

CANADA / JUDGMENT

Knight v. British Columbia (Public Safety)

2025 BCCA 445

COURT

British Columbia Court of Appeal

DECIDED

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2025 BCCA 445 Knight v. British Columbia (Public Safety) COURT OF APPEAL FOR BRITISH COLUMBIA Citation: Knight v. British Columbia (Public Safety), 2025 BCCA 445 Date: 20251204 Docket: CA50952 Between: James Stephen Knight Appellant (Plaintiff) And The Minister of Public Safety and Solicitor General of the Province of British Columbia Respondent (Defendant) Before: The Honourable Justice MacNaughton (In Chambers) On appeal from: An order of the Supreme Court of British Columbia, dated August 25, 2025 (Knight v. British Columbia (Public Safety), 2025 BCSC 1643, Vancouver Docket S187255). Oral Reasons for Judgment The Appellant, appearing in person (via videoconference): J.S. Knight Counsel for the Respondent: A.W.T. Scarth Place and Date of Hearing: Vancouver, British Columbia December 1, 2025 Place and Date of Judgment: Vancouver, British Columbia December 4, 2025 Summary: The applicant seeks leave to appeal orders emanating from a Case Planning Conference held in respect of his civil action against the respondent, the Minister of Public Safety. His notice of civil claim alleges an abuse of authority, gross negligence, unprofessional conduct, and a violation of his rights under the law. He also applies for an order that no fees be payable under R. 85(6) of the Court of Appeal Rules, B.C. Reg. 120/2022. Held: Applications dismissed. Leave to appeal is denied principally because the grounds of appeal lack merit, constituting fine parsings and mischaracterizations of the judge's reasons, and because the orders made are highly discretionary. The proposed appeal is of little to no significance to the practice because it is highly case-specific. Allowing this appeal to proceed would hinder the progress of the action, because the appeal would have to be heard before the trial. A Case Planning Conference is only meant to move litigation along efficiently to trial. The application that no fees be payable is also dismissed because the appeal lacks merit, it is frivolous and vexatious and is otherwise an abuse of the court's process. MACNAUGHTON J.A.:

Introduction

- [1] This is an application for leave to appeal orders from a case planning conference, and an application for an order that no fees be payable by James Stephen Knight in respect of the appeal.

Background

- [2] This case has a long procedural history. The facts were canvassed in an earlier decision involving these parties and indexed as *Knight v. British Columbia (Public Safety)*, 2025 BCSC 483 (I note that in this decision, the judge was not making factual findings regarding the chronology of events, but was rather stating his understanding of the events, I do the same below), and in a recent decision of this Court in *Knight v. British Columbia (Public Safety)*, 2025 BCCA 259.
- [3] The applicant, Mr. Knight, lived in a bus at Creekside Campground between approximately 2008 and 2017. He was served with a Notice to End Tenancy, in August 2016, by the Campground owners. He was evicted on January 25, 2017.
- [4] In 2018, Mr. Knight filed a notice of civil claim ("NOCC"), naming as defendants: Sunshine Coast Campground Group Ltd., Creekside Campground, Jane Doe, Her Majesty the Queen in Right of BC ("Crown"), and the Minister of Public Safety and Solicitor General of British Columbia. The NOCC alleged that the named respondents, among others, colluded to have him evicted. It said that the RCMP, and specifically Sgt. Chubey, attempted to forcibly evict him on August 2, 2016, and then again on August 26, 2016, following his receipt of the Notice to End Tenancy.
- [5] The NOCC also said that, in January 2017, the RCMP made another attempt to evict him. He claimed that members of the RCMP arrived at his campground saying that they had a warrant to arrest him, pepper sprayed him, dragged him out of his dwelling, put his face on the ground, handcuffed him, and held him in custody for 26 hours in bare feet and wearing only evening clothes. Flowing from this interaction, Mr. Knight was charged with assault with a weapon, and possession of a weapon for dangerous purposes, although the charges were later stayed. The NOCC made claims of malicious prosecution against the Crown and allegations against the RCMP relating to the arrest.
- [6] The decision to evict the applicant gave rise to several decisions by Residential Tenancy arbitrators, which have been the subject of litigation before this Court and the court below, including: 2025 BCSC 483; 2025 BCCA 192; and 2024 BCSC 256.
- [7] The claims in the NOCC as against the Sunshine Coast Campground Group Ltd., Creekside Campground, Jane Doe, and the Crown were dismissed at two summary trials, as were Mr. Knight's appeals of those decisions, in decisions cited at: 2020 BCSC 1338; 2021 BCCA 251; 2022 BCSC 1644; and 2024 BCCA 121.
- [8] The only remaining claim contained in the NOCC is against the Minister of Public Safety. It alleges, among other things, an abuse of authority, gross negligence, unprofessional conduct, and a violation of Mr. Knight's Charter and other legal rights. CPC Reasons

