



# Civil Resolution Tribunal

Date Issued: April 25, 2025

File: SC-2023-008527

Type: Small Claims

Civil Resolution Tribunal

Indexed as: *Simpson v. Hung Long Enterprises Inc.*, 2025 BCCRT 525

BETWEEN:

JESSICA SIMPSON

**APPLICANT**

AND:

HUNG LONG ENTERPRISES INC. and TUYET KHANH HOLDINGS LTD.

**RESPONDENTS**

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## REASONS FOR DECISION

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Tribunal Member:

Eric Regehr, Vice Chair

## INTRODUCTION

1. Jessica Simpson alleges she was denied entry at a gas station in Milner, BC, because of her service dog. She alleges she suffered a diabetic incident as a result. She claims \$5,000 in damages. She is self-represented.

2. Hung Long Enterprises Inc. owns the gas station. It says it reasonably denied Ms. Simpson entry because there was no indication the dog was a service dog. Hung Long also denies she was injured. Hung Long's owner represents it. Tuyet Khanh Holdings Ltd. did not respond to this dispute. I address this issue below.
3. Ms. Simpson and Hung Long both claim compensation from the other for their time spent on this dispute.
4. For the reasons that follow, I dismiss Ms. Simpson's claims. I also order her to reimburse Hung Long \$500 as compensation for its time spent in this dispute.

## **JURISDICTION AND PROCEDURE**

5. These are the formal written reasons of the Civil Resolution Tribunal (CRT). The CRT has jurisdiction over small claims brought under section 118 of the *Civil Resolution Tribunal Act* (CRTA). Section 2 says that the CRT's mandate is to provide dispute resolution services accessibly, quickly, economically, informally, and flexibly. In resolving disputes, the CRT must apply principles of law and fairness.
6. CRTA section 39 says the CRT has discretion to decide the format of the hearing, including by writing, telephone, videoconferencing, email, or a combination of these. In some respects, both sides to this dispute question the credibility, or truthfulness, of the other. However, in the circumstances of this dispute, it is not necessary for me to resolve the credibility issues that the parties raised. Also, neither party requested an oral hearing. There is no other compelling reason for an oral hearing, especially considering the CRT's mandate to provide proportional and speedy dispute resolution. I therefore decided to hear this dispute through written submissions.
7. CRTA section 42 says the CRT may accept as evidence any information that it considers relevant, necessary, and appropriate, whether or not the information would be admissible in court.

8. Ms. Simpson alleges Hung Long’s submissions are defamatory. Under CRTA section 119, the CRT does not have jurisdiction to consider defamation claims. Ms. Simpson acknowledges this, but argues that I should consider Hung Long’s allegedly false statements under CRTA section 92. That provision makes it an offence to knowingly provide the CRT with misleading information. Ms. Simpson argues that the CRT has previously “fined” participants for similar misconduct, citing a 2018 case called *Smith v. Doe*. There is no CRT case with that name. The CRT has never, and cannot, impose fines or other penalties for breaching section 92.<sup>1</sup> I address the implications of Ms. Simpson’s misleading reliance on a non-existent case below.

## ISSUES

9. The issues in this dispute are:
- a. Should I resolve Ms. Simpson’s claim under the *Human Rights Code* (Code)?
  - b. Has Ms. Simpson proven her claims?
  - c. Is either party entitled to compensation for their time spent in this dispute?

## EVIDENCE AND ANALYSIS

10. In a civil claim such as this, Ms. Simpson as the applicant must prove her claims on a balance of probabilities. This means more likely than not. While I have read all the parties’ evidence and submissions, I only refer to what is necessary to explain my decision.
11. I will start by briefly addressing the second respondent, Tuyet Khanh Holdings, which is in default. This means that I may assume it is liable and make an order against it. However, liability is not automatic, and I have discretion to assess the

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<sup>1</sup> See, most recently, *Stewart v. Hategan*, 2025 BCCRT 425.

merits of the claim against it. Ms. Simpson has provided no evidence or explanation at all for why she named Tuyet Khanh Holdings. I dismiss the claim against it.

