

CANADA / JUDGMENT

Arora v. Malik

2025 BCSC 2109

COURT

Supreme Court of British Columbia

DECIDED

27 October 2025

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2025 BCSC 2109 Arora v. Malik

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Arora v. Malik,

2025 BCSC 2109

Date: 20251027

Docket: E211624

Registry: Vancouver

Between:

Poonam Arora formerly known as Afsana Malik

Claimant

And

Tariqul Islam Malik also known as Tariq Malik

Respondent

Before: The Honourable Justice E. McDonald

Reasons for Judgment

Counsel for the Claimant:

N.L. Charlton, K.C.

Counsel for the Respondent:

V. Mehra

Place and Date of Hearing:

Vancouver, B.C.

September 23, 2025

Place and Date of Judgment:

Vancouver, B.C.

October 27, 2025

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Overview

- [1] On the first day of the trial of these family law proceedings, the parties reached a settlement and entered a final order by consent. The parties currently seek orders related to the child and spousal support payable by the father.
- [2] The parties agree that their two eldest children are no longer children of the marriage. The mother submits that determining ongoing support is a simple calculation under the terms of the final order because the parties included terms proving for how support would be adjusted when their two eldest children graduated from university. The mother also submits that there ought to be security provided for the father's ongoing support obligation, including because he is apparently planning to sell his home and move abroad and he has not been paying the support due under the final order.

[3] The father seeks to vary the final order in respect of support because he says there are material changes of circumstances. The father submits that neither the settlement, nor the terms of the final order, preclude him from seeking a variation of the final order to downwardly adjust the support that he is required to pay.

[4] The terms of the final order are key to determining the support issues raised by the parties.

Background

[5] The parties are former spouses who have four children:

C1, born January 2000;

C2, born January 2002;

C3, born July 2006; and

C4, born November 2011.

[6] On November 28, 2022, the parties settled their respective family law claims. The parties consented to a comprehensive final order on November 28, 2022. Each party was represented at the time of the settlement and final order.

[7] In the final order, the parties consented to certain terms that are relevant to the present application:

RETROACTIVE SUPPORT, SECTION 7 EXPENSES & FINANCIAL ADJUSTMENTS SETTLEMENT

6. BY CONSENT, in full and final settlement of all claims for:

- a. retroactive Guideline table child support to and including October 31, 2022;
- b. retroactive special and extraordinary expenses within the meaning of s. 7 of the Federal Child Support Guidelines (the "Guidelines") to and including October 31, 2022;
- c. retroactive spousal support to and including October 31, 2022;
- d. 100% of the Children's prospective special and extraordinary expenses within the meaning of s. 7 of the guidelines, which shall be at the sole responsibility of the Claimant; and
- e. except as provided for in the butterfly documents contemplated in paragraph 12 of the JCC Order;
- i. all adjustments in respect of the parties' CWB joint account;
- ii. the retention of the WE Investors Group Investment(s); and
- iii. City of Vancouver future refunds of application fees for West 35th project;

the Respondent shall pay to the Claimant the sum of \$400,000, such sum to be paid forthwith from the funds held in Trust by Farris LLP on behalf of the Respondent.

GUIDELINES INCOMES

7. BY CONSENT, for the purposes of determining prospective child and spousal support in accordance with the Guidelines,
 - a. the Claimant's Guideline income is attributed at \$325,000 or his actual income whichever is greater; and
 - b. the Respondent's Guideline income is attributed at \$60,000 or her actual income whichever is greater

when this Order is made and upon any review of income for support purposes as further provided in this Order.

CHILD & SPOUSAL SUPPORT SETTLEMENT

8. BY CONSENT, subject to review as provided in this Order, commencing November 1, 2022 and continuing on the first day of each and every month thereafter the Respondent shall pay to the Claimant:
 - a. the sum of \$6,618 for the support of the Children (the "Child Support"); and
 - b. the sum of \$3,849 for her support (the "Spousal Support"), based on the mid-point of the Spousal Support Advisory Guidelines ("SSAG") range which point in the range shall continue to apply on any review of spousal support as provided in this Order.
9. BY CONSENT, the terms of this Order constitute special provisions made for the benefit of the Children, pursuant to section 15.1(5) of the Divorce Act, and as such the Child Support shall be fixed, non-variable and non-reviewable except as provided in this Order.
10. BY CONSENT, the Spousal Support payable pursuant to paragraph 8(b) of this Order shall terminate on the first day of the month in which the Respondent turns 65, with no possibility of variation except as to quantum in accordance with paragraph 11 of this Order.

