

CANADA / JUDGMENT

Steen v. British Columbia (Justice)

2016 BCSC 1132

COURT

Supreme Court of British Columbia

DECIDED

12 February 2016

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2016 BCSC 1132 Steen v. British Columbia (Justice) IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Steen v. British Columbia (Justice), 2016 BCSC 1132 Date: 20160212 Docket: 15-4257 Registry: Victoria Between: Evert Jan Steen Plaintiff And The Minister of Justice and the Attorney General for British Columbia Defendants Before: The Honourable Mr. Justice G.R.J. Gaul Oral Reasons for Judgment In Chambers Appearing on his own behalf: E. Steen Counsel for the defendants: J. Van Camp Place and Date of Hearing: Victoria, B.C. February 12, 2016 Place and Date of Judgment: Victoria, B.C. February 12, 2016

- [1] THE COURT: I will give you my decision now. In doing so, I reserve the right to make editorial revisions to my reasons before their reproduction in final form. In no manner will the results of my decision be changed.
- [2] I have before me a notice of application that was filed on 3 November 2015, by the plaintiff, Mr. Steen. It was set down for hearing by a requisition he filed on 17 November 2015.
- [3] The defendant's office was not served with the plaintiff's materials; however, they became aware of the application and they have filed a response. That response was filed on 11 February 2016, yesterday.
- [4] When I read Mr. Steen's notice of application in advance of this hearing, the nature of the application and the legal basis for the relief he is seeking remained unclear to me. After having heard Mr. Steen, it appears he wishes to have his claim against the defendant, the Minister of Justice and Attorney General of British Columbia, determined by way of summary trial. Moreover, the principal relief he appears to seek is an award \$125,000 in general damages for "financial losses, legal costs and representation, time and life consumed, general emotional suffering and duress, as well, loss of his good name within his communities, both at home and online".
- [5] In response to Mr. Steen's application, the defendant says Mr. Steen's action discloses no reasonable claim and is an abuse of the court's process. Consequently, the defendant seeks an order pursuant to Rule 9-5(1)(a) and (d) of the Supreme Court Civil Rules striking out Mr. Steen's notice of civil claim and dismissing his action.

- [6] As best I can determine, having read the notice of civil claim a number of times, and having heard Mr. Steen's submissions, he alleges a Provincial Court judge erred when, in May of 2010, she dismissed his original Small Claims action against an Ontario corporate defendant. Specifically, Mr. Steen contends that the judge erred when she advised him that he should sue the corporate defendant in Ontario and when she advised him to appeal her decision dismissing his action.
- [7] Mr. Steen asserts he followed the judge's flawed advice and that in doing so he incurred significant costs and expenses. This is the foundation of his claim for damages against the Minister of Justice and Attorney General of British Columbia. It remains unexplained how he reached the actual sum of \$125,000 in damages.
- [8] Mr. Steen appealed the Provincial Court judge's decision dismissing his original action. That appeal came before Madam Justice Dardi of this court in August of 2010. Because the respondent had served its material late, Mr. Steen requested and was granted an adjournment of the hearing so that he could properly respond to the issues being raised by the respondent. For reasons that are not clear to me, Mr. Steen did not pursue his appeal. Instead, he chose to abandon it. He then pursued a lawsuit against the same corporate defendant in Ontario. That legal action, it would appear, was unsuccessful. Mr. Steen has now turned his attention back to British Columbia and seeks relief from the Minister of Justice and Attorney General for what he says are the errors the Provincial Court judge made in his original action.
- [9] I have read the transcript of the proceedings in Provincial Court, as well as the judge's reasons for judgment. I do not agree with Mr. Steen when he says the judge provided him with erroneous legal advice. In my view, the judge found Mr. Steen had filed his action in the incorrect registry and as such he had not complied with the Small Claims Rules. In the result, she dismissed his claim, concluding the Provincial Court of British Columbia did not have jurisdiction to hear it. At the conclusion of the proceeding, the judge explained to Mr. Steen: If you wish to appeal my decision, then you're certainly welcome to do that, but I can't tell you how to do that.
- [10] In my opinion, the judge was not giving Mr. Steen legal advice, nor was she telling him what he should do.
- [11] Mr. Steen did appeal from the Provincial Court judge's decision, but as I have already noted, he abandoned that appeal. That occurred about six years ago. While my function today is not that of an appellate court, I will note that the time for determining whether the Provincial Court judge erred when she rendered her decision in May 2010 has long since passed.
- [12] I understand that Mr. Steen may be frustrated and disillusioned with his attempts to pursue his original civil claim against the corporate defendant. He initiated that claim in British Columbia, but it was dismissed because the court held it lacked jurisdiction to hear it. His subsequent attempt to pursue the claim in Ontario was also unsuccessful. Be that as it may, the fact of the matter is I can find nothing in the notice of civil claim that is before me that

sets out any foundation, legal or otherwise, that justifies or could support the claims Mr. Steen is making against the Minister of Justice and Attorney General of British Columbia. In my opinion, the notice of civil claim discloses no reasonable claim and to allow it to proceed would amount to an abuse of the court's process.

[13] For all of these reasons, I am ordering, pursuant to Rule 9-5(1), that Mr. Steen's notice of civil claim be struck out and that his action be dismissed. "G. R. J. Gaul J."

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