

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Imani v. Royal Canadian Mounted Police*,
2026 BCSC 577

Date: 20260401
Docket: S255617
Registry: Vancouver

Between:

Ezekiel Niyonkuru Imani

Plaintiff

And

**Royal Canadian Mounted Police, Joseph King, Dave Chauhan, Attorney
General of Canada**

Defendants

Before: The Honourable Madam Justice Sharma

Reasons for Judgment

The Plaintiff, appearing in person:

E. Imani

Counsel for the Defendants:

C. Winiarski

Place and Date of Trial/Hearing:

Vancouver, B.C.
January 28, 2026

Place and Date of Judgment:

Vancouver, B.C.
April 1, 2026

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[1] This judgment addresses the notice of application brought by the defendants Joseph King, Dave Chauhan, and the Attorney General of Canada seeking to strike the notice of civil claim (“NOCC”), without leave to amend, pursuant to Rule 9-5 of the *Supreme Court Civil Rules*. In the alternative, the defendants seek leave to extend the time to provide a list of documents and serve it on the plaintiff within 35 days of the order.

[2] The action filed by the plaintiff, Ezekiel Imani, relates to allegations about an interaction he had with certain officers of the Royal Canadian Mounted Police (“RCMP”) on February 9, 2024.

[3] Mr. Imani is a self-represented litigant. He made submissions to the Court that were clear and easy to follow. In addition, because I did not have time before the hearing to read all the material (this matter was heard in General Chambers), I did review the entire record after the hearing concluded.

[4] Mr. Imani did not frame his submissions under the rubric of legal principles relevant to Rule 9-5. However, he was able to clearly present his position as to why he believes he should be allowed to have his matter proceed to trial, and I have taken everything he said into account. Where statements he made were not grounded in the evidence, I accepted those statements as his submissions.

I. FACTS

A. Mr. Imani’s claim

[5] The structure of Mr. Imani’s NOCC is unorthodox and confusing. Additionally, the same day he filed the NOCC, he filed three requisitions, each of which had documents attached. The requisition sought to have the attachments filed. Those documents are:

- a) an 11-page document titled “Additional legal basis and the facts”;
- b) a one-page document titled “Attempts to Remedy Through Administrative Process” in which Mr. Imani describes his civilian complaint; and

- c) a two-page document titled “Personal Character Statement” in which Mr. Imani briefly describes his background and the effects that the February 9, 2024, police interaction had on him.

(Collectively, the “Attachments”).

[6] Mr. Imani believed the Attachments could form part of the NOCC: they are listed on the last page as appendices. However, the Registry appropriately did not allow him to do so. There is no doubt that documents cannot be part of a NOCC. Even if one could supplement a pleading in that fashion, the Attachments are not pleadings, despite having titles such as “legal basis” and “facts”. They are more akin to written argument.

[7] There is duplication within the NOCC. I summarize its content below under the standard categories.

1. Statement of Facts

[8] This paragraph is from the NOCC:

On February 9, 2024 I made a non-emergency call to Richmond RCMP for future reference. Officer Joseph King and Officer Connor Kamin Responded. Officer Manny Dhaliwal arrived later with a nurse claiming to be from FOX 80 and sent an email to Dave Chauhan about the incident on the same day. Constable Joseph King’s report contains false statements about me following a “black couple into the bus” and being aggressive, while omitting Constable Kamin’s presence. My CRCC complaint was dismissed by Chief Superintendent Dave Chauhan despite clear video evidence and transcripts proving Joseph King’s report was fabricated. SEE “Additional legal basis and the facts” particulars.

[9] Some of the information in this paragraph is repeated in slightly different wording on the next page under another “Part 1: Statement of Facts”. Other information is also included in subsequent paragraphs, as summarized below:

- a) Mr. Imani explained to the RCMP officers that he regularly takes a particular bus to his home. He noticed a man follow him from one bus stop to another, and a separate incident when a woman walking in his vicinity was pointing her phone camera at him.

- b) A third RCMP officer arrived at the scene along with a psychiatric nurse. Mr. Imani spoke with the nurse in a respectful manner and explained that he wished to only speak with the officers at that time.
- c) RCMP Officer King filed a police report, which Mr. Imani alleges contained “false information”, specifically that Mr. Imani followed a black couple onto a bus and was “verbally aggressive” towards the nurse. He also contends that the report contained “spiteful remarks in capital letters not present in previous general occurrence reports” and omits certain information.
- d) Mr. Imani filed a complaint with the RCMP. Chief Superintendent Chauhan of the Richmond RCMP detachment reviewed the complaint and wrote the final disposition, which supported Officer King’s version of the interaction while disregarding evidence that Mr. Imani says supported his position.

