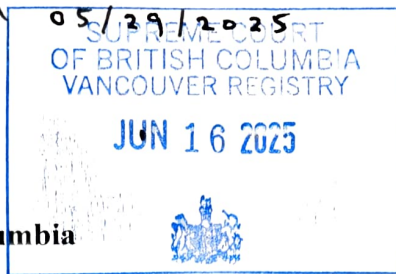


Amended pursuant to Rule 6-1(A) of Rules of Court  
original notice of claim filed 05/29/2025



**FORCE FILED**

**Court File No.: S-254074**

**Registry: Vancouver**

**In the Supreme Court of British Columbia**

**Between:**

Jessie Bains  
Applicant

**And:**

Andres Barker  
Respondent

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**Form 3 – Amended Notice of Civil Claim**

I, Jessie Bains, file this Amended Notice of Civil Claim against the natural person known as Andres Barker, in his private and personal capacity only. This action arises from alleged personal misconduct committed by Andres Barker under colour of public authority, but entirely outside lawful jurisdiction. The Labour Relations Board and the statutory office of Vice-Chair are not parties to this proceeding, nor are they the subject of any relief sought.

This is not a judicial review, reconsideration, or appeal of any administrative decision. It is a tort action against a natural person, based on private liability.

---

**Part 1: Statement of Material Facts**

At all material times, Andres Barker was employed as a Vice-Chair of the British Columbia Labour Relations Board. However, the actions that give rise to this claim were committed outside any legal authority granted to that office and constitute private wrongdoing for which Andres Barker is personally liable.

I, Jessie Bains, submitted multiple applications under section 12 of the Labour Relations Code. Despite having presided over earlier related matters and possessing a documented appearance of bias, Andres Barker was assigned to adjudicate those subsequent applications.

I, Jessie Bains, submitted numerous formal and written requests for Andres Barker to recuse himself due to that bias. He refused to do so and did not provide written reasons until after issuing decisions in the applications.

I, Jessie Bains, also requested that Andres Barker confirm or place on record his Oath of Office, to verify his lawful authority and impartial standing. Andres Barker refused.

By refusing to confirm or produce his Oath of Office, and by continuing to act despite formal objections, Andres Barker placed himself outside the jurisdictional protections normally available to public officials. He acted without lawful authority, and thus bears personal liability in tort.

I, Jessie Bains, state that the actions of Andres Barker were deliberate, unauthorized, and taken under colour of office, resulting in prejudice, denial of natural justice, and actionable harm to me.

---

## **Part 2: Relief Sought**

I, Jessie Bains, seek the following relief:

- General damages, for:
    - Misfeasance in public office;
    - Negligence;
    - Abuse of process;
  - Special damages, to be particularized;
  - Punitive or exemplary damages, to reflect the intentional, high-handed, and unauthorized nature of Andres Barker's conduct;
  - Costs of this action;
  - Such further and other relief as this Honourable Court deems just and appropriate.
- 

## **Part 3: Legal Basis**

I, Jessie Bains, rely on the tort of misfeasance in public office, which applies where an individual, acting under colour of public authority, knowingly engages in unlawful conduct that foreseeably causes harm. This tort supports personal liability when actions are taken outside lawful jurisdiction or for improper purposes.

Andres Barker's refusal to recuse himself, his denial of procedural fairness, and his refusal to confirm lawful authority constitute a knowing and deliberate breach of public duty.

Although he purported to act in an official capacity, his conduct was unauthorized, jurisdictionally invalid, and personally motivated, thus removing any entitlement to immunity.

This Honourable Court retains inherent jurisdiction to adjudicate tort claims against individuals, including those arising from abuse of authority committed under colour of public office.

---

**Dated:** June 16, 2025

**Place:** Vancouver, British Columbia



Jessie Bains

Email: [bainsj@gmail.com](mailto:bainsj@gmail.com)

Phone: 604-365-3400

---

**Filed at:**

Supreme Court of British Columbia  
Vancouver Registry  
800 Smithe Street  
Vancouver, BC V6Z 2E1

**Court File No.: S-254074**

**Registry: Vancouver**



**In the Supreme Court of British Columbia**

**Between:**

Jessie Bains  
Applicant

**And:**

Andres Barker  
Respondent

---

**Form 109 – Amended Affidavit #2 of Jessie Bains**

**I, Jessie Bains, of Surrey, British Columbia, SWEAR (or AFFIRM) THAT:**

---

**1. Introduction**

I am the Applicant in this proceeding and the author of the accompanying Amended Notice of Civil Claim. I make this affidavit in support of my application to:

- a. Confirm that this lawsuit is brought solely against the natural person known as Andres Barker in his private capacity; and
- b. Request that the Court bar Jennifer O'Rourke and the Labour Relations Board (LRB) from participating in this proceeding, as they have no standing in a tort action against a private individual.