- [9] On August 25, 2025, a judge of the British Columbia Supreme Court released written reasons following a case planning conference ("CPC") in this matter: 2025 BCSC 1643. Mr. Knight wishes to appeal some orders emanating from this CPC.
- [10] The Minister of Public Safety sought the following orders at the CPC:
- (1) particulars of the names of the RCMP members who are alleged to have committed torts in this action;
 - (2) particulars of the torts the RCMP members are alleged to have committed, including the dates;
 - (3) the RCMP members whose conduct is alleged to have been "unprofessional";
 - (4) the dates upon which the RCMP members are alleged to have engaged in unprofessional conduct; and
 - (5) particulars of the conduct of the RCMP members that is alleged to have been "unprofessional".
- [11] Mr. Knight also sought direction at the CPC as to whether his pleadings were sufficient, but opposed an order for particulars on the basis that he was advised that he had named the right parties (i.e., the Minister of Public Safety generally rather than specific RCMP officers).
- [12] The CPC judge noted that, to be a proper pleading against the defendant, Mr. Knight is required to set out in the NOCC:
- a) the identity of any individual who committed a tortious action;
 - b) what tort is alleged to have been committed; and
 - c) the date of the alleged tort.
- [13] The CPC judge pointed out that the NOCC only set out an allegation against Sgt. Chubey for his actions and no other member of the RCMP or act committed by them on or about August 2, 2016, or on another date.
- [14] The CPC judge ordered Mr. Knight to provide an amended notice of civil claim by September 15, 2025, identifying all RCMP members he wished to include, with each alleged tort, and the date of each act.
- [15] The CPC judge also declined to make an order allowing Mr. Knight to examine the Minister of Public Safety or someone from the Ministry. The judge cited R. 7-2(5) of the Supreme Court Civil Rules, B.C. Reg. 168/2009 [Rules], and s. 9 of the Crown Proceeding Act, R.S.B.C. 1996, c. 89, holding that Mr. Knight is entitled to examine one person, absent a court order. He noted that Mr. Knight provided questions to (and received answers from) eight RCMP officers.

