

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Knight v. British Columbia (Public Safety)*,
2024 BCSC 256

Date: 20240214
Docket: S187255
Registry: Vancouver

Between:

James Stephen Knight

Plaintiff

And

The Minister of Public Safety and Solicitor General of British Columbia

Defendant

Before: The Honourable Chief Justice Hinkson

Reasons for Judgment

The Plaintiff, James Stephen Knight:

In Person

Counsel for the Defendant:

A. Scarth

Place and Date of Hearing:

Vancouver, B.C.
December 20, 2023

Place and Date of Judgment:

Vancouver, B.C.
February 14, 2024

[1] These proceedings were commenced by a notice of civil claim filed June 27, 2018, wherein the petitioner brought this action against various parties regarding his eviction from the campsite where he lived.

The Plaintiff's Claim

[2] The plaintiff's notice of civil claim alleges that since 2008 he was a resident at the Creekside Campground, Site #102, 4314 Sunshine Coast Highway, in Sechelt, British Columbia, ("the Campground") living there in a bus.

[3] The notice of civil claim also alleges that for several years, the various named defendants colluded to have the plaintiff evicted from the campground and that he complained to the Residential Tenancy Branch, which issued an order on or about March 21, 2016, that the landlord, Creekside Campground, no longer enter his rental site without permission.

[4] The notice of civil claim also alleges that the plaintiff filed a complaint against the RCMP with the Civilian Review and Complaints Commission.

[5] The notice of civil claim also alleges that the plaintiff complained to the Residential Tenancy Branch about a "notice to end tenancy" that was subsequently issued by the former defendants, Sunshine Campground Group Ltd., Creekside Campground and Jane Doe on or about August 1, 2016. The plaintiff alleges that the following day, RCMP Sergeant Steven Chubey led an attempt to forcibly evict him and then, again, on or about August 26, 2016.

[6] The notice of civil claim also alleges that the Residential Tenancy Branch issued an order that his tenancy would continue until such time as it is ended pursuant to the *Residential Tenancy Act*, S.B.C. 2002 c. 78; but that on or about September 9, 2016, Sunshine Campground Group Ltd., Creekside Campground and Jane Doe again issued the plaintiff a notice to end tenancy.

[7] The notice of civil claim alleges that efforts to evict the plaintiff continued and that, on or about October 18, 2016, the Residential Tenancy Board issued a decision

declining jurisdiction in the plaintiff's matter. The October 18, 2016 decision was upheld in a review at the Residential Tenancy Board on December 21, 2016. On October 31, 2016, the plaintiff also filed a petition for judicial review and for a stay of an eviction notice in this Court under Docket No. 1610050.

[8] The notice of civil claim further alleges that on or about January 25, 2017, another attempt was made to evict the plaintiff. On this occasion, it is alleged that several RCMP officers arrived at the Campground claiming to have an arrest warrant for the plaintiff. In the ensuing interaction, it is alleged that the plaintiff was pepper sprayed in the face, dragged out of his dwelling, put face down in the ground, handcuffed, and held in custody for 26 hours in bare feet and wearing only evening clothes.

[9] Flowing from the January 25, 2017 incident, the plaintiff was charged in relation to assault with a weapon and possession of a weapon for dangerous purposes. The related trial was scheduled in Sechelt Provincial Court for September 21 and 22, 2017, but a stay of proceedings was entered by the Crown, allegedly without notice to the plaintiff, on August 23, 2017.

The Plaintiff

[10] Mr. Knight has no legal training. He is now self-represented. His lack of legal training or familiarity with the legal process have presented him with challenges. He places some emphasis on the Canadian Judicial Council's Principles on Self-Represented Litigants as requiring those hearing his various applications to assist him in any way he suggests. The portions of those principles relied upon by Mr. Knight include:

PREAMBLE

...

Whereas those persons who do remain unrepresented by counsel both face and present special challenges with respect to the court system;

Therefore, judges, court administrators, members of the Bar, legal aid organizations, and government funding agencies each have responsibility to

ensure that self-represented persons are provided with fair access and equal treatment by the court;

...

