

2510919
No.
Victoria Registry

In the Supreme Court of British Columbia
In the Matter of the *Judicial Review Procedure Act* R.S.B.C. 1996, c. 241

MARCUS ARTHUR OOMS

Petitioner

And: SERGIO BILJETINA, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA

And: LEEANN WHITWORTH, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA

And: SPENCER HULA, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA

And: ETHAN PLATO, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA,

And: OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

And: WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

Respondents

PETITION TO THE COURT

ON NOTICE TO:

Office of the Information and Privacy
Commissioner For British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

Sergio Biljetina
Office of the Information and Privacy
Commissioner For British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

LeeAnn Whitworth
Office of the Information and Privacy
Commissioner For British Columbia
4th Floor, 947 Fort Street,
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Spencer Hula
Office of the Information and Privacy
Commissioner For British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

Workers' Compensation Board
6951 Westminster Highway
Richmond, BC V7C 1C6

Deputy Attorney General
Ministry of Justice
PO Box 9290 Stn Prov Govt
Victoria BC V8W 9J7

This proceeding has been started by the petitioner for the relief set out in Part 1 below.

If you intend to respond to this petition, you or your lawyer must

- (a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and
- (b) serve on the petitioner
 - (i) 2 copies of the filed response to petition, and
 - (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner,

- (a) if you reside anywhere within Canada, within 21 days after the date on which a copy of the filed petition was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed petition was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed petition was served on you, or
- (d) if the time for response has been set by order of the court, within that time.

(1) The address of the registry is:

850 Burdett Avenue Victoria, BC
Mailing: Address: PO Box 9248 Stn Prov Govt
Victoria, BC V8W 9J2

(2) The ADDRESS FOR SERVICE of the petitioner is:

3427 Mary Anne Crescent
Victoria, BC V9C 4K4

Fax number address for service (if any) of the petitioner: N/A

E-mail address for service (if any) of the petitioner: marcusooms10@hotmail.com

(3) The name and office address of the petitioner's lawyer is: N/A

Claim of the Petitioner

Part 1: ORDER(S) SOUGHT

1. That OIPC decision INV-F-23-96897 be quashed.
2. That the OIPC be ordered to properly investigate the petitioner's complaint in the matter of INV-F-23-96897, the details of which are in the complaint, give fair hearing to the parties, and remake its decision by applying the *FIPPA* correctly.
3. That OIPC decision INV-F-24-98529 be quashed.
4. That the OIPC be ordered to properly investigate the petitioner's complaint in the matter of INV-F-24-98529, the details of which are in the complaint, give fair hearing to the parties, and remake its decision by applying the *FIPPA* correctly.
5. That the OIPC be ordered to cease its prosecution of GEN-F-25-00258, which entirely relates to matters already finally decided.
6. Costs; and
7. Any other order the Court deems just.

Part 2: FACTUAL BASIS

1. The petitioner was injured at work on June 22, 2009.
2. Subsequently, the petitioner applied for workers compensation benefits for his injuries from the respondent WCB.
3. The respondent WCB has since determined that the petitioner's compensable injuries are permanent and is entitled to various compensation benefits, including the provision of ongoing health care.

4. There are ongoing disagreements between the petitioner and the WCB, which concern the WCB's administration of various provisions of the *Workers Compensation Act*.
5. There are ongoing disagreements between the petitioner and the WCB, which concern the WCB's compliance with the *FIPPA*, as it relates to the WCB's use, collection and disclosure of the petitioner's personal information, all of which is subject to the *FIPPA*.
6. As such disagreements relate to this matter, the OIPC is the correct tribunal to administer the *FIPPA*, and has the exclusive jurisdiction to do so.
7. On October 26, 2023 the petitioner complained to the OIPC, that the WCB has received official correspondence concerning the petitioner's claim, from the petitioner, and had either hidden, destroyed, or otherwise concealed such official communications, concerning his own claim, from the WCB's claim file.
8. A significant aspect of that petitioner's complaint concerned the WCB's use of WCB "Corporate Security" officers to engage in the systemic interception of all of the petitioner's official email to WCB adjudicating officers, based upon their own articulation of the jurisdiction to undertake such search and seizure of the petitioner's email, which they had decided to impose on such claimed authority.
9. Based solely on their own assessment, such "Corporate Security" officers had decided if the petitioner's official claim correspondence should be allowed to pass to its intended recipients, at the WCB. No receipts or accounts of seizures and releases of those documents were provided, making the tracking of such evidence impossible, for the petitioner.
10. Such conduct occurred for approximately six and one half months, and resulted in many official documents vanishing, with the WCB never explaining any lawful authority for such conduct, what it has done with the many documents it has seized (and have seemingly vanished), while misrepresenting the nature of its authority to conduct such operations, at all material times.
11. Such documents are not where they should be—the WCB's claim file. The WCB claim file is formally promulgated to be the master file for recording information used in the adjudication and administration of a claim, which includes all appeal matters.
12. Official documents (evidence) have, thus, been made to disappear by the WCB, in matters concerning appeals of the WCB's decision-making, where such evidence, tendered by the petitioner, was relevant.

13. As a result of such conduct by the WCB's officers, the petitioner has made a series of complaints to the OIPC, pursuant to the provisions of the *FIPPA*.
14. As it relates to this matter, the petitioner formally complained to the OIPC about the WCB's conduct on October 26, 2023.
15. Despite numerous formal requests to have the OIPC take notice of the petitioner's October 26, 2023 complaint, the OIPC had not opened a file when the petitioner again contacted the OIPC, on May 5, 2024.
16. On May 6, 2024, Ms. Whitworth, a delegate of the Commissioner, opened file F23-96897, in relation to the petitioner's October 26, 2023 complaint.
17. On October 16, 2024, the petitioner made another complaint under the *FIPPA*, concerning the WCB's collection and use of his personal information, its making further evidence disappear, and then formally representing that the WCB is exempt from *FIPPA*, concerning the provisions of *FIPPA* that mandate the retention of the petitioner's personal information.
18. In recognition of his obligation to raise issues concerning bias in as timely a manner as possible, the petitioner also raised the issue of DLA Piper (Canada) LLP's presence, as both lawyer to the OIPC (full service) and to the WCB, in the WCB's capacity as a party appearing before the OIPC, concerning the petitioner (as the other party).
19. A delegate of the Commissioner, Mr. Spencer Hula, opened file INV-F-24-98529 on October 17, 2024, in relation to the October 16, 2024 complaint.
20. Despite several exchanges of correspondence with Mr. Hula, where the petitioner requested correction of Mr. Hula's rendition of the complaint, Mr. Hula did not do so, leaving the complaint inaccurately summarized, over the petitioner's objections, which were ignored and not ruled upon.
21. On October 18, 2024, a delegate of the Commissioner, Mr. Biljetina, formally gave notice that he was assigned to F23-96897, as an "investigator." Mr. Biljetina formally requested the disclosure of all information that the petitioner had, concerning the matter.
22. On receipt of Mr. Biljetina's Notice and associated instructions, the petitioner made procedural requests of Mr. Biljetina, requesting explanation of the extent to which the OIPC might share the petitioner's personal information and other evidence with the WCB in the course of the investigation of the complaint, and, to the extent it was impossible to know the answers to such questions through the OIPC's formal guidance, whether the evidence obtained in the current investigation would serve the purpose of evidence in

later proceedings. Additionally, the petitioner requested Mr. Biljetina's explanation of how he might deliver fair process, in light of numerous rulings of the OIPC, relating to the petitioner's cases concerning the WCB.

23. Without addressing any of the concerns raised by the petitioner, Mr. Biljetina informed the petitioner that the process would be "fair."
24. Over the next several months, the petitioner expressed his objection to such an answer (with reasons) and requested explanation from Mr. Biljetina about the manner in which the petitioner's personal information would be used by Mr. Biljetina, once the Petitioner disclosed his personal information in the course of his official investigation.
25. The issue of the OIPC's potential disclosure of the petitioner's personal information to the WCB, by various means, was the issue. Generally, this issue is one where the OIPC will not explain anything to the petitioner. Mr. Biljetina would not explain anything either, beyond his claim to conduct the matter "fairly."
26. The OIPC, itself, is a "public body" under the FIPPA and as such, has its own obligations to explain how it uses citizens' personal information, when it collects it.
27. The petitioner raised objections Mr. Biljetina's responses, as being inadequate, given the petitioner's previous experiences with such processes. The petitioner voiced his concern that the OIPC might be "leaking" his personal information to the WCB in the course of the investigation, allowing the WCB to gain potentially unfair advantage in the complaint matters that the petitioner has raised before the OIPC, in relation to the WCB's handling of his personal information.
28. The petitioner requested specific rulings or guidance from Mr. Biljetina, concerning such issues, noting the investigator is delegated the authority to address and dispose of all such issues, up to and including full and final disposition of any complaint matter, including by conducting an inquiry under s. 56 and making an order under s. 58 of the *FIPPA*.
29. Mr. Biljetina did not provide rulings or any guidance concerning the petitioner's procedural requests, beyond vague assertions of "fairness" and the claim the petitioner's concerns had been passed to somebody else, with no explanation of the effect of such passing.
30. On March 11, 2025 another delegate of the Commissioner, Ms. Whitworth, informed the petitioner that she was conducting a "review" of INV-F-24-98529, and requested the petitioner's response to whether he had evidence to support his complaint in that matter.

