g) HMTK;
- h) Somers Paulin Hall;
- i) Singer Communications Inc.; and
- j) "Unnamed Burnaby RCMP Officers".

The claim asserts that the defendants were engaged in child protection proceedings involving the plaintiff's stepson from 2020 to 2023. It says that financial harm was inflicted on the plaintiff by the making of false allegations of child abuse against him. The claim against the unnamed Burnaby RCMP officers is that they offered paperwork to his ex-spouse as part of a scheme to "erase" him. The claim against the AG was that the AG failed to take over the case, discipline the officers, and locate internet lurers targeting minors. Part 2, Relief Sought, was for \$2 million for the losses and harm allegedly suffered by the plaintiff as a result of the actions of the defendants. Under Part 3, Legal Basis, there is reference to "the rules of the Supreme Court of BC" ("442 Action").

- [41] On November 24, 2024, the Unnamed Burnaby RCMP Officers applied to strike the claim against them on the basis that the claim disclosed no reasonable claim. The notice of application also referred to ss. 21(2) and (3) of the Police Act, R.S.B.C. 1996, c. 367, which prohibits claims against individual RCMP officers unless there are allegations of dishonesty, gross negligence, or malicious or wilful misconduct (the "RCMP Application").
- [42] On November 25, 2024, HMTK filed a response to the civil claim noting that the claim disclosed no reasonable cause of action against HMTK, was scandalous, frivolous, vexatious and an abuse of process.
- [43] The RCMP Application came on for hearing on December 6, 2024. In unpublished oral reasons, Justice Coval ordered that the claim against the unknown Burnaby police officers be struck without a right to amend, and the claim dismissed against those parties: *Kiss v. Dean et al*, (6 December 2024), Vancouver S247442 (B.C.S.C.) [Coval Reasons].
- [44] On February 6, 2025, the plaintiff filed an amended notice of civil claim in the 442 Action in which he altered the style of cause ("AN OCC"). He added as defendants Christy Leung and Eva Leung, and removed as defendants Singers Communications Inc., Somers Paulin Hall, and Unnamed Burnaby RCMP Officers. There was no order granting the addition of parties nor the changes to the style of cause, though such leave is required under R. 6-2(7) of the SCCR. The plaintiff was entitled to file an AN OCC since this was the first amendment in the 442 Action and no notice of trial had been filed as provided for in R. 6-1(1)(a) of the SCCR.

[45] In the ANOCC, it appears that the plaintiff has rewritten the entirety of the claim, rather than simply amending it. In Part 1, Statement of Facts, the plaintiff identified Ms. Leung as a client of MCFD and Eva Leung as Christy Leung's sister. Much of the new facts are allegations made against Ms. Leung and, in particular, a long list of what the plaintiff says is money he paid into a joint bank account. From what I can discern, the following claims are made against the defendants collectively:

- 1) provided paperwork to Ms. Leung to harass the plaintiff;
- 2) knew of Ms. Leung's plan to steal from the plaintiff;
- 3) paid for providing Ms. Leung paperwork;
- 4) they knew Ms. Leung and A.N. had lied since they both failed a lie detector test;
- 5) continued filing false allegations of abuse by the plaintiff;
- 6) failed to explain to A.N. the consent law for various sexual activities;
- 7) defrauded the plaintiff; and
- 8) lied about everything filed in court.

[46] The specific allegations made against Ms. Dhillon were that she filed false allegations of abuse to the provincial court in Vancouver and assisted in bringing the plaintiff to court.

[47] The allegations against Mr. Tate and Mr. Singer are that they brought the plaintiff to court for no reason and that they continued to spread lies when the plaintiff asked them to stop "filing lies anywhere". During the mediation process, A.N. was allowed to swear at the plaintiff and no one stopped him. The ANOCC alleges that the Mediation Agreement was aimed to steal the plaintiff's rights and properties and had nothing to do with child protection.

[48] Part 2, Relief Sought, almost entirely relates to relief sought against Ms. Leung, except for para. 4 which reads:

An order that the defendants pay Zsolt Kiss punitive damages in the amount of 5 million dollars for filing false allegations of abuse against Zsolt Kiss, even after Christy and [A.N.] failed the lie detector test.

[49] Part 3, Legal Basis, cites only "the rules of the Supreme Court".

[50] On March 12, 2025, Mr. Tate filed a notice of application seeking to strike the 442 Action against him (the "Tate Strike Application"). This was one of the applications I heard at the Hearing.

[51] On March 20, 2025, Mr. Singer filed a response to the amended ANOCC setting out that his only involvement was as an independent third party mediator facilitating the mediation and pleading the doctrines of res judicata, issue estoppel, and abuse of process.

- [52] On March 20, 2025, Ms. Leung filed a response to civil claim. I note that at the time this response was filed, Ms. Leung had not been properly added as a defendant in the 442 Action. Ms. Leung also filed a counterclaim against Mr. Kiss seeking \$124,350 from him. It is understandable why Ms. Leung thought she was a defendant in the 442 Action, since the plaintiff had unilaterally and without court order amended the ANOCC to add Ms. Leung and her sister, Eva Leung, as defendants.
- [53] On March 21, 2025, Ms. Leung filed an amended response to the ANOCC.
- [54] That same day, Mr. Singer filed a notice of application seeking to strike the 442 Action against him ("Singer Strike Application"). This was one of the applications I heard at the Hearing.
- [55] On April 3, 2025, the plaintiff filed responses to the Tate Strike Application and Singer Strike Application.
- [56] On May 12, 2025, Mr. Kiss requested a case planning conference be scheduled "seeking instructions moving forward".
- [57] On May 29, 2025, HMTK, the AG, the MCFD, Mitzi Dean, and the Social Workers (collectively the "Provincial Defendants") filed an application to strike returnable on June 17, 2025 (the "Provincial Defendants' Strike Application"). However, the Provincial Defendants' Strike Application was not set down for hearing before me.
- [58] On June 3, 2025, Mr. Kiss filed a response to the Provincial Defendants' Strike Application asserting that the Province had no claim against Mr. Kiss as he was a witness and guest at Ms. Leung's apartment.
- [59] On June 10, 2015, Associate Judge Harper presided over a case management conference and made the following orders:
1. The plaintiff is permitted to make an application to add Ms. Christy Leung as a defendant in this action and amend his notice of civil claim to include claims against Ms. Leung.
 2. Apart from the plaintiff's application to add Ms. Leung as a defendant, none of the parties are permitted to bring any further applications or seek any further court conferences pending the outcome of the applications to strike which have been filed in this action.
 3. If the applications to strike filed in this action are not heard by August 1, 2025, the parties may seek a further case planning conference.
 4. The notice of application filed May 29, 2025 in this action, currently set to be heard on June 17, 2025, is adjourned generally, on the basis that the plaintiff intends to bring an application to add Ms. Leung as a defendant. The notice of application filed May 29, 2025 in this action may be reset at any time on or after July 31, 2025.

