

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Salloum v. Smith (Smiths IP)*,  
2026 BCCA 14

Date: 20260114

Dockets: CA51176; CA51177; CA51178

Between:

**Nuha Salloum**

Appellant  
(Plaintiff)

And

**Paul Smith, carrying on business as Smiths IP, Paul Raymond Smith,  
Andy Young Chow, Karen Chow, Ryan Dean, Oyen Wiggs Green & Mutala LLP**

Respondents  
(Defendants)

And

**11701819 Canada Inc. (formerly “CICC College of Immigration & Citizenship  
Consultants Corp.”)**

Respondent  
(Plaintiff)

Before: The Honourable Madam Justice Horsman  
(In Chambers)

On appeal from: Orders of the Supreme Court of British Columbia, dated  
September 3, 2025 (*Salloum v. Oyen Wiggs Green and Mutala LLP*,  
2025 BCSC 1708, Vancouver Dockets S235095, S236938 and S236939); and  
October 7, 2025 (*Salloum v. Oyen Wiggs Green and Mutala LLP*,  
2025 BCSC 1951, Vancouver Docket S235095).

The Appellant, appearing in person:

N. Salloum

Counsel for the Respondents, Paul Smith,  
carrying on Business as Smiths IP, Paul  
Raymond Smith, Andy Young Chow, Karen  
Chow and Oyen Wiggs Green & Mutala  
LLP:

L. Karr  
U. Tynan-Kelleher, Articled Student

Place and Date of Hearing:

Vancouver, British Columbia  
January 5, 2025

Place and Date of Judgment:

Vancouver, British Columbia  
January 14, 2026

**Summary:**

*The appellant applies for orders: (1) extending time for her to file notice of appeals; (2) staying proceedings in the Supreme Court and Provincial Court pending the determination of her appeals; and (3) consolidating the three appeals. The proposed appeal is from the order of a chambers judge striking the appellant's pleadings in three Supreme Court actions and granting her leave to file an amended pleading in one of the actions. Held: The applications are dismissed. There is no merit to the proposed appeal and therefore it is not in the interests of justice to grant an extension of time to file notices of appeal. As an extension of time is refused, there is no basis for a stay or an order for consolidation.*

**Reasons for Judgment of the Honourable Madam Justice Horsman:**

[1] The appellant, Ms. Salloum, applies for an extension of time to file notices of appeal from the order of a chambers judge striking her pleadings in three actions. She also seeks a stay of proceedings in three B.C. Supreme Court actions and one Provincial Court action pending the outcome of the appeals, as well an order consolidating the three appeal files.

**Background**

[2] These appeals involve several B.C. Supreme Court and Provincial Court files with numerous interlocutory applications and filings. The history is reviewed in considerable detail in the reasons for judgment of the chambers judge: 2025 BCSC 1708 (“RFJ”). For the purpose of the applications before me, it is sufficient to provide a summary of the relevant events.

[3] The underlying dispute arises out of solicitor-client relationships between Ms. Salloum and several of the respondents.

[4] Ms. Salloum was the chairperson and chief operating officer of the College of Immigration and Citizenship Consultants Corp. (“CICC”), now called 11701819 Canada Inc. (“1819 Canada Inc.”). Ryan Dean was the chief executive officer of CICC. He resigned in December 2020 and has not been involved in the underlying litigation since May 2023.

[5] The respondent Paul Smith was the sole proprietor of SMITHS IP, a Vancouver-based law firm practicing intellectual property law. He employed the respondents Andy Chow and Karen Chow as associate lawyers.

[6] In November 2020, Ms. Salloum, CICC, and Mr. Dean retained SMITHS IP to provide them with legal services in relation to a Federal Court matter involving a trademark and copyright dispute between CICC and the Immigration Consultants of Canada Regulatory Council. In July 2021, SMITHS IP terminated the retainer.

[7] In September 2021, Mr. Chow joined MLT Aikins LLP.

[8] In January 2022, Mr. Smith joined the respondent Oyen Wiggs Green & Mutala LLP (“Oyen Wiggs”) as a partner, and Ms. Chow joined as an associate.

[9] Mr. Smith, Mr. Chow, Ms. Chow, SMITHS IP, and Oyen Wiggs are collectively referred to as the “Lawyer Defendants.” These are the only respondents who appeared on the present application. I will refer to them as the “Lawyer Defendant respondents”.