---

**2. Personal Tort Nature of the Claim**

I have amended my Notice of Civil Claim under Rule 6-1 of the Supreme Court Civil Rules to remove all references to any public office or official capacity and to make clear that the claim is advanced only against Andres Barker as a private individual. A true copy of the Amended Notice of Civil Claim is attached as **Exhibit A** of this affidavit.

This lawsuit arises from private misconduct by Andres Barker, who used the appearance of public authority without lawful jurisdiction or immunity. The basis of the claim is misfeasance in public office, negligence, and abuse of process, committed personally by Andres Barker while purporting to act under colour of his public role, but outside the bounds of lawful authority.



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### **3. Refusal to Provide Oath of Office**

I repeatedly requested that Andres Barker provide or confirm his Oath of Office as required of public decision-makers to establish lawful jurisdiction.

He refused to produce or affirm any such Oath, even after formal written demand.

As a long-time election officer for federal and provincial governments, I have always been required to take and carry an Oath of Office to confirm legal authority. I expected the same standard from Mr. Barker.

His refusal undermines the presumption of lawful jurisdiction and further supports that he acted without lawful status, outside the protective scope of public office, and as a private man.

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### **4. No Standing for the Labour Relations Board or Jennifer O'Rourke**

The LRB is not a party to this civil proceeding. This is not a judicial review, statutory appeal, or administrative hearing. It is a private civil action for torts committed by an individual.

Jennifer O'Rourke has failed to confirm that she is retained by Andres Barker in his personal capacity. She appears to act instead on behalf of the institution, which has no legal interest or standing in this claim.

Any involvement by the LRB or its counsel in defending a private tort action against a man acting outside jurisdiction constitutes institutional interference and is improper.

---

### **5. Prior Notice of Personal Liability and Jurisdictional Challenge**

Prior to filing this claim, I served multiple written objections and formal notices directly on Andres Barker, placing him on notice that he would be held personally liable for continuing to act without recusal or jurisdiction. These included:

- April 11, 2025: Notice of Objection to Jurisdiction and Request for Oath of Office
- May 1, 2025: Supplemental Notice of Trespass and Fee Schedule
- May 7, 2025: Second Notice of Liability
- May 20, 2025: Third and Final Notice of Liability

True copies of these notices are attached as **Exhibit B** to this affidavit.

## 6. Conclusion

This proceeding is lawfully and properly brought against Andres Barker as a private individual for conduct undertaken outside lawful authority. The Labour Relations Board and its counsel have no standing in a private tort action of this nature and should be removed from all further participation.

Sworn (or Affirmed) before me at Surrey, British Columbia on this 16th day of June, 2025.



Jessie Bains

Commissioner for Oaths

Sworn before me at Surrey, British Columbia,  
16 day of JUNE, 2025

A Notary Public in and for the  
Province of British Columbia

Muhammad Shoaib Raul  
Notary Public in and for  
the Province of British Columbia  
220 - 13711 72 Avenue  
Surrey, British Columbia  
V3W 2P2, Canada  
Tel: 604 596 1861



**Court File No.: S-254074**

**Registry: Vancouver**

**In the Supreme Court of British Columbia**

**Between:**

Jessie Bains  
Applicant

**And:**

Andres Barker  
Respondent

This is Exhibit " A " referred to in the affidavit of

JESSIE BAINS

Sworn before me at Surrey, British Columbia, this

16 day of JUNE 2025

  
A Notary Public in and for the  
Province of British Columbia

Muhammad Shoaib Rauf  
Notary Public in and for  
the Province of British Columbia  
220 - 13711 72 Avenue  
Surrey, British Columbia  
V4W 2P2, Canada  
Tel: 604 596 1861

**Form 3 – Amended Notice of Civil Claim**

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This is not a judicial review, reconsideration, or appeal of any administrative decision. It is a tort action against a natural person, based on private liability.