REVIEW OF SUPPORT

11. BY CONSENT, the Child and Spousal Support payable pursuant to this Order based on the bottom caps on the parties' respective Guideline incomes except in the case of paragraph 11(c), is reviewable as to quantum only (the "Review") in the event of the following material changes of circumstances:
 - a. in 2025, when the parties' eldest two Children are expected to have completed their post-secondary educations;
 - b. in 2030, when the parties' youngest Child has reached the age of 19; and

- c. in the event that either of the parties is found, upon expert medical evidence, to have suffered illness or injury that prevents or significantly impairs their ability to earn income at the bottom cap provided for in this Order.

DISCLOSURE

13. BY CONSENT, if either party is dissatisfied with the disclosure of the other, or requires further information or documentation to determine the other party's Guideline income for child and spousal support purposes, they are at liberty to request any and all documents relevant to the determination of income as though the review applicable was coming on for trial, with the ability to demand that a party be available for examination under oath, including cross-examination on affidavits.
14. BY CONSENT, any adjustment to support pursuant to a Review under paragraph 11 shall commence on July 1st of the review year and shall not apply retroactively before that date.
- [8] On August 15, 2025, the father applied, among other things, to vary the final order retroactively and prospectively to reduce his income for support purposes and to reduce the amount of spousal and child support that he pays. In the alternative, he also seeks a review of support although that is not set out as an order sought in Part 1.
- [9] On September 2, 2025, the mother applied to enforce the final order respecting support, require the father to provide security for future support payments and produce documents.
- [10] On September 23, 2025, the parties' respective applications came on for hearing before me.

Should the Final Order be Varied?

- [11] Sections 152 and 167 of the Family Law Act, S.B.C. 2011, c. 25 [FLA] describe the circumstances under which the court may change, suspend or terminate child and spousal support orders. As some of the children are no longer children of the marriage, the father submits that this is a material change of circumstances that justifies a variation of the support payable under the final order.
- [12] In considering an application to change a final order for support, the amount of support originally ordered payable is to be assumed correct as of the date of the order, and the court considers to what extent the applicant has shown that the circumstances of the parties or children have changed since the final order was made: *Empey v. Groves*, 2001 BCCA 704 at paras. 43, 50-51.
- [13] The requirement to find a material change in circumstances to vary a final order under the FLA, and the principles that apply to finding a material change, are well established. They include the need for the applicant to prove a material change to the "condition, means, needs or other circumstances" of either party that was unknown and unforeseen at the time of the final order and if known, would likely have resulted in a different order: *Steward v. Ferguson*, 2018 BCCA 158 at paras. 20 and 30-31.

- [14] Substantial evidence is required to establish a material change in circumstances, and s. 152 is not intended to allow a party to simply reassert their prior argument or provide a more detailed analysis of previously available evidence: *Smith v. Smith*, 2017 BCCA 319 at paras. 24.
- [15] In *Colucci v. Colucci*, 2021 SCC 24, at para. 63, the court made clear that where a party's income is imputed due to lack of financial disclosure, that party will be precluded from claiming a material change in circumstances when they eventually provide proper documentation respecting their income. In other words, a party cannot take advantage of their own late or inadequate financial information disclosure as grounds for changing the support order.
- [16] The father submits that there are two material changes of circumstances that justify changing the final order as it relates to child and spousal support. I will begin by addressing the first ground respecting a reduction to the number of children that are children of the marriage.

Who are the Current Children of the Marriage?

