Vancouver
05-Nov-25
REGISTRY

No. S-258133
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

X CORP.

PETITIONER

AND:

JESSICA SIMPSON (aka “TR”)

RESPONDENT

APPLICATION RESPONSE

Application Response of: The respondent, CIVIL RESOLUTION TRIBUNAL (the “CRT”).

THIS IS A RESPONSE TO the Notice of Application of the petitioner filed November 4, 2025.

The CRT estimates the application will take 20 minutes.

Part 1: ORDERS CONSENTED TO

The CRT consents to the granting of the following of the orders set out in Part 1 of the application: ALL.

Part 2: ORDERS OPPOSED

The CRT opposes the granting of the following orders set out in Part 1 of the application: NONE.

Part 3: ORDERS ON WHICH NO POSITION IS TAKEN

The CRT takes no position on the following orders set out in Part 1 of the application: NONE.

Part 4: FACTUAL BASIS

1. The *Civil Resolution Tribunal Act,* SBC 2012, c 25 ("*CRTA*") mandates the CRT to provide dispute resolution services in a way that is "accessible, speedy, economical, informal and flexible" (*CRTA* ss. 2(2)(a)). The CRT's jurisdiction includes claims about the non-consensual distribution of intimate images (*CRTA* s. 2.1). *The Intimate Images Protection Act,* SBC 2023, c 11 ("*IIPA"*) gives the CRT jurisdiction to make 3 types of orders (*CRTA* ss. 136.1 – 136.4).

2. First, under *IIPA* s. 5, the CRT can hear claims for expedited intimate image protection orders, as well as all related matters ("protection orders"). Protection orders require a person or organization to delete an intimate image or stop sharing or threatening to share the intimate image.

3. Second, under *IIPA* s. 16, the CRT has exclusive jurisdiction to order a person or organization to pay an administrative penalty ("AMP"), if the CRT finds they failed to comply with a s. 5 protection order. Administrative penalties are like fines, payable to the Province of British Columbia.

4. Third, under *IIPA* s. 6, the CRT can order a person or organization who distributed or threatened to distribute an intimate image without consent to pay compensatory, aggravated, or punitive damages to the applicant.

5. In March 2025, Vice Chair and Tribunal Member Eric Regehr granted a protection order under *IIPA* s. 5 in CRT file number IS-1-2025-000905 (the "Protection Order Decision"). The named respondent to this petition was the applicant in that unpublished decision, referred to as "TR". Subsequently, TR claimed that X Corp. (the "Petitioner") did not comply with the Protection Order Decision. So, TR asked the CRT to order a monetary penalty against the Petitioner. The Petitioner said it had complied. After hearing submissions from both parties, VC Regehr ordered the Petitioner to pay the maximum $100,000 penalty (the "AMP Decision").

6. The Petitioner has filed a petition for judicial review and seeks an anonymization order in this application. The CRT received an unfiled version of this application on

Monday, November 3, 2025, indicating a hearing date of November 17, 2025. On November 4, 2025, the CRT received a filed version of this application, indicating a hearing date of November 6, 2025. Given the time constraints, the CRT's response will be brief.

Part 5: LEGAL BASIS

7. The CRT relies on the *Intimate Images Protection Act,* SBC 2023, c 11, the *Civil Resolution Tribunal Act,* SBC 2012, c 25, the *Judicial Review Procedure Act,* RSBC 1996, c 241, the *Supreme Court Civil Rules,* and this Court's inherent jurisdiction.

8. Under *IIPA* s. 13, a decision-maker making a protection order or damages award must order a ban on publication of the applicant or claimant's name, or other information likely to identify them. The CRT has generally found this mandatory provision to also require a publication ban dispute respondent's name, given that the respondent's identity may indirectly identify the applicant or claimant. Section 13 provides, in part:

> **Publication ban**
>
> **13** (1) In an application under section 5, a claim under section 6 or an application under section 15 [application to Supreme Court for injunctive relief], as applicable, the decision maker must order a ban on publication of the name of the applicant or claimant, as applicable, or other information likely to identify the applicant or claimant, unless
>
> (a) the applicant or claimant was an adult at the time of the distribution or threat of distribution,
> (b) the applicant or claimant requests that there not be a publication ban, and
> (c) there are no other reasons to protect the identity of the applicant or claimant.
>
> (2) In an application under section 5 or a claim under section 6, as applicable, the decision maker must order a ban on publication of the name of a respondent, or other information likely to identify the respondent, if
>
> (a) the respondent was a minor at the time of the distribution or threat of distribution, or
> (b) there are other reasons to protect the identity of the respondent.
>
> (3) A publication ban ordered under subsection (1) or (2)
>
> (a) may protect the identities of all of the parties,

(b) must, in the case of an applicant or claimant, as applicable, or respondent, who was a minor at the time of the distribution or threat of distribution, and subject to any regulations, continue once the applicant or claimant or respondent is no longer a minor, and
(c) may otherwise be in effect for a period of time determined by the decision maker.