31. Such notification occurred by email (and not a formal Notice of Assignment of Investigator, (which normally, gives notice of a new assumption of jurisdiction, by a different delegate). At that point, the petitioner understood Mr. Hula's formal Notice of October 23, 2024 (amending his earlier October 17, 2024 Notice) to still be operative, as no subsequent notice had been generated, transferring jurisdiction to a new delegate.
32. On March 12, 2025, the petitioner responded to Ms. Whitworth's March 11, 2024 letter, requesting her clarification of her official role. Also, the petitioner requested clarification concerning how Ms. Whitworth might treat evidence she collected from the petitioner, specifically how she might protect it from unauthorized disclosure to the WCB, in her seeming role of investigator (no role was made clear). Again, questions about the ongoing role of DLA Piper (Canada) LLP's, as lawyer to both the OIPC and the WCB were raised, as those questions related to the potential for, and appearance of, bias.
33. In recognition of the potential difficulty that Ms. Whitworth might have in addressing such issues, the petitioner requested that Ms. Whitworth adjourn that matter until she could respond/rule on such issues.
34. Ultimately, Ms. Whitworth did not adjourn the matter, nor did she rule on any of the issues the petitioner raised with her.
35. On April 4, 2025 Ms. Whitworth formally disposed of INV-F-24-98529, with the finding that "...this issue is already being investigated in OIPC file INV-F-23-96897," and "...to avoid duplication of proceedings, the present file will be closed, and the issue will be addressed in INV-F-23-96897."
36. On April 6, 2025, the petitioner requested Ms. Whitworth's reconsideration of her decision in INV-F-24-98529, for particular reasons, which were set out in his formal request. The request was made in accordance with the OIPC's formal reconsideration policy, using the grounds that policy enables for reconsideration to occur. Ms. Whitworth has unreasonably and incorrectly ignored the reconsideration request.
37. The matter of INV-F-24-98596 was disposed of by Ms. Whitworth on April 7, 2025. The Petitioner formally requested her reconsideration, in accordance with the OIPC's formal reconsideration policy, using the grounds that policy enables for reconsideration to occur. Ms. Whitworth has unreasonably and incorrectly ignored the reconsideration request.
38. In both the matters of INV-F-24-98596 and INV-F-24-98529, Ms. Whitworth incorrectly and unreasonably interfered with the delegates who properly had conduct of those matters, by claiming jurisdiction of them while those delegates were still seized with

them, conducting a parallel proceeding (she termed such a proceedings a “review”), and disposed of the matters herself. Such dispositions are unreasonable, as they failed to consider the merits of the complaints and failed to allow for the provision of evidence that might substantiate those complaints.

39. The OIPC publishes formal guidance, concerning its processes relating to complaints. There is no provision for the sort of “review” Ms. Whitworth undertook in INV-F-24-98596 and INV-F-24-98529.
40. In both matters, the full extent of Ms. Whitworth’s investigation was: “Can you provide evidence...” in each of those matters. The petitioner answered such questions completely: that he could provide evidence in both matters.
41. Ms. Whitworth’s disposal of both matters was the very next step. She did not request the production of the evidence she had made the enquiries about and disposed of the matters unfairly—without any evidence, opportunity for the production of evidence, hearing, or opportunity for it.
42. In accordance with formal invitations of the various OIPC delegates to do so, I requested further information concerning the apparent jurisdictional confusion (two jurisdictions addressing the same matter at the same time) by requesting explanations from the various delegates whose jurisdictions were seemingly affected, by Ms. Whitworth’s claim of jurisdiction in relation to INV-F-24-98596 and INV-F-23-96897. None of those delegates answered such questions, which were properly placed.
43. On April 16, 2025, three separate complaint matters were disposed of, by the OIPC. Ms. Whitworth disposed of one (INV-F-25-00526) and Mr. Biljetina disposed of two (INV-F-23-96897 (this matter) and INV-F-23-96882).
44. In relation to INV-F-23-96897, the petitioner concluded that the disposition left him with many questions, concerning how Mr. Biljetina had come to his decision. The petitioner noted Mr. Biljetina’s invitation from that decision, that, “if you have any questions or concerns, please contact me at sbiljetina@OIPC.bc.ca.”
45. The petitioner subsequently did write to Mr. Biljetina in relation to his handling of INV-F-23-96897, on April 28, 2025. The petitioner acknowledge he has serious concerns with the decision, and that such concerns relate to the reasonableness of his decision, the fairness of the process, in adjudicating the matter, and the correctness and/or reasonableness of decision-making, as it relates to INV-F-24-98529, based upon Ms. Whitworth’s determination that INV-F-24-98529 is part of INV-F-23-96897.

46. The petitioner submits it is apparent that Mr. Biljetina ignored the existence of INV-F-24-98529 in disposing of INV-F-23-96897, making no mention of any of the circumstances that INV-F-24-98529 concerns, nor mention of the file number, itself.
47. In my questions of Mr. Biljetina, the petitioner clearly explained
- “At this point, I submit complete answers to these questions would be very helpful for me to understand your decision. I acknowledge I am troubled by the decision in question but, at this point, I cannot understand the rationale for the methodology employed in reaching it, nor can I understand its congruency with various statutory provisions that seem to apply and which I understand you to take judicial notice of, in arriving at your current decision. Until I have answers to such questions, I feel I cannot properly assess my position, and what my next steps might be, if any.”
48. The petitioner submits by informing Mr. Biljetina of his position (particularly the last sentence), the petitioner explained he was attempting to understand Mr. Biljetina’s decision before taking the next step, which is judicial review.
49. Mr. Biljetina has not answered any of the petitioner’s questions, properly raised after the decision. Where Mr. Biljetina specifically requested that the petitioner contact him with questions or concerns in the wake of his decision, and where such questions were asked, Mr. Biljetina has behaved unfairly. Such conduct deprives the petitioner (and now the Court) of adequate reasons to demonstrate how numerous rulings, properly raised, were decided. Ultimately, there are inadequate reasons to understand how the merits of the matter were decided (which now also seems to include INV-F-24-98529).
50. Rather than respond to the petitioner’s questions, it appears Mr. Biljetina involved another delegate of the Commissioner, Mr. Ethan Plato. Mr. Plato has now initiated an “abuse of process” proceeding against the petitioner, under the *FIPPA*, seemingly arising directly from these matters, which all represent final decisions. The matter initiated by Mr. Plato is filed as GEN-F-25-00258.
51. GEN-F-25-00258 appears to be a discrete matter, sitting independent of the matters flows from—all of which are finally decided. As of the date of this petition, GEN-F-25-00258 appears to be a complaint against the petitioner, made by Mr. Plato, that is vague and discloses no evidence to substantiate the complaint he makes.
52. Mr. Plato formally places himself into the position of adjudicator, informing the petitioner that he will decide the abuse of process matter—the matter Mr. Plato has complained of.

53. Mr. Plato invites the petitioner to make submissions to him, seemingly that the petitioner answer the complaint. However, Mr. Plato has not provided any evidence he relies upon to make such a complaint.
54. The only evidence Mr. Plato has provided in connection with his allegations, is a list of complaints the petitioner has made to the OIPC, and which the petitioner disputes the accuracy of.
55. The petitioner submits it is improper Mr. Plato to initiate a matter such GEN-F-25-00258, when any litigation that will occur in connection with that matter can only involve the revisiting of matters already disposed of, by the OIPC. In effect, Mr. Plato is attempting to resurrect matters already decided, with no jurisdiction to do so.
56. Mr. Plato has also formally ruled that his complaint (GEN-F-25-00258) also serves to answer all mail the petitioner has written to all delegates of the Commissioner and also serves notice upon the petitioner that no delegates or other employees of the Commissioner will answer any mail from the petitioner (of any sort) until Mr. Plato decides GEN-F-25-00258.
57. In digesting Mr. Plato's allegations and reviewing his own conduct, the petitioner realized he had mistakenly attributed the matter of INV-F-24-98596 to INV-F-24-98529, in writing various letters to various delegates of the Commissioner, with what he believed to be otherwise reasonable questions, concerning the conduct of those matters.
58. As soon as he realized his mistakes, the petitioner wrote to those delegates, bringing the mistakes to their attention, apologizing for having made them, and offering corrected documents, that he asked they accept, to demonstrate the errors and his attempts to correct them.
59. Where INV-F-23-96897 was properly before Mr. Biljetina, it appears he finally disposed of that matter with his final decision. In what appears to be an exception to *functus officio*, Mr. Biljetina invited the petitioner to ask questions and, further, raise concerns the petitioner might have about that final decision. Where the petitioner then did so, it appears Mr. Biljetina has inexplicably provided such requests made of him (his jurisdiction) to Mr. Plato. From there, it appears Mr. Plato alleges that the petitioner abused process before Mr. Biljetina, where Mr. Biljetina has made no such ruling.
60. No adjudicator of the OIPC has ever found the petitioner to have abused the processes of the OIPC in the adjudication of a matter before the OIPC.

