

CANADA / JUDGMENT

Bakare v. Ogundari

2026 BCSC 508

COURT

Supreme Court of British Columbia

DECIDED

27 January 2026

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2026 BCSC 508 Bakare v. Ogundari

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Bakare v. Ogundari,

2026 BCSC 508

Date: 20260127

Docket: E190049

Registry: Vancouver

Between:

Rukayat Olakitan Bakare

Claimant

And

Adeniyi Adesoji Ogundari

Respondent

Before: The Honourable Madam Justice Sharma

Oral Reasons for Judgment

In Chambers

The Claimant, appearing in person:

R. Bakare

Counsel for the Respondent:

O. Kolawole

O.A. Ayodabo

Place and Date of Trial/Hearing:

Vancouver, B.C.

January 27, 2026

Place and Date of Judgment:

Vancouver, B.C.

January 27, 2026

- [1] THE COURT: There are two notices of application before me, but I will only address the first one. That is a notice of application filed by the respondent (father) on October 6, 2025. Today, he seeks only those orders set out at paras. 7, 9-11 of that notice. The other orders addressed issues regarding child support and expenses, and some have been dealt with. In any event, I will not be addressing them today.
- [2] The orders sought before me today are that the children be required to have tissue and blood samples taken by a qualified person for the purpose of conducting parentage tests under s. 33(2) of the Family Law Act, S.B.C. 2011, c. 25 [FLA].
- [3] The rest of the orders sought have to do with parenting time. The father would like to have overnight parenting time when he is in British Columbia, but he would also like to have parenting time in Ontario consisting of half of the winter school break, half of the spring school break, and half of the summer. The summer parenting time was not sought as such in the application, but I permitted counsel to add it in the orders sought today. The father confirms he would be solely responsible for all travel costs, including air travel and overnight accommodation. In addition, he seeks an order that each parent have reasonable and generous electronic communication with the children while they are in the care of the other parent.
- [4] I asked the parties to address the order sought in para. 7, dealing with s. 33 of the FLA, first, and I will address that issue first.
- [5] Section 33(2) of the FLA permits a court to order any person, including a child, to submit blood or tissue samples in order to conduct a test to identify inheritable characteristics for the purpose of parentage.
- [6] I review some of the background facts.
- [7] The parties were married on August 10, 2010. The date of separation was confirmed at a judicial case conference to be June 2016. An order for divorce was granted in April 2024.

- [8] With respect to exactly where the children and the claimant (mother) lived after the date of separation, the evidence is disputed, but the parties agree, and the evidence is consistent, that she moved to British Columbia with the children in 2018. Prior to that, both parties and the children lived in Ontario. Currently, the father remains living in Ontario, and the mother lives in Langley, BC.
- [9] They have three children together, the oldest is 14 years old, and the youngest, who are twins, are 10 years old.
- [10] The father filed an affidavit in support of this application on October 27, 2025. At paras. 32-43, he sets out the reasons that he is asking for a DNA test. I summarize those paragraphs, although I note that I found a number of the paragraphs, particularly paras. 32-36, to be troubling because some details that are included are entirely irrelevant. Nevertheless, I will summarize what those paragraphs say.
- [11] He is requesting the DNA because of what he calls "unfaithful behaviour" and inconsistent statements from the mother. To support that allegation, he refers to events in 2011 and 2014. I add there are emails from him that contain very concerning suggestions regarding what he believed to be the mother's obligations in their sexual relationship, and that he had to "report" that issue to the family, which causes this Court some concern.
- [12] In any event, he also refers in his affidavit to the fact that the mother moved to Winnipeg. He was, at least for some part of that time, living in Calgary. He, again, refers to something that is entirely irrelevant, which is the fact that when she would visit her doctor, he was not allowed into the room. I cannot see how that circumstance has any relevance to the issues before me.
- [13] He recounts that in December 2018, he was told that the children are "AS" and that the mother was upset with him, making certain allegations. He claimed he had been in shock about that, and that he could not get it out of his mind.
- [14] He refers in para. 38 to something entirely irrelevant, which has no bearing on the issues here, so I am not sure why it is included: it has to do with the children apparently being flat-footed. I asked counsel to explain whether that condition had some medical significance or was somehow relevant inherited traits, and I was not given a response. I think those facts are entirely irrelevant.
- [15] At paras. 40-41, he does encapsulate the reasons why he is seeking the order for blood and tissue samples to be done:

40. So going through all of these mental challenges and denials of bonding with the children is why I really want to know the actual paternity of the children. This level of attitude toward me without caring about my relationship and bonding with the children, the obvious attitude of acting, and total denial of access to my children are what I cannot come to terms with. For all these reasons and the agonizing pain in my mind caused by the claimant's actions, I want to know the actual paternity of the children.
41. My mind cannot take it anymore. If these are my children, why is the claimant denying me access? Why is the claimant unwilling to allow a paternity DNA test? For my sanity and certainty, I want to know the paternity of the children, and I am shocked she is unwilling all of a sudden now.
- [16] I note that the parties both referred to genotypes relating to sickle cell anemia, such as genotype AS, AC, and AA. The parties and counsel refer to terms that they seem to be very familiar with, with regard to what they mean and how they signify whether somebody is a carrier of the condition or might develop the condition.
- [17] The father also relies on an affidavit filed by Tokunbo Ogunleye, filed January 19, 2026. He is a medical practitioner in Ontario. The father is his patient. He attaches lab results to his affidavit. In the narrative, he gave an explanation that the father has hemoglobin genotype Hb AA that does not carry sickle cell trait (AS), or the hemoglobin C trait (AC), which cannot pass along sickle cell anemia. The father relies on particularly para. 6:
6. The only possible hemoglobin genotypes for their offspring, given the mother's HB AC genotype (as per the information provided by the respondent), would be HB AC or HB AA. There is no genetic basis for their child to have HB AS genotype.
- [18] The father submits that information, together with his allegations against the mother of infidelity and other things, constitutes evidence before this Court that he could not have passed along the sickle cell genotypes that apparently the children have. He contends that that amounts to reason to think they had a different father.
- [19] The other evidence he relies on, as I noted, is what is said in his second affidavit at para. 21. He recounted a conversation with the mother from 2018 when she said that the children are AS. He also says that "he knows" the mother is AC and, together, that caused him to question whether the children were his. He submits that after confirmation of paternity, he would want to ask for equal parenting responsibilities. He also relies on the mother's August 2019 notice of application, at para. 27, where it states that all of the children "have sickle cell anemia" making them more susceptible to respiratory infections.
- [20] In her responsive affidavit filed October 14, 2025, the mother asserts that there is no factual basis to seek a DNA order. She further submits that there is misleading or false information in the father's affidavits.

