**Kelly v. Insurance Corp. of British Columbia**

[2007] B.C.H.R.T.D. No. 382

Kelly brought two complaints against ICBC and then withdrew them. After the second complaint ICBC asked for costs to be awarded because of the actions of the complainant during the process.

The complainant, Kelly, had argued that ICBC was ‘gender profiling’ when it required a person to identify themselves as male or female on a driver’s license. “I am seeking a driver’s license that cannot be used as an instrument of sex discrimination—one that simply does not mention sex” Kelly stated.

According to Kelly, ICBC had assumed that the complainant was transsexual and “must therefore meet their new (in 2000) transgender policy requirements”. ICBC demanded Kelly’s birth certificate for proof of gender. Kelly argued that the information on the birth certificate was no longer accurate because it did not reflect the complainant’s chosen identity and name. ICBC also rejected the Common Law name of Suzanne M. Kelly.

ICBC refused contact with the complainant and directed all enquiries to their lawyer, who did not facilitate the process of acquiring a license. Kelly claimed the discrimination had been ongoing since 2003 and included factors such as “rural lifestyle”, age and sex.

The Tribunal found that Kelly had interfered with the process of the complaint in various ways. Kelly amended the complaint so that identity and identification would no longer be included as issues in the complaint. The Tribunal found this confusing. The complainant provided an address for delivery and then refused delivery of documents and letters. The complainant also contacted employees of ICBC instead of the representative ICBC had, and when told not to, ignored this and continued to do so. In addition, the complainant sought an extension to an application schedule on the basis of the lack of documents which the complainant had, in fact, refused to accept.

On the basis of these actions the tribunal found that Kelly had engaged in improper conduct and awarded costs to ICBC in the amount of $1500.

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