[10] The Lawyer Defendants brought applications to strike Ms. Salloum’s pleadings in three actions in the Supreme Court, two of which were initially commenced in the Provincial Court. The details are as follows:

**Provincial Court Action No. 2169673 (“PC 673”)/ Supreme Court Action No. 236939 (“SC 939”)**

[11] On August 24, 2021, Mr. Smith carrying on business as SMITHS IP commenced Provincial Court Action Number 2169673 (“PC 673”) claiming unpaid legal fees of \$24,878.64 against Ms. Salloum, CICC, and Mr. Dean.

[12] On September 3, 2021, Ms. Salloum, CICC, and Mr. Dean filed a 318-paragraph reply and counterclaim in PC 673. On March 21, 2022, they filed a shorter amended reply and counterclaim. The amended reply alleged that Mr. Smith’s claims were champertous, unnecessary, an abuse of process and brought for an

improper motive. The amended counterclaim sought damages for breach of contract, delay, and negligence.

[13] On October 6, 2023, Provincial Court Judge Boblin ordered that the reply and counterclaim in PC 673 be transferred to the Supreme Court for all purposes. The claim itself remains in Provincial Court and is now set for trial for three days commencing January 27, 2026.

[14] On October 12, 2023, the reply and counterclaim from PC 673 were filed in the Supreme Court under Vancouver Registry No. 236939 (“SC 939”).

**Provincial Court Action No. 2169686 (“PC 686”)/Supreme Court Action No. 236938 (“SC 938”)**

[15] On August 25, 2021, Ms. Salloum, CICC, and Mr. Dean commenced Provincial Court Action No. 2169686 against Mr. Smith carrying on business as SMITHS IP, Mr. Chow, and Ms. Chow with a 286-paragraph notice of claim. The notice of claim is, as described by the chambers judge “prolix and difficult to understand”: RFJ at para. 35. On March 21, 2022, the plaintiffs filed a 60-paragraph amended notice of claim in PC 686 alleging various claims, including breach of contract, misrepresentation, conflict of interest, negligence, and breach of fiduciary duty.

[16] On May 25, 2023, Mr. Dean filed a notice of withdrawal of his claim.

[17] On October 6, 2023, Judge Boblin ordered that PC 686 be moved to the Supreme Court for all purposes. This claim is now under Vancouver Registry No. 236938 (“SC 938”).

[18] On July 7, 2025, Ms. Salloum filed an application seeking to have Oyen Wiggs and Nicholas Garner, a partner at Oyen Wiggs, added as third parties on the basis that they provided a negligent referral to SMITHS IP. The chambers judge interpreted this as an application to add them as defendants.

**Supreme Court Action No. 235095 (“SC 095”)**

[19] On July 19, 2023, Ms. Salloum and 1819 Canada Inc. filed a 95-paragraph notice of civil claim in Supreme Court Action No. 235095 (“SC 095”) naming the Lawyer Defendant respondents, including Oyen Wiggs, as defendants. The notice of civil claim in SC 095 contains numerous allegations including invasion of privacy, defamation, harassment, misappropriation of funds, unjust enrichment, delay, misrepresentation, breach of confidentiality, breach of fiduciary duty, extortion, duress, and verbal assault, causing damages.

**The Decision under Appeal**

[20] The Lawyer Defendants applied to strike the notices of civil claim in the SC 938 and SC 095 actions, and the amended reply and counterclaim in SC 939, pursuant to Rule 9-5(1)(a)(b) and (d) of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [SCCR]. They alleged that the pleadings did not disclose a cause of action, were frivolous and vexatious, and were an abuse of court process.

[21] On September 3, 2025, the chambers judge issued the RFJ. The judgment addresses the applications to strike as well as the plaintiffs’ application to add Oyen Wiggs and Mr. Garner as defendants to the SC 938 action. Ultimately, she allowed the Lawyer Defendants’ applications to strike and dismissed the plaintiffs’ application to add defendants. However, she granted the plaintiffs leave to file an amended notice of civil claim in SC 095, with direction as to what the amended pleading should contain and not contain.

[22] The RFJ are thorough and fully considered. It is unnecessary for me to repeat the careful analysis of the chambers judge; rather a summary will suffice.

[23] The chambers judge described the test to strike pleadings under R. 9-5(1)(a) of the SCCR. She set out the legal principles on such an application and correctly stated that the test is whether it is plain and obvious, assuming the pleaded facts to be true, that the pleading discloses no reasonable cause of action. She also set out the tests to be applied in considering whether a claim should be struck as frivolous

or an abuse of court process under R. 9-5(1)(b) and (d). No issue can be taken with the chambers judge's articulation of the governing legal principles. These principles are well-established and were correctly stated by the chambers judge.

[24] The chambers judge then applied these principles to the pleadings in the three actions.

