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2026 BCHRT 219

Simpson v. Township of Langley, 2026 BCHRT 219

Date Issued: October 20, 2026

File(s): CS-004530

IN THE MATTER OF THE
HUMAN RIGHTS CODE

,

RSBC 1996, c. 210 (as amended)

AND IN THE MATTER of a complaint before
the British Columbia Human Rights Tribunal

BETWEEN:

Jessica Simpson
COMPLAINANT

AND:

Township of Langley
RESPONDENT

REASONS FOR DECISION

APPLICATION TO DISMISS A COMPLAINT

Section 27(1)(c)

Tribunal Member: Jonathan Chapnick
For the Complainant: No submissions
Counsel for the Respondent: Megan MacNeil

I INTRODUCTION

[1] Jessica Simpson alleges that the Township of Langley discriminated against her in the area of services based on the grounds of mental disability, physical disability, gender identity or expression, and sex, in contravention of s. 8 of the *Human Rights Code*

[2] The Township is a municipality. The complaint relates to emergency services there. The Township does not operate its own police force; the RCMP carries out police duties in the municipality. However, the Township operates its own fire department, as well as the emergency services phone lines. Township employees also work as support staff and jail guards at the RCMP detachment. Ms. Simpson's complaint relates to these Township functions and operations.

[3] The complaint was filed in 2021. The Township's evidence is that in January and February 2021, its fire department responded to more than 30 calls from Ms. Simpson for assistance getting out of her bathtub. She alleges mistreatment during, and in relation to, these calls. She also makes other allegations, including alleging that Township jail guards did not let her use her mobile phone in the cells.

[4] The Township denies discriminating and argues that the complaint should be dismissed under s. 27(1)(c) of the *Code*

because it has no reasonable prospect of success. The Township filed its dismissal application and delivered it to Ms. Simpson on January 29, 2026. Ms. Simpson did not file a response to the application, despite having notice of it and an opportunity to do so.

[5] For the reasons that follow, I am satisfied that the complaint has no reasonable prospect of success, largely because Ms. Simpson has failed to particularize her allegations sufficiently to take them out of the realm of conjecture. The Township's application is therefore granted and the complaint is dismissed.

[6] To make my decision, I have considered the complaint, the response, and the arguments and evidence filed by the Township. In my reasons, I only refer to what is necessary to explain what I decided. I make no findings of fact.

II DECISION

[7] Deciding applications under s. 27(1)(c) of the
Code

is part of the Tribunal's gatekeeping function. Under this provision, the Tribunal can dismiss complaints that have no reasonable prospect of success and therefore do not warrant the time and expense of a hearing. The Tribunal's task under s. 27(1)(c) is to look at the evidence provided to decide whether "there is no reasonable prospect that findings of fact that would support the complaint could be made on a balance of probabilities" after a full oral hearing:

Berezoutskaia v. British Columbia (Human Rights Tribunal)
, 2006 BCCA 95 at para. 22, leave to appeal ref'd [2006] SCCA No. 171.

[8] The onus is on the Township to establish that the complaint should be dismissed under s. 27(1)(c). To meet this onus in the present application, the Township must persuade the Tribunal that Ms. Simpson has no reasonable prospect of making her case. In contrast, to prevent the dismissal of her complaint, Ms. Simpson must only ensure that there is evidence before the Tribunal that is capable of supporting it moving forward:

Sincraian v. Board of Education of School District No. 38 (Richmond)
, 2024 BCHRT 53 at para. 17;

Scott v. BFI Constructors Ltd.

, 2025 BCHRT 286 at para. 12; see

Rutkowski v. Unite Here Local 40

, 2018 BCHRT 236 at para. 30. This is a low threshold, but a meaningful one. To advance to a hearing, a complaint must be based on more than speculation that the respondent discriminated:

Rutkowski

at para. 30, citing

Berezoutskaia

at paras. 24-26;

Gichuru v. Pallai (No. 2)

, 2010 BCHRT 125 at para. 107. There must be evidence before the Tribunal that takes the case "out of the realm of conjecture":

Berezoutskaia

at para. 24;

Workers' Compensation Appeal Tribunal v. Hill

, 2011 BCCA 49 at para. 27.

[9] To make her case at a hearing, Ms. Simpson would need to prove that (1) she had a protected characteristic, (2) she experienced an adverse impact in the Township's services, and (3) her protected characteristic was a factor in the adverse impact:

Moore v. British Columbia (Education)

, 2012 SCC 61 at para. 33.

