

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *2538520 Ontario Limited v. Eastern Platinum Limited,*
2025 BCSC 1096

Date: 20250613
Docket: S201427
Registry: Vancouver

Between:

253850 Ontario Limited and Rong Kai Hong

Plaintiffs

And

Eastern Platinum Limited, Diana Hu, Andrea Zhang, Sun Maohu, Chang Yu Liu, China Arts (Far East) Ltd., China Taurus International Group Corp., Ka An Development Co. Ltd., and Horizon International Development Ltd.

Defendants

- and -

Docket: S244818
Registry: Vancouver

Between:

253850 Ontario Limited

Plaintiff

And

Eastern Platinum Limited, Chang Yu Liu, Wanjin Yang, Ka An Development Co. Ltd., Great Wall Enterprise Inc., Dijun Liu, Fei Sheng, Robert Zhang

Defendants

- and -

Docket: S252308
Registry: Vancouver

Between:

253850 Ontario Limited

Plaintiff

And

Eastern Platinum Limited, Chang Yu Liu, Wanjin Yang, Ka An Development Co. Ltd., Great Wall Enterprise Inc., Dijun Liu, Fei Sheng, Robert Zhang

Defendants

Before: The Honourable Justice Kirchner

Reasons for Judgment

The Plaintiff, appearing in person and agent for 253850 Ontario Limited:	R.K. Hong
Counsel for the Defendant, Eastern Platinum Limited:	D. Eeg
Counsel for the Defendant, Great Wall Enterprises Inc.:	H. Qu
Counsel for the Defendant, Diana Hu:	J.R. Lithwick
No other appearances	
Place and Date of Hearing:	Vancouver, B.C. May 6, 2025
Place and Date of Judgment:	Vancouver, B.C. June 13, 2025

Table of Contents

[I. INTRODUCTION](#)

[II. BACKGROUND](#)

[A. Battle for Control of EPL](#)

[B. The Court Actions](#)

[1. The Ontario Action](#)

[2. The Derivative Action](#)

[3. The Oppression Action \(S201427\)](#)

[4. The Great Wall Action \(S244818\)](#)

[5. The Great Wall Petition \(S252308\)](#)

[C. History of this Application](#)

[III. ANALYSIS](#)

[A. General Legal Principles](#)

B. Discussion

IV. CONCLUSION

I. Introduction

[1] At issue in this application is whether the court can and should compel the plaintiff corporation to retain counsel before proceeding further with this litigation. The defendants, Eastern Platinum Limited (“EPL”) and Andrea Zhuang, apply for an order staying the proceeding in court file S201427 until counsel is appointed for the plaintiff, 2538520 Ontario Limited (“253”). The application is supported by the defendants Diana Hu, Chang Yu Liu, and Ka An Development Co. Ltd. (“Ka An”). EPL and Wanjin Yang, who are defendants in court file S244818 and respondents in the petition proceeding S252308, seek the same relief against 253 in those proceedings.

[2] All three proceedings relate to 253’s position as a minority shareholder in EPL. According to Rong Kai Hong, a plaintiff in S201427, 253 is a closely-held corporation owned solely by Mr. Hong through his company, Microgreen Solar Corporation. He states that 253’s sole purpose and sole function is to hold his shares in EPL. It has no employees and has no other business. Neither Mr. Hong nor 253 are presently represented by counsel. Mr. Hong, who is not a lawyer, is representing himself and purporting to represent 253.

[3] The applicants argue that Mr. Hong has no right to represent 253 in court proceedings even though he claims to be its sole shareholder (through Microgreen). They argue that only persons authorized to practice law in British Columbia have a right of audience with the court and any other person requires leave to conduct legal proceedings on behalf of their closely-held company. They argue that Mr. Hong has not shown that it is necessary or proper that he represent 253 in these proceedings and, accordingly, they argue the proceedings should be stayed until a lawyer is appointed. Further, because of a common law rule that plaintiffs in an action are not to be separately represented (*Canada (Attorney General) v. Canadian Pacific Ltd.*, 1981 CanLII 767, 30 B.C.L.R. 230 (S.C.) [*Canadian Pacific Ltd.*]), they argue Mr. Hong will necessarily have to be represented by the same counsel.

[4] Mr. Hong opposes the application arguing it is his choice to self-represent, both for himself and his company.

[5] For the reasons that follow, I would substantially dismiss the application but stay the proceedings until Mr. Hong provides evidence of 253's ownership structure.

