



Civil Resolution Tribunal

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Type: Intimate Images

Category: Damages

Civil Resolution Tribunal

Indexed as: *D.H. v. I.R.* 2025 BCCRT 1343

Publication Ban Applies

BETWEEN:

D.H.

APPLICANT

AND:

I.R.

RESPONDENT

REASONS FOR DECISION

Tribunal Member:

Maria Montgomery

INTRODUCTION

1. The applicant, DH, says the respondent, IR, shared and threatened to share intimate images of her without her consent. DH claims monetary compensation under section 6 of the *Intimate Images Protection Act* (IIPA).

2. IR denies sharing or threatening to share DH's intimate images.
3. DH and IR are both adults and are both self-represented.
4. DH 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 damages claim 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. 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 that it considers relevant and appropriate, even if it would not be admissible in court.
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". 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 DH'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 publication of DH or IR's names, or anything that would identify either of them.**
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.

Preliminary Issue: Territorial Competence

11. IR says the CRT does not have territorial competence to decide this dispute. In a preliminary decision issued on August 20, 2025, a Vice Chair found that the CRT has jurisdiction to decide these disputes based on evidence that IR had been living in BC for over a year. That decision is not binding on me.
12. After the preliminary decision, IR provided additional submissions and evidence about his residency. He says that he is not a BC resident and is only in Canada under a "temporary visitor record." IR says that the matters raised by DH occurred while the parties resided in Washington state where DH still lives. He says these claims should be dismissed by the CRT for lack of jurisdiction.
13. Before a court or tribunal hears a matter, it must have "territorial competence" to do so. This means that there must be some connection between the matter and the territory where the court or tribunal is established.
14. The test to establish territorial competence is whether there is a real and substantial connection between BC and the application's subject matter. The burden is on the applicant to establish a real and substantial connection. However, the threshold is low, and the applicant need only show "an arguable case" in favour of such territorial competence. See *Club Resorts Ltd. v. Van Breda*, 2012 SCC 17 (*Van Breda*) and *Purple Echo Productions, Inc. v. KCTS Television*, 2008 BCCA 85.

15. IIPA sections 5 and 6 create statutory torts (legal wrongs) for the non-consensual sharing or threatened sharing of intimate images. In tort cases, the common law establishes 4 factors, any of which is presumed to create a real and substantial connection between the tort and BC. Those 4 factors, set out in *Van Breda* at paragraph 90, are:
- a. The respondent resides in BC,
 - b. The respondent carries on business in BC,
 - c. The tort was committed in BC, and
 - d. A contract connected with the dispute was made in BC.
16. IR provided a letter from the US Department of Veterans Affairs showing that he receives a benefit from the Department. I find this letter is not conclusive on where IR resides as he may be able to receive this benefit while residing in BC. IR also provided an email confirming his September 2024 school enrollment at Tacoma Community College. However, he did not otherwise provide evidence of attending courses in person at the College or indicating that he continues to do so.
17. IR provided a letter received December 17, 2024, from the State of Washington's Department of Licensing about losing his drivers' license while out of state, I infer while he was living in BC. The letter verifies that IR holds a Washington drivers' license. IR also provided a September 2025 bill from T-Mobile addressed to him at a Washington address. Finally, he provided confirmation from T-Mobile that service with a new mobile device started in December 2024. I find this indicates IR receives cellular services from a US service provider.
18. To summarize, IR showed that he continues to hold a US drivers' licence, receives benefits from the Department of Veteran Affairs, receives mobile services from a US service provider and was enrolled at a college in Washington State. However, none of this evidence precludes IR residing in BC at the time of the torts and continuing to do so. Though he refers to himself as a visitor, IR does not dispute that he presently

lives in BC and has done so for over a year. I find that whether he intends to reside in BC permanently has no bearing on the question of whether he resides in BC. I find that the evidence before me indicates that IR resides in BC and did so at the time of the alleged torts. So, I find that the CRT has jurisdiction over these disputes.

ISSUE

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

BACKGROUND, EVIDENCE AND ANALYSIS

20. In a civil proceeding like this one, the applicant must prove their application on a balance of probabilities, which means more likely than not. IR did not provide any evidence or submissions despite having the opportunity to do so.
21. To establish her claim for damages, DH must first prove IR shared or threatened to share an “intimate image” depicting her, without her consent. If DH does so, she must then prove she is entitled to the claimed damages.
22. DH says that she was in a relationship with IR. During this time, she sent IR intimate photos of herself. She also says IR created a video of them being intimate together without her knowledge. She says that IR threatened to share the images after the relationship ended.
23. DH also says that after she filed the Dispute Notice, she discovered that IR shared an intimate image of her with a third party, RP.
24. In my reasons for decision and protection order in IS-1-2025-002368, I describe the photos and video in more detail. That decision is not published. I will not detail the images here, except to say that I adopt the findings made in the protection order decision that the 4 photos as well as the video are “intimate images” as defined in the IIPA section 1. I also find IR shared DH’s intimate image without her consent.

25. I turn to the question of damages. DH did not specify the type or amount of damages she seeks.
26. DH's submissions focus largely on IR's general conduct following their separation. She says his threat came after she asked him to pay her back the money owed to her. In his Dispute Response, IR says that this claim is without merit and is harassment prompted by the parties' financial dispute. However, I find the financial dispute is not relevant to DH's request for compensation related to sharing her intimate image.
27. DH also says she is scared IR will further share the images he has of her. In light of my finding that IR shared DH's intimate image to a third party without her consent, I accept that she may have reason to fear that he may do so again.
28. 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 threatening to share and sharing her images. Specifically, I find that IR violated DH's reasonable expectation of privacy in one of her images by sharing it with at least one person. IR also violated DH's expectation of privacy by recording her without her knowledge while they were intimate and threatening to share this and other images he has of her.
29. As noted in prior CRT damages decisions under the IIPA, most non-pecuniary 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 DH by IR threatening to share images and sharing an image.

Interest, Fees and Expenses

30. 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.

31. 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

32. Within 30 days of the date of this decision, I order IR to pay DH a total of \$5,125, broken down as follows:

- a. \$5,000 in damages under IIPA section 6,
- b. \$125 in CRT fees, and

33. The applicant is entitled to post-judgment interest, as applicable.

34. **Under IIPA section 13, I order a ban on publishing the parties' name or anything that would identify them.**

35. 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.

36. 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.

Maria Montgomery, Tribunal Member