

# IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Akamaru v. Vancouver Community  
College,*  
2026 BCSC 901

Date: 20260515  
Docket: S256858  
Registry: Vancouver

Between:

**Christine Akamaru**

Petitioner

And:

**Vancouver Community College**

Respondent

Before: The Honourable Justice LeBlanc

## **Reasons for Judgment re: Costs**

The Petitioner, appearing in person:

C. Akamaru

Counsel for Respondent:

J. Hogan

Written Submissions from the Petitioner:

May 4, 2026  
May 6, 2026

Written Submissions from the Respondent:

May 1, 2026

Place and Date of Judgment:

Vancouver, B.C.  
May 15, 2026

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**Introduction**

[1] On April 16, 2026, I issued reasons indexed as 2026 BCSC 676 (the “Reasons”) striking the petition without leave to amend pursuant to Rule 9-5 of the *Supreme Court Civil Rules*, B.C. Reg. 168/2009 [*Rules*].

[2] The petition was struck on the basis that the petitioner did not seek judicial review of the final decision of the respondent but instead sought to collaterally attack matters leading to the final decision. Further, I found that the petitioner was, in part, seeking review of matters within the exclusive jurisdiction of the British Columbia Human Rights Tribunal.

[3] I addressed the issue of costs at para. 59 of the Reasons:

[59] As the parties did not have sufficient time to address costs, should VCC wish to pursue costs, it is to file and serve written submissions not exceeding seven pages in length no later than the 15th day following issuance of these reasons. Following receipt of VCC’s written submissions, the petitioner shall have 15 days to file and serve her written submissions on the issue of costs, which shall not exceed seven pages. If VCC wishes to reply, it shall file reply submissions not exceeding three pages within three days of receiving the petitioner written submissions.

[4] On May 1, 2026, the respondent filed written submissions seeking costs. On May 4 and 6, 2026, I received written submissions from the petitioner.

[5] There is no dispute that the respondent was the successful party and the issue before me is whether special circumstances exist such that there should be a departure from the general principal that a successful party should be awarded its costs.

**Position of the Petitioner**

[6] The petitioner’s position is that no costs should be awarded.

[7] The petitioner submits that the petition was brought in good faith to raise concerns she believed affected the fairness of the decision-making process and her ability to continue with her education.

[8] The petitioner submits that an award of costs against her, as a self-represented litigant, would be unduly harsh and disproportionate, as she was not bringing the petition for any financial or strategic gain, and that the respondent, as a public institution, is better situated to financially bear its costs.

[9] The petitioner submits that she is currently experiencing significant financial hardship due to health-related matters that render her unable to work.

**Position of the Respondent**

[10] The respondent relies on Rule 14-1(9) and 14-1(1)(c) or (d) of the *Rules* in support of its position that costs should be paid to the successful party.

**Legal Principles**

[11] Rule 14-1(9) of the *Rules* provides that costs in a civil proceeding must be awarded to the successful party unless the court orders otherwise.

[12] The general rule is that a court should award costs to the successful party unless there is a principled reason to deprive that party of its costs: *Staley v. Squirrel Systems of Canada, Ltd.*, 2012 BCSC 954 at para. 17. This rule applies equally to judicial review proceedings: *Duhamel v. Financial Institutions Commission*, 2018 BCSC 1620 at para. 11.

**Discussion**

[13] The petitioner submits the following should be considered with respect to making an award of costs:

- a) she had a good-faith basis for seeking judicial review;
- b) she is self-represented and the respondent is better equipped to bear the burden of costs; and
- c) she is financially not able to pay costs.

[14] I will consider each of these factors to determine if there is a principled reason to deprive the respondent its costs.

***Good faith basis for seeking judicial review***

[15] Does the petitioner's good faith belief in the success of her judicial review proceeding provide grounds which support the court departing from the general rule that a successful litigant is entitled to costs?

[16] I do not find that a litigant's subjective views on the strength of their position should be the basis upon which to deprive a successful litigant of its costs. To make such a finding would allow unsuccessful litigants to avoid costs based on their subjective views alone.

[17] One of the general purposes of costs was discussed in *Bailey v. Victory* (1995), 1995 CanLII 2129 (BC CA), 4 B.C.L.R. (3d) 388, 57 B.C.A.C. 23 (C.A.) wherein Cumming J.A. (as he then was) stated for the Court of Appeal, at para 13:

The general rule, as set out in R. 57(9) [now Rule 14-9], is that costs follow the event. The successful litigant is entitled to costs as indemnification for the costs incurred in having been forced into litigation. The rules [sic] contain other provisions which show, and recent cases have indicated, that the power of the court to award costs is not limited to indemnification. In appropriate cases awards for costs can be made with a view to discouraging frivolous claims or defences and unnecessary or abusive proceedings, to encourage prompt and early settlements, and, in appropriate cases, to penalize improper conduct. But through the Rules and the decided cases runs one simple overriding principle which must not be lost sight of – that is that discretionary exceptions to the general rule must be made judicially.

