IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Brooks v. Thibeault,* 2025 BCSC 1693

Date: 20250829
Docket: S248255
Registry: Victoria

Between:

Catus Brooks

Plaintiff

And

Dr. Amy Thibeault, Dr. Doris Duru, Dr. Brent Gould, BC Ministry of Health, and Ministry of Public Safety

Defendants

Before: The Honourable Justice M. Taylor

Reasons for Judgment

Counsel for the Defendants, Dr. Thibeault, Dr. Duru and Dr. Gould:	H. Nijjar
Counsel for His Majesty the King in right of the Province of British Columbia:	A. Brown N. Bradley, Articled Student
No further appearances	
Place and Date of Hearing:	Victoria, B.C. August 15, 2025
Place and Date of Judgment:	Victoria, B.C. August 29, 2025

2025 BCSC 1693 (CanLII)

Table of Contents

I. INTRODUCTION 3
II. BACKGROUND 3
A. The NOCC 3
B. Progress of the Litigation to Date 4
C. The Plaintiff's Litigation History 4
III. ANALYSIS 4
A. The Legal Analysis 4
B. Application of the Legal Analysis 7
1. The Claims against the Province 7
2. The Claims against the Physician Deefendants 10
3. Abuse of Process 13
IV. ORDER 16

2025 BCSC 1693 (CanLII)

2025 BCSC 1693 (CanLII)

I. INTRODUCTION

[1] The applicants, His Majesty the King in right of the Province of British Columbia (the "Province") and Dr. Amy Thibeault, Dr. Doris Duru and Dr. Brent Gould (the "Physician Defendants"), seek orders pursuant to Rule 9-5(1) of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [*Rules*] striking the portions of the notice of civil claim of the plaintiff, Catus Brooks, filed October 3, 2024 (the "NOCC") against them and dismissing the claims in the NOCC without leave to amend.

[2] The Province further applies to have the named defendants "BC Ministry of Health and Ministry of Public Safety" amended to the name of "His Majesty the King in right of the Province of British Columbia" on the basis that the currently named defendants are not proper parties to the proceeding. In my view the amendment sought by the Province with respect to correcting the names of the defendants is properly mandated by section 7 of the *Crown Proceeding Act*, R.S.B.C. 1996, c. 89 and section 11(1) of the *Police Act*, S.B.C. 1996, c. 367 and I therefore so order.

II. BACKGROUND

A. The NOCC

[3] In the NOCC the plaintiff seeks $10,000,000 in relief against the Province and the Physician Defendants. The allegations in the NOCC are non-specific, vague and difficult to follow. However, reading the NOCC as a whole and according maximum fairness to a self-represented litigant, the NOCC appears to allege in essence that:

a. the Physician Defendants have illegally detained and harassed the plaintiff (although the dates, manner and length of detention are not pleaded in the NOCC);

b. the Physician Defendants have engaged in corruptions and malpractice, including with respect to British Columbia Medical Services Plan ("MSP") overbilling (although the material facts relating to the alleged corruptions and malpractice and also the dates, manner and amounts of overbilling are not specified);

c. the Physician Defendants have abused and maliciously interpreted the *Mental Health Act*, R.S.B.C. 1996 [*Mental Health Act*] (although the manner and extent of this abuse and malicious interpretation is not pleaded);

d. the Province allowed the Physician Defendants to abuse the *Mental Health Act* (although the manner and extent of allowing this abuse is not pleaded); and

e. the Province allowed the Victoria, Oakbay [sic] and Saanich Police (collectively, the "Municipal Constables") and the Royal Canadian Mounted Police ("RCMP") to harass and illegally detain the plaintiff under the *Mental Health Act* over 10 times, and also others, and also to censure the plaintiff's political speeches and views (although the material facts relating to the harassment and detention, and also censure of the plaintiff's speeches and views, is not pleaded).

2025 BCSC 1693 (CanLII)

[4] As a legal basis, the NOCC asserts violations of the *Mental Health Act*, *Privacy Act*, *Constitution* and *Charter of Rights and Freedoms* and the *Police Act*, without specifying which provisions of those statutes have been breached and how.

B. Progress of the Litigation to Date

[5] The Province and Physician Defendants have filed responses to the NOCC denying all relief sought, including on the basis that the NOCC does not disclose any material facts necessary to ground a reasonable claim against them.