II. Background

A. Battle for Control of EPL

[6] In 2015, Mr. Hong, in partnership with a China-based company called Beijing Hehe Fengye Investment Co. Ltd., acquired shares in EPL and sought to gain control of EPL's board of directors. The attempt was unsuccessful and Ka An acquired the controlling stake in EPL. Then, through a proxy battle with Mr. Hong and 253 at EPL's 2016 annual general meeting, Ka An prevailed over Mr. Hong in electing its slate of nominees to the EPL board. Despite that, Mr. Hong, through 253, continues to have a minority interest in EPL.

B. The Court Actions

[7] Since 253's failed attempt to gain control of EPL, Mr. Hong has initiated several court proceedings against EPL, its directing minds, and related companies for various matters as set out below.

1. The Ontario Action

[8] In June 2018, Mr. Hong and Beijing Hehe sued Ka An, its managing director Mr. Chang Yu Liu, Fasken Martineau Dumoulin LLP, and others in Ontario alleging that Fasken breached its fiduciary duty by acting for both Beijing Hehe and Mr. Hong as well as Ka An in the EPL share purchase. That action was dismissed on the basis that Ontario had no jurisdiction over the dispute: *Beijing Hehe Fengye Investment Co. Limited v. Fasken Martineau Dumoulin LLP*, 2020 ONSC 934.

2. The Derivative Action

[9] In November 2018, 253 applied for leave in the Supreme Court of British Columbia to bring a derivative action on EPL's behalf against the company's current and former directors. The petition alleged negligence and breach of fiduciary duty in relation to transactions regarding the retreatment of tailings in a

mine in South Africa. The application for leave was dismissed by Justice N. Smith who found that while the proposed action was in the best interests of the company, Mr. Hong lacked the required good faith to bring a derivative action: *2538520 Ontario Limited v. Eastern Platinum Limited*, 2019 BCSC 1446. He found at para. 58 that Mr. Hong was motivated by his personal interests in continuing his unsuccessful bid for control of EPL or to obtain retribution for that bid's failure rather than a genuine concern for the company's best interests. That decision was upheld on appeal (2020 BCCA 313) and an application for leave to appeal to the Supreme Court of Canada was dismissed.

[10] Following N. Smith J.'s judgment, Mr. Hong issued a press release urging other EPL shareholders to seek leave to pursue a similar derivative action. One such shareholder, Ms. Xiaoling Ren, did so. In reasons for judgment dated March 16, 2023 and April 28, 2023, Justice Gomery granted leave for a portion of that claim to proceed and it is ongoing.

3. The Oppression Action (S201427)

[11] On February 7, 2020, Mr. Hong and 253 filed a notice of civil claim in this court making claims in oppression and conspiracy to commit oppression. This is the first of the three proceedings that are before the court on this application. In this action, the plaintiffs seek orders requiring Ka An to sell its shares in EPL to arm's length purchasers, new elections for the board of directors, and the appointment of a new officers. They also seek \$50 million in damages for conspiracy. The oppression claim was amended on June 11, 2021 to remove eight defendants against whom the claim was struck.

[12] Up to this point, Mr. Hong and 253 were represented by a Toronto firm but in February 2024, Mr. Hong served a notice of intention to act in person for both himself and 253. In March 2024, EPL advised Mr. Hong that it objected to his representation of 253 but Mr. Hong proceeded to file the notice over the objection.

[13] On March 13, 2024, Mr. Hong and 253 filed a further amended notice of civil claim in the Oppression Action without the defendants' consent or leave of the court. That amendment purported to add Great Wall Enterprise Inc., Dijun Liu, and Wanjin Yang as defendants without an order as required by Rule 6-2(7) of the *Supreme Court Civil Rules*. It alleged that EPL entered into a series of below-

market-value transactions with Great Wall and pleaded oppression and conspiracy as bases for the claim.

[14] Mr. Hong later agreed to withdraw this further amended notice of claim after the defendants pointed out that leave was required to file it and to add defendants. He then filed an application seeking leave for the amendments but advised EPL that if the application could not be heard quickly or if it was denied, he would file and serve a “fresh Notice of Civil Claim”.