5. The three applications to strike in actions S247442 and S253175 will be heard at the same time on the hearing dates currently reserved, those being July 31, 2025 and August 1, 2025.
 6. The plaintiff's signature is dispensed with on this order.
- [60] On June 11, 2025, in accordance with the Harper Order, the Provincial Defendants' Strike Application was adjourned generally.
- [61] On June 18, 2025, Mr. Kiss filed a notice of application addressed to Ms. Leung seeking to add her as a defendant in the 442 Action, returnable on July 12, 2025 (the "Leung Addition Application").
- [62] On July 2, 2025, Mr. Kiss filed a requisition adjourning the Leung Addition Application to July 28, 2025.
- [63] On July 17, 2025, Singer Communications Inc. filed a response to the ANOCC. On the same date, Singer Communications Inc. filed a notice of application seeking to strike the claim against it. This was one of the applications I heard at the Hearing.
- [64] On July 21, 2025, the plaintiff filed a further amended notice of civil claim in which he returned to the original style of cause but then added Christy Leung into the style of cause ("FANOCC"). The claims asserted revert to the original 13 paragraphs set out in the notice of civil claim and then add paragraphs 14 to 19 which appear to be focused on issues between the plaintiff and Ms. Leung. At the top of the document, a handwritten note states that the document is being amended pursuant to the Harper Order. I note that the Harper Order did not permit any amendments to the ANOCC and only gave Mr. Kiss leave to file an application to add Ms. Leung.
- [65] These amendments were done without the consent of all parties, without leave of the Court, and without the Leung Addition Application being heard by the court. As such, the further amended notice of civil claim filed July 21, 2025 is an irregularity made contrary to the SCCR. Pursuant to R. 22-7(2)(b), I will set aside the FANOCC and treat it as a nullity. I will consider the FANOCC in the context of whether the plaintiff should be permitted to amend if the actions are struck. However, the various applications to strike are being heard respecting the ANOCC filed February 6, 2025 in the 442 Action, with the original style of cause which does not include Christy Leung as a named defendant.

Vancouver Reg. Action No. 253175

- [66] On April 25, 2025, Mr. Kiss filed a notice of civil claim ("NOCC") against the Department of Justice, 18 individually named RCMP officers, and one RCMP officer identified as "unknown Sandu" (the "175 Action"). I note that Igor Hanov is named twice in the style of cause. The claim asserts that the officers provided Ms. Leung with police reports and allowed her to be abusive. The plaintiff further claims that the Chief Superintendent failed to mitigate the situation by not giving him a "clearance letter".

[67] Under Part 2, Relief Sought, the plaintiff states:

1. THE RCMP OFFICERS WHO CREATED VIOLENCE AND ABUSE TOWARDS THE PLAINTIFF ARE LIABLE TO PAY THE PLAINTIFF ONE MILLION DOLLARS IN DAMAGES.

[68] Part 3, Legal Basis, only refers to the rules of the Supreme Court.

[69] I understand that the individual RCMP officers have not been served with the 175 Action.

[70] On June 10, 2025, the Attorney General of Canada filed a notice of application seeking to have the 175 Action dismissed as disclosing no reasonable claim, pursuant to s. 21(2) and (3) of the Police Act as against the individual named RCMP officers, and as an abuse of process (the "AG Strike Application"). It further seeks to have Mr. Kiss declared a vexatious litigant pursuant to s. 18 of the SCA. This was one of the applications I heard at the Hearing.

[71] On June 18, 2025, Mr. Kiss filed a response to the AG Strike Application primarily arguing that the police ought to have issued a ticket to Ms. Leung for failing to abide by the Burnaby City Noise Bylaw.

Family Law Proceedings

Vancouver Reg. Action No. 212655

[72] On October 25, 2021, the plaintiff filed a notice of family claim against Ms. Leung alleging that she was his common law partner and that they began to live in a marriage-like relationship on April 1, 2017 and separated on October 21, 2021. He claimed that he had an interest in the property located at 103-5078 Irving Street, Burnaby (the "Irving Property") and sought to file a certificate of pending litigation ("CPL") against it.

[73] On November 1, 2021, Mr. Kiss filed a CPL against the Irving Property. On the same day, he filed an amended notice of family claim clarifying that he was the common law partner of the respondent and that she was his common law partner.

[74] On November 8, 2021, the plaintiff filed a notice of discontinuance of this action.

Vancouver Reg. Action No. 222524

[75] On October 17, 2022, the plaintiff filed a second notice of family claim against Ms. Leung claiming that she was his ex-common law partner and alleging that they began to live in a marriage-like relationship on April 1, 2017 and separated on June 10, 2022. He sought equal division of family property and family debt and claimed an interest in the Irving Property and that a CPL be filed against it.

[76] On February 2, 2023, the plaintiff filed a notice of discontinuance, stating that it was being filed with the consent of all parties of record.