2. Relief Sought

[10] The following information is under the heading “Part 2: Relief Sought” in the NOCC:

- a) General damages for emotional distress, mental anguish and damaged reputation;
- b) Special damages for time spent addressing the false report;
- c) Aggravated damages for the manner in which the false report was made and elevated risk of future interactions with police;
- d) Punitive damages for the deliberate fabrication of the police statement;
- e) A declaration that the police report contains false information to be corrected;
- f) A declaration that the RCMP’s investigation into his civilian complaint was inadequate;

- g) A declaration that his *Charter* rights were violated; and
- h) Costs.

3. Legal Basis

[11] The following is from Part 3 of the NOCC:

- a) Negligence for Officer King's fabrication of a police report and the dismissal of his civilian complaint;
- b) Misfeasance in public office because of the false report and ensuing "cover up";
- c) Breaches of ss. 7 and 15 of the *Charter*;
- d) Defamation;
- e) Breach of the *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10 [*RCMP Act*], and a failure to maintain professional standards; and
- f) Violations of the *Criminal Code*, R.S.C. 1985, c. C-46.

4. Appendices

[12] On the page numbered 3, the following paragraph is listed under the heading "Appendix", and "Part 1: Concise Summary of Nature of Claim":

I am filing a civil claim against the Royal Canadian Mounted Police (federal agency), Constable Joseph King (federal officer), Chief Superintendent Dave Chauhan (federal officer), and the Attorney General of Canada for false reporting, breach of duty, and violation of my *Charter* rights. On February 9, 2024, I made a non-emergency call to the Richmond RCMP, which resulted in a false report being filed by Constable King. The report contained fabricated information about my behaviour and omitted material facts. Despite providing video evidence contradicting the report, the RCMP's internal complaint investigation supported the false report. The defendants' actions have caused damage to my reputation and emotional distress, and have violated my *Charter* rights.

[13] The following page has a heading "Part 2: Relief Sought" in which the following appears:

1. General damages, 2: Special damages, 3: Aggravated damages, 4: Punitive damages, 5: Multiple declarations and an order to correct the record.

[14] That is followed by “Part 3: Legal Basis” where Mr. Imani has, again, listed the purported causes of action cited above at para. 11, with minor differences in the wording.

[15] The final page is reproduced below (omitting his printed name and signature at the bottom):

Additional Attachments

In addition to the notice of civil claim the following documents will also be filed together.

- Notice of Civil Claim attachment
- Additional legal basis and the facts
- Attempts to remedy through administrative process
- Personal character statement
- Exhibit 1
- Exhibit 2
- Exhibit 3
- Exhibit 4

B. Other Facts Asserted by Mr. Imani

[16] Mr. Imani also filed an affidavit on July 29, 2025, but it contains little narrative. Instead, he simply describes documents he has attached as exhibits listed below:

- a) Exhibit 1 contains general occurrence reports including a “late report” written by Officer Kamin and a report with a “spiteful remark unredacted”. Within that exhibit he includes a few handwritten pages that describe the following pages of certain reports. One states it contains a general occurrence report “containing health related information and unnecessary spiteful remark” which does not exist in any prior report except from one written by Officer King.
- b) Exhibit 2 is described as consisting of other general occurrence reports, a letter dated October 3, 2024, to Mr. Imani from Chief Superintendent

Chauhan regarding Mr. Imani's complaint about Officer King, and six pages of email correspondence that seems to be about the complaint process.

- c) Exhibit 3 consists of four pages of electronic communications and/or emails, including from Officer Dhaliwal and Superintendent Chauhan.
- d) Exhibit 4 is a 24-page transcript of Mr. Imani's interaction with the RCMP on February 9, 2024.

1. Documents

[17] The focus of Mr. Imani's claim is the interaction he had with RCMP officers on February 9, 2024. Mr. Imani asserts when the officers filed reports of that interaction, they contained falsehoods, spiteful remarks and omitted important facts.

[18] During his submissions he focussed on the following:

- a) Reference on a general occurrence report (listed as Exhibit 1(E) to Mr. Imani's affidavit and page 26 from the defendants' affidavit filed by a paralegal) which contains information the RCMP has about Mr. Imani, including identifying a previous criminal conviction.
- b) Another page from the same report (page 28 in the defendants' affidavit) which contains narrative completed by Officer King about the interaction with Mr. Imani. Mr. Imani identified what he says are false statements and omissions in that narrative.
- c) Another page (page 32 in the defendants' affidavit) which has a notation that "[t]his person may be of interest to firearms officers".

