

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Ajvazi v. McCormick Law Group*
("W.M.L.G.") & Associate,
2026 BCSC 76

Date: 20260116
Docket: S257683
Registry: New Westminster

Between:

Jasar Ajvazi

Plaintiff

And

**McCormick Law Group ("W.M.L.G.") & Associate, Century 21 Prudential Estate
(RMD), Judy Covacs, Marvin Evans, Mark Bohr, Darren Szeto**
Defendants

Before: The Honourable Justice Taylor

Reasons for Judgment

The Plaintiff, appearing in person:

J. Ajvazi

Counsel for the Defendant McCormack &
Company Law Corporation:

J. Lithwick

Counsel for the Defendants Century 21
Prudential Estate (RMD), J. Covacs,
M. Evans, M. Bohr and D. Szeto:

E. McCormack

Place and Date of Hearing:

New Westminster, B.C.
December 10, 2025

Place and Date of Judgment:

New Westminster, B.C.
January 16, 2026

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I. INTRODUCTION

[1] The applicant McCormack & Company Law Corporation (“MC Law Corp”), misnamed in the style of cause, applies for the following orders:

1. An order pursuant to R. 9-5(1) of the British Columbia *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [*Rules*] striking the Notice of Civil Claim of the plaintiff, Jasar Ajvazi (also known as Richard Gibson), filed April 24, 2025 (the “2025 NOCC”), in its entirety without leave to amend and dismissing the action;
2. A declaration that Mr. Ajvazi is a vexatious litigant;
3. Special costs; and
4. Other relief as more particularly set out in Part 1 of the notice of application.

[2] The application is supported by the other defendants but opposed by Mr. Ajvazi.

[3] Mr. Ajvazi is the former owner of strata unit #218-6560 Buswell Street in Richmond, British Columbia (the “Strata Unit”). This proceeding relates to a dispute between Mr. Ajvazi and the building’s strata corporation (the “Strata Corporation”) dating back to 2015 that ultimately resulted in the court ordered sale in 2021 of the Strata Unit on a petition brought by the Strata Corporation.

[4] The history of this matter is set out in more detail by Justice Blake in *Ajvazi v. Century 21 Prudential Estates (RMD) Ltd.*, 2024 BCSC 276 at paras. 2-36 [*Ajvazi 2024*]. In *Ajvazi 2024*, Justice Blake struck out Mr. Ajvazi’s claim in an action he had commenced on October 3, 2022 (the “2022 NOCC”) against all the same defendants named in this 2025 NOCC in addition to the City and Mayor of Richmond, relating essentially to the same underlying dispute. I will not repeat these facts here but instead incorporate them by reference into these reasons.

[5] The 2025 NOCC is Mr. Ajvazi’s third collateral attack on earlier orders issued in separate proceedings that related to damages ordered against Mr. Ajvazi and the court ordered sale of the Strata Unit in 2021. These earlier orders (the “Earlier Orders”) included:

- a) A Richmond small claims judgment for damages in the amount of \$5,536.96 obtained by the Strata Corporation against Mr. Ajvazi in 2018 for unauthorized renovations to the Strata Unit (the “Small Claims Judgment”) and an associated lien registered by the Strata Corporation against the Strata Unit (the “Lien”) pursuant to the *Strata Property Act*, S.B.C. 1998, c. 43 (the “SPA”);
- b) A City of Richmond Bylaw enforcement conviction and fine against Mr. Ajvazi for unauthorized renovations to the Strata Unit (the “Bylaw Conviction”);
- c) A petition for order for sale of the Strata Unit granted on May 14, 2021 relating to the unpaid Small Claims Judgment, subject to a right of redemption (the “Sale Petition”). The Strata Corporation was represented by MC Law Corp on the Sale Petition;
- d) An order approving sale of the Strata Unit issued October 20, 2021, on the grounds that Mr. Ajvazi had not redeemed the amount outstanding (the “Sale Order”). The court also ordered that if the parties would not agree on the quantum of security for costs then \$70,000 from the proceeds of sale would be paid into court as security. The sale completed on November 4, 2021 and the \$70,000 of security for costs was posted;
- e) Mr. Ajvazi appealed the Sale Order, which was dismissed on September 28, 2022; and
- f) A 2023 costs assessment relating to the Sale Petition and Sale Order awarding the Strata Corporation special costs against Mr. Ajvazi (the “Costs Assessment”).

[6] Mr. Ajvazi’s first collateral attack on the Earlier Orders was a petition proceeding he commenced on February 1, 2022 seeking to challenge or set aside the Small Claims Order, the Bylaw Conviction, the Sale Order and the Costs Assessment, among other things. This first petition was dismissed by consent after the respondent Strata Corporation filed an application to strike and sought a vexatious litigant order.

