

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Ruiz v. Canadian Conference of Catholic Bishops*,  
2024 BCSC 1799

Date: 20240827  
Docket: S247391  
Registry: Victoria

Between:

**Andres Amado G. Ruiz**

Petitioner

And:

**Canadian Conference of Catholic Bishops  
a.k.a The Roman Catholic Church in Canada**

Respondent

Before: The Honourable Justice Wolfe

## Oral Reasons for Judgment

In Chambers

Appearing on his own behalf:

A. Ruiz

Counsel for the Respondent:

T. Paulson  
Agent for D.G. Cowper, K.C.

Place and Date of Hearing:

Victoria, B.C.  
August 27, 2024

Place and Date of Judgment:

Victoria, B.C.  
August 27, 2024

[1] These reasons have been edited for transcription and publication.

**Introduction and background**

[2] These are my oral reasons for judgment on the petition and notice of application that have come on for hearing before me this afternoon. If either party orders a transcript, I reserve the right to make minor changes to address errors in grammar and style, and citations or case information, but the substance and outcome of my decision will not change.

[3] Mr. Ruiz, the petitioner, has filed a petition seeking sweeping relief against the Catholic Church in Canada and abroad -- you can have a seat, Mr. Ruiz. Thank you. Paragraph 1 of Part 1 of the petition filed July 10, 2024 specifically seeks an order for the:

... immediate abolition of the Roman Catholic Church and the seizure, forfeiture, and confiscation of all its assets and properties in payment to damages and in heavy penalty to their heinous crime of children molestation in Canada and around the world.

[4] The other orders sought in the petition, set out at paragraphs 2 through 7 of Part 1, seek seizure, forfeiture, and confiscation of various Roman Catholic institutions in Canada, including universities, secondary schools, hospitals, seminaries, cathedrals, and basilicas, and request that all of these assets be taken over by the Canadian government to be used for various public purposes. The petition also seeks confiscation of the Roman Catholic Church's stocks and investments. The petition does not make clear to whom the stocks and investments are to be confiscated, but I have assumed, given Mr. Ruiz's submissions this afternoon, that they would also be confiscated and given to the Canadian government.

[5] The petition also appears to seek monetary compensation for Mr. Ruiz personally as a "reward" -- his words -- for having brought this legal proceeding, as well as relief in relation to Mr. Ruiz's immigration status.

[6] During the course of the hearing today, I advised Mr. Ruiz that this Court does not have jurisdiction to deal with matters in relation to immigration. Those are

matters that have to be addressed through the Immigration and Refugee Board and eventually through the Federal Court to the extent there is a concern that requires court intervention. So I will not deal further with the requests in relation to immigration status.

[7] In his submissions today, Mr. Ruiz indicated this proceeding is brought to benefit the Government of Canada and the people of Canada and is a matter of public safety. He seeks the Court's assistance to eliminate what he considers to be a criminal organization -- an international criminal organization -- in the Roman Catholic Church, in order to make Canada safer for everyone.

[8] The petition names the Canadian Conference of Catholic Bishops a.k.a -- and those are the words on the petition -- the Roman Catholic Church in Canada. An affidavit has been filed by the respondent which indicates that the Canadian Conference of Catholic Bishops (the "Conference") is the "central authority within Canada concerning the ministry and affairs of the Roman Catholic Church." Unfortunately, that does not provide the Court with much information about the nature of the Conference as a legal entity. There is certainly nothing in the materials before the Court today to suggest that the Conference as the particular named respondent holds any legal right or title to the property or assets that the petition seeks to have seized or confiscated.

[9] Mr. Ruiz also filed a notice of application seeking default judgment because the respondent failed to file a response to the petition within the 21-day timeframe set out in the *Supreme Court Civil Rules* [Rules]. Under Rule 16-1, failure to file a response to a petition within the timeframe in the *Rules* disentitles a respondent to notice of the hearing of the petition. It does not ground a request for default judgment. I agree with the Conference that the application for default judgment is a nullity, and I will not address it further.

