

CANADA / JUDGMENT

Martin v. Canada (Attorney General)

2025 BCSC 2450

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 2450 Martin v. Canada (Attorney General)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Martin v. Canada (Attorney General),

2025 BCSC 2450

Date: 20251210

Docket: S255761

Registry: Vancouver

Between:

Maria Melane Crisostomo Martin

Plaintiff

And

Attorney General of Canada,

Minister of Justice and Attorney General of British Columbia,

Officer-in-Charge/Superintendent of Ridge Meadows RCMP Detachment

Defendants

Before: The Honourable Justice Jones

Reasons for Judgment

The Plaintiff, appearing in person

M. Martin

Counsel for the Defendants:

K.E. Jamieson, K.C.

Place and Date of Hearing:

Vancouver, B.C.

October 14, 20245

Place and Date of Judgment:

Vancouver, B.C.

December 10, 2025

Table of Contents

Introduction.. 3

Background.. 3

Martin v. Riley, Victoria Registry No. S224058. 4

Martin v. Attorney General (Canada) et al., Vancouver Registry Action Nos. S244970 and S255761, and New Westminster Registry Action No. S255031. 4

Application for Leave by a Vexatious Litigant 6

Test for Deciding Whether to Grant Leave 7

Analysis 8

Conclusion.. 11

SCHEDULE "A". 13

Introduction

[1] On October 14, 2025, at the conclusion of the hearing of the application of the applicant, Maria Martin, regarding her requisition for leave (vexatious litigant) to file a notice of civil claim (the "Requisition"), I dismissed the application with reasons to follow. These are my reasons.

Background

- [2] When Ms. Martin's Requisition was originally referred to me, it attached an order of G.C. Weatherill J. dated August 29, 2023, which struck Ms. Martin's notice of claim in a different matter from the present proceeding, and also declared Ms. Martin to be a vexatious litigant and prohibited her from initiating a legal proceeding in any court and filing materials in any existing legal proceedings without leave of the court (the "Vexatious Litigant Order"): see *Martin v. Riley*, 2023 BCSC 1607 [Riley BCSC].
- [3] Since there was no other information regarding the background to Ms. Martin's proposed notice of civil claim, I sought further information from Ms. Martin by endorsing her Requisition with an order that a hearing be scheduled no earlier than 21 days after service of the Requisition on the defendants.
- [4] In preparation for the hearing on October 14, 2025, Ms. Martin then filed an application record with a very well organized, tabbed binder including fifteen documents. The documents provide a useful history of some of Ms. Martin's interactions with the court leading up to the Requisition.
- [5] Defence counsel filed an application response and an affidavit, also very well organized, with a chronology and twenty-one exhibits also providing some useful background regarding Ms. Martin's court filings and appearances.
- [6] Attached as Schedule "A" to these reasons is a revised form of the chronology of Ms. Martin's filings and appearances since the Vexatious Litigant Order on August 29, 2023 (the "Chronology"). Despite the length of the Chronology, it is not a comprehensive account of Ms. Martin's court filings.
- [7] The highlights of the Chronology, as gleaned from the materials filed for this application, are summarized as follows.

Martin v. Riley, Victoria Registry No. S224058

- [8] In Weatherill J.'s reasons for the Vexatious Litigant Order on August 29, 2023, in *Riley BCSC*, he refers to an earlier decision of Kirchner J. in the Chilliwack Registry regarding similar claims to the *Riley BCSC* matter: see *Martin v. Tangerine Bank*, 2021 BCSC 2545.
- [9] On March 11, 2024, Associate Judge Bouck denied Ms. Martin's application for leave to file an application to set aside the orders made in *Riley BCSC*, including the Vexatious Litigant Order.
- [10] On May 6, 2024, in *Martin v. Riley*, 2024 BCCA 194 [Riley BCCA], the Court of Appeal denied Ms. Martin's application for a review of an order denying her an extension of time to file an appeal to challenge Weatherill J.'s dismissal of her action, and the Vexatious Litigant Order.

[11] The Court of Appeal decision summarizes the many duplicative actions against Tangerine Bank and Ms. Riley that Ms. Martin commenced in multiple court registries: see [Riley BCCA], paras. 4-20.

