IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Eaglestone v. Insurance Council of British Columbia,* 2026 BCSC 275

Date: 20260223
Docket: 19473
Registry: Smithers

Between:

David Walter Eaglestone and Majestic Forest Management Ltd.

Petitioner

And

Insurance Council of British Columbia, Office of the Information and Privacy Commissioner for British Columbia

Respondents

Before: The Honourable Justice Branch

Reasons for Judgment

The Petitioner, appearing on his own behalf:	D.W. Eaglestone
Counsel for the Insurance Council of British Columbia:	R. Berger
Counsel for the Information and Privacy Commissioner for British Columbia:	D. Wu J. Riddle
Place and Date of Hearing:	Smithers, B.C. September 16–18, 2025 and November 28, 2025
Place and Date of Judgment:	Smithers, B.C. February 23, 2026

Table of Contents

I. INTRODUCTION

[1] This is the hearing of a petition seeking an array of relief arising out of the individual petitioner's fervent effort to extract documents held by the Insurance Council of British Columbia ("ICBC") relating to a group of insurance agencies.

[2] The petition record materials spanned more than six feet, most of which consisted of documents reflecting ICBC's efforts to satisfy the petitioner's repeated requests over several years.

[3] Notably, when asked why he was seeking all these documents, the petitioner stated that he was doing so only as a concerned member of the public. He was previously a party to fire insurance coverage litigation, in which these agencies were peripherally involved, but that litigation has since resolved: see *Eaglestone v. Intact*, 2021 BCSC 271. As such, he does not allege a present personal interest in the agencies' activities. He is not seeking to extract information to aid in pursuing proceedings against the agencies. Although he makes a vague reference to his potential engagement by a company in separate ongoing proceedings involving these agencies, he confirmed that he does not presently have a contractual relationship with that company.

[4] Not surprisingly, his lack of personal interest influences the outcome of this petition.

[5] It is clear to me that ICBC has made reasonable efforts to satisfy all the petitioner's repetitive requests. It is clear to me that the petitioner is never going to be satisfied with ICBC's efforts. This is a case where the Court must declare that "enough is enough".

II. BACKGROUND

[6] The individual petitioner is a semi-retired businessperson in Smithers, British Columbia. The corporate petitioner, Majestic Forest Management Ltd., is owned and controlled by Mr. Eaglestone. For convenience, I will refer to them collectively as the "petitioner".

[7] The respondent Office of the Information and Privacy Commissioner for British Columbia ("OIPC") is a statutory body that provides independent oversight and enforcement of BC's access and privacy laws, including the *Freedom of Information and Protection of Privacy Act,* R.S.B.C. 1996, c. 165 [*FIPPA*].

[8] The respondent ICBC regulates insurance agents, salespersons, and adjusters in the Province of British Columbia under the authority of the *Financial Institutions Act*, R.S.B.C. 1996, c. 144 [*FIA*].

[9] Prior to 2008, ICBC required licensees to submit applications for new and renewal licenses annually and largely collected and retained that information in paper form.

[10] In 2008, ICBC introduced "continuous licensing" to replace its prior system. Under the continuous licensing process, licensees were simply required to renew licenses by completing and submitting a declaration. ICBC retains few of these historical declarations.

[11] In 2016, ICBC transitioned its operations to an electronic records system using its new ACCELA software system. With the transition to ACCELA, ICBC ceased using a paper-based record-keeping system.

[12] As part of the transition, ICBC took steps to preserve its paper historical records relating to licensees in its possession and control at the time. The Council maintains off-site storage for paper records in its possession that are dated prior to 2016. Certain historical information about licensees was entered into a database and made publicly available and searchable on ICBC's website.

[13] Since the 2016 transition, all ICBC processes are electronic, including its licensing processes and record retention. Prospective and current licensees, both individuals and corporate entities or partnerships, complete the necessary forms through the website's online portal (the "Online Portal"). First-time applicants may also submit via email. For applicants who submit their application via email, ICBC creates an Online Portal account for them.

[14] Once an application is submitted through the Online Portal, ICBC reviews it in accordance with the licensing criteria established under the *FIA*, the ICBC Council Rules, and ICBC's policies, to determine whether a licence may be issued. On approval of the application, the applicant will receive a licensing confirmation email from ICBC's Licensing Team. Upon approval, the system automatically updates the licensee's Online Portal account. The licensee's publicly available information is then made accessible through the online Licensee Directory (the "Directory").

[15] Members of the public can search the Directory to access a licensee's information, such as the licence number, licence type, licence status, effective date, renewal date, cancellation/termination date, and agencies/firms they are authorized to represent.