**SC 939**

[25] In relation to SC 939 (the amended reply and counterclaim), the chambers judge found that no material facts were pleaded to support the allegation that Mr. Smith's actions were champertous or motivated for an improper purpose. She acknowledged that the plaintiffs were entitled to question the legitimacy of the legal accounts in issue, however they would have that opportunity in the trial of the PC 673 claim. The chambers judge concluded that the other issues raised in the amended reply respecting the quality of the legal services provided and any alleged errors made by the Lawyer Defendants could be addressed in SC 095, which the plaintiffs would be permitted to pursue. She reached the same conclusion in relation to causes of action in negligence and breach of contract alleged in the counterclaim.

[26] Accordingly, the chambers judge struck SC 939 on the primary basis that the action was duplicative of claims the plaintiffs would be pursuing in SC 095.

**SC 938**

[27] The chambers judge observed it was difficult to determine the causes of action being advanced in this action. She conducted a detailed review of the pleading. By way of summary, the chambers judge concluded that the matters alleged in the pleading: (1) would be addressed in SC 095; (2) were irrelevant to the causes of action against the Lawyer Defendants; (3) had no basis in law; (4) were not supported by a pleading of material facts; or (5) related to conduct (i.e., submissions in court) that were covered by absolute privilege.

[28] The chambers judge concluded that the entire notice of civil claim in this action should be struck.

[29] The chambers judge separately addressed the plaintiffs' application to add Oyen Wiggs and Mr. Garner as defendants in SC 938. The chambers judge noted there was no evidence that Oyen Wiggs or any lawyer at the firm was retained by the plaintiffs, or that they did any legal work on their behalf. She found that to the extent that a lawyer at Oyen Wiggs may have provided Mr. Smith's name as a lawyer who did intellectual property work, such a communication did not create any duty of care. The chambers judge dismissed the application to add these defendants, finding that the proposed new defendants are not ones that ought to have been added at the outset of the SC 938 action and that their participation was not required to ensure that all matters are effectively adjudicated on.

### **SC 095**

[30] The chambers judge concluded that the plaintiffs should be permitted to pursue their claims against the Lawyer Defendants, including the claim in negligence, through the SC 095 action. However, the existing pleading required amendment. The chambers judge provided direction on specific paragraphs so that the plaintiffs would understand the causes of action they are permitted to pursue. In relevant respects, the direction included:

- a) Oyen Wiggs cannot be named as a defendant;
- b) no claim can be advanced against any of the Lawyer Defendants for statements made in the context of litigation because these were covered by absolute privilege;
- c) no claim against Mr. Smith can be advanced for invasion of privacy, assault, character assassination, slander, defamation, or money extortion;
- d) no claims based on alleged extortion, duress and verbal assault may be advanced; and
- e) the plaintiffs may advance claims of misappropriation of funds, negligence, breach of contract, breach of fiduciary duty, intentional infliction of nervous

shock, and unjust enrichment, but they must plead the material facts to support such causes of action.

[31] The chambers judge concluded that the entire notice of civil claim in SC 095 should be struck, rather than discrete portions, as the claim required an entire redrafting. In order to provide Ms. Salloum with time to retain a lawyer to assist her with the preparation of an amended notice of civil claim, the chambers judge gave Ms. Salloum to November 30, 2025, to file and serve an amended notice of civil claim.

***Summary of the chambers judge’s orders in the RFJ***

[32] In the result, the plaintiffs’ pleadings were struck in all three actions, with the plaintiffs granted leave to amend the notice of civil claim in the SC 095 action. In amending their pleading in SC 095, the plaintiffs were limited to pleading the claims that the judge had identified.

[33] The chambers judge also dismissed the plaintiffs’ application to add Oyen Wiggs and Mr. Garner to SC 938. She ordered that the style of cause in SC 095 be amended to remove Oyen Wiggs, and, further, that Oyen Wiggs could not be named as a defendant in the redrafted notice of civil claim in SC 095.

**The Chambers Judge’s Supplemental Reasons**

[34] Following the release of the RFJ, Ms. Salloum sought leave to appear again before the chambers judge. The parties appeared before her on October 3, 2025. On October 7, 2025, the chambers judge issued supplemental reasons for judgment, indexed at 2025 BCSC 1951 (the “Supplemental RFJ”).

[35] The chambers judge was not prepared to deal with the 412-paragraph additional written submissions that Ms. Salloum had filed in advance of that appearance, which largely sought to overturn the findings of the chambers judge or have her provide further clarification of the RFJ. The chambers judge did address and correct minor clerical errors in the RFJ. She also provided guidance on the timelines and process for entering the order.

