

CANADA / JUDGMENT

Stein v. Ratushny

2025 BCSC 830

COURT

Supreme Court of British Columbia

DECIDED

2 May 2025

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

2025 BCSC 830 Stein v. Ratushny

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Stein v. Ratushny,

2025 BCSC 830

Date: 20250502

Docket: S234786

Registry: Vancouver

Between:

Cheryl Ann Stein

Plaintiff

And

Rany Ratushny, Sylton Holding & Management Company Ltd., Pacific Asset Management Corporation (PAMC), Rebecca ("Becky") Hachey, Michael Henderson, Adree (Avery) Grandison, John Doe and Jane Doe

Defendants

Before: The Honourable Justice Doyle

Reasons for Judgment

The Plaintiff, appearing in person:

C. Stein

Counsel for the Defendants:

A.L. Doolittle

N.E. John

Place and Date of Hearing:

Vancouver, B.C.

February 3, 2025

Place and Date of Judgment:

Vancouver, B.C.

May 2, 2025

- [1] By notice of application filed January 3, 2025 (the "Notice"), the plaintiff seeks anonymity in this proceeding. The plaintiff has a significant history in this Court, discussed below. Based on her submissions and her anonymity applications in other matters, I understand her to seek that any reference to her be "initialized" in this and future decisions in this matter. She does not seek a sealing order, as she has in some cases noted below, nor a publication ban.
- [2] For the reasons that follow, the plaintiff's application is dismissed.

Background

- [3] The plaintiff commenced this proceeding by notice of civil claim filed July 5, 2023. The defendants filed their response on July 26, 2023. The plaintiff filed an amended notice of civil claim on November 17, 2023.
- [4] The defendants applied to strike the claim. On July 23, 2024, the Honourable Justice E. McDonald dismissed the defendants' application (2024 BCSC 1322).
- [5] In the course of her reasons, McDonald J. concisely contextualized the matter at paras. 1-8:

Introduction

- [1] The plaintiff, who is self-represented, alleges that she sustained damage and loss as a result of, among other things, the defendants wrongfully denying her access to her rental apartment in the summer of 2021. In her amended notice of civil claim filed on November 17, 2023 (the "Claim"), the plaintiff sets out facts that she says took place in 2021 and 2022.
- [2] In the Claim, the plaintiff seeks damages from the defendants for, among other things, personal injury, breach of privacy, negligence and emotional distress. The plaintiff specifically pleads that her Claim excludes issues raised in, or dealt with by, the Residential Tenancy Branch ("RTB").
- [3] The defendants apply to strike out the plaintiff's Claim, without leave to amend, alleging that the Claim is prolix, doomed to fail and that it duplicates proceedings in the RTB.

- [4] For the reasons that follow, I order that the plaintiff shall have an opportunity to further amend the Claim to, for example, plead defamation.

Issue

- [5] The sole issue is whether the court should strike the Claim pursuant to Rule 9-5(1)(a), (b) and (c) of the Supreme Court Civil Rules.

Background

- [6] On July 5, 2023, the plaintiff filed the notice of civil claim and then filed an amended version on November 17, 2023. The matters at issue in the Claim relate to the parties' tenant-landlord relationship and certain events that took place in 2021 and 2022 related to the plaintiff's tenancy and her access to the rental unit after the plaintiff was hospitalized.
- [7] In the amended version, the plaintiff pleads that the Claim is intended to protect her right to claim for emotional distress, personal injury, "etc.". The amended version also states that the Claim has nothing to do with other proceedings in the RTB, such as the December 23, 2021 Decision in the plaintiff's favour.
- [8] The Claim pleads that due to the plaintiff becoming ill and hospitalized in the summer of 2021, the landlord illegally locked her out of her apartment until October 6, 2021, which caused her emotional distress. It also pleads that on August 23, 2021, Mr. Ratushny sent a defamatory email about her to all tenants of the building. In para. 13 of the Claim it states:
13. Rany & landlord defamed Ms. Stein and gave out personal information to all in the building concerning her - it threatened her safety and her well being and was against the law. The note read in part, to "call the police" if they see Ms. Stein on the property and to "not let her in" among other horrible things, one calling her a threat.

[Emphasis in original.]

