

CANADA / JUDGMENT

## Pereira v. Dexterra Group Inc

2025 BCSC 1162

### COURT

Supreme Court of British Columbia

### DECIDED

2 May 2025

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2025 BCSC 1162 Pereira v. British Columbia (Labour Relations Board)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Pereira v. British Columbia (Labour Relations Board),

2025 BCSC 1162

Date: 20250502

Docket: S22228

Registry: Terrace

Between:

Corrine Pereira

Petitioner

And:

Dexterra Group Inc

Respondent

- and -

Docket: S22320

Registry: Terrace

Between:

Corrine Pereira

Petitioner

And:

British Columbia Labour Relations Board, Unite Here Local 40,

Horizon North Camp & Catering Inc. Managing Partner of

Horizon North Camp & Catering Partnership

Respondents

Before: The Honourable Justice Morley

On judicial review from: British Columbia Labour Relations Board, 2021 BCLRB 44

Oral Reasons for Judgment

(Vexatious Litigation)

(In Chambers)

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Place and Date of Hearing:

Terrace, B.C.

April 30, 2025

Place and Date of Judgment:

Terrace, B.C.

May 2, 2025

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## I. Overview

- [1] These reasons were originally given orally. When I gave them, I reserved the right to edit a written version for errors and clarity, and to add citations to the evidence or to authority. I have made edits within those parameters. The result has not changed, nor has the basis for it.

- [2] This is an application by Horizon North Camp & Catering Inc. ("Dexterra")[1], pursuant to s. 18 of Supreme Court Act, R.S.B.C. 1996, c. 443, and the inherent jurisdiction of the Court, for a declaration that the petitioner Corinne Pereira is a "vexatious litigant", and for an order prohibiting her from bringing any proceedings in this Court without leave.
- [3] On Tuesday, April 30, 2025, in reasons indexed at 2025 BCSC 1100, I struck Ms. Pereira's application for judicial review of four Labour Relations Board decisions relating to complaints against her union for breach of its duty of fair representation under s. 12 of the Labour Relations Code, R.S.B.C. 1996, c. 244. Precisely the same relief was sought and dismissed in petitions heard by Mr. Justice Punnett four years ago. I found that the principle of res judicata applied. Before hearing argument on whether to dismiss the petition, I told the parties that this application would be heard after I decided whether the petition could go forward or should be struck.
- [4] While I was giving oral reasons for striking the petition, Ms. Pereira hung up from the Teams call through which the hearing had taken place. She has now confirmed on the record that she does not wish to make any submissions with respect to this application.
- [5] Section 18 of the Supreme Court Act states as follows:

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.

- [6] For the reasons that follow, I am satisfied of the following:
- a) The Attorney General of British Columbia has standing to be heard on this application and has not gone further than is appropriate given its role;
  - b) Ms. Pereira is a person who has habitually, persistently and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court;
  - c) Ms. Pereira has been given an opportunity to be heard, although she has not taken it;
  - d) To avoid further abuses of the process of the courts, it is necessary that Ms. Pereira be subject to an order that she must not institute legal proceedings without leave;
  - e) Because Ms. Pereira is a creative litigant, it is appropriate that she be prohibited from instituting any proceedings in any court, with the exception of family law proceedings.

## II. Preliminary Matter - Standing of the Attorney General

- [7] Ms. Pereira filed a notice of application objecting to the standing of the Attorney General of British Columbia. Since she hung up from the Teams call, I was unable to hear oral submissions from her in relation to this application. I did hear from Mr. Ameerali, on behalf of the Attorney General, on this application. I will briefly set out my reasons why I allowed the Attorney General to make submissions, and address her application to the extent necessary to do that.
- [8] It is important, in fairly addressing Ms. Pereira's submission, to make a distinction between standing, as such, and the scope of submissions the Attorney General may appropriately make. Under s. 16(1) of the Judicial Review Procedure Act, R.S.B.C. 1996, c. 241 [JRPA], "the Attorney General must be served with notice of any application for judicial review" and under s. 16(2), the Attorney General is "entitled to be heard in person or by counsel at the hearing of the application". Thus, the Attorney General always has standing, in the strict sense, at a hearing of a judicial review application, if he or she wishes to exercise it. In light of s. 16(2), the court cannot prevent the Attorney General from appearing, typically by counsel.
- [9] At the same time, the content of the appropriate submissions the Attorney General may make is not unlimited. There are two roles in which the Attorney General can legitimately appear: first, as guardian of the public interest and second as representative of a tribunal where the tribunal is not itself represented: *Lang v. British Columbia (Superintendent of Motor Vehicles)*, 2005 BCCA 244. Particularly in a case like this one in which the affected parties have standing, in neither role may the Attorney General argue the merits of the decision being reviewed. (The situation in which there is a bilateral relationship between the applicant for judicial review and the government is more complex, and since it does not apply here, I am not going to comment on it.)
- [10] While Ms. Pereira asks that the Attorney General be "removed as a party", in my view that relief is not available in a judicial review application. The JRPA says the Attorney General is "entitled" to appear. A court cannot, therefore, prevent the Attorney General from appearing. However, this does not mean there are no limits on what the Attorney General can say. Ensuring the Attorney General's submissions remain within their appropriate bounds is not addressed by refusing to hear from its counsel, but either through managing the hearing or, if necessary, through a costs award. Ms. Pereira asks for a "special costs" award, and this is, in principle, available if the Attorney General oversteps its bounds. However, so long as the Attorney General stays within those bounds, no costs will be awarded for or against the Attorney General in a judicial review application.