[6] The plaintiff, after filing the NOCC, has taken no further material steps in this proceeding and also failed to appear to oppose or speak to this notice of application, despite being duly served with the application materials.

C. The Plaintiff's Litigation History

[7] The plaintiff has a lengthy history of litigation pertaining to his healthcare providers and the police, including prior allegations in court documents that medical professionals, the Physician Defendants and the police have acted contrary to the *Mental Health Act*. I will address this history more fully below in relation to the abuse of process arguments.

III. ANALYSIS

A. The Legal Analysis

[8] Rule 9-5(1) of the *Rules* sets out the grounds for striking a deficient pleading:

> (1) 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:
>
> a) it discloses no reasonable claim or defence, as the case may be,
>
> b) it is unnecessary, scandalous, frivolous or vexatious,
>
> c) it may prejudice, embarrass or delay the fair hearing of the proceeding,
>
> d) it is otherwise an abuse of the process of the court,
>
> 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.

2025 BCSC 1693 (CanLII)

[9] The applicable analysis under Rule 9-5(1)(a) was helpfully summarized by Master Elwood (now a judge of this Court) in *Kepa v Catlin*, 2021 BCSC 1960:

> [13] On an application under Rule 9-5(1)(a), the question is whether it is plain and obvious the pleading discloses no reasonable claim. Evidence is not allowed on an application under subrule (a). The application proceeds on the basis the facts pleaded are true, unless they are manifestly incapable of being proven. The approach is generous; if an amendment can salvage an otherwise questionable claim, the court should permit the plaintiff an opportunity to amend: *R. v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42, at para. 17, 21-22; *Krist v. British Columbia*, 2017 BCCA 78, at paras. 22-23; *Berthin v. Berthin*, 2016 BCSC 2235, at para. 13-15.
>
> [14] Although the court must read the pleading generously, it is not required to presume the truth of allegations based purely on assumptions or wild speculation. Highly inflammatory pleadings may be subject to scrutiny by the court, albeit with great caution on an application to strike: *Grosz v. Royal Trust Corporation of Canada*, 2020 BCSC 128, at paras. 58, 104; *Willow v. Chong*, 2013 BCSC 1083, at para. 19; *Young v. Borzoni et al*, 2007 BCCA 16, at para. 25-31.
>
> [15] There is significant overlap amongst Rule 9-5(1)(a) and the other subrules of 9-5(1). Under subrule (b), a pleading is unnecessary or vexatious if it does not go to establishing a claim known in law, or it is so confusing that it is difficult to understand what is pleaded. Under subrule (c), a pleading may be embarrassing if it is so irrelevant that to allow it to stand would involve useless expense and prejudice to a fair trial. A pleading may also be an abuse of process under subrule (d) if allowing the proceeding to continue would violate principles of judicial economy, consistency, finality and the integrity of the administration of justice: *Sahyoun v. Ho*, 2015 BCSC 392, at para. 58-63.
>
> [16] The Court of Appeal recently confirmed that Rule 9-5(1) authorizes the court to strike out pleadings that fail to comply with the various requirements of the Rules or that frustrate the objectives of proper pleadings: *Mercantile*

> *Office Systems Private Limited v. Worldwide Warranty Life Services Inc.*, 2021 BCCA 362 [Mercantile Office Systems].
>
> [17] In *Mercantile Office Systems*, the Court of Appeal explained that pleadings are foundational and guide the entire litigation process. The function of pleadings is to clearly define the issues of fact and law to be determined by the court. The objective is not to tell a story or to provide a narrative of events, but rather to state the material facts – the essential elements to formulate a claim or a defence - as succinctly as possible. *Mercantile Office Systems*, at paras. 44-48.
>
> [18] The basic rules for pleading a notice of civil claim are set out in Rules 3-1(2) and 3-7, and numerous decisions of this court. A notice of civil claim must:
>
> > a) state facts and not merely conclusions of law;
> >
> > b) include, for each cause of action, the material facts on which the plaintiff relies to establish a complete cause of action;
> >
> > c) not include the evidence by which those facts are to be proved; and
> >
> > d) be as concise as the case allows.
>
> *Mercantile Office Systems*, at paras. 9-12, 19-20; *Simon v. Canada (Attorney General)*, 2015 BCSC 924, at paras. 15-19.