- [6] McDonald J. granted "the plaintiff leave to further amend the Claim to address the issues raised by the defendants, such as pleading material facts capable of supporting a claim for defamation" (para. 27).
- [7] The plaintiff filed a second amended notice of civil claim on October 4, 2024 (the "2nd Amended NOCC") on various bases, including defamation, emotional distress and personal injury. As she had in her earlier pleadings, she set out in Part 1 (Statement of Facts) allegations including defamation from the email noted by McDonald J. (set out above) as well as related emotional distress and personal injury.
- [8] At the end of Part 1 (Statement of Facts), the plaintiff stated at para. 23 that she seeks anonymity.
- [9] The defendants filed a response to the 2nd Amended NOCC on October 18, 2024.

This Application

- [10] The plaintiff succinctly summarizes her application for anonymity in her Notice: "to protect her dignity and rights to person & security as well as her rights to future employment & relationships" (para. 16); and that "she has suffered enough already and it causes no prejudice to the defendants nor public interest to grant her anonymity" (para. 17).
- [11] Earlier in that Notice, the plaintiff noted personal details (para. 13), and that there was "much exposure in both the amended NOCC" and McDonald J.'s decision (para. 14). She elaborated upon those in support of her application.
- [12] At para. 12 of her Notice, the plaintiff states that "she asked for anonymity by Madam Justice Macdonald [sic], but I believe this was overlooked as the defendants presented so much material at the hearing that it was distracting". I was not provided a transcript of that hearing and can only say that this is the only application by the plaintiff for anonymity in this matter of which I am aware.
- [13] The defendants do not contest the application, but did provide further background about earlier applications by the plaintiff for anonymity or initialization, in other proceedings.

Analysis

- [14] The plaintiff was declared a vexatious litigant by Mr. Justice Milman in *Stein v. Allen*, 2019 BCSC 1734. Milman J. barred the plaintiff from instituting or carrying on any proceedings in this Court and the Provincial Court of British Columbia with respect to certain people (not these defendants) described in para. 77 of those reasons for judgment.
- [15] Ms. Stein has sought anonymization in B.C. courts and tribunals on several occasions, some of which are summarized by other justices of this Court.
- [16] Madam Justice Fitzpatrick provides a summary in *Stein v. British Columbia (Human Rights Tribunal)*, 2020 BCSC 70 at paras. 27 to 40 (the "Fitzpatrick Decision"). The summary includes reference to orders made by Justice Watchuk and Justice Tammen, to which the plaintiff referred in her submissions.
- [17] At para. 87, Fitzpatrick J. states:
- [87] I adopt the summary of the law concerning the principles upon which anonymity and the sealing of the court file might be granted, as set out in the *Myers Decision* [*Stein v. Keebler*, 2019 BCSC 1194]:
- [110] Turning to the legal test, in *R. v. Mentuck*, 2001 SCC 76 at para. 32, Iacobucci J., writing for the Court, set out the test for a publication ban:

A publication ban should only be ordered when:

- (a) such an order is necessary in order to prevent a serious risk to the proper administration of justice because reasonably alternative measures will not prevent the risk; and
- (b) the salutary effects of the publication ban outweigh the deleterious effects on the rights and interests of the parties and the public, including the effects on the right to free expression, the right of the accused to a fair and public trial, and the efficacy of the administration of justice.

[111] The same test has been applied to anonymization applications. See, for example, *Davidge v. Fairholm*, 2014 BCSC 2150. The decisions recognise that anonymization offends the open court principle.

[18] In *Stein v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2020 BCSC 772, Mr. Justice Saunders reviewed the history of the plaintiff's applications in this regard (paras. 14 to 18).

[19] More recently, the Supreme Court of Canada addressed the open-court principle in *Sherman Estate v. Donovan*, 2021 SCC 25, and I make particular note of paras. 33 to 35 and 38.

[20] I note the comments of Madam Justice Bennett in *A Lawyer v. The Law Society of British Columbia*, 2021 BCCA 284:

[69] There is support in the jurisprudence for the proposition that risk to reputation may be considered at this stage: *Party A v. British Columbia (Securities Commission)*, 2020 BCCA 88 at paras. 4-5; *Party A v. Party B*, 2013 BCCA 195 at paras. 25-26, 33.

[70] However, *Sherman Estate* has modified the law, and made the test more stringent.