[7] Mr. Ajvazi’s second collateral attack was the 2022 NOCC, which also sought to challenge and overturn the Earlier Orders. The 2022 NOCC was struck as an abuse of process under R. 9-5(1) by Justice Blake in *Ajvazi* 2024 without leave to amend. In finding that the 2022 NOCC was an abuse of process, Justice Blake emphasized the fact that Mr. Ajvazi was attempting to relitigate matters that had previously been determined in the Earlier Orders:

[63] Finally, a claim may be struck pursuant to R. 9-5(1)(b) when it is unnecessary, scandalous, frivolous or vexatious. A pleading is unnecessary or vexatious if it does not go to establishing a cause of action, if it does not advance any claim known in law, where it is obvious that an action cannot succeed, or where it would serve no useful purpose and would be a waste of the court’s time and public resources: *Nevsun* at para. 65. Vexatious litigation includes bringing an action to determine an issue which has already been determined by a court of competent jurisdiction. In determining whether a proceeding is vexatious, it is necessary to review the history of the matter, and not merely whether there was originally a good cause of action. I find the pleading is unnecessary or vexatious, as it fundamentally seeks to relitigate matters which have already been finally determined by this court. Mr. Ajvazi seeks to attack and undermine previous proceedings, and seeks to argue matters that should properly have been raised in those prior proceedings. The fact Mr. Ajvazi has now drawn several new parties into this proceeding does not alter this conclusion.

[64] The claims as articulated by Mr. Ajvazi are clearly to re-litigate those matters which have been previously determined against him in previous litigation. This is an attempt to improperly re-litigate matters, and as such is also an abuse of process under R. 9-5(1)(d): see *Stein* at para. 25; *CUPE* at paras. 35–37.

[8] Justice Blake awarded special costs against Mr. Ajvazi, emphasizing the need to rebuke Mr. Ajvazi’s insistence on collaterally attacking the Earlier Orders:

[80] I am satisfied it is appropriate to order lump sum special costs be payable by Mr. Ajvazi in all of the circumstances. His insistence in continuing to attack previous orders of this court by way of collateral attack merits

rebuke by way of an order for special costs. I am also satisfied that in this unfortunate matter it is appropriate to set a lump sum amount, to avoid the cost of yet another registrar’s hearing. I order that Mr. Ajvazi pay \$3,000 in special costs forthwith to the Law Corporation and pay \$3,000 in special costs forthwith to the City of Richmond. I do not order that he pay costs to the Strata, as the Strata brought no application, and sought no costs in the within applications.

[9] On April 10, 2024, Mr. Ajvazi appealed Justice Blake’s order. Subsequently, MC Law Corp and the City of Richmond were awarded security for costs in Court of Appeal chambers on June 21, 2024. In ordering that security for costs be posted, Justice Willcock made the following comments, affirming Justice Blake’s concerns about inappropriate re-litigation of the Earlier Orders.

[3] I hear Mr. Ajvazi. The problem he must confront, however, is that the process leading to the sale of his strata unit, and the reasonableness of the costs incurred in doing so, have been litigated.

...

[28] In addressing the merits, it is difficult in my opinion, to ascertain Mr. Ajvazi’s grounds of appeal. I agree with Ms. Lithwick’s submission that, in large part, it appears Mr. Ajvazi wishes to inappropriately attempt to re-litigate issues resolved in other proceedings, including in the Strata’s petition for an order for sale of the Unit. It makes no difference, in my view, that Mr. Ajvazi has chosen to attempt to differentiate this proceeding from prior proceedings by naming new individuals or entities as defendants.

[29] I agree with McCormack that Mr. Ajvazi appears to be seeking a further forum in which to make allegations of impropriety against counsel and officers of the court – including the judge in this case.

[30] In my view, having performed the type of preliminary examination I described earlier in these reasons, there does not appear to be any merit in the appeal. I see no readily reversible error in the judge’s analysis and it appears to me that where she exercised her discretion, she did not reasonably and judicially.

[10] The appeal with respect to the striking of the 2022 NOCC was ultimately dismissed as abandoned by Justice Abrioux on January 17, 2025.

[11] Mr. Ajvazi thereafter commenced this new proceeding by filing the 2025 NOCC on April 24, 2025.

II. ANALYSIS

A. The Bias Allegation

[12] Mr. Ajvazi alleged at the outset of the hearing in oral submissions that I am biased in my role as the chambers judge and asked that I recuse myself.

[13] The factual basis for Mr. Ajvazi’s bias allegation was unclear but it appears his argument relates to an order that I issued in chambers on June 16, 2025, when I adjourned the defendants’ motion to strike and stayed the proceeding pending a determination on the motion to strike. As I recall, the reason I ordered the adjournment was that Mr. Ajvazi had failed to attend at the hearing (despite being duly served) and, out of fairness to him, I wanted to give him the opportunity to make submissions in person. It is difficult to understand how this amounts to bias but, given his allegation, I must nonetheless address Mr. Ajvazi’s argument.

[14] In *Speckling v. Local 76 of the Communications, Energy and Paperworkers’ Union of Canada*, 2023 BCSC 26, Iyer J. (then of this Court) set out the legal test to be applied for bias:

[14] The test for bias, regardless of whether a reasonable apprehension of bias or actual bias is alleged, is well-settled: Would a reasonable and informed person, with knowledge of all relevant circumstances, viewing the matter realistically and practically, think that it is more likely than not that the decision-maker, whether consciously or unconsciously, would not decide fairly?: *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484 at para. 31.

