

CANADA / JUDGMENT

Ni v. Liu

2025 BCSC 2327

COURT

Supreme Court of British Columbia

DECIDED

25 July 2025

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2025 BCSC 2327 Ni v. Liu

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Ni v. Liu,

2025 BCSC 2327

Date: 20250725

Docket: S229081

Registry: Vancouver

Between:

Ming Yu Ni

Plaintiff

And

Hui Liu (also known as Vincent Liu), Rovillage Development Inc. Incorporated,

Annie Zhang, Evergreen West Realty Inc., and ZF Farm Ltd.

Defendants

And

Ming Yu Ni

Defendant by way of Counterclaim

Before: The Honourable Justice Matthews

Oral Reasons for Judgment

In Chambers

Counsel for the Plaintiff:

A. Hudson

The Defendant Hui Liu, appearing in person and as representative for the ZF Farm Ltd.:

H. Liu

Counsel for the Attendee Antrim Balanced Mortgage Fund Ltd.:

B. Markus

Place and Date of Trial/Hearing:

Vancouver, B.C.

July 25, 2025

Place and Date of Judgment:

Vancouver, B.C.

July 25, 2025

Introduction

- [1] There are two cross-applications in this litigation. The defendants ZF Farm Ltd. and Hui Liu apply to "reconsider or set aside" an order of Associate Judge Bilawich adjourning the trial. That order was made May 26, 2025.
- [2] The cross-application brought by the plaintiff, Ming Yu Ni, is for orders: declaring both defendants Mr. Liu and ZF Farm Ltd. vexatious litigants; precluding them from initiating any proceedings in any registry of this court or the Provincial Court of British Columbia; dismissing Mr. Liu and ZF Farm Ltd.'s application to set aside or reconsider the May 26, 2025 adjournment order; and for special costs.
- [3] I delivered these reasons orally. I have edited this transcript without changing the substance.

Background to the Litigation

- [4] I will give a background to the litigation that applies to my reasons on both applications.
- [5] Ms. Ni, ZF Farm Ltd., and Mr. Liu were working together on the development of real property in Maple Ridge. That development did not succeed. There was an agreement to sell the property. The litigation arises out of the sale of the property, including allegations by Ms. Ni that Mr. Liu purported to sell the property in a non-arm's-length transaction at a much lower price than it was appraised at.

- [6] There is also a foreclosure proceeding relating to the same real property that is the subject of this litigation. The mortgagee, Antrim Balance Mortgage Fund, has conduct of the sale of the property in that foreclosure proceeding.

Mr. Lui and ZF Farm's Application pertaining to the May 26, 2025 Order

- [7] On May 26, 2025, Associate Judge Bilawich ordered that the trial set to commence July 14, 2025, be adjourned. It has been reset to commence, as I understand, in June or July 2026. Ms. Ni applied for the adjournment for a number of reasons, but a primary one being her health. The adjournment order was made peremptory on Ms. Ni.
- [8] Ms. Ni deposed that in May 2024 she underwent brain surgery in Beijing and she was advised to stay home and rest for six months after that surgery. Ms. Ni also deposed that she went through 27 chemotherapy sessions. It was that state of health, as I understand it, that played a major role in the decision to adjourn the trial. Mr. Liu, on behalf of himself and ZF Farm Ltd., does not accept that Ms. Ni accurately described her health.
- [9] Since the May 26, 2025 order, Mr. Liu has brought three applications, the third of which is the one before me today, relating to the adjournment of the trial.
- [10] The first was an application brought by Mr. Liu and ZF Farm for an order requiring Ms. Ni to pay \$3,000 per month from July 2025 until the trial begins "as economic compensation for the allegedly unjustified postponement of the trial". That is a quote from the decision of Associate Judge Muir in this case dated June 18, 2025. At paras. 4-14 of Associate Judge Muir's decision, she sets out the facts that Mr. Liu and ZF Farm asserted about what they said was Ms. Ni's perjury with regard to her health:
- [4] The affidavit evidence proffered by Mr. Liu in support of his application is, frankly, scandalous and vexatious. His alleged evidence in support of his allegation that Ms. Ni perjured herself, lied on her affidavit, lied about her ability to attend the trial that Associate Judge Bilawich scheduled, is completely inadmissible. Part of it is double hearsay without the person advising Mr. Liu being identified. Part of it is single hearsay without the person who advised Mr. Liu being identified. The affidavit itself is replete with argument that is dressed up as evidence and, as such, is inadmissible.
- [5] The allegations made by Mr. Liu in support of his application are clearly scandalous. He accuses her of lying about her illness. He accuses her of playing golf shortly after her alleged surgery. This all required Ms. Ni to bring further affidavit material.
- [6] First of all, there was the affidavit in support of the application before Associate Judge Bilawich brought. Ms. Ni then swore an affidavit in response to Mr. Liu's affidavit, which is at tab 7. That affidavit was filed June 12th, 2025. In that affidavit, she identifies that the surgery that she underwent on May 6, 2024 was brain surgery and that part of her skull was removed in order to remove a lesion from her brain. In support of that, she attaches as an exhibit the original and a translation of the discharge diagnosis certificate which identifies that the