STATEMENT:

Judges, the courts and other participants in the justice system have a responsibility to promote opportunities for all persons to understand and meaningfully present their case, regardless of representation.

...

COMMENTARY:

...

4. ... it is important that judges, court administrators and others facilitate, to the extent possible, access to justice for self-represented persons.
5. Providing the required services for self-represented persons is also necessary to enhance the courts' ability to function in a timely and efficient manner.

[11] But the Principles are only guidelines, and are far from absolute. They also state:

COMMENTARY:

...

4. Self-represented persons, like all other litigants, are subject to the provisions whereby courts maintain control of their proceedings and procedures. In the same manner as with other litigants, self-represented persons may be treated as vexatious or abusive litigants where the administration of justice requires it. The ability of judges to promote access may be affected by the actions of self-represented litigants themselves.

...

4. Judges and court administrators have no obligation to assist a self-represented person who is disrespectful, frivolous, unreasonable, vexatious, abusive, or making no reasonable effort to prepare their own case.

...

For Self-Represented Persons

1. Self-represented persons are expected to familiarize themselves with the relevant legal practices and procedures pertaining to their case.
2. Self-represented persons are expected to prepare their own case.
3. Self-represented persons are required to be respectful of the court process and the officials within it. Vexatious litigants will not be permitted to abuse the process.

Proceedings to Date

[12] During document disclosure when the Province was still a party, the plaintiff's lawyer sought specific documents from the Province, including specific documents arising from a 1999 conviction that the plaintiff said were defamatory. The Province says that it produced the requested documents in its list of documents pursuant to the plaintiff's request and the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [*Rules*].

[13] Since filing his notice of civil claim, the plaintiff has appeared before, made submissions to, or received Orders from Judges or Associate Judges of this Court on numerous occasions, including:

- a) Justice Iyer on August 11 and October 29, 2020;
- b) Master Bilawich, as he then was, on March 4, 2022;
- c) Master Robertson, as she then was, on August 2, 2022;
- d) Justice Gomery on August 15, 2022;
- e) Justice Sharma on September 6 and 12, 2022;
- f) Master Harper, as she then was, on March 20, 2023;
- g) Master Vos, as he then was, on April 3, 2023;
- h) Master Robertson, as she then was, on April 6, 2023;
- i) Justice Walker on April 20, 2023; and,
- j) Chief Justice Hinkson on June 30, September 25, and December 20, 2023.

[14] In reasons for judgment indexed at *Knight v. British Columbia*, 2020 BCSC 1338, Justice Iyer dismissed the plaintiff's claims for malicious prosecution against, as was appropriately styled at the time, Her Majesty the Queen in Right of the

Province of British Columbia. The Court of Appeal upheld that decision in reasons indexed at *Knight v. British Columbia*, 2021 BCCA 251.

[15] In reasons for judgment indexed at *Knight v. British Columbia*, 2022 BCSC 1644 [*Knight 1644*], Justice Sharma dismissed the plaintiff's claims against the defendants Sunshine Coast Campground Group Ltd., Creekside Campground, and Jane Doe on an application for summary trial. The decision of Sharma J. was appealed and while the appeal has been heard, judgment has been reserved.

[16] Some of the difficulties that have plagued the hearings in which Mr. Knight has participated arise from his insistence that he attend hearings via Microsoft Teams from a remote location. Mr. Knight's internet connection has been problematic, and his attitude in respect of this issue, at times, has been unhelpful. This issue is evident, for example, in Sharma J.'s Oral Reasons for Judgment from *Knight 1644*:

[42] I can no longer see Mr. Knight. Are you still there? Is he still on the line?

[43] THE CLERK: He is still on the line.

[44] THE COURT: All right, I am going to continue.

...

[71] CNSL A. SCARTH: Madam Justice, just --

[72] THE COURT: Yes?