[10] In respect of the merits of the petition itself, the respondent in its response argued the petition should be struck in its entirety for failure to disclose a type of claim that can be brought by petition. In support, the respondent cites the British

Columbia Court of Appeal's decision in *E.B. v. Director of Child, Family and Community Services*, 2016 BCCA 66, at paragraph 42. At that paragraph, Justice Groberman, writing for the Court, noted that there must be a modified test under Rule 9-5(1)(a) where the proceeding is a petition rather than a notice of civil claim. In submissions, the respondent argued as well that if there were a way for the petition to be dismissed on its merits rather than merely being struck, that might be of broader assistance to the parties.

### **Analysis**

[11] There are a number of problems with the petition, some of which I identified in the course of the submissions today. I will name a few of them. The list is not exhaustive.

[12] The relief sought would require action and impose responsibility on the Government of Canada. The Government of Canada has not been served with or provided notice of this petition. Mr. Ruiz was properly forthcoming in admitting that to be the case.

[13] The relief is sought in respect of properties and assets that are presumably owned by specific legal entities. It is not clear that the Conference as the named respondent owns any of them. Since the petition was not made on notice to any other respondents, it does not appear that those whose assets and properties are to be seized are aware of this petition and have had an opportunity to respond or take a position in respect of it.

[14] There are also concerns with respect to standing. Mr. Ruiz appears to be attempting to advance this petition on behalf of the public generally. In the public interest, one might say. However, it is not brought as a representative petition or any kind of collective proceeding, and there are significant hurdles to an individual having standing to advance claims for relief on behalf of the public at large absent a claim for public interest standing – which is not made here. The entity that may advance such claims is generally the Attorney General of a province or of Canada.

[15] The petition seeks relief with respect to geographic properties that, in my view, are outside the jurisdiction of this Court. It seeks seizure of assets, some of which are located outside British Columbia and others of which are located outside of Canada. I acknowledge that Mr. Ruiz indicated that there are certain properties located inside British Columbia, but I have not been provided with specifics of which properties those would be. In any event, the general relief sought in the petition is very broad, certainly beyond the geographic jurisdiction of this Court.

[16] With respect to the request by the respondents to strike this petition as not disclosing the type of claim that can be advanced in a petition proceeding, Rule 2-1(2) sets out the types of claims that may be advanced by a petition. This claim, as near as I can determine, appears to be a claim for what is in essence seizure and forfeiture of real and other property on the basis of public admissions of wrongdoing by certain members of the Roman Catholic Church.

[17] I have reviewed the list of claims set out at Rule 2-1(2). The claims listed there are specific types of claims, and this claim, if it is properly characterized as a claim for seizure and forfeiture of real and other property, does not fall within the list. I have not been referred to any enactment or other legal authority which would allow the Court to seize or forfeit real and other property in these circumstances.

[18] In an application under Rule 9-5(1)(a), no evidence is admissible. I must take the facts set out in the petition to be true and determine whether, even if those facts are true, there is no reasonable basis for a claim that may be made by way of petition. The facts as set out in the petition are sweeping allegations of the global commission of heinous crimes by the Catholic Church in British Columbia, in Canada, and beyond.

[19] With respect to the factual basis for the petition, I will not repeat what is set out in three concise paragraphs at Part 2 of the petition. As noted, while evidence is not admissible on a Rule 9-5(1)(a) application, for purposes of determining whether additional relief is appropriate (such as dismissal of the petition as a whole), during submissions, I canvassed the evidence that Mr. Ruiz says supports his

petition. He took me through, in some detail, his affidavit #1, which attaches a number of what he has termed “annexes” to his affidavit. Those annexes consist of Wikipedia articles, news reports, information about Hollywood movies, documentation of criminal proceedings, documentation of global public apologies that have been issued by officials on behalf of the Roman Catholic Church, and outcomes of criminal proceedings. That is the evidence Mr. Ruiz says supports his claim that there are admissions about the commission of crimes, and that there should be some form of redress, if I can put it that way, in relation to those admissions.