Vancouver Reg. Action No. 230950

- [77] On April 6, 2023, the plaintiff commenced the third family law proceeding by filing a notice of family claim in which he describes Ms. Leung as his ex-common law partner. He states that they began to live together in a marriage-like relationship on April 1, 2017, and were separated on June 16, 2022. He again sought equal division of family property and family debt and listed the sole property as the Irving Property. He sought a CPL against it. On April 12, 2023 Mr. Kiss filed a CPL against the Irving Property.
- [78] It was this action that proceeded to trial before Justice D. MacDonald in October 2024 with reasons being pronounced on December 20, 2024.
- [79] As noted in para. 1 of the MacDonald Reasons, the plaintiff claimed entitlement to the Irving Property based on being in a marriage-like relationship with Ms. Leung from 2017 to 2021. He further alleged that he was A.N.'s stepfather.
- [80] As I have already noted, Justice D. MacDonald dismissed the plaintiff's claim in its entirety. She specifically found that the plaintiff had not proven that the parties lived in a marriage-like relationship. She further dismissed the plaintiff's claim that the dog, Asha, belonged to him: MacDonald Reasons at paras. 52, 57, 58.

Evidence of the Plaintiff

- [81] The plaintiff filed three affidavits in the 442 Action:
- 1) Affidavit made and filed March 24, 2025 of Mr. Kiss which states that Exhibit A was a complete set of evidence in the 442 Action. There were no exhibits attached to the affidavit included in the application record. The affidavit filed and served on the other parties included 1,962 pages and counsel for Mr. Singer described them as a collection of documents related to the Child Protection Proceedings.
 - 2) Affidavit made and filed July 25, 2025 of Mr. Kiss, attaching as Exhibit A a photograph of a USB which is stated to contain two files: the first containing 1,963 pages and the second containing 50 pages. At the Hearing, the plaintiff handed me a USB which I understand is the one referenced as Exhibit A to this affidavit.
 - 3) Affidavit made and filed July 29, 2025 of Mr. Kiss attaching as Exhibit A a picture of the same USB and letters serving this affidavit on counsel.
- [82] At the Hearing, I advised Mr. Kiss that I would not be opening and reviewing the 2,000+ pages of documents contained on the USB. He advised that he had extracted the key documents and had copies of them. He handed up a package of documents which was marked as Exhibit 1 at the Hearing. These documents consisted of:
- a) a letter to Johanna of the MCFD from Mr. Kiss dated October 19, 2020;
 - b) an ICBC British Columbia Address Search with handwritten notations;

- c) an email from Mr. Kiss to Ms. Basran and others dated June 17, 2021 setting out his new address on Dundas Street in Vancouver;
- d) a residential tenancy agreement between Ms. Leung and Mr. Kiss dated July 1, 2021;
- e) an email from Mr. Kiss to Ms. Basran dated October 21, 2021 regarding his having rented a place;
- f) an email from Mr. Kiss to a notary dated November 6, 2021 seeking that an agreement be prepared;
- g) an MCFD Safety Assessment form prepared by Ms. Bertram dated November 3, 2021;
- h) an MCFD ICM Production Report Memo describing Mr. Kiss as "spouse" with handwritten notations;
- i) handwritten notes made of an office interview of Mr. Kiss conducted on October 20, 2020. Mr. Kiss says these notes were made by a social worker;
- j) an email respecting Mr. Kiss renting 4178 Imperial Street from April 2, 2022, which is not dated;
- k) one page of the Child Protection Mediation Agreement Made in Mediation;
- l) an email from Mr. Kiss to Salina dated October 6, 2024 seeking a copy of the transfer document signed, and a copy of the contract of purchase and sale of a property located on Lakewood Drive dated February 13, 2017; and
- m) the case plan order made by Associate Judge Harper on June 10, 2025.

[83] The plaintiff says that at the materials times he was not living with Ms. Leung but had rented other premises. At the time of the removal of A.N. from the Irving Property, being approximately early December 2021, the plaintiff claims he had rented a place in October 2021. At the Hearing, he took the position that he was never Ms. Leung's common law spouse and that they were not in a marriage-like relationship. He claims that he was only a "visitor, guest, witness" to Ms. Leung's home. He further claims that he was never a "stepfather" to A.N.

[84] This position utterly contradicts the position he took in the three family law claims he filed. It is also the opposite of what is contained in the emails he sent after receiving the MacDonald Reasons, where he continued to refer to A.N. as his stepson and himself as A.N.'s stepfather.

The Current Applications

[85] These reasons deal with the following applications:

- a) The AG Strike Application filed June 10, 2025 seeking to have the 175 Action struck pursuant to R. 9-5(5)(a) for not disclosing a reasonable cause of action and under R. 9-5(1)(d) as being an abuse of process. In addition, this application seeks to have the plaintiff declared a vexatious litigant pursuant to s. 18 of the SCA.
 - b) The Tate Strike Application filed March 12, 2025, seeking to have the 442 Action struck against him and his law firm, Somers Poulin Hall, pursuant to R. 9-5(1)(d) as an abuse of process; R. 9-5(1)(a) as disclosing no reasonable claim; and R. 9-6 as disclosing no genuine issue for trial. Mr. Tate also seeks a vexatious litigant order against the plaintiff.
 - c) The applications filed by Mr. Singer on March 21, 2025 and by Singer Communications Inc. on July 17, 2025 seeking to have the 442 Action struck against them under R. 9-5(1)(d) as an abuse of process, and, in the alternative, R. 9-5(1)(a) as disclosing no reasonable cause of action. These defendants also seek a vexatious litigant order against the plaintiff (collectively, the "Singer Strike Applications").
- [86] The plaintiff filed application responses to all the applications. I will set out the plaintiff's position on each of the applications as set out in the application responses:
- a) To the AG Strike Application, the plaintiff asserts that he was a witness and then makes reference to the Burnaby City Noise Bylaw and the failure of the Burnaby RCMP to issue a noise bylaw violation ticket. He asserts that if a ticket had been issued to the unit owner (presumably meaning Ms. Leung), then the 21 police reports would not have been created.
 - b) To the Tate Strike Application, the plaintiff varied the style of cause to handwrite in Christy Leung and Eva Leung. This unilateral addition to the style of cause is of no effect. In this application response, the plaintiff takes the position that Mr. Tate is liable and the matter must proceed to trial. He says that he was a visitor of Ms. Leung and that Mr. Tate had no legal right to create an order against him as a visitor. The plaintiff suggests that Mr. Tate should have told Ms. Leung and A.N. that the plaintiff was a visitor, and that Ms. Leung should not have invited him to use the computer in the living room. He alleges that Mr. Tate filed "endless false allegations of abuse ongoing".
 - c) To the Singer Strike Applications, the plaintiff makes the same handwritten additions to the style of cause and makes the same allegations against Mr. Singer and uses the same words as in the Tate application response and only changes the name to reflect Mr. Singer's name.