surgery was coronal craniotomy for resection of left frontal intracranial lesion plus artificial dural repair.

- [7] As to the allegation that she was playing golf, she agrees that she posted photographs about golf on her Facebook page, but those photographs show her two sons taking part in a golf tournament. There are no photographs of her and her evidence is that she does not even play golf.
- [8] So, the assertions by Mr. Liu that she was feigning illness in order to obtain the adjournment that was granted by Associate Judge Bilawich, in my view, are undermined by the evidence of the plaintiff, which I accept completely.
- [9] Counsel also pointed out that this application has absolutely no legal merit. It is abusive in the sense that it, first of all, is a collateral attack on the adjournment order, and there is no legal basis identified in the notice of application, and that is simply because there is no legal basis for the application.
- [10] There is also no evidence that could support the order requested. The \$3,000 a month figure appears to be plucked from thin air. The allegations against Ms. Ni are inadmissible, double hearsay, or based on inadmissible double hearsay. And, as I said, it is a collateral attack on the adjournment order which Mr. Liu describes as unjustified.
- [11] That the application itself was without merit was perfectly clear to me without any argument. I simply reviewed the application itself and realized that there was no basis upon which I could grant any such order.
- [12] Counsel points out that this is the latest in a series of meritless and abusive applications on the part of Mr. Liu and argues that it is evidence of a disturbing pattern of litigation misconduct. Mr. Liu has brought a counterclaim in this proceeding in which he named counsel for the plaintiff, that counterclaim against counsel for the plaintiff having been struck. He brought a separate action against counsel for the plaintiff and counsel for another defendant. That action has since been struck.
- [13] He has repeatedly brought applications that the court has had to deal with. And I might say, that graduated efforts have been made to discourage Mr. Liu from bringing such applications, in terms of costs and court admonishments and court's recommendations that he seek independent legal advice. The fact remains that Mr. Liu seems incapable of listening to the court's admonishments.
- [14] I will just simply refer to one such case, which is from the dismissal of the action against DLA Piper and others. Its style of cause is ZF Farm Ltd. v DLA Piper (Canada) LLP, 2024 BCSC 517. At paragraph 46 of that decision the court noted:

As the Court of Appeal wrote in *The Owners, Strata Plan LMS3259 v. Sze Hang Holding Inc.*, 2015 BCCA 424 at para. 11, self-represented litigants have no licence to employ accusations of dishonesty as a feature of their rhetoric unless such accusations are firmly grounded in the

evidence, are relevant to the proceedings, and are responsibly made. The court defined "responsibly" as meaning measured, careful, and faithful to the evidence. Self-represented litigants must understand that the court is not a free-fire zone where anything can be said regardless of the harm to others and their reputations.