61. For clarity, the Commissioner delegates his powers to certain officials that are termed “adjudicators.” Generally, such officials conduct formal inquiries. However, according to the OIPC’s formal guidance, concerning its processes, an “adjudicator” is a technical term that describes an official’s function. The definition of “adjudicator” clearly extends to Case Review Officers, Case Review Managers, Investigators, Senior Investigators, and the Directors of Investigations, among others, when they finally decide matters. All of these delegates engage in “adjudication.” Where the petitioner submits no adjudicator has found him to have abused process within a proceeding, he refers to all such officials—all of whom are delegates of the Commissioner.
62. As INV-F-23-96897 relates to INV-F-24-98529, both matters arise from discrete complaints, concerning discrete circumstances, over periods of time that are distinct from each other.
63. Having seized INV-F-24-98529, Mr. Hula had made a formal determination that the matter would be investigated and until such time as an investigator was appointed, questions should be directed to him.
64. No investigator was ever appointed, nor is there any Notice of Appointment of Investigator in that matter, which would have been the normal next step, representing the Investigator’s formal seizure of the matter.
65. Ms. Whitworth then took conduct of the same matter, and conducted her own “Review,” formally finding that INV-F-24-98529 is encompassed within INV-F-23-96897 (before Mr. Biljetina), and will be disposed of within that matter. With that finding, Ms. Whitworth disposed of INV-F-24-98529.
66. There is no evidence that Mr. Biljetina took jurisdiction of INV-F-24-98529. The petitioner posed questions to Mr. Biljetina about his official assumption of INV-F-24-98529, which have gone unanswered. Mr. Biljetina has not demonstrated any consideration of, or disposition of, INV-F-24-98529 within INV-F-23-96897.
67. Where the petitioner made a legitimate complaint to the OIPC, and that matter was opened as INV-F-24-98529, the OIPC has not disposed of the complaint in a reasonable manner, with Ms. Whitworth’s disposition of April 4, 2025. The petitioner submits the finding that the matter will be disposed of within INV-F-23-96897 is baseless and represents a duplication of process. The “review” (by Ms. Whitworth) was in addition to the process (an investigation) that had previously ruled would occur by Mr. Hula—a distinct jurisdiction to Ms. Whitworth. Ms. Whitworth did not conduct an investigation, nor allow for any hearing in arriving at her disposition.

68. Where the petitioner made a legitimate complaint to the OIPC, and that matter was opened as INV-F-23-96897, the OIPC has not disposed of the complaint in a reasonable manner, with Mr. Biljetina's disposition of April 16, 2025 (seemingly backdated to April 10, 2025). The disposition fails to dispose of the key complaints the petitioner made, while focusing exclusively on the unreasonably OIPC-framed complaint, that the petitioner's complaint only concerns s. 31 of the *FIPPA*. The petitioner's complaint clearly concerns other sections of the *FIPPA*, which are not addressed in the disposition.
69. The petitioner was unable to tender evidence to Mr. Biljetina because he would not explain how it would be protected from unauthorized disclosure to WorkSafeBC. The petitioner made every effort to cooperate with Mr. Biljetina, while attempting to responsibly protect his rights within the OIPC's processes. The petitioner submits the OIPC's processes are so vague that it is seemingly impossible for him to understand whether or not the evidence he might tender to the OIPC for investigative purposes is kept confidential or if it is disclosed to WorkSafeBC—outside of a proceeding where natural justice applies. The petitioner submits this was unfair. There is evidence that such disclosure routinely occurs—all while the WCB does not answer complaints and seemingly, is enabled to secretly answer complaints to the OIPC, where the WCB's submissions with the OIPC are kept secret, and are put to the petitioner, for response. Such conduct results in a seemingly one-sided process, which appears to unfairly favour the WCB.
70. The relationship of DLA Piper (Canada) LLP to the OIPC, as its full-service lawyer is well known. DLA Piper (Canada) LLP is also the lawyer for the WCB in matters relating to me before the OIPC, where the OIPC performs the role of adjudication. In every single circumstance the OIPC has claimed to address this issue, it has materially misapprehended it, in order to then find there is no reasonable apprehension of bias.
71. Where the petitioner has articulated his fear of bias, within the OIPC's processes, he submits his apprehension is based upon the conduct he has formally identified, which he has properly reported because it is plainly evidenced. In every circumstance (including this one) the OIPC has failed to address the petitioner's apprehensions for what they are, which clearly concern the dual role DLA Piper (Canada) LLP plays, as lawyer to both the OIPC and the WCB at the same time.
72. For clarity, the petitioner understands DLA Piper (Canada) LLP to be a single person, at law—a corporation. The petitioner submits there is a reasonable apprehension of bias present in the disposition of these matters, given DLA Piper (Canada) LLP's

omnipresence and the OIPC's continuing failure to decide the issue as raised, which relates to the OIPC's apparent failure to guard its independence. Such unfairness taints the entire handling of these complaints, by the OIPC.

73. The dispositions are unintelligible, as they lack sufficient reasons to demonstrate how they were made. Particularly since the OIPC is an inquisitorial body, that, itself, is charged with investigating and deciding complaint matters, the OIPC's failure to demonstrate a reasonable investigation and then, reasonable disposition based upon its demonstrable efforts to reasonably inquire, is unreasonable. Judicial review of the OIPC's conduct of these matters might be impossible, for such reasons.
74. With the initiation of an entirely new matter, GEN-F-25-00258, Mr. Plato has retaken jurisdictions of matters that are finally decided already, and opened his own inquiry into them, suggesting the petitioner's conduct within the finally decided matters represents an abuse of process. In each of the OIPC matters Mr. Plato identifies as the basis for his complaint against the petitioner, another delegate of the Commissioner, with full authority to finally decide that matter, made no allegation or finding of abuse of process against the petitioner.
75. It is improper for Mr. Plato to reopen those matters to now attempt to consider whether the petitioner's conduct within those matters was an abuse of process, where such an issue was not even "at issue" within any of those proceedings. Each of those matters had a properly enabled delegate of the Commissioner presiding over it, who has finally disposed of it. Mr. Plato did not have conduct of those matters, in the first instance. He has not decided a single case, concerning me.
76. It is also unclear what jurisdiction Mr. Plato has, to (himself) review final decisions of the OIPC, to then distill a new complaint from those matters (himself), place such matters before himself, where he will decide the complaint he has brought against me, as a delegate of the Commissioner. On its face, such a proceeding is already unfair—Mr. Plato is complainant and adjudicator of the complaint he brings.
77. More troubling is Mr. Plato's identification of himself as Legal Counsel. It appears Mr. Plato might be seen to be conducting such a proceeding in a role where he represents somebody else, such as other delegates that, themselves have the jurisdiction to address matters before them, when such matters are before them. Unfortunately, Mr. Plato does not identify who, particularly, he represents.
78. The Petitioner submits it is an impossible proposition for Mr. Plato to be **all**:

- a. a delegate of the Commissioner, adjudicating a matter under the Commissioner's exclusive authority to administer the *FIPPA*, **and**
 - b. the complainant in the same matter, **and**
 - c. legal counsel to somebody else—perhaps themselves a delegate of the Commissioner, having had conduct of an underlying, finally decided matter.
79. Due to the process Mr. Plato has determined, the Petitioner is obliged to answer Mr. Plato's charges by May 30, 2025. The Petitioner intends to do so, but only because he has been instructed to do so by Mr. Plato, with the implied threat that all of the petitioner's rights, under *FIPPA*, are at risk. Such answer is not the Petitioner's acceptance of the fairness, correctness or reasonableness of such a process, however.

Part 3: LEGAL BASIS

1. The petitioner will rely on the following:
 - a. *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165
 - b. *Workers Compensation Act*, RSBC 2019 c 1
 - c. *Rehabilitation Services and Claims Manual*, WorkSafeBC, 2020
 - d. *Judicial Review Procedure Act*, RSBC 1996, c 241
 - e. *Evidence Act*, RSBC 1996, c 124
 - f. *Interpretation Act*, RSBC 1996, c 238
 - g. Rules of Court, and
 - h. The inherent jurisdiction of the Court.
2. The legal grounds this petition is brought are:
 - a. The respondent OIPC (Biljetina) made reviewable errors when he did not conduct a fair or meaningful investigation and failed to make any inquiries that might allow itself to know the specifics of the petitioner's complaint.
 - b. The respondent OIPC (Biljetina) made reviewable errors when he would not explain how the evidence he asked the petitioner to tender to the OIPC in the course of its investigation would be used or disclosed (to the WCB), in the course of the investigation, and before a hearing might occur.

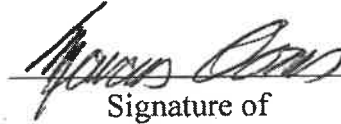
- c. The respondent OIPC (Biljetina) made reviewable errors when he finally decided the Petitioner's complaint matter in the absence of any hearing, knowing the petitioner had evidence to tender.
- d. The respondent OIPC (Biljetina) made reviewable errors when he failed to rule on the numerous procedural requests the petitioner properly asked of him.
- e. The respondent OIPC (Biljetina, Whitworth) perpetuate a situation where the Petitioner has a reasonable apprehension of bias. The OIPC permits its law firm (DLA Piper (Canada) LLP to represent the WCB in matters affecting the Petitioner, while the WCB is the opposing party to the Petitioner.
- f. The respondent OIPC (Whitworth) made reviewable errors when she initiated a "review" of INV-F-24-98529 while it was before another OIPC delegate (Hula), ultimately interfering in Hula's already made determination that the matter would be assigned to an investigator, for investigation.
- g. The respondent OIPC (Hula) made reviewable errors when he ignored the Petitioner's requests that he clarify his jurisdiction, concerning Ms. Whitworth's "review" in relation to INV-F-24-98529.
- h. The respondent OIPC (Whitworth) made reviewable errors when she determined that INV-F-24-98529 was part of INV-F-23-96897 and would be disposed of within that matter, where it was seemingly neither opened, nor disposed of. Such a decision is based upon irrelevant factors.
- i. The respondent OIPC (Whitworth, Biljetina) made reviewable errors when they ignored the Petitioner's requests that they please demonstrate or explain the transfer of INV-F-24-98529 to INV-F-23-96897, which was under Mr. Biljetina's jurisdiction.
- j. The respondent OIPC (Whitworth, Biljetina) made reviewable errors by claiming to transfer INV-F-24-98529 to INV-F-23-96897, and then not consider or dispose of INV-F-24-98529.
- k. The respondent OIPC (Whitworth, Biljetina) made reviewable errors by ignoring post-decision requests of the Petitioner, which were properly enabled by the OIPC's own processes. In the case of Mr. Biljetina, such requests were specifically and formally invited, but ignored when made.
- l. The respondent OIPC (Plato) made reviewable errors by initiating a further matter (GEN-F-25-00258) in relation to INV-F-24-98529 and INV-F-23-96897 (among others). Mr. Plato is both complainant and adjudicator in that matter, where he proposes to both advance and decide his own complaint, alleging that the Petitioner abused process in relation to INV-F-24-98529 and INV-F-23-96897—matters that are already finally decided.

