



Civil Resolution Tribunal

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File: IS-3-2025-006676

Type: Intimate Images

Category: Damages

Civil Resolution Tribunal

Indexed as: AZ v. AG, 2025 BCCRT 1281

Publication Ban Applies

BETWEEN:

AZ

APPLICANT

AND:

AG

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Kristin Gardner, Vice Chair

INTRODUCTION

1. The applicant, AZ, says the respondent, AG, distributed an intimate image of her without her consent. The applicant claims monetary compensation under section 6 of the *Intimate Images Protection Act* (IIPA).

2. The respondent did not participate in this dispute, despite being served with the Dispute Notice. So, the respondent is in default, which I address further below.
3. Both parties are adults. The applicant is self-represented.
4. The applicant also applied for various intimate image protection orders 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 have adopted certain conclusions from that decision without repeating the details.

JURISDICTION AND PROCEDURE

5. The CRT has jurisdiction over this claim for damages under CRTA section 118. 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.
7. CRTA section 42 says the CRT may accept as evidence any information that it considers relevant and appropriate, even if it would be inadmissible in court.
8. IIPA section 5(9) says that an "individual" must not be named in a "determination or order" under section 5, or a related CRT decision, unless they are a respondent. Section 1 defines "applicant" as an "individual". So, I have not named the applicant in this decision, which I find is a decision related to the protection order decision. However, I have included her name in my damages order, which I find is not covered by section 5(9), to ensure it is enforceable.

9. IIPA section 13(1) requires me to order a publication ban on the applicant's name, or anything that would identify her. As the respondent is the applicant's former boyfriend, I find that naming him could indirectly identify the applicant. So, **I order a ban on publishing the applicant's and the respondent's names or anything that would identify them.** Given this publication ban, I will anonymize the parties' names in any published version of this decision. As the applicant is an adult, she may ask the CRT to cancel the publication ban order.
10. I also order that the CRT's dispute file be sealed and only disclosed by order of the BC Supreme Court or a CRT tribunal member.

ISSUES

11. The issue is whether the applicant is entitled to damages, and if so, how much?

BACKGROUND, EVIDENCE AND ANALYSIS

12. In a civil proceeding like this one, the applicant must prove her application on a balance of probabilities, which means more likely than not.
13. As noted, the respondent has not participated in these proceedings. The applicant says her friend, KJ, served the respondent in person with the Dispute Notice. The applicant also uploaded a file that she said was a video of KJ handing the Dispute Notice to the respondent. While I could only access the audio portion of the file, I am satisfied based on the audio alone that the respondent received the Dispute Notice in person from KJ. I find he was properly served and failed to respond. So, I find the respondent is in default. Generally, where a party is in default, liability is assumed against them. I discuss this further below.
14. To establish her claim for damages, 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, she must then prove she is entitled to the claimed damages.

15. The parties are former romantic partners. The applicant says that after she was no longer dating the respondent and had blocked his number, she started corresponding with someone that I infer she met online. The applicant says she asked to exchange pictures with the person, and they agreed. So, the applicant says she texted them a topless photo of herself. However, the other person did not respond with a picture of their own. The applicant says she later found out the person was the respondent, using a new phone number. She also says she discovered the respondent had shared the photo with other women.
16. In my reasons for decision and protection order in IS-1-2025-006968, I describe the photo in more detail. That decision is not published. I will not detail the image here, except to say that I adopt the findings made in the protection order decision that the photo of the applicant is an “intimate image” as defined in IIPA section 1. I also find the respondent shared the applicant’s intimate image without her consent.
17. I turn to the question of damages. The applicant did not specify the type or amount of damages she seeks.
18. As noted above, IIPA section 6(2) allows the CRT to award compensatory, aggravated, and punitive damages. Compensatory damages are for pain and suffering and are also known as non-pecuniary damages or general damages. Aggravated damages are for intangible injuries, like mental distress and anxiety, and are reserved for circumstances where a respondent’s behaviour has been particularly egregious. Punitive damages are not intended to compensate applicants. Instead, they are meant to punish respondents for malicious and outrageous conduct.
19. The applicant’s submissions focus largely on the respondent’s general conduct following their separation. She says he has sent several messages to her, some late at night, that she says are manipulative and harassing. She also says he has lied to her and to others about her, and stolen items from her with sentimental value. However, I find that none of these allegations are relevant to the applicant’s request for compensation related to sharing her intimate image.

20. That said, the applicant does say that she feels unsafe engaging with others online because she is unsure whether the respondent is behind any messages she receives or profiles she visits. She also says his actions in sharing her photo have triggered significant anxiety and concern.
21. I find that non-pecuniary damages are appropriate in this case. Based on the applicant's submissions, I accept that she has suffered some psychological distress from the respondent sharing her intimate image. Specifically, I find that the respondent violated the applicant's reasonable expectation of privacy in her image by sharing it with at least one person, and likely others. I also find the respondent's purpose in sharing the applicant's image to engage others in sexual encounters further violated the applicant's personal autonomy over her body and images depicting her.
22. As noted in prior CRT damages decisions under the IIPA, most non-pecuniary damages awards in Canada for the non-consensual disclosure of intimate images are far higher than the CRT's small claims monetary limit of \$5,000. Here, I find that \$5,000 is appropriate compensation for the mental distress caused to the applicant by the respondent sharing her image.

Interest, Fees, and Expenses

23. The CRT's \$5,000 small claims monetary limit is exclusive of *Court Order Interest Act* interest, CRT fees, and dispute-related expenses. However, section 2 of the *Court Order Interest Act* says pre-judgment interest must not be awarded on non-pecuniary damages resulting from personal injury. The court in *Dhillon v. Jaffer*, 2013 BCSC 1595, found that personal injury can include mental distress. So, I make no award for pre-judgment interest.
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 successful, and so I find she is entitled to reimbursement of \$125 in CRT fees. She did not claim any dispute-related expenses.

ORDERS

25. Within 30 days of the date of this decision, I order the respondent to pay the applicant a total of \$5,125, broken down as follows:
 - a. \$5,000 in damages under IIPA section 6, and
 - b. \$125 in CRT fees.
26. The applicant is entitled to post-judgment interest, as applicable.
27. **Under IIPA section 13, I order a ban on publishing the parties' names, or anything that would identify them.**
28. I order the dispute file sealed. Only the parties, their lawyers, and the CRT may have access to the dispute file. 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.
29. 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.

Kristin Gardner, Vice Chair