[73] CNSL A. SCARTH: I apologize. Mr. Knight has left. It appears Mr. Knight has left the MS Teams room. I just wanted to bring that to your attention. I apologize.

[74] THE COURT: All right. I will just confirm on the record: Mr. Registrar, you did not remove him, correct?

[75] THE CLERK: I did not.

[76] THE COURT: All right. We are going to continue. That is his choice.

...

[79] I will just stop. Mr. Registrar, are you able to try and connect Mr. Knight again or does he have to call in?

[80] THE CLERK: I could try to call him with the number that was -- actually, no, sorry, I don't have a number.

[81] THE COURT: I am wondering if --

- [82] CNSL A. SCARTH: Madam Justice, I can email him if the court would like, to see if he is available.
- [83] THE COURT: Yes, thank you, Mr. Scarth. I think what you should do is to send him an email saying I noticed that he disconnected himself from the hearing, that I am continuing, and that if he wants to get a written version of this, he can apply to do so, but that we will continue. Can I ask you to do that while I continue?
- [84] CNSL A. SCARTH: Yes, I'll do that right now.
- [85] THE COURT: Thank you, Mr. Scarth. Returning to my reasons.
- ...
- [89] THE COURT: Mr. Knight, are you back on the line?
- [90] JAMES KNIGHT: I'm working on it, please. Hang on.
- [91] THE COURT: You can hear me? Thank you, I can see you now.
- [92] JAMES KNIGHT: No, you can't -- no, you can't see me. I'm sorry.
- [93] THE COURT: I did see you, Mr. Knight. Can you hear me, Mr. Knight?
- [94] THE CLERK: I think he disconnected again.
- [95] THE COURT: Sorry, Mr. Scarth, have you sent the email?
- [96] JAMES KNIGHT: Can you hear me?
- [97] THE COURT: I can hear you.
- [98] CNSL A. SCARTH: I did not send the email --
- [99] JAMES KNIGHT: Can somebody --
- [100] THE COURT: Mr. Knight, I --
- [101] JAMES KNIGHT: I believe I --
- [102] THE COURT: I can hear you.
- [103] JAMES KNIGHT: Okay, well, wait, please, I'm trying to sort out this horrible piece of software.
- [104] THE COURT: Can you hear me?
- [105] JAMES KNIGHT: Yes, but I can't -- you can't see me and I can't show you my image until I've got that [indiscernible/videoconference].
- [106] THE COURT: Well, that is not a --
- [107] JAMES KNIGHT: I'm requesting you --
- [108] THE COURT: -- a requirement for me to deliver reasons. I am going to continue. We have another matter in the courtroom at two o'clock.
- [109] JAMES KNIGHT: Yes, could I have this in writing, please? Could I please have this in writing? Why do I have to sit here listening to you?
- [110] THE COURT: I am going to continue with my reasons.
- [111] The statute empowers the --

[112] JAMES KNIGHT: Good luck.

...

[157] THE COURT: Yes, thank you. Yes, Mr. Scarth, I think it is appropriate, given that claims have been dismissed against all parties except for the Minister, that the style of cause be amended to reflect that. I do grant that order. Mr. Registrar, that is an order that I am granting, and that can be along with the order dismissing his claims as against the Campground Defendants.

[158] Given Mr. Knight's choice to remove himself from this hearing because of his contemptuous behaviour towards this Court, I agree it is appropriate to waive the need for him to approve of the form of order.

[17] I have experienced similar difficulties during the three occasions in 2023 when I heard applications by Mr. Knight, and given his inappropriate conduct and comments during the course the hearing on December 20, 2023, made a similar finding of contempt of Court against Mr. Knight during the hearing.

[18] On March 20, 2023, the plaintiff received a fee waiver in this proceeding from Master Harper. The plaintiff has since filed: an application on April 11, 2023 to compel the registry to refund all fees he has paid since he commenced this action; an application on April 21, 2023 alleging that the Province of British Columbia should be found liable in defamation for documents it produced in its list of documents regarding a 1999 conviction of the plaintiff; and, an application on May 4, 2023 seeking orders about unspecified information on transcripts and fees.