MATERIAL TO BE RELIED ON

1. Affidavit #1 of Marcus Ooms
2. Statutory and policy provisions, as noted in point 1—Legal Basis (above).

The Petitioner(s) estimate(s) that the hearing of the petition will take two days.

Date: May 30, 2025



Signature of

☒ petitioner ☐ lawyer for petitioner(s)

MARCUS OOMS

To be completed by the court only:

Order made

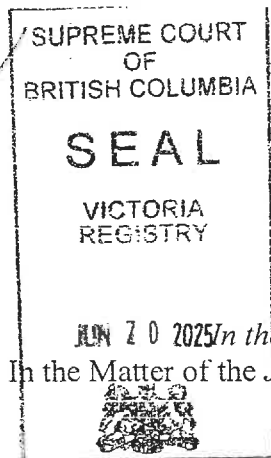
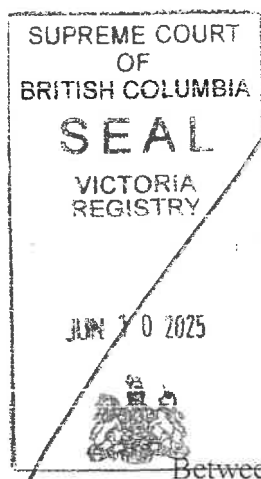
☐ in the terms requested in paragraphs of Part 1 of this petition

☐ with the following variations and additional terms:

.....
.....
.....

Date:[dd/mm/yyyy]

.....
Signature of ☐ Judge ☐ Master



*Amended Pursuant to Rule 6-1
Originally filed June 14 2025
2510988*

No. _____
Victoria Registry

In the Supreme Court of British Columbia
In the Matter of the *Judicial Review Procedure Act* R.S.B.C. 1996, c. 241

Between:

MARCUS ARTHUR OOMS

Petitioner

And:

LEEANN WHITWORTH, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA

And:

ETHAN PLATO, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA,

And:

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

And

WORKERS' COMPENSATION ~~BOARD~~ OF BRITISH COLUMBIA
APPEAL TRIBUNAL #40

Respondents

PETITION TO THE COURT

ON NOTICE TO:

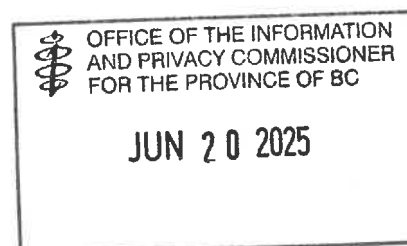
LeeAnn Whitworth
Office of the Information and Privacy
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Office of the Information and Privacy
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4th Floor, 947 Fort Street,
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Workers' Compensation Appeal Tribunal
4600 Jacombs Rd.,
Richmond, BC V6V 3B1

Ethan Plato
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Commissioner for British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

Deputy Attorney General
Ministry of Justice
PO Box 9290 Stn Prov Govt
Victoria BC V8W 9J7



This proceeding has been started by the petitioner for the relief set out in Part 1 below.

If you intend to respond to this petition, you or your lawyer must

- (a) file a response to petition in Form 67 in the above-named registry of this court within the time for response to petition described below, and**
- (b) serve on the petitioner**
 - (i) 2 copies of the filed response to petition, and**
 - (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.**

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner,

- (a) if you reside anywhere within Canada, within 21 days after the date on which a copy of the filed petition was served on you,**
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed petition was served on you,**
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed petition was served on you, or**
- (d) if the time for response has been set by order of the court, within that time.**

(1) The address of the registry is:

**850 Burdett Avenue Victoria, BC
Mailing: Address: PO Box 9248 Stn Prov Govt
Victoria, BC V8W 9J2**

(2) The ADDRESS FOR SERVICE of the petitioner is:

**3427 Mary Anne Crescent
Victoria, BC V9C 4K4**

Fax number address for service (if any) of the petitioner: N/A

E-mail address for service (if any) of the petitioner: marcusooms10@hotmail.com

(3) The name and office address of the petitioner's lawyer is: N/A

Claim of the Petitioner

Part 1: ORDER(S) SOUGHT

1. That OIPC decisions INV-F-25-00187 and INV-F-25-00526 be quashed.
2. That the OIPC be ordered to properly investigate the petitioner's complaints in the matters of INV-F-25-00187 and INV-F-25-00526, the details of which are in the complaints, give fair hearing to the parties, and remake its decisions by applying the *FIPPA* correctly.
3. That the OIPC be ordered to cease its prosecution of GEN-F-25-00258, which entirely relates to matters already finally decided.
4. Costs; and
5. Any other order the Court deems just.

Part 2: FACTUAL BASIS

1. The petitioner was injured at work on June 22, 2009.
2. Subsequently, the petitioner applied for workers compensation benefits for his injuries from the WCB.
3. The WCB has since determined that the petitioner's compensable injuries are permanent and is entitled to various compensation benefits, including the provision of ongoing health care.
4. There are ongoing disagreements between the petitioner and the WCB, which concern the WCB's administration of various provisions of the *Workers Compensation Act*.
5. The petitioner has been before WCAT on numerous occasions, on appeal matters arising from his claim.
6. When an appeal is accepted by WCAT, WCAT is obliged to inform the WCB of the appeal, and the WCB is obliged to disclose all records related to the administration of the claim to the parties and WCAT, for the purpose of fair hearing of the appeal matter. Ordinarily, the WCB generates a record it refers to as a "full disclosure" of the claim file for such purpose, generating an evidentiary certificate for WCAT, in the process.
7. According to WCB policy (which is binding), the claim file is the master file for recording information used in the adjudication and administration of a claim.

8. In the course of the petitioner's appeals, it has come to the petitioner's attention that WCAT receives its disclosure of the claim file, but also refers to the WCB's CMS on a regular basis in the course of deciding appeal matters.
9. On September 22, 2023, OIPC Order F23-79 confirmed that the WCB's provision of its entire CMS to WCAT in the course of appeals is lawful, as every aspect of it concerns the WCB's administration of the claim.
10. Also on September 22, 2023, the WCB filed an application with the OIPC, requesting that it be "relieved" of answering access to information requests, correction requests, or complaints against it, that the petitioner might make. The WCB alleged the petitioner had abused the processes enabled under the *FIPPA*. It sought an order that the petitioner be banned from exercising any right under *FIPPA*, relative to the WCB, for three years.
11. The petitioner noted and objected to the WCB's retention of DLA Piper (Canada) LLP to prosecute its application, as DLA Piper (Canada) LLP is the OIPC's full-service lawyer. The petitioner requested rulings concerning his reasonable apprehension of bias, that the OIPC had seemingly not properly guarded its independence, and might be seen to be biased, in such circumstances. Eventually, the WCB was permitted to withdraw the application, without providing any reasons, despite the petitioner's objections. The OIPC did not rule on the petitioner's objections.
12. A few months later, the WCB initiated a new matter against the petitioner, which was eventually decided as F24-65.
13. F24-65 again alleged abuse of process and again the WCB retained the OIPC's lawyer, DLA Piper (Canada) LLP. In F24-65, DLA Piper (Canada) used a different associate of its firm to represent the WCB. That associate works in the same Vancouver office as the associate who represented the WCB in the first matter.
14. Again, the petitioner objected on the ground of bias, as it was the same DLA Piper (Canada) LLP representing the WCB before its other client, the OIPC.
15. The WCB (through DLA Piper (Canada) LLP) identified and presented much material from the petitioner's claim file, to prosecute the abuse of process matter, under *FIPPA*. In addition, the further records that were identified but not produced to the proceeding plainly do not reside on the claim file, at the WCB, but have been used to administer the petitioner's claim. Through its lawyer, the WCB offered to tender such additional evidence, if necessary.

