IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Levis v. British Columbia (Workers' Compensation Appeal Tribunal),* 2025 BCSC 2152

Date: 20251031
Docket: S100337
Registry: Nanaimo

2025 BCSC 2152 (CanLII)

In the Matter of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241

Between:

Ryan William Levis

Petitioner

And

Workers' Compensation Appeal Tribunal and Beacon Community Association

Respondents

Before: The Honourable Justice Thompson

Reasons for Judgment

The Petitioner, appearing in person:	R. Levis
Counsel for the Respondent, Workers' Compensation Appeal Tribunal:	I. Morrison
Counsel for the Respondent, Beacon Community Association:	K. Egner
Place and Date of Hearing:	Nanaimo, B.C. October 27, 2025
Place and Date of Judgment:	Nanaimo, B.C. October 31, 2025

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[1] This is the petitioner's application for document production in a judicial review proceeding.

[2] The petitioner applied for workers compensation benefits. He asserts an inability to continue his work as a youth support worker for Beacon Community Association ("Beacon") because of psychological injuries resulting from a co-worker's behaviour. His application for benefits was refused by WorkSafeBC, as was his request for reconsideration of that decision. He appealed to the Workers' Compensation Appeal Tribunal ("WCAT"). His appeal was unsuccessful (A2300372), as was a reconsideration of the WCAT decision (A2401347).

[3] The amended petition seeks wide-ranging relief. It seeks an order setting aside the WCAT dismissal decision, A2300372. The petitioner also seeks an order that the WCAT issue subpoenas to the employer for production of all records related to the case, and a direction to WCAT to convene a "public interest panel" to decide the case. The Court is further petitioned to:

> 6. Consider the result, effect, and implication of WCAT's omission of evidence, consider if …
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> - WCAT has [demonstrated] disregard to fairness, dignity, accountability, transparency, and natural justice. Is WCAT's omission facilitated dishonesty? Is WCAT's omission made in employer interest and against public interest?
> - WCAT has demonstrated reckless disregard for the laws of the vulnerable persons' sector. They have refused to make a simple order for documentation. This documentation will determine the existence or non-existence of an allegation of sexual exploitation against the petitioner.
> - WCAT has demonstrated willful blindness to the truth. Is this indicative of bias, showing a closed mind to alternative reasoning? Is this bad faith?
> - WCAT's omission demonstrates a palpable and overriding error which has prejudiced the case.
> - WCAT's omission exposes serious problems in WCAT's discretionary power to omit potentially criminal elements in any given case. Is this obstructive or of interest to justice as a whole?
> - WCAT's omission signals to the public a disinterest in the truth. Does this diminish public trust?

> - WCAT's omission signals a boundary of competence issue or limitation in creative problem solving. What is WCAT's (and by extension WorkSafe's) role and responsibility to the public and vulnerable persons' sector when an allegation of suspected sexual exploitation is revealed as unreported? In such circumstances can a claim be 'final' without a qualified exoneration of the claimant? Can a claim be ethically finalized when a lingering problem of this magnitude remains supressed and omitted?

Finally, the petitioner seeks an order with reference to "any other matters the judge wishes to address or direct upon."

[4] Notably, the reasons for the impugned WCAT decision addressed the petitioner's request for production of the same documents he seeks on this application:

> [26] One final preliminary matter was raised by the worker in his submission relating to his request that WCAT order the employer produce documents including, emails dated April 23, 2022, April 29, 2022, and an "unabridged" version of an email sent to the worker on June 8, 2022; a transcript and possible audio recording from the 3rd party investigator pertaining to an interview with the worker on June 13, 2022; and other emails dated May 26 or May 27, 2022 between the employer and the investigator.
>
> [27] I reviewed the worker's request and informed the parties that I considered it would be premature to determine conclusively whether the information the worker asserts the documents may contain would be relevant to the specific issue before me in this appeal. Consequently, I advised the parties that I would not make the requested order at this … time; however, if the worker believed the documents were relevant to the issue before me following exchange of the parties' submissions, it remained open for him to request the order again in his rebuttal submission and I would consider it further at that time. The worker reasserted the request in his submission.
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> [28] I again considered his request with the benefit of having read the written submissions of the parties. After further review of the documents for which the worker seeks an order for production, I have decided neither to ask the employer if it is willing to provide these documents on its own accord nor to order the employer to produce the requested documents. I am satisfied that these documents would not add anything relevant to deciding the issue of causation. For example, the worker does not assert that the requested documents from the employer contain evidence of threatening or abusive behaviour towards him. With the benefit of the parties' submission as well as the claim file evidence, I am satisfied that obtaining this further evidence would not be needed to substantiate the worker's case.

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The WCAT reconsideration decision focused on the petitioner's complaint that the WCAT did not order production of documents.

[5] The amended petition, the notice of application, and the petitioner's oral submissions reveal a misunderstanding of the scope of judicial review. The Court's supervisory jurisdiction is not unbounded. It extends to determining, in relation to the impugned decision, whether the tribunal acted within the jurisdiction assigned to it by legislation, whether in exercising its jurisdiction it operated with procedural fairness, and whether the reasons for the decision were patently unreasonable. The judicial review proceeding does not trigger a public-interest investigation into the procedures and decisions of the WCAT and the employer.

[6] During oral argument, the petitioner confirmed that his application for production of documents is not based on relevance of the documents to his attack on WCAT's dismissal of his appeal, but on what he asserts is a public interest in the production of these documents.

[7] Documents may be ordered produced in a judicial review proceeding, but a production order is the exception rather than the rule. Judicial review is typically conducted on the record that was before the tribunal when it made its decision. When an order for document production is made in a judicial review proceeding, it is invariably on the footing of relevance to the Court's narrow supervisory role. The Court does not conduct a re-hearing. See *Chestacow v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2023 BCCA 389.

[8] I was not provided with any authority to support the novel proposition that I should exercise a discretion to make a document production order "in the public interest." To do so would seem to run counter to the defined scope of judicial review and the periodic reminders from appellate courts of the exceptional nature of document production orders in a judicial review proceeding.

[9] The tribunal did not accede to the request for production of the documents sought by the petitioner for the reasons it has given. Some of the orders sought in

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the amended petition are outside the proper scope of judicial review, but it remains open to him to argue at the judicial review hearing that the failure by the tribunal to order production of the documents is sufficient to ground an order setting aside the impugned decision. Nothing in my refusal to order production of these documents or these reasons should be understood as expressing an opinion, one way or the other, on the merits of such an argument.

[10] During the hearing I amended the petition to properly name Workers' Compensation Appeal Tribunal. Following the hearing, I noticed that the consent order of 30 May 2025 provides that Beacon Community Association be added as a party respondent and that the style of cause be amended to add Beacon Community Services as a respondent. If, as I assume, the correct name is Beacon Community Association, then the style of cause shall be amended accordingly.

[11] The petitioner's application is dismissed with costs to the respondent Beacon in any event of the cause.

"Thompson J."

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