12. Ms. Simpson provides little detail about what happened on the day of the incident. She says Hung Long denied her entry into its gas station because of her dog, which she says is a service dog. She says she suffered a blood sugar low because she was unable to buy food. This alleged harm is the basis of her claim.
13. Hung Long provides more detail in an affidavit from its owner. It says the following. Ms. Simpson entered the gas station with her dog. Its employee informed her that dogs were not allowed, and Ms. Simpson responded it was a service dog. The employee asked her for proof, which she declined to provide. The employee then told her she could not be in the store. Ms. Simpson became abusive and left the store. She never told the employee she was in a medical emergency or needed food. If she had, Hung Long would have helped. Hung Long says its actions were justified in the circumstances.
14. As Hung Long points out, this dispute is remarkably similar to another dispute I adjudicated involving Ms. Simpson almost a year ago.<sup>2</sup> In that dispute, the respondent was a restaurant, but the claim was essentially the same. Ms. Simpson alleged a blood sugar crash because the restaurant refused to allow her into the restaurant with her dog. Another CRT vice chair dismissed another very similar claim against a pharmacy in 2022.<sup>3</sup>
15. In her claim against the restaurant, as here, Ms. Simpson relied on Code. I concluded that the Human Rights Tribunal was a more appropriate forum for her complaint under the Code. I reach the same conclusion here. While the CRT has limited jurisdiction to apply the Code, it generally will not resolve a human rights claim unless it overlaps with an area where the CRT has its own specialized expertise, such as strata property claims. Outside that context, the Human Rights

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<sup>2</sup> *Simpson v. Milos Greek Taverna Ltd.*, 2024 BCCRT 521

<sup>3</sup> *Simpson v. Bayshore Healthcare Solutions Ltd.*, 2022 BCCRT 379.

Tribunal is clearly the more appropriate forum for human rights claim given its expertise. I refuse to resolve this claim under CRTA 11(1)(a)(i).

16. That leaves Ms. Simpson's negligence claim. To prove negligence, she must prove that one of the respondents owed her a duty of care, breached the applicable standard of care, and she suffered harm as a result.
17. The CRT dismissed both of Ms. Simpson's previous disputes because she had not proven compensable harm. Ms. Simpson's evidence here suffers from the same problem. She provided considerable evidence about the fact that she has medical conditions, including diabetes. However, the only objective evidence specific to the day in question may be a chart showing blood sugar fluctuations. I say "may" because the chart is undated, there are no numbers for the x-axis, and it does not actually say what either axis measures. She also does not explain what it is or how to interpret it. On its own, it proves nothing. Beyond that, she says that she suffered from cognitive impairment and dehydration. She also says that she now lives under the "constant threat" of blood sugar issues. She does not provide any further detail.
18. Ms. Simpson argues that she does not need to prove harm with medical evidence if the harm flows logically from the facts, or would be obvious in the circumstances. What she does not explain is how it flows logically that a person denied entry to a convenience store would suffer a blood sugar crisis without immediate access to food. Certainly, this is not an obvious consequence to refusing service to a potential customer. I find that the harm Ms. Simpson alleges is intertwined with her diabetes and requires specific medical evidence to prove.
19. As in the last dispute I adjudicated, this failure to prove harm is fatal to Ms. Simpson's claim. As I said in that dispute, and emphasize here again, this does not mean that she would have succeeded in negligence if she had proven harm. I limit my analysis to that issue for efficiency so as not to expend CRT resources on a claim that is deficient in several ways.

### ***Compensation for Time Spent***

20. Under CRTA section 49 and CRT rules, the CRT will generally order an unsuccessful party to reimburse a successful party for CRT fees and reasonable dispute-related expenses. Hung Long paid no CRT fees so I award none. It did not claim any dispute-related expenses.
21. As noted above, Ms. Simpson referred to a non-existent CRT case to support a patently incorrect legal position. She also referred to three Supreme Court of Canada cases that do not exist. Her submissions go on to explain in detail what legal principles those non-existent cases stand for. Despite these deficiencies, the submissions are written in a convincingly legal tone. Simply put, they read like a lawyer wrote them even though the underlying legal analysis is often wrong. These are all common features of submissions generated by artificial intelligence.
22. In its initial submissions, Hung Long expressed confusion about some of the Supreme Court of Canada cases in Ms. Simpson's submissions because they seemed to be irrelevant. It also argued that Ms. Simpson's claim was an abuse of process, frivolous, and vexatious. Through CRT staff I asked Hung Long if it had intended to claim compensation for the time it spent on the dispute. I considered this step consistent with the CRT's mandate of providing informal and flexible dispute resolution, and necessary to ensure self-represented parties can participate fully in the CRT's process. Also through CRT staff, I gave Ms. Simpson the opportunity to provide submissions, including on her apparent use of artificial intelligence.
23. CRT rule 9.5(5) says that the CRT will not order a party to compensate another party for their time spent on a dispute except in extraordinary circumstances. Hung Long said that it wished to claim \$1,000 for its time spent on the dispute. In response, Ms. Simpson also asked for \$1,000. She also admitted to using artificial intelligence. She apologized for the inclusion of the fake cases but stood by the underlying legal arguments.

