



Civil Resolution Tribunal

Date Issued: March 28, 2025

File: IS-3-2025-000359

Type: Intimate Images

Category: Damages

Civil Resolution Tribunal

Indexed as: *AQ v. BT*, 2025 BCCRT 398

Publication Ban Applies

BETWEEN:

A.Q.

APPLICANT

AND:

B.T.

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Eric Regehr, Vice Chair

INTRODUCTION

1. The applicant, who I will call AQ, claims that the respondent, who I will call BT, shared intimate images of her without her consent. These are not either party's real

initials. AQ claims \$5,000 in damages under section 6 of the *Intimate Images Protection Act* (IIPA). AQ is an adult and is self-represented. She resides in BC.

2. BT asks me to dismiss AQ's claims. She is an adult and is self-represented. She resides in another province.
3. AQ also applied for various intimate images protection orders under IIPA section 5. I have issued 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 orders from the general requirement that the Civil Resolution Tribunal (CRT) publish all final decisions. As noted below, I have adopted certain conclusions from that decision without repeating the details. I took this approach to avoid inadvertently identifying AQ.

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. BT disputed the CRT's jurisdiction to hear this dispute because she does not live in BC. I find that there is a real and substantial connection to BC for the reasons set out in my protection order decision.
6. CRTA section 39 says the CRT has discretion to decide the format of the hearing. In a preliminary decision, another vice chair found that BT was non-compliant with the CRT's rules and ordered that the CRT would resolve this dispute without her further participation. So, for the reasons set out in my protection order decision, I decided to hear this dispute through the written materials before me, which includes evidence and submissions BT provided before the non-compliance decision.

7. 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.
8. 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.
9. 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. I find this is appropriate here because BT’s identity might indirectly identify AQ, given the frequency with which they have engaged online. **I order a ban on publishing AQ’s or BT’s names or anything that would identify either of them.** For the same reasons, I have used initials in place of BT’s name in this decision even though IIPA section 5(9) allows me to use her full name. AQ is an adult, so she can ask the CRT to cancel the publication ban order.
10. However, I have used both parties’ names in my damages order, which I find is not captured by IIPA section 5(9), to ensure it is enforceable.
11. 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

12. The issues in this dispute are:
 - a. What are AQ’s damages?
 - b. Is AQ entitled to compensation for the time she spent dealing with this dispute and the protection order application?

EVIDENCE AND ANALYSIS

13. 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.
14. As I explained in my protection order decision, AQ alleged BT shared three intimate images of her. I concluded that of those three, two were intimate images as defined in IIPA section 1. Of those two, AQ proved that BT shared only one of them. This decision will focus on the third, which I found was an intimate image that BT shared on Facebook without AQ's consent.
15. I will describe the image in as little detail as necessary to explain my damages award. AQ is a trans woman. BT is an avowed anti-trans activist. The image BT shared had a clear purpose of depicting AQ as a man by altering an image to show AQ's head on a masculine body.
16. AQ claims general, aggravated and punitive damages. General damages compensate for the mental and emotional harm from the non-consensual sharing of an intimate image. Devoid of the anti-trans context, the image at issue is relatively benign. The harm associated with sharing the image does not come from anything particularly explicit or graphic in it. Rather, the image is harmful because it dehumanizes AQ and denies her gender identity. I accept AQ's evidence that the image was hurtful, embarrassing, offensive, and distressing. I find that it is an offence to her dignity. BT also disseminated it publicly within an online context around other anti-trans messaging. I find that AQ is entitled to compensation under the IIPA for this harm.
17. I find that punitive damages are also warranted. Punitive damages punish respondents for conduct that is a stark departure from ordinary standards of decent behaviour. They are, as the name suggests, a form of punishment intended to denounce and deter such egregious conduct.¹ BT's conduct meets this threshold.

¹ *Whiten v. Pilot Insurance Co.*, 2002 SCC 18.

BT's posting of the image was malicious, cruel, and intentional. I find it is deserving of condemnation.

18. I find it unnecessary to assess the precise amount of general or punitive damages AQ is entitled to. Suffice to say, I find that together the combined amount is over the maximum \$5,000 I can award, bearing in mind the past awards I outlined in *B.D.S. v. M.W.*, many of which also included substantial punitive damages awards.² I see no reason to address AQ's entitlement to aggravated damages for the same reason. I order BT to pay AQ \$5,000 in damages.

Compensation for AQ's Time Spent

19. AQ claims further compensation because of BT's conduct during the CRT's process. AQ did not allege she paid a lawyer, so I find that her claim is for compensation for the time she spent dealing with these CRT proceedings. Intimate image Protection Order (IIPO) rule 11.4(3) and CRT standard rule 9.5(5) both say the CRT will not order a party to pay another party for time spent dealing with a dispute except in extraordinary circumstances. AQ argues that \$25,000 in compensation is appropriate for her time spent dealing with not just the CRT, but also the police and crown counsel. She breaks this amount down in various ways throughout her submissions. As a preliminary point, I find that my authority is limited to BT's conduct in the context of these CRT proceedings, not other processes. I also note that an award for dispute-related expenses, including compensation for time spent, is not subject to the \$5,000 limit in the CRT's jurisdiction over IIPA damages claims.

20. AQ relies on the law of special costs. The court awards special costs when a party has engaged in reprehensible conduct in the course of litigation. The CRT has adopted the law of special costs when deciding whether to award compensation for legal fees in strata disputes.³ I find the same approach is appropriate here. In other words, I find that reprehensible behaviour during the CRT process is an

² 2024 BCCRT 410.

