

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Mitsui v. Bi*,  
2025 BCSC 868

Date: 20250508  
Docket: S39563  
Registry: Chilliwack

Between:

**Bill Mitsui, 220Dewdney Investments Inc., 9240Corbould Incorporated, CWI  
Columbia Properties Inc. and Cityviews Village Inc.**

Plaintiffs

And

**Yimin Bi**

Defendant

Corrected Judgment: The text of the judgment was corrected on the front page on  
May 9, 2025.

Before: The Honourable Justice Walkem

## **Reasons for Judgment**

In Chambers

Counsel for the Plaintiffs:

B. Vickers  
R.K.A. Thomas

Counsel for the Defendant:

S. Xu

Place and Date of Hearing:

Chilliwack, B.C.  
April 28, 2025

Place and Date of Judgment:

Chilliwack, B.C.  
May 8, 2025

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[1] This matter arises in the context of a civil dispute between many parties. The plaintiffs are composed of Bill Mitsui, 220Dewdney Investments Inc., 9240Corbould Incorporated, CWI Columbia Properties Inc., and Cityviews Village Inc. The plaintiffs brought a notice of civil claim against the sole defendant, Yimin Bi.

[2] The plaintiffs seek orders that the defendant be held in contempt of court, that this proceeding continue as if no response to civil claim had been filed, and costs of this applications on a solicitor-client basis in any event of the cause.

[3] This application centers on the plaintiffs' attempt to conduct an examination for discovery of the defendant.

[4] I start with a brief factual background of the parties and the dispute.

**BACKGROUND**

[5] Mr. Mitsui purchases and manages rental properties and rental property companies. The defendant became an investor/director of some of these companies. At some point, the relationships between the parties broke down. The plaintiffs allege that the deterioration of the relationships between the parties led to the defendant threatening Mr. Mitsui, and libelling and slandering the plaintiffs. The plaintiffs say that the comments made by the defendant suggest that the plaintiffs (particularly Mr. Mitsui) are dishonest, misappropriate funds, and conduct business in a fraudulent manner. The plaintiffs further allege that the defendant misused confidential information.

[6] A trial date has been set for 20 days starting July 7, 2025. The plaintiffs argue that the defendant's insistence on a longer trial has made it difficult to schedule. They fear that further delays will result if the examination for discovery does not go ahead as planned, potentially imposing a significant delay of a year or longer on having their case heard.

[7] The plaintiffs argue that the defendant's actions have delayed the process of moving the litigation forward. This includes:

- difficulty in scheduling mediation, ultimately requiring an application to compel the defendant to participate; and
- difficulty in scheduling an examination for discovery, despite a court order following an earlier process frustrated by the defendant's own actions.

[8] The defendant has been represented by three different counsel and has self-represented for periods of time during the proceeding.

[9] The notice of application ("NOA") outlines the following background, in part:

18. On May 7, 2024, the counsel for the Plaintiffs discussed examination for discovery dates with the Defendant.
19. On June 17, 2024, the Defendant sent an email to counsel for the Plaintiffs demanding that he bring his own interpreter to any examination for discovery, in addition to the court appointed interpreter. The Defendant also requested that the Plaintiffs pay for the interpreter, as well as the document translation fee from English to Chinese.
20. After numerous email exchanges between counsel for the Plaintiffs and the Defendant, the examination for discovery was scheduled to take place on August 7, 2024, via Zoom.
21. Counsel for the Plaintiffs sent the Appointment to Examine for Discovery to the Defendant on June 21, 2024.
22. On June 26, 2024, the Defendant sent an email to counsel for the Plaintiffs stating that he would not agree for the examination for discovery to take place via Zoom. He requested that it be arranged for the process to be conducted face-to-face.
23. On June 28, 2024, counsel for the Plaintiffs agreed to reschedule the examination for discovery in person for the same day as previously scheduled. They confirmed that a room at the office of Veritext Legal Solutions in Vancouver would be used for the examination. In response, the Defendant demanded that the documents provided in English be translated to Chinese before the examination for discovery and requested that counsel provide "information about the translator and their court registration proof".
- ...
27. On August 7, 2024, the examination for Discovery took place in person (the "Discovery").
28. During the Discovery, the Defendant interrupted Plaintiff's counsel during the preliminary questioning and insisted that counsel for the Plaintiffs answer his questions, despite counsel for the Plaintiffs taking the time to explain how the Discovery procedure works.