[19] On April 20, 2023, Justice Walker adjourned the refund application to allow written submissions.

[20] On June 30, 2023, I dismissed Mr. Knight's application filed April 11, 2023 for special costs with the parties each to bear their own costs of that application.

[21] At Mr. Knight's request, on June 30, 2023, I also ordered that the affidavit of Mehal Brar filed August 17, 2022 would be sealed, subject to further order of the Court in the event that Mr. Knight's appeal from the order of Sharma J. was successful.

[22] The plaintiff's only remaining claims are against the Minister, and it is these claims with which the instant notices of application are affiliated.

The Plaintiff's Applications

[23] The shorter of the two applications filed September 7, 2023 sought orders for:

1. As listed in my originating application, part 1, and;
2. Any orders that the court may make under civil rule 12-5(55) that the government pay for transcripts.
3. Any orders that the court may make under civil rule 12-5(55) that the government reimburse the transcript and examination fees I have already paid, in this matter.
4. Order to the DARS record of the June 30th, 2023, hearing before Chief Justice Hinkson.
5. An order under civil rule 5-3(1)(t,u) or 12-2(9)(o,p) to schedule adjournments as may be needed to deal with these matters.

[24] The longer application of September 7, 2023 sought:

1. In continued pursuit of the outstanding orders in my first and second applications to case management, as included in my binder.
2. An order to publication, and clarification if necessary, of reasons in finding that the Province did not defame me, in my application in chambers heard by the Honourable Chief Justice Hinkson on June 30th, 2023.
3. An order under civil rule 5-3(1)(f) to remove the solicitor-client privilege redactions in all of the Minister's discovery materials.
4. An order under civil rule 5-3(1)(f) to discovery of the contents and index pages of the RCMP Operational Manual, both National, and E Division editions, redacted only as may be required for security reasons.
5. An order under civil rule 3-8 that the Minister has not responded to my Notice and is in default, or;
6. An order under civil rule 5-3(1)(g) that the Minister must;
 - (a) respond to my Notice, within one month of the order,
 - (b) be examined for discovery, within one month of the response,
 - (c) pay my costs for examining the RCMP in error.
7. An order under civil rule 5-3 (1) (f) or 12-2 (9) (e) that the Minister produce their authority for "keeping the peace" on August 2nd, 2016, or;

8. An order under civil rule 5-3 (1) (l) or 12-2 (9) (d) that the Minister admit they cannot produce any order in court, or any other lawful instrument or authority, for "keeping the peace" on August 2nd, 2016.
9. An order under civil rule 5-3 (1) (f) or 12-2 (9) (e) that the Minister produce their authority for "keeping the peace" on January 25th, 2017; or
10. An order under civil rule 5-3 (1) (l) or 12-2 (9) (d) that the Minister admit they cannot produce any order in court, or any other lawful instrument or authority, for "keeping the peace" on January 25th, 2017.
11. An order under civil rule 5-3 (1) (g) or 12-2 (9) (f) and paragraphs 1, 2 and 3 on page 7 of the Canadian Judicial Council Principles on Self Represented Litigants, to sort out whether or not the Minister's witnesses are relevant, given what they will say.
12. An order under civil rule 12-2 (9) (h) to direct that evidence be given by way of affidavit, as may be reasonable in the circumstances.
13. An order under civil rule 12-2 (9) (o) to direct that all parties present opening statements in writing, and at least one round of replies, before trial, as may be reasonable in the circumstances.
14. An order under civil rule 12-2 (9) (a, e, q, r, s) to the method and timing of presenting my video evidence in court, where I would hope to use these materials in rebuttal, and only if necessary, if this is reasonable.
15. An order under civil rule 5-3 (1) (g) or 12-2 (9) (q, r, s) that, if the statements and/or affidavits of Jane Doe are used in evidence, then Jane Doe must answer written questions in preparation for trial, and appear as a witness at the trial, in order to be cross examined on her evidence.
16. An order under civil rule 12-2 (9) (q,r,s) that the time for summary trial application under civil rule 9-7 has passed, such that I may prepare for an actual trial this time, without fear of further digression.
17. An order under civil rules 5-3(1)(d,v) or 12-2(9)(c), and help under page 7, paragraphs 1, 2 and 3, of the Canadian Judicial Council Principles on Self Represented Litigants, to properly set out my tort against the Minister in my pleading.
18. An order under civil rule 5-3(1)(v) (or any other rule that might apply) that I be allowed to file my affidavits unsworn, and swear these under oath at hearing, in order to relieve me of the burden of travel, and the fees, incurred in swearing before a Commissioner of Oaths.
19. An order under civil rule 5-3(1)(t,u) or 12-2(9)(0,p) to schedule adjournments as needed to deal with these matters.