[10] The Township does not dispute that Ms. Simpson had protected characteristics falling within the grounds of mental disability, physical disability, gender identity or expression, and/or sex. However, it argues that she has no reasonable prospect of proving the other elements of her case because she has failed to particularize her allegations sufficiently to take them out of the realm of conjecture. In this regard, the Township references the following basic principle, articulated in *Kenworthy v. Brewers' Distributor Ltd.*, 2016 BCHRT 54 at para. 72:

Complainants are under an obligation to meaningfully particularize their allegations against a respondent. This serves a purpose of fairness, by allowing the respondent to know the case it has to meet. It can also serve the purpose of allowing the Tribunal to assess whether the complaint has no reasonable prospect of success ...

See also

Earnshaw v. Lilydale Cooperative, Ltd.

, 2005 BCHRT 523 at paras. 17-18;

Goddard v. Dixon

, 2012 BCSC 161 at paras. 117-119 and 131-133;

Daley v. British Columbia (Ministry of Health)

, 2007 BCHRT 170 at para. 28;

Prasad v. Vancouver Shipyards

, 2019 BCHRT 255 at para. 15;

Zwanink v. Arrow Marine Services Ltd.

, 2024 BCHRT 286 at paras. 44-45.

[11] The Township asserts that Ms. Simpson has put forward bare allegations that lack particularity, are undated, and do not identify who allegedly said or did what. It argues that her allegations are too vague to warrant a hearing. It adds that many of her allegations relate to policing and law enforcement services for which it is not responsible and over which it has no authority or control.

[12] In its application, the Township distills Ms. Simpson's allegations and addresses them in turn. I will do the same in this decision.

A. Hanging up the phone

[13] Ms. Simpson alleges that Township staff hung up on her on occasions when she called the emergency services phone lines. She says she has a hearing impairment, and alleges that staff hung up immediately when she called using "TELUS IP Relay," which I understand to be an internet protocol relay service.

[14] The Township denies hanging up on Ms. Simpson and says it has no record of doing so. It argues that Ms. Simpson has failed to particularize her allegations, such that there is not enough information to allow the Tribunal to determine whether the alleged conduct occurred and, if so, whether it violated the
Code

[15] I agree with the Township. Ms. Simpson's allegations are vague and highly general. She provides few details regarding what happened, and no information about when it happened. The present dismissal application was a chance for her to offer further particulars or an explanation regarding why she is unable to do so: see

Prasad

at para. 16. She has forgone this opportunity. As a result, I have only Ms. Simpson's bare assertions before me. If this were the only information put forward at a hearing, Ms. Simpson's complaint could not succeed:

Zwanink

at para. 45. Because she did not respond to the Township's dismissal application by providing additional details, her allegations remain in the realm of conjecture and have no reasonable prospect of success:

Prasad

at paras. 16 and 18. They are therefore dismissed.

B. Attending at the RCMP detachment

[16] Ms. Simpson makes various allegations related to attending at the RCMP detachment.

[17] First, she alleges that the Township often asked her "to come down to the detachment and write out [police] reports." She says she has an ambulatory disability, and as a result was unable to drive to the detachment for every incident that occurred. She says the Township was "implicitly discriminating against me by only requiring me (and my family members) whenever there [was] an incident, to come down to the detachment."

[18] Second, she alleges that when she arrived at the detachment, she was required to use the "phone outside to connect to reports," but was unable to do so because the phone was "so faint in volume [she was] unable to hear." She says she mentioned this several times, but Township staff refused to assist. Further, she alleges that when she called in to say she was outside, Township staff often refused to connect her with a police officer.

[19] Third, she alleges that staff at the front counter required her to write out her reports, even though she "advised many times that [she] cannot use a pen and paper to write due to a disability." She says the Township refused "to accommodate by providing an audio statement."

[20] Last, she alleges that when she did write out a report, "it often times [went] 'missing' (or into the trash)" – when she followed up, there was no record of the report.

[21] In response to these allegations, the Township denies singling out Ms. Simpson and her family to attend the detachment in person, denies that its staff take police reports from individuals, denies losing or discarding reports from Ms. Simpson, and denies any responsibility for deciding or directing how reports are taken, saying those decisions and directions are made by the RCMP. In any event, It argues that Ms. Simpson has failed to particularize her allegations, such that there is not enough information to allow the Tribunal to determine whether the alleged conduct occurred and, if so, whether it violated the

Code

. I agree.