29. During the Discovery, the Defendant confirmed that he was physically and mentally fit to participate. He never once mentioned debilitating or any mental health or psychological concerns.

[10] Ultimately, the examination for discovery was adjourned due to the defendant's actions.

[11] The plaintiffs brought an application before Associate Judge Krentz to schedule 10 hours of continued examination for discovery of the defendant.

[12] Associate Judge Krentz found that:

[25] ... it is clear that the defendant's conduct during the discovery necessitated additional rounds of questioning. This made the examination unreasonably and needlessly prolonged. It further appeared that after four hours, effective cross-examination had been rendered futile by the defendant.

...

[28] Accordingly, I am making the following orders. Pursuant to para. 1, I grant to the plaintiffs an additional seven hours of discovery of the defendant. When adding the three hours that still are available pursuant to the *Rules*, the defendant shall attend a total of 10 hours of discovery to be conducted over two days, with the examination to be completed within 60 days from today.

[the "Krentz order"]

[13] Before Associate Judge Krentz, the defendant raised health issues including that he was ill during the initial examination for discovery and required a heart monitor. Associate Judge Krentz reviewed the medical information provided and found no health issues that would have prevented the defendant from participating in the examination for discovery:

[18] He has provided medical notes to support his health condition and I reviewed those medical notes. It does refer to the defendant at the time of the consult, which was on August 1, 2024, suffering from headaches and experiencing some slurred speech of an unclear etiology. Otherwise, his CT scan was unremarkable.

[19] Today in his attendance at court, and in representing himself, he showed no health issues that preventing him from presenting his submissions. In opposing this application, he further submits that the documents that had been provided by the plaintiffs should have been translated into his native language, Mandarin. He submits this, even though his own documents, which are of a significant volume, are in the English language.

[14] The defendant has not complied with an order of this Court that he complete an examination for discovery. He has instead, sought to delay the examination for discovery for medical reasons.

[15] In this application, the plaintiffs seek:

1. An order pursuant to *Rules 22-7(5) and 22-8 (1), (4) of the Supreme Court Civil Rules*, BC Reg that the Defendant is in contempt of court;
2. An order pursuant to Rule 22-(5) that this proceeding continue as if no response to civil claim had been filed.
3. Costs of this application on a solicitor-client basis in any event of the cause.

[16] The defendant opposes all relief sought, and largely relies on the position he has maintained throughout the proceedings. He states that he “never intended to breach any court order and acted in good faith to comply”, that “[a]ny delay was due to lack of legal knowledge, miscommunication” or his “limited financial means, poor health” and lack of proficiency in English. He also blames the plaintiffs’ counsel for what he says are aggression and bad faith actions.

## **LAW**

[17] Civil contempt of court is a discretionary remedy available to the court, and it is “a heavy, blunt tool” generally employed as a measure of last resort: *Hokhold v. Gerbrandt*, 2016 BCCA 6 at para. 31. Underlying a court’s power to hold a person in civil contempt is the court’s power to enforce the orders it makes.

[18] In *Carey v. Laiken*, 2015 SCC 17, the Supreme Court of Canada held that:

[36] The contempt power is discretionary and courts have consistently discouraged its routine use to obtain compliance with court orders ... If contempt is found too easily, “a court’s outrage might be treated as just so much bluster that might ultimately cheapen the role and authority of the very judicial power it seeks to protect” ... As this Court has affirmed, “contempt of court cannot be reduced to a mere means of enforcing judgments”: *Vidéotron Ltée v. Industries Microlec Produits Électroniques Inc.*, [1992] 2 S.C.R. 1065, at p. 1078 ... Rather, it should be used “cautiously and with great restraint” ... It is an enforcement power of last rather than first resort ...

[Citations omitted.]

[19] The ultimate purpose of the power of a court to hold a person in civil contempt, is to ensure compliance with court orders. It is a powerful tool meant to uphold the rule of law and ensure the orderly functioning of the administration of justice.

[20] The court's power to hold a party in contempt of court is found in R. 22-7(5) and 22-8(1) and (4):

**Rule 22-7 — Effect of Non-compliance**

...