[36] Ms. Salloum made submissions regarding her need for a further extension to file the amended notice of civil claim due to health issues. The chambers judge provided an extension until February 27, 2026, to file the amended notice of civil claim in SC 095.

[37] On October 30, 2025, the parties appeared again before the chambers judge at Ms. Salloum's request. While Ms. Salloum includes the appearance before the chambers judge on October 30 within the scope of her proposed appeal, in fact, no further orders were made at this appearance.

### **Subsequent proceedings in the Provincial Court**

[38] On November 5, 2025, following the release of the RJF and Supplemental RFJ, Ms. Salloum filed an application in Provincial Court seeking an order permitting her to file a second amended reply and counterclaim in PC 673. This application was dismissed.

[39] On December 2, 2025, Ms. Salloum filed another application in Provincial Court seeking to stay all proceedings in PC 673, including the trial set for January 27–29, 2026, until her appeal to this Court has been heard and decided. This application was also dismissed.

### **The Court of Appeal proceedings**

#### **The application to extend time**

[40] On December 1, 2025, the appellant filed her notices of appeal. On December 2, 2025, she filed an application for an extension of time to appeal, as well as an application to stay proceedings and consolidate the appeals.

#### ***Legal principles***

[41] Rule 6(2)(a) of the *Court of Appeal Rules*, B.C. Reg. 120/2022, requires that a notice of appeal be filed and served no more than 30 days after the order appealed from is pronounced. An appeal has not been commenced unless the appeal has been filed and served within the time limit, or an extension of time has been granted.

A single justice in chambers has jurisdiction to extend time limits pursuant to s. 32 of the *Court of Appeal Act*, S.B.C. 2021, c. 6 and R. 41 of the *Court of Appeal Rules*.

[42] An application to extend the time to file a notice of appeal is governed by the well-known criteria set out in *Davies v. C.I.B.C.* (1987), 15 B.C.L.R. (2d) 256 at 259–260, 1987 CanLII 2608 (C.A.):

- 1) Was there a *bona fide* intention to appeal?
- 2) When were the respondents informed of the intention?
- 3) Would the respondents be unduly prejudiced by an extension of time?
- 4) Is there merit in the appeal?
- 5) Is it in the interest of justice that an extension be granted?

[43] The fifth question “encompasses the other four questions and states the decisive question”: *Davies* at 260. The burden is on the applicant to establish the criteria are met: *Kedia International Inc. v. Royal Bank of Canada*, 2008 BCCA 305 at para. 8.

[44] The threshold for the assessment of the merits of the appeal is low. The question is whether the appeal is “doomed to fail,” or whether “it can be said with confidence that the appeal has no merit”: *Stewart v. Postnikoff*, 2014 BCCA 292 at paras. 5–6. An extension of time to begin an appeal should not be granted if the appeal is without merit: *Wu v. Murray*, 2023 BCCA 270 at para. 18. This principle applies even where the other *Davies* factors are met: *Simon v. Canada (Attorney General)*, 2018 BCCA 54, at paras. 32, 36–40.

### ***Analysis***

[45] Ms. Salloum requires an extension of time because she did not file her notice of appeal until well after (almost two months after) the expiry of the appeal period. The Lawyer Defendant respondents concede that Ms. Salloum had a *bona fide* intention to appeal, they were made aware of the intention, and the delay in

appealing will not cause them prejudice beyond costs thrown away. Clearly, these three factors weigh in favour of granting the application. The central issue on the application is whether the appeal has merit. It is not in the interests of justice to grant an extension for an appeal which is doomed to fail: *Simon* at para. 39.

[46] In her notices of appeal, Ms. Salloum identifies several grounds of appeal, which are stated in very general terms. In summary, the alleged errors fall into five categories: (1) errors of law in the application of the tests for striking pleadings and the law of absolute privilege; (2) misapprehension of evidence and failure to correct material errors in the RFJ; (3) jurisdictional error in striking Provincial Court pleadings; (4) procedural unfairness; and (5) prejudice to Ms. Salloum in her defence of PC 673.

[47] At the hearing of this application, I encouraged Ms. Salloum to focus her submissions on the question of merit, as a lack of merit was the basis for the Lawyer Defendant respondents' position that it was not in the interests of justice to extend time. Having reviewed Ms. Salloum's written material and heard her oral submissions, I am not persuaded that she has shown there is arguable merit to any of her proposed grounds of appeal.

[48] The chambers judge thoroughly and accurately set out the legal principles to be applied on a motion to strike pleadings. She also accurately set out the law of absolute privilege. Ms. Salloum has not identified any error in the chambers judge's application of these principles to the pleadings in issue.

