

Indexed as: Simpson v. BC Ministry of Attorney General, 2026 BCHRT 85

IN THE MATTER OF THE *HUMAN RIGHTS CODE*,
RSBC 1996, c. 210 (as amended)

AND IN THE MATTER of a complaint before
the British Columbia Human Rights Tribunal

BETWEEN:

Jessica Simpson

COMPLAINANT

AND:

His Majesty the King in Right of the Province of British Columbia as represented by the Ministry
of Attorney General

RESPONDENT

REASONS FOR DECISION
APPLICATION TO DISMISS A COMPLAINT
Section 27(1)(c)

Tribunal Member:

Jonathan Chapnick

For the Complainant:

No submissions

Counsel for the Respondent:

Joanne Kim

I INTRODUCTION

[1] Jessica Simpson alleges that the Ministry of Attorney General [**Ministry**] discriminated against her in the area of services based on the grounds of physical and mental disability, in contravention of s. 8 of the *Human Rights Code*.

[2] On June 2, 2025, the Ministry applied to dismiss the complaint. The Tribunal set a July 7 deadline for Ms. Simpson’s response to the application, but none was filed. On December 17, the Tribunal wrote to the parties, advising that it would decide the application based on the information it had, subject to Ms. Simpson applying to file a late response. No such application was made. That same day, Ms. Simpson emailed the Tribunal, stating: “I don’t have any documents to provide, but I do want to proceed with this. Thank you.”

[3] Ms. Simpson’s complaint is about her access to court services. She says she has a service dog [**Dog**] in relation to her disabilities, and the Ministry has prevented her from – or delayed or mistreated her in – accessing court buildings with the Dog.

[4] The Ministry argues that the complaint should be dismissed under s. 27(1)(c) of the *Code* because it has no reasonable prospect of success. I agree.

[5] To make my decision, I have considered the parties’ forms and all the arguments and evidence filed by the Ministry in support of its application. In my reasons, I only refer to what is necessary to explain what I decided. I make no findings of fact.

[6] For the reasons that follow, the complaint is dismissed.

II DECISION

[7] Deciding applications under s. 27(1)(c) is part of the Tribunal’s gatekeeping function. Under this provision, the Tribunal can dismiss complaints that have no reasonable prospect of success and therefore do not warrant the time and expense of a hearing. The Tribunal’s task under s. 27(1)(c) is to look at the evidence provided to decide whether “there is no reasonable prospect that findings of fact that would support the complaint could be made on a balance of

probabilities” after a full oral hearing: *Berezoutskaia v. British Columbia (Human Rights Tribunal)*, 2006 BCCA 95 at para. 22, leave to appeal ref’d [2006] SCCA No. 171.

[8] Like all applications under s. 27(1)(c), the onus in the present case is on the respondent – the Ministry – to establish that the complaint should be dismissed. It must persuade the Tribunal that either Ms. Simpson has no reasonable prospect of making her case, or it is reasonably certain to establish a defence: *Lado v. Hardbite Chips and others*, 2019 BCHRT 134 at para. 25. My decision in this application turns on the former, so I do not need to address the latter.

[9] To succeed at a hearing, Ms. Simpson would need to present evidence that proves the three elements of her case, namely that (1) she had a disability, (2) she experienced an adverse impact in the Ministry’s court services, and (3) her disability was a factor in the adverse impact: *Moore v. British Columbia (Education)*, 2012 SCC 61 at para. 33.

[10] Regarding the first element, Ms. Simpson alleges in her complaint form that she has diabetes, anxiety, post-traumatic stress disorder, depression, and a hearing impairment, which she says are physical and/or mental disabilities. With respect to her prospects of proving this, the Ministry notes that, beyond the facts alleged in the complaint, Ms. Simpson has provided no information or evidence regarding her alleged disabilities, and no document disclosure whatsoever in this proceeding. Despite Tribunal rules and directions requiring her to do so, Ms. Simpson has not submitted a Form 9.1 (Complainant document disclosure), which must be filed even if she has no potentially relevant documents. Still, for the purposes of the Ministry’s application, I will assume, without deciding, that Ms. Simpson could prove that she had disabilities.