Issue 1: Should the claims against the applicant defendants be dismissed pursuant to R. 9-5(5) of the SCCR?

Legal Principles

[87] Rule 9-5(1) and (2) provide:

Scandalous, frivolous or vexatious matters

- (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.

Admissibility of evidence

- (2) No evidence is admissible on an application under subrule (1) (a).
- [88] On a motion to strike for not disclosing a reasonable cause of action under R. 9-5(1)(a), the applicable test is whether it is plain and obvious, assuming the facts pleaded to be true, that the pleading discloses no reasonable prospect of success: *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5 at para. 64. However, where the facts pleaded are based purely on assumptions or wild speculations or are incapable of proof, the court may view them with a skeptical analysis: *Union Road Properties Ltd. v. British Columbia (Agricultural Land Commission)*, 2018 BCSC 1349 at para. 3.
- [89] 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: *Gill v. Canada*, 2013 BCSC 1703 at para. 7.
- [90] No evidence may be considered for an application under R. 9-5(1)(a) as provided under subrule (2): *Sliwinski v. Sliwinski*, 2017 BCCA 146 at para. 11.
- [91] The purpose of the pleading is to set out the material facts of any cause of action being advanced by a party and particulars should be identified. Any claim for relief must be supported by a statement of fact necessary to constitute a cause of action. Three elements are essential to every cause of action: (1) the claimant's right or title; (2) the defendant's wrongful act violating that right or title; and (3) the consequent damage, whether nominal or substantial: *Gill v. Samra*, 2022 BCSC 871 at para. 29.
- [92] The doctrine of abuse of process allows the court to prevent a claim from proceeding where allowing it to proceed would violate principles of judicial economy, consistency, finality, and integrity of the administration of justice: *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 at para. 37. When determining whether the proceedings constitute an abuse of process, the

court may consider whether its process is being used dishonestly or unfairly, or for some ulterior or improper purpose, and whether there have been multiple or successive related proceedings that are likely to cause vexation or oppression: *Nomani v. Tan*, 2014 BCCA 100 at para. 5. Bringing a series of successive related proceedings is an abuse of the court's process, even where the plaintiff sincerely believes that earlier decisions were wrong and that he has not been treated fairly: *Budgell v. British Columbia*, 2007 BCSC 991 at para. 28, aff'd 2008 BCCA 349.

- [93] In *Erschbamer v. Wallster*, 2013 BCCA 76, the Court of Appeal provided a useful summary of the nature of the doctrines of res judicata and abuse of process:
- [12] The doctrine [of res judicata] has two aspects, issue estoppel and cause of action estoppel. In brief terms, issue estoppel prevents a litigant from raising an issue that has already been decided in a previous proceeding. Cause of action estoppel prevents a litigant from pursuing a matter that was or should have been the subject of a previous proceeding. If the technical requirements of issue estoppel or cause of action estoppel are not met, it may be possible to invoke the doctrine of abuse of process to prevent relitigation of matters.
- [94] The doctrine of abuse of process may apply where the strict requirements of issue estoppel are not met, but "where allowing the litigation to proceed would nonetheless violate principles of judicial economy, consistency, finality, and the integrity of the administration of justice": *Della Penna v. Cobb*, 2020 BCSC 635 at para. 219.
- [95] The requirements of issue estoppel were set out by Justice Newbury in *Cliffs Over Maple Bay (Re)*, 2011 BCCA 180 as follows:
- 1) the same question has been decided;
 - 2) that the judicial decision which is said to create the estoppel was final; and
 - 3) that the parties to the judicial decision or their privies were the same persons as the parties to the proceedings in which the estoppel is raised, or their privies.
- [96] The main principles on cause of action estoppel were set out by the Supreme Court of Canada in *Grandview v. Doering*, [1976] 2 S.C.R. 621 at 630-639, 1975 CanLII 16, and summarized by this Court in *Cobb v. Holding Lumber Co. Ltd.* (1977), 79 D.L.R. (3d) 332, 1977 CanLII 1694 (B.C.S.C.) as follows:
1. Where a given matter becomes the subject of litigation the law requires the parties to bring forward their whole case.
 2. This applies where the issue sought to be litigated anew was not pursued in the first action either through negligence, inadvertence or even accident and covers every point which properly belonged to the first action.

3. In special circumstances one party may be allowed to pursue the same matter in a second action but only if he can show that the new facts he has discovered could not have been ascertained by reasonable diligence on his part and presented by him in the first action.

4. The burden lies upon the party who brings the second action to at least allege new facts could not have been ascertained by reasonable diligence in the first instance.

[97] A claim that is res judicata may be struck under R. 9-5(1)(d) because it is an abuse of process: *Boyd v. Cook*, 2016 BCCA 424 at para. 30.

Position of the Parties

Rule 9-5(1)(a): Do the pleadings fail to disclose a reasonable claim against the applicant defendants?

Position of the applicant defendants

[98] The AG, on behalf of the Department of Justice, submits that the claim against the "Department of Justice" should be struck without leave to amend as it is not a legal entity and the proper legal name to sue the federal government is the Attorney General of Canada pursuant to s. 23(1) of the Crown Liability and Proceedings Act, R.S.C. 1985, c. C-50.

[99] The claim made against the individual police officers should be struck as there can be no action against individual officers pursuant to s. 21 of the Police Act, unless there are allegations of dishonesty, gross negligence or malicious or wilful misconduct:

Personal liability protection for police officers and appointed persons

21 (1) In this section, "police officer" means either of the following:

- (a) a person holding an appointment as a constable under this Act;
- (b) an IIO investigator.