- [11] Notably, at para. 8, Associate Judge Muir concluded that Mr. Liu's assertion that Ms. Ni was feigning illness was false and accepted Ms. Ni's evidence.
- [12] Subsequent to that, within 10 days, Mr. Liu, or his co-defendant Rovillage Development Inc., was back in court seeking an order requiring the plaintiff to pay \$20,000 per month as compensation for the deliberate delay of the trial. That amount was said to approximate rent for the house and storage that is on the Maple Ridge property. Rovillage was the alleged non-arm's-length purchaser of that property when Mr. Liu purported to sell it.
- [13] Associate Judge Bilawich cited extensively from Associate Judge Muir's reasons and adopted them, including that the application was a "basic collateral attack on the adjournment order" that Associate Judge Bilawich made on May 26, 2025. Associate Judge Bilawich concluded at para. 16 of his reasons dated June 27, 2025, that the application before him was, in all material respects, the same application recently made by Mr. Liu. He also concluded it was an abuse of process, as did Associate Judge Muir in the application before her.
- [14] This application suffers from the same flaws described by Associate Judge Muir and Associate Judge Bilawich. It is a collateral attack on the May 26, 2025 adjournment application and is an abuse of process. The issue of Ms. Ni's health and its role as a basis for the adjournment application was adjudicated by Associate Judge Bilawich, who gave an order on May 26, 2025. It cannot be relitigated by Mr. Liu on the application he has sought to bring.
- [15] That is the substantive reason why I dismiss his application. But, in addition, I note that, more technically, it is not appropriate to ask a court to "reconsider or set aside" an order such as an adjournment order. If Mr. Liu and ZF Farms asserted that the order was made in error, it ought to have been appealed. The timeframe for the appeal has expired.
- [16] Generally speaking, orders are not "reconsidered or set aside" except in exceptional circumstances, where the circumstances that gave rise to the order being given in the first instance had changed so significantly that it was in the interests of justice to amend the order. That is most usually in orders of things like interim injunctions, injunctions, or orders that had been made ex parte. But, if there is jurisdiction in the court to reconsider or set aside the order of Associate Judge Bilawich, Mr. Liu and ZF Farm have not demonstrated any evidentiary basis to do so and the evidence that they continue to not accept about Ms. Ni's health is evidence that has already been adjudicated.
- [17] I dismiss the application of Mr. Liu and ZF Farm.

- [18] Ms. Ni seeks special costs of the application. In Associate Judge Muir's reasons, at paras. 15-19, she describes the legal principles pertaining to special costs. She also explains that in her view Mr. Liu had engaged in reprehensible conduct by making unfounded allegations of perjury and dishonesty against Ms. Ni, bringing an application that was heavily without merit and relying on evidence that was totally inadmissible, and even if it was admissible, was false: at para. 17.
- [19] Associate Judge Muir noted the decision of *Vassilaki v. Vassilakakis*, 2024 BCCA 15 at para. 41, in which the Court of Appeal explained that bringing a meritless application in and of itself will not necessarily support an award of special costs. Associate Judge Muir explained that the circumstances were such that there was more than simply bringing a meritless application that deserved rebuke of the court.
- [20] I agree with the entirety of Associate Judge Muir's analysis on the legal principles on special costs and the application to those circumstances with one small exception to the circumstances before me. The small exception is that in that case, Mr. Liu had relied on evidence that was totally inadmissible, and if it was admissible, it was false. On this application, Mr. Liu has referred to an affidavit of ZF Farm Ltd., and I believe therefore that he is relying on some of the same evidence that Associate Judge Muir decided was inadmissible, although I have not heard extensive submissions on that. I do not rely on that portion of Associate Judge Muir's analysis as applying to this case in awarding special costs.
- [21] But, in the event, as I will explain further when addressing the application for a declaration of vexatious litigant, this application is a third attempt of a collateral attack on Associate Judge Bilawich's order. As Associate Judge Muir said and Associate Judge Bilawich emphasized, on many occasions, not just on this issue, but generally, the court has "attempted to persuade Mr. Liu that he is not behaving responsibly, is bringing applications that do not have merit and he ought to seek legal advice, and has been awarded costs against him in an effort to bring home to him the consequences of his conduct and he has not responded to those steps."
- [22] This application is yet another application that was brought not only without merit, but in a way that engages the descriptors scandalous and outrageous. Therefore, I award special costs in favour of the plaintiff on this application, payable forthwith.

Ms. Ni's Application for an Order that Mr. Liu and ZF Farm are Vexatious Litigants

- [23] Ms. Ni's application rests on the history relating to the allegations that the defendants Mr. Liu and ZF Farm Ltd. had made regarding her health and the May 16, 2025 adjournment order which I have already related, as well as other incidents in this litigation and in other matters, including applications that are described as meritless which have resulted in costs consequences. Those types of steps are described by Associate Judge Muir in her reasons, which in turn were referred to by Associate Judge Bilawich in his reasons and described by Justice MacNaughton, then of this Court, in reasons in a related case, *ZF Farm Ltd. v. DLA*

Piper (Canada) LLP, 2024 BCSC 517.