Martin v. Attorney General (Canada) et al., Vancouver Registry Action Nos. S244970 and S255761, and New Westminster Registry Action No. S255031

[12] On July 25, 2024, after the Vexatious Litigant Order, Ms. Martin sought leave to file an action in Vancouver Registry action No. S244970 ("First Vancouver Action"), claiming similar relief to the notice of civil claim she seeks to file here against the same defendants. Ms. Martin's claim against the defendants alleges she was illegally evicted from a residence by RCMP officers in Pitt Meadows. Her notice of civil claim seeks pecuniary damages in the amount of \$11,100,000.

[13] In the First Vancouver Action, Fitzpatrick J. denied Ms. Martin's application for leave based on the claim being without merit.

[14] One month later, on August 27, 2024, Ms. Martin filed a notice of civil claim in the New Westminster Registry No. S255031 (the "New Westminster Action"), in substance the same as the First Vancouver Action.

[15] After the defendants filed a response in the First Vancouver Action, defence counsel discovered the Vexatious Litigant Order and successfully applied to strike the New Westminster Action: see Order of Lamb J. in Martin v. Attorney General (Canada), 2025 BCSC 460.

[16] On April 3, 2025, Caldwell J. denied Ms. Martin's application for leave to have the Lamb J. Order set aside.

[17] On June 13, 2025, Thompson J. denied Ms. Martin's application to reinstate the notice of civil claim in the New Westminster Action.

[18] On July 7, 2025, Maisonville J. denied Ms. Martin's requisition to file a notice of application to set aside the Lamb J. Order, and for "reinstatement of the notice of claim."

[19] On July 28, 2025, Associate Judge Hughes denied Ms. Martin's requisition to file an action in "another court of competent jurisdiction" in the same form of notice of claim in the new Westminster Action.

[20] On July 31, 2025, Ms. Martin, apparently dissatisfied with her lack of progress in this Court in New Westminster, filed the Requisition in this proceeding, Vancouver Registry, No. S255761 ("Second Vancouver Action"), for leave to file a notice of civil claim in the same form as had been filed in the First Vancouver Action and the New Westminster Action.

[21] The Requisition attached a copy of her proposed notice of civil claim, and a copy of the Vexatious Litigant Order.

- [22] Ms. Martin's Requisition was referred to me. As I had no notice of Ms. Martin's litigation history summarized above, and given the appearance of the notice of civil claim being a "new proceeding", separate from the Riley matter, which was the basis of the Vexatious Litigant Order, on August 4, 2025, I ordered a hearing of Ms. Martin's Requisition.
- [23] Ms. Martin then responded with an application seeking leave to file the notice of civil claim, which I heard on October 14, 2025. Her notice of application refers to her having lost confidence in the competency of the New Westminster Supreme Court.

Application for Leave by a Vexatious Litigant

- [24] Section 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443 [SCA], and Rule 22-9 of the Supreme Court Civil Rules [SCCR] include provisions relating to vexatious proceedings, as follows:

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.

[Emphasis added.]

- [25] Rule 22-9 states:

Leave to file pleading, application or other document

- (1) If an order has been made that a person must not, without leave of the court, start a proceeding or file an application or other document in an existing proceeding, the person may apply for leave by filing a requisition in Form 117.1 to which is attached
 - (a) a copy of the pleading, application or document which the person seeks leave to file, and
 - (b) a copy of the order requiring the person to obtain leave of the court.

Requisition need not be served

- (2) Subject to subrule (3), a person applying for leave under subrule (1) need not serve the requisition referred to in subrule (1) on any other person.

Powers of the court

- (3) On an application for leave under subrule (1), the court may do one or more of the following:
 - (a) grant or refuse the request for leave;

- (b) require that the person or lawyer appear in person to speak to the application, with or without notice to any other person;
- (c) make any order or give any other directions the court considers will further the object of these Supreme Court Civil Rules.