[15] In *Taylor Ventures Ltd. (Trustee of) v. Taylor*, 2005 BCCA 350 at para. 7, the Court of Appeal set out the legal principles to be considered on a bias and recusal application:

[7] The leading case on recusal is *Wewaykum Indian Band v. Canada*, 2003 SCC 45 (CanLII), [2003] 2 S.C.R. 259. Counsel for the respondent correctly identified the principles governing the reasonable apprehension of bias concept as discussed in *Wewaykum* and I quote from his factum:

7. These principles are:

- (i) a judge's impartiality is presumed;
- (ii) a party arguing for disqualification must establish that the circumstances justify a

finding that the judge must be disqualified;

(iii) the criterion of disqualification is the reasonable apprehension of bias;

(iv) the question is what would an informed, reasonable and right-minded person, viewing the matter realistically and practically, and having thought the matter through, conclude;

(v) the test for disqualification is not satisfied unless it is proved that the informed, reasonable and right-minded person would think that it is more likely than not that the judge, whether consciously or unconsciously, would not decide fairly;

(vi) the test requires demonstration of serious grounds on which to base the apprehension;

(vii) each case must be examined contextually and the inquiry is fact-specific.

[Emphasis in original.]

[16] The strong presumption of judicial impartiality is not easily displaced. The party alleging bias bears the onus of establishing that the grounds for recusal are serious, cogent, and convincing enough to justify disqualification. The inquiry into a judge's conduct is contextual and fact-specific. Importantly, a judge must not be too quick to recuse themselves without an adequate evidentiary basis, both because of the delay to the proceedings and, for a judge to recuse themselves without an evidentiary basis can impact public respect for the administration of justice: *A.B. v. C.D. and E.F.*, 2019 BCSC 1057, at paras. 9-10.

[15] In my view, applying the above analysis, Mr. Ajvazi's bias application is without merit and should be dismissed.

[16] I asked Mr. Ajvazi at the hearing what the evidentiary basis for his bias allegation was and he was unable to reference any specific evidence or clearly articulate the nature of the bias he was alleging. Mr. Ajvazi suggested that there was

allegedly correspondence between counsel and court scheduling staff that evidenced my bias but he did not provide the court or opposing counsel with copies of any such alleged correspondence, nor did he explain how the content of that correspondence related to the bias allegation.

[17] In my view, Mr. Ajvazi did not allege any clear or serious grounds that would merit displacing the strong presumption of judicial impartiality. To the contrary, the facts indicate exactly the opposite. Prior to hearing this matter in chambers, I had no prior contact with this proceeding and no relationship with any of the parties or their counsel, and therefore no objective reason to prejudge the matter. In preparation for the hearing, I reached no advance conclusions with respect to the merits of this application and have no bias either for or against any party. Thus, Mr. Ajvazi’s claims of bias amount to bare allegations only and are not tethered to any material facts. A reasonable and informed person with knowledge of the relevant circumstances would have no concern that I can decide the issues fairly.

[18] Further, I note that allegations of bias against judges (and allegations of perjury and other wrongdoing against opposing lawyers, which Mr. Ajvazi has also made) appears to be a common strategy that Mr. Ajvazi has consistently employed for tactical purposes in earlier litigation.

[19] For example, in *The Owners, Strata Plan NW 87 v. Ajvazi*, 2023 BCSC 1462, Registrar Gaily explained that, during the Costs Assessment hearing, Mr. Ajvazi had accused her of being “racist, disrespectful and bullying” and of violating his human rights, in addition to engaging in other disruptive and disrespectful conduct:

[11] The assessment, which was set for five days, concluded after three days. Mr. Ajvazi left the hearing at the lunch break of the second day, asserting that he intended to both appeal any decision I made and seek my disqualification as registrar, ostensibly because I had accepted the evidence of the process servers the Strata Corporation retained, which confirmed that Mr. Ajvazi had been served with the appointment and supporting materials, and because I had advised him I did not have jurisdiction to hear his claim for damages against the Strata Corporation. Although I cautioned Mr. Ajvazi that the assessment would proceed in his absence, he did not return.

...

[13] Mr. Ajvazi’s conduct at the assessment hearing illustrates the challenges the Strata Corporation faced in enforcing the Lien. While in attendance, Mr. Ajvazi was disruptive and disrespectful to the Court and to the Strata Corporation’s counsel, frequently interrupting to object to the submissions and evidence, as well as to the Court’s directions. Despite the explanation of the purpose of the S. 118 Costs assessment and the nature of the evidence tendered for the assessment, Mr. Ajvazi repeatedly alleged that counsel was committing perjury because the evidence in the McCormack Affidavit, which speaks to the S. 118 Costs claimed, was not before presiders at the Lien enforcement proceedings. When it was arranged for Mr. Ajvazi to have a hard copy of the McCormack Affidavit for his reference at the hearing (he maintained he had never been properly served with it, although it formed the basis for his claims of perjury set out in his reply and affidavit), Mr. Ajvazi refused it asserting that it was “contaminated”.

[14] When I advised Mr. Ajvazi that his conduct was disrespectful of the Court, he accused me of being racist, disrespectful and bullying. He alleged that I had threatened him and scared him, and that his human rights were being violated. Throughout the Lien enforcement proceedings, Mr. Ajvazi has repeatedly levelled similar allegations against the Strata Corporation’s counsel, strata council members and Century 21 PEL staff, as well as raising them before other presiders, and in complaints he filed with the Law Society of British Columbia (“LSBC”) and the British Columbia Human Rights Tribunal (“BCHRT”) in the midst of the enforcement proceedings.

