

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *The Law Society of British Columbia v.
Crischuk*,
2017 BCSC 531

Date: 20170308
Docket: S169308
Registry: Vancouver

Between:

The Law Society of British Columbia

Petitioner

And

**Kazimierz Chester Crischuk also known as
Kaz Crischuk, Kaz-Chester: Crischuk,
Kazimierz-Czelaw: Crischuk and Mythlim-Axkw**

Respondent

Before: The Honourable Mr. Justice G.P. Weatherill

Oral Reasons for Judgment

In Chambers

Counsel for the Petitioner:

M.J. Kleisinger

Appearing on his own behalf:

K. Crischuk

Place and Date of Trial/Hearing:

Kelowna, B.C.
March 8, 2017

Place and Date of Judgment:

Kelowna, B.C.
March 8, 2017

[1] **THE COURT:** The petitioner, Law Society of British Columbia, applies for various orders restraining the respondent from practising or engaging in the practice of law without a licence. Specifically, the orders sought, as set out in paragraph 1 of the petition, are that:

1. Until such time as he becomes a member in good standing of the Law Society, Kazimierz Chester Crischuk also known as Kaz Crischuk, Kaz-Chester: Crischuk, Kazimierz-Czelaw: Crischuk and Mythlim-Axkw . . . be permanently prohibited and enjoined from:
 - (a) appearing as counsel or advocate;
 - (b) drawing, revising or settling
 - (i) a petition, memorandum, notice of articles or articles under the *Business Corporations Act*, or an application, statement, affidavit, minute, resolution, bylaw or other document relating to the incorporation, registration, organization, reorganization, dissolution or winding up of a corporate body,
 - (ii) a document for use in a proceeding, judicial or extrajudicial,
 - (iii) a will, deed or settlement, trust deed, power of attorney or a document relating to a probate or a grant of administration or the estate of a deceased person,
 - (iv) a document relating in any way to a proceeding under a statute of Canada or British Columbia, or
 - (v) an instrument relating to real or personal estate that is intended, permitted or required to be registered, recorded or filed in a registry or other public office,
 - (c) doing an act or negotiating in any way for the settlement of, or settling, a claim or demand for damages,
 - (d) agreeing to place at the disposal of another person the services of a lawyer,
 - (e) giving legal advice,
 - (f) making an offer to do anything referred to in paragraphs (a) to (e),
 - (g) making a representation that he is qualified or entitled to do anything referred to in paragraphs (a) to (e), and for or in the expectation of a fee, gain or reward, direct or indirect from the person for whom the acts are performed.
2. Until such time as he becomes a member in good standing of the Law Society, Mr. Crischuk be prohibited and enjoined from commencing, prosecuting or defending a proceeding in any court, except when representing himself as an individual party to a proceeding, acting without counsel, solely on his own behalf.

[2] The Law Society also seeks an award of costs in a fixed sum.

[3] The petition was filed on October 7, 2016. The respondent was duly served. He filed a response to petition on November 3, 2016, generally opposing the orders sought. The factual basis in the response to petition reads:

. . . the defendant is a Trust/Estate, a legal entity, a corporation, which cannot perform any act. i, the 3rd party representative, am a man, not a corporation, and i conditionally accept paragraph one and two upon proof of claim that i, a man, am a "person" as referred to in the Legal Profession Act and thus come under its authority.

[4] There is no legal basis noted in the response to petition. The material to be relied on in the response to petition is noted as a "Declaration of Facts [Affidavit] of Kazimierz Kryszczuk, made this October 30, 2016," which I take to be the affidavit noted as a "Declaration of Facts [Affidavit]" sworn by the respondent on October 31, 2016.

[5] The factual basis for the petition and legal background is set out in the petition and supporting affidavits filed by the petitioner. Briefly, they are that the respondent resides in Kelowna and refers to himself as an "independent public accountant". The respondent is not and has never been a member of the Law Society of British Columbia nor, for that matter, a lawyer registered to practice in any province, as far as the petitioner is aware.

[6] The respondent has been convicted and incarcerated for evading taxes and for preparing false tax returns for his clients. In defending those charges personally, the respondent repeatedly and unsuccessfully employed various tactics known as organized pseudo-legal commercial arguments ("OPCA"), as was discussed by the associate chief justice of Alberta in the well-known decision of *Meads v. Meads*, 2012 ABQB 571.