[71] Here, at issue is reputational harm to the applicant, the firm, and the firm's employees. In light of *Sherman Estate*, whether a sealing order is necessary to prevent a "serious risk to an important public interest" is thus questionable, as it is a live question whether reputation is enough to constitute an important public interest. The same would apply to anonymization.

[72] However, at para. 33, the Court in *Sherman Estate* held:

A court can make an exception to the open court principle, notwithstanding the strong presumption in its favour, if the interest in protecting core aspects of individuals' personal lives that bear on their dignity is at serious risk by reason of the dissemination of sufficiently sensitive information. The question is not whether the information is "personal" to the individual concerned, but whether, because of its highly sensitive character, its dissemination would occasion an affront to their dignity that society as a whole has a stake in protecting.

[Emphasis added by Bennett J.A.]

[73] The question comes down to whether the information sought to be sealed is sufficiently sensitive and "bears on their dignity" in such a way as to displace the strong presumption in favour of the openness of court.

- [74] It is not enough that the information disseminated is a "source of discomfort": *Sherman Estates* at para. 56. It must "strike at the core identity of the affected persons": *Sherman Estates* at para. 36. As well, the Court in *Sherman Estates* cautions against too broad a recognition of a public interest in privacy: at para. 57.
- [21] In this case, the plaintiff seeks anonymization well into the process. As she has in other matters, she is representing herself on this matter.
- [22] As noted earlier, the defendants did not oppose this application, nor do they make a similar application in relation to themselves.
- [23] This Court must nonetheless be mindful of the principles outlined in the above cases, particularly with respect to the open-court principle and the rarity of orders for anonymization.
- [24] The original notice of civil claim was filed July 5, 2023, almost two years ago. It is clear that the plaintiff was well aware of anonymization, and had applied for it in several prior proceedings summarized by this Court in the cases noted above, dating back to 2019.
- [25] The plaintiff now seeks anonymization in this matter on the basis of the impact of future employment opportunities, livelihood and life, submitting that she already suffers enough stigma and does not need more.
- [26] Now, well after the fact, she cites "exposure" in her pleadings and the reasons for judgment of *McDonald J.*
- [27] The reasons of *McDonald J.* minimally outline the plaintiff's claim and do not delve deeply into details included by the plaintiff in all versions of her pleadings, including the most recent one. The plaintiff does not seek retroactive anonymization of *McDonald J.*'s reasons.
- [28] None of the responses to civil claim delve into those details.
- [29] On this application, the plaintiff brought to my attention some of the details in her pleadings and some are set out in her Notice. Some allege personal occurrences capable of striking at her core and bearing on her dignity. Part of her most recently amended claim is that those occurrences were caused by the alleged defamation.
- [30] Mr. Justice Saunders noted that the plaintiff "has a complex medical history, that viewed in isolation could properly be seen as leaving her vulnerable and possibly deserving of protection" (2020 BCSC 772 at para. 27), and he noted at para. 23 of that case that Justice Watchuk accepted the plaintiff was a vulnerable person when on July 15, 2019, she retroactively initialized an earlier decision (see para. 14).
- [31] As such, there may be salutary effects of anonymization in this Court, absent other factors for consideration. I earlier noted that this application is not timely, particularly given the plaintiff's substantial previous experience bringing such applications.

[32] One other important factor present in this case, and not present at the time of Justice Watchuk's decision, is that the plaintiff was declared by this Court to be a vexatious litigant by Milman J. on October 10, 2019.

[33] I note the following from the Fitzpatrick Decision:

[96] The second, and related, point is that Ms. Stein has been declared a vexatious litigant and with good reason, as discussed in the Milman Decision. To that end, I would refer to the Myers Decision again:

[112] In *Toronto Star v. AG Ontario*, 2018 ONSC 2586 at para. 111, Morgan J. highlighted the negative effect of non-disclosure of the identities of litigants in administrative tribunals:

The deleterious effects of the presumption against disclosure in s. 21(1) and related provisions of FIPPA are real and substantial. As counsel for the *Toronto Star* points out, emphasizing privacy over openness not only has a negative impact on the press but also affects other stakeholders. Regulators have no way of identifying chronic offenders, reference checks on tenants and others who come before the various tribunals are impossible to carry out. Problematic landlords, police and other actors, including repeat human rights offenders, vexatious litigants, and the like cannot be discovered by members of the public who have to engage with them.