[22] In addition to failing to provide basic details in her allegations (e.g., approximate dates of some – or any – of the alleged incidents, names or rough descriptions of some – or any – of the people involved, relevant details of her alleged disabilities), Ms. Simpson makes bare, conclusory assertions without providing information or evidence in support, and alleges mistreatment (discarding her reports) without alleging facts to connect it to a protected characteristic. Her vague, general assertions would not be enough to prove discrimination at a hearing. As above, because she did not respond to the Township’s dismissal application by providing additional details, her allegations remain in the realm of conjecture and have no reasonable prospect of success:

Prasad

at paras. 16 and 18. They are therefore dismissed.

C. Gatekeeping

[23] Ms. Simpson alleges that she is unable to access police services because Township employees are “gatekeeping” her and “not letting [her] receive service in emergency situations such as bomb threats.”

[24] This allegation is entirely lacking in meaningful particulars. Insofar as it is a reference to conduct alleged above (e.g., hanging up the phone, requiring her to attend the detachment in person), it is dismissed for the reasons I have already given.

D. No mobile phone use in jail

[25] Ms. Simpson says she has a hearing impairment and uses a mobile phone connected to her hearing aids. She alleges that, in jail cells at the detachment, RCMP officers and guards employed by the Township did not allow her to use her mobile phone to call her lawyer. She does not explain if or when she was incarcerated, or provide any further particulars or evidence regarding this allegation.

[26] The Township says decisions regarding phone use by incarcerated individuals are made by the RCMP. In any event, it argues that Ms. Simpson has failed to particularize her allegation, such that it remains in the realm of conjecture. For the reasons discussed above regarding Ms. Simpson’s other allegations, I agree with the Township and dismiss this allegation.

E. Misgendering

[27] Ms. Simpson alleges that the Township misgendered her and used slurs such as “SirMam” when she attempted to receive service, and stated “you offend us, we offend you” when she pushed back. These are serious allegations of behaviour that, if proven, could contravene the
Code

. However, for the reasons discussed above, I agree with the Township that they are not sufficiently particularized to warrant a hearing. Accordingly, they are dismissed. I reiterate here that the present dismissal application was a chance for Ms. Simpson to offer further particulars or an explanation regarding why she is unable to do so. She chose not to.

F. Sexual harassment

[28] Ms. Simpson alleges that the Township “sexually harassed me as a lesbian” by sending “a letter stating that I was exhibiting lewd conduct towards their firefighters,” and “telling me that I was flirting with the fire fighters when I was naked in my bathtub and required assistance.” She provides no further particulars or evidence regarding this allegation.

[29] In response, in support of its dismissal application the Township provides an affidavit from a deputy fire chief, incident reports from fire department attendances at Ms. Simpson’s home, and a February 2021 letter to her from Township legal counsel. In his affidavit, the deputy fire chief states that some fire department staff “are uncomfortable attending Ms. Simpson’s residence because she has a history of engaging in inappropriate conduct.” He provides the example of an attendance to assist Ms. Simpson in her bathroom on January 28, 2021, during which she was reported as having “sex toys on the counter and when a staff member tried to lift [her] out of her bathtub, she moaned.” In the February 2021 letter to Ms. Simpson, legal counsel states, in relevant part:

You have recently and frequently been contacting the Fire Department to obtain lift assistance. Since January 21, 2021, the Fire Department has received and responded to over 30 such calls for assistance, none of which constituted a medical emergency. Further, we understand that, during the Fire Department’s attendance at your home, you have engaged in inappropriate and lewd conduct towards Fire Department staff.

The Township takes this matter, including your misuse of Township emergency services, and the safety and wellbeing of its staff, very seriously. Your conduct has created, among other things, an inappropriate and unsafe environment for Fire Department staff. Further, your frequent non-emergency calls to the Fire Department have put an unnecessary strain on Township resources. This is not acceptable to the Township, and will not be tolerated going forward.

[30] On the whole of the materials before me, I am satisfied that Ms. Simpson’s allegation of sexual harassment has no reasonable prospect of success. The evidence overwhelmingly supports that the letter to Ms. Simpson was an appropriate response to documented reports and concerns regarding her conduct, and not adverse treatment with a nexus to her protected characteristics. The allegation is therefore dismissed.

III CONCLUSION

[31] The Township's application is granted. The complaint is dismissed:
Code
, s. 27(1)(c).

Jonathan Chapnick
Tribunal Member