VICTORIA
OCT 07 2025
REGISTRY

No. 2512091
Victoria Registry

In the Supreme Court of British Columbia
In the Matter of the *Judicial Review Procedure Act* R.S.B.C. 1996, c. 241

Between:

RYAN ELSON
Petitioner

And:

JESSICA SIMPSON AND CIVIL RESOLUTION TRIBUNAL
Respondents

NOTICE OF APPLICATION
(INTERIM STAY)

Name of applicant: RYAN ELSON

To: JESSICA SIMPSON AND CIVIL RESOLUTION TRIBUNAL

TAKE NOTICE that an application will be made by the applicant(s) to the presiding judge or associate judge at the courthouse at 850 Burdett Avenue. Victoria, B.C. V8W 9J2, on A/oU 6th 2025 at 9:45a.m. for the orders set out in Part 1 below.

The applicant estimates that the hearing of the application will take 20 minutes.

[ ] This matter is within the jurisdiction of a ~~master~~ Associate Judge.

[X] This matter is not within the jurisdiction of a ~~master~~ Associate Judge.

Part 1: ORDERS SOUGHT

1. An order, under Rule 8(15.4) of the *Supreme Court Civil Rules*, to reinstate the October 3, 2025, Notice of Application to the hearing list.

2. An interim order, under section 10 of the *Judicial Review Procedure Act* R.S.B.C. 1996, c. 241 ("JRPA"), staying the following of the Civil Resolution Tribunal ("CRT"), dated July 4, 2025: (1) File No. IS-1-2025-002302 (Reasons for Decisions and Protection Order) and (2) File No. IS-3-2025-002716

(Reasons for Decisions), until the hearing of this judicial review or until such other date as this Court sees fit.

3. An order, under section 57(2) of the *Administrative Tribunals Act*, S.B.C. 2004 c. 45 ("ATA"), extending the time limit for judicial review, due to a reasonable explanation for the delay and no substantial prejudice or hardship to the Respondents.

Part 2: FACTUAL BASIS

Order #1: Reinstatement

1. On September 4, 2025, Elson attended the Victoria Registry of the Supreme Court of British Columbia to apply for indigent status pursuant to the *Supreme Court Civil Rules*. Elson resides on Salt Spring Island, and the geographic separation from the Victoria courthouse has caused unavoidable logistical delays in filing and appearance scheduling.
2. On September 8, 2025, Elson's application for indigent status was granted by the Registrar of the Supreme Court of British Columbia. Owing to personal and logistical obligations, Elson attended the Victoria Registry on September 10, 2025, to obtain confirmation of his approved indigent status and to file the accompanying Petition in accordance with the Court's filing procedures.
3. On September 23, 2025, the Petitioner served the previous stay application and Petition by registered mail on both Respondents, Jessica Simpson and the Civil Resolution Tribunal, in compliance with the *Supreme Court Civil Rules* and applicable service requirements.
4. On October 1, 2025, the CRT's paralegal acknowledged receipt of the application by email, advising that the Tribunal's operations were affected by the British Columbia General Employees' Union strike action. The email further indicated that, because of the strike, certain services had been paused, and the CRT had limited capacity to respond to public inquiries, but that updates would be provided through its website and official blog as they became available.
5. On October 2, 2025, Kandis McCall, Vice Chair of the Civil Resolution Tribunal, emailed Elson requesting Elson's consent to a three-week extension of time for the

CRT to file its response. The correspondence stated that the additional time was sought to allow the CRT to prepare a more comprehensive and complete response to the Petition.

6. Despite having been duly served with the Petition and supporting materials on September 23, 2025, the Respondent, Jessica Simpson, has not filed or delivered any response within the time prescribed by the *Supreme Court Civil Rules*, nor has Simpson otherwise acknowledged service or communicated with Elson regarding the proceeding.

7. On October 3, 2025, the previously scheduled stay application was removed from the hearing list pursuant to Rule 8-1(15.2) of the *Supreme Court Civil Rules*, on the basis that Elson had not filed an Application Record in accordance with the procedural requirements of the Rule.

8. The delay in the Tribunal's response was caused by the Civil Resolution Tribunal's strike action, a circumstance entirely outside of Elson's control. The CRT itself confirmed that services were paused, and response capacity was limited because of the British Columbia General Employees' Union labour disruption.

9. Further, the Respondent Jessica Simpson has not filed any response or objection to the Petition or stay application, despite being duly served. Simpson's inaction demonstrates that Simpson does not claim to have suffered any prejudice from the timing of these proceedings, nor has Simpson taken any steps to contest the Petition within the prescribed period under the *Supreme Court Civil Rules*.

Order #2: Interim

10. The July 4, 2025: (1) File No. IS-1-2025-002302 (Reasons for Decisions and Protection Order) and (2) File No. IS-3-2025-002716 (Reasons for Decisions) resulting $6,000 order took effect on August 4, 2025.

11. The Civil Resolution Tribunal made a determinative finding of fact without any evidentiary foundation. Specifically, the Tribunal concluded that Elson had shared the image in question and was responsible for the anonymous X (formerly Twitter) account, despite acknowledging that there was no persuasive evidence linking Elson to that account. The Tribunal substituted speculation about my "state of mind" and "motivations" for actual proof. This conclusion was reached without supporting evidence and constitutes a patently unreasonable finding of fact.