16. On July 16, 2024 the OIPC decided F24-65, granting the WCB one year of “relief” from answering access requests only, accepting the WCB’s assertions that the petitioner has access to information used to administer his claim through the claim process.
17. Since then, the petitioner has made repeated requests for evidence that the WCB formally documents to exist, under the provisions of the *WCA*. However, the WCB formally refuses to provide such records under the *WCA*, citing its right to ignore requests made under the *FIPPA*.
18. On July 18, 2024 the petitioner made an access to information request of the respondent WCAT, for access the CMS-related records the WCAT accesses and considers in the course of appeals, concerning the petitioner.
19. WCAT initiated an abuse of process proceeding against the petitioner before the respondent OIPC, in relation to his July 18, 2024 access request.
20. The ensuing inquiry of the OIPC (F25-07) determined that the petitioner’s access request of the respondent WCAT was not an abuse of process and ordered WCAT to respond to it.
21. The respondent WCAT then formally informed the petitioner that it required further time to consult with the WCB, in order to determine if WCAT will produce the records in question, including whether WCAT has custody or control of them. WCAT communicated the petitioner’s complaint rights, under *FIPPA*.
22. The petitioner complained to the OIPC on January 31, 2025, that the reasons for WCAT’s time extension were not authorized under *FIPPA*, and that WCAT clearly has (or had) custody or control of the records in question, noting WCAT also has records retention obligations, under *FIPPA*. The petitioner’s complaint concerned the necessity of such consultations, in light of WCAT’s evidence, that it accesses the records in question through its own computers. This complaint is the matter that became F25-00187, and is now before the Court on this judicial review petition.
23. On February 28, 2025 (before the OIPC addressed the petitioner’s complaint), WCAT responded to the petitioner’s access request, saying that it had no records that were responsive to the access request in its custody or control and that all such records are in the WCB’s custody and control. WCAT further acknowledged the petitioner cannot ask the WCB for such records. WCAT then suggested that the petitioner might make an access request of the WCB for such records.

24. On March 3, 2025 the petitioner requested a review of the substance of the WCAT's response to the access request (under s. 52 of the *FIPPA*), along with complaints relating to WCAT's duties when answering an access request under *FIPPA* (under s. 42 of the *FIPPA*). The petitioner understands the OIPC to draw a distinction between:

- a. a review concerning the substance of an access response, by a public body and
- b. a complaint, concerning a public body's duties when responding to an access to information request.

Consequently, it is necessary to both request a review and complain (separately) if an allegation that a public body has failed to perform a duty is alleged to be the cause of a disputed access to information response, notwithstanding the statutory language of s. 52, that appears to cluster such issues into a single matter.

25. On March 10, 2025 the petitioner requested reconsideration of F24-65, on the ground that circumstances had changed, producing new evidence, due to the WCB's ongoing refusals to provide access to records containing his personal information, under the *WCA*.

Generally, the request concerned the finding in F24-65, that the petitioner has access to his personal information under the *WCA*, therefore negating the impact of the ban that was imposed under the *FIPPA*. Such issues arise from the WCB's continued admission that it holds evidence relevant to the petitioner's claim and its refusal to produce it, despite formally indicating it can be produced. The finding that such information was accessible under the *WCA* was foundational to the Commissioner's delegate's decision to ban access requests under *FIPPA*.

26. On March 11, 2025 the respondent Whitworth dismissed the petitioner's complaint F25-00187, finding *FIPPA* authorizes such a time extension, with the unreasonable (unexplained) finding that such time extension was, in fact, "necessary."

27. On March 11, 2025 the petitioner requested the respondent Whitworth reconsider her decision in F25-00187, setting out reasons, including her seeming failure to appreciate the reasons why WCAT took the time extension or the circumstances of it, including the fairness of such administration. Such reasons arise from the OIPC's reconsideration policy.

28. On March 12, 2025 the respondent Whitworth responded to the petitioner by seemingly adding to her decision and proposing to amend it. However, such administration occurred without opening a reconsideration matter, which might allow for hearing. The

petitioner formally responded to the respondent Whitworth's letter, questioning such a response.

29. Ultimately, the respondent Whitworth dismissed the request for reconsideration as being *"plain and obvious the public body met the criteria under the Act..."* and *"aside from plain and obvious, I'm aware that the public body responded to your access request on February 28, 2025, and therefore this complaint is of inconsiderable importance and trivial."* The petitioner submits such findings are unreasonable, as they fail to consider relevant information and statutory provisions, relating to the statutory definition of a "record." Under that definition, it appears WCAT had all of the records in question in its custody.
30. On March 19, 2025, the petitioner was formally informed that orders cannot be reconsidered, in relation to his request for reconsideration of F24-65, dated March 10, 2025. He objected on March 20, 2025, with the OIPC's final word on March 21, 2025, suggesting appeal to BC Supreme Court.
31. On April 16, 2025, the OIPC dismissed the petitioner's March 3, 2025 request for review and complaint, with the unreasonable finding that "it is plain and obvious that the WCB has both custody and control of the records subject to the request and WCAT does not."
32. On April 16, 2025 Ethan Plato, a delegate of the Commissioner initiated an "abuse of process" action against the petitioner, under the *FIPPA*, seemingly arising directly from these matter and others. The matter initiated by Mr. Plato is filed as GEN-F-25-00258.
33. GEN-F-25-00258 appears to be a discrete matter, sitting independent of the matters it flows from—all of which are finally decided. As of the date of this petition, GEN-F-25-00258 appears to be a complaint against the petitioner, made by the respondent Plato, that is vague and discloses no evidence to substantiate the complaint he makes.
34. The respondent Plato formally places himself into the position of adjudicator, informing the petitioner that he will decide the abuse of process matter—the matter the respondent Plato has complained of.
35. The respondent Plato invited the petitioner to make submissions to him, seemingly that the petitioner answer the complaint.
36. The only evidence the respondent Plato has provided in connection with his allegations, is a list of complaints the petitioner has made to the OIPC, which the petitioner disputes the accuracy of.

37. The petitioner submits it is improper for the respondent Plato to initiate a matter such as GEN-F-25-00258, when any litigation that will occur in connection with that matter can only involve the revisiting of matters already disposed of, by other officers of the OIPC. In effect, the respondent Plato is attempting to resurrect matters already decided, with no jurisdiction to do so.
38. The respondent Plato has also formally ruled that his complaint (GEN-F-25-00258) serves to answer all mail the petitioner has written to all delegates of the Commissioner and also serves notice upon the petitioner that no delegates or other employees of the Commissioner will answer any mail from the petitioner (of any sort) until the respondent Plato decides GEN-F-25-00258.
39. With the initiation of GEN-F-25-00258, the respondent Plato has retaken jurisdictions of matters that are finally decided already, and opened his own inquiry into them, suggesting the petitioner's conduct within the finally decided matters represents an abuse of process. In each of the OIPC matters the respondent Plato identifies as the basis for his complaint against the petitioner, another delegate of the Commissioner, with full authority to finally decide that matter, made no allegation or finding of abuse of process against the petitioner.
40. It is improper for the respondent Plato to reopen those matters to now attempt to consider whether the petitioner's conduct within those matters was an abuse of process, where such an issue was not even "at issue" within any of those proceedings. Each of those matters had a properly enabled delegate of the Commissioner presiding over it, who has finally disposed of it. The respondent Plato did not have conduct of those matters, in the first instance. He has not decided a single case, concerning the petitioner.
41. It is also unclear how the respondent Plato came to initiate a "review" of final decisions of other delegates of the Commissioner, to then distill a new complaint from those matters (himself), place such matters before himself, intending to decide the complaint he has brought against the petitioner, as a separate delegate of the Commissioner. On its face, such a proceeding is already unfair—the respondent Plato is complainant and adjudicator of the complaint he brings.
42. The respondent Plato identifies himself as Legal Counsel. It appears the respondent Plato might be seen to be conducting such a proceeding in a role where he represents somebody else, such as other delegates that, themselves have the jurisdiction to address matters before them, when such matters are properly before them. The respondent Plato does not identify who, particularly, he represents.

43. The Petitioner submits it is an impossible proposition for the respondent Plato to be **all**:
- a. a delegate of the Commissioner, adjudicating a matter under the Commissioner's exclusive authority to administer the *FIPPA*, **and**
 - b. the complainant in the same matter, **and**
 - c. legal counsel to somebody else—perhaps themselves a delegate of the Commissioner, having had conduct of an underlying, finally decided matter.
44. Due to the process the respondent Plato has determined, the Petitioner was obliged to answer the respondent Plato's charges June 2, 2025. However, the petitioner only did so because he has been instructed to do so by the respondent Plato, with the implied threat that all of the petitioner's rights, under *FIPPA*, are at risk. Such answer is not the Petitioner's acceptance of the fairness, correctness or reasonableness of such a process, however.

Part 3: LEGAL BASIS

1. The petitioner will rely on the following:
 - a. *Freedom of Information and Protection of Privacy Act*, RSBC 1996. c 165
 - b. *Guide to OIPC Processes (FIPPA)*
 - c. *Workers Compensation Act*, RSBC 2019 c 1
 - d. *Judicial Review Procedure Act*, RSBC 1996. c 241
 - e. *Evidence Act*, RSBC 1996, c 124
 - f. *Interpretation Act*, RSBC 1996, c 238
 - g. Rules of Court, and
 - h. The inherent jurisdiction of the Court.
2. The legal grounds this petition is brought are:
 - a. The respondent OIPC (Whitworth) made reviewable errors when she did not conduct a fair or meaningful investigation and failed to make any inquiries that might allow herself to know the specifics of the petitioner's complaint.
 - b. The respondent OIPC (Whitworth) made reviewable errors when she failed to apprehend the requirement for WCAT to demonstrate a *bona fide* requirement for a time extension, in order to be permitted to have a time extension.
 - c. The respondent OIPC (Whitworth) made reviewable errors when she found it was "plain and obvious" WCAT had met the criteria for a time extension, under the *FIPPA*.