[7] The petitioner has provided, as proof of the fact of the respondent's convictions, the decision of *R. v. Crischuk*, 2010 BCSC 716, a decision of Justice Barrow; *R. v. Crischuk*, 2010 BCCA 391, dated September 1, 2010; *R. v. Crischuk*,

2010 BCSC 1165, dated July 5, 2010; and *Re Crischuk*, 2013 BCSC 1413, dated August 7, 2013, a decision of Master Young, as she then was, sitting as a registrar.

[8] This petition was prompted as a result of a complaint that the respondent was engaged in the practice of law without a licence. On March 17, 2016, a company known as Preferred Credit Resources Ltd. commenced an action in the New Westminster Supreme Court under Action No. 178886 against one Perry Mazzei to recover a credit card debt of some \$40,000. Between March 23 and April 3, 2016, Mr. Mazzei responded directly with Preferred Credit Resources Ltd.'s counsel, Mr. George Richards, a practising lawyer.

[9] However, on October 4, 2016, Mr. Mazzei informed Mr. Richards by email that he had authorized the respondent to act as his agent and to represent him in the Preferred Credit Resources Ltd. lawsuit.

[10] Between April 4 and April 21, 2016, the respondent wrote directly to Mr. Richards and attempted to negotiate a settlement of Mr. Mazzei's debt.

[11] On April 18, 2016, Mr. Mazzei filed a response to the notice of civil claim that Mr. Richards had filed on behalf of Preferred Credit Resources Ltd. That response to civil claim is in evidence. It is noted that the respondent's email address and fax number are listed as the fax number and address for service.

[12] On May 20, 2016, the respondent wrote to Mr. Richards, still attempting to negotiate a resolution of the case on Mr. Mazzei's behalf and attaching a list of documents in the form required by the rules of court.

[13] On May 30, 2016, Mr. Richards received a document from the respondent entitled "Bill of Lading" attaching a document entitled "Notice of Understanding and Liability", which I am satisfied were prepared by the respondent.

[14] In evidence, as well, is an affidavit of Colette Souvage, a paralegal with the Unauthorized Practice Department of the petitioner Law Society, wherein she states that she had contacted Mr. Mazzei by telephone and was informed by Mr. Mazzei that the respondent was his authorized representative; that the respondent had provided him with legal advice; that the respondent drafted the counterproposal on his behalf; that the respondent assisted in preparing the response to civil claim and other legal and court documents; that the respondent drafted correspondence to Mr. Richards on his behalf; that the respondent negotiated the matter on Mr. Mazzei's behalf; that he was paying the respondent for his assistance (he would not tell her how much he was paying or whether the payment depended on a successful outcome); that he intended to have the respondent continue to assist him in the action; that he had known the respondent for a number of years; and that he had confidence in the respondent's ability to assist him.

[15] On August 18, 2016, the petitioner wrote the respondent to advise that it was their belief he was engaged in the unauthorized practice of law and sought an undertaking from him whereby the respondent would agree not to engage any further in the unauthorized practice of law. That invitation was not responded to.

[16] The petitioner relies on s. 3 of the *Legal Profession Act*, S.B.C. 1998, c. 9 [Act], which requires the Law Society to “uphold and protect the public interest in the administration of justice” by ensuring that those who are unqualified, either in terms of competence or moral standing, are not given the right to practice law.

[17] Further, s. 85(1)(a) of the *Act* makes it an offence for any person to contravene s. 15, which prohibits those who are not practising lawyers from engaging in the practice of law, as defined in s. 1 of the *Act*, for or in the expectation of a fee, gain, or reward, direct or indirect, from the person for which the acts are performed, or appearing as counsel or advocate, drawing legal documents, negotiating a settlement of claims, and giving legal advice, which are all included in the definition of the practice of law in s. 1 of the *Act*.

[18] The petitioner asserts that one is deemed to be engaged in the practice of law if he or she offers to provide such services or represents him or herself as qualified or entitled to engage in such activities.

[19] Based on the information received, the petitioner believes that the respondent had provided Mr. Mazzei with legal advice and services with the expectation of a fee, and that the respondent was engaged in the practice of law without a licence.

[20] The petitioner refers to a number of decisions of this Court and the Court of Appeal, including *The Law Society of B.C. v. Robbins*, 2011 BCSC 1310; *The Law Society of British Columbia v. Bryfogle*, 2012 BCSC 59; *Renyard v. Renyard*, November 25, 2014, New Westminster Registry No. E43267; and in particular *The Law Society of British Columbia v. Parsons*, 2015 BCSC 742.