[20] The legal basis for Mr. Ruiz’s claim, as set out in Part 3 of the petition, cites s. 7 of the *Canadian Charter of Rights and Freedoms*, as well as Canada’s *Criminal Code* and the federal *Child Predators Act*. Mr. Ruiz also relies on what he characterizes as a basic principle of the Canadian constitution that the government has the responsibility to promote and maintain security or public safety. He relies on various articles that govern the International Criminal Court. He further relies, in his notice of application, on the *Seized Property Management Act*, which is a federal statute relating to responsibility for goods and property that have been seized under other enactments. Lastly, he relies on and seeks a declaration of a state of emergency from the federal government. As noted, the federal government is not before the Court today and is not aware of this petition.

[21] The difficulty that I see is that even if the petition were supported by sufficient evidence -- which I do not consider it to be -- in my view, it does not follow that an apology from a public official for the Roman Catholic Church -- even from the Pope -- creates a legal basis on which the Court could order seizure and forfeiture of assets and real property, or could order the Government of Canada to assume responsibility for seized goods.

[22] I have considered the *Seized Property Management Act*. As indicated, that is a federal statute that provides the Minister of Public Works and Government Services certain authority in respect of goods and property that have been already

seized or have been forfeited to the federal government under other legal bases. It does not itself create a basis for ordering seizure.

[23] Further, even if there were breaches of the *Charter* s. 7 right to life, liberty and security of the person that could be proven to flow from public apologies made by officials of the Roman Catholic Church, again, that s. 7 right under the *Charter* does not create a positive entitlement to the relief sought here in the form of seizure and forfeiture of real and other property.

[24] As well, even were Mr. Ruiz to advance a claim for *Charter* damages, a claim for *Charter* damages arising from an infringement of s. 7 would normally allow a person to obtain monetary compensation rather than seizure of particular assets and conversion of those assets to a public use. Further, *Charter* damages are generally only able to be sought by the individual who claims to have been affected by the infringement. Mr. Ruiz does not make that form of a personal claim.

[25] There is nothing in the legal basis of the petition that I have been referred to, or in any of the materials that I was referred to during submissions today, that, in my view, would create the authority for the Court to order seizure and forfeiture of property from the Roman Catholic Church.

[26] In making that decision, I have no doubt that Mr. Ruiz considers these to be serious matters. I have no doubt that he considers that some form of redress should flow from the actions of the Catholic Church. But the difficulty for Mr. Ruiz is that in order to seek the assistance and cooperation of the Court in obtaining such redress, there must be a legal basis on which the Court can act. I have not been referred to anything in these materials that would provide me a legal basis on which to act or to grant the relief that is sought in the petition.

[27] Rule 9-5(1) provides that at any stage of a proceeding, the Court may order to be struck out or amended the whole or any part of a pleading, petition, or other document on the ground that, under subparagraph (a), and as modified for the test

for a petition, it does not disclose the type of a claim that can be brought as a petition proceeding. I note that the rest of subsection (1) of Rule 9-5 says:

. . . and the court may pronounce judgment or order the proceeding to be stayed or dismissed and may order the costs of the application to be paid as special costs.

[28] In my view, this is a matter that requires me to make an order under Rule 9-5(1) as follows: that this petition is struck on the basis that it does not disclose the type of claim that may be brought by petition. Given the information that I have been taken through this afternoon, and the materials I have considered, I also find it appropriate to order that the proceeding is dismissed in addition to being struck, and that ends this matter.

[29] We did not have submissions with respect to costs. I do not know if either party wishes to make submissions with respect to costs. Mr. Paulson?

[30] CNSL T. PAULSON: No, Justice.

[31] THE COURT: Mr. Ruiz?

[32] ANDRES RUIZ: No.

[33] THE COURT: Then having not heard any submissions with respect to costs, in my view this is not a matter where it is appropriate for the Court to award costs to either party.

[34] As I said, I have no doubt that Mr. Ruiz considers these to be serious matters, and Mr. Ruiz has attempted to draw them to the attention of the Court in the hopes that the Court could assist. As indicated, the Court is not in a position to assist. I will make no pronouncements with respect to whether there would in a different situation be some way that the Court's assistance could be sought. That is something that Mr. Ruiz will need to consider further and he likely would benefit from having some independent legal advice in that regard. But in the circumstances, I do not feel it is appropriate to make a costs order other than that each party will bear its own costs of this application.



[35] Is there anything arising from my reasons for judgment?

[36] CNSL T. PAULSON: No, Justice.

“K. Wolfe, J.”