- [17] In Part 1, paragraph 1, of the father's application, he seeks to vary retroactively as of January 1, 2025, child support so that he pays Guideline support for the two remaining children of the marriage, C3 and C4. However, in the material facts section of his application, the father states that C3 has now turned 19 years old and he can work part-time and contribute towards living expenses. Therefore, the father seeks that child support be determined on the basis that only C4 remains a child of the marriage.
- [18] As mentioned, the mother agrees that the support should be determined to reflect the change due to their two eldest children no longer being children of the marriage. The mother agrees to this even though one of the eldest children is continuing in an advanced degree program.
- [19] However, the mother submits that the parties' two youngest children, C3 and C4, are children of the marriage for support purposes. The mother also submits that the final order provides everything necessary for determining the ongoing support payable by the father in the circumstances.
- [20] Paragraph 11 of the final order provides that child and spousal support is reviewable as to quantum only in the event of three potential material changes of circumstances. The two eldest children graduating in 2025 is one of the three potential changes of circumstance that the parties provided for in para. 11 of the final order.
- [21] In submitting that C3 is also not a longer a child of the marriage, the father's evidence is that recently, he picked up C3 at a residence where the child said he was living, and the residence was not the mother's residence.

- [22] The mother agrees that C3 has been living with her on and off; however, her evidence is that she continues to provide C3 with a place to live and financial support. The mother also submits that C3 is having significant personal struggles and, in the coming year, C3 intends to complete high school.
- [23] The mother's main position is that no order is sought by the father respecting determining child support in respect of C3. Indeed, as I have already explained, in Part 1 of the father's application, the order sought is to vary child support so that he pays support for "the two remaining children of the marriage".
- [24] The mother is entitled to rely on the orders sought as they are set out in Part 1 of the father's application. I agree with the mother's view that the final order provided for a determination of support in 2025 in anticipation of the parties' two eldest children graduating. I agree with that because paragraph 11(a) of the final order states that in 2025, when the two eldest children were anticipated to graduate, support under the Guidelines would be determined as provided by the final order.
- [25] The parties further agreed that it would not be until 2030 - when their youngest child turned 19 years old - that they would once again determine child support. Finally, the parties also agreed that the child support was to be fixed, non-variable and non-reviewable, except as provided by the final order.
- [26] For all these reasons, I reject the father's submission that child support should be determined on the basis that the parties' three eldest children are no longer children of the marriage. I find that for purposes of determining child support, the parties' two eldest children are no longer children of the marriage and the parties' two youngest children, C3 and C4, remain children of the marriage.

Is there a Material Change of Circumstances Respecting Income?

- [27] As part of the relief sought respecting varying support, the father seeks to have support calculated using a lower Guideline income for himself. More specifically, the father seeks for support to be determined using \$138,504 as his Guideline income.
- [28] In paragraph 7 of the final order, it sets out the parties' respective Guideline incomes with bottom caps applicable upon any review of income for support purposes. Notwithstanding that language, the father submits that the bottom cap ought not to apply to him because there is a material change of circumstances arising from his having earned far less than the \$325,000 per year minimum attributed to him in the final order.
- [29] The father submits that his income has been reduced due to the deterioration of his health. Meanwhile, the father also submits that the mother's income has been much greater than the minimum attributed to her in the final order and therefore, support should be determined using her actual, higher income.

- [30] The father's evidence provided to support this alleged material change of circumstances respecting his income includes income tax information and a letter from his family doctor. In the taxation years 2022, 2023 and 2024 the father's total individual income was assessed by the Minister of National Revenue at \$77,065, \$130,041 and \$138,503, respectively.
- [31] The mother submits that the father is simply recycling the positions he took during the family law proceeding namely, that he earned far less than a minimum annual income of \$325,000, and that he had health problems that limited his ability to earn income.
- [32] Despite all of this, the father agreed to the final order attributing a minimum annual income to each party, and he did so with the benefit of legal representation. The mother submits that the father now seeks to improperly resile from that agreement.
- [33] The mother's position is that obtaining the father's complete and accurate financial disclosure has been an ongoing problem in the family law proceeding. That is one of the reasons why she agreed to the settlement and final order.
- [34] The mother has provided evidence demonstrating the father's failure to disclose relevant financial information during these proceedings. For example, in discovery, counsel for the mother asked the father about his involvement and interest in two development projects. The father stated in discovery that he did not own the properties involved in the development projects.
- [35] However, the mother's counsel has now learned that the father filed certificates of pending litigation ("CPLs") against properties involved in these two development projects and he provided affidavits related to the CPLs. The father asserts an interest in the lands and states that he avoided holding legal title to the properties because of the family law proceedings. In his most recent affidavit handed up during the hearing, the father disclosed that he used funds from an "interim settlement" of his ongoing claims over those properties to make a lump sum payment against his mortgage.
- [36] At the commencement of the hearing of the parties' applications, the father's counsel also handed up the father's affidavit #3 made September 23, 2025, including financial and tax documents for the father's corporation that were inadvertently not included in the father's most recent financial statement.
- [37] This is yet another example of the type of disclosure problems that the mother submits she has faced throughout these proceedings. The evidence satisfies me that the mother's concerns about the timeliness, accuracy and completeness of the father's financial disclosure are well-founded.
- [38] Respecting the father's submission that he never earned the minimum income amount attributed to him in the final order, I find that the father is impermissibly attempting to make the same argument, and the same evidence, that he could have adduced at trial. Instead of proceeding to trial, the father and the mother settled their respective claims and they approved the form of the consent order attributing to each of them a minimum annual