Test for Deciding Whether to Grant Leave

- [26] Whether to grant leave to a vexatious litigant who seeks to commence a new proceeding is a discretionary decision.
- [27] A leading decision is *Gichuru v. Purewal*, 2023 BCCA 345, where the Court of Appeal established the test for deciding whether to grant leave, as follows:
- [46] In deciding whether to grant a vexatious litigant leave to commence a proceeding, a judge is entitled to consider the totality of the circumstances, keeping in mind that the vexatious litigant order is in place to prevent misuse of the justice system, not as a punitive measure. The judge must guard against the very real possibility that the vexatious litigant, true to past form, is seeking to press proceedings that will waste court resources and serve to harass litigants. Of course, the judge must also consider the possibility that the litigation is not abusive, and that denying leave might result in a serious injustice to the applicant.
- [49] The result is this: where a vexatious litigant seeks leave to commence a new proceeding, the court must be convinced that the proposed proceeding is not doomed to fail and is not brought for an improper purpose or otherwise a clear abuse of process. Once the court is satisfied that the litigant has met those minimal requirements, the court may consider the totality of the circumstances to determine whether to exercise discretion in favour of granting leave. Where a serious injustice might result from a failure to allow the litigant to pursue the claim, discretion will invariably be exercised in favour of granting leave. On the other hand, where it is clear that a claim is weak, of no real importance, and uneconomical to litigate, discretion will almost certainly be exercised against granting leave. Many cases, of course, will fall between these two extremes, and the judge hearing the application will have to exercise judgment and decide whether leave should be granted.

[Emphasis added.]

- [28] Moreover, in assessing a leave application by a vexatious litigant, the court is not required to provide extensive reasons. As our Court of Appeal also said in *Gichuru*:
- [29] A fundamental purpose of a vexatious litigant order is to prevent the unnecessary expenditure of judicial resources on vexatious litigation. That purpose would not be served if judges were expected to provide detailed judgments on baseless applications for leave.
- [29] I am mindful of that purpose of a vexatious litigant order; however, I have written these reasons to attempt to provide for any future judicial officers a more complete picture of Ms. Martin's recent litigation activity.

Analysis

- [30] Here, I elected to hear Ms. Martin's application under Rule 22-9 of the SCCR rather than summarily refusing leave because my initial review of Ms. Martin's Requisition for leave, and my resulting direction to schedule a hearing, was based on the limited information apparent to me at that time, and the possibility that the proposed notice of civil claim, different from the *Martin v. Riley* litigation, was not abusive, and might result in an injustice to Ms. Martin if leave was not granted.
- [31] However, following my receipt of materials from the parties, the situation became crystal clear. In the words of Gichuru, Ms. Martin, the vexatious litigant, true to past form, is seeking to press proceedings that continue to waste court resources and harass the defendants.
- [32] Based on the history of this matter, as summarized above, it is readily apparent that the proposed proceeding is doomed to fail, has been brought for an improper purpose, and is a clear abuse of process.
- [33] As a result, there is no reason to consider the totality of the circumstances to determine whether to exercise discretion in favour of granting leave; however, I simply note that Ms. Martin's claim against two RCMP officers appears to have arisen from a residential tenancy issue. According to documents submitted by Ms. Martin, on or about November 2, 2021, the officers removed Ms. Martin from a suite in a multi-unit residence at the request of the landlord. Ms. Martin appears to have lived with her former spouse and a child in the suite. When the spouse and child moved out of the suite, Ms. Martin, who was not listed on the tenancy agreement, did not leave. Ms. Martin applied to the Residential Tenancy Branch ("RTB") claiming she was illegally evicted. The RTB declined to hear the dispute on the ground of a lack of jurisdiction, based on the RTB arbitrator's inability to find that the two respondents named in Ms. Martin's application were in fact her landlords, or that a tenancy existed between Ms. Martin and the two respondents.
- [34] Here, Ms. Martin's proposed claims in her notice of claim are statute-barred as they arise from events that occurred in or about November 2021, and any limitation period under the Limitation Act, R.S.B.C. 1996, c.266, has long expired. In the circumstances, her claim against the defendants appears doomed to fail.
- [35] However, even if the claim is not statute-barred, leave would not be granted. When viewed in light of Ms. Martin's litigation history, including the number of judicial officers who have already refused her leave, by my count nine judicial officers after Fitzpatrick J., Ms. Martin's application constitutes a very clear abuse of process.
- [36] In the *Riley BCCA* decision, after a detailed explanation regarding court orders, the hope is expressed that Ms. Martin would no longer frivolously challenge the authenticity of court orders.