[16] No paper records are generated through the Online Portal process. The entire process is electronic, such that evidence of whether an individual, corporate entity, or partnership has been issued a licence, the licence number, the status of the licence, its effective date, renewal date, or whether it has been cancelled/terminated is all made available to members of the public online through the Directory.

[17] For licence renewals, ICBC requires licensees to complete the Annual Licence Renewal web form through the Online Portal. This process does not generate a renewal application document; rather, it populates information in a database accessible to Insurance Council staff for review. Upon approval, the system automatically updates the licensee's Online Portal account in the Directory. As a result, a public search of the Directory will show the licensee's updated licensing status.

[18] Thankfully, it is not necessary for my ruling to review the entire protracted back-and-forth history between Mr. Eaglestone and ICBC over the years. It is sufficient to note the following salient facts to ground my decision on the points at issue:

a) Commencing in or about September 2021, the petitioner has submitted many requests to ICBC for access to records related to a range of insurance providers and licensed individuals operating since the mid-to-late 2000s, including information about nominees and employee transfers.

b) In 2021 alone, the petitioner submitted approximately eight *FIPPA* requests, as well as several additional pieces of correspondence requesting additional information. ICBC estimates that approximately 120 hours of staff time were spent this year by its legal, licensing, and IT teams responding to his requests.

c) In 2022, the petitioner submitted approximately eight additional requests under *FIPPA*, as well as several additional pieces of correspondence requesting information. ICBC estimates that approximately 70 hours of staff time were spent by members of its legal and licensing teams on these requests.

d) In 2023, approximately 10 requests were made under *FIPPA*, along with several additional pieces of correspondence seeking information. ICBC estimates that its team members spent approximately 100 hours responding to requests.

e) Between January 1, 2024, and November 30, 2024, the petitioner submitted approximately twenty-three *FIPPA* requests, as well as several additional pieces of correspondence requesting information. ICBC estimates that approximately 140 hours of staff time were devoted to his requests.

f) On June 4, 2024, the petitioner submitted five emails to the OIPC regarding ICBC's document production, with attachments totalling 331 pages.

g) On June 23, 2024, the petitioner submitted another email to the OIPC attaching 68 additional pages of documents.

h) On July 13, 2024, the petitioner submitted an email to the OIPC attaching 40 pages of documents.

i) On July 17, 2024, the OIPC requested that the petitioner refrain from submitting any further documents.

j) On August 12, 2024, the petitioner emailed the OIPC attaching 45 pages of documents.

k) On October 1, 2024, the petitioner emailed the OIPC attaching 36 pages of documents.

l) On November 21, 2024, the OIPC contacted the petitioner to clarify his requests. The OIPC requested a summary of the petitioner's access request, ICBC's responses, and any inadequate search complaints. The petitioner responded on November 24, 2024, by email, attaching 51 more pages of documents.

m) On December 23, 2024, the petitioner emailed the OIPC attaching 66 further pages of documents.

n) On January 24 and 25, 2025, the petitioner emailed the OIPC, attaching 12 pages of documents and 72 pages of documents, respectively.

o) On January 30, 2025, the OIPC wrote to the petitioner, summarizing the interactions to date, and requested that the petitioner resubmit only the necessary documents to initiate either a request for review or an adequate search complaint.

[19] The filed petition has also followed a long and difficult path:

a) It was filed on December 18, 2024.

b) Prior to the hearing of the petition, several short-notice applications, full applications, and judicial management conferences were held on January 21, February 4, February 27, April 10, and July 10, 2025. Several orders were issued at these hearings seeking to control the petitioner's conduct pending the hearing of the petition.

c) After the July 10, 2025 hearing, Justice Elwood pronounced reasons for judgment (the "Elwood Reasons") in which he commented on the problematic course of the litigation up to that point and provided recommendations and directions to Mr. Eaglestone. In particular, Justice Elwood:

    i. noted the lack of articulation and clarity in the pleadings and extensive amendments requested by Mr. Eaglestone (at paras. 8, 22, 30–31);

    ii. found that some of the matters in Mr. Eaglestone's amended petition were not live issues (at para. 37); and

    iii. concluded that Mr. Eaglestone was seeking damages unavailable in a petition proceeding (at paras. 39–41).

d) On July 11, 2025, Elwood J. made an order adding the OIPC as a respondent and Majestic Forest Management Ltd. as a petitioner. The order also granted Mr. Eaglestone leave to amend the petition and set out additional orders regarding the conduct of the litigation.