- [11] Ms. Pereira points out that the underlying petition is "not a case involving constitutional questions, legislative validity, or matters of broad public governance. It is a judicial review of specific decisions made by the Labour Relations Board." As she points out, the Labour Relations Board is represented by counsel and therefore the need to have someone to defend the decision maker addressed in *Lang v. British Columbia (Superintendent of Motor Vehicles)*, 2005 BCCA 244 at para. 2 does not apply.
- [12] I agree with Ms. Pereira that where, as here, the tribunal is itself represented, the Attorney General is confined to the role of guardian of the public interest and cannot make submissions on behalf of the tribunal, let alone on the merits of the decision of the tribunal.
- [13] Ms. Pereira does not, in principle, object to the Attorney General making submissions based on the public interest. Rather, she takes the view that the Attorney General is not properly representing the public interest. At para. 45 of her Notice of Application, she says, "I would have no objection to the Attorney General participating in these proceedings if her purpose was to ensure that the petition is properly adjudicated on the merits."
- [14] One of Ms. Pereira's complaints is that the Ministry of Attorney General refused to "investigate" the Labour Relations Board for the dismissal of her duty of fair representation complaint. This misunderstands the relationship between the central executive and independent adjudicative tribunals like the Labour Relations Board. It would be highly inappropriate for the Attorney General to investigate the Board for the content of one of its decisions and the Attorney General's refusal to do this was appropriate.
- [15] In my view, Mr. Ameerali, on behalf of the Attorney General, made appropriate submissions with respect to the application under s. 18 of the Supreme Court Act:
- a) He made submissions about the impact on the public interest of the disproportionate amount of court time in Terrace being taken up by Ms. Pereira's litigation, which could be a barrier to access to justice for other litigants in a small registry. Since the operation of the registry is within the role of the Provincial Government, and the Ministry of Attorney General, in particular, this was an appropriate submission.
  - b) He brought to my attention the decision of Madam Justice Power in 2024 BCSC 436, a malicious prosecution case brought by Ms. Pereira. The Attorney General represents Crown Attorneys in malicious prosecution cases, so this was also within its remit. Mr. Ameerali pointed out that an appeal from Madam Justice Power's decision has been dismissed, although the reasons have not yet been published. This would not be known to any of the other parties, and so was appropriate.
  - c) Mr. Ameerali made some helpful legal submissions on the scope of s. 18, some of which are of benefit to Ms. Pereira. In particular, he brought to my attention *Kellogg v. Rouches*, 2019 BCCA 90, which emphasizes the importance of a hearing specifically on the s. 18 issue. Mr. Ameerali raised possible options in light of the fact that Ms. Pereira was not in fact participating, which no other party had an interest in exploring.

- d) Mr. Ameerali pointed out, contrary to Dexterra's submissions, that criminal proceedings are not "proceedings" within the meaning of s. 18 of the Supreme Court Act and therefore that Ms. Pereira's laying of private informations and her judicial reviews of the Crown's decision to stay them have limited relevance.
  - e) Mr. Ameerali made useful submissions about the scope and limits of the Court's inherent jurisdiction to stay existing proceedings under s. 18 of the Supreme Court Act and the inherent jurisdiction of the court. The submissions respecting s. 18 of the Supreme Court Act were helpful to Ms. Pereira, in the sense that they limited the extent of the order.
- [16] I am satisfied that the Attorney General's participation was appropriate. Since I have not heard from Ms. Pereira, and I did not find it necessary to consider whether the Attorney General's separate application to dismiss the petition was appropriate, which raises difficult questions, I do not dismiss her application in its totality. However, I am prepared to proceed on the basis that I could properly hear Mr. Ameerali's submissions on this application, and I have done so.

### III. Principles to Apply In Section 18 Application

- [17] Section 18 of the Supreme Court Act is a statutory provision. As such, its interpretation is governed by the text, its context, and the purpose of the statute. The text should not be understood literally without reference to context and purpose, but it is the "anchor of the interpretative exercise": *Quebec (Commission des droits de la personne et des droits de la jeunesse) v. Directrice de la protection de la jeunesse du CISSS A*, 2024 SCC 43, at para. 24.
- [18] In the case of s. 18, the purpose of the provision has been authoritatively stated by higher courts. It is to avoid needless expenditure of judicial resources and unnecessary expense to other parties: *Dawson v. Dawson*, 2014 BCCA 44 at para. 17. These purposes must be balanced with the presumptive right of every person to seek justice in the courts.
- [19] In my view, the text is quite clear about the test a court must apply prior to exercising its authority under s. 18. To satisfy a court that a person has "habitually, persistently, and without reasonable grounds" instituted vexatious legal proceedings (in the plural) in the relevant courts, the applicant must:
- a) identify at least two proceedings that the person instituted in either the Supreme Court or Provincial Court;
  - b) establish that at least two of the proceedings so identified are "vexatious";
  - c) establish that the conduct of bringing these proceedings is "habitual" (a primarily retrospective inquiry); and
  - d) establish that it is "persistent" (a primarily prospective inquiry).

