

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *Qin v. Chenne*,
2026 BCSC 1086

Date: 20260612
Docket: S255334
Registry: New Westminster

Between:

Yun Quin and Rong Wang

Plaintiffs

And

**Ryan Lovelle Chenne doing business as Lovelle Design Centre, and
Lovelle Development Ltd.**

Defendants

Before: Associate Judge Hughes

Reasons for Judgment

Counsel for Plaintiffs:

D. Milojkovic

Counsel for Defendants and Dionne
Chenne:

S. Sidhu

Place and Date of Hearing:

Port Coquitlam, B.C.
March 12, 2026

Place and Date of Judgment:

New Westminster, B.C.
June 12, 2026

[1] The plaintiffs seek production of bank account statements from three groups of financial institutions pursuant to Rule 7-1(18) of the *Supreme Court Civil Rules*. Those statements relate to accounts held in the names of the defendants and Dionne Chenne (“Ms. Chenne”), who is the spouse of the individual defendant Ryan Lovelle Chenne (“Mr. Chenne”). The defendants and Ms. Chenne oppose the application in its entirety.

[2] This action arises from a contractual arrangement between the parties for the renovation of an existing home and construction of a new living area and 3-car garage on the plaintiffs’ property. The plaintiffs claim that they entered into an oral contract with Mr. Chenne and, on the same day, a written contract with Lovelle Development Ltd. (the “Company”) on identical terms. Although the Notice of Civil Claim pleads that Mr. Chenne does business as Lovelle Design Centre (“LDC”), the Response to Civil Claim clarifies that LDC is a sole proprietorship owned by the Company. Mr. Chenne is a director of the Company. He denies entering into any contract with the plaintiffs in his personal capacity.

[3] The plaintiffs claim that the work was deficient and incomplete. They also claim that the defendants demanded and the plaintiffs paid an extra \$272,410.24 over and above the fixed price contract, some of which was paid to Ms. Chenne at Mr. Chenne’s direction. They plead breach of contract, negligence, and that Mr. Chenne engaged in deceptive practices resulting in unjust enrichment. Of particular relevance to this application, the plaintiffs seek to trace the funds they paid into properties owned personally by Mr. Chenne.

[4] To trace the funds, the plaintiffs seek production of all account statements of Mr. Chenne, Ms. Chenne, the Company and LDC from June 2021 to the present date from three different groups of financial institutions (the “Records”).

[5] By letter dated July 24, 2025, the plaintiffs demanded production of a dozen categories of documents from the defendants pursuant to Rules 7-1(10) and (11), including a subset of the Records. The defendants produced many of the documents demanded but did not respond to the demand for bank account statements. On

October 30, 2025, the plaintiffs filed the within application seeking the Records described above. By letter dated November 7, 2025, the defendants objected to production of the Records on the grounds of relevance.

[6] Rule 7-1(18) states:

(18) If a document is in the possession or control of a person who is not a party of record, the court, on an application under Rule 8-1 brought on notice to the person and the parties of record, may make an order for one or both of the following:

- (a) production, inspection and copying of the document;
- (b) preparation of a certified copy that may be used instead of the original.

[7] The test for production of a document pursuant to Rule 7-1(18) is one of relevance: *Northwest Organics, Limited Partnership v. Roest*, 2017 BCSC 673 at para. 81; *Harder v. Growers Supply Company Limited*, 2022 BCSC 746 at para. 20. The requirement of subrules 7-1(10) and (11) for the issuance of a formal demand does not apply to an application under subrule (18): *Mann v. Jagpal*, 2020 BCSC 1919 at para. 44. An applicant need not exhaust other discovery processes before applying for document production from a non-party: *Belitchev v. Grigorov*, 1998 CanLII 6623 (B.C.S.C.) at para. 15.

[8] Some evidence is generally required to support an application for additional documents, whether the demand is made under Rule 7-1(11) or Rule 7-1(18): *Kaladjian v. Jose*, 2012 BCSC 357 at para. 62. A requirement for evidentiary support in requests for additional documents and third party records also prevents against unwarranted “fishing expeditions” based solely on *pro forma* pleadings: *Kaladjian*, para. 64.

[9] In the notice of civil claim, the plaintiffs plead that they made payments to Mr. Chenne and Ms. Chenne directly, and that the Chennes did not deliver those payments to the Company. They further plead that Mr. Chenne used those misappropriated funds to maintain his own properties, including his personal residence in Surrey, and that Mr. Chenne was unjustly enriched as a result. The

plaintiffs plead that the Company is the alter ego of Mr. Chenne, that Mr. Chenne used his personal bank accounts and the Company's bank accounts interchangeably, and that he treats the income and assets of the Company as his own.

[10] In their response to civil claim, the defendants deny that Mr. Chenne received any funds from the plaintiffs in his personal capacity, and that any payments received by Mr. Chenne were to the benefit of and delivered to the Company. They plead that the plaintiffs specifically requested that Mr. Chenne provide his personal banking information to facilitate payments from their accounts in China, as they could not transfer funds to a business account.