4. The Great Wall Action (S244818)

[15] The second matter before the court on this application is a separate oppression action that 253 filed in July 2024 naming EPL, Chang Yu Liu, Wanjin Yang, Ka An, Great Wall Enterprise Inc., and Dijun Liu as defendants. It concerns matters that were the subject to Mr. Hong’s purported further amendment of the Oppression Action. It makes claims in oppression, conspiracy, and breach of fiduciary duty relating to:

- a) the 2016 share purchase and proxy battle raised in the Oppression Action;
- b) transactions raised in the Derivative Action that was disallowed by N. Smith J.; and
- c) the Great Wall transactions raised in the improperly filed (and later withdrawn) further amended notice of civil claim in the Oppression Action.

[16] Before starting the Great Wall Action, Mr. Hong had written to several of EPL’s officers and directors restating allegations on the Oppression Claim and urging EPL to start legal proceeding against EPL’s directors and officers who were involved in approving the Great Wall transactions. He stated that he would seek leave to file a derivative action if EPL refused to start its own action. He also suggested that if they did not start an action, the law firms advising EPL would be guilty of “knowingly assisting EPL” and its directors and officers in not acting in the company’s best interests and thus he would seek to include them as defendants in any derivative action. He concluded the letter with this statement:

The above allegations by me are extremely serious. I have every evidence to prove that. If any one of you believe that the above allegation is not truthful, you as officer and director of EPL owe a duty to EPL to commence a defamation lawsuit against the undersigned.

[17] Mr. Hong copied this letter to the British Columbia Securities Commission, the Ontario Securities Commission, PwC (EPL's auditor), and the Toronto Stock Exchange, presumably in an effort to exert pressure on EPL's officers. Mr. Liu, the directing mind of Ka An, called Mr. Hong's bluff and sued him and 253 for defamation. 253 is represented by counsel in that proceeding.

[18] After conducting a review with legal advice, the EPL board passed a resolution declining to initiate proceedings as requested by Mr. Hong. Mr. Hong then started the Great Wall Action.

[19] On March 27, 2025, 253 filed an amended notice of civil claim purporting to add Fei Sheng and Robert Zhang as defendants, again without an order under Rule 6-2(7).

5. *The Great Wall Petition (S252308)*

[20] The third matter in this application is an oppression petition filed by 253 on March 27, 2025, the same day that the amended notice of civil claim in the Great Wall Action was filed. It is substantively identical to the amended notice of civil claim in the Great Wall Action but pleads oppression as the only basis for relief. Evidently, it was filed to address objections taken to 253 seeking oppression remedies by way of the Great Wall Action rather by petition.

C. History of this Application

[21] On March 22, 2024, EPL filed an application in the Oppression Action to set aside Mr. Hong's notice of intention to act in person on the grounds that he was not entitled to represent 253 in court proceedings. It also filed an application to that effect in the Great Wall Action upon being served with it.

[22] Mr. Hong and 253 initially opposed the applications but on March 28, 2024, Mr. Hong sought an adjournment because he thought 253 would "benefit from legal representation" even though he maintained there was nothing improper with him representing it. In light of that decision, EPL agreed to adjourn its application.

[23] Mr. Hong then retained counsel for EPL but not for himself. This gave rise to the irregularity of co-plaintiffs having separate representation and EPL indicated its intention to bring an application to address that irregularity. Mr. Hong advised EPL that 253's counsel was available on the dates EPL proposed for that application but "the instruction to him on behalf of 253 is not to appear for this motion" because Mr. Hong would argue the application himself. EPL points out, not unreasonably, that this course of proceeding suggests Mr. Hong obtained EPL's consent to adjourn the March 22, 2024 application through a misleading representation, namely that 253 would be represented by counsel.

[24] EPL set down its application on the irregularity of separate representation in general chambers for two hours on August 29, 2024. It also filed an application in the Great Wall Action to stay that proceeding until 253 retained counsel. EPL's counsel advised Mr. Hong that they wished to have that application heard on August 30, the day after the separate representation application, but Mr. Hong was unavailable because he was booked to fly to Toronto that day.

[25] In the lead-up to the August 29 hearing, Mr. Hong advised that he wished to bring an application on the same day to compel a list of documents from the defendants in the Oppression Action. EPL warned this would likely result in an adjournment of both applications due to an inadequate time estimate but Mr. Hong was undeterred. He filed his application and, as EPL predicted, Justice Tammen adjourned both applications on August 29, 2024 suggesting the parties should seek a full day in long chambers.