[49] Ms. Salloum has not identified any facts that were misapprehended by the chambers judge, who was engaged primarily in the task of assessing the sufficiency of the pleadings. The chambers judge reviewed the lengthy submission that Ms. Salloum filed in advance of the October 3, 2025 hearing. She interpreted the submissions as inviting her to overturn findings in the RFJ or provide further clarification, which she was not prepared to do. Ms. Salloum has not explained how this amounts to a reviewable error. Ms. Salloum has also not identified any material

factual error that the chambers judge refused to correct, or any other misstatement by the chambers judge that prejudiced Ms. Salloum.

[50] The chambers judge plainly did not strike pleadings “belonging to the Provincial Court jurisdiction.” By order of a Provincial Court judge, the reply and counterclaim in PC 673 were transferred for all purposes to the Supreme Court. The chambers judge struck pleadings in a Supreme Court action (SC 939) on the basis that the pleadings either did not disclose a cause of action or were duplicative of relief that could be pursued in SC 095.

[51] There is no merit to the submission that the chambers judge conflated issues from “three distinct actions” or refused to meaningfully consider Ms. Salloum’s submissions. The chambers judge reviewed the impugned pleadings in admirable detail—conducting virtually a paragraph-by-paragraph review—to explain the deficiencies and guide Ms. Salloum in redrafting the notice of civil claim in the SC 095 action. In recognition that Ms. Salloum was self-represented, the chambers judge provided her an extended deadline to file and serve her amended claim. I see no prospect that a division of this Court would find that the hearing before the chambers judge was procedurally unfair.

[52] Finally, I am not persuaded there is any merit in Ms. Salloum’s submission that by striking the reply and counterclaim in SC 939, the chambers judge prejudiced her ability to defend PC 673. As the chambers judge observed in the RFJ at para. 90, any issue regarding the trial of the legal fee claim in the Provincial Court is a matter for that Court to manage. Ms. Salloum argues that in the absence of a filed reply to the notice of claim, Mr. Smith will be able to take default judgment. There is no suggestion in the material before me that Mr. Smith intends to take such a step. As I have noted, his claim to recover legal fees is scheduled to go to trial at the end of this month. In any event, it is within the jurisdiction of the Provincial Court to manage the process in that Court. To the extent that Ms. Salloum is dissatisfied with the outcome of the claim in Provincial Court or believes that it was reached through

an unfair process, she has a right of appeal under s. 5 of the *Small Claims Act*, R.S.B.C. 1996, c. 430.

[53] In summary, I am not satisfied that there is any merit to Ms. Salloum's grounds of appeal. In reaching this conclusion, I emphasize that the effect of the chambers judge's order was not merely to strike the appellant's claims, but to provide leave to amend the claims in the SC 095 action to comply with the *SCCR* in order to ensure they were properly heard on their merits and that the Lawyer Defendants could appropriately respond. The nature of the pleadings before the chambers judge were prolix and unclear. Ms. Salloum was granted leave to amend her pleadings to still make broad claims against the Lawyer Defendants, however, she is limited to claims supported by some material facts that have some chance of success.

[54] Importantly, the order of the chambers judge ensures that Ms. Salloum cannot simultaneously pursue the same relief against the same defendants in multiple proceedings. A multiplicity of proceedings which engage the same issues can amount to an abuse of process where the proceedings undermine principles of judicial economy, consistency, finality, and integrity of the administration of justice: *Toronto (City) v. C.U.P.E., Local 79*, 2003 SCC 63 at para. 37.

[55] In this case, Ms. Salloum has not persuaded me that the chambers judge made any arguable error in concluding that her claims against the Lawyer Defendants arising out of common factual background should proceed in one action and not in three. Nor am I persuaded that it is arguable that the chambers judge made a reviewable error in requiring Ms. Salloum's claims to be properly pleaded and based on available causes of action that are supported by material facts.

[56] As I am of the view there is no merit to the proposed appeal, I find it is not in the interests of justice to grant the extension sought.

**The application for a stay and consolidation**

[57] In light of my conclusion that Ms. Salloum should not be granted an extension of time to appeal, it follows that her application for a stay and a consolidation of the three appeal files is dismissed.

[58] I do note that Ms. Salloum’s application seeks a stay not only of the Supreme Court actions but also of PC 673, which is the action by Mr. Smith to recover his legal fees. If I had granted an extension of time, I would not have made an order staying the PC 673 action. That action was not the subject of the underlying applications to strike or to add Oyen Wiggs and Mr. Garner.

**Disposition**

[59] The applications for orders extending time to appeal, staying proceedings, and consolidating the three appeal files are dismissed, with costs to the Lawyer Defendant respondents.

“The Honourable Madam Justice Horsman”