- [37] Unfortunately, that hope was misplaced. Ms. Martin continues to allege that digital signatures on orders are invalid, including the Vexatious Litigant Order, despite the Court of Appeal's detailed explanation about the validity of digital signatures with reference to the court rules, practice directions, administrative notices, and statutes that apply to the form and entry of court orders, including the use of electronic signatures for court orders.
- [38] Despite the Vexatious Litigant Order already in place, and numerous subsequent orders denying Ms. Martin leave to file further pleadings, she has continued to consume scarce judicial resources about a prior matter that was already dismissed and where leave to file a claim was repeatedly refused. Her repeated efforts to refile identical or near-identical pleadings demonstrate an indifference to the reasons behind the Vexatious Litigant Order, and is an abuse of process.
- [39] Ms. Martin's actions since the Vexatious Litigant Order, specifically her repeated filings in the Vancouver and New Westminster Registries in this matter, provide additional support for the continuation of that order.
- [40] Rule 22-9(3) provides that on an application for leave the court may one or more of the following: (a) grant or refuse leave; (b) require that person or lawyer to appear to speak to the application; (c) make any order or give any directions the court considers will further the object of these SCCRs.
- [41] The object of the SCCR is stated in Rule 1-3(1): "The object of these Supreme Court Civil Rules is to secure the just, speedy and inexpensive determination of every proceeding on his merits."
- [42] Pursuant to the existing Vexatious Litigant Order, s. 18 of the SCA, and Rule 22-9, Ms. Martin must not instigate a legal proceeding in any court without leave of the court, and, if she wishes to seek leave, pursuant to Rule 22-9 (1) she must file a requisition in Form 117.1 and attach a copy of the pleading for which seeks leave, and a copy of the order requiring her to obtain leave of the court.
- [43] Given the history of Ms. Martin's repeated attempts to refile identical or near-identical pleadings, in order to secure the object of the SCCR, I consider it appropriate to order pursuant to Rule 22-9(3)(c) that if Ms. Martin wishes to instigate a legal proceeding in any court, in addition to the Form 117.1 requisition and the Vexatious Litigant Order, she must also attach to any such requisition a copy of these reasons, including Schedule "A".

Conclusion

- [44] At the end of the hearing on October 14, 2025, I made an order that Ms. Martin make no further filings to the Supreme Court of British Columbia, in any registry, without my leave until these reasons are released.

- [45] That order is now varied to read that further to the Vexatious Litigant Order of Weatherill J. dated August 29, 2023, for any further requisitions (vexatious litigant) for leave to file pleadings in relation to this matter or any other matter, Maria Melane Crisostomo Martin shall attach a copy of these reasons, including the attached Schedule "A", to any such requisition, in addition to the Weatherill J. Order dated August 29, 2023.
- [46] I am not seized of any further requisitions filed, or applications made by Ms. Martin.
- [47] At the end of the hearing on October 14, 2025, I also made an order for costs payable by Ms. Martin to the defendants in the global lump sum of \$400 pursuant to Rule 14-1(15) of the SCCR.
- [48] Ms. Martin's conduct in repetitively filing similar pleadings in different registries, despite repeated orders to not do so, clearly meets the threshold for awarding special costs to express the court's disapproval of a party's misconduct in the litigation that is reprehensible and deserving of reproof and rebuke: see *P.M.Z v. D.J.T.*, 2023 BCSC 1444, paras. 347 - 351.
- [49] I understand that at least two previous orders for special costs against Ms. Martin have not been paid (Weatherill J. and Lamb J. Orders). Although special costs are warranted here, to stress the pecuniary aspect of a costs order, I made the costs order in the lump sum of \$400.

Orders

- [50] The Orders from the above reasons are as follows:
1. The application of Maria Melane Crisostomo Martin filed September 25, 2025, for leave to file a notice of civil claim in the form attached to her requisition (vexatious litigant) filed July 31, 2025, is dismissed.
 2. Maria Melane Crisostomo Martin shall pay the defendants' costs of her application filed September 25, 2025, in the lump sum of \$400, payable forthwith.
 3. Further to the vexatious litigant order of Weatherill J. dated August 29, 2023, for any further requisitions (vexatious litigant) for leave to file pleadings in relation to this or any other matter, Maria Melane Crisostomo Martin shall attach a copy of the Order of Weatherill J. dated August 29, 2023, and a copy of these reasons and orders, including the attached Schedule "A", to any such requisition.
 4. Justice Jones is not seized of any further requests for leave to file pleadings made by Maria Melane Crisostomo Martin.
 5. If the defendants wish to file a formal Order of these orders, leave is granted to counsel for the defendants to prepare and file the order, and the signature of Maria Melane Crisostomo Martin is dispensed with.