[26] Mr. Hong then told the court he would like to have his documents application adjourned to the following day, which is the day he had earlier claimed he was not available for EPL's application because of his flight to Toronto. Mr. Hong later explained that he viewed his documents application as being so important that he was prepared rearrange his travel schedule (apparently he was not willing to offer the same accommodation to EPL for its application.) Justice Tammen was unconvinced that the document application should be heard separately and declined to set it for the following day. He left it to counsel to find a full day for both applications.

[27] Over the next six months, counsel for EPL worked to secure a hearing date but faced the usual challenges of competing for limited court time. In January

2025, Mr. Hong advised that he would proceed separately with his document application. Counsel for EPL exchanged emails with 253's counsel in its effort to secure a date but Mr. Hong instructed 253's counsel to cease that correspondence in the interests of saving on legal fees.

[28] Mr. Hong then set his documents application for February 14, 2025 and EPL responded by doing the same with its separate representation application. Mr. Hong then filed a notice of intention to act in person on behalf of 253. The parties appeared before Justice Morishita on February 14, 2025 who adjourned both applications and granted a six-month stay of the proceedings so that the present application could be heard.

III. Analysis

A. General Legal Principles

[29] Self-represented litigants are a daily feature in this court. In rare instances, parties represent themselves by choice but in the vast majority of cases it is a matter of economic necessity as the self-represented party cannot afford to pay for a lawyer.

[30] The *Legal Profession Act*, S.B.C. 1998, c. 9, s. 15(1) prohibits any person, other than a practising lawyer, from engaging in the practice of law except as expressly permitted under that section. Section 15(5) prohibits a person from commencing, prosecuting or defending a court proceeding, again subject to an express exception in subs. 15(1). One exception, found in subs. 15(1)(a), is for "a person who is an individual party to a proceeding acting without counsel solely on the person's own behalf".

[31] In *Venrose Holdings Ltd. v. Pacific Press Ltd.*, 1978 CanLII 378, 7 B.C.L.R. 298 (C.A.) [*Venrose*], the court held that a corporation, represented by its duly authorized officer, falls within this exception and can represent itself in that capacity. Further, since a corporation is a legal person under (what is now) the *Business Corporations Act*, S.B.C. 2002, c. 57, "a corporation may, by its proper officer or employee, commence an action in the Supreme Court of British Columbia as a person and party to the action": *Venrose* at para. 12.

[32] However, apart from the *Legal Profession Act*, the court retains a discretion to decide whether or not to “grant a privilege of audience” to persons who are not lawyers to speak on their own behalf or on behalf of others in court. Justice McIntyre, writing for the court in *Venrose*, explained this as follows at para. 15:

...the courts as masters of their own proceedings must retain a discretion whether to hear from time to time in the course of the dispatch of their business such persons other than barristers as they may consider should be heard in the interests of justice. The court in its discretion may grant a privilege of audience to such persons in any case where it deems it necessary or proper and deny it in other cases. This, no doubt, is a power which should be exercised rarely and with caution, and it is one the courts will be zealous to preserve.

[33] When and in what circumstances the court will grant this privilege to a non-lawyer purporting to represent a corporation has been explored in a number of cases. In *British Columbia Telephone Company v. Reuben*, 1982 CanLII 588, 38 B.C.L.R. 392 (S.C.), Justice Esson held that, generally, the privilege of audience for non-lawyer representatives of a corporation will only be extended to the corporation’s officers and not to its employees. He also stated that the “general rule undoubtedly is to grant audience to a litigant in person”.

[34] In *Great West Life Assurance Co. v. Royal Anne Hotel Co.*, 1986 CanLII 980, 6 B.C.L.R. (2d) 175 (C.A.), Esson J.A. accepted that only members in good standing of the Law Society have a *right* of audience in court and for all others it is a *privilege* that falls within the court’s discretion. He affirmed the test as set out in *Venrose* that this privilege is granted where the court deems it “necessary or proper.” He suggested at para. 8 that the rule may be less strict for self-represented individuals as opposed to corporations and noted that the circumstances in which the privilege is granted has turned out to be less rare than initially suggested in *Venrose*. He said at para. 8 that “the harsh economic realities of the time have made the occasions for its exercise quite frequent” and the “frequency of such appearances has, of course, been much greater in courts of first instance”. He said self-representation by a corporation through its officer can be helpful to the court when this is the only mode by which the corporation can afford to appear, but it is “often unsatisfactory.”