2. Transcript of the Interaction

[19] The entire interaction was recorded by Mr. Imani. Before coming out of his residence to speak with the officers, Mr. Imani engaged a recording mechanism on

his phone. The RCMP produced a transcript of that recording. Mr. Imani stated in court that he accepted it was accurate as to the words spoken.

[20] In addition to that admission, the defendants produced an affidavit of a paralegal who reviewed the original recording and confirmed that the RCMP transcript was accurate with regard to its content. However, for a portion of the transcript, words spoken by Officer Kamin were mistakenly attributed to Officer Dhaliwal. That error is not material to any issue before me.

[21] The following is a summary of the most relevant portions of the transcript:

- a) The interaction starts by the officers asking Mr. Imani why he made the non-emergency call, and he references that people from his own community (later described as the African community) had been following him. The details he provided at that point included that he, when going to a bus stop to take his usual route home, noticed a man. He continued:

So, the Black male comes back uh. I still see this woman, I'm just like okay uh, let me just leave it alone maybe they're just going somewhere, I dunno where. Um, so then what I see is the interaction between the Black male and the Black female is that they're looking at each other, they're nodding and she's playing with her phone um, pointing towards me. And then I notice okay this might be suspicious but I don't want to think that I'm paranoid or whatever. So, then I let it be.

...

She enters uh, the 406 comes and then I see her going towards me. The Black male's just there staring at me with his hood still on. Remember this, this, this male was going towards Richmond Centre but then came back.

...

Um, so, he's still staring at her nodding again. She goes into the bus and then I follow after a few more people go in. I go in there and then I sit in the back.

- b) Mr. Imani continued to describe what he observed while he was on the bus, and the officers continued to ask questions. At a later point, Mr. Imani clarified that he recognized these two individuals from two prior instances

of suspicious behaviour at Brighthouse station, and a third instance near Spires Road in Richmond.

- c) At one point, two other people come within their proximity and Mr. Imani stopped giving his description of the events. Those people were a psychiatric nurse who attended with RCMP Officer Dhaliwal. The nurse introduced herself with her first name and stated that she is a psychiatric nurse. Mr. Imani had a brief conversation with her, interjected at times by the RCMP officers.
- d) It is apparent that the attendance of the nurse changed the dynamic of the situation significantly. From that point forward, Mr. Imani stated that he did not want to talk to the officers in the presence of the nurse because he found her presence inappropriate. The officers questioned him about that. Mr. Imani was not immediately responsive and continued to say he did not want to talk to the police if the nurse was there. This back-and-forth continued for some time.
- e) At one point the officers ask, again, why he will not continue his description in the presence of the nurse, and Mr. Imani responded:

Yeah, I wanna talk to you guys. Why do you bring a psychiatric nurse? This makes me more concerned for my own safety because ... I know what doctors and nurses think about, okay?

...

Sir, [Officer] King, at least assess [my complaint] first. Okay? At least make a proper assessment as a constable before you, you try and bring in a psychiatric nurse who will make a psychiatric assessment.
- f) Mr. Imani asked the officers to come into his house, and they refused. They told him they could ask the nurse to return to the car if that would make him feel more comfortable. They also explained that the nurse attended simply to make sure there were no mental health concerns.
- g) A short time later, the nurse and Officer Dhaliwal returned to their vehicle at the suggestion of Officer King.

- h) After that the officers continued to ask Mr. Imani what prompted his call to the RCMP, and Mr. Imani continued to express concerns about the presence of the psychiatric nurse. Eventually, the officers indicate they need to leave if he will not complete his complaint.
- i) The interaction concludes with Mr. Imani telling the officers that he no longer wishes to speak with them and, instead, will be making a complaint about the psychiatric nurse having been called to the scene. Mr. Imani takes the officers' badge numbers before they depart.

II. LEGAL PRINCIPLES

[22] The notice of application cites Rule 9-5(1) as a whole. The defendants rely on case law stating that the various subsections of Rule 9-5(1) can be applied together in a case where pleadings are so overwhelmed with difficulty that it is not possible to fully identify all the specific inadequacies: *Masjoody v. Pahlavi*, 2024 BCSC 2066 at para. 24; *Simon v. Canada (Attorney General)*, 2017 BCSC 1438 at para. 53, aff'd 2018 BCCA 461.

[23] This position is based on what the defendants say are the fundamental defects of the NOCC. In support of that, they rely on Rule 3-1(2), which, among other things, requires that a notice of civil claim must set out "a concise statement of the material facts giving rise to the claim" and "a concise summary of the legal basis".