- [20] The text also says that the applicant must show that the vexatious proceedings were brought without reasonable grounds, but this borders on a redundant rhetorical flourish since it is hard to imagine how a proceeding brought with reasonable grounds could be labelled "vexatious".
- [21] I note that the phrase "vexatious litigant", while convenient, has an unfortunate tendency to focus too much on whether the litigant can be considered "vexatious" and is not found in the text, according to which the question is whether the proceedings are vexatious. Similarly, the case law establishes that the issue is not the personality of the litigant, but the nature of the proceedings they have brought: *H. (T. J.) v. H. (C. C.)*, 2003 BCCA 277 [T.J.H.] at para. 16. In s. 18 itself, the word "vexatious" refers to proceedings, not persons.
- [22] What is relevant about the person is whether their past behaviour in bringing vexatious proceedings was habitual, i.e. not isolated, and whether we can expect such behaviour to continue in the future, i.e. be persistent.
- [23] Section 18 specifies that the person against whom the order is sought must be heard or be given the opportunity to be heard. This would undoubtedly be implied as a matter of procedural fairness, but the fact that it is in the statutory language should be given weight. It is important not to proceed with such an order without providing for a hearing specifically on the issue of whether it should be granted: *Kellogg v. Rouches*, 2019 BCCA 90.
- [24] Finally, because s. 18 says the court "may" make the order, the text implies that there is a residual discretion, even if a person has habitually and persistently instituted vexatious legal proceedings. Like any judicial discretion, this must be exercised judicially, i.e., in accordance with the purposes of the statute. There will also be discretion in the extent of the order.
- [25] The order must go as far as necessary to avoid future serious abuses of the court's processes, but because it infringes on the access of the individual to the court, it must go no further. The discretion must be exercised in the public interest and "with caution": *Hirji v. The Owners Strata Corporation Plan VR 44*, 2020 BCCA 285.
- [26] The case law refers to a "non-exhaustive list" of seven factors to be considered in these applications: *Re Lang Michener et al. and Fabian et al.* (1987), 1987 CanLII 172 (ON SC), 37 D.L.R. (4th) 685 (Ont. H.C.J.) at para. 19; *Dick v. Coquitlam (City)*, 2023 BCCA 261 at para. 22 (referring to the cases in which this list has been adopted in British Columbia). The seven Lang Michener factors can be further analyzed into four categories of vexatious proceedings, one factor that explains what is not determinative, and two considerations for exercising the court's residual discretion.
- [27] The four categories of vexatious proceedings stated in Lang Michener are:
- a) Proceedings that relitigate remedies or issues that have already been finally decided ("Relitigation Proceedings");

- b) Proceedings that are bound to fail or can accomplish no good result ("Meritless Proceedings");
  - c) Proceedings brought for an improper purpose ("Improperly Motivated Proceedings"); and
  - d) Proceedings brought, without reasonable grounds, against counsel for the parties against whom the person brought earlier proceedings ("Proceedings Targeting Opposing Counsel").
- [28] The fifth Lang Michener factor is really a judicial statement that it is not determinative that the original complaint or action was meritorious. It is not an uncommon pattern that a person who has what is originally a legitimate dispute becomes unable or unwilling to accept a negative result. This is particularly the case in Relitigation Proceedings and Proceedings Targeting Opposing Counsel. What matters is whether these subsequent proceedings are "vexatious" and sympathy for the litigant's position in the original dispute is irrelevant.
- [29] I note in this regard that "proceeding" is defined broadly in s. 1 of the Supreme Court Act. It can include not only an action, suit or petition proceeding as a whole, but also a "cause" (i.e., a particular legal theory advanced in the course of a larger proceeding, which either is, or is analogous to, a civil cause of action) and a "matter" (i.e., an application or motion within an action or petition proceeding). A "proceeding" is limited to a civil, as opposed to a criminal proceeding, and so while Ms. Pereira has initiated a number of private prosecutions, these cannot be "vexatious proceedings", although her conduct in this regard is relevant to whether her conduct is "habitual" and will likely prove "persistent".
- [30] The final two Lang Michener factors are not, in my view, relevant to whether proceedings are vexatious, but are relevant to whether the conduct can be seen as "persistent" and to the final exercise of discretion:
- a) For these purposes, it is relevant whether the person fails to pay costs, since costs are, among other things, a deterrent to bringing unsuccessful proceedings and a (partial) salve for the expense and other harms of being the subject of litigation. However, this factor is neither necessary nor sufficient for such an order, because vexatious proceedings still cause harm even if costs are paid and a failure to pay costs cannot make a proceeding vexatious.
  - b) Proceedings in the Court of Appeal cannot be considered under s. 18 of the Supreme Court Act as "vexatious proceedings", since these are confined to proceedings in this Court and the Provincial Court, but "persistently taking unsuccessful appeals from judicial decisions" can demonstrate that a person is "persistent" in taking flawed legal positions, and weighs in the balance of exercising discretion.
- [31] In my experience, the phrase "vexatious litigant" has a tendency to stigmatize self-represented litigants and focus on litigation conduct, rather than whether the proceedings fit within the categories of vexatious proceedings. Even though I acknowledge it is found in the case law, I will try to avoid it. Bad litigation conduct that does not make a proceeding vexatious may be relevant to increased or special costs, but is not relevant to s. 18, unless it

is the basis for an inference that a proceeding is vexatious. In my view, although things have improved in this respect, there is still a culture of lack of respect for self-represented litigants in superior courts, despite the reality that they are increasingly common, and I believe the focus that the phrase "vexatious litigant" tempts us towards has the potential to exacerbate this, rather than focus on the relatively objective facts about past proceedings and the likelihood that the court's process may be abused in the future. There is nothing about s. 18 that suggests that a sophisticated and well-resourced corporation, for example, could not habitually and persistently bring proceedings that amount to relitigation, are improperly motivated, are meritless or target opposing counsel. The fact that a litigant makes unsophisticated or unsound legal arguments does not make their proceedings vexatious, however frustrating it sometimes is.