e) Substantial amendments were made to the petition on July 25, 2025.

f) After the hearing of the petition before me on September 16–18, 2025 and November 28, 2025, Mr. Eaglestone continued to seek documents and demand access to ICBC's office while my judgment was under reserve. This necessitated a further hearing on December 16, 2025, at which I

confirmed that the earlier orders designed to prevent such efforts should remain in effect until the issuance of these reasons.

g) Mr. Eaglestone then sought a further attendance before this Court to further protest the quality of ICBC's document response. I declined to schedule such a hearing, given that my decision was pending and was set to address ICBC's vexatious litigant concerns, relief further supported by Mr. Eaglestone's repeated efforts to engage both ICBC and this Court after the petition was heard.

III. ISSUES

[20] As a self-represented litigant with no legal training, the petitioner's numerous and repetitive requests for relief in his petition were prolix and difficult to parse. The analysis of such pleadings must be done with a degree of flexibility designed to ensure litigants' fair access to justice and equal treatment by the court: *Nesbitt v. College of Physicians and Surgeons of British Columbia*, 2024 BCSC 1661 at paras. 37–48.

[21] Over the course of the hearing, it became evident that the petitioner's concerns could effectively be reduced to the following:

a) Has the petitioner received all the documents to which the petitioner is entitled from ICBC under either the *FIA* or *FIPPA*?

b) Did ICBC unlawfully prevent the petitioner from having access to their office to review documents?

c) Are the petitioner's *FIPPA* requests properly before this Court, or must they be left in the hands of the OIPC?

d) Should the petitioner be compensated through damages or otherwise for his time, effort, and costs in pursuing documents from ICBC?

e) Should ICBC have stopped all or some of the implicated insurance agencies (whom I will refer to generally as the "Western Financial Group" or "WFG") from doing business?

f) Did ICBC improperly set down a hearing in this matter in January 2025?

g) Could ICBC redact client IDs from their production? ICBC confirmed at the hearing that it was prepared to remove the redactions and provide unredacted documents. There is no need for me to rule on this point as it has become moot.

h) Could ICBC hire a lawyer to act for them? The petitioner confirmed that this aspect of his application should be treated as abandoned.

[22] ICBC also advances its own cross-application requesting certain "vexatious litigant"-type relief:

> 1. An Order restraining and enjoining the Petitioner from making further requests for access to records or requests to inspect records at the office of the Respondent in respect of records the Petitioner has already requested;
>
> 2. In the alternative to the above, an Order permitting the Respondent to refrain from responding to the Petitioner in respect of any requests for access to records or requests to inspect at the office of the Respondent in respect of records that the Petitioner has already requested;
>
> 3. An Order requiring the Petitioner to seek leave of the Court before making any new requests for access to records or requests to inspect records at the office of the Respondent; …

IV. ANALYSIS

A. The Document Production Issue

[23] Under s. 227 of the *FIA,* the petitioner had a right to request certain documents as a member of the public:

> Duties of council
>
> 227 In addition to any other duties given to it under this Act, the council
>
> …

> (b) must maintain proper records respecting council business, on any matter before the council or any decision made by the council including
>
> (i) a copy of every licence issued by the council under this Act,
>
> (ii) a record of every decision made by the council under this Act concerning the issue, amendment, suspension, cancellation or transfer of a licence including the reasons for the decision if required,
>
> (iii) records of appeals heard by the Commercial Appeals Commission and the tribunal from decisions of the council,
>
> (iv) copies of approvals required under the rules made by the council under section 225.1,…
>
> (c) must permit the public to inspect at its office records required to be kept under paragraph (b) (i), (ii), (iii) or (iv) and may publish those records, and
>
> (d) must provide to the public on request and on payment of the prescribed fee a copy or extract of any of the council records required to be kept under paragraph (b) (i), (ii), (iii) or (iv)…

[24] I find that the petitioner has failed to establish that, on a balance of probabilities, there are remaining documents to which he is entitled under s. 227(d).

[25] I accept that it took longer to satisfy all the petitioner's proper requests than it should have, but these delays were partially the fault of the petitioner for:

a) delivering many requests that were unnecessarily confusing, repetitive and rambling;

b) failing to carefully (and fairly) review ICBC's productions to ensure that his follow-up requests had not already been satisfied through earlier productions;

c) failing to recognize that ICBC's conversion to a fully electronic system would affect how it prepared, received, analyzed and responded to filings; and

d) failing to accept that, given the historical nature of many of his requests, it was possible that some of his requested documents would simply no longer be available.