- [21] At para. 28, she points out a number of things that she relies on in support of her position that I should not grant the orders. She contends that the father has known of the children's genotypes since shortly after birth, so for at least 13 years. She stated that the testing for the sickle cell genotype is unreliable in Nigeria, which I understand to be where the parties were married. She claimed that the tests conducted on herself came up with inconsistent results, which underscores the tests' unreliability. She contends that the father has not provided evidence of any acts that should cast doubt on the parentage of the children. She also alleges that he has included this test for parentage, along with expanded access to parenting time, as a way to relitigate against the orders she has regarding child support and special expenses, which she says have all been settled.
- [22] I note that there is very little law on this issue. Counsel provided me with a case called *I.M. v. K.M.*, 2003 BCSC 678. In that case, the father wanted to get a paternity test for the child of his ex-spouse, who was 18 years old at that time. Those parties were divorced in 1992, and no issue was raised at that time about paternity. The father was estranged from his child from about 1994 forward. He asserted that in a conversation the child told him that her mother (his ex-spouse) told her that he was not her father. After that, there was an application to vary child support, but nothing was brought up about the parentage at that time.
- [23] The judge in that case said at that time the father wanted to know the parentage of the child for his peace of mind, but also for estate planning purposes. In particular, he said he had a modest estate, and he did not want there to be needless litigation questioning the parentage of the child. He was aware that there were relatives in the country where they were married that might challenge her parentage. This is important because the definition of child under the applicable legislation and law regarding estates may be limited to a biological child, which can lead to disputes about estates and who is a beneficiary.
- [24] However, importantly in that case, the father confirmed that the parentage test would not affect his obligation to care for and provide support for the child, and he stated that he hoped the test provided she was his child.
- [25] At, para. 19, the court stated that the relief sought by the father was equitable relief. Therefore, the court considered the issues of delay, the father's motives and the interests of justice.
- [26] Counsel for the father on the facts before me, relied on para. 26, where the court stated that "once raised, the issue of paternity is best determined earlier rather than later". However, as I said, in that case the father was seeking that for the purpose of estate planning.
- [27] Another case is *X. v. Y.*, 2015 BCSC 1327. The Court in that case also emphasized the discretionary nature of the remedy that was sought. However, importantly, the court stated there that an order regarding parentage should not be granted unless it is in the best interests of the children (para. 10). In that case, the child was already 20 years old, and the father had been paying child support for some 13 years or more. The father in that case sought the parentage order for the purpose of stopping child support payments for that

child since he turned 19. The father was unsuccessful at getting the relief at that time.

- [28] There is also *J.S.M. v. T.K.N.*, 2025 BCSC 2552, which refers to the *I.M.* case. It repeats the point that it may be contrary to the best interests of the child to allow a challenge to the paternity at certain stages of the child's life. So, the timing of when the request is made may be important.
- [29] It is important to note that the concern about ordering a parentage test is not about stigma or legitimacy, since those are no longer relevant considerations. However, whether to make the order has to do with what is in the best interests of the child, or under equity, if there are other reasons to order the test.
- [30] In this particular case, I am dismissing the application for a number of reasons. First, I turn to the state of the evidence. In my respectful view, the evidence is lacking in terms of establishing a reason to test the paternity. The medical evidence is, at best, incomplete. The mother says that her status is unclear with regard to her genotype for sickle cell anemia. However, the evidence from the doctor that the father relies on, including testing done on him, was based on an assertion of what the mother's genotype was. That makes the evidence unreliable and unhelpful.
- [31] However, more importantly, information about sickle cell genotype and how they are passed onto biological children is not information within the general knowledge of the court. Therefore, evidence about the impact of someone's genotype would need to meet the requirements for expert evidence. I do not know if this doctor has expertise in genotyping, although I am not suggesting one would have to have evidence from a geneticist, but there would certainly have to be, within the letter or report, a basis for the opinion and more information about the author's qualifications.
- [32] The most important point, as I have already pointed out, is that the doctor's letter and affidavit was based on what the father said the mother's genotype was. That is double hearsay.
- [33] I am also concerned about the father's motive in this particular case, which I do find is relevant. The father filed materials that make it clear that he wanted to know the paternity of the children, and that would affect child support. In his second affidavit at para. 24, he stated that "once [his parentage] is confirmed", he would do certain things, implying that lack of confirmation would lead to other consequences.
- [34] More importantly, the mother points out that the father filed an application asking that Family Maintenance Agency ("FMA") enforcement of payments be suspended pending the results of that parentage test. I do note that that application did not go ahead, and his counsel confirmed that the father withdrew it. However, it was filed, and it asked for the same order that is being asked today as well as asking that FMA enforcement be suspended until the paternity was determined.