[10] In *Karbalaeiali v. Insurance Corporation of British Columbia*, 2021 BCSC 1651, Justice MacNaughton (then a judge of this Court), citing *Gateway Building Management Limited v. Manjit Singh Randhawa*, 2013 BCSC 350, set out some of the circumstances in which a pleading will be struck:

> (a) the pleadings are unintelligible, confusing and difficult to understand;
>
> (b) the pleadings do not establish a cause of action and do not advance a claim known in law;
>
> (c) the pleadings are without substance in that they are groundless, fanciful and trifle with the Court's time;
>
> (d) the pleadings are not *bona fides*, are oppressive and are designed to cause the Defendants anxiety, trouble and expense;
>
> (e) the action is brought for an improper purpose, particularly the harassment and oppression of the defendants; and
>
> (f) the pleadings are so prolix and confusing that is it difficult to understand the case to be met.

2025 BCSC 1693 (CanLII)

[11] The courts have also made it clear that a defendant should not have to guess what it is the defendant is alleged to have done; the defendant is entitled to know the case it has to meet when it first reads the pleadings: *SunOil Ltd. v. Big Snowy Resources, L.P.*, 2015 BCSC 167 at paras. 18 and 19.

2025 BCSC 1693 (CanLII)

B. Application of the Legal Analysis

[12] In my view, applying the foregoing legal analysis, the claims of the plaintiff as against the Province and the Physician Defendants should be struck in their entirety and dismissed without leave to amend. I will address each of these two categories of claims in turn.

1. The Claims against the Province

[13] Assuming all of the facts alleged are true, and even when read generously, it is in my view plain and obvious that the claims against the Province in the NOCC disclose no reasonable cause of action.

[14] I start by noting that the NOCC does not allege that the Province took any actions which directly infringed the plaintiff's rights or harmed the plaintiff. Rather the plaintiff's claim appears to be that the Province "allowed" certain agencies and doctors to infringe the plaintiff's rights under the *Mental Health Act* and other statutes and to harm the plaintiff.

[15] The problem with all these claims is that they do not disclose a reasonable claim of action pursuant to Rule 9-5(1) of the *Rules*. Specifically:

- Contrary to what is alleged in the NOCC, there is no tort of breach of statutory duty and mere breach of a statute is inadequate to establish a claim for negligence: *Wu v. Vancouver (City)*, 2019 BCCA 23, leave to appeal to SCC ref'd, 38561 (20 June 2019) at paras. 43–45:

> [43] This brings us to the first problem with the judge's analysis. It is a settled principle that Canadian law does not recognize a nominate tort of breach of statutory duty. As *The Queen (Can.) v. Saskatchewan Wheat Pool*, 1983 CanLII 21 (SCC), [1983] 1 S.C.R. 205, and *Holland v. Saskatchewan*,

> 2008 SCC 42, make clear, there is no duty of care imposed on officials to act in accordance with authorizing statutes or regulations. Standing alone, a breach of a statutory duty is not a breach of a private law duty of care. While a breach of statutory duty is subsumed within the law of negligence, a breach of a statutory duty can be evidence of negligence. As a general rule, a breach of a public law duty is not sufficient to establish the breach of a private law duty. The first is not readily converted to the second. The existence of a private law duty of care must be established by the application of common law principles.

As explained in *Wu*, the assertion of a breach of a public law duty is not sufficient to establish the breach of a private law duty. In this case, the plaintiff in the NOCC does not adequately plead a breach of a private law duty as against the Municipal Constables, the RCMP or the Physician Defendants, separate and apart from a general breach of statutory duty. As such, there can be no cause of action against the Municipal Constables, the RCMP members or the Physician Defendants for any alleged breach of statute, much less any cause of action against the Province for failing to prevent such an alleged breach.

- The NOCC alleges harassment. However, there is no tort of harassment at common law and therefore no duty of care to protect against its commission: *Ilic v. British Columbia (Justice)*, 2023 BCSC 167 at para. 196:

> [196] There is no recognized tort of harassment: *Anderson v. Double M Construction Ltd.*, 2021 BCSC 1473 at para. 61; *Merrifield v. Canada (Attorney General)*, 2019 ONCA 205 at para. 43. As such, there cannot be a duty of care to protect against the commission of a tort that does not exist at law: *Lee v. Magna International Inc.*, 2022 ONCA 32 at para. 10.