- [24] In that application, which was in the case filed as Vancouver Registry S238220, ZF Farm Ltd. commenced litigation against counsel for Ms. Ni in which he alleged that counsel's law firm and counsel had, through various means in that litigation or in this litigation, conspired to mislead the court and abuse the court's process in their representation of Ms. Ni. At paras. 6-25 of her reasons, Justice MacNaughton described events in this action, which she referred to as the underlying action, and the action in which she was issuing her reasons. I will not set them out, but they include Mr. Liu and ZF Farm filing a counterclaim in this action that included Ms. Ni's counsel and law firm as defendants. The counterclaim pleadings that referenced Ms. Ni's counsel's law firm and the counsel were struck by an order of Associate Juge Krentz. Mr. Liu and ZF Farm then commenced an action directly against them. In that subsequent action, the application before Justice MacNaughton was brought by DLA Piper and Ms. Ni's counsel to have that action dismissed.
- [25] Justice MacNaughton also heard evidence about a case planning conference before Justice B. Brown at which Mr. Liu was required to produce certain documents by a certain date and did not. He asserted that a trap was set for him and ZF Farm because the case planning order was entered after the date had expired. In order to get to the bottom of what had occurred, Justice Forth made an order that Mr. Liu be permitted to listen to the proceedings of the case planning conference. Apparently, Mr. Liu had not done so by the time the application was brought before Justice MacNaughton. Justice MacNaughton allowed him to do so over lunch and listened to those proceedings herself and concluded that Mr. Liu had made a mistake about what he said occurred at that case planning conference.
- [26] Justice MacNaughton dismissed the claim and held it was not strictly necessary for her to deal with whether the claim was frivolous but said she would have also dismissed it on the basis that it was frivolous or vexatious. She concluded that that claim was an abuse of process and brought with an intention to collaterally attack or reverse unfavourable findings made in this action.
- [27] In dealing with the request made in the application before her that Mr. Liu be declared a vexatious litigant, Justice MacNaughton set out the principles at paras. 39-43:
- [39] Turning now to the suggestion that Mr. Liu be declared a vexatious litigant. Section 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443 and the court's inherent jurisdiction provides the power to declare a litigant as vexatious. Section 18 provides, in part:

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.
- [40] In *Dawson v. Dawson*, 2014 BCCA 44, the court listed a number of factors to consider when assessing whether a party's conduct rises to the level warranting a vexatious litigant order. Applying those factors to this case, it is clear that ZF Farm's behaviour as it relates to DLA and to Mr. Hudson is vexatious. Associate Judge Krentz's order in the Underlying Action fully determined the allegations against DLA and its lawyers, who act solely for a party adverse in interest to Mr. Liu and ZF Farm in the Underlying Action.
- [41] As Associate Judge Krenz made clear in the Underlying Action, the allegations against DLA and Mr. Hudson were without merit and had no likelihood of succeeding.
- [42] As a result, I am prepared to impose a limited vexatious-litigant order prohibiting Mr. Liu or ZF Farm from bringing further actions against DLA Piper and Mr. Hudson. Such an order is appropriate in the circumstances of this case, and it will prevent ZF Farm from reopening issues that have already been addressed by the court, thereby promoting both judicial efficiency and safeguarding against further adverse impacts to the court, the plaintiff, and the parties in the Underlying Action.
- [43] I also order that Mr. Liu and ZF Farm are not to bring another action against Whitelaw and Ms. Peck arising from the same allegation made in this action. It would be an abuse of the court's process for him to do so.
- [28] Justice MacNaughton's comments apply to what I have heard in this application, including at para. 46 where Justice MacNaughton noted that:
- Self-represented litigants have no licence to employ accusations of dishonesty as a feature of their rhetoric unless such accusations are firmly grounded in the evidence, are relevant to the proceedings, and are responsibly made.
- [29] Justice MacNaughton also held that "[s]elf-represented litigants must understand that the court is not a free-fire zone where anything can be said regardless of the harm to others and their reputations." Before me, counsel for Ms. Ni advised that that was the second time Mr. Ni had been told that by a judge of this Court.
- [30] With this background, I note that we are here today with Mr. Liu making submissions that he has made before, at least once before, and then sometimes multiple times before on applications that I have been referred to and read about in the reasons of Associate Judge Muir, Associate Judge Bilawich, and Justice MacNaughton.