- [16] Among many other orders and determinations, the CPC judge declined to make the following determinations and orders sought by Mr. Knight, for the following reasons (para. 55): ix. Determine who is the client of defence counsel
- (1) This same application was dismissed by Master Robertson. I decline to consider it further.
- xi. Determine the lawfulness of the RCMP action (evicting the plaintiff) without court order:
- (2) This is a matter for trial. xii. Determine whether later RTB orders can override earlier RTB orders
- (1) This is not a proper matter to raise at a CPC. (2) xv. Determine who represents the Minister of Public Safety and whether the minister is in default:
- (1) The plaintiff previously requested this relief, and his application was dismissed by (then) Master Robertson. xvi. An order that the province pay for transcripts of examinations for discovery relating to the defendant Creekside and transcripts of hearings before Associate Judge Bilowich, Chief Justice Hinkson and Justice Gomery
- (1) Chief Justice Hinkson previously ordered (2024 BCSC 56) the following:
- [27] Given Mr. Knight's apparent inability to pay for transcripts of examinations for discovery and their potential utility for trial preparation and conduct, I direct that the Minister of Public Safety and Solicitor General of the Province of British Columbia ("the Minister") provide Mr. Knight with copies of the transcripts of only the examinations for discovery to date of any person examined for discovery on behalf of the Minister in this action, and any examination for discovery of the plaintiff by counsel for the Minister in this action, at the Minister's expense, that he does not already have.
- [28] Otherwise, I dismiss Mr. Knight's applications for transcripts of all of his applications, and examinations for discovery and other appearances as excessive and unwarranted, and inappropriate as against the Province.
- (2) The defendant paid for the identified transcripts and delivered them to Mr. Knight.
- (3) Hence, Hinkson C.J. previously dismissed plaintiff's application. I decline to vary Hinkson C.J.'s order. xvii. An order that the province pay for transcripts of other hearings
- (1) See above answer to #xvi.
- (2) I decline to order that the defendant pay for these transcripts.
- [17] Mr. Knight seeks leave to appeal the orders emanating from the CPC reasons. Leave to Appeal
- [18] On an application for leave to appeal, the applicant must satisfy the Court of the following four criteria, which are well known, and are all considered under the rubric of the interests of justice:

- a) whether the point on appeal is of significance to the practice;
 - b) whether the point on appeal is of significance to the action itself;
 - c) whether the appeal is prima facie meritorious or, on the other hand, whether it is frivolous; and
 - d) whether the appeal will unduly hinder the progress of the action. *Goldman, Sachs & Co. v. Sessions*, 2000 BCCA 326 at para. 10 (Chambers); *Vancouver (City) v. Zhang*, 2007 BCCA 280 at para. 10 (Chambers).
- [19] As for the merits, there is a "relatively low" threshold of a merits assessment on a leave application. The question is whether the applicant has identified "a good arguable case of sufficient merit to warrant scrutiny by a division of this Court": *Bartram v. Glaxosmithkline Inc.*, 2011 BCCA 539 at para. 16 (Chambers).
- [20] The CPC orders are all discretionary. Leave to appeal from a discretionary order will typically only be granted "where the order is clearly wrong or serious injustice will occur, or where discretion was not exercised judiciously or was exercised on a wrong principle": *Stewart v. Ryan Mortgage Income Fund Inc.*, 2025 BCCA 377 at para. 10 (Chambers), citing *V.F. v. E.B.*, 2011 BCCA 238 at para. 23 (Chambers). Merits
- [21] Mr. Knight seeks leave to appeal the CPC orders on several bases, none of which have merit. I will discuss each in turn, before turning to the other factors in the test for leave to appeal.
- [22] First, Mr. Knight says that the CPC judge impermissibly made substantive decisions. He specifically points to the CPC judge's decision declining to allow Mr. Knight to conduct a further examination for discovery of someone from the Ministry of Public Safety, if not the Minister. Mr. Knight says that in doing so, the CPC judge decided that "the minister is not responsible at all".
- [23] This ground of appeal lacks merit because it wholly mischaracterizes the judge's order. The CPC judge's decision declining to allow Mr. Knight to conduct a further examination for discovery cannot be characterized as a substantive decision that the Minister is not responsible. To characterize it so would be to mischaracterize a case management judge's role in managing procedural, not substantive, aspects of a case.
- [24] Mr. Knight has not identified an error or injustice that would ground an appeal of this order.
- [25] Mr. Knight also says that he does not object to the order that he provide further particulars, but that he objects to the CPC judge's "substantive decision that the individual RCMP are the named defendants in this matter, while refusing to notice or admit the BC minister responsible." Mr. Knight points to the CPC judge's holdings in paras. ix(1) and xv(1), above, to show that there is an acknowledgement that there is no need for Mr. Knight to name all of the RCMP officers individually, and it is enough for Mr. Knight to name the Minister of Public Safety alone.

