

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Veeken v. British Columbia*,  
2024 BCCA 80

Date: 20240306  
Docket: CA49192

Between:

**Paul Veeken**

Appellant  
(Plaintiff)

And

**His Majesty the King, His Majesty the King in right of the Province of British  
Columbia, the Attorney General of Canada, BC Minister of Public Safety and  
Solicitor General, Lance Bernard and Heather Hughes**

Respondents  
(Defendants)

Before: The Honourable Mr. Justice Harris  
The Honourable Madam Justice Fenlon  
The Honourable Justice Griffin

On appeal from: An order of the Supreme Court of British Columbia, dated  
June 2, 2023 (*Veeken v. British Columbia*, 2023 BCSC 943,  
Prince George Docket S2261030).

The Appellant, on his own behalf:

P. Veeken

Counsel for the Respondents, His Majesty  
the King, the Attorney General of Canada,  
BC Minister of Public Safety and Solicitor  
General, and Minister of Public Safety and  
Solicitor General:

R.D. Makosz

Counsel for the Respondents, His Majesty  
the King in right of the Province of British  
Columbia and Heather Hughes:

L.F. de Lima

Counsel for the Respondent, Lance  
Bernard:

L.J. Zivot

Written Submissions Received from the  
Appellant:

September 25, 2023

Place and Date of Judgment:

Vancouver, British Columbia  
March 6, 2024

**Written Reasons of the Court**

**Summary:**

*This appeal has been referred to this division for summary determination under s. 21 of the Court of Appeal Act. The appeal is from an order striking the appellant's claims for damages against multiple defendants arising from his interactions with the justice system. Held: Appeal is summarily dismissed, except for the appeal striking the claims pursuant to Civil Rule 9-6 based on a limitation defence. The balance of the claims are plainly without merit and as a matter of established legal principles cannot succeed and ought to be dismissed.*

**Reasons for Judgment of the Court:**

[1] On July 14, 2023, a single justice in Chambers referred this appeal to the Court for summary disposition under s. 21 of the *Court of Appeal Act*, S.B.C. 2021, c. 6, which provides:

21 (1) A justice or the registrar may refer an appeal to the court for summary determination if the justice or registrar considers that the appeal

(a) is frivolous or vexatious, or

(b) can otherwise be dismissed on a summary basis.

(2) On a referral under subsection (1), the court may dismiss all or part of the appeal if the court considers that the appeal meets the criteria set out in subsection (1) (a) or (b).

(3) Before dismissing all or part of an appeal under subsection (2), the court must give the appellant an opportunity to make written submissions or otherwise be heard.

[2] Section 21 does not allow a party to apply to the court for summary determination of an appeal, but permits a justice in chambers or the registrar to exercise discretion to refer it to the court for summary disposition where it is frivolous or vexatious or otherwise can be dismissed on a summary basis. This is a relatively new power and must be exercised carefully.

[3] In accordance with s. 21(3), the appellant, Mr. Veeken, provided written submissions plus additional documents for the Court's consideration on the s. 21 application.

[4] In summary, he appeals from an order made June 2, 2023 striking large portions of his Amended Notice of Civil Claim filed September 20, 2022 ("ANOCC")

and dismissing the balance of his claims, with reasons for judgment indexed at 2023 BCSC 943 (“Reasons”).

[5] The background to this proceeding is set out in the Reasons.

[6] In very brief summary, Mr. Veeken successfully appealed from a conviction of sexual interference, following which a stay of proceedings was entered on January 11, 2022.

[7] Mr. Veeken then brought a civil claim against a number of people and entities for damages, including the trial judge who found him guilty; a bail supervisor; the province in relation to actions of Crown prosecutors and correctional staff; and the RCMP. His overall theory underpinning his many claims violates longstanding principles of immunity for those who work in the justice system.

[8] The matter before us rests on Mr. Veeken’s ANOCC, notice of *Charter* application (“*Charter* notice”), and any proposed amendments. There are several strands to his asserted claims, but they can be grouped into three general categories: (1) claims arising from his criminal trials, conditions of bail and time spent in custody, defamation and loss of privacy in relation to his conviction; (2) claims that his rights were violated under the *Charter of Rights and Freedoms*; and (3) claims arising from an alleged assault occurring in February 2019 while he was in custody and the conditions of his transport by van while in custody in March 2019.

[9] The chambers judge struck the first two categories of claims pursuant to Rule 9-5 of the *Supreme Court Civil Rules*, as disclosing no cause of action and being bound to fail. The third category of claim was struck pursuant to Rule 9-6, the summary judgment rule, as presenting no genuine issue for trial because the claims were statute-barred by expiry of a limitation period.