[26] As noted, ICBC produced a substantial volume of material. By the end of the hearing, the exercise turned into a game of documentary “whack-a-mole”. The petitioner would raise an issue regarding the absence of a particular document or category, and counsel for ICBC would demonstrate that the document or category had already been produced.

[27] Rather than address each of the petitioner’s remaining document requests at an individual level, I prefer to resolve the question of further document production at a higher level.

[28] As ICBC points out, the relief sought in relation to documents was effectively in the nature of a *mandamus* request, i.e. to compel ICBC to produce additional material to the petitioner. The granting of this type of relief is subject to the Court’s discretion. In *Paldi Khalsa Diwan Society v. Cowichan Valley (Regional Distric*t), 2014 BCCA 335, the Court of Appeal described the framework as follows:

> [56] The principles applicable to a claim for *mandamus* relief were summarized by the Federal Court of Appeal in *Apotex Inc. v. Canada (Attorney General)*, [1994] 1 F.C. 742 at 766-769 (citations omitted):
>
> 1. There must be a public legal duty to act.
> 2. The duty must be owed to the applicant.
> 3. There is a clear right to performance of that duty, in particular:
>
> (a) the applicant has satisfied all conditions precedent giving rise to the duty;
>
> (b) there was (i) a prior demand for performance of the duty; (ii) a reasonable time to comply with the demand unless refused outright; and (iii) a subsequent refusal which can be either expressed or implied, e.g. unreasonable delay;
>
> 4. Where the duty sought to be enforced is discretionary, the following rules apply:
>
> (a) in exercising a discretion, the decision-maker must not act in a manner which can be characterized as "unfair", "oppressive" or demonstrate "flagrant impropriety" or "bad faith";
>
> (b) *mandamus* is unavailable if the decision-maker’s discretion is characterized as being "unqualified", "absolute", "permissive" or "unfettered";

(c) in the exercise of a "fettered" discretion, the decision-maker must act upon "relevant", as opposed to *"irrelevant", considerations;*

(d) *mandamus* is unavailable to compel the exercise of a "fettered discretion" in a particular way; and

(e) *mandamus* is only available when the decision-maker's discretion is "spent"; i.e., the applicant has a vested right to the performance of the duty.

5. No other adequate remedy is available to the applicant.
6. The order sought will be of some practical value or effect.
7. The Court in the exercise of its discretion finds no equitable bar to the relief sought.
8. On a "balance of convenience" an order in the nature of *mandamus* should (or should not) issue.

[29] An applicant must meet all eight conditions before the court can award the remedy of *mandamus*: *Apotex Inc. v. Canada (Attorney General)* (1993), 1993 CarswellNat 820, 1993 CanLII 3004 (F.C.A.) at paras. 45; *Zaki v. Director,* 2017 ONSC 1324 at para. 48.

[30] In my view, in this case, no practical value or effect would be achieved by issuing an order for further production. There is insufficient evidence that there are any additional documents or that any residual material remains of any utility to the petitioner or the public at large.

[31] Furthermore, under the balance of convenience aspect of the test, the order is not justified. Any residual production will be onerous for ICBC as a public body with limited resources, and there is no corresponding prejudice to the petitioner in refusing the request, given his lack of direct interest.

[32] As the Federal Court of Appeal stated in *Charette v. Canada (Commissioner of Competition)*, 2003 FCA 426:

> [63] First there is very little, if any, practical value to granting an order of mandamus in this case. In *Apotex, supra* at para. 45, this Court indicated that one of the pre-requisites to granting an order of mandamus is that it must have some practical value. As previously outlined, the Commissioner has already thoroughly investigated all of the complaints raised by Mr. Charette in his section 9 application and determined that they are groundless. Nothing

> would be gained by requiring the Commissioner to initiate a formal inquiry in these circumstances. Even if this court were to order the Commissioner to initiate an inquiry under paragraph 10(1)(a), the Commissioner has the discretion to discontinue this inquiry at any time if he is of the opinion that the matter does not justify further inquiry, and after extensive investigation, the Commissioner is clearly of this opinion. The Supreme Court of Canada decision in *Maple Lodge Farms Ltd. v. Canada*, 1982 CanLII 24 (SCC), [1982] 2 S.C.R. 2 suggests that in making this discretionary decision, the Commissioner simply must not act in bad faith, rely on considerations irrelevant to the Act's purpose or violate the principles of procedural fairness. The Commissioner has not done any of these things in this case.
>
> …
>
> [67] Second, while an order of mandamus in this case is of virtually no practical value to Mr. Charette, refusing to grant such an order in the particular circumstances of this case would be of great practical value to the public interest. The Commissioner does not have unlimited resources, and if this Court were to order the Commissioner to hold a formal inquiry into matters which it had already thoroughly investigated, the Commissioner would have less resources to consider new complaints.