[11] The evidence provided by the plaintiffs in support of this application is lacking. The only evidence referred to in the notice of application is a legal assistant's affidavit attaching correspondence between counsel and copies of various documents from the parties' lists of documents. That affidavit does not provide sufficient evidence of the relevance of the Records.

[12] Additional evidence is provided by one of the plaintiffs, Rong Wang, by affidavit filed November 26, 2025 (the "Wang Affidavit"). The Wang Affidavit purports to be in reply to the responding affidavit of Mr. Chenne affirmed on November 21, 2025. However, except for paras. 13 and 14, the contents of the Wang Affidavit are not truly in the nature of reply, resulting in impermissible splitting of the plaintiffs' case.

[13] A further issue with the plaintiffs' evidence is that both affidavits are defective. Each indicates that it was "sworn (or affirmed)", without indicating which method bound the conscience of the affiant. The importance of properly notarised affidavits is discussed in *PKS V. ANR*, 2024 BCSC 2110 at paras. 75-89.

[14] While the court has discretion to allow defective affidavits, I am not inclined to do so in this case. The order sought is sweeping and would capture records of payments for other clients and other projects unrelated to this litigation, and the

personal information and spending habits of both Mr. Chenne and Ms. Chenne, a non-party. When a litigant seeks such broad and invasive disclosure, proper evidence must be provided.

[15] I therefore dismiss the application in its entirety, but with liberty to the plaintiffs to reapply with proper evidence.

[16] I will also address the defendants' submission that this application should be postponed, pursuant to Rule 7-1(22), until after the hearing and determination of their intended application for dismissal of the claims against Mr. Chenne personally (the "Dismissal Application").

[17] The Dismissal Application has not yet been filed, although the defendants first raised the possibility of such an application in December 2024. When asked about timing of that application, counsel indicated that they expected to conduct examinations for discovery in early summer and bring the Dismissal Application in the fall of this year.

[18] The plaintiffs say that subrule (22) has no application to the case at bar as the Records are not sought from a party.

[19] Rule 7-1(22) provides:

If the party from whom discovery, inspection or copying of a document is sought objects to that discovery, inspection or copying, the court may, if satisfied that for any reason it is desirable that an issue or question in dispute should be determined before deciding on the right to discovery, inspection or copying, order that the issue or question be determined first and reserve the question of discovery, inspection or copying.

[20] Rule 7-1(22) has been interpreted expansively to include postponement of an examination for discovery: *Kwantlen University College Student Association v. Canadian Federation of Students Association – British Columbia*, 2017 BCSC 163 at paras. 13-14; *Thomson v. A.R. Thomson Group*, 2023 BCSC 431 at para. 20.

[21] Determination of whether documents are discoverable is not dependent on counsel's choice of the manner of demand or application. Rule 7-1(18) should be

substantively and procedurally interpreted and applied in a way that is consistent with the interpretation and application of Rules 7-1(10) to (14) with necessary modification to ensure protection of the independent interests of third parties whose records are sought: *Kaladjian*, paras. 52 and 53.

[22] It would be illogical for such substantive and procedural interpretation to exclude the application of subrule (22). If the court determines that an issue or question ought to be determined before deciding on the right to discovery, it makes no difference whether such discovery is sought from a party under Rules 7-1(10) to (14), or from a non-party under Rule 7-1(18).

[23] The test for relief under Rule 7-1(22) requires the court to determine (1) whether the records sought are relevant for determination of the preliminary issue; (2) if the nature of the issue to be determined first may make discovery of the documents unnecessary; (3) if the documents are of a confidential or sensitive nature, or if there would be a prolonged inquiry into the financial or business affairs that would be rendered unnecessary if the preliminary issue is decided in favour of that party; and (4) if the prejudice to the party from whom records are to be obtained outweighs the prejudice to the party seeking the records: *Belzberg v. North American Trust Co.*, [1994] B.C.J. No. 3326 (S.C.) at para. 22.

[24] The parties appear to agree that the Records could only be relevant with respect to the plaintiffs' claims as against Mr. Chenne personally, being the claims regarding misappropriation of funds, unjust enrichment and a tracing remedy. They do not appear to be necessary for determination of the Dismissal Application. If the defendants are successful on the Dismissal Application, the Records are no longer relevant to the remaining claims. Given the sensitive and personal nature of the information contained in the Records, the prejudice to the defendants outweighs the prejudice to the plaintiffs in delaying such disclosure.

[25] Accordingly, any renewed application for production of the Records is not to be brought until after the Dismissal Application has been heard and determined, provided that such application is served not later than September 30, 2026, or such

other date as the parties may agree. If the defendants do not serve the Dismissal Application by September 30, 2026, the plaintiffs may reapply for the Records.

[26] As the successful parties, the defendants are entitled to their costs of this application.

“Associate Judge Hughes”