- [35] I stated to the father's counsel that it was important for the Court to know what his intentions were with regard to child support. I confirm my concern arose from the material that has been filed, which is why I raised it with counsel. I appreciate that she later provided me a response, and I appreciate that the father confirmed, through her, that he does not intend to stop child support payments if it turns out that they are not his biological children.
- [36] However, that is not stated in the material. Also, I am concerned that when I first asked counsel this question, she could not provide an answer. I am not blaming, or being critical of, counsel. My point is that it is not clear in the material. Nor was it clear to the mother, and it was she who raised the concern about the father's motive possibly being to avoid child support, which is a relevant consideration.
- [37] However, the most important consideration is the best interests of the children, and that was not addressed by the father at all.
- [38] It may be that one could rely on his counsel's statement that he would continue to pay support even if the parentage tests show the children are not his biological children. However, in his affidavit he only talks about his own peace of mind. While I am not suggesting that is irrelevant, it is relevant that he makes no comment on the impact on the children or possible harm they might endure. First, there is subjecting them to a test to determine parentage itself which would be invasive and possibly have a negative impact on those children. But also no consideration has been given to the impact that would have on the children if the results of the test were made known to them, which could be devastating.
- [39] I also find delay in this case to be important. Counsel points out that in I.M., the Court held the issue of delay would not prevent issuing the order based on the fact that the Limitation Act, S.B.C. 2012, c. 13, did not prevent it. However, I am talking about delay in the facts here. The father has known about this potential issue since 2018 and made no efforts until very recently to address it. He submits that it was recent events which prompted the application, but in his affidavit, he primarily refers to events from long ago, including around the time the children were born and events in 2011, 2014, and 2015. The only thing he refers to that is recent is the completely irrelevant issue about whether the children are flat-footed.
- [40] I find the mother's concern that the application is, in fact, linked to child support to be a reasonable one, especially since there has been increased litigation very recently about child support. I agree it is a concern that the two are linked together.
- [41] With regard to that issue, counsel did point out that there are periods of time when the father has been self-represented. There is some dispute between the two of them about how long that has been, and whether and for how long he had access to counsel, but I accept that he has been self-represented, and some of the materials were signed by him, not counsel.
- [42] However, the mother has been self-represented, as far as I can tell, the entire time. She has managed to prepare appropriate material and respond to his material.

- [43] In any event, it is not clear to me that he could rely on "ignorance of the law". If the true issue is parentage, the facts that underlie his application were made known to him in 2018. So, even if it is the case that one should deal with parentage as soon as it is raised, surely that means as soon as someone has suspicions or concerns about that, and not simply to deal with it quickly only once it is raised in this Court. I find delay is a reason not to grant the order.
- [44] However, in my view the overriding reason not to grant the order is that I am not satisfied it would be in the best interests of these children. In some cases it is important for the child to know their paternity, but those are cases where at the time it was litigated, the child is much older, perhaps 19 or 20 years old.
- [45] The I.M. case had to do with estate planning. It had nothing to do with family law proceedings. There was a positive finding by the judge in that case, based on the father's position, that he was seeking the testing for a reason entirely unrelated to obligations to pay support. In fact, it was to the benefit of the child to prevent there being litigation that might have attempted to disentitle her to his inheritance, if she was not his biological child. In that way, it was in her best interests to order the test
- [46] There was nothing before me that indicated why it would be in the interests of the 14-year-old and 10-year-old twins to have this invasive test done at this time, for all the reasons that I have stated.
- [47] I turn then to the other orders sought in the application, which are at paras. 9-11 of the notice of application and which seek to vary parenting time.
- [48] The effective order in place for parenting is the one granted October 1, 2019. I will summarize it. That order declared both parties to be guardians of the children. It said that the mother would have sole parenting responsibilities under ss. 41 and 40(2). Both parties had the ability to request and receive, from third parties, health, education, or other information about the children. The children's primary residence would be with the mother, and the father was given specific parenting time, which was as follows:
- a) Reasonable telephone or electronic communication between 6:20 p.m. and 6:40 p.m. in the children's time zone on Wednesdays, Fridays, Saturdays, and Sundays, if they are mutually available, and that he would initiate that.
 - b) He would have parenting time in British Columbia, so long as he gave 30 days' notice to the mother of his travel plans, and then each Saturday and Sunday from 10:00 a.m. to 2:00 p.m., and each Monday, Tuesday, and Thursday from 5.30 p.m. to 6.30 p.m. while in British Columbia.
 - c) The father was solely responsible for all travel costs to exercise that parenting time.