- [26] This ground of appeal lacks merit for several reasons.
- [27] First, since Mr. Knight does not dispute the order made, there is no order from which to appeal.
- [28] Second, a judge's order for Mr. Knight to include further information in his pleadings is not requiring him to name individual officers as parties to the action.
- [29] During the hearing before me, Mr. Knight indicated that he was willing to provide the particulars of the officers' actions that he alleges were tortious. In fact, he said he had done so in his 300-page affidavit.
- [30] What is said in an affidavit does not form part of a pleading. Pleadings are intended to provide sufficient factual information and a sufficient legal basis so that the opposing party knows the case they have to meet. The CPC judge's order was to ensure that Mr. Knight appropriately pled the factual basis of his negligence allegations on which to base his legal claim against the Minister.
- [31] Third, the CPC judge's order that Mr. Knight provide further information in his pleadings is in no way a "substantive decision" to refuse to "notice or admit that BC minister responsible". It is instead a highly discretionary order requiring Mr. Knight to provide a pleading with sufficient detail.
- [32] Mr. Knight also says that the CPC judge erred in fact and in law in holding that the BC Police Act, R.S.B.C. 1996, c. 367 [BCPA], is similar to the Crown Liability and Proceedings Act, R.S.C. 1985, c. C-50 [CLPA] (para. 49). Mr. Knight says that this comparison "entirely derailed" his tort by "replacing the [BCPA] with the CLPA, by way of the false claim that they are similar". He says that the CPC judge has corrupted the law, that this comparison is false, along with everything that follows from this alleged error. He does not identify what follows from this alleged error.
- [33] Mr. Knight also says that the case of *Aune v. Canada (Attorney General)*, 2013 BCSC 1783 (paras. 111, 116, and 121 of *Aune*, cited at para. 48), does not apply to the RCMP when its members employed as BC provincial constables, and that the judge therefore erred in citing *Aune*.
- [34] The respondent concedes that, at all material times, the RCMP officers in this case were acting pursuant to the duties and powers of a provincial police force, pursuant to s. 20 of the Royal Canadian Mounted Police Act, R.S.C. 1985, c. R-10, and s. 14 of the BCPA.
- [35] Neither of these alleged errors provide a basis on which to grant leave to appeal.

- [36] The statements made by the CPC judge must not be parsed and taken out of the context in which they were made. The judge cited Aune for the holding in that case that RCMP officers must be named and identified to find the Crown vicariously liable for public servants under the CLPA. Aune was cited for its similarity to this case not for the purpose of requiring individual officers to be named as parties.
- [37] Even though the officers were acting pursuant to the BCPA rather than the CLPA in this case, Mr. Knight's allegations relate to "unprofessional" RCMP conduct, and it was entirely open to the judge to order Mr. Knight to provide further detail in his pleadings.
- [38] Indeed, the authorities do not support Mr. Knight's argument that the judge erred in requiring him to provide further details about the conduct of the individual officers.
- [39] Section 11 of the BCPA provides that the government is jointly and severally liable for torts committed by provincial constables, special provincial constables, enforcement officers appointed on behalf of a ministry, inter alia, "if the tort is committed in the performance of their duties".
- [40] In *Ilic v British Columbia (Justice)*, 2023 BCSC 167,--a case provided by Mr. Knight--the court elaborated on s. 11 of the BCPA in the situation where an RCMP officer is acting pursuant to provincial powers: "[t]he Minister's liability [under the BCPA] arises when an RCMP member is acting as a provincial constable in accordance [with] the Agreement and the member commits a tort in the performance of their duties under s. 11(1)(a) of the Police Act": para. 178.
- [41] Given that a plaintiff must establish that a specific member committed a tort in the performance of their duties, it is appropriate for the CPC judge to order Mr. Knight to provide further details about the identity of the officers involved and about the alleged misconduct. Those facts are required for Mr. Knight to succeed in his claims against the Minister, the only necessary named party.
- [42] An order requiring those details is not an order that Mr. Knight must name the individual officers as parties to the claim.
- [43] Finally, this order is highly discretionary, and this Court will not intervene without a clear basis to do so.
- [44] The lack of merit to the appeal weighs heavily against granting leave. Significance to the practice and to the action
- [45] None of the issues identified above are highly significant to the action. However, I accept that Mr. Knight views the requirement that he provide further details regarding his allegations as significant. I determine this factor is neutral.