[24] In *Johnston v. Rykon Construction Management Ltd.*, 2020 BCSC 572, Justice Adair provides a helpful and thorough explanation of the function of pleadings and how that relates to the requirements under Rules 9-5(1) and 3-1(2).

[7] The ultimate function of pleadings is to clearly define the issues of fact and law to be determined by the court. The issues must be defined for each cause of action relied upon by the plaintiff. That process is begun by the plaintiff stating, for each claim, the material facts, that is, those facts necessary for the purpose of formulating a complete cause of action. A notice of civil claim must plead the causes of action in such a way that the defendant may know the case it has to meet and that clear issues of fact and law are presented for the court. See Mr. Justice K. J. Smith's often-cited

decision in *Homalco Indian Band v. British Columbia* (1998), 1998 CanLII 6658 (BC SC), 25 C.P.C. (4th) 107 (B.C.S.C.), at paras. 5 to 11.

[8] Pleadings are intended to define and limit the issues in order to promote fairness, judicial economy and exposition of the truth. The rules governing pleadings exist to support and facilitate that end. Defining and limiting the issues must be done so that the court understands the dispute, and the parties have fair notice of the case to be met and the remedies to be sought. Pleadings are the foundation on which the case rests, and they shape the scope of relevance for both discovery and trial.

[9] Rule 3-1(2) requires that a notice of civil claim must set out “a concise statement of the material facts giving rise to the claim,” [underlining added] and “a concise summary of the legal basis for the relief sought” [underlining added], and must otherwise comply with Rule 3-7.

[10] The requirements in Rule 3-1(2) that a notice of civil claim set out a concise statement of the material facts giving rise to the claim and set out a concise summary of the legal basis for the relief sought are mandatory and directed to promoting clarity. The word “concise” is defined in *The Oxford English Dictionary*, (11th ed. Revised) as “giving information clearly and in a few words.” Thus, both brevity and clarity are important in a pleading.

[11] The requirement that the statement of material facts and the summary of the legal basis be “concise” emphasizes the importance of stating clearly everything that is necessary, but not more. Going beyond a concise statement or summary creates the risk that what is essential will get lost in the superfluous. It is not conducive to defining and limiting the issues in the case. It is incompatible with the goal of the efficient resolution of issues on their merits: see Rule 1-3. The court or the adverse party should not have to hunt through many paragraphs to find the concise statement of the essential elements of a claim.

[12] Rule 3-7(1) brings home the point that a material fact is different than evidence and that evidence must not be pleaded.

[13] A material fact is one that is essential in order to formulate a complete cause of action. If a material fact is omitted, a cause of action is not sufficiently pleaded and liable to be struck out. See *Skybridge Investments Ltd. v. Metro Motors Ltd.*, 2006 BCCA 500, at para. 9.

[14] The distinction between a material fact and an evidentiary fact is discussed by K. J. Smith J.A. in *Jones v. Donaghey*, 2011 BCCA 6. A material fact is a disputed fact that, when resolved, will have legal consequences as between the parties to the dispute (para. 9). Mr. Justice Smith continued, at para. 18:

[18] . . . [A] material fact is the ultimate fact, sometimes called “ultimate issue”, to the proof of which evidence is directed. It is the last in a series or progression of facts. It is the fact put “in issue” by the pleadings. Facts that tend to prove the fact in issue, or to prove another fact that tends to prove the fact in issue, are evidentiary or “relevant” facts.

[15] A necessary pleading of material facts is not to be left to inference to be deduced from the form in which the pleading is framed. The defendant is entitled to know the case it is being called upon to meet. See *Wyman and Moscrop Realty Ltd. v. Vancouver Real Estate Board* (1957), 1957 CanLII 269 (BC CA), 8 D.L.R. (2d) 724 (B.C.C.A.).

[16] Rule 9-5(1) provides:

[Reproduction of the rule omitted.]

[17] A claim may only be struck under Rule 9-5(1)(a) if it is plain and obvious, assuming the facts pleaded are true, that the claim discloses no reasonable cause of action, has no reasonable prospect of success, or is certain to fail: see *R. v. Imperial Tobacco Canada Ltd.*, 2011 SCC 42, at para. 17. No evidence is admissible on an application under Rule 9-5(1)(a). A motion to strike for failure to disclose a reasonable cause of action proceeds on the basis that the facts pleaded are true, unless they are manifestly incapable of being proven: *Imperial Tobacco*, at para. 22.

