

# COURT OF APPEAL FOR BRITISH COLUMBIA

Citation: *Perry v. General Motors of Canada*,  
2026 BCCA 283

Date: 20260626

Dockets: CA50059 and CA50194

Between:

**Richard Perry**

Appellant  
(Plaintiff)

And

**General Motors of Canada, and  
Dueck Richmond Chevrolet Buick Cadillac GMC Ltd.**

Respondents  
(Defendants)

Before: The Honourable Mr. Justice Groberman  
The Honourable Mr. Justice Butler  
The Honourable Justice Fleming

On an application to vary: Orders of the Court of Appeal for British Columbia  
(in chambers), dated January 22, 2026 (*Perry v. General Motors of Canada*,  
Dockets CA50059 and CA50194).

The Appellant, appearing in person:

R. Perry

Counsel for the Respondent General Motors  
of Canada:

A.K. Foord  
E. Pitre

Counsel for the Respondent Dueck  
Richmond Chevrolet Buick Cadillac GMC  
Ltd.:

N.P.R. Bond

Place and Date of Hearing:

Vancouver, British Columbia  
June 8, 2026

Place and Date of Judgment with Written  
Reasons to Follow:

Vancouver, British Columbia  
June 8, 2026

Place and Date of Written Reasons:

Vancouver, British Columbia  
June 26, 2026

**Written Reasons of the Court**

**Summary:**

*The appellant brought an action in Supreme Court in respect of a used vehicle that was consuming too much oil. Within that action, he brought an application for disclosure of information and for punitive and corrective remedies to deal with alleged failures in document disclosure. The application was largely dismissed. One issue — redaction of service records — was adjourned so that further material could be filed. The redaction application was ultimately also largely dismissed. The appellant applied for leave to appeal the dismissal of both the original application and the redaction application. The leave applications were heard together, and both were denied. The appellant applied to the Court, seeking to vary both orders denying leave, but failed to file his application books within the time limits. In a series of applications, he sought various extensions of time, all of which were denied. He now applies to vary the orders of a judge denying an extension of time to file materials in respect of one of the variation applications and denying an extension of time to apply to vary a similar decision on the other. Held: Application to vary the two orders is dismissed. The judge made no error in denying the extensions of time.*

**Reasons for Judgment of the Court:**

[1] On June 8, 2026, this panel heard the appellant's applications to have the Court vary two orders made by Justice Griffin in chambers. Those orders denied the appellant extensions of time in respect of applications to the Court to vary decisions of other judges in chambers. At the conclusion of the hearing, we dismissed the applications to vary Justice Griffin's orders with reasons to follow. These are the reasons.

**Background to the Applications**

[2] The process by which these applications reached us is convoluted. The appellant missed several deadlines in attempting to have orders on his failed applications varied. He went through an iterative process, seeking to vary each denial of an extension, but often missing deadlines in doing so. The various applications are nested within one another, much like a Russian doll, and some effort must be made to disentangle the proceedings and to explain what, precisely, was before the Court in this hearing.

### **The Underlying Claim**

[3] The background to the appellant's underlying claim is described in the judgment of Milman J. in the court below on an application for security for costs (*Perry v. General Motors of Canada*, 2025 BCSC 2264, leave to appeal ref'd, 2026 BCCA 148). In October 2019, the appellant purchased a used 2013 GMC Terrain from a used car dealership for \$8,995. Within days, he had the vehicle serviced by the respondent, Dueck Richmond Chevrolet Buick Cadillac GMC Ltd. ("Dueck"). Over the next several months, the appellant found that the vehicle was burning oil at an excessive rate, and that the vehicle's performance was inferior to what he expected.

[4] In February 2020, the respondent, General Motors of Canada ("GMC"), wrote to the appellant, indicating the vehicle model was prone to excessive oil consumption, and that if his vehicle was found to be among those suffering from the problem, GMC would replace the piston rings. The appellant took the vehicle to Dueck for service and was advised that Dueck would have to monitor oil consumption over a period of time. Several further visits to Dueck for service followed, and in August 2021, GMC agreed to complete repairs to the pistons and rings. The appellant rejected the offer because, in his view, what was required was an engine replacement.

[5] In September 2021, the appellant commenced his action. He alleges that Dueck and GMC are liable for breach of contract, breach of warranty, deceit, fraudulent misrepresentation and conspiracy. He alleges that records have been falsified, and that Dueck and GMC have acted covertly to cover up their misdeeds. He now claims damages of \$250 million.

### **Allegations of Impropriety in Defending the Claim**

[6] The appellant also makes serious allegations in respect of the conduct of the action. He contends that documents have been forged, that there has been spoliation, that lawyers have deliberately presented improperly drafted orders for entry, and that they have acted unprofessionally. More recently, he has begun

alleging that “external influences” have been brought to bear on judges. The clear implication of his allegations is that, where he has not succeeded in obtaining the orders that he seeks, it is a result of corruption. Although the appellant has filed a great deal of paper on this application (the application record takes up seven large volumes of double-sided documents and there are hundreds of pages of “new evidence”), there is virtually nothing in the evidence to support the assertions of impropriety in the legal process.