(2) No action for damages lies against a police officer or any other person appointed under this Act for anything said or done or omitted to be said or done by the person in the performance or intended performance of the person's duty or in the exercise of the person's power or for any alleged neglect or default in the performance or intended performance of the person's duty or exercise of the person's power.

(3) Subsection (2) does not provide a defence if

- (a) the police officer or other person appointed under this Act has, in relation to the conduct that is the subject matter of action, been guilty of dishonesty, gross negligence or malicious or wilful misconduct, or
- (b) the cause of action is defamation .

- [100] The AG submits the plaintiff has failed to plead allegations of dishonesty, gross negligence, or malicious or wilful misconduct against the RCMP officers.
- [101] Mr. Tate and his firm argue that with respect to the allegations in the ANOCC, if Mr. Tate made accusations or allegations against the plaintiff, he did so as a lawyer retained by the Director, and any such communications made by Mr. Tate in the course of or incidental to the Provincial Court Proceeding are protected by absolute privilege through the principle of witness immunity.
- [102] Mr. Tate further submits that no legal proceeding for damages may be commenced against him as a result of the immunity provided by s. 101 of the CFCSA which states:

Immunity from legal proceedings

101 (1) Subject to subsection (2), no legal proceeding for damages lies or may be commenced or maintained against a person because of anything done or omitted

- (a) in the exercise or intended exercise of a power under this Act, or
 - (b) in the performance or intended performance of a duty under this Act.
- (2) Subsection (1) does not apply to a person referred to in that subsection in relation to anything done or omitted in bad faith.
- (3) Subsection (1) does not absolve the government or an Indigenous governing body from vicarious liability arising out of anything done or omitted by a person referred to in that subsection for which the government or the Indigenous governing body would be vicariously liable if this section were not in force.

- [103] Mr. Singer and his company submit that the ANOCC does not disclose a reasonable claim against either of them. The plaintiff does not set out any legal basis or articulate any cause of action against them. The ANOCC does not specify which relief or cause of action is being claimed against Mr. Singer and his company as opposed to the multiple other defendants. They further argue that the ANOCC is convoluted and does not permit the parties to have a clear understanding of any claim advanced.

Position of the plaintiff

- [104] The plaintiff did not specifically respond to the arguments advanced under this Rule. His position, as far as I can discern, is that he believes he has a valid claim against all the applicant defendants and is of the view that the matter should proceed to trial.

Rule 9-5(1)(d): Are the pleadings an abuse of process?

Position of the applicant defendants

- [105] The AG argues that the 175 Action was commenced for an improper purpose--to prevent Ms. Leung from filing further police reports to the RCMP--and as such is an abuse of process.
- [106] Mr. Tate submits that the ANOCC is an attempt to re-litigate matters that have already been decided in the previous actions which have been dismissed or discontinued.
- [107] Mr. Singer argues that this is the fourth action brought by the plaintiff in respect to the same facts and issues as against the same defendants, and for which the plaintiff has consented to a discontinuance or dismissal of his three previous actions. As a result, issue estoppel applies, and this claim must be struck as res judicata. In addition, they argue that to allow this claim to proceed would violate the principles of the doctrine of the abuse of process.
- [108] The defendant, Singer Communications Inc. (a company not named in any of the prior actions), argues that the principle of issue estoppel applies since it is a "privy" of Mr. Singer, relying on *Rossner v. Nystrom*, 2019 BCSC 583 at paras. 34-35.

Position of the plaintiff

- [109] The plaintiff made no submissions in respect to whether his actions are an abuse of process. He did not address the fact that he has brought multiple proceedings. He provided no explanation as to why he signed CDOs respecting the Previous Action #2 and Previous Action #3.

Analysis

- [110] The requirements for a notice of civil claim are set out in R. 3-1(2), which provides:

Contents of a notice of civil claim

- (2) A notice of civil claim must do the following:
- (a) set out a concise statement of the material facts giving rise to the claim;
 - (b) set out the relief sought by the plaintiff against each named defendant;
 - (c) set out a concise summary of the legal basis for the relief sought;
 - ...
 - (g) otherwise comply with Rule 3-7.

- [111] The core object of a notice of civil claim is described in *Frederick M. Irvine et al., British Columbia Practice*, 3rd ed., (Markham, Ont.: LexisNexis Canada Inc., 2006) (loose-leaf updated July 2025, release 106) as follows:

If a notice of civil claim is to serve the ultimate function of pleadings, namely, the clear definition of the issues of fact and law to be determined by the court, the material facts of each cause of action relied upon should be stated with certainty and precision, and in their natural order, so as to disclose the three elements essential to every cause of action, namely, the plaintiff's right or title; the defendant's wrongful act violating that right or title; and the consequent damage, whether nominal or substantial. The material facts should be stated succinctly and the particulars should follow and should be identified as such

[112] As noted by Justice Voith, as he then was, in *Sahyoun v. Ho*, 2013 BCSC 1143:

[17] These requirements serve two foundational purposes: efficiency and fairness. These purposes align with Rule 1-3 which confirms that "the object of [the] Supreme Court Rules is to secure the just, speedy and inexpensive determination of every proceeding on its merits."

[18] I emphasize efficiency because a proper notice of civil claim enables a defendant to identify the claim he or she must address and meet. The response filed by a defendant, together with the notice of civil claim and further particulars, if any, will confine the ambit of examinations for discovery and of the issues addressed at the trial itself. Proper pleadings limit the prospect of delay or adjournments. They allow parties to focus their resources on those matters that are of import and to ignore those that are not. They facilitate effective case management and the role of the trier of fact.

[19] A proper notice of civil claim also advances the fairness of pre-trial processes and of the trial. Defendants should not be required to divine the claim(s) being made against them. They should not have to guess what it is they are alleged to have done.