**Consequences of certain non-compliance**

(5) Without limiting any other power of the court under these Supreme Court Civil Rules, if a person, contrary to these Supreme Court Civil Rules and without lawful excuse,

(a) refuses or neglects to obey a subpoena or to attend at the time and place appointed for the person's examination for discovery,

[...]

then

(g) if the person is a defendant, respondent or third party, a present officer of a corporate defendant, respondent or third party or a partner in or manager of a partnership defendant, respondent or third party, the court may order the proceeding to continue as if no response to civil claim or response to petition had been filed.

**Rule 22-8 — Contempt of Court**

**Power of court to punish**

(1) The power of the court to punish contempt of court must be exercised by an order of committal or by imposition of a fine or both.

...

**Certain acts as contempt**

(4) A person who is guilty of an act or omission described in Rule 12-5 (25) or 22-7 (5), in addition to being subject to any consequences prescribed by those rules, is guilty of contempt of court and subject to the court's power to punish contempt of court.

[21] In *Carey*, the Supreme Court of Canada set out three elements that a court must find beyond a reasonable doubt to find a person in civil contempt: at paras. 32–35; see also, *CE International Resources Holdings LLC v. Yeap Soon Sit*, 2013

BCSC 186 at para. 24; *Unifor Local Union No. VCTA v. Sunlover Holding Co. Ltd.*, 2018 BCSC 922 at para. 33.

[22] First, the order alleged to be breached “must state clearly and unequivocally what should and should not be done”: *Carey* at para. 33. This requirement ensures the party knows what they are to do and are not found to be in contempt because they could not follow an order that they could not understand.

[23] Second, “the party alleged to have breached the order must have had actual knowledge” of the order — the party’s knowledge may be inferred in the circumstances, or found on the basis of the wilful blindness doctrine: *Carey* at para. 34.

[24] Third, “the party allegedly in breach must have intentionally done the act that the order prohibits or failed to do the act that the order compels”: *Carey* at para. 35.

[25] To be excused, the defendant must show that he did not intentionally do the prohibited act, or intentionally failed to do the act compelled by the order. The defendant must show that they had a lawful excuse for not complying with the terms of the order. A person may be able to establish a lawful excuse on the basis of a medical reason: *Dhillon v. Parmar*, 2014 BCSC 1115 at para. 67.

[26] In *Wei v. Chiu*, 2019 BCSC 441, this court observed that where a medical reason is provided as an excuse for non-attendance, the medical excuse must be examined “in the context of the history of steps taken to examine for discovery”: at para. 35.

[27] The authorities are clear that stress, in and of itself, is insufficient to establish a lawful excuse for failing to comply with a court order: *Dhillon* at para. 79; and *Han v. Cho*, 2008 BCSC 1621 at para. 20. Going to court as a party or witness is an inherently stressful process. Parties to a court action can reasonably be expected to experience a level of stress and anxiety.

**ANALYSIS**

[28] I find that all three elements for a finding of civil contempt against the defendant are satisfied beyond a reasonable doubt.

[29] I address the first two elements briefly. Associate Judge Krentz clearly ordered the defendant to participate in ten further hours for examination of discovery to be completed over two days within 60 days from December 9, 2024. The defendant was aware of the order. The 60 day period ended on or around March 3, 2025 and the defendant has not complied with the terms of the order.

[30] The Krentz order was made upon hearing the plaintiffs' counsel and the defendant himself, who was self-represented before Associate Justice Krentz. In his own affidavit, the defendant deposed that he responded immediately to the Krentz order by retaining new counsel in mid-December. He then filed a notice of appointment of lawyer on December 23, 2024 showing that he had, indeed, retained new counsel to pursue further postponements. The defendant does not suggest in his application response that he had no knowledge of the Krentz order.

[31] I now turn to the defendant's assertion that he had a lawful excuse which saves him from a finding of civil contempt of court. The question is whether the medical explanation evidence offered by the defendant is sufficient to excuse him from a finding of civil contempt.

[32] The defendant argues that he never intended to breach the Krentz order, that he acted in good faith, and that any delay was due to lack of legal knowledge, miscommunication, or broken trust. His main argument, however, is that he suffers an illness or illnesses which prevent him from complying. He makes further allegations of aggression and bad faith of opposing counsel, which are unfounded on the record before me.