[11] I will also assume for the purposes of this application, without deciding, that Ms. Simpson could prove she experienced an adverse impact in the Ministry’s court services. Specifically, I will assume that she could prove that at least one of the following allegations of fact in her complaint form occurred and amounted to an adverse impact within the meaning of the discrimination analysis:

- a. The Ministry denied her access to court buildings with the Dog;
- b. The Ministry significantly delayed her access to court buildings with the Dog;
and/or
- c. The Ministry mistreated her when she tried to access, or accessed, court buildings with the Dog [collectively, **Adverse Impacts**].

[12] That leaves the third element of her case. Ms. Simpson alleges that the Adverse Impacts occurred because she had the Dog with her. She describes the Dog as a “service dog,” by which I take her to mean that she needed the Dog with her because of her disabilities. Through these allegations, she seeks to establish a nexus between her disabilities and the Adverse Impacts. To prove the third element of her case at a hearing, then, she would need to put forward evidence that proves she needed the Dog with her to assist her because of her disabilities.

[13] Insofar as the Ministry accepts Ms. Simpson’s version of events, it agrees that the events occurred because of the Dog’s presence – more specifically, because of the Dog’s alleged disorderly or disruptive behaviour. But the Ministry does not concede that the Dog was a service dog or otherwise with Ms. Simpson because of her disabilities. Further, the Ministry asserts – and I accept – that, to make her case, it is not enough for Ms. Simpson to simply allege that the Dog was a “service dog,” there must be some evidence of this. Overall, on the information provided by Ms. Simpson, the Ministry argues that she has no reasonable prospect of proving the elements of her case. On the issue of nexus, I agree.

[14] While the respondent bears the onus of persuading the Tribunal to grant its s. 27(1)(c) application, a complainant who fails to respond does so at their peril. This is because where the respondent disputes elements of the complainant’s case, it is up to the complainant to make sure there is some evidence before the Tribunal capable of supporting the complaint moving forward: *Sincraian v. Board of Education of School District No. 38 (Richmond)*, 2024 BCHRT 53 at para. 17; *Scott v. BFI Constructors Ltd.*, 2025 BCHRT 286 at para. 12; see *Rutkowski v. Unite Here Local 40*, 2018 BCHRT 236 at para. 30. This is a low threshold; however, in the present case, Ms. Simpson has not met it.

[15] The only evidence that could support her claim of needing the Dog with her to assist her because of her disabilities is the following statement in the complaint form: “I have a physical disability being diabetes. My service dog alerts me to lows and highs.” That is it. There is no explanation of what this means, let alone information to support that these “alerts” are medically or otherwise necessary because of her disability, such that not having them would be detrimental: see generally *Judd v. Strata Plan LMS 737*, 2010 BCHRT 276 at para. 33. Nor is there any information to support that Ms. Simpson needs the Dog with her to assist her because of her anxiety, post-traumatic stress disorder, depression, or hearing impairment.

[16] Given the lack of almost any evidence before me that could support Ms. Simpson’s alleged disability-related need for the Dog, I find that the nexus between her disabilities and the Adverse Impacts “is too tenuous” for her complaint to proceed to a hearing: see *Judd* at para. 36. The information before me is too vague to have any reasonable chance of engaging the *Code’s* protection against disability-related discrimination.

III CONCLUSION

[17] Ms. Simpson has not pointed me to evidence capable of establishing that she needed the Dog with her to assist her because of her disabilities. As a result, I am satisfied that her complaint has no reasonable prospect of success and should not proceed to a hearing.

[18] The Ministry’s application is granted. The complaint is dismissed: *Code*, s. 27(1)(c).

Jonathan Chapnick
Tribunal Member