Guideline income and providing terms effectively limiting their ability to go below the minimum amounts in the future.

- [39] Respecting the father's claim that ill-health has caused a material change of circumstances that allows for the reduction of his Guideline income, the final order stipulates what would be required to establish such a material change.
- [40] The father provides a letter about his health from his family doctor. The difficulty is that the father's family doctor has not been determined to be an expert, nor is the doctor's letter an opinion, within the meaning of the Supreme Court Family Rules or as required by the final order.
- [41] Absent agreement by the parties or a finding as to expertise, contentious medical opinions are not generally admissible: *Marthinsen v. Marthinsen*, 2020 BCSC 619 at para. 73. I find that the letter provided by the father appears to me to be the kind of self-serving and unreliable note from a treating family doctor that our court cautions against: *Taylor v. Taylor*, 2010 BCSC 1539 at para. 33.
- [42] The mother submits that during the family law proceedings and prior to entering the final order, the father also raised health issues that he said were negatively impacting his ability to earn income. The mother states that this is why the parties agreed to a potential material change of circumstances arising from ill health or disability and they agreed on what would be required to establish ill health or disability.
- [43] The father's evidence falls well below what the parties agreed, and what the final order states, would be required to establish that material change of circumstances. I therefore find the father has failed to establish that a material change of circumstances has occurred due to him suffering from an illness or disability that prevents or significantly impairs his ability to earn income at the bottom cap provided in the final order.
- [44] On the issue of the mother's Guideline income being higher than the minimum amount attributed to her in the final order, the father's counsel conceded during the hearing that income, such as dividends, derived from family property divided through the family law proceedings, ought not to be included in either of the parties' Guideline incomes. Based on the evidence in the record, I find that the mother's Guideline income for determining support has not exceeded the \$60,000 minimum annual income attributed to her in the final order.
- [45] In the final order, for purposes of determining support, the parties agreed to attribute a Guideline income of \$325,000 to the father, or his actual income whichever is greater. The mother's income is attributed at \$60,000 or her actual income whichever is greater. I find no basis to change those terms of the final order.

- [46] In the final order, the parties also agreed that the adjustment to support shall commence on July 1st of the review year, i.e. July 1, 2025, and not retroactively. I find no basis to change that term of the final order.
- [47] Given that the parties specifically agreed to the parameters for determining support, including about their Guideline incomes, I find no basis to change the relevant terms of the final order. As provided in the final order, child and spousal support shall be determined on the basis that as of July 1, 2025, there are two children of the marriage.
- [48] The father also seeks an order varying paragraphs 11 and 12 of the final order to provide that the parties' income shall be reviewed annually. In essence, the father seeks to have the court rewrite the agreement including as it is expressed in the final order. I find no basis for doing so because the parties turned their minds to when and how their Guideline incomes would be determined and they set out all applicable terms in the final order.
- [49] I acknowledge that the father states in the factual basis for his application in Part 2, that there is a typographical error in the final order respecting the parties' Guideline income. However, beyond alleging that he never earned \$325,000 per year, there is no evidence showing that a slip or error was made when the parties drafted the final order or when they approved of its form.
- [50] Instead, it appears that the father now wishes that he had agreed to different terms. However, the court lacks authority to rewrite an agreement simply because one party later wishes that they had reached a different bargain.
- [51] Beyond the change of circumstance respecting the parties' two eldest children graduating from university that the parties anticipated and provided for in the terms of the final order, I find no grounds to change the final order as sought by the father.