- [49] The mother also sought and obtained an order that he not consume or possess alcohol or controlled substances within 12 hours of having parenting time. The father was prevented from removing the children from British Columbia, and there are other conduct orders that are quite common about the parties' interactions with the children.
- [50] The mother's evidence is contained in her affidavit filed October 14. She claimed that there has been little interaction between the father and the children, and she asserted that he has had less than 10 hours of personal time with them since 2019. She claimed that he only saw them in person during that time because he came to British Columbia for the purpose of attending a court hearing.
- [51] She stated that he rarely calls, but when he does, the calls are brief and do not promote emotional bonding with the children. She claimed that he does not have any knowledge of their day-to-day life or activities. She asserted that they have no meaningful relationship with him and that his affidavit evidence is full of false and misleading information.
- [52] With regard to overnight visits, I asked her if she was opposed to that, and she said she was not, so long as certain conditions were met. In particular, she wanted to make sure the children were in a safe environment and that all of their needs were being respected, given their respiratory issues, and that they be properly fed. Her concern was that the father does not know what their needs and activities are and, therefore, conditions would need to be imposed to respect those.
- [53] The mother also spoke in court about matters not contained in an affidavit to support her contentions about safety. She referred to incidents during the COVID pandemic, and the father's vehicle lacking car seats. Those facts are not in an affidavit. I am not saying that I do not believe her, but it would be improper for me to place weight on those factors; it would be unfair since the father did not know he would face those allegations.
- [54] The father's position is that to the extent it is true that the children have had inconsistent contact with him or, if it was true that there is not really a relationship, the fault lies with the mother. In particular, he points out that she had moved away from Ontario, first to Winnipeg then to BC. He also alleges she went to the United States. He said those moves were done without his consent and sometimes perhaps without his knowledge.
- [55] I do note there was no court order in place, as far as I understand, preventing those moves. However, we typically hope that parents will come to an agreement if one parent is to move away from another.
- [56] The father also submits that the mother interferes with his relationship with the children and in particular, she does not allow for adequate telephone contact. I note that the mother did say that she has stopped answering or sometimes does not answer his calls, but she then facilitates the ability for the older child to speak with the father.

- [57] However, in support of his contention about interference, some of the evidence the father relied on was extremely dated, being emails from 2016 and some from 2021.
- [58] However, more concerning is the inconsistency in his position within his affidavit evidence. He stated that she interferes with telephone contact, and that has been problematic. Yet, at para. 4, he deposed that he calls "all the time" and that he has significant conversations with the children. He asserted that he has done everything he can to maintain the relationship with the children.
- [59] On an application like this, the Court is not able to come to a conclusion about such serious conflicts in the evidence. I will say that it does seem true and likely that there has not been much in-person contact, but the father says there are legitimate reasons for that, having to do with his financial ability and the fact that they live so far apart.
- [60] The mother submits that the father has to show a material change in circumstances between today and when the order was made in 2019. She submits his attempts in litigation from that time have only been to try and reduce child support. The father says that he has been self-represented with financial constraints, but neither of those amount to a material change in circumstance. Nor does being self-represented amount to a barrier to exercising parenting time. However, in this case financial constraints is an issue related to his ability to exercise parenting time.
- [61] With regard to material change of circumstances, his position is that the children are now at an age where he can have more meaningful interaction with them and they can engage with him, potentially in a way independent from the mother.
- [62] Turning to the legal framework, the only consideration I have is what is in the best interests of the children, as set out in s. 37 of the FLA. It is true that if the 2019 Order is considered a final order regarding parenting, then a material change in circumstance has to be established.
- [63] It is complicated because, in this case, the divorce was granted after that order. However, I am unaware of any caselaw, and none was shown to me, to say that children getting older is a material change in circumstance that would justify, on its own, varying parenting orders.
- [64] Therefore, it is likely that the father has to demonstrate a material change in circumstance. Nevertheless, I will analyze the issues based on the best interest of the children.
- [65] My conclusion is that it is not in the children's interests to grant the orders he seeks. Therefore, I do not need to make a conclusion about whether a material change in circumstances is necessary or has been demonstrated here.
- [66] I start with some overview comments. As I said, the father's evidence on some issues has been contradictory. What is not in doubt is that there has been little opportunity for the children to be in the personal presence of the father for many years and, of course, the parties differ on the reasons for that. However, the reasons for that play a much smaller role

in my consideration of the children's best interests than asserted by the father. The fact of the matter is that they have spent little time with him, and that is relevant to what is in their best interests.