[113] The plaintiff's pleadings in all the notices of civil claims, amended notices of civil claims, and further amended notices of civil claims in all of the civil actions he has commenced violate the requirements for proper pleadings. They are all severely deficient. They do not identify the causes of actions that the plaintiff asserts against each defendant.

[114] As Justice Hardwick recognized in *Sahyoun v. Ho*, 2015 BCSC 392 at para. 61, that while R. 9-5(1)(a) to (d) address different concerns, there is also significant overlap amongst them. In the case of pleadings that are overwhelmed with difficulty, it may not be possible to identify all of the specific inadequacies that exist or to categorize them into the specific subparagraphs of R. 9-5(1): *Simon v. Canada (Attorney General)*, 2017 BCSC 1438 at para. 53.

The 175 Action

[115] The claim advanced against the Department of Justice is not one made against a proper legal entity: *Bruno v. Canada*, 2000 BCSC 190 at para. 34; *Manson v. Canada (Justice)*, 2004 ABQB 499 at para. 20.

[116] The claim against the individual named RCMP officers cannot be maintained because it violates s. 21 of the Police Act. There are no material facts pleaded that would support the allegation that any of the named police officers acted with dishonesty, gross negligence, or

malicious or willful misconduct. I note that prior to filing the 175 Action, the plaintiff was aware of the dismissal of the claim against the "unnamed Burnaby RCMP Officers", which was struck by Justice Coval on December 6, 2024. The filing of the 175 Action is an abuse of process in light of the Coval Reasons.

- [117] The plaintiff's precise motivation in suing the individual officers after he was aware from the Coval Reasons that his claim was struck against the "unknown Burnaby police officers" in the 442 Action, without a right to amend, was done for an improper purpose. His complaint is that the police officers kept providing police reports to Ms. Leung and that this allowed her to become abusive. The suggestion that the police ought not to respond to police complaints and issue police reports is one without any merit.
- [118] I further note that the NOCC not only fails to set out the material facts against the individual officers, but also relies solely on the rules of the Supreme Court in Part 2, Legal Basis. This pleading is deficient because it fails to set out any cause of action as against the police officers.
- [119] I find the NOCC in the 175 Action should be struck pursuant to Rule 9-5(1)(a) and (d). I will deal with the issue of any right to amend the 175 Action under the next issue.

The 442 Action

Claim against Mr. Tate and his law firm

- [120] Mr. Tate was retained by the Director to act in the Child Protection Proceeding. There is no allegation advanced in the pleadings that Mr. Tate acted in any other capacity or provided any legal advice to the plaintiff.
- [121] The plaintiff did not plead that Mr. Tate owed him a duty of care, and as Mr. Tate was acting only as counsel for the Director, there is no duty of care that is owed. As is well established in the authorities, there is no duty of care owed by a lawyer to an opposing party: *Pearlman v. Critchley*, 2012 BCSC 1830 at para. 44; *Gateway Building Management Limited v. Manjit Singh Randhawa*, 2013 BCSC 350 at paras. 23-26; *Singh v. Nielsen*, 2016 BCSC 2420 at para. 20.
- [122] The ANOCC appears to allege that Mr. Tate failed to take steps to protect the plaintiff's interests, with the thrust being that Mr. Tate filed false allegations of abuse against the plaintiff.
- [123] If the plaintiff is seeking to claim against Mr. Tate for his action as counsel in the Child Protection Proceeding, those actions are protected by absolute privilege. As stated in *Hamouth v. Edwards & Angell*, 2005 BCCA 172:
- [2] There is no dispute that a lawyer is protected by absolute privilege regarding statements made in a court proceeding, and that the privilege extends to communications made in the course of inquiry with respect to or in preparation for judicial proceedings .

- [124] This protection applies whether the statement is made by parties, counsel or witnesses: *Lawrence v. Sandilands*, 2003 BCSC 211 at para. 91. As such, any statements or steps taken by Mr. Tate in the Child Protection Proceeding are protected by absolute privilege and no claim can be brought. The doctrine of absolute privilege is a sufficient basis to strike the claim against Mr. Tate and his law firm.
- [125] I further find that the plaintiff's 442 Action against Mr. Tate and his law firm is an abuse of process. The plaintiff has commenced three claims against Mr. Tate. Since Previous Action #1 was discontinued and not dismissed on its merits, I see no support for the contention that Previous Action #1 can found an abuse of process argument. As per R. 9-8(8), a discontinuance of an action is not a defence to a subsequent proceeding for the same or substantially the same cause of action unless otherwise ordered.
- [126] However, Previous Actions #2 and #3 were both dismissed by way of a CDO signed by the plaintiff that contained the Dismissal on Merits Clause. The claims advanced, or which could have been advanced, in those actions render the commencement of the 442 Action an abuse of process. The plaintiff is not entitled to bring multiple claims arising from the same subject matter, here the circumstances surrounding the Child Protection Proceeding.
- [127] I note that in the Tate Strike Application, the application of R. 9-6 was raised as an alternative basis for a dismissal of the action against Mr. Tate and his law firm. I have found that R. 9-5(1)(a) and (d) apply. Had I not so found, I would dismiss the action under R. 9-6 on the grounds that there was no genuine issue for trial because the material facts in the ANOCC do not purport to raise a cause of action against Mr. Tate and his law firm.
- [128] I find that the 442 Action against Mr. Tate and his law firm should be struck pursuant to R. 9-5(1)(a) and (d) and R. 9-6. I will also deal with the issue of whether leave should be given to amend the 442 Action under the next issue.

Claim against Mr. Singer and Singer Communications Inc.

- [129] There are no allegations in the ANOCC against Singer Communications Inc., and I do not understand why the plaintiff named this company. Since Mr. Singer is the sole director of Singer Communications Inc., I accept that the company would be considered his privy: *Rossner* at para. 35; *Delane Industry Co. Ltd. v. Atkinson*, 2017 BCCA 79 at para. 25.
- [130] The only involvement Mr. Singer had in the Child Protection Proceeding was that he was the mediator for the mediation between the Director, Ms. Leung, A.N., and the plaintiff.
- [131] The plaintiff refers to alleged comments made by A.N. during the mediation process. I note that by disclosing this information, the plaintiff has violated s. 24(1) of the CFCSA, which requires that a person not disclose information obtained in a mediation.