[18] While the power to strike a claim that has no reasonable prospect of success is a very valuable tool, it must be used with care. The approach must be generous and err on the side of permitting a novel but arguable claim to proceed to trial. See *Imperial Tobacco*, at paras. 20-21. However, it is incumbent on the claimant to clearly plead the facts upon which it relies in making its claim: *Imperial Tobacco*, at para. 22. A failure to plead a material fact necessary to state a complete cause of action means that no reasonable claim has been pleaded.

[19] I make these comments because the plaintiffs are now going to be preparing a proposed further amended notice of civil claim. The Rykon defendants have already challenged the legal sufficiency of the existing pleadings under Rule 9-5(1)(a). Although my decision to strike is not based on that Rule, the legal sufficiency of the plaintiffs' claims, as well as compliance with the *Rules* respecting pleadings, will be issues on any application to amend, given the test that applies.

[20] A motion to strike will be considered on the basis of the pleading as it stands or as the pleading may be amended: see *Minnes v. Minnes* (1962), 1962 CanLII 350 (BC CA), 39 W.W.R. 112 (B.C.C.A.). Here, in the face of Rykon's application, the plaintiffs filed an amended notice of civil claim. However, as of the hearing date, no further amendments were proposed.

[21] Under Rule 9-5(1)(b), a pleading is unnecessary or vexatious if it does not go to establishing the plaintiff's 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. If a pleading is so confusing that it is difficult to understand what is pleaded, it may also be unnecessary, frivolous, or vexatious. An application under this subrule, as well as the other subrules (c) and (d), may be supported by evidence.

[22] An "embarrassing" pleading, as contemplated by Rule 9-5(1)(c), is one that is so irrelevant that to allow it to stand would involve useless expense and would also prejudice the trial of the action by involving the

parties in a dispute apart from the issues: see, for example, *Keddie v. Dumas Hotels Ltd.* (1985), 1985 CanLII 417 (BC CA), 62 B.C.L.R. 145 at 147 (C.A.).

[23] Abuse of process under Rule 9-5(1)(d), or the court's inherent jurisdiction, is a flexible doctrine. It allows the court to prevent a claim from proceeding where to do so would violate principles of judicial economy, consistency, finality and the integrity of the administration of justice.

[24] In a case that involves multiple defendants and multiple causes of action, it remains necessary for the plaintiffs to identify with precision what material facts (not evidence), what causes of action, and what relief they are advancing against which defendant(s). Neither a defendant nor a trier of fact should have to parse through a notice of civil claim and either cobble together or speculate about what cause of action is being advanced against which defendant.

[25] It is well established that a plaintiff has an obligation to clearly plead the material facts on which the plaintiff relies in making the claim. Pleadings must enable the court, within a reasonable time and review of the pleading, to find the cause of action and the material facts on which the cause of action is based. It is not for the court to articulate for a litigant a comprehensible and legally recognizable cause of action. Pleadings that do not meet these minimum requirements fail to satisfy the requirements of the *Rules* and are an abuse of the court's process.

[Emphasis in original.]

[25] The Court of Appeal's decision in *Mercantile Office Systems Private Limited v. Worldwide Warranty Life Services Inc.*, 2021 BCCA 362 at paras. 21–23, is also helpful:

[21] Pleadings are foundational. They guide the litigation process. This is true in relation to the discovery of documents, examinations for discovery, many interlocutory applications and the trial itself.

[22] Pleadings also give effect to the underlying policy objectives of the *Rules*, which are to ensure the litigation process is fair and to promote justice between the parties: *Wong v. Wong*, 2006 BCCA 540 at paras. 22–23. They enable the parties and the court “to ascertain with precision the matters on which parties differ and the points on which they agree; and thus to arrive at certain clear issues on which both parties desire a judicial decision”: *1076586 Alberta Ltd. v. Stoneset Equities Ltd.*, 2015 BCCA 182 at para. 55, citing D.B. Casson & I.H. Dennis, eds, *Odgers' Principles of Pleading and Practice in Civil Actions in the High Court of Justice*, 21st ed (London: Stevens & Sons, 1975) at 75–76.

[23] For the court, pleadings serve the ultimate function of defining the issues of fact and law that will be determined by the court. In order for the court to fairly decide the issues before them, the pleadings must state the material facts succinctly: *Sahyoun v. Ho*, 2013 BCSC 1143 at paras. 15–22; *Shoolestani v. Ichikawa*, 2018 BCCA 155 at para. 30; *Weaver v.*

Corcoran, 2017 BCCA 160 at para. 63. They must be organized in such a way that the court can understand what issues the court will be called upon to decide: Frederick M. Irvine, ed., *McLachlin & Taylor, British Columbia Practice*, 3rd ed, vol 1 (Markham, Ont.: LexisNexis Canada Inc., 2006) (loose-leaf updated 2021) at 3–6; *Simon v. Canada (Attorney General)*, 2015 BCSC 924 at paras. 17–18, aff'd 2016 BCCA 52.