[33] In submissions, the defendant's counsel seemed to suggest that the defendant was afraid of saying something against his interest in an examination for discovery. Given the adversarial nature of litigation, fear of saying something

contrary to one's interests is to be expected. In an examination for discovery, one party may try to elicit information in support of their case, and the other party may be apprehensive about that happening. This, reflects the nature of an adversarial court process.

[34] The defendant's counsel also suggests that he may be afraid of losing his temper or not remembering information. The suggestion was that the defendant's mental capacity may be insufficient and/or compromised. The defendant argues that he had communicated these various health and mental health issues through his previous counsel, but that the plaintiffs' counsel refused to adjourn the examination for discovery. The defendant further says that he was self-represented and not intentionally blocking the process. He states that at the first examination for discovery he did not understand the process and simply wanted to have his views heard.

[35] This application was originally scheduled to be heard when his third (and present) counsel was out of the country. It was then rescheduled to this date.

[36] The defendant has provided a letter from Dr. Rong Xie, his family doctor, dated January 1, 2025 which notes: "Mr. Bi has been diagnosed with depression and anxiety and is taking medication."

[37] Further, a letter from Dr. Rachel Rothbart, staff psychiatrist at the HOpe Centre saying:

"Mr. Bi was psychiatrically assessed on January 20, 2025. He is being treated for a psychiatric condition. After examining Mr. Bi today, I have determined Mr. Bi's participation in legal proceedings at this time would exacerbate his condition and impair his recovery. It is our recommendation that his involvement in legal proceedings be postponed until his condition improves. This includes examinations for discovery for a period of at least three months from the date of this letter."

[38] The correspondence from Dr. Rothbart recommended that the defendant not participate in an examination for discovery for a period of at least three months. The

plaintiffs point out that even if the letter was taken at face value the three months has expired.

[39] The medical information provided by the defendant does not provide a diagnosis or assessment of the defendant's alleged illnesses, nor does it discuss his ability to understand or participate in an examination for discovery in a detailed or meaningful way. It is not clear that Dr. Rothbart understood what an examination for discovery is, or the criteria for participating in one.

[40] The evidence provided does not outline the defendant's actual diagnosis or prognosis, or how it impacts his ability to participate.

[41] Dr. Rothbart suggested a three-month period where he should not participate. Even on the terms of the medical evidence offered by terms, the defendant could have participated in the examination for discovery, which would have rendered this application — along with further costs for the plaintiffs — unnecessary. Dr. Rothbart's note and suggestion that the defendant not participate in an examination for discovery for three months does not indicate a chronic condition, such as dementia, from which he may not recover or ever be able to participate as hinted at by the defendant's counsel.

[42] I find that the medical evidence provided does not support a finding that the defendant had a lawful excuse for violating the Krentz order.

[43] I find that the defendant has not established that he had a lawful excuse for failing to comply with the Krentz order.

**ORDER**

[44] Courts will usually give an alleged contemnor a chance to comply if it is reasonable in the circumstances. As the first alternative to the imposition of a fine or imprisonment, conditions can be imposed that compel compliance with rules and orders: *Wei* at para. 41. The purpose of an order for civil contempt of court is to ensure compliance with orders of the court.

[45] The defendant's conduct, has thwarted the plaintiffs' and the court's attempts to secure a just, speedy, and inexpensive resolution of this matter.

[46] I make the following orders:

- a) The defendant will pay a fine of \$2,000 into court, which is suspended for 30 days to give him a chance to comply with the Krentz order that he present himself for ten hours of examination for discovery over two days.
- b) The plaintiffs will, within seven days of the date of this decision, provide a list of five possible dates for the examination for discovery to occur within the timeline that I have set out.
- c) The defendant (or defendant's counsel) will respond within three days of receiving that list and confirm the two days that the defendant will make himself available for the of examination for discovery.
- d) If the examinations for discovery of the defendant are completed within a 30 day period (or further period as extended by written consent of the parties or order of this Court) then the \$2,000 fine will be waived.
- e) After 30 days from today's date, if the examination for discovery of the defendant has not occurred, and no written consent agreement signed by the parties or order of this Court extends the deadline, the plaintiffs may apply to strike the defendant's pleadings.

**COSTS**

[47] The plaintiffs, as successful applicants, should not be forced to bear the financial burden for seeking to have an order of this Court upheld. The plaintiffs are entitled to their costs on a solicitor-client basis.

“A. Walkem J.”