**Part 1: Statement of Material Facts**

At all material times, Andres Barker was employed as a Vice-Chair of the British Columbia Labour Relations Board. However, the actions that give rise to this claim were committed outside any legal authority granted to that office and constitute private wrongdoing for which Andres Barker is personally liable.

I, Jessie Bains, submitted multiple applications under section 12 of the Labour Relations Code. Despite having presided over earlier related matters and possessing a documented appearance of bias, Andres Barker was assigned to adjudicate those subsequent applications.

I, Jessie Bains, submitted numerous formal and written requests for Andres Barker to recuse himself due to that bias. He refused to do so and did not provide written reasons until after issuing decisions in the applications.

I, Jessie Bains, also requested that Andres Barker confirm or place on record his Oath of Office, to verify his lawful authority and impartial standing. Andres Barker refused.

By refusing to confirm or produce his Oath of Office, and by continuing to act despite formal objections, Andres Barker placed himself outside the jurisdictional protections normally available to public officials. He acted without lawful authority, and thus bears personal liability in tort.

I, Jessie Bains, state that the actions of Andres Barker were deliberate, unauthorized, and taken under colour of office, resulting in prejudice, denial of natural justice, and actionable harm to me.

---

## **Part 2: Relief Sought**

I, Jessie Bains, seek the following relief:

- General damages, for:
  - Misfeasance in public office;
  - Negligence;
  - Abuse of process;
- Special damages, to be particularized;
- Punitive or exemplary damages, to reflect the intentional, high-handed, and unauthorized nature of Andres Barker's conduct;
- Costs of this action;
- Such further and other relief as this Honourable Court deems just and appropriate.

---

## **Part 3: Legal Basis**

I, Jessie Bains, rely on the tort of misfeasance in public office, which applies where an individual, acting under colour of public authority, knowingly engages in unlawful conduct that foreseeably causes harm. This tort supports personal liability when actions are taken outside lawful jurisdiction or for improper purposes.

Andres Barker's refusal to recuse himself, his denial of procedural fairness, and his refusal to confirm lawful authority constitute a knowing and deliberate breach of public duty.

Although he purported to act in an official capacity, his conduct was unauthorized, jurisdictionally invalid, and personally motivated, thus removing any entitlement to immunity.



This Honourable Court retains inherent jurisdiction to adjudicate tort claims against individuals, including those arising from abuse of authority committed under colour of public office.

---

**Dated:** June 16, 2025

**Place:** Vancouver, British Columbia

Jessie Bains

Email: [bainsj@gmail.com](mailto:bainsj@gmail.com)

Phone: 604-365-3400

---

**Filed at:**

Supreme Court of British Columbia

Vancouver Registry

800 Smithe Street

Vancouver, BC V6Z 2E1

This is Exhibit "B" referred to in the affidavit of

JESSIE BAINS

Sworn before me at Surrey, British Columbia, this

16 day of JUNE, 2025

A Notary Public in and for the  
Province of British Columbia

Ullahamad Shoaib Rauf  
Notary Public in and for  
the Province of British Columbia  
220-13711 72 Avenue  
Surrey, British Columbia  
V3W 2P2, Canada  
Tel: 604 596 1861

**BY EMAIL**

**April 11, 2025**

**BC LABOUR RELATIONS BOARD**

Suite 600 – Oceanic Plaza  
1066 West Hastings Street  
Vancouver, BC V6E 3X1

To: Andres Barker, Vice-Chair

Cc: Registrar, LRB; Jennifer Glougie, Chair; All Parties on Record

**Re: Jessie Bains -and- Hospital Employees' Union – Provincial Health Services Authority  
Applications pursuant to Sections 10 and 12 of the Labour Relations Code  
(Case Nos. 2024-001334, 1437, 1478, 1491, 1576 and 2025-000395E)**

**Subject: Objection to Jurisdiction — Demand for Oath of Office and Immediate  
Justification for Refusal to Recuse**

Dear Mr. Barker,

This correspondence serves as a direct response to your letter dated April 11, 2025, in which you declined to recuse yourself and further indicated that no explanation for this decision would be provided until the issuance of a final determination.

Your refusal to provide immediate reasons for your decision not to recuse yourself is not only procedurally improper—it is a clear indication of your intent to unlawfully trespass upon this matter in breach of fundamental principles of natural justice and procedural fairness.