[26] As I explain below, I find it appropriate to address Rule 9-5(1)(a) separately from the defendants' desire to invoke the entirety of Rule 9-5(1) because the legal analysis is fundamentally different. Evidence is not considered for an application under Rule 9-5(1)(a).

[27] A leading case about the test for striking pleadings is *Nevsun Resources Ltd. v. Araya*, 2020 SCC 5 at paras. 64–66. The Court confirmed that a pleading can be struck under Rule 9-5(1)(a) if it is plain and obvious that the claim has no reasonable prospect of success and that the facts as pleaded must be assumed to be true unless they are manifestly incapable of being proved. The requirement to assume facts are true does not prevent a skeptical analysis of the case: *Singh v. Nielsen*, 2016 BCSC 2420 at paras. 6–7. Furthermore, the court must look at the pleadings as a whole.

[28] In *Kindylides v. Does*, 2020 BCCA 330 at paras. 28–34, the Court of Appeal stated while pleaded facts must be taken as true, the omission of a material fact means a cause of action is not effectively pleaded. In addition, statements that are incapable of proof, are based upon speculation or assumption, or are not material facts but bald assertions or conclusions of law, are not sufficient.

[29] On the other hand, for applications brought under Rule 9-5(1)(b), (c), or (d), evidence is admissible because the consideration under those grounds is factually and contextually driven: *Krist v. British Columbia*, 2017 BCCA 78 at paras. 19–28.

[30] Under Rule 9-5(1)(b), a pleading can be struck if it is unnecessary or vexatious because it does not establish the plaintiff's cause of action or does not advance a claim known at law and it is obvious that the claim cannot succeed.

III. ANALYSIS

[31] As noted, Mr. Imani was able to make submissions in court that were clear and assisted my understanding of his filed material. However, like his filed material, his submissions were frequently duplicative, referenced facts not in evidence and relied on his subjective conclusions about the legal impact of facts, some of which were not in evidence. Nevertheless, I do not find those features of his submissions detracted from his ability to convey the essence of his case.

[32] Mr. Imani said that he is suing for damages in order to clear his name. He submits that he made a non-emergency call to the police, but the nature of the interaction he had with them puts him in a dangerous position.

[33] He specifically alleges that the RCMP officers made false reports. He alleges that they did so in a way that makes him look hostile, dangerous, and aggressive, which affects his reputation and puts him at risk for any future interaction with police. He felt wronged because he called the RCMP to make a report, but based on the reports of that interaction, he feels the officers had “turned against [him]”.

[34] I am mindful of my duty to ensure that as a self-represented litigant, Mr. Imani is not unfairly disadvantaged or prejudiced because of that status, especially with regard to the application of the *Supreme Court Civil Rules*, rules of evidence, or other procedural aspects of the litigation. At the same time, I must not waiver from my overriding duty to provide a fair and impartial hearing for all parties: *Shehzad v. Langara College*, 2026 BCCA 84 at para. 23; *Rahman v. Windermere Valley Property Management Ltd.*, 2022 BCCA 258 at para. 34; *Hainan Dehong Real Estate Development Corporation v. 0952130 B.C. Ltd.*, 2024 BCSC 2362 at para. 373.

A. Rule 9-5(1)(a) – Failure to Plead Essential Elements of the Legal Claims

[35] The NOCC fails to plead material facts, including failing to allege all of the essential elements for the various causes of action proposed.

[36] The test for negligence is well-known and set out in *Mustapha v. Culligan of Canada Ltd.*, 2008 SCC 27. To be successful, the plaintiff must establish:

- a) the defendant owed the plaintiff a duty of care;
- b) the defendant's behaviour breached the standard of care;
- c) the plaintiff sustained damages; and
- d) damage was caused in fact and law by the defendant's breach.

[37] The NOCC does not plead the essential elements of negligence because:

- a) it does not provide any basis to link the false information in the RCMP documents to any injury or damage;
- b) it does not assert an applicable standard of care, or how the defendants breached that standard; and
- c) it does not identify an injury or damage suffered by Mr. Imani that has occurred (as opposed to his suspicion about possible future harms).

[38] As set out in *Odhavji Estate v. Woodhouse*, 2003 SCC 69 at para. 32, in addition to meeting the general test for negligence, to succeed on a claim for misfeasance in public office, a plaintiff must establish:

- a) deliberate unlawful conduct in the exercise of public functions; and
- b) awareness that the conduct is unlawful and likely to injure the plaintiff.