- [46] None of the issues identified above are significant to the practice. The grounds of appeal are generally mischaracterizations or fine parsing of the judge's reasons that would offer little to no value to the caselaw in this area and are entirely case specific. This factor weighs against granting leave to appeal. Progress of the action
- [47] Allowing this appeal to proceed would undoubtedly hinder the progress of the action. Mr. Knight appeals orders made from a case management conference, the purpose of which is to assist parties to move the matter along efficiently to trial in accordance with the object of the Rules as set out in R. 1-3, to secure the just, speedy and inexpensive determination of every proceeding on its merits. The trial has yet to occur and could not proceed before the proposed appeal was heard.
- [48] This matter is long outstanding. The original incident occurred almost a decade ago. Mr. Knight has brought a multiplicity of related proceedings against different bodies, all of which have been dismissed. It is in the interests of the parties to move this matter towards trial.
- [49] It is also important that the trial court's scarce judicial resources be used efficiently, a primary purpose of case management orders.
- [50] This factor weighs against granting leave.
- [51] For all of the foregoing reasons, I dismiss Mr. Knight's leave to appeal application. No Fee Application
- [52] Although my reasons dismissing Mr. Knight's application for leave to appeal the case management judge's order finally disposes of the matter, it is necessary to also consider Mr. Knight's application for an order that he not be required to pay fees.
- [53] Rule 85(6) of the Court of Appeal Rules, B.C. Reg. 120/2022 provides the jurisdiction for a justice to make an order that no fees are payable: 85
- (6) At the hearing of an application under this rule, a justice may order that no fees are payable if
- (a) The registrar determines that the criteria set under subrule (2) are met or the justice finds that the person's payment of court fees under Rule 84 would cause undue hardship, and
- (b) The justice finds that the appeal is not
- i. bound to fail ii. scandalous, frivolous or vexatious, or iii. an abuse of the process of the court.
- [54] The applicant must establish that the appeal is not bound to fail; not scandalous, frivolous or vexatious; or not an abuse of the court process; and that payment of court fees would cause him undue hardship.

- [55] Mr. Knight submits that the financial requirements of filing an appeal have caused him extreme financial hardship. He says that his household gross income is less than \$6,000. I accept that the payment of court fees would cause Mr. Knight undue hardship.
- [56] However, I cannot conclude, on the second part of the test, that the appeal is not bound to fail, not scandalous, frivolous or vexatious, or that it is not an abuse of the process of the court.
- [57] The merits threshold is a low one and has been expressed in several ways. What an appellant must demonstrate is that the appeal "appears to have some merit" or is not "bound to fail": Focken v. Fraser Health Authority, 2023 BCCA 81 at para. 29 (Chambers).
- [58] As I have set out above, Mr. Knight's appeal lacks merit.
- [59] Even when an appeal lacks merit, if it is not frivolous or vexatious, the test may still be met: M.P.W. v. Victoria (City), 2020 BCCA 351 at para. 11 (Chambers). I conclude that it is not met in this case.
- [60] As stated, Mr. Knight has brought a multiplicity of related proceedings against different bodies, all of which have been dismissed. A vast amount of court and other public resources have been used in managing and deciding his claims. His materials are lengthy and many of his claims are without any foundation. His argument that the CPC judge has "corrupted the law" undermines the integrity of the court.
- [61] These reasons illustrate why I conclude that the appeal is frivolous and vexatious and otherwise an abuse of the court's process.
- [62] I conclude that it is not in the interests of justice to grant the no fees order.

Disposition

- [63] Mr. Knight's applications for leave to appeal and for an order that no fees are payable are both dismissed. [Discussion re: costs]
- [64] MACNAUGHTON J.A.: Costs will follow the order dismissing both the no fee application and the leave application. "The Honourable Justice MacNaughton"

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