### **The Evidentiary Applications**

[7] The applications before the Court can be traced back to an application by the appellant that embodied several complaints to the effect that the respondents had failed to meet their obligations to disclose documents relevant to the litigation. That application came on before Justice Fitzpatrick on July 9, 2024.

[8] The appellant sought corrective remedies (such as disclosure of additional material). He also sought a large variety of punitive ones (such as imprisonment for contempt of court). The judge rejected the appellant’s allegations of misconduct, abuse of process, obstruction of justice, perjury and spoliation. She did make a couple of relatively minor orders with a view to clarifying matters and ensuring that the litigation could progress efficiently. Apart from those orders, she dismissed the application before her, saying:

[15] ... [T]here is simply no evidence to support what can only be described as [Mr. Perry’s] speculation and suspicions at this time. I appreciate that Mr. Perry wishes to pursue what he says are inadequacies in the document production, but there is simply no basis upon which I would order further production by these defendants when they have given the court sworn evidence that these further documents do not exist. There is no evidence to suggest otherwise.

[9] One matter before Justice Fitzpatrick was the redaction of certain service records on the basis of litigation privilege, solicitor-client privilege and settlement privilege. Justice Fitzpatrick considered the chambers record inadequate to determine the issue and directed the parties to file further material so that it could be considered at a later date.

[10] The redaction matter was heard by Justice Hoffman on September 12, 2024. She undertook an in-camera review of the redacted material. On October 8, 2024, she delivered written reasons (2024 BCSC 1857). She found the redactions required more precise labelling to indicate the nature of privilege claimed for each redaction and that one redaction needed to be shortened. Apart from those changes (which Justice Hoffman described as “minor adjustments”), she dismissed the application. In particular, she was not convinced that any of the redactions were made for ulterior purposes. She awarded GMC its costs of the application.

### **Applications for Leave to Appeal to This Court**

[11] The appellant applied for leave to appeal both the order of Justice Fitzpatrick and the order of Justice Hoffman. The appeals are numbered CA50059 and CA50194 respectively. While the appellant appears to have been late in seeking leave, the respondents agreed to an extension of time.

[12] The leave applications were heard together by Justice Iyer of this Court, who denied leave in oral reasons delivered on January 13, 2025. Justice Iyer cited the appropriate framework for considering leave applications.

[13] Justice Iyer first considered the application to appeal Justice Fitzpatrick’s order. She was of the view that the matter was not significant to the practice of law but was, rather, very specific to Mr. Perry’s allegations. She said the law in the area was well-settled.

[14] Justice Iyer also concluded that the application was of limited importance to the underlying litigation. She found no indication in the record to suggest that evidence supporting Mr. Perry’s claims was being withheld by the respondents.

[15] With respect to the question of whether the proposed appeal was meritorious, Justice Iyer observed:

[22] The primary focus of Mr. Perry’s oral submissions was that his appeal must be heard because the chambers judge was biased against him. He says that the judge intimidated and threatened him, and that she was complicit with GM. None of the examples to which Mr. Perry pointed can reasonably be

construed as evincing anything other than the efforts of a chambers judge to manage contentious proceedings with a self-represented litigant, followed by an outcome adverse to that litigant. From my review of the proceedings and reasons for judgment, all of Mr. Perry's accusations against Fitzpatrick J. are unfounded and inflammatory.

[16] Noting that the proposed appeal was from a discretionary order, she found it not to be meritorious. Finally, she considered that granting leave would hinder the progress of the action. She concluded granting leave would be contrary to the interests of justice.

[17] Justice Iyer then turned to the application for leave to appeal the October 8 order of Justice Hoffman. She was of the view that the considerations she had brought to bear in respect of Justice Fitzpatrick's order were equally applicable to the proposed appeal from Justice Hoffman.

[18] In addition, she noted Justice Hoffman had closely examined the redacted material and made it clear that it could not assist Mr. Perry in proving his claim:

[26] ... Justice Hoffman not only found that (with a minor exception), privilege was validly claimed, she also said (at para. 29): "[t]here is nothing in the redacted material that would substantiate the allegations of Mr. Perry that GMC has engaged in corporate abuse". This suggests granting leave would not satisfy the second criterion which is significance to the underlying action.

[19] In the result, Justice Iyer dismissed the applications for leave.

[20] Mr. Perry applied, under s. 29(1) of the *Court of Appeal Act*, S.B.C. 2021, c. 6, to vary the orders of Justice Iyer. Under R. 62(2)(a) of the *Court of Appeal Rules*, B.C. Reg. 120/2022, a notice of application for variation must be filed and served within seven days of the order. Rule 62(2)(b) requires the party seeking a variation to file and serve an application book within 14 days after filing the notice.

[21] Mr. Perry filed his notices of application to vary Justice Iyer's orders in a timely manner, on January 15, 2025. He did not, however, file an application book within the time provided. Mr. Perry was in contact with the respondents, and they agreed to allow him a generous extension of time to file his application book to March 30, 2025, but he did not meet that deadline.

[22] Mr. Perry blames his delay on a decision to go to England to see his mother, and to difficulties that ensued on that trip. It is apparent, however, that his major problem was that he wished to include huge quantities of material in the application books, and it took him considerable time to produce them.