[32] As a result, after setting out the factual background at greater length, I will analyze the application for an order under s. 18 against Ms. Pereira based on the following questions:

- a) Since Ms. Pereira did not participate in the hearing, was she given an "opportunity to be heard"?
- b) Which proceedings, if any, instituted by Ms. Pereira and alleged by Dexterra to be "vexatious" are Relitigation Proceedings, Meritless Proceedings, Improperly Motivated Proceedings, Proceedings Targeting Opposing Counsel or some combination thereof?
- c) Was Ms. Pereira's conduct in bringing of vexatious proceedings "habitual"?
- d) Can this conduct be expected to be "persistent"?
- e) If Ms. Pereira is a person who has habitually, persistently and without reasonable grounds instituted vexatious legal proceedings, would an order under s. 18 of the Supreme Court Act be necessary to protect against the future abuse?

#### IV. Background

[33] The original dispute that gave rise to the petition I struck on Tuesday was not itself vexatious. Ms. Pereira worked at Dexterra's Crossroads Lodge in Kitimat from May 2019 until September 23, 2020. At the relevant times, Ms. Pereira was in a bargaining unit represented by UNITE HERE Local 40 (the "Union"), which at those relevant times had a collective agreement with Dexterra.

[34] The case that ultimately ended up before Justice Punnett in his decision at 2022 BCSC 1205 arose out of two grievances, filed on Ms. Pereira's behalf, by the Union:

- a) One involving three acts of discipline by the Employer short of termination of employment (the "Discipline Grievance"); and
- b) One involving the termination of Ms. Pereira's employment on September 23, 2020 (the "Termination Grievance").

- [35] The Union settled both grievances over the objections of Ms. Pereira. The Discipline Grievance was settled on September 21, 2020, shortly before her dismissal. The Termination Grievance was settled on March 21, 2021. In the Termination Grievance, the Union accepted dismissal in return for settlement funds. Ms. Pereira was completely opposed to this and burned the cheques she received as settlement on TikTok.
- [36] Under B.C. labour law (and indeed, under labour law in all jurisdictions in Canada), a certified bargaining agent has authority to settle a grievance, even without the consent of the grievor, but has what is called a "duty of fair representation": under s. 12(1)(a) of the Labour Relations Code this is defined in negative terms as a duty not to "act in a manner that is arbitrary, discriminatory or in bad faith in representing any of the employees in an appropriate bargaining unit".
- [37] A member of a bargaining unit represented by a trade union may file a written complaint under s. 13 of the Labour Relations Code with the LRB if he or she thinks the union has failed to meet its duty of fair representation under s. 12(1)(a). Not surprisingly, one of the most common reasons for this to occur is if the union settles a grievance over the objection of a grievor. Ms. Pereira did just this with respect to the settlement of both the Discipline Grievance and the Termination Grievance.
- [38] Section 13(1) of the Code mandates a two-stage procedure for such complaints. Under s. 13(1)(a), a panel of the board (which includes a single chair, associate chair or vice chair)[2] must determine whether or not it considers the complaint "discloses a case that a contravention has apparently occurred". In 2021 BCLRB 44 Associate Chair Glougie found that the complaint in relation to the settlement of the Grievance Dispute did not meet this standard. In 2021 BCLRB 150, she found that the settlement of the Termination Dispute did not meet this standard either.
- [39] Ms. Pereira sought reconsideration of both decisions, which were denied in 2021 BCLRB 89 (the "Discipline Grievance Reconsideration") and 2021 BCLRB 195 (the "Termination Grievance Reconsideration").
- [40] Ms. Pereira filed petitions for judicial review of all four BCLRB decisions, which were consolidated and heard by Justice Punnett. He dismissed an application to quash these decisions: 2022 BCSC 1205. The Court of Appeal dismissed Ms. Pereira's appeal: 2023 BCCA 165. The Supreme Court of Canada denied leave to appeal: 2023 CanLII 122403. Ms. Pereira applied for reconsideration, which was also denied.
- [41] In addition to the foregoing "main branch" of Ms. Pereira's proceedings in relation to the Discipline and Termination Grievances, Ms. Pereira instituted the following proceedings that are not alleged to be vexatious:
- a) After the original discipline, but before her dismissal, Ms. Pereira launched a series of complaints pursuant to Dexterra's Respectful Workplace Policy. One of the complaints, made on June 27, 2020, alleged that she was a victim of workplace "mobbing", that is, coordinated

personal attacks in the form of unsubstantiated and generalized false accusations by co-workers. On June 30, 2020, she complained to WorkSafeBC that Dexterra had failed to fulfill its obligation to provide a safe workplace. In early 2022, an occupational safety officer released a brief report stating, in conclusory fashion, that the employer's response to the matter was compliant with WorkSafeBC requirements. Ms. Pereira sought a review under Part 6 of the Workers Compensation Act, R.S.B.C. 2019, c. 1, which was unsuccessful, although the Review Officer found that Dexterra did not follow its procedures since it did not attempt an investigation. Ms. Pereira then applied for judicial review, in which she successfully obtained an order to reconsider the decision: *Pereira v British Columbia (Workers' Compensation Board)*, 2022 BCSC 1654. WorkSafe responded to this by ordering Dexterra to conduct an investigation. It did so, albeit not to Ms. Pereira's satisfaction. WorkSafeBC then found that Dexterra had complied with its policy and did not issue a penalty for its original failure to investigate. This was ultimately taken to judicial review, which was dismissed by Justice Thomas: *Pereira v. British Columbia (Workers Compensation Board)*, 2025 BCSC 65. Neither the successful nor the unsuccessful judicial review proceeding are "vexatious".