[39] Mr. Imani's allegation that officers filed a "false" report and others attempted to engage in a cover-up about that could arguably support a claim for misfeasance. However, Mr. Imani has not identified how, if true, that action has already resulted in an injury or harm to him. His claim relates entirely to his speculation about possible future interactions. That cannot sustain an allegation in negligence or misfeasance in public office.

[40] Mr. Imani's claim that his reputation was damaged is a claim in defamation. The test for defamation was set out in *Grant v. Torstar Corp.*, 2009 SCC 61 at para. 28, and requires a plaintiff to establish all of the following:

- a) the impugned words are defamatory in the sense that they would tend to lower the plaintiff's reputation in the eyes of a reasonable person;
- b) the words, in fact, referred to the plaintiff; and
- c) the words were published by being communicated to one person other than the plaintiff.

[41] Reading the claim as generously as possible, the only assertions of fact that may relate to a possible claim in defamation is a statement that Mr. Imani followed a "black couple into the bus" and that he was "being aggressive". However, the NOCC fails to particularize the claim as required by Rule 3-7(21), nor does it explain how any of the elements are met by the impugned words.

[42] Mr. Imani claims his *Charter* rights under ss. 7 and 15 have been breached, but that is a bald assertion unaccompanied by any supportive assertions of fact or law. The NOCC is silent on how Mr. Imani suffered a deprivation of life, liberty, or security that does not accord with the principles of fundamental justice or how he was differentially treated on an enumerated or analogous ground, and the resultant damage for which a *Charter* remedy is warranted. Even if I assume, from the facts pleaded elsewhere in the NOCC, the false information in the police report and dismissal of his complaint to be the violations, and the elevated risk of future negative police interactions to be the damage, it is left unsaid how these facts could support claims under ss. 7 and 15 of the *Charter*.

[43] Finally, Mr. Imani claims for breaches of the *Criminal Code* and *RCMP Act*. Like his *Charter* claims, the NOCC simply concludes that these statutes were breached without providing any material facts or supporting law, and in any event does not address how Mr. Imani would have standing to prosecute violations of these statutes in pursuit of civil remedies.

[44] For all the preceding reasons, I am satisfied that the NOCC on its face cannot succeed because of the identified flaws, and ought to be struck pursuant to Rule 9-5(1)(a).

B. Rule 9-5(1)(b) – It Is Obvious that the Claim Cannot Succeed

[45] As noted, the test under this subsection of the rule does allow for the consideration of evidence.

[46] The parties' affidavits simply attached documents, with some minimal descriptions. However, they accepted that the transcript of the officers' interaction with Mr. Imani was accurate. Also, I did not understand the defendants to deny the authenticity of the police reports put into evidence, so I have considered the documents Mr. Imani placed the most emphasis on during his submissions. I have also afforded Mr. Imani some measure of leniency in accepting the documents he filed by requisition as containing his submissions.

[47] As noted, Mr. Imani's assertion that Officers Kamin and King put false information in their reports is at the heart of his claim. He alleges those falsehoods will taint the nature of any future interaction he has with police officers, and that is an injury entitling him to damages.

1. Allegation of False Report of Suspicious Behaviour

[48] With regard to the claim that the officers made false statements or omitted important information from the police reports, I am not persuaded that claim is substantiated on the record, and therefore Mr. Imani's claim has virtually no chance of success.

[49] Mr. Imani submits the underlined portion of the following sentence (from page. 28 of the defendants' affidavit) was false: "The black couple got on the bus and Mr. Imani followed them onto the bus". That sentence is followed immediately by "When asked, Imani denied following the black couple".

[50] I start by noting that if one reads the transcript, it was not unreasonable for the officer to have understood Mr. Imani to have said he “followed” a couple who got onto the bus. In that light, the claim of falsehood has little chance of success.

[51] However, I also do not agree that the alleged statement portrays him as acting suspiciously. A reasonable interpretation of the sentence is that Mr. Imani got on the bus after the couple did, without any insinuation of sinister behaviour. This further erodes Mr. Imani’s claim of the officer filing a false report.

[52] Moreover, what is most significant is that the report accurately captures Mr. Imani’s denial that he followed anyone. Therefore, on its face, the report is neutral about whether he “followed” the couple. The report records what the officers were told by Mr. Imani, including his denial.

[53] In my view, no reasonable interpretation of the report could support a claim that the officers filed a false report depicting Mr. Imani as behaving suspiciously with regard to that incident.

2. Allegation of False Report of Aggressive Behaviour

[54] Mr. Imani also complains that the report stated that he became “verbally aggressive” towards the nurse. I find that description is reasonably supported when one reads the transcript, meaning the claim of falsehood has a weak foundation.