[35] *Venrose* was discussed at some length in *Fast Trac Bobcat & Excavating Service v. Riverfront Corporation Centre Ltd.*, 2002 BCSC 1399, aff’d 2004 BCCA 279. There, a disbarred lawyer purported to represent a number of companies in

various court proceedings. He was a shareholder, employee or, in his words, the “alter-ego” in most of the companies, although it appears that in many of these instances he was appointed to that position for the sole purpose of representing the company in court proceedings. There were extensive problems with his conduct of these matters, including misrepresenting his authority to opposing parties and his presentation in court. The Law Society of British Columbia applied for an order enjoining him from representing the corporations.

[36] Justice Taylor granted the Law Society’s application. After discussing *Venrose*, he suggested at para. 64 that “it is clear that it is truly the exception when an audience is denied” and at para. 69 that the privilege of audience is granted “generously to non-lawyers when necessary.” He then set out what he regarded as the test to apply on such applications:

[74] The test to be applied when a person who is not a member of the Law Society seeks to represent a corporation is, in essence, a determination of whether it is necessary or proper that he or she do so. The term “necessary” refers to an economic reason, namely the financial inability to retain counsel. The term “proper” refers to whether the person seeking permission to appear is an appropriate person under the circumstances, a determination which may require an examination of the track record and abilities of the applicant.

[37] While Taylor J. read *Venrose* as stating that the right of audience will rarely be denied, the Court of Appeal later explained that *Venrose* suggests the opposite, namely that “the right of a corporation to be represented by other than a member of the bar is very limited”: *Atlantic Chemicals Trading of North America Inc. v. Morizon Holdings Ltd.*, 2005 BCCA 456 at para. 3.

[38] In *Mann v. Northern B.C. Enterprises Ltd.*, 2003 BCSC 1587, Justice L. Smith considered whether an individual who had been the sole shareholder of a company could represent the company in court proceedings. The company, Mann Enterprises, was the individual’s “corporate vehicle for doing business.” The action was for damages in wrongful dismissal or, alternatively, breach of contract in respect of a construction project for which the individual, Mr. Mann, was the site supervisor. The defendant sought an order staying the proceeding until Mann Enterprises retained counsel. Mr. Mann and his spouse had been the sole shareholders of the company when the action was commenced and Mr. Mann was one of the officers. However, he later had to resign as an officer when he went into

personal bankruptcy and the shares in the corporation were assigned to the trustee. Mann Enterprises itself was not bankrupt but it had no assets. No officers had been appointed to replace Mr. Mann and the trustee would not incur any costs for the litigation. Thus, Mann Enterprises could only proceed as a party if Mr. Mann continued to represent it.

[39] Justice Smith surveyed a number of authorities, including those that I have just reviewed, and set out some general principles that flowed from them. Among those principles are that “litigants will normally be granted the privilege of audience, at least in those matters where legal aid is not available” and the same approach “should be taken with respect to corporations as to natural persons”: *Mann* at para. 63(6). She also reiterated the “necessary and proper” test first outlined in *Venrose* and affirmed in subsequent authorities. She ultimately held it was necessary and proper for Mr. Mann to represent Mann Enterprises because there was no other way for it to be before the court.

B. Discussion

[40] Both parties on this application rely on the cases I have just reviewed. EPL argues they stand for the proposition that persons who purport to represent a company, even if an officer and sole shareholder of that company, require leave of the court to have the privilege of audience. EPL argues an application of the necessary and proper test first established in *Venrose* indicates that Mr. Hong should not be given the privilege of audience to represent 253 in this case. Mr. Hong argues the cases show a generous approach to granting the privilege of audience to a corporate officer representing the company. He argues those cases where the privilege was denied involve extreme circumstances with disbarred lawyers or other clearly inappropriate representatives.

[41] If I were to only apply the necessary and proper test in this application, I would be inclined to agree with EPL. With respect to necessity, there is no evidence that Mr. Hong is unable to afford counsel for 253. In *Lakeway Heights Developments Inc. v. Royal Bank of Canada*, 1992 CanLII 720, 65 B.C.L.R. (2d) 132 (C.A.), Madam Justice Southin, speaking for the Court, held that where the question of a company being represented by an officer arises, “evidence relating to the financial condition of both the company and its shareholders ought to be adduced.”: at 8. She added that “at least in those matters where legal aid is not

available ... it would not ordinarily be in the interests of justice to refuse audience to a litigant in person who was not financially able to retain counsel.”: at 12.