- d. The respondent OIPC (Whitworth) made reviewable errors when she found it was the complaint was of *"inconsiderable importance and trivial"* because WCAT later did respond to the access request to which the time extension complaint applied.
- e. The respondent OIPC (Whitworth) made reviewable errors when she found *"it is plain and obvious that the WCB has both custody and control of the records subject to the request and WCAT does not."*
- f. The respondent OIPC (Whitworth) made reviewable errors in responding to the petitioner's request for reconsideration, which articulated specific grounds, relating to statutory provisions that clearly apply. In particular, the respondent OIPC (Whitworth) has seemingly not apprehended:
 - i. the nature of the records in question—that they are all digitized records
 - ii. that WCAT could only have accessed digitized records by downloading them from the WCB,
 - iii. that WCAT could only have read such records through the use of its machines (its computers), which necessarily had to read the records before it composed images of them, that would be recognizable as documents.
 - iv. that WCAT plainly had custody and control of the records, by virtue of its admitted reliance on its access to the WCB's CMS to read them. It plainly needed to process the records (itself) before reading them, given the nature of binary code, which was almost certainly what WCAT received from the WCB (over the Internet).
 - 1. The binary code, so received, would then have had to be machine read and assembled into the documents WCAT claims it does not have.
 - v. that WCAT is duty bound to retain records it uses for decision-making,
 - vi. that WCAT must create a record for the petitioner when such a record can be created from a machine-readable record (the binary code WCAT downloaded from the WCB is such as machine-readable record) using its normal computer hardware and software and technical expertise (s. 6, *FIPPA*).
- g. The respondent OIPC (Whitworth) made reviewable errors in finding such issues irrelevant to the WCAT's claim that it was required to consult with the WCB to determine if it had custody or control of the records in question.
- h. Ultimately, the respondent OIPC (Whitworth) made reviewable errors by prematurely and arbitrarily disposing of such complaints with no investigation or

hearing, while making the key finding that WCAT does not hold the records—a seemingly impossible proposition.


- i. The respondent OIPC (Plato) made reviewable errors by initiating a further matter (GEN-F-25-00258) in relation to INV-F-25-00187 and INV-F-25-00526 (among others). The respondent Plato is both complainant and adjudicator in that matter, where he proposes to both advance and decide his own complaint, alleging that the Petitioner abused process in relation to INV-F-25-00187 and INV-F-25-00526—matters that are already finally decided. Such conduct is fundamentally unfair, occurs without jurisdiction, and violates the doctrine of finality.

MATERIAL TO BE RELIED ON

1. Affidavit #1 of Marcus Ooms
2. Statutory and policy provisions, as noted in point 1—Legal Basis (above).

The petitioner(s) estimate(s) that the hearing of the petition will take two days.

Date: June 10, 2025



Signature of

☒ petitioner ☐ lawyer for petitioner(s)

MARCUS OOMS

To be completed by the court only:

Order made

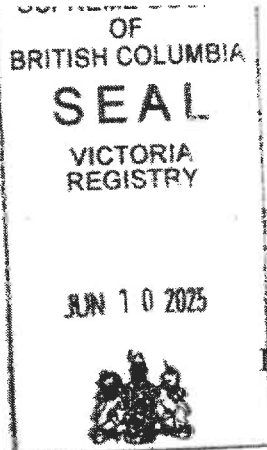
☐ in the terms requested in paragraphs of Part 1 of this petition

☐ with the following variations and additional terms:

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Date:[dd/mm/yyyy]

.....
Signature of ☐ Judge ☐ Master



No. **2510989**
Victoria Registry

In the Supreme Court of British Columbia
In the Matter of the Judicial Review Procedure Act R.S.B.C. 1996, c. 24

Between:

MARCUS ARTHUR OOMS

Petitioner

And:

SERGIO BILJETINA, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA

And:

ETHAN PLATO, A DELEGATE OF THE INFORMATION AND PRIVACY
COMMISSIONER FOR BRITISH COLUMBIA,

And:

OFFICE OF THE INFORMATION AND PRIVACY COMMISSIONER
FOR BRITISH COLUMBIA

And

WORKERS' COMPENSATION BOARD OF BRITISH COLUMBIA

Respondents

PETITION TO THE COURT

ON NOTICE TO:

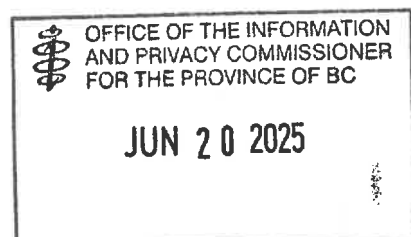
Sergio Biljetina
Office of the Information and Privacy
Commissioner for British Columbia
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Victoria BC V8V 3K3

Office of the Information and Privacy
Commissioner for British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

Workers' Compensation Board
6951 Westminster Highway
Richmond, BC V7C 1C6

Ethan Plato
Office of the Information and Privacy
Commissioner for British Columbia
4th Floor, 947 Fort Street,
Victoria BC V8V 3K3

Deputy Attorney General
Ministry of Justice
PO Box 9290 Stn Prov Govt
Victoria BC V8W 9J7



This proceeding has been started by the petitioner for the relief set out in Part 1 below.

If you intend to respond to this petition, you or your lawyer must

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- (b) serve on the petitioner
 - (i) 2 copies of the filed response to petition, and
 - (ii) 2 copies of each filed affidavit on which you intend to rely at the hearing.

Orders, including orders granting the relief claimed, may be made against you, without any further notice to you, if you fail to file the response to petition within the time for response.

Time for response to petition

A response to petition must be filed and served on the petitioner,

- (a) if you reside anywhere within Canada, within 21 days after the date on which a copy of the filed petition was served on you,
- (b) if you reside in the United States of America, within 35 days after the date on which a copy of the filed petition was served on you,
- (c) if you reside elsewhere, within 49 days after the date on which a copy of the filed petition was served on you, or
- (d) if the time for response has been set by order of the court, within that time.

- (1) The address of the registry is:

850 Burdett Avenue Victoria, BC
Mailing: Address: PO Box 9248 Stn Prov Govt
Victoria, BC V8W 9J2

- (2) The ADDRESS FOR SERVICE of the petitioner is:

3427 Mary Anne Crescent
Victoria, BC V9C 4K4

Fax number address for service (if any) of the petitioner: N/A

E-mail address for service (if any) of the petitioner: marcusooms10@hotmail.com

- (3) The name and office address of the petitioner's lawyer is: N/A

Claim of the Petitioner

Part 1: ORDER(S) SOUGHT

1. That OIPC decision F23-96882 (INV-F-23-96882) be quashed.
2. That the OIPC be ordered to properly investigate the petitioner's complaint in the matter of F23-96882, the details of which are in the complaint, give fair hearing to the parties, and remake its decision by applying the *FIPPA* correctly.
3. That the OIPC be ordered to cease its prosecution of GEN-F-25-00258, which entirely relates to matters already finally decided.
4. Costs; and
5. Any other order the Court deems just.

Part 2: FACTUAL BASIS

1. The petitioner was injured at work on June 22, 2009.
2. Subsequently, the petitioner applied for workers compensation benefits for his injuries from the respondent WCB.
3. The respondent WCB has since determined that the petitioner's compensable injuries are permanent and is entitled to various compensation benefits, including the provision of ongoing health care.
4. There are ongoing disagreements between the petitioner and the WCB, which concern the WCB's administration of various provisions of the *Workers Compensation Act*.
5. There are ongoing disagreements between the petitioner and the WCB, which concern the WCB's compliance with the *FIPPA*, as it relates to the WCB's use, collection and disclosure of the petitioner's personal information, all of which is subject to the *FIPPA*.
6. As such disagreements relate to this matter, the OIPC is the correct tribunal to administer the *FIPPA*, and has the exclusive jurisdiction to do so.
7. On August 22, 2023 the petitioner complained to the OIPC, that certain official of the WCB had, through misrepresentation and without lawful authority, invaded the petitioner's privacy through the interception of the petitioner's official claim-related communications, seizing them, and making them disappear—effectively destroying their evidentiary value, in so doing.

8. Despite numerous formal requests to have the OIPC take notice of the petitioner's August 22, 2023 complaint, the OIPC did not do so. Rather, the WCB initiated an abuse of process matter against the petitioner, seeking to have the petitioner's access, correction, and complaint rights suspended for three years, by the OIPC.
9. In order to prosecute such a matter, the WCB retained the services of DLA Piper (Canada) LLP to represent it before the OIPC. DLA Piper (Canada) LLP was then (and continues to be) the OIPC's lawyer, providing full legal services.
10. On March 28, 2024 the WCB formally deposed (Nouwt) that this complaint matter had not materialized, in ultimately submitting that there were no outstanding complaint matters before the OIPC, while also seeking to be relieved of responding to official requests or complaints of the petitioner, in the future.
11. Despite several letters to the OIPC, inquiring about the OIPC's ongoing failure to open a file in relation to this matter, the OIPC had not opened a file when the petitioner again contacted the OIPC, on May 5, 2024.
12. On May 6, 2024, Ms. Whitworth, a delegate of the Commissioner, opened file F23-96882, in relation to the petitioner's August 22, 2023 complaint. The petitioner was informed that an investigator would be assigned within two weeks.
13. On October 18, 2024, the respondent Biljetina, a delegate of the Commissioner gave formal notice of his appointment as investigator in this matter. His instruction was that he would review the file and be in contact with the parties.
14. On October 18, 2024 the respondent Biljetina also gave formal notice of his appointment in a separate matter, F23-96897. His instruction in that matter was for the petitioner to submit all evidence in relation to that matter to him by October 30, 2024.
15. On receipt of the respondent Biljetina's Notice and associated instructions in F23-96897, the petitioner made procedural requests, requesting the respondent Biljetina's explanation of the extent to which the OIPC might share the petitioner's personal information and other evidence with the WCB in the course of the investigation of the complaint, and, to the extent it was impossible to know the answers to such questions through the OIPC's formal guidance, whether the evidence obtained in the current investigation would serve the purpose of evidence in later proceedings. Additionally, the petitioner requested the respondent Biljetina's explanation of how he might deliver fair process, in light of numerous rulings of the OIPC, relating to the petitioner's cases concerning the WCB.