- [132] One of the specific allegations in the ANOCC is that Mr. Singer filed the Mediation Agreement in court. That is clearly wrong in fact. Mr. Tate, in his capacity as legal counsel for the Director, filed the Mediation Agreement, which he was permitted to do pursuant to s. 23(3) of the CFCSA.
- [133] The ANOCC is deficient in the absence of necessary material facts and any cause of action against Mr. Singer. It is also convoluted and written as a lengthy narrative without any clarity as to the allegations being advanced against the multiple parties. It is not clear what case Mr. Singer has to meet. This, alone, is a sufficient basis for striking the ANOCC against Mr. Singer and his company.
- [134] In addition, I find that the ANOCC is an abuse of process. Although not named in the style of cause in the amended NOCC in Previous Action #2, Mr. Singer was specifically referenced at para. 11 of Part 1, Statement of Fact. The particulars of what occurred at the mediation is summarized in this ANOCC as well, contrary to the CFCSA. Mr. Singer is named as a defendant in Previous Action #3, which was dismissed by way of a CDO with a Dismissal on Merits Clause. As such, the plaintiff is seeking to re-litigate a matter and the 442 Action should be struck against Mr. Singer and his company as res judicata and an abuse of process.
- [135] The 442 Action against Mr. Singer and Singer Communications Inc. is struck pursuant to R. 9-5(1)(a) and (d).

Issue 2: Should the plaintiff be given the right to amend?

- [136] As I have found that the pleadings respecting the applicant defendants in the 175 and 442 Actions offend R. 9-5(1), I must now decide whether to allow the plaintiff an opportunity to amend the pleadings or to strike them. I find that the appropriate remedy in this case is to strike the pleadings as against each of the applicant defendants.
- [137] Turning to the 175 Action, I see no basis on which the plaintiff can bring an action against the various individual RCMP officers who responded to the various police complaints made. Those officers had a duty to respond to, to investigate, and to document the complaints made.
- [138] The plaintiff has had multiple opportunities to bring actions and to amend his pleadings. In the 442 Action, he has amended the NOCC twice. Prior to filing of the 442 Action, he had brought three previous actions in which he made claims arising out of the Child Protection Proceeding.

[139] I note the FANOC is also deficient in its failure to plead material facts or causes of actions against the individually named defendants. I am not convinced that the plaintiff, if given the opportunity to amend a third time, will cure the defects, nor would it be fair to permit him to amend in the circumstances. In any event, allowing a further amendment of the pleadings will not address the issue that the 442 Action is *res judicata*, and to allow a further amendment would be a further abuse of process.

[140] In all of the circumstances, I conclude that the appropriate remedy is to strike the pleadings and dismiss the actions against each of the applicant defendants.

Issue 3: Should the plaintiff be declared a vexatious litigant?

Legal Principles

[141] Section 18 of the SCA empowers the Court to prohibit a person from instituting legal proceedings without prior leave of the Court:

Vexatious proceedings

18 If, on application by any person, the court is satisfied that a person has habitually, persistently and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court or in the Provincial Court against the same or different persons, the court may, after hearing that person or giving the person an opportunity to be heard, order that a legal proceeding must not, without leave of the court, be instituted by that person in any court.

[142] Section 18 confers a broad jurisdiction on the court to control its own processes. It is a power that must not be used lightly. The court must balance the important values underlying open court access against the need to prevent the abuse of that right: *Semenoff Estate v. Semenoff*, 2017 BCCA 17 at para. 31, citing *S.(M.) v. S.(P.I.)* (1998), 60 B.C.L.R. (3d) 232, 1998 CanLII 15034 (C.A.), leave to appeal ref'd, [1999] S.C.C.A. No. 111.

[143] In *Lew v. Bank of Montreal*, 2024 BCCA 409 at para. 11, the Court of Appeal recently outlined the non-exhaustive factors to be considered when assessing whether a vexatious litigant order is appropriate:

- a) The bringing of one or more actions to determine an issue that has already been determined by a court of competent jurisdiction;
- b) It is obvious that an action cannot succeed, or the action would lead to no possible good, or no reasonable person could reasonably expect to obtain relief;
- c) Actions brought for an improper purpose, other than the assertion of legitimate rights, including the harassment and oppression of other parties by multifarious proceedings;
- d) Grounds and issues rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;

- e) The whole history of the matter and not just whether there was originally a good cause of action;
- f) The failure of the person instituting the proceedings to pay the costs of unsuccessful proceedings; and
- g) Persistent taking of unsuccessful appeals from judicial decisions.

[144] The ultimate question is whether the litigant has taken himself over the line: *Lindsay v. Canada (Attorney General)*, 2005 BCCA 594 at para. 26.

[145] The Court may also consider litigation conduct, including whether the litigant in question has made grave allegations without providing any proof to support them, as well as the practice of filing vast amounts of material for no apparent purpose: *Universe v. Forslund*, 2021 BCSC 812 at paras. 93-94.

[146] While the right to access the courts is presumptively unrestricted, the Court has a duty to exercise its jurisdiction to protect a party who seeks relief from proceedings by a litigant who abuses the Court's process: *Universe* at paras. 97-98.

Position of the applicant defendants

[147] The applicant defendants in both actions say that the plaintiff has met many of the factors of a vexatious litigant and should be declared vexatious.

[148] The applicant defendants point to the number of proceedings that the plaintiff has brought respecting the Child Protection Proceeding, the repeated threats by the plaintiff to commence further proceedings, and the threat to produce thousands of pages of evidence for no articulated purpose. They also note the fact that (a) prior actions have already been decided, (b) the actions have been brought to harass the various parties, and (c) the plaintiff has brought actions against a lawyer who acted against him in prior proceedings.

[149] Mr. Singer points to the grave allegations made by the plaintiff including the defendants' participation in sexual exploitation, fraud, and extortion.