[21] The *Parsons* decision was appealed. For the court, Groberman J.A. stated at paragraph 15, 2016 BCCA 435:

[15] It is clear that ss. 15(5) and 85(6) of the *Legal Profession Act* are intended to limit the right of people like Mr. Parsons to take conduct of litigation on behalf of other people. No other reasonable interpretation of the sections is available. Accordingly, the argument that *Charter* values limit the ambit of the provisions must be rejected.

[22] Relying on that passage, the petitioner says that the evidence makes it clear that the respondent took over the conduct of Mr. Mazzei's case and was therefore in violation of the *Legal Profession Act*.

[23] Finally, the petitioner states that, in addition to providing untrained, unregulated, and uninsured legal services, the respondent's reliance on OPCA strategies and concepts poses an additional level of danger to the public and to the proper administration of justice, and that the respondent's adoption of strategies that the court has declared is inherently vexatious deem him an inappropriate advocate for others.

[24] It was difficult to comprehend the respondent's submissions in response. It seems that he does not recognize this Court's jurisdiction to either hear this petition or deal with the petition for a number of reasons. His book of authorities starts with the Holy Bible. His submission was that the Bible was really the only authority there is. He also relies on the Federal *Interpretation Act*, which is not applicable to this Court or this proceeding; the *British North America Act* of 1867; the Statute of Westminster of 1931; and on other unhelpful or irrelevant statutes that he seemingly obtained through searches of the Internet.

[25] He seems to suggest that the laws of Canada and the provinces are invalid, focusing on the various positions of governors general of Canada and the authority he says they did not have to enact laws or appoint provincial governors general. What little I could glean from his submissions included that he seems to suggest that appointments of the governors general were invalid.

[26] He also seems to believe that the laws of this province, including the *Legal Profession Act*, do not apply to him.

[27] He says that he is "a man created in the image of God". He said that he has no contract with the "legal fiction corporation called the Law Society of British Columbia" or with the affiants who have sworn affidavits in support of the petition. While it was not relied on in his submissions, he seems to suggest that he is in bankruptcy and "there is no Trustee or any one or more of the Trusts and Estates" which he refers to in his affidavit.

[28] At paragraph 10 of his affidavit, he states the following:

Elizabeth Alexandra Mary of the family of House of Windsor swore an oath on the 1611 King James Version of the Holy Bible when she took the office of the Queen of England et al. Part of her investiture was the acceptance that "the whole world is subject to the power and empire of Christ" and as a consequence, the Holy Bible is the Supreme Law to which Elizabeth II is subject and so are those who swore an Oath of Allegiance to Her.

[29] As I hear him, he completely denies the constitutional history of this country as it applies to the rights and obligations of its people before the law. He denies The Law Society's legal authority to exist or to bring this petition.

[30] The respondent's submissions were incoherent, rambling and complete nonsense. He read at length from and followed what appeared to be a prepared script or instructions. For reasons that are not clear, he has a distorted view of the foundation of our legal system.

[31] He purports to restrict this Court's jurisdiction because it is defective. That submission is rejected. Any such attack fails because of the inherent jurisdiction and inherent authority of the Supreme Court.

[32] I have been unable to identify any valid legal arguments that the respondent has made. His submissions are rejected. They have no legal, historical, or constitutional foundation. They are deserving of no further attention, energy, or comment.

[33] If he wishes to while away his time on something more productive and on something that makes sense, I recommend that he read Justice Rooke's judgment in *Meads v. Meads*.

[34] The respondent does not contest that he has never been a member of The Law Society. I am satisfied on the material before me that he has been practising law without a licence, and is unauthorized to do so, by attempting to assist Mr. Mazzei in the New Westminster Registry case, *Preferred Credit Resources Ltd. v. Perry Mazzei*.

[35] So on that basis, the orders sought in the petition are granted. The petitioner is also entitled to costs. The bill of costs that has been presented to me, the draft bill of costs, is Tariff Scale B. The Law Society seeks a lump sum award to avoid the necessity of having to have the bill of costs taxed.

[36] I will hear submissions from the respondent on the bill of costs that was attached at Tab 7 of the binder. Mr. Crischuk.

[SUBMISSIONS ON COSTS AT 11:33:10 TO 11:35:34 A.M.]

[37] THE COURT: All right, lump sum costs are awarded to the petitioner of \$2,600 as agreed. I am going to order, as well, that the requirement to have Mr. Crischuk sign the order be dispensed with, but Mr. Kleisinger, if you would send him an extra copy when available.

[38] MR. KLEISINGER: Yes, My Lord.

[39] THE COURT: All right. Thank you very much.

“G.P. Weatherill J.”