- The plaintiff alleges in the NOCC that the Province "allowed" the Physician Defendants to abuse the *Mental Health Act.* However, the Province cannot be held directly or vicariously liable for acts and omissions of doctors and other healthcare staff performing services at hospitals where none of them are employed by the Province. For

2025 BCSC 1693 (CanLII)

example, in *Arhami v. British Columbia* (20 December 2023), New Westminster S249380 (BCSC) at paras 10-11, this Court held that the Province is not liable for allegations against staff at Royal Columbian Hospital because the hospital is operated and controlled by the Fraser Health Authority. The same analysis is applicable in this case because the plaintiff has not alleged that the Physician Defendants are employed by the Province, as distinct from hospitals or health authorities located within British Columbia.

- Further, even if it were alleged that the Physician Defendants are employed by corporations owned or controlled by the Province (which it is not), the Court in *Arhami* also found that section 3(2)(d) of the *Crown Proceeding Act* "immunizes the Province from claims enforceable against corporations or other agencies owned or controlled by the government." Thus, the plaintiff has not sufficiently pleaded a claim from which the Province is not immune under section 3(2)(d) of the *Crown Proceeding Act.*

- The plaintiff has not pleaded negligence against the Province. However, even if the plaintiff were granted leave to amend the NOCC to plead negligence as against the Province, such a pleading would also be deficient because the statutory authority and responsibilities conferred on the Minister of Health to administer a healthcare system do not give rise to a proximate relationship with individuals to ground a private law duty of care: *Arhami*; *Cardinal v. Alberta*, 2025 ABKB 270. In *Cardinal*, the Alberta Court of Kings Bench held that the Province of Alberta is a distinct legal entity from health units (or districts) operating within that province and further found that no private duty of care existed between the Province of Alberta and individual patients:

> …the bottom line is that in both health care and education the statutory duties of the provincial Government are public-facing,

2025 BCSC 1693 (CanLII)

not positive in nature and do not create a private duty of care to patients.

- Finally, the plaintiff has not pleaded a novel duty of care on the part of the Province under the *Anns/Cooper* test, as explained in *R. v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42 at para. 17, and has also failed to plead material facts relating to a relationship of proximity between the Province and the plaintiff such that it would be just and fair having regard to that relationship to impose a duty of care in law on the Province: *Canada (AG) v. Frazier*, 2022 BCCA 379 at paras. 26–27, 68, 75.

2025 BCSC 1693 (CanLII)

[16] Thus, the NOCC does not disclose a reasonable cause of action against the Province and it is my view that this failing is sufficiently fundamental that it cannot be addressed by way of an amendment.

[17] Further, in addition to the failure to plead a reasonable cause of action, it is also my view that the pleadings are unintelligible, confusing and difficult to understand. For example, the NOCC alleges breaches of the *Mental Health Act*, *Privacy Act*, *Constitution* and *Charter of Rights and Freedoms* and the *Police Act* but does not specify which provisions of those statutes have been breached, in what specific manner they have been breached or what material facts support the alleged breaches. This lack of specificity makes it impossible for the Province to understand the specific case to be met, requiring it to guess as to the legal basis for the plaintiff’s claims. This further justifies the conclusion that the claims in the NOCC should be struck as against the Province.

2. The Claims against the Physician Defendants

[18] As with the claims against the Province, the claims against the Physician Defendants in my view do not disclose a reasonable claim of action pursuant to Rule 9-5(1) of the *Rules*. Specifically:

- The plaintiff's allegation that the Physician Defendants are liable for "detaining [him] under the Mental Health Act" appears to be a claim for

false imprisonment. However, the plaintiff has failed to plead the essential elements of the cause of action for harassment which are: (1) total deprivation of liberty, (2) the deprivation was without lawful justification, and (3) the defendant directly caused the deprivation: *Kozma v. Island Health*, 2021 BCSC 687. The plaintiff has failed to plead the necessary material facts with respect to any of these three elements, nor has he pleaded the material facts with respect to how his alleged detention was unlawful or unauthorized other than broad and conclusory allegations.