- [67] I want to be clear that this Court knows, and the law is clear, that we encourage and expect parents to spend as much time as possible with children. We know and expect that, by and large, it is important and to the child's benefit to have a relationship with each parent. However, that has to be done in the appropriate context, having regard to the children's circumstances, their history, and everything else. That is the reason why we have the factors specifically set out in s. 37.
- [68] The other thing I have to be mindful of is something that the mother raised. She said that the father has not complied with court orders in the past. She also raises a concern about the number of applications that have been filed. This is relevant to the issue of his allegation that she has been difficult and that she has not allowed him to exercise parenting.
- [69] I do find it clear, by his own evidence, that when he came to British Columbia to try to see the children, he complains that it was not facilitated. However, at the same time he admitted that he did not comply with the order that required him to give 30 days' notice. That tempers to, a significant degree, his allegation that it was the mother's fault, or that she interfered with his ability to see the children. It also tempers, to some degree, his statement that he has done everything in his power to try and maintain his relationship with the children.
- [70] I will turn to the factors under s. 37. The first is the health and emotional state of the children. It is always difficult to radically change the contact that children have with parents in a very quick manner when there have been long periods of time of infrequent contact, and that is the case here. There is no appreciation, that I can see, in the father's affidavit or in his material or in the plan he has proposed, about that. I would have expected to see a proposal for gradual reintroduction of in-person time, but, instead, he is asking for whole blocks of time to be imposed immediately.
- [71] I appreciate that his perspective is that they are old enough now that should happen, but again, the children are 10 and 14. We know that teenagers can be very difficult, and we know 10 is quite young. So, I do not agree with his perspective that simply because they are getting older, this drastic change should not be a problem, to the extent that is what he said.
- [72] Section 37(2)(b) states that the children's views should be considered, if they are old enough to have that taken into account. I have no evidence of the children's views. I have the mother's affidavit evidence where she claims that the interactions with the father, or lack of, has had a negative impact on the children, but that is not their views, directly.
- [73] It is typically not appropriate to have a parent relate what a child said to them about spending time with them or the other parent, as that inappropriately inserts the child into the litigation. There is the ability to have a "Views of the Child" report or something like that. However, I do not have any of that information in front of me.

- [74] The third factor is the nature and strength of the child's relationship with other important people in their life. There is no indication from the father about other people in Ontario. I understood the mother at one point to say that she had family in British Columbia in the material I saw, which may be relevant.
- [75] Section 37(2)(d) talks about the history of the child's care. There is no doubt the mother has been the primary caregiver for these children for most of their lives. I appreciate that the father has raised concerns stating that was not something he ever really wanted in the way it has turned out. He is unhappy about the order that was granted in 2019.
- [76] I cannot go behind that order. It was granted. It was not appealed. The transcript is in front of me. Master Baker, as he was known then, made an inquiry about service and was satisfied that the father was served. I appreciate that the father says he was self-represented and/or maybe did not have the financial means to attend. But as noted, the mother is self-represented as well. In any event, he was certainly aware of the order granted and did not make an application to try and change it until now.
- [77] The history of the child's care does not support granting the orders.
- [78] The fifth factor is the children's need for stability given their age and stage of development. I find this to be a very important factor in this particular case. I assume the 14-year-old is either about to enter or is in high school and has activities, as do the twins. This can be very difficult times for children socially. Being around their peers and engaging in activities is important. What the father has suggested is a considerable disruption to that, and he wants it to start immediately. I find that is not consistent with their need for stability.
- [79] The factor under s. 37(2)(f) is the ability of the parent seeking to exercise parenting time to exercise those responsibilities. The mother calls this into question, and the father disputes that. He quite strenuously opposes and questions why there is a term in the order requiring him to abstain from alcohol and drugs.
- [80] He says alcohol and drugs is not an issue for him, and it was never a concern for him. He is concerned that submissions were made to the court in 2019 seeking that order in an attempt to paint him in a bad light.
- [81] I accept his concerns, and he has gone to the trouble of having medical evidence in front of me about alcohol and drugs in his system, and he tested negative. However, I do not see what was said to the court in 2019 necessarily allows me to make any conclusions about the mother's motive for seeking that order. However, I do not see any evidence that there is a concern about the father's abusing alcohol and drugs.
- [82] The mother made, as I said earlier, certain references to calling into question his judgment about incidents during the COVID-19 pandemic, lack of car seats, and about the children walking to school, apparently along a highway. Those were not in an affidavit, and I cannot place any weight on them.