[55] However, even taking Mr. Imani’s statements in court that he was “courteous” (which is also asserted in the NOCC) and “respectful” to be true, reasonable people can differ about the tone of an interaction. In other words, the officer’s impression that Mr. Imani was “verbally aggressive” was his impression. At the same time, Mr. Imani may have honestly believed he was respectful and courteous. The different characterizations of his behaviour do not make the officer’s recollection false, because the descriptions are subjective. Given those considerations, I find his claims relating to this matter could not succeed.

[56] Mr. Imani also alleged that falsifying a police document was a crime, which provided, in part, the foundation for his claim for misfeasance of public office. That claim cannot be sustained in a civil action, but in any event, my comments above about the allegations of falsehoods apply equally here.

3. Allegation of a Cover-up

[57] Mr. Imani also complains that in dismissing his complaint, the Chief Superintendent accepted the officer's version of events, perpetuating the falsehoods and, thus, constituting a "cover up".

[58] In the October 3, 2024, letter disposing of Mr. Imani's complaint about the interactions he had with the officers on February 9, 2024, Mr. Imani was advised that he could request a review by the Civilian Review and Complaints Commission for the RCMP within 60 days. Thus, his avenue for redress in relation to that dismissal is within that process, ultimately with the possibility of an application for judicial review.

[59] Allowing this aspect of the claim to proceed by way of NOCC would be abusive of the court's process because of the availability of other relief. Therefore, it could be struck pursuant to Rule 9-5(1)(d), although it also appropriately fails under Rule 9-5(1)(b).

3. Allegation of Potential Future Injury

[60] Even if I am wrong in the preceding analyses, Mr. Imani's claim for damages in negligence, misfeasance, and/or defamation rests on his assertion that the description of him in the report exposes him to danger in future police interactions.

[61] The fundamental flaw with his claim is that the assertion of injury is an allegation based on speculative conclusions about future hypothetical events, which cannot sustain a pleading for damages. Damages are sought for injuries that have occurred, not ones that may occur in the future.

[62] Apart from anything else, I find this feature of Mr. Imani's claim alone makes it bound to fail.

[63] Furthermore, I do not accept that the alleged falsehood in the February 9, 2024, report makes Mr. Imani sound dangerous. I do not accept someone described as being "verbally aggressive" would necessarily be perceived by a police officer as being dangerous.

[64] In any event, it is common knowledge that police have access to people's criminal convictions. Mr. Imani does not deny his conviction, which is described in the police reports put into evidence as "convicted sex offender (stranger attacks)". It accords with common sense and logic that it would be his previous conviction that would have the greatest impact on how police officers might perceive him in future interactions, rather than any description of his interaction with RCMP officers on February 9, 2024.

4. Conclusions

[65] For all these reasons, even when taking into account the evidence on the record as contextualized by Mr. Imani's submissions about why he believes he has a valid claim, it is obvious the claim cannot succeed. Accordingly, it is appropriate that it be struck under Rule 9-5(1)(b).

C. Amendment

[66] With regard to pleadings by self-represented litigants, a court should consider whether defects can be corrected, but when doing so, must not provide legal advice: *Mohebbi v. North Vancouver RCMP*, 2015 BCSC 2083 at paras. 14–16. Permission to amend should only be given where an arguable issue has been raised and redrafting could improve it: *The Owners, Strata Plan LMS3259 v. Sze Hang Holding Inc.*, 2009 BCSC 473 at paras. 36, 40–41.

[67] Given the nature of the flaws with the NOCC and the state of the evidence as discussed above, I cannot see how allowing any amendment would assist Mr. Imani. The deficiencies go to the fundamental nature of the asserted causes of action: both

material facts and essential elements of the legal claims are absent. Unless the Court engages in a detailed explanation of the gaps the plaintiff needs to fill and how he needs to do so, those defects in the pleading cannot be cured.

[68] Accordingly, I conclude this is not an appropriate case to dismiss the claim while granting leave to amend.

IV. CONCLUSIONS

[69] For all these reasons, I strike the NOCC without leave to amend. While I rely on all of the analyses contained in this judgment, the most glaring flaw is that the claim seeks damages for speculation about future interactions.

[70] The claim is struck pursuant to Rule 9-5(1)(a) as disclosing no cause of action. I also strike the claim pursuant to Rule 9-5(1)(b) based on my conclusion that, on a review of the NOCC and the evidence, including documents Mr. Imani relied on and his statements in court, it is obvious the claim cannot succeed.

“Sharma J.”