[42] Mr. Hong argues that 253’s only assets are its shares in EPL that are the subject of these proceedings. However, that does not address Mr. Hong’s own ability to fund legal counsel as shareholder. He has led no evidence as to his own financial circumstances and I am far from convinced that it is financially necessary for him to represent 253 without a lawyer.

[43] Nor am I persuaded that it is “proper” for Mr. Hong to represent 253 given his track record thus far in these proceedings. Mr. Hong has initiated multiple and duplicative proceedings. The Oppression Action appears to be the central vehicle for his and 253’s claims and the Great Wall Action seems to have been commenced to avoid the need for application to amend the notice of civil claim in the Oppression Action. Both proceedings are irregular in that oppression proceedings are to be commenced by petition rather than by notice of civil claim. This irregularity appears to be the reason for the third proceeding, the Great Wall Petition, which duplicates claims in the Great Wall Action. The multiple proceedings are confusing and likely an abuse of process insofar as they overlap. This has undoubtedly made it more difficult and expensive for EPL to defend these proceedings and valuable court time will be needed to sort out and potentially consolidate the proceedings and perhaps dismiss those claims that overlap. It seems these multiple proceedings have come about because of Mr. Hong’s impatience in having his application to amend the notice of civil claim in the Oppression Action heard, which does not speak well to his capacity to manage these proceedings on behalf of 253. There is also the problem of Mr. Hong purporting to add defendants to these proceedings without leave of the court.

[44] I am also concerned that these proceedings, like the Derivative Action application that N. Smith J. dismissed, are further acts of retribution over Mr. Hong’s failed bid to take control EPL. That was the basis on which N. Smith J. found Mr. Hong lacked the required good faith to bring the Derivative Action. Equally concerning is the Court of Appeal’s finding at para. 84 of its reasons dismissing the appeal from N. Smith J. that Mr. Hong “exaggerated the facts to suit his interests and advanced allegations of undisclosed conflicts of interests, without evidence, against the Proposed Defendant Directors.” This raises a significant

question as to whether it is proper that Mr. Hong be permitted to pursue this case as 253's representative.

[45] EPL also points out that Mr. Hong lacks an understanding of the *Supreme Court Civil Rules* and acts in contravention of them. This adds to EPL's costs in defending the actions and the use of scarce and valuable court time is taken up with correcting his errors and missteps. These include filing multiple claims, purporting to unilaterally amend claims when leave of the court is required, and purporting to add parties without leave of the court. EPL also points to Mr. Hong's actions which have frustrated EPL's attempts to have their applications heard and his selective availability which seems to be flexible when needed to suit his own needs but not EPL's.

[46] In view of all this – and particularly the fact that I am far from convinced that the cost of legal counsel would present any financial hardship for Mr. Hong – I would have been inclined to grant a limited stay of the proceeding so that 253 would be required to retain counsel at least until the pleadings in the three proceedings are sorted out and closed. Experienced legal counsel could work to eliminate those claims that are unnecessary and consolidate those that overlap. Proper applications to amend and add parties could be brought. Legal counsel, as an officer of the court, would also have a professional obligation not to advance a meritless claim that is brought only to seek retribution for Mr. Hong's loss in the proxy battle. Once the multiplicity of claims is remedied and the pleadings closed, it could then be open to Mr. Hong to apply again to represent 253 if that was his wish.

[47] However, despite the authorities I have reviewed earlier in these reasons, I am not convinced it is open to the court to deny Mr. Hong of his choice to represent his own company in these proceedings. In *Pintea v. Johns*, 2017 SCC 23, the Supreme Court of Canada expressly endorsed the Canadian Judicial Council's *Statement of Principles on Self-represented Litigants and Accused Persons* which includes the following:

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.

[Emphasis added]

[48] The emphasized passage suggests there is a right of all persons to represent themselves in court if they choose to do so. Indeed, in its Civil Law Handbook for Self-Represented Litigants, the Canadian Judicial Council states at para. 1.2: “You have a right to represent yourself. You are allowed to appear in court without a lawyer.” In my view, the court’s discretion as outlined in *Venrose* and related cases must now be read in light of the Supreme Court of Canada’s endorsement of the *Statement of Principles in Pintea*.