24. Hung Long argued that Ms. Simpson brought the claim for an improper purpose and in bad faith. Hung Long also said that, whether artificial intelligence was involved or not, Ms. Simpson provided fake and irrelevant cases. This forced its owner to spend considerable time researching each one. Hung Long's owner noted that it was the first time he had used CanLII, a free online legal research tool. Hung Long also argued that the case was unusually complex and involved a lot of evidence. Finally, Hung Long argued that Ms. Simpson has a history of vexatious litigation, bringing frivolous and unmeritorious claims.
25. I agree with Hung Long that there are two extraordinary circumstances here that justify compensation for its time. The first is Ms. Simpson's use of artificial intelligence. It takes little time to have a large language model create lengthy submissions with many case citations. It takes considerably more effort for the other party to wade through those submissions to determine which cases are real, and for those that are, whether they actually say what Ms. Simpson purported they did. Hung Long's owner clearly struggled to understand Ms. Simpson's submissions, and his legal research to try to understand them was an utter waste of his time. I reiterate my point above that Ms. Simpson's submissions cited a non-existent case in support of a legal position that is the precise opposite of the existing law. This underscores the impact on Hung Long. How can a self-represented party respond to a seemingly convincing legal argument that is based on a case it is impossible to find?
26. I am mindful that Ms. Simpson is not a lawyer and that legal research is challenging. That said, she is responsible for the information she provides the CRT. I find it manifestly unfair that the burden of Ms. Simpson's use of artificial intelligence should fall to Hung Long's owner, who tried his best to understand submissions that were not capable of being understood. While I accept that Ms. Simpson did not knowingly provide fake cases or misleading submissions, she was reckless about their accuracy. I note that the BC Supreme Court required a lawyer to personally compensate another lawyer for their wasted time from trying to find non-existent

cases from artificially generated submissions.<sup>4</sup> While Ms. Simpson does not have the same professional obligations that a lawyer has, she still has an obligation as a CRT participant not to provide misleading information.

27. I also agree with Hung Long that Ms. Simpson's claim is a continuation of a troubling pattern of litigation conduct. In another case I adjudicated, *Simpson v. The Owners, Strata Plan BCS 3591*, the respondent strata asked for an order that Ms. Simpson reimburse its legal fees.<sup>5</sup> It relied, in part, on Ms. Simpson's past conduct at the CRT, the Human Rights Tribunal, and the court. I will not outline that history here, but I adopt my explanation from that decision. Suffice to say Ms. Simpson has initiated many legal proceedings at the CRT, the Human Rights Tribunal, and the court, with little success.
28. In that decision, I agreed with the general principle that repeatedly bringing clearly unmeritorious claims can be reprehensible conduct that justifies an award of legal fees. I also said that the CRT should be slow to conclude that a self-represented litigant has brought an unmeritorious claim for an improper purpose, given its mandate. I find those conclusions apply equally to claim for reimbursement of time spent on a dispute. In the end, I declined to order Ms. Simpson to pay legal fees but cautioned her that a future tribunal member may make a different decision.
29. Now, Ms. Simpson has persisted in this claim against Hung Long, even after the CRT dismissed two very similar claims for very similar reasons. Even accounting for the fact that she is self-represented, Ms. Simpson should have known that this claim had no prospect of success.
30. Taken together, I find there are extraordinary circumstances that entitle Hung Long to compensation for its time spent on this dispute. I find that \$500 is appropriate, and I order Ms. Simpson to pay this amount.

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<sup>4</sup> *Zhang v. Chen*, 2024 BCSC 285.

<sup>5</sup> 2024 BCCRT 314, at paragraphs 21 to 33

31. As for Ms. Simpson's claim, she says that Hung Long provided false and misleading information. The only example she gave was that its employee said she was smoking, which she adamantly denies. That fact was immaterial. In any event, even if the employee's recollection was incorrect, this is not an extraordinary circumstance. I dismiss Ms. Simpson's claim for compensation.

## **ORDER**

32. I dismiss Ms. Simpson's claims.

33. I order Ms. Simpson to pay Hung Long \$500 for its time spent in this dispute within 30 days of this decision. Hung Long is entitled to post-judgment interest under the *Court Order Interest Act*.

34. This is a validated decision and order. Under CRTA section 58.1, 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 the Provincial Court of British Columbia.

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Eric Regehr, Vice Chair