- b) Ms. Pereira brought a complaint to the Information and Privacy Commissioner that Dexterra had disclosed information relating to her dismissal to counsel for co-workers that Ms. Pereira sued in Small Claims. The Commissioner agreed with Ms. Pereira that this was contrary to the Personal Information Protection Act, S.B.C. 2003, c. 63 ("PIPA"). Ms. Pereira and Dexterra are in litigation in Provincial Court about the amount of damages for this breach. Ms. Pereira has arguably attempted to use this proceeding to address issues that have already been determined finally, but the provincial court has addressed that. I do not find this proceeding to be "vexatious".

## **V. Findings about whether past proceedings instituted by Ms. Pereira Were Vexatious**

- [42] I will now turn to the proceedings in this Court and the Provincial Court that Ms. Pereira has instituted and that Dexterra argues are vexatious. With one exception, I agree with Dexterra that they are vexatious.

### **A. Supreme Court Terrace Registry No. S21055 (the "First Supreme Court Civil Action")**

- [43] On March 26, 2021, shortly after her Termination Grievance was settled by the Union, Ms. Pereira filed a wrongful dismissal claim in this Court. The file number was No. S21055 in the Terrace Registry (the "First Supreme Court Civil Action"). Dexterra filed a jurisdictional response seeking dismissal on the basis that Ms. Pereira was a member of a bargaining unit for which the Union was the certified bargaining agent. It is a general principle of labour law that workers in organized workplaces cannot bring wrongful dismissal suits in civil courts: *Weber v. Ontario Hydro*, 1995 CanLII 108 (SCC), [1995] 2 SCR 92.

- [44] Justice Punnett struck the First Supreme Court Civil Action based on this principle. Importantly, for my purposes here, he did not just say that the subject matter of the claim was within the exclusive jurisdiction of a labour arbitrator under the Collective Agreement, but noted specifically that Ms. Pereira was aware of this, had utilized the grievance procedure, and was engaged in relitigation.
- [45] At paras. 63-64, Justice Punnett stated the following:
- [63] The plaintiff has, as a member of the Union, utilized the internal grievance procedure under the Collective Agreement and has brought two s. 12 applications to the Board. Her action in this Court is an attempt to re-litigate the matter. Such is a collateral attack, "offend(s) the legislative scheme" and is an abuse of process.
- [64] Her claim is struck in its entirety as an abuse of process.
- [46] In some cases, a unionized employee may seek to advance a civil action and fall afoul of the principle stated by the Supreme Court of Canada in *Weber v. Ontario Hydro* that disputes arising out of unionized workplace are in the exclusive jurisdiction of a labour arbitrator without, as a result, engaging in vexatious, as opposed to unsuccessful litigation. But, in this case, as Justice Punnett found, Ms. Pereira was not just in the wrong forum, but was seeking to relitigate a dispute that she had already brought in a different forum and that had been settled by the Union in a decision she was challenging in the correct forum.
- [47] I find, based on my review of her s. 12 complaint and the record, that she was aware that grievance arbitration was the correct forum, and that she brought the First Supreme Court Civil Action not out of error but because she had been stymied by the Union's decision to settle her grievance, the Labour Relations Board's decision not to proceed with her s. 12 complaint, and her failure to obtain judicial review of that decision.
- [48] As a result, the First Supreme Court Civil action was a Relitigation Proceeding and thus "vexatious" within the meaning of s. 18 of the Supreme Court Act.

## **B. Supreme Court Terrace Registry No. S21140 (the "Second Supreme Court Civil Action")**

- [49] On July 5, 2021, prior to Justice Punnett's ruling in the First Supreme Court Civil Action, Ms. Pereira filed another Notice of Civil Claim against Dexterra, Supreme Court Terrace Registry No. S21140 (the "Second Supreme Court Civil Action"). In the Second Supreme Court Civil Action, Ms. Pereira alleged Dexterra was vicariously liable for defamatory statements by its employees. These statements related to the same events that led to her discipline and termination. She later added one of her co-workers, Margaret Klonarakis, as a defendant. She filed a Notice of Constitutional Question in this Second Supreme Court Action alleging that the principle in *Weber v. Ontario Hydro* was unconstitutional.

