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Canadian Judicial Council
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Date: September 30, 2026

**Re: Complaint concerning Justice Gordon C. Weatherill
Supreme Court of British Columbia, Vancouver Registry
Court file No. VLC-S-S-217586
Hearing: September 24, 2026, Courtroom 55, 800 Smithe Street, Vancouver**

Canadian Judicial Council

I am Tanya Gaw, founder and director of Action4Canada, a Plaintiff in this proceeding. I attended the September 24, 2026 hearing of the Defendants' application to strike our amended notice of civil claim. I am filing this complaint because I witnessed conduct by Justice Weatherill that I believe was an abuse of judicial authority and contrary to his duty to hear the parties impartially and with an open mind. His lack of access to our materials at the start of the hearing, his remarks, and the manner in which he delivered his ruling raise serious concerns about whether our submissions were fully considered.

Missing materials

At the outset, I discovered that Justice Weatherill did not have materials that were served and filed well in advance. These included the Book of Authorities and two Supreme Court of Canada decisions, *Taylor v. Newfoundland and Labrador*, 2026 SCC 5, and *R. v. Find*, 2001 SCC 32. I had brought extra copies as a precaution and supplied them to him that morning.

Sequence of the hearing

The hearing began at approximately 10:00 a.m. Justice Weatherill heard the Defendants' lawyers during the morning. After a lunch break from approximately 12:30 to 2:00 p.m., the final lawyer for the Defendants spoke, followed by our lawyer, Rocco Galati, who addressed the Defendants' arguments for an hour and presented his submissions and case law in support of allowing the claim to proceed. Justice Weatherill then called a break of approximately 15 minutes. On his return, he allowed the Defendants' lawyers to respond briefly, then announced he would rule immediately. Without leaving the Bench, he delivered written, pre-determined Reasons for Judgment. His oral reasons lasted over 11 minutes and struck our case in its entirety.

Predetermination

Judgments such as this are not written in a 15-minute break. Justice Weatherill's mind was clearly made up before the hearing. He did not remain open to our submissions before reaching a final decision, and his inflammatory language, noted below, and his conduct failed to maintain the appearance of impartiality and an open mind. The short interval between the end of submissions and the ruling is especially troubling given the materials missing that morning and the legal authorities Mr. Galati presented. The timing is impossible unless the reasons were prepared before the hearing convened or, at best, during the lunch break, before our counsel spoke. The lunch-break scenario is highly unlikely given the time frame, but if it occurred, it would amplify the seriousness of this complaint, because the Judge would have predetermined the case without hearing us on the same day, a clear violation of natural justice and procedural fairness.

By typing and preparing his written Reasons for Judgment before the hearing, Justice Weatherill clearly displayed an adverse, predetermined state of mind, biased against us and in favour of the Defendants. That the Judge has already made findings on the merits and using this background to support his predetermined decision to award costs, before my counsel was even heard, establishes that his decision was unalterable even before our oral submissions, *a fortiori* when he read his Reasons for Judgment seconds after submissions ended. No informed person, viewing the matter realistically and practically and having thought it through, would apprehend or conclude that the Judge was not biased or that justice was seen to be done, either in the predetermined judgment or in the accompanying inflammatory words.

I rely on the more detailed 1998 *Ethical Principles for Judges*¹, in which the Canadian Judicial Council recognized that predetermined judgments violate judicial impartiality:

- "A.2 *Impartiality refers to a state of mind or attitude of the tribunal in relation to the issues and the parties in a particular case. The word 'impartial'...connotes absence of bias, actual or perceived...*
- A.3 *Impartiality is not only concerned with perception, but more fundamentally with the actual absence of bias and prejudgment.*
- B.1 *Unjustified reprimands of counsel, insulting and improper remarks about litigants and witnesses, statements evidencing prejudgment and intemperate and impatient behaviour may destroy the appearance of impartiality." (my emphasis)*

¹ <https://publications.gc.ca/collections/Collection/JU11-4-1998E.pdf>

Inflammatory, discriminatory and biased language

In his reasons, Justice Weatherill described the amended claim as a **“hodgepodge of verbosity”** and said **“inflammatory and conspiratorial language”** had been removed from an earlier version. He called the pleading an **“incoherent, unintelligent diatribe”** without a factual foundation or viable cause of action. A judge may criticize a pleading, but I ask the Council to consider these remarks together with his characterization of the Plaintiffs and their purpose in bringing the case.