[49] The right of self-representation in civil cases has also been recognized expressly by other courts: *Jonsson v. Lymer*, 2020 ABCA 167 at para. 71.^[1] This right is subject to certain restrictions under the court’s inherent jurisdiction to control its process and the applicable rules of procedure. These include, for example, procedural orders that might be placed on vexatious litigants such as a requirement to obtain leave of the court before commencing a proceeding. However, insofar as the court has jurisdiction to compel a party to appear only through a lawyer, it would have to be an extraordinary case in which that discretion is exercised: *Jonsson* at para. 72.

[50] EPL’s present application seeks an order that 253 retain counsel. While this order would not apply to Mr. Hong personally, if it is granted, EPL intends to seek a further order staying Mr. Hong’s proceeding unless he and 253 are represented by the same counsel pursuant to the principles in *Canadian Pacific Ltd*.

[51] Regardless, for the purpose of granting an audience with the court, I can find no principled reason to treat an unrepresented closely-held corporation any differently than how a self-represented individual would be treated. Where the corporation is the vehicle through which an individual carries on business, such as in *Mann*, it is effectively a self-represented individual. According to Mr. Hong, that is the structure of 253.

[52] For good or bad, Mr. Hong has chosen to represent himself and what he says is his own company in this proceeding. I certainly do not endorse that as a wise course of action. The case he is pursuing is factually and legally complex and the damages he seeks (some \$50 million) are significant. With respect, I do not share Mr. Hong’s confidence in his ability to prosecute these complicated matters as a self-represented party. He states that he does not want to spend money on

lawyers even though it appears this is not a financial barrier for him. In my view, he would be well advised to treat the cost of experienced legal counsel as an investment rather than an expense. However, that is his choice to make.

[53] Thus, while I find there are good reasons to conclude that 253 has not meet the “necessary and proper” test from *Venrose*, I am unable to conclude that the court can compel 253 to retain counsel at this stage.

[54] That said, I would not reach that same conclusion if Mr. Hong were to be representing the interests of others in this proceeding. In this regard, I am concerned about the absence of evidence of 253’s ownership structure. EPL has tendered evidence of a May 1, 2025 company search showing that while Mr. Hong is 253’s chief executive officer, a person named Wing Chung Hung is listed as its president. There is no evidence of who this person is. Wing Chung Hung is also listed a director along with Hai Cheng Du and Wan Qing Wang. There is no evidence of who these persons are either. Mr. Hong asserted that these records are out of date but he has led no evidence to refute them and has led no evidence, apart from his own assertions, of 253’s shareholdings.

[55] It is one thing for Mr. Hong to put his own interests in his own hands as a self-representing party but quite another for him to take responsibility for other people’s interests. I would not conclude that Mr. Hong should have a privilege of audience to represent 253 in these proceedings if there are other persons who directly or indirectly hold a legal or beneficial interest in 253.

[56] For that reason, I will grant an interim stay of the proceeding until such time as 253 files with the court an affidavit that fully sets out its ownership structure and explains the corporate registry documents tendered by EPL. The affidavit should include certified copies of share certificates and other corporate documents for 253 and any other entity (such as Microgreen) that controls or has an interest in 253. Mr. Hong must serve that affidavit on all other parties named in these three proceedings. Upon filing the affidavit, he may then submit a written request to the court to lift the stay. Any other party may object in writing to lifting the stay if they are of the view that the affidavit is inadequate. If necessary, a further hearing can be scheduled to address any such objections. I will be seized of that aspect of these proceedings but no other part. Any written submissions should be provided to the court through Supreme Court Scheduling.

IV. Conclusion

[57] In summary, as long as 253 is truly a closely-held corporation owned exclusively by Mr. Hong, I find I am not able to compel it to retain legal counsel to continue its proceedings and, for that reason, I would not grant the stay sought by the applicants. However, I will stay the proceedings until such time as 253 files an affidavit demonstrating to the court's satisfaction that 253 is wholly owned, legally and beneficially, by Mr. Hong and no other person. All other parties to the three proceedings have liberty to make written submissions on whether the affidavit sufficiently establishes 253's ownership structure. If necessary, a party may request a further hearing before me on that subject only.

[58] Costs of the application will be in the cause.

“Kirchner J.”

I. ^[1] It has long been recognized that accused persons in criminal proceedings have a right to represent themselves: *R. v. Vesio*, 1948 CanLII 53, [1949] S.C.R. 139 (S.C.C.); *R. v. Swain*, 1991 CanLII 104, [1991] 1 S.C.R. 933 (S.C.C.) at 972; and *R. v. Kahsai*, 2023 SCC 20 at para. 43.