
CANADA / JUDGMENT

Slater Vecchio LLP v. Arvanitis

2019 BCCA 481

COURT

British Columbia Court of Appeal

DECIDED

29 October 2019

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

2020 BCCA 481 Slater Vecchio LLP v. Arvanitis

COURT OF APPEAL FOR BRITISH COLUMBIA

Citation:

Slater Vecchio LLP v. Arvanitis,

2019 BCCA 481

Date: 20191029

Dockets: CA46372; CA46373; CA46375

Between:

Slater Vecchio LLP

Respondent

(Plaintiff)

And

Vicky Arvanitis

Appellant

(Defendant)

Before:

The Honourable Madam Justice Dickson

(In Chambers)

On appeal from: Orders of the Supreme Court of British Columbia, dated June 20, 2019 (Slater Vecchio LLP v. Arvanitis, 2019 BCSC 1156, Vancouver Docket S195495); July 12, 2019 and August 15, 2019 (Slater Vecchio LLP v. Arvanitis, Vancouver Docket S195495).

Oral Reasons for Judgment

The Appellant, appearing in person:

V. Arvanitis

Counsel for the Respondent:

D.K. Georgetti

Place and Date of Hearing:

Vancouver, British Columbia

October 2, 2019

Place and Date of Judgment:

Vancouver, British Columbia

October 29, 2019

Summary:

The applicant seeks an extension of time to appeal three orders of the court below made in the context of a defamation action. Held: Applications dismissed. All three proposed appeals are bound to fail. Two of the proposed appeals are moot and the applicant has demonstrated no arguable ground of appeal with respect to the third.

- [1] DICKSON J.A.: The applicant, Vicky Arvanitis, seeks an extension of time to appeal three orders of the court below, pursuant to s. 10(1) of the Court of Appeal Act, R.S.B.C. 1996, c. 77 and Rule 52 of the Court of Appeal Rules, as well as orders that no fees are payable in the appeals, pursuant to Rule 56(1) of the Rules. The appeals relate to the following orders:
- a) the order of Justice Duncan pronounced on June 20, 2019, granting an interlocutory injunction requiring Ms. Arvanitis to remove defamatory posts from various websites and refrain from further defamatory activity;
 - b) the bench warrant issued by Justice Dillon on July 12, 2019 for contempt of court; and
 - c) the order of Justice Sharma issued on August 15, 2019, granting summary judgment to the respondent with respect to its claim in defamation, striking Ms. Arvanitis' counterclaim, and ordering that the interim injunction granted by Justice Duncan continue as a permanent injunction.
- [2] In addition, the respondent law firm, Slater Vecchio LLP ("Slater Vecchio"), seeks an order that further proceedings by Ms. Arvanitis must not be brought or commenced in this Court without leave of a justice, pursuant to s. 29 of the Court of Appeal Act, and an order that Ms. Arvanitis post \$10,000 as security for costs, pursuant to s. 24, in respect of the proposed appeals in the event that an extension is granted.

- [3] By consent, the application that Ms. Arvanitis be declared a vexatious litigant is adjourned generally. These reasons will deal only with Ms. Arvanitis' application for extension of time to appeal the three orders, her application that fees be waived, and, if necessary, the application brought by Slater Vecchio for security for costs.