Determination of Support Payable

- [52] The mother provided calculations respecting support payable. The calculations, which use the "with child support" formula, are as follows:
- a) From July 1 to September 1, 2025, and based on the father's Guideline income of \$325,000 and the mother's income of \$60,000, the child support payable for the two youngest children is \$4,224 and the spousal support is \$5,510, based on the mid-point of the "with child support" formula.
 - b) From and after October 1, 2025, which is the effective date on which the Federal Child Support Tables were updated to reflect more recent tax rules, and based on the father's Guideline income of \$325,000 and the mother's income of \$60,000, the child support payable for the two youngest children is \$4,455 and the spousal support is \$5,330, based on the mid-point of the "with child support" formula.

[53] I find that these calculations appropriately reflect the support payable by the father to the mother effective July 1, 2025, and thereafter, including because the calculations are consistent with the parties' agreement as expressed in the final order.

Should Arrears of Support be Cancelled?

[54] During submissions, counsel for the father submitted that the father also seeks to cancel the arrears of support that have accumulated since the final order was made. The mother's counsel made submissions opposing that relief. There is evidence that the BC Family Maintenance Agency has determined that the arrears amount to \$59,736 as of July 1, 2025.

[55] The test to cancel arrears places a heavy onus on the applicant to establish a basis for cancellation using reliable, accurate and complete evidence that does not include hearsay: *Kular v. Kular*, 2018 BCSC 1715 at para. 19, citing *Earle v. Earle*, 1999 BCSC 283. The test includes two elements, (1) gross unfairness, and (2) change in circumstances that is showing through financial disclosure to be significant and long-lasting: *Kular* at paras. 20-21, citing *Beavis v. Beavis*, 2014 BCSC 422 at para. 15.

[56] In the father's affidavit #4 made on September 23, 2025, he describes using funds in his bank account - that the mother was seeking to have held in trust to pay arrears of support - to pay a tradesperson and to reduce his existing mortgage balance by 15% to reduce his monthly payments.

[57] In other words, the father's evidence is that shortly before the hearing, he chose to use substantial cash available to him for purposes other than paying for arrears of child and spousal support. The fact that the father voluntarily chose to use this cash for purposes other than pay his arrears of support does not demonstrate that the father is facing gross unfairness if the arrears are not cancelled.

[58] I have already determined that the father failed to meet his obligation to provide his financial information in a timely and complete fashion and his alleged reductions in income do not amount to a material change of circumstances. Put another way, the father has also failed to show through financial disclosure a change in circumstances that is significant and long-lasting.

[59] Therefore, the father's request to cancel arrears is dismissed because the father has failed to meet the heavy onus required for such an order.

Should there be Security for Support?

[60] Section 230 of the FLA includes provisions for the enforcement of orders. The measures in s. 230 should be applied only when necessary to ensure compliance with court orders: *Tung v. Lu*, 2025 BCSC 71 at paras. 55-56, citing *Kanta v. Kanta*, 2017 BCSC 2321 at para. 19 and *A.J.F. v. N.L.S.*, 2020 BCSC 26 at para. 85.