[20] Similarly in a proceeding before Justice Kent on June 30, 2023 relating to an adjournment application, the transcript reveals that Mr. Ajvazi asked Justice Kent to excuse himself from the case, alleging that Justice Kent was “not qualified” to hear the case, was “abusing the law”, was “racist” against him and did not know the law. Mr. Ajvazi stated to Justice Kent: “If you change your doctor I can change my justice” and further stated: “you are not qualified to explain to me nothing”. He also threatened to file a complaint against Justice Kent.

[21] I pause to note that, during the hearing of this application, Mr. Ajvazi was similarly disrespectful to the court and opposing counsel. He made various unsubstantiated allegations unrelated to the substance of the application (including questioning the integrity of the judicial appointment system and accusing various judges in the system of racism, favouritism and also of harming his daughter), he resorted to profane language, made long tangential speeches and generally acted in a disruptive and threatening manner by frequently interrupting opposing counsel and the court.

[22] As stated above, there is clearly a pattern to Mr. Ajvazi’s courtroom comportment. As a further example, after Justice Blake struck his NOCC, Mr. Ajvazi alleged in his Notice of Appeal and in argument before the Court of Appeal that Justice Blake was also biased. He alleged in the Notice of Appeal at Part B:

Honourable Justice Blake knowing that defendant case was fabricated, groundless Defends Pseudo legal Vexatious deceiving the appellant family from they constitutional rights.

Judges should exhibit and promote high standards of judicial conduct so as to reinforce public confidence which is the cornerstone of judicial independence not pre-judge the accused nor encroach on his/her rights; not show favouritism or prejudice towards anyone, be forthright, honest courteous, and cooperative; respect confidentiality; not pre-judge the accused nor encroach on his/her rights...

[23] Thus, it appears that Mr. Ajvazi has a track record of taking the position in litigation that any judge who makes a decision which he considers adverse to his interest is biased. I am only the latest in a growing line of judges against whom Mr. Ajvazi has made this allegation without success.

[24] I consider Mr. Ajvazi’s complaint against me to be equally without merit. The bias application is therefore dismissed.

[25] I next proceed to the application to strike.

B. Application to Strike

[26] MC Law Corp seeks an order pursuant to R. 9-5(1) striking the 2025 NOCC in its entirety without leave to amend and also dismissing this claim.

[27] Rule 9-5(1) sets out the grounds for striking a pleading:

Scandalous, frivolous or vexatious matters

(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 trial or hearing of the proceeding, or

(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.

[28] In my view the 2025 NOCC is, in its entirety, an abuse of process because it is an attempt to collaterally attack and/or relitigate issues that the courts have already determined: *Toronto (City) v. C.U.P.E.*, Local 79, 2003 SCC 63 at paras. 35–37; *SWS Marketing Inc. v. 1125003 B.C. Ltd.*, 2022 BCSC 2166 at para. 54; *Stein v. Keebler*, 2019 BCSC 1338 at para. 25.

[29] In *Ajvazi 2024*, Justice Blake struck the 2022 NOCC without leave to amend, principally on the basis that Mr. Ajvazi was seeking to relitigate and collaterally attack the Earlier Orders. The 2025 NOCC is in my view a clear attempt by Mr. Ajvazi to relitigate and collaterally attack *Ajvazi 2024* (in addition to the Earlier Orders that preceded *Ajvazi 2024*), even though his appeal of *Ajvazi 2024* was dismissed as abandoned in January 2025. It therefore appears that Mr. Ajvazi has learned nothing from the reasons in *Ajvazi 2024*, which clearly state that his relentless relitigation of the Earlier Orders must come to an end.

[30] In *Ajvazi 2024*, Justice Blake described the thrust of Mr. Ajvazi’s submissions as follows:

[57] [Mr. Ajvazi], in oral submissions, identified the basis upon which he is bringing the ANOCC. As I understood his arguments, he argues that when you buy a condominium, you are governed by the SPA. He believes that it is inappropriate that he is now homeless, when he believes that according to the SPA, he has done nothing wrong. He argues that he had \$15,000 on deposit with the Strata, reserved for special levies, and that any judgment ordered against him—such as the Small Claims Judgment—should properly have been paid out of that. He says that he requested that the Strata sign the Form B, which would have allowed him to use those funds for the Small Claims Judgment, but the Strata chose not to and decided to pursue him in the Supreme Court of British Columbia. He argues that he tried to explain this to the associate judge and judges who adjudicated previous proceedings, but was unsuccessful. He is critical of other judicial officers, and makes serious accusations as against them. He likewise makes serious allegations that unnamed defendants, and their counsel, have committed perjury. He summarized that he believes his multicultural family was harassed and targeted improperly, and that no one has effectively explained to him why he and his family ended up homeless.

[31] In his oral submissions on this application, Mr. Ajvazi made identical or similar arguments to those summarized above, seemingly believing that by filing the 2025 NOCC he had entitled himself to make all the same arguments that Justice Blake had previously dismissed. In particular, he apparently remains fixated on the refusal of the Strata Corporation to sign the “Form B” in 2021, even though that issue has been repeatedly litigated and decided.

[32] With respect to the issue of relitigating, I note that there are a great many similarities between the 2022 NOCC and the 2025 NOCC. During the oral hearing I asked Mr. Ajvazi to identify any differences between the pleadings in 2025 NOCC and the 2022 NOCC and he was unable to identify a single material difference with any particularity.