[18] One purpose of costs is to provide some indemnification to the successful party for being forced into litigation. Permitting a consideration of the subjective views of the litigants, as suggested by the petitioner, would not be an exercise of judicial discretion and would undermine the legislative intent of 14-1(9), as it would allow every litigant that believes they have a strong case to avoid the consequences of pursuing unsuccessful legal proceedings. A successful litigant would be denied costs through no fault of their conduct.

[19] The test that is to be applied is a consideration of the outcome of the litigation based on success. Once success has been determined, the court can consider whether extraordinary factors exist.

[20] I find the petitioner's rationale for bringing the petition not to be an extraordinary factor and not one that should disentitle the successful respondent from its costs.

***Self-representing status***

[21] The petitioner's self-representing status does not justify a departure from the general rule.

[22] Justice Voith in *LeClair v. Mibrella Inc.*, 2011 BCSC 533 at para. 12, stated as follows:

... the *Rules of Court* and the rules of evidence apply equally to both parties who are represented by counsel and to those who are self-represented. Self-represented litigants are not insulated from these requirements or the obligations they create.

[23] A judge ought not exercise their discretion against a successful party except for some reason connected with the case or leading up to the litigation: *Currie v. Thomas Estate (1985)*, 19 D.L.R. (4th) 549 at para. 47. Self-representing status, whether by choice or circumstance, does not provide a reason connected with the case such that a successful party should be deprived of costs. To do so would be to undermine the principles of the costs regime by creating a separate standard for self-representing litigants. As stated by Justice Voith, the rules are to be applied consistently regardless of whether a party has counsel representing them or not.

***Financial hardship***

[24] While I am sympathetic to the petitioner's stated financial hardship, that alone does not provide a principled rationale for the court to depart from the normal rule that costs should follow the event.

[25] In *Laktin v. (Vancouver) City*, 2014 BCSC 484, the Court addressed the question of the impact of the financial circumstances of the losing party on the decision to award costs:

[24] ... While I have a great deal of sympathy for the plaintiff, the case law clearly establishes that the unfortunate personal circumstances and financial hardship of a litigant are not, standing alone, factors warranting a departure from the general rule that costs follow the event: *Morris* at para. 36; *Chen* at para. 11; *Vesuna v. British Columbia (Transportation)*, 2011 BCSC 1618 at para. 8.

[25] In *Robinson v. Lakner* (1998), [1998 CanLII 5206 (BC CA)], 159 D.L.R. (4th) 191, the Court of Appeal, reversing the decision of the trial judge who had limited the costs payable to the successful defendant to \$1,500 because the plaintiff was in difficult financial circumstances, held at para. 5, that “financial hardship in itself is not a sound basis for departing from the usual rule with respect to costs”.

[26] In *Cowherd v. Fraser Valley Health Region et al*, 2004 BCSC 698 at para. 5, Madam Justice Ballance cited *Brown v. Blacktop Cabs Ltd.* (1997), [1997 CanLII 4042 (BC CA)], 43 B.C.L.R. (3d) 76 (C.A.); *Zelenski Estate v. Fairway* (1998), [1998 CanLII 4229 (BC CA)], 60 B.C.L.R. (3d) 76 (C.A.); *Churchland v. Gore Mutual Insurance Co.* (unreported), September 23, 1999, No. S09912, Vancouver (S.C.); and *Robinson* for the principle that “in general, the unfortunate personal circumstances and characteristics of a litigant are not to be taken into account by the court in exercising its discretion in making an award of costs”.

[27] In *Morris* at para. 38, Madam Justice Ker concluded that the court is unable, on any principled basis to take the plaintiff’s financial circumstances into account in determining whether to award costs.

[28] At para. 39, Her Ladyship cited the following passage from the Reasons for Judgment of Greyell J. in *Chen* at para. 15:

[39] To do otherwise would lead to inconsistent and no doubt unreasonable results. As Greyell J. so eloquently noted in *Chen* at para. 15:

[15] To conclude otherwise would undermine the rationale underlying Rule 14-9 and would likely lead to the promotion of litigation rather than to promote the “winnowing” function described by Hall J.A. in *Catalyst Paper*. It would lead to a collapse of the general principle discussed in the authorities and result in the unacceptable proposition that costs in each case would be measured not by a party’s success but by the personal financial circumstances of the litigants.

[29] I conclude that the plaintiff’s difficult personal circumstances and financial hardship, standing alone, do not provide grounds for the Court to depart from the normal rule that costs should follow the event.

***Factors considered in the aggregate***

[26] Furthermore, I find that the aggregate of factors presented by the petitioner does not support waiving costs. As the authorities provide, the factors must be “connected to the case” and considering individual factors not otherwise connected to the case in the aggregate would not afford those factors more weight.

**Conclusion**

[27] For the reasons set out above, the respondent is entitled to costs payable on Scale B. If there is a dispute with respect to costs, the matter may be referred to the Registrar in the usual fashion.

[28] As requested by the respondent, the signature of the petitioner on the order is dispensed with.

“LeBlanc, J.”