- [61] Courts have ordered security for future support payments or performance of their financial obligations where a party has failed to make support payments and provide disclosure as required by a court order: *Hazen v. Hazen*, 2022 BCSC 1900; *Partridge v. Partridge*, 2018 BCSC 1687.
- [62] The mother also seeks an order that the father pay the sum of \$614,127, from the father's Canadian Western Bank ("CWB") account ending in 8417 and from the net proceeds of the sale of the father's property located at 1659 West 69th Avenue, Vancouver, British Columbia, as security for ongoing child and spousal support payable by the father up to June 2030. The mother requests that these funds be held in trust by the claimant's solicitors, to secure monthly distribution to her from the funds, commencing on September 1, 2025, for ongoing child and spousal support in the amounts of \$4,455 and \$5,330 until June 1, 2030.
- [63] In her counsel's submissions at the hearing, the mother further requested an order that the father pay an additional \$500,000, as security for the support payable to her for years from 2030 to 2035. The mother's counsel provided calculations showing that whether the post-2030 support includes child and spousal support, or spousal support alone, the support payable will exceed \$500,000. Therefore, the mother submits that \$500,000 is an appropriate amount to secure the father's post-2030 support obligations.
- [64] The mother requests security including because in the past the father has threatened to sell his assets and leave Canada. There is evidence the father's residential property is currently listed for sale. However, the father states that he intends to continue to live in Vancouver due to the presence of his children and an elderly parent that he provides care for. Although he denies intending to sell his property and leave Canada, there is no evidence indicating that he has cancelled the listing of his property.
- [65] Beyond claiming that he is unwell and that he cannot afford the monthly amount of support, I find that the father's non-compliance with his support obligation is not adequately explained. The father has breached the terms of the final order requiring him to pay child and spousal support. I also find that the condition in s. 230(1) is satisfied because there is no other provision of the FLA applicable for the purposes of enforcing the final order respecting support.
- [66] I find that s. 230(2)(a) of the FLA authorizes me to require the father to give security for the performance of his financial obligations in the circumstances including because the father has opted to use funds to pay down his mortgage balance rather than repay the support he appears and fulfill his ongoing support obligation.
- [67] There is also evidence that the father now attests to holding an ownership interest in two properties that he denied owning during the family law proceedings. This raises questions about whether the father properly disclosed all his assets and income before the settlement and final order was made. That evidence causes me to treat the father's evidence with great caution.

- [68] I am satisfied that the father's failure to pay the mother support will continue unless there are consequences. Therefore, I order that a charging order be imposed against the father's interest in the property located at 1649 West 69th Avenue, Vancouver, British Columbia, as security for the ongoing performance of the father's support obligations as set out in the final order and the order made herein, subject to a further court order or the parties agreeing otherwise in writing.
- [69] If the father fails to pay the mother the ongoing monthly child and spousal support that he is ordered to pay, the mother has leave to apply to realize on the charging order, including by seeking an order for sale and either party may apply for further directions. I will hear any request for directions or application to realize on the charging order if I am conveniently available, but I am not seized.
- [70] The father also has leave to apply to cancel the charging order. For example, the father may apply to cancel the charging order on the grounds that he has consistently met his support obligations and therefore, the charging order is no longer necessary to secure performance of his ongoing support obligations. I will hear any request for directions or application to cancel the charging order if I am conveniently available, but I am not seized.
- [71] As already explained, the mother has requested that the father be ordered to deposit a cash sum potentially of more than \$1,000,000 in her counsel's trust account to fund ongoing support payments up to 2035. I decline to require the father to deposit cash because I have concluded that the charging order and other orders are adequate, at this point and on the evidence before me, to secure the father's ongoing financial obligations.
- [72] The mother also requests that the father be fined \$5,000 for his failure to abide by the final order respecting his obligation to pay child and spousal support. While there has been non-compliance, I recognize that the father did eventually file an application seeking to vary the amount of support that he was required to pay. I find that the orders I have made are sufficient to ensure compliance at this point. Therefore, in the present circumstances, I decline to order that the father pay a fine.

Miscellaneous Issues

Payment of Arrears

- [73] In the mother's application, she seeks an order that the current arrears of support, which totals \$59,736, be paid to her from funds held in the father's CWB account ending in 8417. There is no dispute that the father has failed to pay the support that he is required to pay pursuant to the final order and arrears have accumulated.

- [74] According to the father's evidence, after using funds to pay down his mortgage, the remaining balance in the CWB account ending in 8417 is approximately \$70,000 and the approximate balance in his TD account ending in 9642 is approximately \$36,000. Again, the father has not explained why he decided to prioritize using these funds to pay down his mortgage rather than to reduce support arrears and to make ongoing support payments as required by the final order.
- [75] Respecting the support arrears, in light of the circumstances that I have already outlined, I find it appropriate to grant the order sought in paragraph 1 of Part 1 of the mother's application.