[33] With respect to the availability of alternative remedies, to the extent the petitioner relies on *FIPPA*, the petitioner has not exhausted his remedies available through the OIPC, as discussed in greater detail below.

[34] As such, I would exercise my discretion to deny any further relief in relation to the document production issue, even assuming (without accepting) there could conceivably be a few residual documents requested that have slipped through the cracks. The mere possibility that a public body may have failed to produce every potentially relevant document is not necessarily enough on its own to support a *mandamus* order, particularly where extraordinary efforts have already been made.

B. The Office Access Problem

[35] As noted, under s. 227(c), the petitioner is entitled to view the documents at ICBC's offices.

[36] The petitioner made numerous requests to review documents at ICBC's offices, including in letters dated November 19, 2024; January 30, 2025; February 2, 2024; and two letters dated February 3, 2025.

[37] ICBC does not deny that it refused access. Its response to these visitation requests was that it had already produced the documents the petitioner sought, and that there was no reason for him to come to its offices. Perhaps that was true, but that is not the question. The petitioner had the right to request that he be allowed to review the documents in person at their offices. The rights under s. 227(c) and (d) are not stated as alternatives. The request should not have been refused.

[38] However, I do not find that any relief should issue as a result of this failure, applying the same principles discussed above regarding when such *mandamus*-type orders should issue.

[39] I have insufficient evidence that the petitioner has not received the disclosure to which he is entitled. I have no reason to believe that an in-office review would provide any additional utility. I am concerned that a visit to the offices will only perpetuate the vexatious conduct supporting the orders I make below in relation to ICBC's cross-application. The effectiveness of these orders will be undermined if I allow the petitioner an unfettered right to make further requests to enter the petitioner's premises and review additional documents.

[40] I find comfort for this conclusion from the decision in *Distribution Canada Inc. v. Minister of National Revenue*, [1993] 2 F.C. 26, 1993 CanLII 2923, where the court found that the Minister of Revenue could choose to waive import fees charged to cross-border travelers on things such as gasoline and groceries, even though the *Customs Act* stated that the Minister "shall" levy fees on all goods imported. The conclusion was that the Minister considered his responsibilities under the *Customs Act* and was free to waive those fees, given the constraints on levying such fees. The court would not intervene provided he had not "turned his back on his duties" or demonstrated negligence or bad faith: at 40–41. I find this is the situation for ICBC as well.

C. The OIPC Jurisdiction Problem

[41] I note that of the petitioner's original 32 orders sought (which were later rationalized over the course of the hearing, both by the Court and the petitioner), orders 1, 2, 3, 4, 7, 8, 11, 13, and 27 all purport to rely on *FIPPA*.

[42] There are two distinct paths by which a person dissatisfied with a public body's response to an access request may bring the matter before the OIPC.

[43] The first is a "complaint" to trigger an investigation pursuant to s. 42(2) of *FIPPA*:

> (2) Without limiting subsection (1), the commissioner may investigate and attempt to resolve complaints that
>
> (a) a duty imposed under this Act has not been performed,
>
> (b) an extension of time for responding to a request is not in accordance with section 10 (1),
>
> (c) a fee required under this Act is inappropriate,
>
> (d) a correction of personal information requested under section 29 (1) has been refused without justification, and
>
> (e) personal information has been collected, used or disclosed in contravention of Part 3 by
>
> (i) a public body or an employee, officer or director of a public body, or
>
> (ii) an employee or associate of a service provider.

[44] Complaints under s. 42(2)(a) includes complaints that a public body has not performed its duty under s. 6 of *FIPPA*, which provides:

> 6 (1) The head of a public body must make every reasonable effort to assist applicants and to respond without delay to each applicant openly, accurately and completely.

[45] This first path, therefore, includes what are commonly referred to as "inadequate search complaints".

[46] The second path through which a person may bring issues with access requests to the OIPC is through a "request for review" pursuant to s. 52 of *FIPPA*.

Requests for review are made when a person is dissatisfied with a public body's response, such as when it has allegedly withheld or improperly redacted records.

