

Court of King's Bench of Alberta

Citation: Rinehart v Magnum York Property Management, 2025 ABKB 364

Date: 20250613

Docket: 2501 01031

Registry: Calgary

Between:

**Karis Rinehart, Tenants (past and present), Community members (past and present),
Friends and family of tenants and community members**

Plaintiffs

- and -

**Magnum York Property Management, (Management of Albert Park (Terrace),
Apartments), Go Smart Property Management, (Management of Albert Park (Terrace),
Apartments), Envision Property Management, (Management of Albert Park (Terrace),
Apartments), George Stratis, (Building Owner), Bart Bardsley, (Property manager, Albert
Park (Terrace) Apartments), Deborah (Debbie), Kingsbury, (Building Manager, Albert
Park (Terrace) Apartments), Roger Mazzer, (Property Manager, Albert Park (Terrace)
Apartments)**

Defendants

**Endorsement
of the
Associate Chief Justice
D.B. Nixon**

[1] On May 12, 2025, I received a request from counsel for one of the Defendants, Go Smart Property Managers Inc, asking the Court to review the Plaintiffs' Statement of Claim, filed January 21, 2025, under Civil Practice Note 7 ("CPN7").

[2] CPN7 sets out summary procedures, using r 3.68 of the *Alberta Rules of Court*, Alta Reg 124/2010, for an assessment of a “claim, defence, action, application, or proceeding that appears on its face to be frivolous, vexatious, or otherwise an abuse of process.”

[3] Amongst other things, counsel for Go Smart Property Managers Inc argues that the Statement of Claim names an entity that does not exist, “Go Smart Property Management”, and has no merit. In particular, he asserts that the claim “has no merit, has no prospect of success, and is otherwise frivolous” because it does not identify any actionable breach of duty attributable to the Defendants, and the damages sought are excessive or impossible.

[4] I have reviewed the Statement of Claim. Based on my review of the facts and analysis of the law, I find the Statement of Claim may be frivolous, vexatious, or an abuse of process. Specifically, the Plaintiffs allege breach of legislation that does not exist, the “RTDRS Act”, and appear to be seeking excessive or impossible relief. It is also unclear whether the Plaintiffs are alleging a breach of a tenancy agreement, and whether the parties have attempted to resolve their dispute through the Residential Tenancy Dispute Resolution Service (the “RTDRS”).

[5] Given this context, if the Plaintiffs wish to continue with the Statement of Claim, they must file a Written Submission setting out why the Statement of Claim is not frivolous, vexatious, or an abuse of process. In doing so, they may wish to identify, in detail, responses to the following questions:

- a. Why is the Court of King’s Bench the appropriate forum for this dispute? Have the Plaintiffs attempted to resolve their dispute using the RTDRS?
- b. Are the Plaintiffs alleging breach of a residential tenancy agreement, or contravention of the *Residential Tenancies Act*, SA 2004, c R-17.1, pursuant to section 37 of that statute?
- c. What are the damages alleged and how is it alleged that the remedy sought is proportionate?

[6] The next steps are as follows.

- a. The Clerk will file and serve this Apparent Vexatious Application or Proceeding Notice (“AVAP Notice”) on the Plaintiffs and all the Defendants.
- b. If the Plaintiffs wish to respond to this AVAP Notice, they must prepare a Written Submission of no more than 10 pages, which may address the questions in para 5 above. They must file and serve the Written Submission within 14 days after receiving this AVAP Notice. The Written Submission must be clearly addressed “To the Attention of Associate Chief Justice D.B. Nixon” and should be sent to the office of Associate Chief Justice D.B. Nixon, located at the Calgary Court Centre, 601 – 5th Street, S.W., Calgary, Alberta T2P 5P7. It must also be served on all other parties in the action.
- c. The other Defendants, Magnum York Property Management, (Management of Albert Park (Terrace), Apartments), Envision Property Management, (Management of Albert Park (Terrace), Apartments), George Stratis, (Building Owner), Bart Bardsley, (Property manager, Albert Park (Terrace) Apartments), Deborah (Debbie), Kingsbury, (Building Manager, Albert Park (Terrace) Apartments), Roger Mazzer, (Property Manager, Albert Park (Terrace)

Apartments), or their counsel, may join counsel for Go Smart Property Managers Inc in asking the Court to review the Statement of Claim under CPN7. If they choose to do so, they or their counsel on their behalf should prepare a Written Submission confirming same within 14 days after receiving this AVAP Notice. It should be clearly addressed “To the Attention of Associate Chief Justice D.B. Nixon” and should be sent to the address set out in para 6.b above. It must also be served on all other parties in the action.

- d. If the Plaintiffs do not file and serve a Written Submission by the deadline, the Court will make a final decision on whether the Statement of Claim should be struck out in whole or in part under r 3.68 of the *Alberta Rules of Court*.
- e. If the Plaintiffs do file and serve a Written Submission, Go Smart Property Management Inc, and the other Defendants, if they have elected to join the CPN7 review process, have seven days to provide a Written Reply of up to 10 pages. The Written Reply must be clearly addressed “To the Attention of Associate Chief Justice D.B. Nixon” and should be sent to the address set out in para 6.b above. It must also be served on all other parties in the action.
- f. Once the Court receives the Plaintiffs’ Written Submission (if any) and the Defendants’ Written Reply(ies) (if any), the Court will make a final decision on whether the Statement of Claim should be struck out in whole or in part under r 3.68 of the *Alberta Rules of Court*.

[7] The *Alberta Rules of Court* can be accessed for free on <https://www.canlii.org/>.

[8] I encourage the Plaintiffs to seek legal advice and assistance. If they cannot afford to hire a lawyer, they may wish to contact Calgary Legal Guidance at (403) 234-9266. For information or assistance filing documents, they may wish to contact Court and Justice Services at 1-855-738-4747.

[9] Counsel for Go Smart Property Management Inc, with cooperation of the other Defendants, or their counsel (as applicable, if they wish to participate in the CPN7 process), will prepare and serve the Interim Order staying this Action until the CPN7 process is complete. The Plaintiffs’ approval of that Order is not required, pursuant to r 9.4(2)(c) of the *Alberta Rules of Court*.

Dated at Calgary, Alberta this 13th day of June, 2025.

D.B. Nixon
A.C.J.C.K.B.A.

Appearances:

Patrick J. Heinsen, K.C. – by Written Submission
Borden Ladner Gervais LLP
for one of the Defendants, Go Smart Property Managers Inc

All other Defendants – No Appearance

Karis Rinehart, Tenants (past and present), Community members (past and present), Friends and family of tenants and community members – No Appearance
Plaintiffs