Analysis

[150] When I apply the legal principles to the circumstances of this case, it is clear to me that the application should be granted. I agree with the applicant defendants' submissions that practically all the key indicators of vexatious proceedings are present in this case.

[151] The plaintiff has brought successive actions to determine issues that have been dismissed by way of CDOs that the plaintiff signed. He has failed to identify the causes of actions he is pursuing against the various defendants such that it is impossible for them to properly respond. They are left to guess at the nature of the case they must meet.

[152] In my view, when reviewing the emails that the plaintiff has sent, it is clear that he uses the threat of court actions and seizure of individuals' property, to try and extract financial settlements. For example, he attempted to persuade Ms. Leung to cooperate with him to sue MCFD together and claim \$1.5 million.

[153] The plaintiff has sued Mr. Tate, the lawyer acting for the Director, and Mr. Singer, the mediator, with no identified legal basis raised against either. He has made very serious allegations against these professionals, which include that they are involved in the sexual exploitation of a minor, defrauding the plaintiff, and the filing of false accusations to the court. These allegations are without merit and ought not to have been made against these professionals.

[154] In respect to Mr. Singer, on March 12, 2023, the plaintiff emailed a long list of recipients, in excess of 110 recipients, who appear to be various mediation services, mediators, and all the members of Mr. Singer's law firm. In the emails, the plaintiff states that Mr. Tate and Mr. Singer need to be held accountable for their "fraudulent actions". The plaintiff's actions are reprehensible and sought to malign the reputations of these professionals without any justification.

[155] The plaintiff has threatened to bring further actions against:

- a) 40 cops who created police reports for fraud and child sexual exploitation;
- b) A.N.'s school;
- c) the City of Burnaby;
- d) Ms. Leung's boss;
- e) the mayor of Burnaby;
- f) Ms. Leung's family members;
- g) the judge that heard the family law case;
- h) A.N.; and
- i) CTV.

[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".

[163] I am satisfied that the plaintiff has habitually, persistently and without reasonable grounds instituted vexatious legal proceedings in this Court. Consequently, an order under s. 18 of the SCA prohibiting the plaintiff from instituting legal proceedings without leave of the Court is warranted.

[164] The vexatious litigant order I am making does not prohibit the plaintiff from bringing future actions. However, it requires that he obtain the leave of the Court first.

Other matters

Involvement of Christy Leung in 442 Action

[165] Ms. Leung has filed a response to the ANOCC as well as a counterclaim on March 20, 2025, and an amended response to civil claim on March 21, 2025. She was not required to file a response since she has never been properly added as a defendant in the 442 Action. She also was not entitled to file a counterclaim in the 442 Action for the same reason.

[166] If the plaintiff wishes to add Ms. Leung into the 442 Action, he will need to bring an application to do so. He will also need to bring an application to amend the ANOCC to set out the material facts, causes of action, and remedies he is claiming against Ms. Leung. The proposed amendments should be attached as a schedule to the application to add and amend. I specifically note that seeking to rely on "the rules of the Supreme Court" under the legal basis is not sufficient. I recommend that the plaintiff seek the advice of a lawyer as to how to properly prepare a pleading. I encourage the plaintiff to go onto the Supreme Court's website and review the resources for self-represented litigants, including a list of organizations that can provide legal advice and assistance.

[167] I am seizing myself over any application brought to add Ms. Leung or to amend the pleadings. I further require that notice be given to Ms. Leung on any applications made in the 442 Action to add her as a defendant.

[168] Finally, I further note that if the 442 Action is struck in its entirety, the plaintiff will not be permitted to add Ms. Leung as a defendant in that action. At this stage, the 442 Action has not been struck since there remains the Provincial Defendants in the action.

Provincial Defendants' Strike Application

[169] This application was not part of the Hearing, and it has not yet been set for hearing. As I am now familiar with this matter, and as it involves an application to strike the 442 Action pursuant to R. 9-5(1) (a) and (d), I seize myself of that application. Counsel for the Provincial Defendants should request a date to appear before me for no more than a half-day appearance.

Orders

[170] The following orders are made:

Vancouver Reg. Action No. 247442

1. The further amended notice of civil claim filed on July 21, 2025 in Vancouver Registry Action No. 247442 is a nullity.
2. Christy Leung has not been added as a defendant in the Vancouver Registry Action No. 247442.
3. The plaintiff's claim is struck as against Dean Tate, Richard Singer, Somers Paulin Hall, and Singer Communications Inc., and the action against those defendants is dismissed without a right to amend.
4. Pursuant to section 18 of the Supreme Court Act, Zsolt Kiss is prohibited from directly or indirectly instituting any legal proceedings in this Court, without prior leave of the Court.
5. I am seizing myself over the application filed by the Provincial Defendants on March 29, 2025 and any application brought by the plaintiff to add Christy Leung or to amend the pleadings in Vancouver Registry Action No. 247442.
6. Any applications made in the Vancouver Registry Action No. 247442 to add Christy Leung must be served on her.
7. The signature of the plaintiff on the form of the order is dispensed with.

Vancouver Reg. Action No. 253175

8. The action against the defendants is struck in its entirety without a right to amend.
9. The signature of the plaintiff on the form of the order is dispensed with.

Costs

[171] If any of the defendants in the 175 Action or the 442 Action seek costs against the plaintiff, the following schedule must be complied with:

- a. The applicant defendants who seek costs must serve and deliver to the registry written submissions, on or before 4:00 p.m. 30 days after the release of these reasons.
- b. The plaintiff must serve and deliver written submissions on or before 4:00 p.m. on 30 days after the receipt of the applicant defendants costs submissions.
- c. The applicant defendants must serve and deliver to the registry any reply submissions on or before 4:00 pm 7 days after the receipt of the plaintiff's cost submissions.

[172] Any party wishing to appear in person to make oral submissions should make such a request in their written submissions with an explanation as to why oral submissions are needed. If I am persuaded that oral submissions are warranted, I will have Supreme Court Scheduling contact the parties to arrange a date.

"Forth J."

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