

CANADA / JUDGMENT

R. v. Klos

2025 BCCA 367

COURT

British Columbia Court of Appeal

DECIDED

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2025 BCCA 367 R. v. Klos COURT OF APPEAL FOR BRITISH COLUMBIA Citation: R. v. Klos, 2025 BCCA 367 Date: 20251024 Docket: CA50893 Between: Rex Respondent And Morris Timothy Klos Appellant Before: The Honourable Madam Justice Fisher The Honourable Mr. Justice Grauer The Honourable Justice Fleming On appeal from: An order of the Supreme Court of British Columbia, dated July 16, 2025 (R. v. Klos, 2025 BCSC 1775, Abbotsford Docket 100002-1). The Appellant, on his own behalf: M.T. Klos Date of Referral for Summary Determination: September 22, 2025 Place and Date of Judgment: Vancouver, British Columbia October 24, 2025 Written Reasons of the Court Summary: An appeal from an application to lay a private information on the Attorney General of British Columbia is dismissed summarily pursuant to s. 685(1) of the Criminal Code. The appeal shows no substantial ground of appeal on a question of law and is also frivolous and vexatious. Reasons for Judgment of the Court:

- [1] This appeal purports to be from an order of the Supreme Court of British Columbia in chambers, dismissing an application by Morris Klos to lay a private information against the Attorney General of British Columbia, or her delegates, under ss. 504 and 507.1 of the Criminal Code, R.S.C. 1985, c. C-46. Mr. Klos also seeks other procedural orders as discussed below. The Registrar has referred this appeal to a division of this Court to consider whether it should be dismissed summarily, without a full hearing, pursuant to s. 685(1) of the Criminal Code: 685 (1) Where it appears to the registrar that a notice of appeal, which purports to be on a ground of appeal that involves a question of law alone, does not show a substantial ground of appeal, the registrar may refer the appeal to the court of appeal for summary determination, and, where an appeal is referred under this section, the court of appeal may, if it considers that the appeal is frivolous or vexatious and can be determined without being adjourned for a full hearing, dismiss the appeal summarily, without calling on any person to attend the hearing or to appear for the respondent on the hearing.
- [2] The judge dismissed the application because neither s. 504 nor s. 507.1 provide superior court judges with jurisdiction to receive an information.

- [3] The judge also dismissed requests from Mr. Klos for orders permitting him to personally conduct the prosecution of the charges he seeks to lay, to dispense with a hearing under s. 507.1, to give no force or effect to the Crown's power to stay an information under s. 579, requiring the Registry to accept any document he files, and to change the style of cause.
- [4] In his notice of appeal, Mr. Klos seeks to appeal the order dismissing his "ex parte request" for the assignment of a case management judge under s. 551.1 of the Criminal Code and for a hearing under ss. 551.3(1)(g)(iii) and 551.3(2) of the Criminal Code [powers before evidence on merits] and s. 24(1) of the Charter of Rights and Freedoms. In two separate letters addressed to the Chief Justice of British Columbia, Mr. Klos makes more specific requests that include orders:
- a) "attorning" this matter back to the Supreme Court of British Columbia for case management by Chief Justice Skolrood and for a hearing on the merits;
 - b) requiring the Registries to accept for filing all materials he provides;
 - c) limiting the "first hearing" to issues under s. 551.3(1)(g)(iii) with time for the parties to "settle issues such as agreements, pleas, the style of cause or appointment of counsel";
 - d) permitting him and his mother to apply to and receive from a court of competent jurisdiction an appropriate Charter remedy and restricting the respondent from opposing any injunctive relief absent a s. 1 justification for the alleged infringements, and "any technical or unnecessarily complicated argument not specifically speaking to merit shall be met with immediate contempt of the court".
- [5] It is our opinion that this appeal shows no substantial ground of appeal on a question of law and is also frivolous and vexatious. Accordingly, it should be dismissed summarily.
- [6] Section 504 of the Criminal Code permits a person to lay an information before a "justice", who is defined in s. 2 as a "justice of the peace or a provincial court judge". Section 507.1 requires a justice who receives a private information to refer it to a provincial court judge, who considers whether a case is made out. The chambers judge referred Mr. Klos to these sections and correctly determined that there was no legal issue to be decided by the Supreme Court of British Columbia.
- [7] The judge also correctly dismissed the remainder of Mr. Klos' applications on the basis that proper notice to the Attorney General was required with respect to any constitutional challenge, no specific Charter breaches were alleged, and there was no basis to grant any of the procedural orders sought.

- [8] In addition, Mr. Klos' appeal seeks relief in the form of case management orders in the trial court that were not addressed by the court below and for which this Court has no jurisdiction. In any case, the Criminal Code does not provide for an appeal from a decision to grant or refuse case management orders under ss. 551.1 and 551.3. The remaining requests raised on this appeal are wholly disconnected from the orders made by the judge and so cannot be considered by this Court.
- [9] The appeal is therefore dismissed summarily pursuant to s. 685(1) of the Criminal Code. "The Honourable Madam Justice Fisher" "The Honourable Mr. Justice Grauer" "The Honourable Justice Fleming"

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