Background

- [4] Ms. Arvanitis is a former client of Slater Vecchio, the law firm that represented her in a personal injury claim. Ms. Arvanitis was unhappy with the conduct of the file and sued the firm in negligence. Following a 12-day trial, Justice Sigurdson dismissed her claim and ordered her to pay costs of \$8,000. The trial reasons are indexed at 2016 BCSC 1612. The costs reasons are indexed at 2017 BCSC 155.
- [5] Ms. Arvanitis did not appeal Justice Sigurdson's decision. Instead, she commenced what Justice Sharma described as "a concerted and persistent campaign of stirring up ill feeling and malice, based on her anger toward the plaintiff". In doing so, Ms. Arvanitis posted extremely negative comments about the firm on various online review and social media platforms, including on personal accounts belonging to Slater Vecchio employees and the children of a partner at the firm. She also contacted current and former clients of the firm. For example, she wrote that the firm steals money from its disabled clients and engages in "disgusting unethical behaviour". Ms. Arvanitis did not deny posting comments to this effect.
- [6] Slater Vecchio brought a claim in defamation and sought an interlocutory injunction requiring Ms. Arvanitis to remove the postings and refrain from publishing further statements referring to the firm. Ms. Arvanitis filed a response and a counterclaim.
- [7] Slater Vecchio applied for an order striking the counterclaim pursuant to Rule 9-5 of the Supreme Court Civil Rules, an order that Ms. Arvanitis be declared a vexatious litigant, pursuant to s. 18 of the Supreme Court Act, R.S.B.C. 1996, c. 443, and an order requiring her to produce copies of all of her correspondence with clients of the firm and the media.
- [8] On June 20, 2019, in reasons indexed at 2019 BCSC 1156, Justice Duncan granted the interlocutory injunction. However, Slater Vecchio discovered additional content posted online by Ms. Arvanitis and learned that she had not removed the earlier content as ordered. Slater Vecchio accordingly brought an application for contempt of court.
- [9] On July 12, 2019, Justice Dillon issued a bench warrant for Ms. Arvanitis' arrest when she failed to attend the contempt hearing.
- [10] On July 22, 2019, Justice Groves found Ms. Arvanitis guilty of contempt of court. He ordered Ms. Arvanitis to make her best efforts to immediately remove the previously posted online content immediately. Ms. Arvanitis has not appealed the order of Justice Groves.

- [11] Slater Vecchio applied to have Ms. Arvanitis' response to civil claim struck or, alternatively, for summary judgment. The applications were heard together by Justice Sharma on August 15, 2019. She gave oral reasons the same day, holding as follows:
- a) First, Justice Sharma granted Slater Vecchio's application to dismiss Ms. Arvanitis' counterclaim, finding it had no chance of success. The counterclaim sought damages for money taken out of trust to cover Ms. Arvanitis' legal fees -- a claim that had already been rejected by Justice Sigurdson and was therefore *res judicata*.
 - b) Second, Justice Sharma granted summary judgment for Slater Vecchio with regard to the defamation action. The only defence raised by Ms. Arvanitis was freedom of expression, under s. 2(b) of the Canadian Charter of Rights and Freedoms. However, as Justice Sharma noted, the Charter does not apply to private parties and does not preclude defamation claims.
 - c) Third, Justice Sharma ordered that the interim injunction issued by Justice Duncan continue permanently. This finding was based, among other things, on: the importance to Slater Vecchio of protecting its relationship with its former and current clients; the fact that Slater Vecchio exercised restraint in not taking legal action immediately against Ms. Arvanitis; the significant concerns raised by Ms. Arvanitis' contact with the children of one of the firm's partners; the fact that, in recognition of Ms. Arvanitis' indigent status, Slater Vecchio was not seeking damages and thus required injunctive relief to protect its reputation; and the concerted and persistent efforts of Ms. Arvanitis to damage the firm's reputation.
 - d) Fourth, Justice Sharma found Ms. Arvanitis to be a vexatious litigant and prohibited her from instituting proceedings against Slater Vecchio, its partners or employees without leave of the court and adjourned the application for an order prohibiting her from doing so against counsel for Slater Vecchio or his partners or employees.
 - e) Finally, Justice Sharma ordered that Ms. Arvanitis provide copies of all correspondence exchanged with former or current clients of the firm.
- [12] On September 16, 2019, counsel for Slater Vecchio submitted a request to appear back before Justice Sharma seeking a further order for compliance respecting one of her orders. On September 17, 2019, Ms. Arvanitis filed notices of appeal with respect to Justice Duncan's order and Justice Sharma's order. On September 18, 2019, she filed a third notice of appeal with respect to the warrant for arrest issued by Justice Dillon.
- [13] In her notices of appeal, Ms. Arvanitis asserts:
- a) regarding the order of Justice Duncan, that she was not in breach of a court order and that evidence submitted against her was incorrect, that she cannot afford to pay the "order", and that she was unrepresented and experiencing health issues at the time of the application;
 - b) regarding the order of Justice Sharma, that she was unrepresented at the time of the hearing and was being harassed by opposing counsel, and that she is not a vexatious litigant; and

- c) regarding the warrant issued by Justice Dillon, that the evidence submitted against her was inaccurate and she was unrepresented at the hearing.
- [14] Together with each notice of appeal, Ms. Arvanitis filed a notice of motion seeking an extension of time to bring her appeal and an order that no fees are payable. In an affidavit filed in support of her motions, Ms. Arvanitis deposes, among other things, that her delay in filing was due to stress caused by what she perceives as vexatious proceedings brought against her by Slater Vecchio, as well as other health issues.