[47] Sections 52–54 of *FIPPA* provide as follows:

> **Right to ask for a review**
>
> 52 (1) A person who makes a request to the head of a public body, other than the commissioner or the registrar under the *Lobbyists Transparency Act*, for access to a record or for correction of personal information may ask the commissioner to review any decision, act or failure to act, other than to require an application fee, of the head that relates to that request, including any matter that could be the subject of a complaint under section 42 (2).
>
> (2) A third party notified under section 24 of a decision to give access may ask the commissioner to review any decision made about the request by the head of a public body, other than the commissioner or the registrar under the *Lobbyists Transparency Act*.
>
> **How to ask for a review**
>
> 53 (1) To ask for a review under this Division, a written request must be delivered to the commissioner.
>
> (2) A request for a review of a decision of the head of a public body must be delivered within
>
> (a) 30 days after the person asking for the review is notified of the decision, or
>
> (b) a longer period allowed by the commissioner.
>
> (3) The failure of the head of a public body to respond in time to a request for access to a record is to be treated as a decision to refuse access to the record, but the time limit in subsection (2) (a) for delivering a request for review does not apply.
>
> **Notifying others of review**
>
> 54 On receiving a request for a review, the commissioner must give a copy to
>
> (a) the head of the public body concerned, and
>
> (b) any other person that the commissioner considers appropriate.

[48] The petitioner complains that the OIPC did not give a copy of his request for review to ICBC as required by s. 54.

[49] But section 54 is triggered only where a valid "request for review" is submitted under ss. 52–53.

[50] The OIPC's position is that it was unclear whether the petitioner's voluminous document dumps constituted a complaint under s. 42 or s. 52, although the OIPC did go so far as to give the petitioner a file number. The OIPC initially understood that it was best characterized as an inadequate search complaint, although the situation was difficult to interpret given the nature of the petitioner's materials.

[51] If the petitioner's materials were an inadequate search complaint under s. 42, this would not trigger the obligation to notify ICBC under s. 52.

[52] The OIPC argues that, notwithstanding its provision of a file number, no proper request for review under s. 52 was made. I accept this submission with one reservation. In my view, one issue for which a proper request for review may arguably have been made is in relation to ICBC's redactions. However, the OIPC is correct that it at least made clear to the petitioner that its position was that no proper request for review had been made, and it explained how to frame a proper request for review. The petitioner chose not to follow the guidance provided. The OIPC was specific about what the petitioner must provide to initiate a formal review. The petitioner simply did not respond in the form directed.

[53] The OIPC, as the administrative tribunal responsible for *FIPPA*, retains the power to control its own procedures, including powers not expressly set out in *FIPPA* that are necessary to carry out its functions. This includes the power to prescribe the form in which complaints or requests for review must be submitted to prevent abuse of process: *Cimolai v. British Columbia (Information and Privacy Commissioner)*, 2024 BCSC 948 at paras. 80–81; *College of Physicians and Surgeons of British Columbia (Re)*, 2024 BCIPC 31 at paras. 38–41. The volume and nature of the petitioner's inquiries qualified as abusive and required a firm hand by the OIPC to keep them in an organized structure.

[54] Even if there was a proper request for review regarding the redactions, the s. 54 issue has become moot, as ICBC was made aware of the request through the present proceeding and committed during the hearing to remove the redactions. I do not believe that any further remedy should flow in this regard.

[55] The other relief the petitioner seeks under *FIPPA* falls squarely within the OIPC's jurisdiction, The petitioner has not fully or properly availed himself of the *FIPPA* processes by framing either a proper complaint or request for review. Nor has the petitioner raised a specific decision of the OIPC that can properly be reviewed by this Court. Again, the petitioner's approach has been to inundate the OIPC with paperwork, rather than carefully reviewing the information, direction and advice provided by the OIPC.

[56] Given the (1) lack of a proper complaint or request for review, (2) invitation and instructions to the petitioner to properly construct such a complaint or request so that the OIPC could properly consider his request, any aspect of the petition seeking to challenge the OIPC's conduct should be dismissed: *Hemminger v. Law Society of British Columbia*, 2023 BCCA 36 at paras. 10–11.

[57] The OIPC was still attempting to assist the petitioner when these proceedings were initiated. The ball was in the petitioner's court. He failed to pick it up. He cannot seek the Court's assistance while it sits there.

[58] As noted, there were aspects of the relief sought in the petition that arguably did not rely solely on *FIPPA,* including, for example, requests for general declarations about ICBC's conduct. Accordingly, I have addressed elsewhere in this judgment any aspects that arguably fall outside the *FIPPA* regime. However, I accept the OIPC's submissions that this Court should refrain from issuing orders that would fall within its exclusive jurisdiction. Given that I have determined that no orders should issue, this is not a concern.

