



# Civil Resolution Tribunal

Date Issued: June 24, 2025

File: IS-3-2025-003824

Type: Intimate Images

Category: Damages

Civil Resolution Tribunal

Indexed as: *MR v. SS*, 2025 BCCRT 851

## Publication Ban Applies

BETWEEN:

MR

**APPLICANT**

AND:

SS

**RESPONDENT**

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## REASONS FOR DECISION

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Tribunal Member:

Megan Stewart

## INTRODUCTION

1. The applicant, MR, says the respondent, SS, threatened to share and shared her intimate images without her consent. The applicant claims \$5,000 in damages under section 6 of the *Intimate Images Protection Act* (IIPA).

2. The respondent denies the applicant is entitled to damages.
3. The parties are both adults, and each is self-represented.
4. The applicant also applied for an intimate image protection order under IIPA section 5. I have issued a separate decision for that application. I did not publish the protection order 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 adopt certain conclusions from that decision without repeating the details.

## **JURISDICTION AND PROCEDURE**

5. The CRT has jurisdiction over this damages claim under section 118 of the *Civil Resolution Tribunal Act* (CRTA). IIPA section 6 creates a statutory tort for the non-consensual sharing or threatened sharing of intimate images. Under the IIPA, the CRT may order compensatory, aggravated, and punitive damages, up to the CRT's \$5,000 small claims monetary limit. These are the CRT's formal written reasons.
6. 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. I find I can fairly make an expedited decision based on the written material before me.
7. CRTA section 42 says the CRT may accept as evidence information it considers relevant and appropriate, even if it would not be admissible in court.

### ***Publication ban and sealing order***

8. IIPA section 5(9) says that an "individual" must not be named in a "determination or order" under section 5 (applications for protection orders), or a related CRT decision, unless they are a respondent. Section 1 defines "applicant" as an "individual". I find the applicant is an "individual", so I have not named her in this decision, which I find is a decision related to a section 5 decision.

9. IIPA section 13 also requires me to order a publication ban on the applicant's name or anything that would identify her. Under IIPA section 13(2), I must also order a publication ban on the respondent's name or anything that would identify him, if there are reasons to protect his identity. Here, the parties are former romantic partners, and I find identifying the respondent might indirectly identify the applicant. **So, I order a ban on publishing the parties' names or anything that would identify them.** Given this publication ban, I have anonymized the parties' names in this decision. As the applicant is an adult, she may 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 British Columbia Supreme Court or the CRT.

## ISSUES

10. The issue in this dispute is whether the applicant is entitled to damages, and if so, how much?

## BACKGROUND, EVIDENCE AND ANALYSIS

11. In a civil proceeding like this one, the applicant must prove her application on a balance of probabilities. This means more likely than not.
12. The applicant must first prove the respondent shared or threatened to share an "intimate image" depicting her, without her consent. If the applicant does so, then she must prove she is entitled to the claimed damages.
13. As noted above, the parties are former romantic partners. During their relationship, the applicant sent the respondent photos and videos of herself exposing different private parts of her body, and engaging in sexual acts. The images were taken while the applicant was at work and during regular business hours. After the parties' relationship ended, the respondent shared the images with the applicant's employer.

14. The respondent says he shared the images with the applicant's employer to alert her superiors to her "workplace misconduct". The applicant says the respondent acted with malicious intent to cause her embarrassment and reputational harm.
15. In my reasons for decision and protection order, I found most of the images submitted (13 of 14) met the first part of the "intimate image" definition in IIPA section 1. That is, they showed the applicant engaged in a sexual act, nearly nude, or exposing her genitals or breasts.
16. However, I went on to find that the applicant did not have a reasonable expectation of privacy in the images in the circumstances of the dispute. This was because the evidence suggested at least some of the images were taken in parts of the office that were accessible to the public or other employees. I agreed that the applicant had a reasonable expectation her partner would not share the images with the public generally, such as by posting them on social media or adult content sites, or with friends or family. However, I found that expectation did not extend to the applicant's employer. In particular, I found a person who takes otherwise intimate recordings of themselves at work does not have a reasonable expectation of privacy in those images to the extent they are shared with their employer for the purpose of investigating alleged misconduct, whatever the sharer's motives.
17. Since I found the images did not meet the definition of "intimate images" in the protection order decision and I adopt those reasons here, I find the applicant has not proven she is entitled to damages. I dismiss her claim.
18. Even if she had proven the images were intimate images, I would not have awarded damages for the following reason.
19. IIPA section 11 sets out defences available to respondents in an intimate images damages claim. Section 11(1)(b) says a respondent is not liable if the distribution of the intimate image "was in the public interest and did not extend beyond what was in the public interest".

20. In *Roque v. Peters*, the Manitoba Court of Queen’s Bench considered “the public interest” in the context of that province’s intimate images legislation, which has similar language to the language in IIPA section 11(1)(b).<sup>1</sup> Though not binding on me, I agree that since the IIPA creates a prohibition against non-consensual distribution of certain kinds of images, permissible non-consensual distribution of intimate images must be limited, and “the public interest” must be narrowly construed.<sup>2</sup>
21. Here, I find it was in the public interest for the respondent to share the applicant’s images with her employer. The applicant took the photos at work, on the employer’s property, during business hours. In the protection order decision, I found the evidence suggested the locations where the images were taken were not always secure and private, including one photo that was undisputedly taken while the applicant was at the “front counter”. I find even on a strict interpretation of what is in “the public interest”, these specific circumstances are captured.
22. So, based on the public interest defence, I find the respondent is not liable for damages.
23. I dismiss the applicant’s damages claim.
24. Under section 49 of the CRTA and the CRT rules, a successful party is entitled to reimbursement of their tribunal fees and dispute-related expenses. The applicant was unsuccessful, so I dismiss her claim for reimbursement of CRT fees. The respondent did not pay any fees, and neither party claims dispute-related expenses.

## **ORDERS**

25. I dismiss the applicant’s claims.

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<sup>1</sup> *Roque v. Peters*, 2022 MBQB 34

<sup>2</sup> See *Roque*, at paragraph 59.

26. **Under IIPA section 13, I order a ban on publishing the parties' names or anything that would identify them.**
27. I order the dispute records sealed. Only the parties, their representatives (if any), 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.
28. This is a validated decision and order. Under section 58.1 of the CRTA, 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 that court.

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Megan Stewart, Tribunal Member