Document Production

- [76] The mother seeks an order that the father produce copies of all his bank and credit card statements from December 1, 2022 to August 1, 2022 and his RBC life insurance policy as defined in paragraph 17 of the final order, with proof that the claimant remains the irrevocable beneficiary, and the premiums have been paid. These are documents producible pursuant to the final order and in his response, the father consents to the order that he produce these documents.
- [77] Therefore, by consent, I grant the relief sought that within 14 days of the date of these reasons for judgment, the father shall produce:
- a) copies of all his bank and credit card statements from December 1, 2022, to August 1, 2022; and
 - b) a copy of the RBC \$1,000,000 life insurance policy as defined in paragraph 17 of the final order, and proof that: (i) the claimant remains the irrevocable beneficiary, and (ii) the premiums have been paid in full.
- [78] The mother also seeks an order pursuant to an order made October 26, 2021, that the father produce the mortgage application documents for the property located at 1649 West 69th Avenue, Vancouver, British Columbia. The mother submits that the father has never complied with the order to produce these documents. In his response, the father opposes this aspect of the relief sought. However, there is no detail explaining why he opposes the production of these mortgage application documents.
- [79] As the October 26, 2022, order required the father to list and produce documents respecting all mortgage applications for properties he or Tamanna Concepts Ltd. purchased, and as I have no evidence to indicate that he has already complied with this order, I am of the view that the order should be granted.
- [80] Therefore, within 14 days of the date of these reasons for judgment, the father shall produce to the mother copies of all mortgage application documents for the property located at 1649 West 69th Avenue, Vancouver, British Columbia

Updated Financial Statement from the mother

- [81] The father seeks an order that the mother provide him with an updated F8 financial statement and produce the documents required by paragraph 12 of the final order and that she be fined for failing to provide this information. However, the mother did in fact file and serve an updated F8 financial statement made September 2, 2025.
- [82] While the father alleges the mother has failed to produce her financial information in accordance with the final order, I have already referred to the fact that the father's counsel handed up the father's affidavit #3 made on September 23, 2025 (which was the day of the hearing), attaching corporate financial information that was not previously provided to the mother.
- [83] Therefore, given that there is evidence demonstrating that it is the father who continues to be late and deficient in producing his financial information, I decline to impose a fine on the mother. As the mother filed an updated financial statement prior to the hearing, there is no reason to order her to do so.

Disposition

- [84] Subject to review as provided by the order made November 28, 2022, commencing on July 1, 2025, and continuing until September 1, 2025, the respondent shall pay to the claimant:
- a) The sum of \$4,224 for the support of C3, born July 2006, and C4, born November 2011; and
 - b) The sum of \$5,510 for her support, based on the mid-point of the Spousal Support Advisory Guidelines range which point in the range shall continue to apply on any review of spousal support as provided in the order made November 28, 2022.
- [85] Subject to review as provided by the order made November 28, 2022, commencing on October 1, 2025, and continuing the first day of each and every month thereafter, the respondent shall pay to the claimant:
- a) The sum of \$4,455 for the support of C3, born July 2006, and C4, born November 2011; and
 - b) The sum of \$5,330 for her support, based on the mid-point of the Spousal Support Advisory Guidelines range which point in the range shall continue to apply on any review of spousal support as provided in the order made November 28, 2022.
- [86] The respondent shall pay the claimant \$59,736 for arrears of child and spousal support for the period January 1, 2025, to and including August 1, 2025, from the funds held in his CWB chequing account ending in 8417.
- [87] A charging order shall be imposed against the respondent's interest in the property located at 1649 West 69th Avenue, Vancouver, British Columbia, subject to a further court order or the parties agreeing otherwise in writing.

- [88] The claimant has leave to apply to realize on the charging order.
- [89] The respondent has leave to apply to cancel the charging order.
- [90] I will hear any request for directions, application to realize on or cancel the charging order if I am conveniently available, but I am not seized.
- [91] By consent, within 14 days from the date of these reasons for judgment, the respondent shall produce to the claimant:
- a) copies of all his bank and credit card statements from December 1, 2022, to August 1, 2022; and
 - b) a copy of the RBC life insurance policy for \$1,000,000 as defined in paragraph 17 of the final order, and proof that: (i) the claimant remains the irrevocable beneficiary, and (ii) the premiums have been paid in full.
- [92] Within 14 days of the date of these reasons for judgment, the respondent shall produce to the claimant copies of all mortgage application documents for the property located at 1649 West 69th Avenue, Vancouver, British Columbia.
- [93] Costs to the claimant.
- "E. McDonald J."

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Prepared on 25 October 2026 · Esheria