D. Failure to Sanction WFG

[59] The petitioner effectively (although not particularly clearly) alleged that ICBC failed to properly exercise its statutory authority under the *FIA* to terminate licences within the WFG Group. He initially sought to adjourn argument on this point until he received additional documents. However, he eventually decided to advance submissions on this point. Given that I have not ordered the production of any further documents, it is appropriate to resolve this issue now.

[60] I find that the petitioner has no standing to raise a complaint about ICBC's licensing decisions. First, he did not follow the proper complaint process outlined on ICBC's website. Second, he does not meet the test for public interest standing set out in *Canada (Attorney General) v. Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 at para. 37. This test involves an assessment of whether: (1) there is a serious justiciable issue raised; (2) the party has a real stake or genuine interest in the issue; and (3) the proposed action is a reasonable and effective way to address the issue in court. I find that none of these three requirements is met.

[61] Further, were it necessary to address the merits of the issue:

a) ICBC reviewed its records and found no indication that WFG Group trade names were improperly used, which was Mr. Eaglestone's primary complaint. I found no evidence to the contrary. But in any event, whether to impose a fine on a licensee or former licensee or any officer, director, employee, controlling shareholder, partner or nominee of the licensee or former licensee, is within ICBC's broad discretionary powers pursuant to ss. 225.1 and 231(1) of the *FIA*. I was not directed to any evidence in the voluminous record that suggests that its discretion was improperly exercised in this case.

b) The other substantive issue raised by the petitioner was that an amalgamation within the WFG Group rendered its licence invalid. However, I see no provision within the *FIA* that suggests that an amalgamation invalidates a licence.

E. ICBC Conduct in Setting Down Hearing

[62] The petitioner alleged that ICBC unilaterally set the petition for hearing at an earlier date, contrary to *Supreme Court Civil Rules*, Rules 16-1(8) and (13).

[63] I accept that there may have been a technical violation of the *Rules*, but it did not cause particular prejudice, as the petitioner needed to amend his petition in any

event; accordingly, the matter did not proceed on the earlier date scheduled. The petitioner did not object to the dates ultimately scheduled before me. I do not find that any remedy is appropriate or necessary for such a minor breach of the *Rules*.

F. Cross-Application for Vexatious Litigant Orders

[64] As noted above, ICBC advances its own application for a series of vexatious litigant-type orders, as follows:

> 1. An Order restraining and enjoining the Petitioner from making further requests for access to records or requests to inspect records at the office of the Respondent in respect of records the Petitioner has already requested;
>
> 2. In the alternative to the above, an Order permitting the Respondent to refrain from responding to the Petitioner in respect of any requests for access to records or requests to inspect at the office of the Respondent in respect of records that the Petitioner has already requested;
>
> 3. An Order requiring the Petitioner to seek leave of the Court before making any new requests for access to records or requests to inspect records at the office of the Respondent; …

[65] The history and findings above are sufficient for me to conclude that these orders should be issued. However, to the facts already outlined above, I would add the following factors in favour of the issuance of such orders:

a) The Amended Petition outlines 668 paragraphs of facts, but only seven short paragraphs set out the legal basis. Neither length was justified, with the former being too long and the latter too short.

b) The petitioner filed no less than 27 affidavits. Many of these affidavits run to hundreds of paragraphs. The longest was his 7th, at 942 paragraphs. Such length was not justified in the circumstances.

c) The Elwood Reasons already reflect serious concerns about the petitioner's conduct, discussed in para. 19 above. Even after having been given leave to amend his petition, some of Elwood J.'s concerns were unaddressed. For example, the plaintiff continued to seek damages, a remedy that he had been instructed was unavailable in the circumstances.

d) The petitioner continued to make additional requests for information while this decision was under reserve, necessitating an additional hearing date and further delaying the release of these reasons.

[66] The plaintiff has acted in a manner showing the markers of vexatious conduct, and in a way that a reasonable person would consider vexatious: *British Columbia (Public Guardian & Trustee) v. Brown*, 2002 BCSC 1152 at paras. 47–48. Factors for consideration when a party's actions are alleged to have been vexatious include where there are duplicative claims, claims for relief that are unavailable or which would lead to no possible positive outcome and actions brought for an improper purpose: *Re Lang Michener and Fabian* (1987), 37 D.L.R. (4th) 685 (Ont. H.C.J.), 1987 CanLII 172. Those factors are all present here. Other indicia of vexatious litigation relevant to this case include the repeated and consistent filing of "prolix and convoluted pleadings, applications, and supporting materials", and of "huge volumes of duplicative, irrelevant and non-compliant court materials … imposing onerous burdens on other parties": *Universe v. Forslund*, 2021 BCSC 812 at para. 115.

