

CANADA / JUDGMENT

Martin v. Canada (Attorney General)

2025 BCSC 460

COURT

Supreme Court of British Columbia

DECIDED

21 February 2025

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

2025 BCSC 460 Martin v. (Canada) Attorney General IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Martin v. (Canada) Attorney General, 2025 BCSC 460 Date: 20250221 Docket: S255031 Registry: New Westminster Between: Maria Melane Crisostomo Martin Plaintiff And: Attorney General of Canada, Minister of Justice and Attorney General of British Columbia, and Officer-in-Charge/Superintendent of Ridge Meadows RCMP Detachment Defendants Before: The Honourable Justice Lamb Oral Reasons for Judgment In Chambers Counsel for the Defendants: K.E. Jamieson, K.C. Place and Date of Hearing: New Westminster, B.C. February 21, 2025 Place and Date of Judgment: New Westminster, B.C. February 21, 2025

- [1] THE COURT: I will now give my reasons.
- [2] This is an application by the defendants in this action to strike the notice of claim and dismiss the proceedings and for an award of special costs.
- [3] The plaintiff has been declared a vexatious litigant, and a court order has been issued that she is not to start any litigation in this jurisdiction without leave of the court.
- [4] The plaintiff did apply for leave to start an action setting out claims similar to those that have been brought in the action at bar, and leave was denied by Justice Fitzpatrick on August 22, 2024. Despite that denial and in the absence of any leave of the court to file this action, Ms. Martin filed the notice of civil claim and served it on the various defendants.
- [5] The vexatious litigant order came to the attention of defence counsel in January, and despite its existence, the plaintiff, Ms. Martin, declined to accept that that order was valid.
- [6] Ms. Martin filed a response to this application but failed to attend today. The application response does not set out any meritorious defence to the application and instead refers to a suggestion that the vexatious litigant order granted by Justice Weatherill is fraudulent and a matter that she would like to litigate in the coming weeks.
- [7] Ms. Martin does not mention the fact that she has actually litigated the validity of Justice Weatherill's order and, in fact, has appealed that issue all the way to the Court of Appeal. She was advised at the Court of Appeal that the order is in fact valid and that there is no merit to her concern about its validity.

- [8] As I say, there is nothing in the application response that provides a meritorious response to the defendant's application.
- [9] Ms. Martin failed to attend today. She did provide to counsel for the defendants a medical note dated yesterday that says in brief: It is hereby confirmed that this patient was seen by the doctor at this clinic today regarding a medical problem. Due to her current condition, I do not feel she is fit to attend a court hearing tomorrow, and this should be rearranged.
- [10] In some circumstances, I might be inclined to grant an adjournment in her absence despite the vague nature of the medical note, but this is not the ordinary case.
- [11] Similar to Justice Skolrood when considering the application in the Court of Appeal to extend the time for filing an appeal of Justice Weatherill's order, in my view it is reasonable to take into account the history of Ms. Martin's misuse of the court processes and to conclude that it is not in the interests of justice to grant an adjournment of this application.
- [12] I am satisfied based on the materials filed and the submissions of counsel that it is appropriate to grant the orders sought in paragraphs 1 and 2 of Part 1 of the notice of application. Further, I am satisfied that in the circumstances, it is appropriate to make an award of special costs in favour of the defendants for this action.
- [13] I am satisfied that Ms. Martin's conduct, both in bringing this action in breach of the vexatious litigant order and the manner in which she has conducted this litigation, warrants an order for special costs.
- [14] There has been an abuse of the court's process in the filing of this claim. Ms. Martin misled the court when she appeared in chambers before Justice Harvey and did not bring to the court's attention the vexatious litigant order and the fact that this action had been initiated without leave of the court. Her conduct in dealing with counsel for the defendants in this matter is fairly described as highly inappropriate.
- [15] For all those reasons, I am satisfied that it is appropriate to make an order for special costs in favour of the defendants in this action.
- [16] As Ms. Martin did not attend today, her signature is obviously not required on the form of order.
- [17] Those are my reasons. Thank you. "Lamb J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/25/04/2025BCSC0460.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/martin-v-canada-attorney-general-2025>

Prepared on 28 October 2026 · Esheria