16. Without addressing any of the concerns raised by the petitioner in F23-96897, the respondent Biljetina simply informed the petitioner that the process would be "fair."
17. Over the next several months, the petitioner expressed his objection to such an answer (with reasons) and requested explanation from the respondent Biljetina about the manner in which the petitioner's personal information would be used by the respondent Biljetina, once the Petitioner disclosed his personal information in the course of his official investigation.
18. The issue of the OIPC's potential disclosure of the petitioner's personal information to the WCB, by various means, was the issue. Generally, this issue is one where the OIPC will not explain anything to the petitioner. The respondent Biljetina would not explain anything either, beyond his claim to conduct the matter "fairly."
19. The OIPC, itself, is a "public body" under the FIPPA and as such, has its own obligations to explain how it uses citizens' personal information, when it collects it.
20. The petitioner raised objections to the respondent Biljetina's responses, as being inadequate, given the petitioner's previous experiences with such processes. The petitioner voiced his concern that the OIPC might be "leaking" his personal information to the WCB in the course of the investigation, allowing the WCB to gain potentially unfair advantage in the complaint matters that the petitioner has raised before the OIPC, in relation to the WCB's handling of his personal information.
21. The petitioner requested specific rulings or guidance from the respondent Biljetina, concerning such issues, noting the investigator is delegated the authority to address and dispose of all such issues, up to and including full and final disposition of any complaint matter, including by conducting an inquiry under s. 56 and making an order under s. 58 of the *FIPPA*.
22. The respondent Biljetina did not provide rulings or any guidance concerning the petitioner's procedural requests, beyond vague assertions of "fairness" and the ongoing request that the petitioner provide his information in the absence of such rulings or guidance.
23. The petitioner was not satisfied with the respondent Biljetina's response, as it failed to address the issues the petitioner raised, which resulted in the petitioner's objections, which were, in turn, officially ignored by the respondent Biljetina. The respondent Biljetina communicated that the petitioner's concerns, which related to fair process, were received, but would not address them and would not inform the petitioner of how his

person information might be used or shared. Nothing was ruled on. Additionally, late in the course of F23-96897, the respondent Biljetina made mention on this matter, F23-96882, initially mentioning both matters were before him and on November 28, 2024, erroneously informing the petitioner that he had already made “detailed submissions” in both matters, when the petitioner had made no submissions concerning the substance of either complaint, beyond the complaints, themselves.

24. The petitioner was invited to submit evidence in both F23-96897 and, *seemingly* by introducing such a request in correspondence concerning F23-96897, into the all-new request that the petitioner tender evidence in this matter, F23-96882. All of this was communicated in a letter that was headed “re: F23-96897.”
25. The petitioner provided a detailed letter to the respondent Biljetina, in response, making particular objections, making reference to basis for such objections and again requesting rulings from the respondent Biljetina, all of which the respondent Biljetina ignored.
26. There were further letters from the petitioner, pleading with the respondent Biljetina to make the requested rulings, which would allow the petitioner to make the elections to tender evidence during the investigative stages of the matter, and whether such evidence would be shared with the WCB in the course of the investigation, if tendered.
27. Ultimately, the respondent Biljetina did not rule on a single procedural issue the petitioner had raised, nor did he explain how he might overcome the fairness-related concerns the petitioner had raised.
28. On April 16, 2025 the respondent Biljetina disposed of F23-96882, making a final decision that failed to consider the actual history of the complaint, materially misapprehended the issues the petitioner had raised in the complaint, clearly having made findings of fact in the absence of any hearing, incorporating the WCB’s apparent narrative into his findings (although the petitioner has no knowledge that the WCB made such submissions, as the petitioner knows of no response from the WCB, whatsoever).
29. Particularly as these issues relate to DLA Piper (Canada) LLP’s presence as the OIPC’s lawyer and also the WCB’s lawyer, where such issues concern the WCB (as a party) and are adjudicated by the OIPC, the conduct of this matter appears that it might be tainted in ways that unfairly favour the WCB—particularly in favour of process that is seemingly heavily weighted in the WCB’s favour.
30. It is apparent that the respondent Biljetina might not have known the procedural history of this complaint matter, before the OIPC, particularly the period of time between the

petitioner's complaint to the OIPC, on August 22, 2023 and eventual assignment of a file number to it, on May 6, 2024.

31. The petitioner concluded that the disposition left him with many questions, concerning how the respondent Biljetina had come to his decision. The petitioner noted the respondent Biljetina's invitation from that decision, that, "if you have any questions or concerns, please contact me at sbiljetina@OIPC.bc.ca."
32. The petitioner subsequently did write to the respondent Biljetina in relation to his handling of F23-96882, on April 17, 2025. The petitioner acknowledges his serious concerns with the decision, and that such concerns relate to the reasonableness of the decision, and the fairness of the process in inquiring into/adjudicating the matter.
33. Concerning his questions of the respondent Biljetina, the petitioner clearly explained:

I request your answers to these questions, so I might better understand your decision. If you could briefly explain your perspectives on a point for point basis, I would appreciate that. Please don't hear my questions to represent complaints or criticisms. Rather, I ask that you understand my perspective, there is a seemingly wide gulf between what i understand myself to have complained of and your finding, which I do not easily recognize to relate to the complaint I made. I seek understanding, at this point. I might seek reconsideration later, but cannot say what I will determine until I have considered your responses to these questions."
34. The petitioner submits by informing the respondent Biljetina of his position (particularly the last sentence), the petitioner explained he was attempting to understand the respondent Biljetina's decision before considering a potential next step, which would either be reconsideration (apparently something the OIPC undertakes on its own authority, in the absence of statutory authority) or judicial review.
35. The respondent Biljetina has not answered any of the petitioner's questions, which were posed after the decision. Where the respondent Biljetina had specifically requested that the petitioner contact him with questions or concerns in the wake of his final decision, and where such questions were asked, The respondent Biljetina has, thus, behaved unfairly. Such conduct deprives the petitioner (and now the Court) of adequate reasons to demonstrate how numerous procedural issues, properly raised, were decided, if at all.. Ultimately, there are inadequate reasons to understand how the merits of the complained-of matter were decided.
36. Rather than respond to the petitioner's questions, it appears the respondent Biljetina involved another delegate of the Commissioner, the respondent Ethan Plato. Mr. Plato has now initiated an "abuse of process" proceeding against the petitioner, under the

FIPPA, seemingly arising directly from this matter and others, which all represent final decisions. The matter initiated by Mr. Plato is filed as GEN-F-25-00258.

37. GEN-F-25-00258 appears to be a discrete matter, sitting independent of the matters it flows from—all of which are finally decided. As of the date of this petition, GEN-F-25-00258 appears to be a complaint against the petitioner, made by the respondent Plato, that is vague and discloses no evidence to substantiate the complaint he makes.
38. The respondent Plato formally places himself into the position of adjudicator, informing the petitioner that he will decide the abuse of process matter—the matter the respondent Plato has complained of.
39. The respondent Plato invites the petitioner to make submissions to him, seemingly that the petitioner answer the complaint.
40. The only evidence the respondent Plato has provided in connection with his allegations, is a list of complaints the petitioner has made to the OIPC, which the petitioner disputes the accuracy of.
41. The petitioner submits it is improper for the respondent Plato to initiate a matter such as GEN-F-25-00258, when any litigation that will occur in connection with that matter can only involve the revisiting of matters already disposed of, by the OIPC. In effect, the respondent Plato is attempting to resurrect matters already decided, with no jurisdiction to do so.
42. The respondent Plato has also formally ruled that his complaint (GEN-F-25-00258) also serves to answer all mail the petitioner has written to all delegates of the Commissioner and also serves notice upon the petitioner that no delegates or other employees of the Commissioner will answer any mail from the petitioner (of any sort) until the respondent Plato decides GEN-F-25-00258.
43. In digesting the respondent Plato's allegations and reviewing his own conduct, the petitioner realized he had made errors in identifying an unrelated matter in his correspondence with the OIPC, inadvertently attributing the wrong file number to certain correspondence.
44. As soon as he realized his mistakes, the petitioner wrote to those delegates, bringing the mistakes to their attention, apologizing for having made them, and offering corrected documents that he asked they accept, to demonstrate the errors and his attempts to correct them.
45. Where F23-96882 was properly before the respondent Biljetina, it appears he finally disposed of that matter, with his final decision. In what appears to be an exception to

functus officio, the respondent Biljetina invited the petitioner to ask questions and, further, raise concerns the petitioner might have about that final decision. Where the petitioner then did so, it appears the respondent Biljetina has inexplicably provided such requests made of him (his jurisdiction) to the respondent Plato. From there, it appears the respondent Plato alleges that the petitioner abused process before the respondent Biljetina, where the respondent Biljetina has made no such ruling.

