

IN THE SUPREME COURT OF BRITISH COLUMBIA

Date: 20171201
Docket: S179938
Registry: Vancouver

Between:

Juraj Stehlik

Petitioner

And

W.C.A.T., W.C.A.T.-2010-01291, W.C.A.T.-2009-01788, W.C.A.T.-2015-02879

Respondents

Before: The Honourable Mr. Justice Steeves

Oral Reasons for Judgment

In Chambers

Appearing on his own behalf:

J. Stehlik

Counsel for the Respondent:

K. Koles

Place and Date of Trial/Hearing:

Vancouver, B.C.
December 1, 2017

Place and Date of Judgment:

Vancouver, B.C.
December 1, 2017

[1] **THE COURT:** Before me today is a petition filed by Mr. Stehlik on October 25, 2017, and an application by W.C.A.T. filed November 20, 2017. In the petition, the petitioner seeks review of, taken from the style of cause, three decisions of W.C.A.T., one in 2010, one 2009 and one in 2015. In the application by W.C.A.T., they seek the striking out of the petition on a number of grounds, including jurisdiction and pleadings contrary to the rules, in particular Rule 9-5.

[2] There are some problems with the petition. First of all, it is in the barest of terms. For example the order sought refers simply to 4(1); factual basis refers to simply 7(1); legal basis refers to 13(1). It is therefore not at all clear what the petition is about.

[3] Of more concern is that it appears that those numbers represent provisions of criminal injury legislation --

[4] JURAJ STEHLIK: Yes, [indiscernible].

[5] THE COURT: Mr. Stehlik, just sit down.

[6] JURAJ STEHLIK: Yes, sir. Oh, I see. Okay.

[7] THE COURT: I cannot -- It is -- the problem with that is W.C.A.T. has no jurisdiction or legal authority over criminal injuries compensation matters. Indeed, that was the decision of the 2010 W.C.A.T. decision. Mr. Stehlik has appealed that and that appeal has not yet been heard.

[8] A first conclusion arises from those comments, which is to say that it is not open to the petitioner to seek a review of the 2010 W.C.A.T. decision. That matter is currently under appeal and -- the judicial review of that decision is currently under appeal, and that is where it must stay.

[9] There is another problem with the petition as above that was filed in October 25, 2017, and it seeks to review decisions from 2009 and 2015. However, s. 57 of the *Administrative Tribunals Act* states that a judicial review of a final

decision of a tribunal must be commenced within 60 days of the date the decision is issued. The petition here is clearly well beyond the 90 days set out in s. 57.

[10] JURAJ STEHLIK: I understand, but --

[11] THE COURT: Mr. Stehlik -- Mr. Stehlik --

[12] JURAJ STEHLIK: Yes, yes.

[13] THE COURT: It seems to me that the above discussion means that the petition must be struck under Rule 9-5(1). It discloses no reasonable claim or defence inasmuch as it is either out of time or it indicates that the 2010 decision relates to the issue of criminal injuries benefits. The latter again is currently before the Court of Appeal after having been judicially reviewed previously.

[14] JURAJ STEHLIK: Yes, this is the second appeal.

[15] THE COURT: Looking at the orders sought in the application by W.C.A.T., order 1 is allowed, renaming the respondent as "Workers' Compensation Appeal Tribunal" rather than "W.C.A.T.". Order 2 is allowed, dismissing the petition in relation to the 2010, 2009 and 2015 W.C.A.T. decisions. Order sought number 3 is no longer necessary, and order 4 is allowed, an order dispensing with the necessity of the petitioner's approval of the order is issued.

[16] The overall result of this is that the petition filed by the petitioner is struck and cannot be heard now or at a subsequent date.

[17] There will be no costs by, for or against either party.

[18] So, Mr. Stehlik, I have struck out your petition.

[19] JURAJ STEHLIK: Okay. So there has no reasonable claim, even the worker is out on the street, lost his household and during the -- during the process, lost his household, basically kind of relying on a -- on a rules. And, despite every promises, worker code, and now he's on the street in trouble and without any household was

[indiscernible] somebody who was claiming to be [indiscernible]. And I was strike with some kind of virus, so now I am virus positive on the street and I have no reasonable claim.

[20] THE COURT: So, Mr. Stehlik, you are trying to put words in my mouth and those were not my words, and I --

[21] JURAJ STEHLIK: No, it -- this for me -- this is for me --

[22] THE COURT: Mr. Stehlik -- Mr. Stehlik --

[23] JURAJ STEHLIK: -- thank you very much.

[24] THE COURT: I accept all or most of that is true, but I cannot help you with those problems. All I can do is make a decision about whether you have a valid petition here, and I have decided that you do not.

[25] JURAJ STEHLIK: Okay.

[26] THE COURT: Okay?

[27] JURAJ STEHLIK: Yes.

[28] THE COURT: So good luck with everything else.

“Steeves J.”