Most troubling was his statement that the claim sought to take the court into the **“conspiratorial and demon-haunted shadow of Christian nationalism’s opposition to and defiance of”** the COVID-19 measures introduced by the federal and BC governments in 2020. I ask the Council to verify his precise wording against the hearing recording. Action4Canada's alleged association with "Christian nationalism" was not an issue the application required the court to decide. These words are highly inflammatory, derogatory and discriminatory toward Christians, including me as a litigant. By introducing this characterization, Justice Weatherill exposed what I believe was extreme bias and attributed an ideological motive to the Plaintiffs instead of confining his assessment to the pleading and the applicable law. Notwithstanding the inflammatory nature of these words, natural justice and procedural fairness require that, if he was going to rely on an issue not before the Court, he adjourn to permit me to reply fully.^{2 3} Instead, I was ambushed at court by findings against me that were not before the court.

He also cited an Ontario decision describing a claim as **“grandstanding”** and **“political advocacy,”** and said that sentiment applied **“with equal force in this case.”** By adopting that characterization, he appeared to dismiss our pursuit of legal remedies as political performance. I ask the Council to consider the effect of this remark in the context of his reasons as a whole.

Toward the end of his ruling, he said he had **“no hesitation”** in accepting the Defendants' submissions in their entirety. He characterized Mr. Galati's submissions as **“general, vague, and superficial protests”** that did not address the Defendants' salient arguments. This statement could not be further from the truth. He added that allowing the matter to continue would give the Plaintiffs a platform for grievances with no place in the court. These remarks were very concerning to me. Mr. Galati had presented factual and legal submissions resting on Supreme Court of Canada jurisprudence on point, yet the judge did not address them. The ruling left me, and many people in the gallery, with the strong impression that they had not received fair consideration. Alarming, the judge also summarized the amended pleadings and our counsel's submissions as **“trying to put lipstick on a pig.”** This characterization is offensive beyond the pale and exudes prejudice.

² <https://www.canlii.org/en/bc/bcsc/doc/2008/2008bcsc889/2008bcsc889.html>

³ <https://www.canlii.org/en/nb/nbqb/doc/1984/1984canlii4306/1984canlii4306.html>

Ethical Principles for Judges (1998)⁴ also addresses the following:

- **Religion** (Chapter 5, Equality, Principle 2, p. 23):
"...gender, race, religious conviction..."
This calls on judges to understand differences, expressly including religious conviction.
- **Stereotyping** (Chapter 5, Equality, Commentary 3, p. 24):
"...stereotype, myth or prejudice."
This addresses attitudes that should not influence a judge.
- **Equal consideration and respect** (Chapter 5, Equality, Commentary 4, p. 24):
"...equal consideration and respect."
This addresses comments or behaviour suggesting a person before the court will not be treated equally.
- **Diligence** (Chapter 4, Diligence, Commentary 1, p. 18):
"...skill, care and attention..."
This concerns the careful performance of judicial duties, including consideration of materials and submissions.
- **Courtroom treatment** (Chapter 6, Impartiality, Principle B.1, p. 27):
"...appropriate courtesy."
This addresses how judges should treat everyone before the court.
- **Integrity** (Chapter 3, Integrity, Principle 1, p. 13):
"...above reproach..."
This concerns judicial conduct as viewed by reasonable, fair-minded and informed people.

The Council must recognize that the conduct described in this complaint is contrary to these principles, particularly the religious characterization of the Plaintiffs, the treatment of our counsel's submissions, and the question of whether our materials received careful consideration.