Law

- [15] Under s. 15 of the Court of Appeal Act, the time limit to bring an appeal is 30 days from when the order is pronounced. However, under s. 10(1), a justice may extend the time within which an appeal may be brought.
- [16] The applicable test was set out by this Court in *Davies v. Canadian Imperial Bank of Commerce* (1987), 15 B.C.L.R. (2d) 256 at 259-260 and requires consideration of the following factors:
- a) Was there a bona fide intention to appeal?
 - b) When were the respondents informed of the intention?
 - c) Would the respondents be unduly prejudiced by an extension of time?
 - d) Is there merit to the appeal?
 - e) Is it in the interest of justice that an extension be granted?
- [17] The interests of justice is the overriding consideration: *Davies* at 260-261; *Lit v. Lit*, 2019 BCCA 158 (Fisher J.A. in Chambers).
- [18] In assessing the merits of the appeal, the court must ask whether it is "doomed to fail": *Stewart v. Postnikoff*, 2014 BCCA 292 at para. 6 (Goepel J.A. in Chambers). Where the application is for an extension of time to bring an appeal, the fact that the appeal has no merit will be decisive: *Clock Holdings Ltd. v. Braich*, 2009 BCCA 269 at para. 31 (Frankel J.A. in Chambers); *MacLanders v. MacLanders*, 2012 BCCA 218 at para. 19 (Hinkson J.A. in Chambers).

Conclusion

- [19] In my view, all three proposed appeals concerning which Ms. Arvanitis seeks an extension of time to file a notice of appeal are bound to fail. That being so, in light of the *Davies* criteria, I decline to grant an extension of time to file any of the notices of appeal.

- [20] The proposed appeals with respect to the arrest warrant and the interim injunction are both moot. The arrest warrant has been executed and the contempt hearing conducted. The interim injunction has been superseded by the permanent injunction granted by Justice Sharma.
- [21] As to the proposed appeal of Justice Sharma's order, I am unable to discern any possible merit in it. The reasons are thorough and cogent, Ms. Arvanitis raised no legal defence to the defamation claim, and she has provided no legal basis for the proposed appeal. The fact that she was unrepresented is not a ground of appeal.
- [22] As I decline to grant an extension of time to file any of the notices of appeal, it is unnecessary for me to deal with the application to waive fees or the application for security for costs. As I have mentioned, the parties have agreed that Slater Vecchio's application that Ms. Arvanitis be declared a vexatious litigant in this Court would be adjourned generally by consent.
- [23] I dismiss Ms. Arvanitis' applications and adjourn the vexatious litigant application.
- [Discussion with appellant and counsel re: dispensing with appellant's signature as to the form of the order.]
- [24] DICKSON J.A.: I have made the order. Mr. Georgetti will draft the order and I will give Ms. Arvanitis a period of time in which to have the order endorsed, and if after that period, the order is not endorsed by that time, then I will waive the need for Ms. Arvanitis to endorse it.
- [25] If Ms. Arvanitis has not endorsed the form of order by November 5, 2019 at 4:00 p.m., then I dispense with the need for her signature. But, I very much encourage Ms. Arvanitis to do so.
- [Discussion with counsel re: terms of the order.]
- [26] DICKSON J.A.: One order with the three docket numbers is fine. I have denied the extension application and dismissed the application for waiver of fees. I have adjourned generally the vexatious litigant application by consent.

"The Honourable Madam Justice Dickson"

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/ca/19/04/2019BCCA0481.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/slatter-vecchio-llp-v-arvanitis-2019>

Prepared on 29 October 2026 · Esheria