[33] There are many obvious commonalities between the two pleadings which evidence that the 2025 NOCC is merely a reheated version of the 2022 NOCC. For example, the 2025 NOCC names the same defendants as the 2022 NOCC with the exception that the City of Richmond and Mayor of Richmond have now been dropped in the 2025 NOCC. Counsel for MC Law Corp has also prepared a helpful chart, reproduced as Schedule “A” to these reasons, summarizing the claims and allegations in the 2025 NOCC and comparing them to similar or identical claims and allegations struck in the 2022 NOCC. As illustrated by the chart, there are striking parallels between the claims in the two pleadings, which include:

- A denial that Mr. Ajvazi’s renovations to the Strata Unit were unauthorized;
- A denial that the Small Claims Judgment was correct and legitimate;
- A denial that the Bylaw Prosecution was correct and legitimate;
- A denial that the Lien was legitimate and legally enforceable;
- The allegation that the Strata Corporation improperly prevented Mr. Ajvazi from redeeming the Strata unit before sale because it withheld approving the Form B;

- An objection to the correctness and legitimacy of the Sale Order and further allegation that the proceedings were a “groundless pseudo-legal lawsuit” containing false allegations and motivate by MC Law Corp’s “pure spite”;
- A challenge to the legitimacy and legality of the \$70,000 paid into court as security for costs from proceeds of the Sale Order;
- A challenge to the legitimacy and legality of the Costs Assessment;
- Allegations of improper conduct by legal counsel for the Strata Corporation (MC Law Corp) in regard to incurring/billing fees, failing to settle costs at much lower amounts and in conduct of the Costs Assessment hearing;
- Allegations of professional misconduct against MC Law Corp relating to the Sale Order petition and process;
- Allegations of criminal conduct by the defendants in relation to the Sale Order; and
- Allegations of racism and discrimination by the defendants.

[34] The remedies sought in the 2025 NOCC are similar to those sought in the 2022 NOCC as they relate directly to losses and costs arising from the Earlier Orders, and particularly the Sale Order. These include loss of equity in the Strata Unit, rent costs and lost earnings, lost valuables from the home and hotel expenses, construction and renovation costs, litigation costs and special damages.

[35] Significantly, all the above allegations and claims were expressly considered and addressed by Justice Blake in *Ajvazi* 2024, where she found either that they were improper attempts to relitigate prior decisions or were otherwise improper as claims in civil pleadings (such as the allegations of criminal conduct, the allegations of discrimination and the allegations of professional misconduct).

[36] For example, Justice Blake at para. 60 of her reasons cited *Singh v. Nielsen*, 2016 BCSC 2420 at para. 20 for the proposition that an allegation that counsel (MC

Law Corp) has somehow “misled or intentionally deceived the court resulting in decisions or rulings unfavorable to the claimant do not found actionable breaches of any private duty owed to the claimant”. Justice Blake also noted that “it is well established that the only party to whom a lawyer owes an actionable duty is to his or her client.” Similarly, Justice Blake observed at para. 62 that “there is no independent cause of action for discrimination” nor does this court have jurisdiction to adjudicate claims of human rights abuses.

[37] Despite these definitive rulings from Justice Blake, Mr. Ajvazi now makes similar or identical claims and allegations in the 2025 NOCC. This makes it clear in my view that Mr. Ajvazi is trying to circumvent the effect of Justice Blake’s ruling by starting a new claim with a few minor modifications rather than seeking leave to amend the 2022 NOCC (which Justice Blake had already denied).

[38] Given that Justice Blake has made rulings in *Ajvazi 2024* that pertain directly to the claims and allegations now in the 2025 NOCC, and that she did not grant leave to Mr. Ajvazi to file the duplicative 2025 NOCC, I consider myself bound by the ruling in *Ajvazi 2024* with respect to the deficiency of these pleadings. The principle of judicial comity set out in *Re Hansard Spruce Mills Ltd.*, [1954] 4 D.L.R. 590 at 592, 1954 CanLII 253 (B.C.S.C.), requires me to follow the judgment of another Supreme Court judge unless one of the following situations applies:

... I will only go against a judgment of another Judge of this Court if:

- (a) Subsequent decisions have affected the validity of the impugned judgment;
- (b) it is demonstrated that some binding authority in case law, or some relevant statute was not considered;
- (c) the judgment was unconsidered, a *nisi prius* judgment given in circumstances familiar to all trial Judges, where the exigencies of the trial require an immediate decision without opportunity to fully consult authority.

[39] In my view none of these situations pertain to Justice Blake’s decision in *Ajvazi 2024* and therefore I adopt by reference her reasoning with respect to the deficiency in Mr. Ajvazi’s pleadings, which are equally applicable to the 2025 NOCC.

[40] Further, I note that in *Lu v. Real Estate Council of British Columbia*, 2021 BCSC 109, Justice Jackson described the characteristics of vexatious pleadings, which description is equally applicable here:

[12] In determining whether proceedings are vexatious, the court is to look at the whole history of the matter and not just whether a valid cause of action was originally brought: *Stein v. Allan*, 2019 BCSC 1734 at para. 62. It is a general characteristic of vexatious proceedings that grounds and issues raised tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings: *Stein* at paras. 62–64.

[Emphasis added.]