- The plaintiff alleges that the Physician Defendants fraudulently assert that people are mentally ill to accumulate more MSP fees, which appears to be a fraud claim. However, the plaintiff has failed to properly plead the elements of fraud. Rule 3-7(18) of the *Rules* provides that, if a party relies on fraud, full particulars with dates and items if applicable must be stated in the pleading. It is also well recognized that, if fraud is alleged, all material facts related to the fraud must be scrupulously pleaded: *Arbutus Bay Estates Ltd. v. Canada (Attorney General)*, 2023 BCSC 1726 at paras. 22-23. The pleadings in the NOCC are utterly deficient in this respect nor does the plaintiff properly plead any facts demonstrating personal reliance, loss, or damage relating to the alleged fraud.

- The plaintiff alleges in the NOCC that Dr. Duru and Dr. Gould conspired with Dr. Thibeault and various police agencies to bill out MSP and detain people for that purpose, which appears to be a pleading of conspiracy. However, this allegation in my view is insufficient to ground a claim of conspiracy. The tort of conspiracy requires three essential elements, all of which must be pleaded: (1) an agreement or concerted action between two or more persons; (2) with the predominant purpose of causing injury to the plaintiff; and (3) overt acts committed that cause damage to the plaintiff: *Arbutus Bay Estates Ltd v. Canada (Attorney General)*, 2023 BCSC 1726 at para. 24. In the NOCC no specific material facts are pleaded with respect to the nature or scope of the alleged conspiracy

2025 BCSC 1693 (CanLII)

agreement or coordination, the identification of a predominant purpose of causing injury to the plaintiff or any overt acts causing damage to the plaintiff. In the absence of such particulars, the plaintiff's claim amounts to speculation and does not meet the legal threshold to advance a cause of action in conspiracy.

- The plaintiff alleges a breach of his *Charter* and constitutional rights. However, an action for breach of *Charter* or constitutional rights cannot lie against individual actors such as the Physician Defendants. The law is clear that an action brought against a private party based upon an infringement of rights under the *Charter* is bound to fail: V*ancouver (City) v. Ward,* 2010 BCSC 27 at para. 22.

- The plaintiff appears to allege in the NOCC that the Physician Defendants slandered him, but the actual words allegedly used by the Physician Defendants have not been set out in the NOCC. Rule 3-7(9) of the *Rules* provides that conclusions of law must not be pleaded unless the material facts supporting them are pleaded. Rule 3-7(21)(a) of the *Rules* provides that if the plaintiff in an action for libel or slander alleges that the words or matter complained of were used in a derogatory sense other than their ordinary meaning, the plaintiff must give particulars of the facts and matters on which the plaintiff relies in support of that sense: *Weaver v. Corcoran*, 2017 BCCA 160 at para. 64. None of the required particulars are found in the NOCC.

- The plaintiff appears to allege negligence in the notice of civil claim. However the plaintiff has failed completely to plead the elements of negligence as a cause of action, which include that: (1) the Physician Defendants owed a duty of care to the plaintiff, (2) the Physician Defendants breached the duty of care, (3) the plaintiff suffered damages, and (4) the plaintiffs damages were caused by the Physician Defendants' breaches: *Mustapha v. Culligan of Canada Ltd.*, 2008 SCC 27 at

2025 BCSC 1693 (CanLII)

paras. 3-18.

[19] Thus, the NOCC does not disclose a reasonable cause of action against the Physician Defendants and it is my view that this failing is sufficiently fundamental that it cannot be addressed through an amendment.

[20] Further, as identified with respect to the claims against the Province in the NOCC, it is also my view that the pleadings are unintelligible, confusing and difficult to understand, further justifying the conclusion that they be struck. As with the claims against the Province, the NOCC alleges breaches of the *Mental Health Act* by the Physician Defendants but does not specify which provisions of that legislation have been breached, in what specific manner they have been breached or what material facts support the alleged breaches. This makes it impossible for the Physician Defendants to understand the specific case to be met, requiring them to guess as to the legal basis for the plaintiff's claims.

3. Abuse of Process

[21] Even if I am wrong on my conclusion that the NOCC should be struck under 9-5(1)(a) of the *Rules*, my view is nonetheless that the claims in the NOCC should be struck as an abuse of process under Rule 9-5(1)(d).

[22] The doctrine of abuse of process allows the Court to prevent a claim from proceeding where to do so would violate principles of judicial economy, consistency, finality, and integrity of the administration of justice. The Court may consider, among other factors, whether there have been multiple or successive related proceedings that are likely to cause vexation or oppress: *Grosz v. Royal Trust Corporation of Canada*, 2020 BCSC 128 at para. 65.