- [50] On August 25, 2022, Justice Punnett dismissed the Second Supreme Court Civil Action as against Dexterra: *Pereira v Dexterra Group Inc.*, 2022 BCSC 1481. At para. 67, he stated that one of the reasons for doing so with respect to the alleged defamatory statements made while she was still an employee was that this was an attempt to relitigate issues that could have been raised in the First Supreme Court Civil Action. It follows that this portion of the Second Supreme Court Civil Action was a Relitigation Proceeding. As I have noted earlier, because "proceeding" is defined to include "cause", a particular cause of action alleged in a civil action may be a vexatious proceeding.
- [51] Justice Punnett commented at para. 68 that "The plaintiff is not permitted to repeatedly engage the Court's resources by her piecemeal approach of commencing various proceedings relating to the same facts and issues."
- [52] With respect to the period after Ms. Pereira was employed, Justice Punnett stated as follows:
- [74] The plaintiff has not plead[ed] any facts to support the allegation that Dexterra has defamed her. No alleged defamatory statements are set out, nor whether such refer to the plaintiff, nor whether they were published. Nor has the plaintiff plead[ed] any facts to suggest that the alleged social media posts by Ms. Klonarakis relate to Ms. Klonarakis' employment with Horizon North, nor any facts regarding Horizon North directing or suggesting Ms. Klonarakis make such posts.
- [53] Thus, this aspect of her claim was a Meritless Proceeding because no material fact was alleged that could have linked the allegedly defamatory statement to the course of employment or to Dexterra.
- [54] An appeal from Justice Punnett's dismissal of the Second Supreme Court Civil Action as against Dexterra was dismissed: *Pereira v. Klonarakis*, 2024 BCCA 75. The Supreme Court of Canada dismissed her application for an extension of time to seek leave: *Corinne Pereira v. Margaret Klonarakis*, 2024 CanLII 93649.
- [55] In *Pereira v. Klonarakis*, 2023 BCSC 1760, Justice Punnett dismissed Ms. Pereira's defamation claim against Ms. Klonarakis pursuant to s. 4 of the Protection of Public Participation Act, S.B.C. 2019 c. 3. Justice Punnett found that the claim, as against Ms. Klonarakis, bore the hallmarks of strategic litigation against public participation, i.e. of the use of litigation as a vehicle to silence others on matters of public interest. This, in my view, amounts to an improper motivation, and thus the cause as against Ms. Klonarakis was a vexatious proceeding. Justice Punnett's decision was upheld by the Court of Appeal: *Pereira v. Klonarakis*, 2024 BCCA 75.
- [56] Whether viewed as a single proceeding or two proceedings, the Supreme Court Terrace Registry No. S21140 action was vexatious within the meaning of s. 18 of the Supreme Court Act.

**C. Supreme Court Terrace Registry No. L21571 (Prohibited Action Judicial Review)**

- [57] I will very briefly deal with Supreme Court Terrace Registry No. L21571, which was a judicial review of a summary decision by the Workers Compensation Appeal Tribunal ("WCAT"), upholding WorkSafe BC's determination that it would not address Ms. Pereira's "prohibited action complaint" that her dismissal was in retaliation for making a complaint. WorkSafe BC did so based on its principle that a unionized employee who is dismissed and claims the dismissal is prohibited under s. 49(2) of the Workers Compensation Act has an election between raising this argument in a grievance arbitration and pursuing it with WorkSafe BC. Since Ms. Pereira pursued the Termination Grievance through her Union, WorkSafe BC did not consider the s. 49(2) complaint. The WCAT dismissed her appeal on the basis of s. 31(1)(g) of the Administrative Tribunals Act, S.B.C. 2004, c. 45, which allows a panel to dismiss an application if "the substance of the complaint or that part of the complaint has been appropriately dealt with in another proceeding." Justice G.C. Weatherill and the Court of Appeal held that the WCAT's decision was not patently unreasonable and upheld its decision.
- [58] This was a final order and Ms. Pereira was unsuccessful. However, I do not consider that her pursuit of this argument was vexatious.
- [59] There was a real issue as to whether the principle that a unionized employee has an election in such a circumstance should bar a prohibited action complaint where the Union exercised its authority to settle the termination grievance over the objections of the grievor. I am in no way suggesting there is anything wrong with the WCAT's decision, but I am not prepared to find that it was obvious that the judicial review could not possibly succeed. Ms. Pereira's judicial review application was not relitigation, nor did it target counsel. Dexterra argues it was brought for an improper purpose, namely Ms. Pereira's hatred of her former employer, but I am not prepared to view a dismissed employee's hostility to a former employer they consider dismissed them in retaliation for making a complaint to WorkSafe BC, whether founded or unfounded, as a valid reason to find that a dismissed employee is acting vexatiously in pursuing the proceeding.
- [60] In coming to this conclusion, I am not saying Ms. Pereira's litigation conduct in that judicial review and appeal was appropriate. Ms. Pereira has refused to sign the order made after appeal unless personally requested by the CEO of Dexterra. This is not appropriate litigation behaviour, but inappropriate litigation behaviour does not render a proceeding "vexatious" within the meaning of s. 18 of the Supreme Court Act.

**D. Supreme Court of British Columbia Terrace Registry Action No. S21697 (The "Malicious Prosecution Action")**

- [61] Supreme Court of British Columbia Terrace Registry Action No. S21697 was a malicious prosecution action by Ms. Pereira arising out of charges of uttering threats contrary to s. 264.1(1)(a) of the Criminal Code, of which Ms. Pereira was acquitted. In December 2021, Ms. Pereira sent an email to approximately 200 recipients, including Dexterra, WorkSafe BC, the

Attorney General of British Columbia and the media. The email attached a fabricated news article authored by Ms. Pereira about her going to Dexterra's office, opening fire and fatally shooting two of her former co-workers before taking her own life. In a voluntary statement, after being warned of her Charter rights, Ms. Pereira admitted to authoring the fake article and the email enclosing it.