[67] I acknowledge that the orders sought here are not the traditional vexatious litigant orders issued under Section 18 of the *Supreme Court Act*, R.S.B.C. 1996, c. 443, given that they do not seek to constrain conduct before this Court, but rather before ICBC.

[68] I conclude that I have the jurisdiction to issue such orders. I would rely first on the court's inherent jurisdiction. I find that the orders are a necessary corollary of the court's power to protect its own processes. Given the petitioner's approach, it is virtually inevitable that any continued process before ICBC will eventually develop into proceedings before this Court as well, given that the petitioner is extremely unlikely to ever be satisfied by ICBC's conduct or responses.

[69] I also find that the orders can be supported by the court's equitable jurisdiction to grant injunctive relief. I find that the well-recognized test for injunctive

relief in the form of the orders requested is met here: *Little Shuswap Lake Indian Band v. August-Sjodin*, 2016 BCSC 1214 at paras. 34–35.

[70] I note that Canadian courts have exercised their inherent jurisdiction to render assistance to inferior courts and other tribunals, and this jurisdiction may be invoked in an "apparently inexhaustible variety of circumstances": *R. v. Caron,* 2011 SCC 5 at paras. 27–30. Superior Courts may intervene and prevent an individual from pointlessly abusing administrative processes, including requests for information: *Makis v. Alberta Health Services*, 2020 ABCA 168 at paras. 29–32, 40, 67. The inherent jurisdiction of the courts to supervise subordinate tribunals may be used to grant orders limiting access to administrative tribunals where the tribunal is identified by name, it is the applicant or has been given reasonable notice of the application and an opportunity to be heard, and it has no adequate authority to control abuses of its own processes: *Makis* at para. 67. Here, the application was advanced by ICBC itself, which presumably has already assessed whether such court orders were necessary.[1]

[71] I acknowledge that this inherent jurisdiction must be exercised sparingly, only in exceptional circumstances, and with caution, but I find that the petitioner's unrelenting conduct here meets the requirements.

[72] In terms of the three orders sought, the second is stated in the alternative to the first. I find that the first order is more appropriate, given that it more directly addresses the conduct of concern. Hence, I find that the first and third orders requested should be issued.

[1] I note that s. 43 of *FIPPA* does appear to allow ICBC to apply to the OIPC to disregard specific *FIPPA* requests that are frivolous or vexatious. As a party to this proceeding the OIPC made no suggestion that these vexatious litigant orders, which are broader and specifically address the conduct of the petitioner, would interfere with the proper operation of s. 43.

G. Costs, Damages, or Compensation to the Petitioner

[73] The petitioner:

a) was improperly denied access to ICBC's offices;

b) was successful in obtaining ICBC's agreement to remove certain redactions; and

c) did receive further document production from ICBC after the commencement of the hearing of the petition.

[74] These limited determinations in his favour may have justified at least a partial costs award in his favour, were it not necessary to also consider the effect of ICBC's application. I have granted that application. Notably, the relevance and effect of the petitioner's vexatious conduct overlapped both the petition and the cross-application.

[75] Given that ICBC was successful in obtaining orders in its favour on its overlapping application, I find that no party reached a level of substantial success on the package of applications before me. Each party should bear its own costs: *Stearman v. Powers*, 2017 BCCA 165 at paras. 62–66; *Save-A-Lot Holdings Corp. v. Christensen*, 2022 BCSC 261 at paras. 63–68.

[76] The petitioner also characterized this request as one for compensation for damages suffered. I see no valid cause of action on the facts that would support a more traditional damages claim, even were that (1) allowed under the rubric of a petition, or (2) properly pleaded. Damages are not available as a remedy in judicial review. As stated by the Supreme Court of Canada, "[t]he focus of judicial review is to quash invalid government decisions — or require government to act or prohibit it from acting — by a speedy process... [d]amages are not available.": *Canada (Attorney General) v. TeleZone Inc.,* 2010 SCC 62 at para. 26. It is not proper to conflate public and private law principles and remedies. As stated by the court in *Carrier v. University of Saskatchewan*, "[t]here are substantive differences between

the two" and courts will not order private law remedies in public law matters: 2021 SKQB 59 at paras.16–18, 23–24.

V. CONCLUSION

[77] The petition is dismissed. ICBC's cross-application is granted in relation to the first and third orders requested. The parties shall bear their own costs.

"The Honourable Mr. Justice Branch"