Discussion

[25] Despite being asked, prior to the date set for the hearing of his applications, which of the orders he was seeking, Mr. Knight simply advised that he intended to pursue all of them.

[26] It is unnecessary for me to directly address the first three orders sought in the shorter application of September 7, 2023. The first order is not an order at all, and I have previously addressed the second and third orders sought in earlier reasons for judgment: *Knight v British Columbia (Public Safety)*, 2024 BCSC 56.

[27] In respect of the fourth requested order, Mr. Knight enjoys the same access to the Digital Audio Recording System (“DARS”) as do all litigants, and has been granted limited exceptional access in the past. Based on his conduct in these proceedings, however, I am not prepared to give him the actual recordings as I am concerned about his willingness or ability to abide by any conditions that might otherwise accompany the provision of those recordings.

[28] The request “under civil rule 5-3(1)(t and u) or 12-2(9)(o and p) to schedule adjournments as may be needed to deal with these matters” was not pursued, and I make no such order.

[29] In terms of his lengthier application, as was the case with his shorter application, it is unnecessary for me to address the first order as it is not an order at all.

[30] My previous rulings speak for themselves, and I decline Mr. Knight’s request to clarify what I said on June 30, 2023.

[31] The 3rd through the 11th and 15th through the 17th orders listed in Mr. Knight’s lengthier application filed September 7, 2023 were not fully addressed on December 20, 2023, and I make no orders with respect thereto.

[32] Insofar as the order sought in number 12 of the lengthier application of September 7, 2023 is concerned, I decline to make general orders about the introduction of evidence at trial without some idea of what evidence is contemplated.

[33] Insofar as the order sought in number 13 of the lengthier application of September 7, 2023 is concerned, I am prepared to direct that the parties prepare opening statements to be delivered at trial, and that the plaintiff provide his opening statement to the defendant three (3) weeks before the first day of the trial and that the defendant provide its opening statement to the plaintiff one (1) week before the first day of the trial.

[34] I decline to make the 14th order sought in the plaintiff's lengthier application of September 7, 2023, as he provided no details of the video evidence referred to therein. He will have to comply with the *Rules* in terms of the method and timing of his evidence, unless the trial judge otherwise orders.

[35] Without the contents of any proposed affidavits, I decline to make the 18th order sought; that the plaintiff be permitted to file unsworn affidavits.

[36] Insofar as the 19th order sought in the plaintiff's lengthier application of September 17, 2023, "under civil rule 5-3(1)(t,u) or 12-2(9)(0,p) to schedule adjournments as needed to deal with these matters" was not pursued, and I make no such order.

Conclusion

[37] The plaintiff has occupied unreasonable amounts of judicial time and resources with his repetitive applications. Only his requested order concerning opening statements before trial is granted, in part, as set out in paragraph 33 above.

[38] As he has had only very limited success in relation to the subject matter canvassed at the December 20, 2023 hearing before me, I order that the plaintiff pay the defendant the costs of preparation for and attendance at that hearing.

The Honourable Chief Justice Hinkson