[41] Many of the grounds and issues raised in the 2022 NOCC have been rolled forward into the 2025 NOCC and repeated and supplemented. In addition, the 2025 NOCC makes many serious allegations against the lawyers who acted against Mr. Ajvazi in earlier proceedings, without the particularity required under R. 3-7(18), which in my view contributes to the scandalous and vexatious nature of these pleadings. These allegations include the following:

- a) “Fabricated and forged false documents for their clients and advised them to register a fraudulent lien”;
- b) Refused to provide Mr. Ajvazi with a Form B and “bullied” Mr. Ajvazi’s family into paying additional amounts and fees;
- c) “Sabotaged” Mr. Ajvazi’s family’s credit “out of rage”, “forged additional documents”, “registered a fraudulent judgment”, and “filed groundless pseudo-legal lawsuits”;
- d) “Terrorized the owner’s family by blocking their ability to pay bills and the special levy”;
- e) “[P]urely out of spite” expended funds from the Strata plan’s contingency reserve fund and assured their client that Mr. Ajvazi’s family would bear all legal costs;

- f) “Committed perjur [sic] [and] initiated vexatious litigation without legitimate grounds, acting purely out of spite”;
- g) Knew that the Strata was not entitled to special costs and advised the Strata to seek special costs with respect to the Sale Petition “purely out of spite”;
- h) “Deliberately fabricated counterclaims and false allegations”;
- i) “interfered with the owner’s family’s transcript” and opened the owner’s family’s registered mail and exposed private family information;
- j) Advised JC Word Assist Ltd. to delay and refuse to provide a transcript to Mr. Ajvazi;
- k) Encouraged the Strata to interfere with Mr. Ajvazi’s strata fees and special levies to seize control over Mr. Ajvazi’s family’s finances;
- l) “Unlawfully encouraged violence and promoted harm against the Owner’s family”;
- m) “[E]ngaged in vexatious litigation during COVID-19 without legitimate grounds, driven solely by malice. They extorted the Owner’s family for non-existent fees”; and
- n) “[E]xtorted \$70,000 in special costs from the Owner’s family.”

[42] Similarly inappropriate allegations are made against Century 21 and the personal defendants. Such allegations include misappropriation, bullying and terrorizing behavior, and malicious vexatious litigation.

[43] In my view, these pleadings, in addition to being duplicative of the 2022 NOCC, are inflammatory and appear to be brought for an improper purpose, which is the harassment and oppression of the defendants. In addition to the abuse of process created by relitigating prior decisions, I emphasize that the foregoing are

also separate grounds for striking a pleading and are in my view applicable in this case: *Dempsey v. Envision Credit Union*, 2006 BCSC 750 at para. 17.

[44] Based on all of the above, I find that the NOCC 2025 should be struck and the claim dismissed as an abuse of process.

[45] Further, given the history of collateral attacks and the vexatious nature of these pleadings, the NOCC 2025 must be dismissed without leave to amend. To allow Mr. Ajvazi to proceed with an amendment would in my opinion violate principles of judicial economy, consistency and finality and would undermine the integrity of the administration of justice: *The Owners, Strata Plan LMS3259 v. Sze Hang Holding Inc.*, 2009 BCSC 473 at paras. 41–42, aff’d on this ground 2012 BCCA 196 at para. 67; *Stein*, at para. 28.

C. Vexatious Litigant Application

[46] MC Law Corp seeks a declaration that Mr. Ajvazi is a vexatious litigant.

[47] Section 18 of the *Supreme Court Act*, R.S.B.C. 1996, c. 443, provides:

Vexatious proceedings

18 If, on application by any person, the court is satisfied that a person has habitually, persistently and without reasonable grounds, instituted vexatious legal proceedings in the Supreme Court or in the Provincial Court against the same or different persons, the court may, after hearing that person or giving the person an opportunity to be heard, order that a legal proceeding must not, without leave of the court, be instituted by that person in any court.

[48] This Court also has the authority to issue a vexatious litigant order pursuant to its inherent jurisdiction to control its own process: *Gichuru v. Pallai*, 2018 BCCA 78 at para. 74. The discretion should be exercised judicially and only in clear cases, given the consequences to a party with respect to access to the courts.

[49] In *Holland v. Marshall*, 2010 BCSC 1560 at para. 7, leave to appeal dismissed 2010 BCCA 579, the court explained that to succeed on an application pursuant to s. 18, the applicant must demonstrate:

- a) That the proceedings are vexatious in the sense of having been taken in the absence of objectively reasonable ground; and
- b) That proceedings have been brought habitually or persistently, such that the litigant has continued obstinately in the course of conduct, despite protests or criticism.

[50] In *Holland* at para. 8 the court also explained that the following characteristics should be considered without limitation (see also *Ma v. Dai*, 2024 BCSC 2079 at para. 28):

- a) The bringing one or more actions to decide an issue which has already been determined by a court of competent jurisdiction;
- b) Where it is obvious that an action cannot succeed, or if the action would lead to no possible good, or if no reasonable person can reasonably expect to obtain relief;
- c) Actions brought for an improper purpose, including the harassment or oppression of other parties by multifarious proceedings brought for purposes other than the assertion of legitimate rights;
- d) Grounds and issues raised tend to be rolled forward into subsequent actions and repeated and supplemented, often with actions brought against the lawyers who have acted for or against the litigant in earlier proceedings;
- e) Failure of the person instituting the proceedings to pay the costs of unsuccessful proceedings;
- f) Persistently taking unsuccessful appeals from judicial decisions; and
- g) In determining whether proceedings are vexatious, the court must look at the whole history of the matter and not just whether there was originally a good cause of action.