- [62] At trial, the Provincial Court judge held that the Crown had proven the *actus reus* of uttering threats, but had not proven the *mens rea* of intention to be taken seriously or intimidate, and therefore acquitted Ms. Pereira of the charges.
- [63] In reasons indexed at 2024 BCSC 436, Madam Justice Power granted the Crown summary judgment dismissing the malicious prosecution claim, finding that Ms. Pereira could not establish a genuine issue that the prosecution was undertaken without reasonable and probable cause or that it was motivated by malice. She found that the fake news article itself constituted reasonable and probable grounds, albeit not of course proof beyond a reasonable doubt, of the necessary *mens rea*. Moreover, there was no evidence at all of malice on part of the prosecutors.
- [64] Ms. Pereira's main argument that the Crown acted with malice was that the Provincial Crown had stayed private informations she laid against a number of individuals. She had judicially reviewed these stays unsuccessfully and her appeals were also unsuccessful. These were not "proceedings" within the meaning of the Supreme Court Act: *Holland v. British Columbia (Attorney General)*, 2020 BCCA 304 at para. 31. However, I find that because these stays were the basis for her claim of "malice", the malicious prosecution application was, in substance, a relitigation of her failure to succeed in having the private informations proceed.
- [65] Madam Justice Power made a comment that "Ms. Pereira's litigation history is vexatious and an abuse of process": at para. 49. I accept that this was in obiter and not necessarily a finding that the malicious prosecution action itself was an abuse of process.
- [66] But while Madam Justice Power did not make this finding, I do. I find that the malicious prosecution action was, in substance, a Relitigation Proceeding of the decisions by the Crown to stay her private informations and was therefore vexatious. Moreover, since there was no real evidence of malice, and since the underlying prosecution was based on what was objectively (if not subjectively) a threat of violence, the malicious prosecution claim was also a Meritless Proceeding.

E. BCSC Terrace Action No. SS-22228, as against Pulver Crawford Munroe LLP and the Union (the "Fourth Supreme Court Civil Action")

- [67] On September 27, 2024, Ms. Pereira filed yet another civil action against Dexterra, this time also including as defendants its lawyers, Pulver Crawford Munroe LLP. She later added the Union.

- [68] On April 3, 2025, Justice Harvey struck the action as against Pulver Crawford Munroe on the grounds that Ms. Pereira's Notice of Civil Claim set out no reasonable cause of action against it. This was clearly an example of a Proceeding Targeting Opposing Counsel.
- [69] Also on April 3, 2025, Justice Harvey varied an order adding the Union, on the basis the action as against the Union was relitigation. As a result, this "cause" was a Relitigation Proceeding and thus a vexatious proceeding.

#### **F. BCSC Terrace Action No. 22320 (the "Second Labour Relations Board Petition")**

- [70] Finally, I come to BCSC Terrace Action No. 22320, the petition for judicial review I struck as relitigation earlier this week (the "Second Labour Relations Board Petition"). Ms. Pereira acknowledged that she sought precisely the same relief as in her original petition for judicial review against the BC Labour Relation Board. Her basis for saying that the principle of res judicata did not apply was that the original decision maker on her s. 12 complaints engaged in "fraud". On inspection, the sole basis for the claim of "fraud" was that the Associate Chair did not agree with her.
- [71] The Second Petition was thus relitigation and was thus another vexatious proceeding.

#### **G. Conclusion On Whether Ms. Pereira Has Instituted Vexatious Proceedings**

- [72] I find that the First Supreme Court Civil Action, the Second Supreme Court Civil Action, the Malicious Prosecution Action, the Fourth Supreme Court Civil Action as against Pulver Crawford Munroe and the Union and the Second Labour Relations Board Petition were all one or more of relitigation, meritless, brought for an improper motive, or targeted at counsel for an opposing party. They were thus all vexatious. It is clear therefore that Ms. Pereira has instituted vexatious proceedings.

#### **VI. Was the Institution of these Vexatious Proceedings "Habitual" and "Persistent"?**

- [73] The next question is whether the institution of these vexatious proceedings was "habitual" (which I take to be primarily retrospective) and "persistent" (which I take to be primarily prospective).
- [74] The Court of Appeal has stated that the word "habitual" has no special meaning in s. 18 of the Supreme Court Act and a judgment of whether a past pattern of bringing vexatious proceedings is "habitual" is a judgment call: *Lindsay v. Canada (Attorney General)*, 2005 BCCA 594. I have no difficulty at all in finding that Ms. Pereira's conduct in bringing vexatious proceedings has been "habitual" as that word would ordinarily be understood.
- [75] I also find that Ms. Pereira is "persistent" and likely to remain so. I base this on a number of reasons:
- a) First, it is an available inference from her past habitual conduct and one I am prepared to make;

- b) Second, during her oral argument in response to the application to strike out her Second Labour Relations Board petition, Ms. Pereira said explicitly that she intends to do whatever she can to right what she considers to have been an injustice when her s. 12 complaint was dismissed; and
  - c) Third, Ms. Pereira has a demonstrated inability to distinguish between her disagreement with a decision maker and that decision maker engaging in "fraud" or "corruption". This includes her allegations against Associate Chair Glougie. It also includes an allegation in a submission she made to the Court of Appeal that Justice Griffin was engaged in corruption, essentially for not agreeing with her.
- [76] Insincere accusations of fraud and corruption are obviously extremely blameworthy conduct. My finding, however, is that this conduct represents a sincere, but a deluded belief, on Ms. Pereira's part. Despite her obvious intelligence and ability to understand and formulate legal arguments, I find, based on her demeanour and the fact she has made these allegations in circumstances where she must have known they would not help her, Ms. Pereira is, for whatever reason, genuinely unable to make the distinction between someone disagreeing with something that she profoundly holds to be true, and that person being corrupt.
- [77] In some ways, this makes the persistence of her conduct even more likely than if she were engaged in insincere allegations of fraud and corruption. Because she sincerely believes that those who find against her must be acting in bad faith, costs and other similar consequences are not likely to provide the deterrence that they would to a person who just made these allegations for tactical purposes.