[23] It is well established that it is an abuse of process to relitigate a claim which the court has already determined: *Gonzalez v. Gonzalez*, 2016 BCCA 376 at paras. 18–19, 21, leave to appeal to SCC ref'd 37285 (2 March 2017). Further, it is an abuse of process for the same plaintiff to bring multiple proceedings against the same defendant in relation to the same subject matter.

2025 BCSC 1693 (CanLII)

2025 BCSC 1693 (CanLII)

[24] In this case all the factors identified in *Gonzalez* are present. In particular, the claims in the NOCC overlap significantly with previous claims made by the plaintiff against two of the Physician Defendants (and other agencies) in separate actions.

[25] Each of the prior claims allege misconduct and negligence by various private and state actors involved in the plaintiff's treatment within the mental health system and seek both damages and an inquiry by the judiciary into systemic reform. All these claims have suffered from similar flaws in the pleadings identified on this application, including a failure to plead the factual basis giving rise to the claim, the materials facts and the specific legal bases for the claim.

[26] The plaintiff's relevant prior claims are as follows:

- On December 24, 2019, the plaintiff commenced an action in the BC Supreme Court (Victoria Registry File Number 195724), naming the Victoria Police Department and Royal Jubilee Hospital as defendants (the "December 2019 Action"). On February 7, 2020, Justice Gaul ordered that the plaintiff amend his claim. On March 3, 2020, the plaintiff filed an amended notice of civil claim. On December 3, 2020, Justice Power ordered the claim struck pursuant to R. 9-5 of the *Rules.*

- In June 2022, the plaintiff commenced five Small Claims actions against the Victoria Police Department (Victoria Registry File Numbers 220200, 220201, 220202, 220203, 220204) (the "June 2022 Actions").

- On December 13, 2023, the plaintiff commenced a Small Claims action (Victoria Registry File Number 230497), against Dr. Thibeault, the Oakbay and Saanich Police Departments, the RCMP, Royal Jubilee Hospital and others (the "December 13, 2023 Action").

- On December 5, 2023, the plaintiff commenced a Small Claims action (Victoria Registry File Number 230461), against the Municipal Constables, RCMP, and various other organizations (the "December 5, 2023 Action").

On February 23, 2024, the December 5, 2023 Action was dismissed. On February 26, 2024, the plaintiff filed a notice of appeal in the BC Supreme Court (Victoria Registry File Number 245204) (the "2024 Appeal").

- On January 12, 2024, the plaintiff commenced a Small Claims action (Victoria Registry File Number 240595) naming 19 defendants including the Ministry of Health (the "January 2024 Action").
- On February 23, 2024, the plaintiff commenced a Small Claims action (Victoria Registry File Number 240637) naming, among 35 defendants, mental health workers, police chiefs, and the Mental Health Review Board (the "February 2024 Action"). On March 7, 2025, Justice Silverman dismissed the February 2024 Action as against all named defendants pursuant to Rule 16(6)(o) of the *Small Claims Rules*.

[27] In my view, the claims in the NOCC repeat allegations that the plaintiff is already actively pursuing or has pursued, relating to substantially the same allegations, in the December 5, 2023 Action, the 2024 Appeal, and the January 2024 Action. Further, the plaintiff appears to be re-litigating issues that have already been dismissed by the courts in the December 2019 Action and December 5, 2023 Action, which is a collateral attack on prior court decisions.

[28] The claims in the NOCC also allege fraud, unlawful confinement, harassment and slander, amongst other allegations, which are very serious, without supporting material facts or particulars. These types of inflammatory claims, made on the basis of pure speculation without supporting particulars, have been found to be vexatious and an abuse of process: *Grosz* at para. 104. I make the same finding in this case.

[29] I conclude that the NOCC is an abuse of process and should be struck in its entirety and dismissed as against both the Province and the Physician Defendants, without leave to amend.

2025 BCSC 1693 (CanLII)

IV. ORDER

[30] The NOCC is struck in its entirety and dismissed, without leave to amend.

[31] The Province and the Physician defendants have been substantially successful on the application and shall have their costs. The two sets of defendants provided me with their Bills of Costs, which are very reasonable under the circumstances. Lump sum costs shall therefore be fixed against the plaintiff at $440 payable to each of the Province and the Physician Defendants separately.

"M. Taylor J."

2025 BCSC 1693 (CanLII)