[51] In my view, considering the analysis set out in *Holland*, the 2025 NOCC is vexatious as it has been filed in the absence of an objectively reasonable ground, given Justice Blake’s decision in *Ajvazi* 2024. Despite that decision, in which the 2022 NOCC was struck in its entirety and the appeal was dismissed, Mr. Ajvazi has continued obstinately with filing the 2025 NOCC, which is largely duplicative of the 2022 NOCC.

[52] Moreover, as argued by counsel for the applicant, all of the characteristics set out in *Holland* at para. 8 are applicable with respect to Mr. Ajvazi in this case.

Specifically:

- a) Mr. Ajvazi continues to bring actions to decide issues which have already been determined by courts of competent jurisdiction. Previously, Mr. Ajvazi commenced a petition, then the 2022 NOCC and now the 2025 NOCC, all to address essentially the same issues that had already been decided in the Earlier Orders.
- b) It is obvious that the 2025 NOCC cannot succeed (for the reasons set out in *Ajvazi 2024*) and the context makes clear that Mr. Ajvazi is subjectively aware of that – i.e. this is clearly not a case of mere inadvertence or ignorance on the part of Mr. Ajvazi because he has expressed his understanding in open court of relevant legal principles. For example, Justice Blake noted in her reasons at para. 28 that Mr. Ajvazi “acknowledged that he understood that it was not the appropriate procedure to bring a proceeding to have a judge of this court overrule another judge’s ruling.” And yet this is precisely what Mr. Ajvazi has done by filing the 2025 NOCC. Similarly, Mr. Ajvazi acknowledged in the hearing before Justice Blake that he understood that it was not possible to sue under the *Criminal Code*, R.S.C. 1985, c. C-46 in civil court and yet, in the 2025 NOCC, Mr. Ajvazi has once again alleged criminality by the defendants in the context of a civil action.
- c) Mr. Ajvazi was clearly aware after *Ajvazi 2024* that bringing another duplicative action as a further collateral attack would be inconsistent with that prior decision and bound to fail. I therefore draw the irresistible inference that Mr. Ajvazi has decided to persist with his claims for an improper purpose, which includes the harassment or oppression of the defendants, who he feels have wronged him in the past, and also to “prove his point” to the judiciary. In this respect I reference again paras. 18-23 above of these reasons. It is clear from Mr. Ajvazi’s comportment in court that he is very angry and emotional

both with respect to the opposing parties and the judiciary and it is therefore a reasonable inference that his approach to the litigation has been motivated at least in part by that anger.

- d) The grounds and issues raised by Mr. Ajvazi tend to be rolled forward into subsequent actions and repeated and supplemented, including by bringing baseless claims against opposing counsel (MC Law Corp) in repeated pleadings.
- e) Mr. Ajvazi has not been deterred by the multiple special costs awards that have been issued and has left some unsatisfied. For example, he still has not paid the special costs ordered by Justice Blake.
- f) Mr. Ajvazi has persistently tried to take unsuccessful appeals from judicial decisions.

[53] Counsel for MC Law Corp stated during oral submissions that Mr. Ajvazi had advised her immediately before the hearing that he would pursue further legal remedies against MC Law Corp regardless of the outcome on this application. Mr. Ajvazi also advised the court during that hearing that he intends to appeal the outcome of this application because he believes the outcome is predetermined due to bias. Therefore it appears that further litigation from Mr. Ajvazi is virtually a certainty.

[54] Mr. Ajvazi has monopolized undue amounts of judicial resources and imposed an unfair burden of time and costs on the defendants, in continually attempting to relitigate the same issues and has made it clear that his intention is to continue to do so into the future. This cannot and should not continue. I therefore conclude that an order declaring Mr. Ajvazi a vexatious litigant is necessary and appropriate under the circumstances.

[55] The applicant proposes two alternative orders. In my view the first alternative is too broad as it precludes Mr. Ajvazi from commencing any litigation, even if unrelated to any of the prior matters relevant to this litigation. I prefer the

second alternative, which limits Mr. Ajvazi’s rights to litigate in relation to the matters pleaded in the 2025 NOCC and earlier related proceedings. I therefore order as follows:

1. An order that Jasar Ajvazi (also known as Richard Gibson), in his name or alias, or as an officer or director of a company or in the name of a society he has incorporated, on his own behalf or on behalf of another, or anyone acting on his behalf, is prohibited from directly or indirectly instituting without leave of a justice of the British Columbia Supreme Court (“BCSC”):
 - i. Any legal proceeding in any registry of the BCSC relating in any way, directly or indirectly, to:
 1. #218-6560 Buswell Street in Richmond, British Columbia and/or his former ownership thereof;
 2. Any claims which were or should have been determined in New Westminister Supreme Court Action No. 234917 (the “Sale Petition”), Vancouver Supreme Court Petition No. 220763, Vancouver Supreme Court Action No. S-227909, or New Westminister Supreme Court Action No. S257683; and/or
 3. Any claims relating to his involvement in or the conduct of the Sale Petition; and
 - ii. Any legal proceeding in any registry of the BCSC against or relating to:
 1. MC Law Corp and any of its past or current employees, partners, members or directors;
 2. The Owners, Strata Plan NW 87 and any current or former members of the Strata Council thereof;

3. Century 21 Prudential Estates (RMD) Ltd. and any of its past or current employees, members or directors; and
4. Any of the defendants herein.