## VII. Exercise of Discretion

- [78] I am satisfied that unless there is an order of the court preventing her, Ms. Pereira will continue to bring proceedings against her former employer, her former co-workers, her former union and quite possibly others. She is motivated by her sincere desire to right what she considers wrong, but she is not going to be deterred by losing in court or by cost awards. In light of these findings, I am persuaded that a s. 18 order is necessary to prevent continued abuse of the court's process.
- [79] The past proceedings have already caused extensive financial and other costs to the Union, her employer, her former co-workers and others. They will almost certainly continue to do so unless a s. 18 order is made. It is reasonable to fear that still others may be brought into meritless and repetitive litigation.

- [80] The costs on the system of Ms. Pereira's extensive litigation is sizeable. Terrace is not a large registry. A disproportionate share of judicial time and court resources have been devoted to Ms. Pereira, which necessarily means that time and those resources are not available for other proceedings. I can infer that her habitual and persistent vexatious litigation has effectively denied other members of the community their day in court. There is no prospect that this will improve unless a s. 18 order is made.
- [81] As in any case, I must consider Ms. Pereira's right of access to justice as well. I am cognizant of the principle that my authority under s. 18 must be exercised with caution.
- [82] However, I do not have any doubt that this is a case in which that authority must be exercised to protect the system and the persons who Ms. Pereira blames for her dismissal. Enough is enough.

### VIII. Scope of Order Under Section 18

- [83] Under s. 18, I do not have the power to stay existing proceedings, only to require leave to institute new ones. This is one way in which s. 18 of the Supreme Court Act differs from other provisions in other provinces, and from s. 22 of the Court of Appeal Act, S.B.C. 2021, c. 6. Whereas s. 22 of the Court of Appeal Act permits a justice or division of the Court of Appeal to order a person must not bring or continue an appeal or application for leave to appeal, s. 18 provides for an order that a legal proceeding must not be instituted without leave of the court, and does not provide any authority to stay existing proceedings.
- [84] I recognize that the superior courts have inherent jurisdiction to control their own processes and to provide for a remedy where no other remedy exists. However, in my view, inherent authority should not be exercised here for the following reasons:
- a) The forward-looking nature of s. 18 represents a democratically-established balance. This should be respected if possible; and
  - b) Inherent authority should, in general, only be exercised if no other remedy exists. If a defendant in an existing proceeding considers that the proceeding is an abuse of process, they are not without a remedy since they can seek that the proceeding be struck under Rule 9-5.
- [85] It is, however, my understanding of the definition of "proceeding" in the Supreme Court Act, includes new interlocutory applications in existing proceedings. Thus, Ms. Pereira will still need leave to bring a chambers application in any existing proceeding in the Supreme Court and Provincial Court, but is not prohibited from taking litigation steps that do not require an application or motion without leave.

- [86] In my view, this is appropriate. Ms. Pereira is intelligent and resourceful in her use of legal arguments and remedies. She has tried to use the PIPA small claims proceeding to bring in extraneous evidence, and has used it to seek inappropriate remedies against Pulver Crawford Munroe. If those actions continue, she should be required to obtain leave before she can bring further applications.
- [87] I have considered limiting the scope of the order to proceedings connected in some way to Ms. Pereira's employment with Dexterra. However, in my view, any such order would necessarily give rise to opportunities for further litigation, which would defeat the point of the order. I will exempt family law proceedings, as a category of proceeding that is less likely to give rise to such issues and where the impact on an individual of not having access to court is potentially quite great.

## IX. Order

[88] I therefore make the following declarations and orders:

- a) A declaration that Corinne Pereira is a person who has habitually, persistently, and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court of British Columbia;
- b) An order that Corrine Pereira may not institute further legal proceedings, including initiating an action, petition proceeding, interlocutory or final application, in any court, except:
  - i. With the leave of a justice of the Supreme Court of British Columbia, or
  - ii. If the legal proceeding is or is in a family law proceeding.
- c) An order that Corinne Pereira must describe herself in any document filed in any court, other than in a family law proceeding, but including any application for leave under (b)(i) as "Corinne Pereira" and must not use initials, an alternative name or pseudonym; and
- d) Any document filed in court in contravention of this Order is a nullity and no person is required to respond to such a document. If Corinne Pereira obtains leave of a justice under (b)(i), then this order and the order providing such leave must be served with any document filed pursuant to that order.

## X. Costs

[89] There shall be no costs award either for or against the Attorney General of British Columbia or the Labour Relations Board. The other parties have leave to apply for costs.

"J. G. Morley, J."

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## The Honourable Justice Morley

- [1] Ms. Pereira was an employee of Horizon North Camps & Catering Partnership, of which Horizon North Camp & Catering Inc., the applicant, is the managing partner. Both entities are essentially subsidiaries of Dexterra Group Inc. In these reasons, I will do as the parties did in their submissions, and refer to all the related entities as "Dexterra". When this is a reference to "Dexterra" employing Ms. Pereira, it will mean Horizon North Camps & Catering Partnership. When it is a reference to the applicant in this application, it will be to Horizon North Camp & Catering Inc. When it is a reference to a related entity that has been a party in other litigation, it will be to that litigant. Making more granular distinctions would be confusing, and nothing turns on the imprecision.
- [2] Under s. 116(2) of the Code, an associate chair is a vice chair. Under s. 117(5)(a), a panel may consist of the chair or a single vice chair.
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