[113] In *Davidge, Griffin J.*, as she then was, noted:

12 The law is clear that anonymizing a judgment by substituting initials for a litigant's name should only occur in rare circumstances, such as where it is necessary to protect a vulnerable litigant or a vulnerable person who can be identified through the litigant.

[Emphasis added.]

[97] As stated in *Toronto Star*, other stakeholders have an interest in identifying persons with a problematic history, including those who have been declared a vexatious litigant, such as Ms. Stein. I can do no better than quote the Myers Decision at para. 116 in stating that Ms. Stein should not be able to "hide under a veil of anonymity" while (in my words) wielding a sword in her hand by advancing substantial allegations and litigating against others into the future.

[34] There is a further aspect of this matter that bears consideration.

[35] In addition to the claims for emotional distress and personal injury, it appears to me that the crux of the plaintiff's claim is the alleged defamation by the defendants. She expressly links the emotional distress and personal injury as being "due to this defamation", itemizing from (a) to (dd) the "Harmful effects and result of the defamation" (see 2nd Amended NOCC, Part 1).

- [36] Her 2nd Amended NOCC does not directly specify monetary amounts sought for her various claims, although she does seek "a lien" against the apartment building allegedly owned by the defendant, Sylton Holding & Management Company Ltd., for approximately six million dollars.
- [37] Notably, in Part 2 (Relief Sought) of her 2nd Amended NOCC, she seeks relief against all the defendants including not just an injunction, but "compelling the defendants to retract and/or apologize for the defamatory statements".
- [38] A plaintiff who successfully proves defamation benefits not just from any monetary damages awarded. A successful plaintiff also benefits by the court pronouncing defamation by the defendants. Here, the plaintiff seeks that pronouncement to be accompanied by a retraction and/or apology.
- [39] A non-monetary, public pronouncement accompanied by a retraction and/or apology seems of little or no value to an anonymized plaintiff. In short, part of the specific relief sought by the plaintiff is inconsistent with her application for anonymization. Justice A. Ross noted in *Gesner v. Jennings*, 2025 BCSC 223 at para. 7:
- [7] As to the part of the plaintiff's application that sought to anonymize her name in the style of cause: I dismissed that portion of her application on the basis that a plaintiff suing in defamation is not entitled to proceed anonymously.

Conclusion

- [40] On this application, the plaintiff seeks the rarely granted order of anonymization. She is now concerned that her pleadings and the decision of McDonald J. would cause "much exposure" and compromise her dignity, personal rights, security, future employment and relationships.
- [41] She does not seek a sealing order or a publication ban.
- [42] The matter has already been the subject of a published decision by McDonald J. from July 23, 2024, after which the plaintiff filed further amended pleadings on October 4, 2024.
- [43] The plaintiff was well familiar, as of 2019, with the ability to apply for anonymization.
- [44] The plaintiff has sought anonymization or initialization, unsuccessfully, on several occasions. These are noted in the cases discussed above, and in cases referred to in those cases.
- [45] The case in which Watchuk J. granted the plaintiff anonymization was decided July 15, 2019, before the plaintiff was declared a vexatious litigant by Milman J. on October 10, 2019. A case in a higher court after that declaration noted, in part, that she was not a vexatious litigant in that court.

- [46] A declaration that someone is a vexatious litigant is not casually made, and the reasons of Milman J. make that clear.
- [47] I must keep in mind that the plaintiff may have vulnerabilities, and am mindful of the comments of Saunders J. noted earlier. There may be some salutary benefit of anonymization in this case, particularly due to some of the alleged occurrences contained in the plaintiff's own pleadings.
- [48] However, in all of the circumstances, any salutary benefit to anonymization is overcome by the various factors noted above, and, in my view, this is not a case where it is appropriate to grant anonymization and thereby permit the plaintiff, a vexatious litigant, to shield her action against these defendants from discovery by members of the public, including participants and other stakeholders within the justice system who have to engage with her.
- [49] The application for anonymization is dismissed.
- [50] There is no order for costs.

"Doyle J."

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/sc/25/08/2025BCSC0830.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/stein-v-ratushny-2025>

Prepared on 27 October 2026 · Esheria