³ *Parfitt et al v. The Owners, Strata Plan VR 416 et al*, 2019 BCCRT 330.

extraordinary circumstance that can entitle the other party to compensation. The concept of “reprehensibility” encompasses a broad range of misconduct, which can include persistent breaches of the applicable rules.⁴

19. Two other vice chairs made preliminary decisions about BT’s conduct during the CRT proceedings. They both related, in part, to BT’s persistent refusal to comply with the CRT’s Code of Conduct for CRT Participants. The CRT’s rules require parties to comply with the code of conduct. Among other things, the code of conduct requires parties to:

- a. Behave courteously and respectfully to other parties, CRT staff, and tribunal members.
- b. Refrain from abusive behaviour towards other parties, which includes:
 - i. Making inappropriate behaviour or comments that the person knows or reasonably should know would cause another person to be humiliated, offended, or intimidated, and
 - ii. Deliberately refusing to use a person’s indicated name, title, or pronoun.
- c. Respect the confidentiality of information, records, and communications from the CRT’s process.

20. Notably, the code of conduct specifically warns that a potential consequence of breaching the code of conduct is a costs award.

21. The first preliminary decision is from February 7, 2025. The vice chair concluded that BT began breaching the code of conduct almost immediately after being served. Namely, BT copied numerous non-parties to correspondence that included confidential information, including one of the images at issue. BT also intentionally

⁴ *Westsea Construction Ltd. v. 0759553 B.C. Ltd.*, 2013 BCSC 1352.

refused to use AQ's indicated name and pronouns. BT's breaches continued after the case manager directed her to stop.

22. The vice chair declined to make an order sanctioning BT, opting instead to frame her decision as a final warning that the CRT would not tolerate disrespectful or abusive behaviour. The vice chair directed BT to stop communicating directly with AQ, stop posting about the CRT disputes online, and not to share evidence with non-parties. She also directed BT to comply with the code of conduct.
23. A different vice chair made the second preliminary decision on March 11, 2025. According to that decision, and as confirmed in the evidence before me, BT's behaviour worsened after the first decision. She continued to intentionally misgender AQ, referring to her either with male pronouns or "it". The vice chair found that she also made Facebook posts denigrating the other vice chair, the CRT, and AQ using offensive language.
24. After this second preliminary decision, BT posted insulting comments on Facebook about the second vice chair and the CRT. She also continued to insult and demean AQ while implicitly referencing the CRT's process.
21. In short, BT persistently ignored the CRT's code of conduct by deliberately misgendering AQ and otherwise engaging in abusive and disrespectful conduct. I find this constitutes reprehensible conduct that is deserving of rebuke. IIPA proceedings invariably involve sensitive allegations and emotionally charged circumstances. There are often vulnerable parties. The CRT must ensure that the IIPA process is safe for participants, and that those who have inflicted harm cannot use the CRT's process to inflict further harm. A party who engages in malicious, demeaning, and abusive conduct, particularly in IIPA proceedings, risks an award of special costs.
22. Turning to an amount, AQ did not provide much of an explanation or justification for her \$25,000 claim. Under the CRT's rules, the basis for compensation is for AQ's time. Given that, I find it relevant that AQ used artificial intelligence to create some,

and maybe most, of her submissions. These submissions bear the two hallmarks of artificially created submissions: they are very long and repetitive, and (more tellingly) they confidently cite irrelevant rules, incorrect sections of statutes, and court cases that are either about something completely different from what the submissions assert or do not exist at all.

23. I provide the following examples. AQ refers to CRT rule 7 and CRTA section 50(2) as authority for awarding special costs. CRT rule 7 has nothing to do with awarding costs, and there is no section 50(2) in the CRTA. She relies on *Doucet-Boudreau v. Nova Scotia (Minister of Education)*, 2003 SCC 62 to make a point about the harm of digitally manipulated content when the case is actually about language rights. She also cites cases *Jordan v. Law Society of British Columbia*, 2018 BCCA 181, and *West Coast Environmental Law Association v. British Columbia (Ministry of Forests, Lands and Natural Resource Operations)*, 2019 BCSC 1935, which do not exist. The citation of plausible-looking but non-existent cases, in particular, is similar to other cases involving artificial intelligence-generated submissions.⁵
24. I also must bear in mind that AQ is the applicant and would have had to spend considerable time preparing her claims and trying to prove her allegations regardless of BT's conduct. I also note she was only partially successful. Bearing all this in mind, I find that \$2,500 is appropriate compensation.
25. AQ also claimed the cost of a panic alarm because this experience left her feeling unsafe. I find this is not an expense reasonably related to this dispute, so I dismiss this claim.
26. The *Court Order Interest Act* applies to the CRT. Section 2(e) says that pre-judgment interest must not be awarded on non-pecuniary damages arising from personal injury, which I find applies to IIPA damages awards. AQ is entitled to post-judgment interest.

⁵ *Zhang v. Chen*, 2024 BCSC 285, and *Geismayr v. The Owners, Strata Plan KAS 1970*, 2025 BCCRT 217

ORDERS

27. Within 30 days of this decision, I order BT to pay AQ a total of \$7,500, broken down as follows:
- a. \$5,000 in damages, and
 - b. \$2,500 in compensation for time spent on this dispute.
28. I dismiss AQ's remaining claims.
29. AQ is entitled to post-judgment interest under the *Court Order Interest Act*.
30. 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