"Jones J."

SCHEDULE "A"

CHRONOLOGY

Date

Event

August 29, 2023

Order of Justice G.C. Weatherill in *Martin v. Riley*, Victoria Registry S224058 declaring Ms. Martin a vexatious litigant and prohibiting her from initiating a legal proceeding in any court without leave of the court (the "Vexatious Litigant Order")(*Martin v. Riley*, 2023 BCSC 1607).

March 26, 2024

Order of the Court of Appeal in Chambers denying Ms. Martin's application for an extension of time to appeal, inter alia, the Vexatious Litigant Order.

May 16, 2024

Order of the Court of Appeal in *Martin v. Riley*, dismissing Ms. Martin's application for review of the order denying her application for an extension of time to file an appeal (*Martin v. Riley*, 2024 BCCA 194).

July 25, 2024

Application of Ms. Martin in Vancouver Registry S244970 for leave to file an action against the Attorney General of Canada, Minister of Justice/Attorney General of British Columbia, OIC/Superintendent of Ridge Meadows RCMP Detachment (the "First Vancouver Action"). The application was denied by Justice Fitzpatrick on July 30, 2024, on the basis of the claim being without merit.

Order of Justice Fitzpatrick denying Ms. Martin leave to file the First Vancouver Action.

August 27, 2024

Ms. Martin files a notice of civil claim in New Westminster Registry S255031 without leave of the court (the "New Westminster Action"). The New Westminster Action is a duplicate of the First Vancouver Action for which Justice Fitzpatrick denied Ms. Martin's application to file an action against the same defendants in that action.

November 27, 2024

The defendants file a response to civil claim in the New Westminster Action.

December 20, 2024

Appearance before Justice Harvey in the New Westminster Action on defendants' adjournment application of Ms. Martin's summary judgment application which she unilaterally set prior to the close of pleadings. Ms. Martin failed to advise the court of the Vexatious Litigant Order.

January 26, 2025

Defendants' counsel in New Westminster Action discovers the Vexatious Litigant Order.

February 21, 2025

Justice Lamb strikes the New Westminster Action with special costs ordered against Ms. Martin (the "Lamb J. Order") (Martin v. Canada (Attorney General), 2025 BCSC 460).

March 10, 2025

Ms. Martin applies in the Supreme Court, Victoria Registry, for leave to file an application to set aside the orders made in Martin v. Riley, including the Vexatious Litigant Order, despite the Court of Appeal Order denying her earlier appeal, above.

March 11, 2025

Associate Judge Bouck denies leave to file the application in Martin v. Riley.

April 2, 2025

Ms. Martin files a requisition in the New Westminster Action for leave to apply to have the Lamb J. Order set aside and "re-instate" the notice of civil claim.

April 3, 2025

Justice Caldwell denies leave to apply to have the Lamb J. Order set aside.

June 11, 2025

Ms. Martin files a requisition in the New Westminster Action for leave to file a notice of application for to set aside the Lamb J. Order and "reinstatement of the notice of claim".

June 13, 2025

Justice Thompson denies leave to reinstate the notice of civil claim in the New Westminster Action.

July 4, 2025

Ms. Martin files a requisition in the New Westminster Action for leave to file a notice of application to set aside the Lamb J. Order and for "reinstatement of the notice of claim"

July 7, 2025

Justice Maisonville denies leave to file the notice of application.

July 25, 2025

Ms. Martin files s requisition in the New Westminster Action for leave to file an action in "another court of competent jurisdiction" in the same form as the notice of civil claim filed in the New Westminster Action.

July 28, 2025

Associate Judge Hughes denies leave to file another action.

July 31, 2025

Ms. Martin files a requisition in Vancouver Registry S255761 for leave to file a notice of civil claim in the same form as was filed in the New Westminster Action (the "Second Vancouver Action").

August 4, 2025

Justice Jones orders a hearing on Ms. Martin's leave to file a notice of civil claim in the Second Vancouver Action.

October 14, 2025

Justice Jones denies leave to file the Second Vancouver Action.

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