9. In the Protection Order Decision, VC Regehr ordered a publication ban on publishing both parties' names or anything that would identify them. He found a publication ban protecting TR's identity was mandatory under *IIPA* s. 13. In the AMP Decision, VC Regehr found the publication ban was not required. However, he had the discretion to order a publication ban and saw no reason why he should not so order, given that the AMP Decision enforced the Protection Order Decision. In both Decisions, he ordered the CRT's dispute file be sealed and only disclosed by order of the BC Supreme Court or the CRT.

10. The CRT supports the Petitioner's anonymization request as consistent with both the mandatory *IIPA* requirements and the Protection Order and AMP Decisions. Should this Court agree, the orders may be most effectively phrased as follows:

1. The publication ban of the Civil Resolution Tribunal in reasons indexed at 2025 BCCRT 1228 is continued such that no person shall publish, broadcast, or disseminate any information that would tend to identify the parties in CRT file IS-1-2025-000905.

2. The identities of those same parties shall be anonymized in this proceeding, including in all documents and pleadings filed with the court from the order date forward.

11. In *AQ v. BT*, 2025 BCPC 180, as part of an enforcement proceeding, the Provincial Court was asked to continue a sealing order and publication ban issued in a CRT protection order decision, as part of an enforcement proceeding. The Provincial Court did so, noting:

> [5] In the Civil Resolution Tribunal Proceedings, an order was made for a publication ban of the names of the claimant, the respondent or anything that may identify either.

> [6] Section 13(1) of the Act makes a publication ban of the name of the claimant mandatory, along with any information likely to identify the claimant, unless the conditions set out in s. 13(1)(a)(b) and (c) are met. This includes a requirement that the claimant does not request the ban, which is not the case here. Furthermore, given the mandatory requirement for the making of a publication ban, I find that notice of this application to the respondent is not necessary. As such, I order that there be a publication ban on the name of the claimant, or anything that may identify the claimant.

12. Issuing the anonymization order and publication ban would also be consistent with the common law. Where such discretionary orders are sought which limit court openness, an applicant must demonstrate that (1) court openness poses a serious risk to an important public interest; (2) the order sought is necessary to prevent this serious risk to the identified interest because reasonably alternative measures will not prevent this risk; and (3) as a matter of proportionality, the benefits of the order outweigh its negative effects: *Sherman Estate v. Donovan,* 2021 SCC 25, para. 3.

13. Under *IIPA,* there is a statutory requirement to ban publication of TR's names. The anonymization order and publication ban follow suit. There is an important public interest in safeguarding the privacy interest of the parties in *IIPA* disputes. On First Reading of *IIPA*, the Attorney General of British Columbia explained why the non-consensual disclosure of intimate images is so harmful:

> Creating and sharing nude, nearly nude or sexualized intimate images can be a normal form of communication and intimacy between consenting partners. But when these images are shared without consent, it is a devastating form of sexualized violence that disproportionately impacts young people, women, girls and gender-diverse people. The consequences of non-consensual distribution of intimate images can be severe. A person who has their intimate images distributed without consent doesn't just lose their privacy and autonomy; it is taken from them. The resulting impacts can be far-reaching and long-lasting: "Bill 12, *Intimate Images Protection Act*," 1st reading, British Columbia Official Report of Debates (Hansard), 42-4, No 294 (6 March 2023).

14. Should *IIPA*-related dispute information become publicly available simply by filing materials in the court, or should someone access court files and then publish that material, which is easy to do given social media and publicly available online registry services, it would seriously undermine the purpose of *IIPA.* It would further exacerbate the harm that *IIPA* is intended to remediate. The benefits of a publication ban and anonymization order

would protect victims of sexualized violence, which far outweighs the negative effects. As of the morning of November 5, 2025, this file is searchable and filings accessible on payment on Court Services Online.

15. Practice Direction 58 appears to require a separate application for a sealing order, with a draft sealing order. In the interests of efficiency, this Court may consider whether it could issue such an order now, on these terms:

> 3. The sealing order of the Civil Resolution Tribunal in reasons indexed at 2025 BCCRT 1228 is also continued such that only the parties to this proceeding, their counsel of record or their representatives, court registry staff, and judges may have access to the court registry file.

Part 6: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Kristine Kristiansen, filed November 4, 2025, and

2. Such further and other materials as may be required.

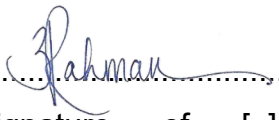
[ ] The application respondent has filed in this proceeding a document that contains the application respondent's address for service.

[X] The application respondent has not filed in this proceeding a document that contains an address for service. The application respondent's ADDRESS FOR SERVICE is:

Civil Resolution Tribunal
PO BOX 9239 STN PROV GOVT
Victoria, BC V8W 9J1
Telephone number: (236) 478-2071

E-mail address for service (if any): paralegal@crtbc.ca
Name of the application respondent's lawyer: Zara Rahman

Date: November 5, 2025



Signature of [ ] application respondent
[X] lawyer for application respondent(s)
Zara Rahman