[10] The Reasons were extensive and thorough.

[11] Dealing with the first two categories of claim, the chambers judge found that it was plain and obvious the claims against the trial judge, and the claims for breach of constitutional duties, unlawful detention, defamation and breach of privacy, and negligence against the other defendants, will fail.

[12] Substantially for the Reasons of the chambers judge, we agree that it is plain and obvious that these first two categories of claims will fail.

[13] In summary, in the first two categories of his claims described generally above, Mr. Veeken is seeking to advance many claims against the defendant trial judge, defendant bail supervisor, and the province in relation to actions of Crown prosecutors and correctional staff, and the RCMP. As a matter of established legal principles, these claims cannot succeed. We agree with the chambers judge's findings that a great deal of the ANOCC is unnecessary or scandalous and vexatious. Mr. Veeken's pleading is also excessively verbose and convoluted as are his submissions. It would be contrary to the administration of justice to routinely allow these plainly unmeritorious claims to further take up additional legal and judicial resources. We conclude that Mr. Veeken's appeal in relation to these claims is suitable for summary disposition without needing to hear from the parties further.

[14] We add one qualification in respect of the Reasons of the chambers judge. It was not strictly necessary for the chambers judge to opine on whether the common law tort of invasion of privacy exists in British Columbia, and there remains some question about this in the jurisprudence: see *Tucci v. Peoples Trust Company*, 2020 BCCA 246 at paras. 63, 67. However, her dismissal of the claims based on breach of privacy were based on additional grounds with which we agree: paras. 124–132 of the Reasons. Accordingly, we see no prospect of Mr. Veeken succeeding with these issues on appeal.

[15] In addition, the chambers judge correctly found that the ANOCC does not support a claim for public law damages. The *Charter* claims raised in the ANOCC and the *Charter* notice are so broad and general that they cannot possibly be attributed to specific state actors.

[16] Mr. Veeken argues that the chambers judge made a reviewable error when she dismissed his claims for *Charter* damages based on the availability of tort damages as an alternative remedy, even though his tort claims were unsuccessful. He submits that a party is not necessarily precluded from a *Charter* damages remedy when the private law avenue is unsuccessful and there is no potential for double recovery. However, Mr. Veeken's submissions ignore the chambers judge's earlier conclusion at para. 86 of her Reasons that the ANOCC does not support a claim for either private or public damages. Again, substantially for her Reasons we agree with this conclusion.

[17] In short, we conclude there is no merit to any appeal of the order striking large portions of Mr. Veeken's ANOCC pursuant to Rule 9-5. We consider it appropriate to dismiss this aspect of his appeal summarily.

[18] The third category of complaint in his notice of civil claim was struck as clearly statute-barred by an expiry of a limitation period, as Mr. Veeken did not commence his action until July 2022, more than two years after the incidents in question and beyond any ministerial extensions of the limitation period that occurred due to the COVID-19 pandemic. The claim was dismissed pursuant to Rule 9-6, on the basis that there was no genuine issue for trial.

[19] Mr. Veeken submits that the pleadings stage is not the appropriate procedure to deal with limitation issues when the plaintiff appears to have some answers to those limitation defences.

[20] The application of the limitation defence and Rule 9-6 to this category of Mr. Veeken's claim raises sufficient nuance in this case that in our view it ought not to be determined by this Court by way of summary disposition. For this reason, we will not delve into the issue further and do not comment on whether his arguments on this aspect of the appeal have merit.

[21] Mr. Veeken's appeal of the result of the Rule 9-6 application, dismissing his claims in relation to the alleged assault and van transport will not be determined on a

summary basis. This is the only aspect of his appeal that may proceed. It only involves claims against the Province of British Columbia (the “Province”).

**Disposition**

[22] In conclusion, we summarily dismiss Mr. Veeken’s appeal of the dismissal of his action against all respondents, with one exception.

[23] The exception is that Mr. Veeken is permitted to proceed with his appeal of the dismissal of his claim pursuant to Rule 9-6, in relation to the alleged assault and van transport, involving the question of whether there is a genuine issue for trial that these claims are not barred by the expiry of the limitation period. This aspect of his appeal involves only the Province. All other respondents may consider the appeal dismissed in relation to the claims against them and do not need to participate.

[24] We refer the matter to the Registrar for case management to facilitate the presentation of the balance of the appeal.

“The Honourable Mr. Justice Harris”

“The Honourable Madam Justice Fenlon”

“The Honourable Justice Griffin”