[23] On the application before us, we were treated to seven enormous volumes of material, plus purported fresh evidence. It is apparent that Mr. Perry wished to reargue all elements of his case and not confine himself to the variation application. This has been his *modus operandi* throughout the proceedings. His failure to file the application books in a timely manner is largely attributable to his refusal to confine their contents to matters relevant to the variation applications.

#### **Application to Extend Time to File the Application Book (CA50194)**

[24] Mr. Perry did not make an application to extend time to file his application book for many months. He applied for an extension of time in respect of the denial of leave to appeal from Justice Hoffman's order on October 27, 2025, almost nine months out of time. He amended the application on November 13, 2025.

[25] On November 17, 2025, the registrar wrote to the appellant, noting that he had not applied for an extension of time to file the application book in respect of the denial of leave to appeal from Justice Fitzpatrick's order. The registrar indicated that if Mr. Perry's intention was to apply for extensions in respect of both matters, they should be heard together.

[26] Despite the registrar's advice, Mr. Perry proceeded to have his application for an extension of time to file his application book in CA50194 heard on its own on December 8, 2025. Justice Riley dismissed the application. In doing so, he referred to the relevant legal framework.

[27] Justice Riley accepted that Mr. Perry wished, at all times, to continue with his review application. He found, however, that Mr. Perry had been dilatory, and that the respondents were thereby prejudiced. Justice Riley also considered that any appeal

would have a very limited prospect of success, particularly given that Justice Iyer's order was a discretionary one. He denied the extension of time sought by Mr. Perry.

### **Application to Vary Justice Riley's Order**

[28] On December 18, 2025, a few days out of time, Mr. Perry applied to have the Court vary Justice Riley's order. He required an order from a chambers judge extending the time and made such an application. It was set to be heard by Justice Griffin on January 22, 2026.

### **Application to Extend Time to File the Application Book (CA50059)**

[29] On January 7, 2026, Mr. Perry applied for an extension of time to file his application book in respect of the part of Justice Iyer's judgment that denied leave to appeal the order of Justice Fitzpatrick. Despite the registrar's earlier advice that such an application had to be heard together with the similar application in respect of Justice Hoffman's order, he was allowed to file the materials, and the application was set to be heard together with the extension of time application in respect of Justice Riley's order.

### **The Orders of Justice Griffin of January 22, 2026**

[30] On January 22, 2026, Justice Griffin heard Mr. Perry's two applications for extensions of time. She dismissed both applications. In doing so, she referred to the appropriate legal framework, and provided a thorough analysis.

[31] We note that at the hearing of this matter, Mr. Perry took the position that Justice Riley had dealt with the extension of time to file the application book in both CA50194 and in CA50059. Not much turns on the issue, as Justice Griffin's reasons largely mirror those of Justice Riley; the analyses are similar. Nonetheless, this Court's records clearly establish that the application before Justice Riley was in

file CA50194 alone. Accordingly, Justice Griffin's oral reasons for judgment of January 22, 2026, dealt with two matters:

- a) An application to extend the time to file the application book in support of the application to vary Justice Iyer's order denying leave to appeal Justice Fitzpatrick's order; and
- b) An application to extend the time to file the application to vary Justice Riley's order denying an extension of time to file the application book in support of the application to vary Justice Iyer's order denying leave to appeal Justice Hoffman's order.

### **The Fresh Evidence Application**

[32] Mr. Perry applied to file voluminous fresh evidence, including his prolix and largely irrelevant affidavit #10.

[33] We have considered all of Mr. Perry's arguments but would observe that the only matters properly before the Court are the applications to vary the orders of Justice Griffin pronounced on January 22, 2026. The fresh evidence is not relevant to that matter and would not, in any event, meet the requirements of fresh evidence if it were.

### **Analysis**

[34] While we attempted to focus Mr. Perry on Justice Griffin's orders, most of his arguments strayed from those orders and concerned the orders of other judges, or, indeed, his underlying litigation.

[35] It is apparent that Justice Griffin was fully conversant with the history of this matter, and with the law. We are not persuaded that she made any error in her analysis of the applications, or in the exercise of her discretion. She did not misapprehend the matters before her, and she carefully adhered to the principles that governed her exercise of discretion. As Justice Fleming set out in her reasons on a separate review application heard at the same time as these applications,

indexed as 2026 BCCA 282, Justice Griffin's reasons were carefully prepared and free of error. Mr. Perry has failed, completely, to show that an extension should have been given, or that Justice Griffin made any errors at all.

[36] While the orders of other judges are not, strictly speaking, before us, Mr. Perry has thoroughly presented his views with respect to them. We can say without hesitation that he has not presented a meritorious argument in respect of any of them. Even if the Court were to grant all the time extensions necessary for Mr. Perry to proceed with a review of Justice Iyer's order, it is apparent that he would not succeed.

[37] The Court therefore dismissed the application to review the orders of Justice Griffin of January 22, 2026.

"The Honourable Mr. Justice Groberman"

"The Honourable Mr. Justice Butler"

"The Honourable Justice Fleming"