- [83] But, what I can take into account is the father's view that the children are at an age now that they should be more independent. That, of course, depends on each particular child, but it also depends on parenting styles and what the household rules are. He has offered no plan to address potential differences between his and the mother's views on those.
- [84] The mother contends that he does not tend to take her advice into account. While I am not suggesting the father does not have the ability to exercise parenting responsibilities, he does not know a lot about the children at this point. I do not find this factor to be strongly against the orders being sought, but it is relevant.
- [85] There was a vague reference to abuse suffered by the mother. It does not rise to the level where I consider that the issue of family violence has been raised, so I am not going to consider factors under s. 37(2)(g) or (h).
- [86] However, s. 37(2)(i) is important. That relates to an arrangement that would require the parties to cooperate. These parties do have difficulty cooperating and communicating effectively. The mother alleges that the father has filed so many applications that she has filed an application to have him declared vexatious. She alleges that he has continuously tried to reduce child support or renege on his duties and, as I said before, she believes that is the real motive for seeking a parenting order.
- [87] I do find that the times when he has come to BC, he did not give adequate notice of wanting to exercise parenting time. He then uses the difficulties he had seeing the children as being the mother's fault alone. As I said, there may be reason to lay blame on each party for the lack of contact, but the father has had a number of years to address that. Moreover, difficulties in the past does not really help the Court decide what should happen going forward. I find that the father simply wants to blame the mother for difficulties he had exercising parenting time but has not really come up with a plan or a position that respects the children's needs if he were to do so.
- [88] For all those reasons, I am not prepared to grant the orders he seeks. The only basis that the father says to support the orders is that they should have a relationship with their father, but that is not disputed. The mother agrees with that, but she is concerned that it be done appropriately with respect to the children's needs, their ages, and their circumstances.
- [89] The father submits that he pays child support and has been paying and should, therefore, get parenting time. I have heard that before in this Court. Yes, he has been paying child support. That is not a badge of honour. That is a responsibility and a legal requirement, which is mandatory. I am sure it is frustrating to pay child support and feel like you have not been able to see your children, but that does not provide a legal reason that would support an increase in parenting time on its own.

- [90] I will say I am very sympathetic to the situation of someone who is in financial difficulty, who has been self-represented and had lived so far away, and felt compromised in his ability to challenge orders or get orders that he wanted about parenting. But, as I said, he did not approach that from a point of view of meeting the children where they are at but rather wanting to have what he feels he is entitled to, and that is not the perspective that this Court takes.
- [91] Other judges have dealt with his requests to change child support expenses, and I do not comment on that, but this Court has dealt with that. Parenting time is an issue separate and apart from that.
- [92] I also note that he says he has financial difficulty but then claims that he would take responsibility for paying for three flights to Ontario, which is considerably expensive these days. He has made no effort to explain that contradiction.
- [93] For all of those reasons, the application is dismissed.

"Sharma J."

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