I hereby demand the following:

1. Your sworn oath of office to confirm the lawful basis for your involvement in this matter.
2. An immediate and detailed explanation for your refusal to recuse yourself, prior to the continuation of any further proceedings.

Until these demands are satisfied, no proceedings may lawfully continue, as any further action taken in this case while the issue of jurisdiction and impartiality remains unresolved would be null and void.

Your actions raise serious concerns regarding bias, abuse of authority, and contempt for the rights of the parties involved.

You are now formally put on notice: proceed without resolving this fundamental jurisdictional defect, and you do so under personal and professional liability.

**Govern yourself accordingly.**

Dated this 11th day of April, 2025

**Respectfully submitted,**

Jessie Bains

bainsj@gmail.com



Jessie Bains &lt;bainsj@gmail.com&gt;

**SUPPLEMENTAL NOTICE OF TRESPASS AND FEE SCHEDULE**

1 message

Jessie Bains &lt;bainsj@gmail.com&gt;

Thu, May 1, 2025 at 8:20 PM

To: "LRB Registry Mailbox LRB:EX" &lt;registrar@lrb.bc.ca&gt;

Cc: Jennifer.Glougie@lrb.bc.ca, andres.barker@lrb.bc.ca

**SUPPLEMENTAL NOTICE OF TRESPASS AND FEE SCHEDULE****Re: Section 12(1) Applications – Case Nos.**

2024-001334, 2024-001437, 2024-001478, 2024-001491, 2024-001576, 2025-000359, and 2025-000464

**To:**Vice-Chair Andres Barker  
British Columbia Labour Relations Board**Cc:**Jennifer Glougie, Chair  
Registrar, Labour Relations Board  
All Parties on Record**From:**Jessie Bains  
Email: bainsj@gmail.com

**TAKE NOTICE** that you, Andres Barker, are hereby held personally and professionally liable for continuing to act in these matters after being duly served with a formal Notice of Recusal on May 1, 2025.

Your actions constitute a willful and unauthorized trespass on the case, in violation of natural justice and the legal principle of impartiality. The applicant has not consented to your jurisdiction, and your continued involvement constitutes unlawful authority.

**FEE SCHEDULE – IN EFFECT AS OF FIRST ACT OF TRESPASS:**

- \$1,000.00 flat fee per unauthorized ruling or procedural act
- \$1.00 per minute for continued unauthorized jurisdiction, until a duly empowered magistrate rules on the jurisdictional challenge
- \$100.00 per Section 12 application filed with the LRB (7 applications = \$700 total)
- \$200.00 per appeal application required as a result of your failure to recuse
- All related court filing, administration, and enforcement costs

The applicant has made every effort to resolve this matter honorably and in good faith. Your failure to recuse and continued trespass will result in lawful enforcement actions, including the convening of a court of record to adjudicate your authority, conduct, and liability under oath.

**All rights reserved. No contract or authority is presumed by silence.**



This notice stands as formal declaration of dispute, trespass, and fee enforcement.

---

**Dated this 1st day of May, 2025.**

**Respectfully submitted,**  
Jessie Bains

**BY EMAIL**  
**May 7, 2025**

**BC LABOUR RELATIONS BOARD**

Suite 600 – Oceanic Plaza  
1066 West Hastings Street  
Vancouver, BC V6E 3X1

To: **Andres Barker, Vice-Chair**

Cc: Registrar, LRB; Jennifer Glougie, Chair; All Parties on Record

**Re: Jessie Bains -and- Hospital Employees' Union – Provincial Health Services Authority**  
**Applications pursuant to Sections 10 and 12 of the Labour Relations Code**  
(Case Nos. 2024-001334, 2024-001437, 2024-001478, 2024-001491, 2024-001576, 2025-000359 and 2025-000464)

**Subject: Second Notice of Liability — Ongoing Breach of Duty, Procedural Impropriety, and Unauthorized Jurisdiction**

Dear Mr. Barker,

This correspondence constitutes a **Second Notice of Liability** and supplements prior notices dated **April 11, 2025** and **May 1, 2025**, which remain unanswered and unresolved.

Your failure to provide immediate justification for your refusal to recuse yourself, as demanded in my April 11, 2025 letter, and your continued participation in the above-captioned matters constitute a direct violation of the principles of natural justice, procedural fairness, and administrative due process.

