Civil Resolution Tribunal

Date Issued: July 23, 2025

File: IS-3-2025-004578

Type: Intimate Images

Category: Damages

Civil Resolution Tribunal

Indexed as: *AQ v. Substack Technologies Canada, Inc.*, 2025 BCCRT 1025

Publication Ban Applies

B E T W E E N :

A.Q.

APPLICANT

A N D :

SUBSTACK TECHNOLOGIES CANADA, INC.

RESPONDENT

REASONS FOR DECISION

Tribunal Member: Eric Regehr, Vice Chair

INTRODUCTION

1. The applicant, who I will call AQ, claims that the respondent, Substack Technologies Canada, Inc., shared an intimate image of her without her consent. These are not the applicant's real initials. AQ claims compensation under section 6

of the *Intimate Images Protection Act* (IIPA). AQ is an adult and is self-represented. She resides in BC.

2. AQ also applied for various intimate images protection orders under IIPA section 5. I wrote a separate decision for that application. I did not publish that decision because section 136.4(1)(c) of the *Civil Resolution Tribunal Act* (CRTA) exempts IIPA protection order decisions from the general requirement that the Civil Resolution Tribunal (CRT) publish all final decisions.

3. Substack did not file a Dispute Response and has not participated in this dispute.

JURISDICTION AND PROCEDURE

4. These are the CRT's formal written reasons. The CRT has jurisdiction over this damages claim under CRTA section 118. IIPA section 6 creates a statutory tort for the non-consensual distribution or threatened distribution of intimate images. Under the IIPA, the CRT may order compensatory, aggravated, and punitive damages, up to the CRT's $5,000 monetary limit under its small claims jurisdiction.

5. CRTA section 39 says the CRT has discretion to decide the hearing's format, including whether it is an oral hearing or based on written materials. The CRT's mandate includes speed, efficiency, and proportionality. Under the *Intimate Images Protection Regulation* (IIPR), the CRT must consider the potential for an expedited intimate image protection order to mitigate harm. I find I can fairly make an expedited decision based on the written material before me.

6. CRTA section 42 says the CRT may accept as evidence any information that it considers relevant, necessary, and appropriate, whether or not it would be admissible in court.

7. IIPA section 5(9) says that an "individual" must not be named in a "determination or order" unless they are a respondent. Section 1 defines "applicant" as an "individual". So, I have not named AQ in the style of cause (title page) above because I find this is a decision related to the protection order decision.

8. IIPA section 13(1) requires me to order a publication ban on AQ's name or anything that would identify her. Section 13(3)(a) says that this publication ban may include all parties, but I see no reason to order a publication ban on the respondent because it is a large corporation. **I order a ban on publishing AQ's name or anything that would identify her**. AQ is an adult, so she can ask the CRT to cancel the publication ban order. I also order that the CRT's dispute file be sealed and only disclosed by order of the BC Supreme Court or the CRT.

ISSUES

9. The issues in this dispute are:

    a. Did Substack share an intimate image of AQ without her consent?

    a. If so, is AQ entitled to damages?

EVIDENCE AND ANALYSIS

10. In a civil claim such as this, AQ as the applicant must prove her claims on a balance of probabilities. This means more likely than not.

11. As noted above, Substack did not file a Dispute Response. The CRT served Substack in accordance with the CRT's rules, so I find that Substack is in default. In general, when a respondent is in default, the CRT will assume liability against them. However, this is not automatic, and in the circumstances here I decline to find Substack liable despite it being in default. My reasons follow.

12. AQ's claim is about an image I have considered in previous decisions, including a published one called *AQ v. BV*, 2025 BCCRT 689. The respondent in that dispute, who I called BV, created a Substack post that included an image depicting AQ's genitals. In the previous decisions, I concluded that AQ had intentionally posted it publicly on X, and by doing so, lost her reasonable expectation of privacy in it. I adopt my reasoning from those past decisions.

13. The image is therefore not an “intimate image” because AQ had no reasonable expectation of privacy in it when BV posted it to Substack. For this reason, AQ is not entitled to damages, and I dismiss her claim on that basis. Given that conclusion, it is not necessary for me to address any other issues her claim raises.

14. AQ’s evidence also includes emails she sent to Substack about various posts she considered either defamatory or contrary to Substack’s terms of service. I have no authority under the IIPA to consider the law of defamation or Substack’s compliance with its terms of service. So, I did not address those emails in this decision.

ORDER

15. I dismiss AQ’s claims.

16. **Under IIPA section 13, I order a ban on publishing AQ’s name or anything that would identify her.**

17. I order the dispute records sealed. Only the parties, their representatives, and the CRT may have access to the dispute records. With the applicant’s consent, the CRT may share information from the dispute record with the Intimate Images Protection Service of the British Columbia Minister of Public Safety and Solicitor General.

18. This is a validated decision and order. Under CRTA section 58.1, a validated copy of the CRT’s order can be enforced through the Provincial Court of British Columbia. Once filed, a CRT order has the same force and effect as an order of the Provincial Court of British Columbia.

Eric Regehr, Vice Chair