46. No adjudicator of the OIPC has ever found the petitioner to have abused the processes of the OIPC in the adjudication of a matter before the OIPC.
47. The Commissioner delegates his powers to certain officials that are termed “adjudicators.” Generally, such officials conduct formal inquiries. However, according to the OIPC’s formal guidance, concerning its processes, an “adjudicator” is a technical term that describes an official’s function. The definition of “adjudicator” clearly extends to Case Review Officers, Case Review Managers, Investigators, Senior Investigators, and the Directors of Investigations, among others, when they finally decide matters. All of these delegates engage in “adjudication.” Where the petitioner submits no adjudicator has found him to have abused process within a proceeding, he refers to all such officials—all of whom are delegates of the Commissioner.
48. Where the petitioner made a legitimate complaint to the OIPC, and that matter was opened as F23-968882, the OIPC has not disposed of the complaint in a reasonable manner, with the respondent Biljetina’s disposition of April 16, 2025. The disposition fails to dispose of the key complaints the petitioner made, which concern the invasion of the petitioner’s privacy), while focusing exclusively on the unreasonably OIPC-framed complaint, that the petitioner’s complaint only concerns s. 32 (authorized use) and 33 (disclosure of personal information) of the *FIPPA*. The petitioner’s complaint clearly concerns other sections of the *FIPPA*, which are not addressed in the disposition.
49. The respondent Biljetina also makes unreasonable findings of fact, relating to the WCB’s conduct, particularly relating to his findings concerning my complaints of unlawful interception, search, and seizure of my communications, along with his finding that the WCB found I had used “harassing language” (it did not), that a “threat assessment” was required and conducted (it was not), and that the contact restrictions were eventually “lifted” (they were not). There are further findings and characterizations that are unreasonable, given the facts already found.

50. In essence, the respondent Biljetina has simply taken the WCB's position, which is complained of, and reiterated it as his decision, having failed to facilitate any investigation or hearing—where such issues are obviously in dispute.
51. The petitioner was unable to tender evidence to the respondent Biljetina because he would not explain how it would be protected from unauthorized disclosure to WorkSafeBC. The petitioner made every reasonable effort to cooperate with the respondent Biljetina, while attempting to responsibly protect his rights under *FIPPA*, within the OIPC's processes.
52. The petitioner submits the OIPC's processes are so vague that it is seemingly impossible for him to understand whether or not the evidence he might tender to the OIPC for investigative purposes is kept confidential or if it is disclosed to WorkSafeBC—outside of a proceeding where natural justice applies. The petitioner submits this was unfair. There is evidence that such disclosure routinely occurs—all while the WCB does not answer complaints and seemingly, is enabled to secretly answer complaints to the OIPC, where the WCB's submissions with the OIPC are kept secret, and are not put to the petitioner, for response. Such conduct results in seemingly one-sided process, which appears to unfairly favour the WCB.
53. The relationship of DLA Piper (Canada) LLP to the OIPC, as its full-service lawyer is well known. DLA Piper (Canada) LLP is also the lawyer for the WCB in matters relating to the petitioner before the OIPC, where the OIPC performs its quasi-judicial role. In every single circumstance the OIPC has claimed to address this issue, it has materially misapprehended it, in order to then find there is no reasonable apprehension of bias.
54. Where the petitioner has articulated his fear of bias, within the OIPC's processes, he submits his apprehension is based upon the conduct he has formally identified, which he has properly reported because it is plainly evidenced. In every circumstance (including this one) the OIPC has failed to address the petitioner's apprehensions for what they are, which clearly concern the dual role DLA Piper (Canada) LLP plays, as lawyer to both the OIPC and the WCB at the same time.
55. For clarity, the petitioner understands DLA Piper (Canada) LLP to be a single person, at law—a corporation. The petitioner submits there is a reasonable apprehension of bias present in the disposition of these matters, given DLA Piper (Canada) LLP's omnipresence and the OIPC's continuing failure to decide the issue as raised, which relates to the OIPC's apparent failure to guard its independence. Such unfairness taints the entire handling of this complaint, and others, by the OIPC.

56. The disposition is unintelligible, as it lacks sufficient reasons to demonstrate how it was made. Particularly since the OIPC is an inquisitorial body, that, itself, is charged with investigating and deciding complaint matters, the respondent Biljetina's failure to demonstrate a reasonable investigation and then a reasonable disposition based upon its demonstrable efforts to reasonably inquire, is unreasonable. Fulsome judicial review of the OIPC's conduct of this matter might be impossible, for this reason.
57. With the initiation of an entirely new matter, GEN-F-25-00258, the respondent Plato has retaken jurisdictions of matters that are finally decided already, and opened his own inquiry into them, suggesting the petitioner's conduct within the finally decided matters represents an abuse of process. In each of the OIPC matters the respondent Plato identifies as the basis for his complaint against the petitioner, another delegate of the Commissioner, with full authority to finally decide that matter, made no allegation or finding of abuse of process against the petitioner.
58. It is improper for the respondent Plato to reopen those matters to now attempt to consider whether the petitioner's conduct within those matters was an abuse of process, where such an issue was not even "at issue" within any of those proceedings. Each of those matters had a properly enabled delegate of the Commissioner presiding over it, who has finally disposed of it. The respondent Plato did not have conduct of those matters, in the first instance. He has not decided a single case, concerning me.
59. It is also unclear what jurisdiction the respondent Plato has, to "review" final decisions of other delegates of the Commissioner, to then distill a new complaint from those matters (himself), place such matters before himself, and decide the complaint he has brought against the petitioner, as a delegate of the Commissioner. On its face, such a proceeding is already unfair—the respondent Plato is complainant and adjudicator of the complaint he brings.
60. The respondent Plato identifies himself as Legal Counsel. It appears the respondent Plato might be seen to be conducting such a proceeding in a role where he represents somebody else, such as other delegates that, themselves have the jurisdiction to address matters before them, when such matters are before them. The respondent Plato does not identify who, particularly, he represents.
61. The Petitioner submits it is an impossible proposition for the respondent Plato to be all:
- a. a delegate of the Commissioner, adjudicating a matter under the Commissioner's exclusive authority to administer the *FIPPA*, and

- b. the complainant in the same matter, **and**
 - c. legal counsel to somebody else—perhaps themselves a delegate of the Commissioner, having had conduct of an underlying, finally decided matter.
62. Due to the process the respondent Plato has determined, the Petitioner was obliged to answer the respondent Plato's charges by May 30, 2025. The petitioner was granted a brief extension and provided his response on June 2, 2025. However, the petitioner only did so because he has been instructed to do so by the respondent Plato, with the implied threat that all of the petitioner's rights, under *FIPPA*, are at risk. Such answer is not the Petitioner's acceptance of the fairness, correctness or reasonableness of such a process, however.

Part 3: LEGAL BASIS

1. The petitioner will rely on the following:
 - a. *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c 165
 - b. *Guide to OIPC Processes (FIPPA)*
 - c. *Workers Compensation Act*, RSBC 2019 c 1
 - d. *Judicial Review Procedure Act*, RSBC 1996, c 241
 - e. *Evidence Act*, RSBC 1996, c 124
 - f. *Interpretation Act*, RSBC 1996, c 238
 - g. Rules of Court, and
 - h. The inherent jurisdiction of the Court.
2. The legal grounds this petition is brought are:
 - a. The respondent OIPC (Biljetina) made reviewable errors when he did not conduct a fair or meaningful investigation and failed to make any inquiries that might allow itself to know the specifics of the petitioner's complaint.
 - b. The respondent OIPC (Biljetina) made reviewable errors when he did not clearly request evidence in relation to F23-96882, as a distinct matter. The respondent Biljetina seems to have attempted to unfairly "piggyback" a request for evidence into a process (F23-96897) which was a discrete matter (according to the OIPC), where objections had been made and which had not been ruled upon. All such correspondence occurred under F23-96897.


- c. The respondent OIPC (Biljetina) made reviewable errors when he would not explain how the evidence he asked the petitioner to tender to the OIPC in the course of its investigation would be used or disclosed (to the WCB), in the course of the investigation, and before a hearing might occur.
- d. The respondent OIPC (Biljetina) made reviewable errors when he finally decided the Petitioner's complaint matter in the absence of any hearing, including the procedural requests that remained pending, knowing the petitioner had evidence to tender and where issues were obviously controversial.
- e. The respondent OIPC (Biljetina) made reviewable errors when he failed to rule on the numerous procedural requests the petitioner properly asked of him.
- f. The respondent OIPC (Biljetina) perpetuates a situation where the Petitioner has a reasonable apprehension of bias. The OIPC permits its law firm (DLA Piper (Canada) LLP) to represent the WCB in matters affecting the Petitioner, while the WCB is the opposing party to the Petitioner.
- g. The respondent OIPC (Biljetina) made reviewable errors by ignoring post-decision requests of the petitioner, which were seemingly properly enabled by the OIPC's own processes. The respondent Biljetina specifically and formally invited such questions, but ignored them when they were made.
- h. The respondent OIPC (Plato) made reviewable errors by initiating a further matter (GEN-F-25-00258) in relation to INV-F-24-98529 and INV-F-23-96897 (among others). The respondent Plato is both complainant and adjudicator in that matter, where he proposes to both advance and decide his own complaint, alleging that the Petitioner abused process in relation to INV-F-24-98529 and INV-F-23-96897—matters that are already finally decided.

MATERIAL TO BE RELIED ON

- 1. Affidavit #1 of Marcus Ooms
- 2. Statutory and policy provisions, as noted in point 1—Legal Basis (above).

The petitioner(s) estimate(s) that the hearing of the petition will take two days.

Date: ~~May 30, 2025~~ *June 10, 2025*


 Signature of
☒ petitioner ☐ lawyer for petitioner(s)
 MARCUS OOMS

To be completed by the court only:

Order made

[] in the terms requested in paragraphs of Part 1 of this petition

[] with the following variations and additional terms:

.....
.....
.....

Date:[dd/mmm/yyyy]

.....
Signature of [] Judge [] Master