

IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20170303
Docket: S1610919
Registry: Vancouver

Between:

The Law Society of British Columbia

Petitioner

And

**Surinder Singh Trehan, Surinder Singh Trehan doing business as
A S Canada & USA Immigration Services Ltd. and Canada and USA
Immigration Services Ltd., A S Canada & USA Immigration Services Ltd.
and Canada and USA Immigration Services Ltd.**

Respondents

Before: The Honourable Mr. Justice Ball

Oral Reasons for Judgment

In Chambers

Counsel for Petitioner:

E.B. Lyall, QC
M.J. Kleisinger

Counsel for Respondents:

S.S. Trehan
(Appearing in Person)

Place and Date of Hearing:

Vancouver, B.C.
March 3, 2017

Place and Date of Judgment:

Vancouver, B.C.
March 3, 2017

[1] **THE COURT:** This is an application for a permanent injunction. There is already an interim injunction in place. The Court will provide oral reasons today and reserve the right to edit these reasons should editing be required.

[2] This is an application by the Law Society of British Columbia against Surinder Singh Trehan, Surinder Singh Trehan doing business as A S Canada & USA Immigration Services Ltd. and Canada and USA Immigration Services Ltd. listed in the style of cause as respondents.

[3] The Law Society is seeking permanent injunctive relief to prohibit and enjoin Mr. Trehan, and Mr. Trehan acting through these companies, from engaging in the practice of law, in particular engaging in the practice of law in relation to providing immigration consulting services.

[4] At the outset, Mr. Trehan is not, and has never been, a member of the Law Society of British Columbia or any other Law Society in Canada. He is not and has never been a member of the Immigration Consultants of Canada Regulatory Council, the ICCR. He has no legal right to practice law.

[5] On April 28, 2010 he signed an undertaking, as the authorized signatory for the two companies I have referred to, promising that those companies would not engage in the practice of law or hold themselves out as lawyers. On July 28, 2011 that process was repeated with Mr. Trehan himself signing a comprehensive undertaking promising not to engage in the practice of law or hold himself out as a lawyer, which includes practicing law through any other entity.

[6] Despite those two undertakings between 2012 and 2015, as evidenced by the affidavits I am going to refer to, Mr. Trehan has continued to provide legal advice and/or services, and in particular provided legal advice or services to Kultar Singh Tith in offices at 683 East 44th Avenue and at 202-5955 Fraser Street in Vancouver, British Columbia for or in expectation of a legal fee of \$40,000 of which \$10,000 was paid as a first tranche or retainer to provide immigration consulting services for his relatives. Having received the \$10,000, he expected a further fee of \$30,000. Now

Mr. Trehan has disputed that explaining the \$10,000 as a loan from Mr. Tith. I find the explanation without merit given Mr. Trehan's straightened financial services circumstances and the fact that he did not perform the immigration consulting services nor repay the money. In any event, the loan in these circumstances would be of benefit for Mr. Trehan in return for services and he would be, as a result, practicing law, even accepting what he says is true, which I do not.

[7] He also, in February of 2016, was contacted by a private investigator appearing to be a client who had obtained contact information for Mr. Trehan through what is referred to in the petition as "the website". The investigator arranged a meeting with Mr. Trehan where Mr. Trehan offered legal services in relation to a proposal by the undercover investigator to bring a relative to Canada.

[8] The website that is referred to Mr. Trehan claimed was not his. The website was deeply problematic. It referred to the fact that Canada and USA Immigration, the company, are barristers and solicitors, a well-established law firm located in Vancouver, British Columbia. The website stated the company provides legal services in areas of practice including immigration, criminal defence, DUI, drunk driving and felony. None of these statements are true. Further, the email address provided on that site is Mr. Trehan's address at Hotmail; in fact, an email address used by Mr. Trehan to communicate with the Law Society.

[9] Mr. Trehan holds management positions with the Canada and US companies, and other sites including LinkedIn, Canada 411, the Yellow Pages, makes similar representations.

[10] Curiously, Canada and USA was dissolved in April of 2015 for failing to file annual reports. As a result the company is no longer a registered company. Notwithstanding that fact, there is a sign on the door of the office of Mr. Trehan, a photograph which has been reproduced in evidence, which sign continues a representation of the business of immigration consulting with Mr. Trehan's telephone number, the same number he has used for many years.

[11] The Canada 411 site currently shows the Canada and USA Immigration Services Ltd. as immigration consultants providing services including, among others, family sponsorships, refugee claims, immigration appeals, visitor and student visas, skilled workers immigration, adoption and related services.

[12] Mr. Trehan says that is not his activity. That being said, that continues as the current representation on a public accessed website.

[13] Based on all of the foregoing I am satisfied that this is a case where there has been a practice of law contrary to section 15(1) of the *Legal Professions Act*. There has been a false representation pursuant to section 15(4) of that *Act* that Mr. Trehan is a lawyer or the firm he works with is a firm of lawyers.

[14] Based on the provisions of section 85(5) and 85(6) of the *Legal Professions Act* this is an appropriate case where the court should grant a permanent injunction to prevent ongoing breaches of the *Legal Professions Act* by Mr. Trehan.

[15] I have reviewed the terms of the injunction sought in the petition herein and noted the comments of counsel earlier today and as requested para. 1(c) is struck out.

[16] The order sought in para. 2 of the petition is granted as follows:

Until such time as Mr. Trehan becomes a member in good standing of the Law Society. Mr. Trehan, the corporate respondents, their representatives, agents and employees are permanently prohibited, enjoined from representing themselves to be in any way a lawyer, barrister, solicitor, attorney, counsel, law firm, law corporation or any other title that connotes that of entitlement or qualification to engage in the practice of law and that Mr. Trehan take immediate steps to remove any and all links related to the website canada-usa-immigration-ltd.host-glf.com, and remove and delete any links, including the links referred to in the affidavits herein relating to Canada 411, find-open, LinkedIn and any other public website services which permit or allow a reference to Mr. Trehan or any of the companies in the prohibited capacities.

[17] The Law Society is also entitled to its costs today.

(Discussion)

[18] The signature of Mr. Trehan with approval as to form is dispensed with and he will be provided a copy of this injunction after the order is entered.

“Ball J.”