12. The Civil Resolution Tribunal applied the law incorrectly. It misinterpreted the statutory definition of an "intimate image" under section 1 of the *Intimate Images Protection Act*, S.B.C. 2023, c. 11, and extended its jurisdiction beyond the limits set by the legislation. The Tribunal classified an image as "intimate" even though it did not meet the statutory criteria of nudity or sexual activity and failed to properly assess whether any reasonable expectation of privacy existed at the time of distribution, as required by sections 1 and 9 of the Act. This constitutes an error of law on the face of the record and renders the decision patently unreasonable.

13. The Petitioner applies for an interim stay of the Civil Resolution Tribunal's decisions because the balance of convenience overwhelmingly favours maintaining the status quo pending judicial review. It would be manifestly unfair and contrary to the interests of justice to allow enforcement of the impugned orders before their legality has been determined. The Petitioner faces the imminent risk of enforcement proceedings, reputational harm, and procedural prejudice, whereas neither Respondent would suffer material hardship or prejudice from a short stay. Granting the stay ensures that judicial review is not rendered meaningless and that the Petitioner's right to a fair hearing is preserved.

14. If an interim stay is not granted, then Ryan Elson will be subject to a Payment Hearing Summons, at the Provincial Court of British Columbia (Small Claims Court), Port Coquitlam, set for December 12, 2025, even though Jessica Simpson and the CRT were served, through registered mail, with the previous stay application and petition on September 23, 2025.

15. An interim stay of the CRT's decisions and orders pending the outcome of the judicial review will not cause significant hardship to any of the other parties.

16. There is a serious issue to be tried within the meaning of *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311. The Petition raises substantial questions of procedural fairness, jurisdictional error, and patently unreasonable factual findings, including the CRT's misinterpretation of the *Intimate Images Protection Act*.

17. The Petitioner will suffer irreparable harm if a stay is not granted. Without interim relief, the Tribunal's orders will be enforceable through the Provincial Court, causing enforcement actions and reputational damage that cannot be remedied by monetary compensation. The harm arises from the perpetuation of a decision alleged to be unlawful, not merely from financial consequences.

18. By contrast, the Respondents face no corresponding prejudice. The Tribunal's interest in finality does not outweigh the need to ensure legality, and the complainant, Ms. Simpson, has not participated in the judicial review or opposed the stay despite proper service.

Order #3: Extension

19. The Petitioner seeks an order under section 57(2) of the *Administrative Tribunals Act*, extending the time limit for filing this Petition for judicial review by a few days. The brief delay arose due to the time required to obtain approval of the Petitioner's indigent status from the Supreme Court Registry.

20. The resulting delay in filing was minimal, and Elson acted diligently and in good faith throughout. The short interval between the expiration of the 60-day judicial review time limit and the filing date was reasonably explained by self-representation and administrative necessity, not neglect or inaction.

Part 3: LEGAL BASIS

1. There are serious issues to be reviewed at judicial review.
2. The applicant will suffer irreparable harm if the interim stay is not granted.
3. The balance of convenience favours granting an interim stay.
4. The applicant is relying on Rule 8 of the *Supreme Court Civil Rules*.
5. The inherent jurisdiction of the Court to grant orders.
6. The application satisfies the three-part test for an interim stay as articulated in *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311:

    (a) There is a serious issue to be tried;

    (b) The applicant will suffer irreparable harm if the stay is denied; and

    (c) The balance of convenience favours preserving the status quo.

7. The three-part test for granting an interlocutory injunction in Canada: *RJR-MacDonald Inc. v. Canada (Attorney General)*, [1994] 1 S.C.R. 311:

    (a) There are serious questions to be tried under the *Intimate Images Protection Act*, S.B.C. 2023, c. 11.

    (b) Irreparable harm: Elson can demonstrate that Elson will suffer harm if the stay is not granted, and this harm cannot be adequately

compensated by damages because Jessica Simpson is seeking payment of the $6,000 order.

(c) Balance of Inconvenience: Elson would suffer the greater harm from granting or refusing the injunction.

8. The Petitioner's application also engages the Court's discretion under:

(a) Section 10 of the *Judicial Review Procedure Act*, R.S.B.C. 1996, c. 241.

(b) Section 57(2) of the *Administrative Tribunals Act*, S.B.C. 2004, c. 45; and

(c) The inherent jurisdiction of the Court to prevent injustice and preserve the integrity of the judicial review process.

Part 4: MATERIAL TO BE RELIED ON

1. Affidavit #1 of Ryan Elson made October 7, 2025.

TO THE PERSONS RECEIVING THIS NOTICE OF APPLICATION: If you wish to respond to this notice of application, you must, within 5 business days after service of this notice of application or, if the application is brought under Rule 9-7, within 8 business days after service of this notice of application,

(d) file an application response in Form 33,

(e) file the original of every affidavit, and of every other document, that

(i) you intend to refer to at the hearing of this application, and

(ii) has not already been filed in the proceeding; and

(f) serve on the applicant 2 copies of the following, and on every other party of record one copy of the following:

(i) a copy of the filed application response;

(ii) a copy of each of the filed affidavits and other documents that you intend to refer to at the hearing of this application and that has not already been served on that person;

(iii) if this application is brought under Rule 9-7, any notice that you are required to give under Rule 9-7(9).

Date: October 7, 2025.

Signature of Ryan Elson
[X] petitioner
RYAN ELSON

To be completed by the court only:

Order made:
[ ] in the terms requested in paragraphs ..... of Part 1 of this notice of application
[ ] with the following variations and additional terms:

.....
.....
.....

Date: .....

.....

Signature of [ ] Judge [ ] Associate Judge

APPENDIX

THIS APPLICATION INVOLVES THE FOLLOWING:

[x] none of the above