- [31] I am satisfied that pursuant to s. 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443, that Mr. Liu and, through him, ZF Farm, have habitually, persistently, and without reasonable grounds brought applications and legal proceedings pertaining to the property that is the subject of this litigation, and its foreclosure. When not successful on a given application or issue, Mr. Liu and, through him, ZF Farm, repackage it in another way and either bring another application or another proceeding, attempting to pursue the same goal they have been told by a court they are not permitted to pursue.
- [32] The application I have just dismissed pertaining to the May 26, 2025 adjournment application is a clear example of such behaviour, but it also pertains to trying to engage counsel for Ms. Ni and her counsel law firm in the litigation as well as a number of issues, including resubmitting and repeated submissions on the case planning conference proceedings, traps being set for Mr. Liu and so on. These allegations are meritless, and they must stop.
- [33] As Justice MacNaughton said in her reasons, citing *Dawson v. Dawson*, 2014 BCCA 44, it is clear that the conduct of Mr. Liu and ZF Farm is vexatious as described in the jurisprudence. Despite measured and progressive responses to their conduct, including dismissal of applications, costs orders, costs to be paid forthwith, and in the case of Justice MacNaughton, a limited vexatious litigant order, Mr. Liu and ZF Farm continue to relitigate issues already litigated and subject Ms. Ni to the cost of responding to them.
- [34] Alleviating the burden of responding a party on the receiving end of vexatious litigation and applications is one of the goals of a vexatious litigant order. The other is avoiding bringing the administration of justice into disrepute. As counsel for Ms. Ni noted, in each of these many applications, other litigants have been waiting for time before the court, including today. It is unfair not only to Ms. Ni, but also to other users of the court system. It simply cannot be that Mr. Liu and ZF Farm are going to be permitted to continue.
- [35] Accordingly, I am satisfied that an order of vexatious litigant should go. I am satisfied that I do have the jurisdiction to make an order precluding Mr. Liu and ZF Farm from commencing litigation in this court and in the Provincial Court of British Columbia. Section 18 of the Supreme Court Act makes that clear.
- [36] I am not persuaded it should be quite as broad as Ms. Ni has sought. She had sought an order that they be precluded from initiating any proceedings except with leave of the court. In my view, that order should be circumscribed, and I would order that Mr. Liu and ZF Farm not be permitted to initiate any proceedings, including without limitation, an application in an action in any registry of the Supreme Court of British Columbia or the Provincial Court of British Columbia against any party to this proceeding or to proceeding H24053 and S253687, or in any way related to the subject matter of this litigation or the subject matter of those other proceedings.

- [37] I declare Mr. Liu and ZF Farm to both be vexatious litigants. Any document or process filed by Mr. Liu or ZF Farm Ltd. in contravention of this order, or any process or document inadvertently filed or received by the registry of the Supreme Court of British Columbia or the Provincial Court of British Columbia is a nullity and may be disposed of accordingly.
- [38] Ming Yu Ni and her counsel are not obliged to respond to any document or process filed in contravention of this order or any process or document inadvertently filed or received by the registry of the Supreme Court of British Columbia or the Provincial Court of British Columbia.
- [39] With regards to the costs of this application for an order of vexatious litigants, I order Ms. Ni special costs payable forthwith for the same reasons that I ordered special costs on the June 25, 2025 application brought by Mr. Liu and ZF Farm.

Disposition

- [40] The application of ZF Farm Ltd. and Hui Liu commenced by notice of application filed June 25, 2025, is dismissed with special costs payable by Mr. Liu and ZF Farm forthwith after assessment.
- [41] The application of Ming Yu Ni filed July 7, 2025, is allowed, in part, in accordance with these reasons. Hui Liu and ZF Farm Ltd. are jointly and severally liable to pay Ming Yu Ni special costs of her application commenced by notice of application filed July 7, 2025, in any event of the cause forthwith after assessment.
- [42] Mr. Hudson shall prepare the order, and Mr. Liu and ZF Farm's endorsement of the order are dispensed with.
- [43] CNSL A. HUDSON: Thank you, Justice.
- [44] THE DEFENDANT LIU: Could we -- very last question. Can I access today's hearing on the record?
- [45] THE COURT: You can listen to today's hearing. There is no prohibition on you listening to it. If you wish to order the reasons, you can order the reasons through the registry.

"Matthews J."

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Prepared on 26 October 2026 · Esheria