

CANADA / JUDGMENT

Peters (Re)

2025 BCSC 1105

COURT

Supreme Court of British Columbia

DECIDED

16 June 2025

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2025 BCSC 1105 Peters (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Peters (Re),

2025 BCSC 1105

Date: 20250616

Docket: 19615

Registry: Smithers

In the Matter of Katherine-eileen of the house of Peters

Before: The Honourable Justice Lamb

Reasons for Judgment

The Petitioner Appearing in Person

K. Peters

Place and Date of Hearing:

Smithers, B.C.

May 26, 2025

Place and Date of Judgment:

Smithers, B.C.

June 16, 2025

[1] The petitioner seeks the following orders:

- a) The previous names on Title, Barry Dennis [Wilson] and Donna Lee Wilson, be cancelled for Coast District, Lot Number [redacted], Range [redacted], Bulkley Nachako Region, Land Patent #[redacted] ("the Property");
 - b) The legal and equitable titles for [the Property] be merged into one perfected title and vesting orders given to vest the land in allodium to Katherine-eileen of the house of Peters;
 - c) The conveyance be recorded, and a copy of the certified, private, un-registered (sic) Title to be sent to Katherine-eileen of the house of Peters.
- [2] The petitioner purports to file her petition in the Smithers Court of Chancery British Columbia.
- [3] The petitioner claims to have purchased the Property for valuable consideration of \$950,000 "and with the lawful tender conveyance of twenty two dollars in silver coins". One of the documents the petitioner submitted to the court (though not properly tendered as evidence under oath or affirmation) was a "Bill of Conveyance Warranty Deed" purportedly signed by Barry Wilson and Donna Lee Wilson, the petitioner and three witnesses. The petitioner did not provide a state of title certificate for the Property to prove who the registered owners of the Property are. The petitioner provided a document entitled "Summary of Chain of Title" for the Property signed by three witnesses, which is not admissible evidence.
- [4] According to the petitioner, she posted "a Certificate of Conveyance and Declaration of Land Patent along with the updated Chain of Title and certified Land Patent in the Burns Lake Public Library on December 17, 2024 for the lawfully prescribed 61 days, during which time it went uncontested and unopposed". When asked for the source of the "lawfully prescribed 61 days", the petitioner referred to a text by Henry Gibson, "A treatise on suits in chancery". The court was not provided a copy of the text. More significantly, the petitioner was not able to identify any Canadian authority, statutory or common law, that gives any legal significance to this conduct or that recognizes the Gibson text as authoritative or persuasive.
- [5] The petitioner says she brought "all original documents" to the Kamloops Land Title Office to record the conveyance. The Deputy Registrar told the petitioner she would need a vesting order to transfer title without registration.
- [6] The petitioner asks for an order vesting the land, property, and all rights to the petitioner "in accordance with the original Land Patent document, [her] bill of Conveyance Warranty Deed, and [her] Certificate of Acceptance and Declaration of Land Patent". In support of her petition, the petitioner relies on divine law and various sections of the Law and Equity Act, R.S.B.C. 1996, c. 253.
- [7] It appears that the petitioner falls within the category of litigants known as Organized Pseudo-legal Commercial Argument ("OPCA") litigants. This moniker appears to have been coined by Associate Chief Justice J.D. Rooke of the Court of Queen's Bench of Alberta in an oft-cited decision, *Meads v. Meads*, 2012 ABQB 571.

- [8] Whether or not the petitioner is an OPCA litigant, I am dismissing her petition. The petitioner failed to satisfy me that the orders sought are well-founded in law or equity. The petitioner failed to establish that the Law and Equity Act authorizes the relief sought in these circumstances. Further and significantly, the petitioner was not able to identify any legal precedent for the order she seeks.

No authority for order cancelling registration of title

- [9] The petitioner failed to provide legal authority for the order sought.
- [10] In support of an order cancelling the registered title of the persons who purportedly sold the property to the petitioner, the petitioner relied on the Law and Equity Act. However, the petitioner could not identify which section of that act provided authority for the court to grant such an order. A review of the Law and Equity Act did not reveal a legal or equitable basis to cancel registered title in circumstances such as the case at bar.
- [11] Notably, the petitioner also did not identify any provision in the Land Title Act, R.S.B.C. 1996, c. 250, the statute under which the registration of title was made, that authorizes the cancellation of registered ownership in these circumstances.

No legal or factual basis for vesting land in allodium

- [12] As for the court's authority to make a vesting order "to vest the land in allodium", the petitioner relied on s. 37 of the Law and Equity Act, which provides as follows:

Vesting orders

37 (1) Where the court has authority to order the execution of a deed, conveyance, contract, transfer or assignment of any property or other document or to endorse any negotiable instrument, the court may, by order, vest the property in the person and in the manner and for the estates, as would be done by that deed, conveyance, contract, assignment or transfer if it were executed.

- (2) An order made under subsection (1) has the same effect as if the legal or other estate or interest in the property had been actually conveyed by deed or otherwise for the same estate or interest to the person in whom it is ordered to be vested or, in the case of a chose in action, as if the chose in action had been actually assigned to that person.

- [13] A vesting order made pursuant to s. 37 of the Law and Equity Act is a discretionary equitable remedy. At para. 95 of *Lanfer v. Eilers*, 2021 BCCA 241, our Court of Appeal explained that a s. 37 vesting order may be made when transfer of title to property is appropriate but the registered owner is unlikely to transfer title voluntarily. Even if I was satisfied based on the "Bill of Conveyance" that Barry Wilson and Donna Wilson had transferred their interest in the Property to the petitioner, there was no evidence to suggest the registered owners of the Property are unlikely to transfer title to the petitioner. I am not inclined to exercise my discretion in the absence of such evidence, particularly where, as in this case, the petitioner

is seeking to obtain "legal ownership" but avoid registration.

[14] While this is sufficient to dismiss the second term of order sought, I will add that the petitioner failed to prove that she is entitled to ownership of the Property in allodium. Black's Law Dictionary defines allodium as "an estate held in fee simple absolute". The registered owners of the Property may only convey to the petitioner what they in fact own. The petitioner failed to prove that Barry Wilson and Donna Wilson owned the Property in allodium.

No authority for "certified unregistered title"

[15] The petitioner failed to provide any legal authority for the third order she seeks. It is not clear what is meant by "certified unregistered title" or what legal significance granting such relief would have. In the circumstances, I am not prepared to grant such an order.

[16] The petition is dismissed.

"Lamb J."

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Prepared on 26 October 2026 · Esheria