

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *J.J.R.N. v. Front Street Pictures Inc.*,
2026 BCSC 1152

Date: 20260602
Docket: S263490
Registry: Vancouver

Between:

J.J.R.N.

Petitioner

And:

**Front Street Pictures Inc. (operating as Mahalia Productions Ltd.)
and British Columbia Human Rights Tribunal**

Respondents

Before: The Honourable Justice Morley

Oral Reasons for Judgment

(In Chambers)

Appearing on own behalf:

J.J.R.N

Counsel for the Respondent
Front Street Pictures Inc.:

E. Kassaris

Place and Date of Hearing:

Vancouver, B.C.
June 2, 2026

Place and Date of Judgment:

Vancouver, B.C.
June 2, 2026

[1] **THE COURT:** Before me are two applications by the petitioner in this judicial review of a decision by the B.C. Human Rights Tribunal.

[2] By way of background, the Human Rights Tribunal agreed with the petitioner that he was suffering from certain disabilities and also agreed that he had suffered an adverse event, namely that he lost his employment because he refused to wear a mask as required by his employer at that time because of the COVID pandemic, but determined that there was not a sufficient causal link between his disability and this adverse effect for there to be discrimination on the basis of disability. The petitioner is seeking judicial review on a wide number of grounds, which I will not go into any more than that.

Accommodation Application

[3] The first application is for a number of orders to ensure accommodation in the court process of the disabilities that have been found by the Human Rights Tribunal.

[4] While I understand the underlying reasons why the petitioner set out these orders in a very detailed way, I think the result does not leave enough flexibility for whoever is going to preside over the hearing on the merits. I think it is important that that person, that judge, hear from the petitioner about his needs and how they are reflecting at that time, because I understand those needs do vary from time to time. It is important the presiding judge have an interaction with him and figure out how best to accommodate his disabilities while ensuring a fair and reasonably efficient hearing.

[5] While I recognize that it is not easy to ask for accommodation, I think in this case the petitioner will have to do that because otherwise the presider will not be in a position to come to a fair accommodation.

[6] So instead of the orders that he has sought, I am going to make a declaration that he does have the disabilities as found by the Human Rights Tribunal. I am going to direct that registry staff and others in the court system accommodate that disability to the extent consistent with the rules and with fairness to all parties. I am

going to provide that at the outset of the judicial review hearing on the merits, there be a case management conference with at least one item on the agenda, which would be accommodation of the petitioner's disabilities. Then I am going to give all parties leave to provide a submission of up to five pages on what those accommodations could look like. Whether those accommodations are appropriate will have to be left to the judge presiding over the judicial review.

Anonymization

[7] I will turn, then, to the other application the petitioner has brought, for anonymization. The petitioner wants to be referred to by a pseudonym, "Mr. Nelson".

[8] Any anonymization invokes the open-court principle. The test is set out in *Sherman Estate v. Donovan*, 2021 SCC 25. Essentially the basic principle is openness, but in some cases there can be exceptions. The person who wants the exception has to establish three things:

1. First, that court openness, without the exception requested, poses a serious risk to an important public interest;
2. Second, that the order sought is necessary to prevent the serious risk to the identified interest because reasonably alternative measures will not prevent this risk;
3. Third, as a matter of proportionality, the benefit of the order outweighs its negative effects.

[9] What the petitioner obtained from the Human Rights Tribunal was the use of "Mr. Nelson" as a pseudonym.

[10] I have concerns about that because I think that that might mislead people, but an alternative that he has proposed is the use of initials. There would be a sealed version of the pleadings where his full name is used, but other than that, his initials, which would be "J.J.R.N.", would be used throughout the proceeding.

[11] To me this would have some impact on court openness, but the serious risk of not doing this is twofold:

- a) First of all, inevitably this case is going to involve disclosure of certain private medical information on the part of the petitioner.
- b) Secondly, the petitioner is concerned that knowledge of his identity will affect his ability to obtain employment, which is already being affected by his disability.

[12] I would not necessarily initialize in every case where someone did not want it known that they were at litigation with their employer, but I think the fact that there is already the problem of disability makes this case different. Mr. N. faces serious difficulties in the job market. It being easily determined that he had brought disability accommodation complaints against an employer would exacerbate that problem.

[13] So, I consider those to be serious risks. I think that it is necessary to prevent those serious risks. Given the existence of the internet and the fact that these cases will be published, I think that is sufficiently serious in this situation. I cannot see a lesser remedy.

[14] I think initialization is a lesser remedy to an inaccurate pseudonym. It alerts everyone to the fact that the identity is not being given, which an inaccurate pseudonym does not.

[15] When I consider proportionality, I conclude the benefits of the order outweigh its negative effects. The interest to the public in this case is not going to really be about the petitioner's full name; it is really going to be about what the legal principles are when an employer requires someone to put on a mask and they say they have a disability.

[16] I want to credit counsel for the respondent, who has provided me with case law and useful submissions on this point, even though it may not have been directly of interest to the respondent.

[17] As a result of respondent's counsel's work, I have *Chan v. British Columbia (Workers' Compensation Appeal Tribunal)*, 2025 BCCA 452. In that case, the Court of Appeal rejected an appeal of a denial of a sealing order and anonymization order. It found that there was no evidence of any intrusion into privacy that is not typical of civil litigation and no other evidence to support the conclusion that such a measure was necessary in that case. I think this case is different. There is evidence of specific harm that distinguishes Mr. N. from the general run of judicial review applications and the order sought is narrower and the impacts on accountability to the public are less.

"J. G. Morley, J."
The Honourable Justice Morley