**Incorporated for the Record:**

**BY EMAIL – April 11, 2025**

To: BC Labour Relations Board

Subject: Objection to Jurisdiction — Demand for Oath of Office and Immediate Justification for Refusal to Recuse

Your refusal to provide reasons until a final determination is issued is procedurally improper and signals an unlawful intent to trespass on these matters. I demanded your sworn Oath of Office and an immediate explanation. You have failed to comply. Any further proceedings are null and void until this is remedied.

**SUPPLEMENTAL NOTICE OF TRESPASS AND FEE SCHEDULE – May 1, 2025**

To: Vice-Chair Andres Barker

You were further served with notice that your continued involvement, absent consent and lawful jurisdiction, constitutes trespass and incurs personal and professional liability under a defined fee schedule. You have taken no steps to cure the jurisdictional defect nor rebut the challenge.

**Status:**

You have not made remedy. You continue to act without consent, authority, or jurisdiction, and have refused to confirm your Oath of Office, provide lawful justification for your refusal to recuse, or address the serious issues raised.

Your conduct constitutes:

- Willful breach of natural justice;
- Unauthorized exercise of adjudicative authority;
- Disregard for procedural fairness obligations under the Labour Relations Code;
- Personal and professional trespass on protected rights and legal processes.

**DEMAND FOR IMMEDIATE ACTION:**

You are hereby directed to:

- Cease and desist all further involvement in these matters;
- Provide a written response to this Notice, confirming:
  - Your Oath of Office;
  - Your legal authority to continue;
  - Your justification for refusing recusal, as originally demanded;
  - Acknowledge liability for all acts taken since service of the first Notice;
  - Confirm cessation of unauthorized jurisdiction within **7 calendar days** of the date of this notice.

Failure to respond or correct the record will result in further lawful actions, including court intervention, constitutional review, and public accountability measures.

All rights reserved. No contract or jurisdiction is conferred by silence.

**Respectfully submitted,**

Jessie Bains

bainsj@gmail.com

**BY EMAIL**

May 20, 2025

**BC LABOUR RELATIONS BOARD**

Suite 600 – Oceanic Plaza  
1066 West Hastings Street  
Vancouver, BC V6E 3X1

**Attention:** Vice-Chair Andres Barker

**Cc:** Registrar, LRB; Chair Jennifer Glougie; All Parties on Record

**Re:** *Jessie Bains v. Hospital Employees' Union and Provincial Health Services Authority*

Applications under Sections 10 and 12 of the Labour Relations Code

(Case Nos. 2024-001334, 2024-001437, 2024-001478, 2024-001491, 2024-001576, 2025-000395E, 2025-000464)

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**Subject: Third and Final Notice of Liability — Demand for Immediate Removal**

Dear Vice-Chair Barker,

This correspondence serves as the **Third and Final Notice of Liability** regarding your continued participation in the above-referenced matters, despite prior formal notices served on April 11, May 1, and May 7, 2025. Each of those communications requested your immediate recusal, production of your Oath of Office, and a valid legal basis for your assumption of jurisdiction.

To date, you have failed to:

- Disclose your Oath of Office as required;
- Respond to jurisdictional and procedural challenges served upon you; and
- Provide lawful justification for your continued adjudication.

Your ongoing silence and inaction constitute a willful disregard of the rule of law, procedural fairness, and the foundational principles of natural justice. This continued conduct is hereby deemed an unlawful exercise of adjudicative authority and a material breach of your statutory and fiduciary obligations under the *Labour Relations Code* and relevant administrative law standards.

---

**DEMAND FOR IMMEDIATE REMOVAL**

Accordingly, you are hereby formally demanded to cease all further involvement and to ensure your removal from these proceedings immediately. Your failure to do so will be construed as:



- Unauthorized and *ultra vires* conduct;
- Procedural and constitutional violations;
- Willful breach of public trust and duty;
- Professional and personal trespass on due process; and
- Contempt for administrative integrity and justice.

Should no confirmation of your removal be received within **seven (7) calendar days** of this notice, you will be held personally and professionally liable for any and all resulting consequences, including but not limited to decisions rendered, costs incurred, and legal remedies pursued. The validity of these proceedings will be formally challenged as *void ab initio*, and the matter escalated to appropriate constitutional and judicial bodies without further notice.

This represents your **final opportunity** to rectify this ongoing breach and to demonstrate respect for the lawful limits of your role.

Dated this 20th day of May, 2025.

**Respectfully submitted,**  
Jessie Bains  
bainsj@gmail.com