

COURT OF APPEAL FOR BRITISH COLUMBIA

FORM 1

NOTICE OF APPEAL(RULE 6(1))

VANCOUVER

JUL 03 2025

**COURT OF APPEAL
REGISTRY**

[STAMP]

Court of Appeal File No.
(For Registry Use Only)

CA 50788

Supreme Court File No.

S-254074 - Vancouver Registry

Supreme Court Registry Location

*The file number can be found on the upper
right corner of the Supreme Court documents*

To the respondent(s)

A court proceeding has been commenced against you in the Court of Appeal. See the final page of this form for details on how to respond.

1. PARTIES TO THE APPEAL

Appellant(s)

List the party(ies) appealing the
Supreme Court or tribunal order.
Identify their roles in the proceeding
below in brackets. E.g., Jane Doe
(plaintiff, petitioner, etc.)

Jessie Bains

Applicant

Respondent(s)

List the other party(ies) in the
Supreme Court or tribunal order
you are appealing who are affected
by the appeal. Identify their roles in
the proceeding below in brackets.
E.g., Jane Doe (defendant).

Andres Barker

Respondent

2. THE ORDER YOU ARE APPEALING

Is leave to appeal required?

Court of Appeal Rule 12 explains when you need leave to appeal. If you are unsure, check "Yes."

☒ Yes

☐ No

Who made the order?

Name the justice or other decision maker who pronounced the order you are appealing.

Justice Scott Morshita

What court and/or tribunal pronounced the order(s)?

☒ Supreme Court

☐ Tribunal

Name of tribunal

Date the order was pronounced

Include the day, month and year that the order being appealed was pronounced (not the date the order was entered).

30/06/2025

DD/MM/YYYY

City where the order was pronounced

Vancouver, BC

Length of lower court hearing

Indicate in days or hours the length of the hearing that led to the order you are appealing from. For example, if you are appealing a judgment from a trial that took two hours, enter "two hours."

1 Hour

What type of proceeding are you appealing from?

Check only one.

☐ Trial Judgment

☐ Summary Trial Judgment

☐ Order of a Tribunal

☒ Chambers Judgment

3. RELIEF SOUGHT

If leave to appeal is not required, fill out Part A. If you are seeking leave to appeal, fill out Part B.

PART A: LEAVE NOT REQUIRED

Part of the order being appealed

If you only want to appeal one part of an order, enter the part that is being appealed.

Order(s) you are seeking on appeal

Briefly list the order(s) you will ask this Court to make on appeal. For example: "Set aside the trial judgment and order a new trial." Include any order as to costs.

PART B: SEEKING LEAVE TO APPEAL

Part of the order being appealed

If you are only seeking leave to appeal one part of an order, enter the part that you are seeking leave to appeal.

Grounds for leave to appeal

Be as specific as possible. For example, if you believe the trial judge used an incorrect legal test or otherwise misapplied the law, indicate that here.

The Appellant seeks an order from this Honourable Court:

- Setting aside in its entirety the chambers judge's order;
- Declaring that the BC Labour Relations Board (BCLRB) and its legal counsel lack standing in the civil proceeding;
- Declaring that the chambers judge erred in permitting joint representation of the BCLRB and the Respondent, Andres Barker;
- Reversing the award of costs made against the Appellant, including:
 - Reimbursement of \$300 for transcript costs;
 - Reimbursement of \$200 for the cost of leave and appeal applications;
 - Compensation for time and resources improperly expended;

Any other relief this Honourable Court deems just and equitable in the circumstances

The Appellant submits that the order is affected by the following reviewable errors of law and breaches of procedural fairness:

- Reasonable apprehension of bias arising from the judge's conduct, including:
 - Directing counsel for the BCLRB on how to secure standing in a proceeding where standing was directly challenged;
 - Failing to remain neutral and independent in adjudicating the matter;
- Failure to adjudicate the core issue before the court—whether the BCLRB, a statutory tribunal, had legal standing to participate in a civil action involving a Superior Court judge;
- Refusal to confirm or disclose the judge's judicial oath, when reasonably and respectfully requested by a self-represented litigant, undermining public confidence in the court's institutional legitimacy;

- Awarding costs absent a formal request by the opposing party and without giving the Appellant an opportunity to make submissions;
- Improper facilitation and preferential treatment of the Respondent's procedural interests.

These errors collectively violated the Appellant's right to a fair hearing and undermine the integrity of the adjudicative process.

4. ADDITIONAL INFORMATION

Sealing order

Is there an order sealing any part of the trial court or tribunal file? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Anonymity order/publication ban

Are there orders that protect the identity of a party or parties? If yes, add date(s).

☐ Yes

☒ No

Date

DD/MM/YYYY

Areas of law raised in the appeal

You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

☒ Constitutional/
Administrative
☐ Motor Vehicle
Accidents

☒ Torts

☐ Divorce Act (Canada)

☒ Civil Procedure

☐ Municipal Law

☐ Equity

☐ Family Law Act

☐ Commercial

☐ Real Property

☐ Wills and Estates

☒ Other Judicial
bias; procedural
fairness; natural
justice

Appeals involving children

Does this appeal involve the rights or interests of a child?
E.g., parenting order.

☐ Yes

☒ No

5. SERVICE

Are you representing yourself?

☒ Yes

☐ No

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You may check more than one box if appropriate. For example, you should check "motor vehicle accidents" and "torts" for a personal injury claim involving a motor vehicle accident.

☐ Constitutional/
Administrative

☐ Motor Vehicle
Accidents

☐ Torts

☐ Divorce Act (Canada)

☐ Civil Procedure

☐ Municipal Law

☐ Equity

☐ Family Law Act

☐ Commercial

☐ Real Property

☐ Wills and Estates

☐ Other

Appeals involving children

Does this appeal involve the rights or interests of a child?
E.g., parenting order.

☐ Yes

☒ No

5. SERVICE

Are you representing yourself?

☒ Yes

☐ No

Name(s) and address(es)
within BC for service of
appellant(s) If you have a
lawyer, include the law firm's
address; otherwise provide
your own residential address.

JESSE BAINS
5961 129 Street
Surrey, BC V3X 0B9

Phone number(s) of appellant(s)

(604) 365-3400

Email address(es) for service of
the appellant(s)
If you provide an email address,
you consent to have documents
served on you by email.

BAINSJ@gmail.com

Date form completed

03/07/2025

Name of lawyer or party
authorizing filing of this form

Jessie Bains

DD/MM/YYYY

To the appellant(s):

You must file and serve this form on each respondent named in this document within the timelines required by the *Court of Appeal Act* and Court of Appeal Rules. You must file a Notice of Hearing **not more than one year** after filing this Form 1 or your appeal will be placed on the inactive list (Rule 50(1)(a)).

To the respondent(s)

If you intend to participate in this proceeding, **you must give notice** of your intention by doing the following **not more than 10 days** after receiving this Notice of Appeal: (1) file a "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and; (2) serve the Notice of Appearance on the appellant.

If you fail to file and serve a Notice of Appearance:

- (a) You are presumed to take no position on the appeal, or the application for leave to appeal (if leave is required).
- (b) The parties are not obliged to serve you with any further documents related to the appeal, including an order granting leave to appeal (if leave is required).

You are presumed to take no position if you fail to file and serve a Notice of Appearance within the time described above. The filing registries for the British Columbia Court of Appeal are as follows.

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby St.
Vancouver BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248
STN PROV GOVT
850 Burdett Ave.
Victoria BC V8W 1B4

B.C. Court of Appeal
223 - 455 Columbia St.
Kamloops BC V2C 6K4

Inquiries should be addressed to (604) 660-2468.