Legal test and public confidence

The Supreme Court of Canada has held that a judge's words or actions must not leave a reasonable, informed person with the impression "that an issue was predetermined": *R. v. S. (R.D.)*, [1997] 3 S.C.R. 484, para. 120. The BC Court of Appeal addressed prejudgment before all evidence and submissions are heard in *R. v. Parmar*, 2005 BCCA 187. I submit to you that a reasonably informed person, viewing the missing materials, the remarks, the predetermined judgment and the hearing as a whole, would apprehend that Justice Weatherill reached a final conclusion before fully considering our submissions, and would question whether the ruling reflected the careful, unbiased deliberation this case required.

There is no gloss or sugar coating that can be used to cover up this most glaring example of reasonable apprehension of bias. Pre-determined judgments can never be sanctioned by this Council, as this very act violates the fundamental principle of impartiality, which requires being perfectly open to persuasion. It also violates the right to a fair and impartial hearing, natural justice

⁴ <https://publications.gc.ca/collections/Collection/JU11-4-1998E.pdf>

and procedural fairness, particularly where, as here, I could not address new issues raised in the judgment.

If judges may enter court with a pre-written judgment on the merits of the case before hearing the parties, that would be acceptable for all judges. The implication is frightening: why have hearings at all? These actions are a foot in the door toward the incremental elimination of all constitutionally enshrined public hearings. May it never be!

The Council must act vigorously to send a strong message to all judges that this behaviour is neither acceptable nor constitutionally permissible. It erodes public confidence in the judiciary and affects not only the parties to this or any other action, but the public at large:

“Both independence and impartiality are fundamental, not only to the capacity to do justice in a particular case, but also to individuals and public confidence in the administration of justice. Without that confidence the system cannot command the respect and acceptance that are essential to its effective operation⁵.”

Scope of complaint and grounds

I disagree with the dismissal of Action4Canada's claim and understand that any challenge to the correctness of that decision belongs in the court process. **My complaint concerns Justice Weatherill's conduct:** whether he had and considered our materials, his language about the Plaintiffs and our counsel, and whether the manner in which he heard submissions and delivered his ruling maintained the appearance of impartiality.

Judicial independence, integrity, diligence and equality are seriously undermined when a judge makes a definitive ruling before properly and openly hearing each party's position, and confidence in the judiciary rests on adherence to independence and impartiality. The effects of the actions by Justice Weatherill cannot be understated. A pre-written judgment would be grounds for a misconduct complaint on ethical and professional standards relating to bias, unfairness, integrity and competence, as set out in the *Ethical Principles for Judges*. Wilful or intentional disregard of those principles is cause for dismissal.

Pursuant s. 2.1 of the *CJC Procedures for the Review of Complaints or Allegations About Federally Appointed Judges*, a judge can be removed from office if (a) the judge's continuation in office would undermine public confidence in his impartiality, integrity or independence so as to render him incapable of executing the functions of his office; (b) misconduct; or (c) failure in the due execution of judicial office. Justice Weatherill's intentional pre-hearing decision qualifies his removal from office.

Requests

⁵ <https://publications.gc.ca/collections/Collection/JU11-4-1998E.pdf>

The Plaintiffs demand that the Council:

1. Obtain the September 24, 2026 hearing recording or transcript; and the Reasons for Judgment, solely to support this complaint and not on appeal grounds.
2. Review the identified remarks and the sequence of submissions and ruling.
3. Establish when the materials were originally delivered to the court, when or if Justice Weatherill received them, and whether he had a meaningful opportunity to review them before ruling on an application that would end our case.
4. Advise me of its determination of the penalty to be imposed on Justice Weatherill.

Every litigant is entitled to be heard by a judge whose mind remains open until the last submission is made, and I trust the Council will treat this complaint with the seriousness it warrants to ensure that this standard is upheld.

Sincerely,



Tanya Gaw

Founder and Director, Action4Canada

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