D. Special Costs

[56] Special costs may be awarded when a litigant demonstrates reprehensible litigation conduct worthy of rebuke. Although the practice is to be exercised sparingly, it can be done in cases where the court has the tools and case knowledge necessary to do so and where the costs of a registrar’s hearing cannot be justified: *Gichuru v. Smith*, 2014 BCCA 414 at paras. 78–79; and *Jacques v. Muir*, 2021 BCCA 363 at para. 23.

[57] In *Ajvazi* 2024 at para. 80, Justice Blake ordered special costs against Mr. Ajvazi as a rebuke for his continuing collateral attacks. Evidently, that special costs order did not serve as a sufficient deterrent, given that he subsequently filed the 2025 NOCC and failed to pay the special costs order. As a result, a further special costs order is merited to reinforce the message of rebuke. In my view a lump sum special costs award of \$5,000 to MC Law Corp in addition to \$5,000 to be split evenly between the other defendants is appropriate. These special costs awards shall be paid forthwith.

[58] Finally, I also order that the requirement for Mr. Ajvazi’s signature on the order issued in relation to this application is dispensed with.

“M. Taylor J.”

Schedule “A”

B. SUMMARY OF SUBJECT CLAIM AND RELATIONSHIP TO PRIOR PROCEEDINGS

Allegation	NOCC	Comment
Denial of unauthorized renovations which resulted in Small Claims Judgement and lien enforced in Sale Petition.	p. 15; p. 2, para. 14; p. 3; p. 4, paras. 3E & 4; p. 5, para. 10; p. 8; p. 18, paras 11-12;	Attack on Small Claims Judgment and conviction in Bylaw Enforcement prosecution, i.e. attempt to invalidate indebtedness. Also attempted and failed in Plaintiff’s Petition and Dismissed Action. See Blake J Reasons at paras. 23 and 66 (<i>inter alia</i>).
Allegations that he did redeem or was unlawfully prevented from redeeming before sale because, <i>inter alia</i> , Strata withheld his “Form B: Information Certificate”.	p. 2, paras. 2, 5, 6, 7; p. 4, paras. 5 to p. 6s; p. 6; p. 7C; p. 9; p. 11, para. 24C; p. 16, para 2 to p. 17, para. 8;	Collateral attack. Also raised and dismissed by Justice Blake. See Blake J Reasons at paras. 18-19 and 57.
Objection to court ordered sale of Strata Lot and allegation that the proceedings were a “groundless pseudo-legal lawsuit” containing false allegations or “vexatious”. Motivated by MC Law Corp’s “pure spite”.	p. 2, para. 8; p. 10, para. 23-A; p. 14, para. 29A; p. 11-A to p. 12-C; p. 18, para. 13; p. 19, para. 14; p. 20, para. 17; p. 20, para. 7;	Collateral attack. Also struck by Justice Blake. See Blake J Reasons at paras. 58-61.

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<p>Challenge the \$70,000 paid into court from proceeds of sale of Strata Lot as security for the Strata’s costs in the Sale Proceeding, as well as challenge to costs incurred by, and, later awarded to, Strata. Allegations of improper conduct by counsel for the Strata (MC Law Corp) in regarding to incurring/billing fees, failing to settle costs at much lower amount and in conduct of Costs Assessment hearing.</p>	<p>p. 4; p. 5, paras. 10A & 13; p. 6, para. 13D; p. 7, para. 17; p. 9, “part 4”; p. 11-12, paras. 24B –L; p. 12, para. 25A & B; p. 17, paras. 9 & 10; p. 18, para. 12; p. 19, paras. 13 to 16; p. 20; p. 23.</p>	<p>Collateral attack. Also struck by Justice Blake. See Blake J Reasons at para. 58 and Costs Assessment Appeal reasons.</p>
<p>Improper allegations of criminal activity in the Sale Petition.</p>	<p>p. 2, paras 4 and 9; p. 12, para. 25(c)</p>	<p>Blake Reasons explaining this is improper. See paras. 57 and 69.</p>
<p>Allegations of professional misconduct against counsel in the Sale Petition.</p>	<p>p. 2, para. 10-13 p. 6, second half p. 13, part 6; p. 18, para. 13; p. 23 (2nd half); p. 25, paras. 2 to p. 27, para. 16; p. 27, paras. 20-27.</p>	<p>Blake Reasons explain this is improper. See para. 62.</p>
<p>Allegations of discrimination.</p>	<p>p. 2, para. 15; p. 27, paras. 17 – 19;</p>	<p>Allegations of racism by MC Law Corp and the City of Richmond were made in Plaintiff’s Petition and Dismissed Action. See Blake J Reasons at paras. 23, 57, 62, 67 and 68.</p>
<p>Interfered with his ability to appeal the ruling of Justice Blake by preventing him from filing a book of transcripts.</p>	<p>p. 13, para. 27(c) and p. 14; p. 23;</p>	<p>Submitted to be layered abuse of process, i.e. abuse of this process to collaterally attack a dismissal of an appeal of an order striking a claim that was an abuse of process.</p>