

CANADA / JUDGMENT

Bogdanic v. Hanna

2025 BCSC 770

COURT

Supreme Court of British Columbia

DECIDED

25 April 2025

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2025 BCSC 770 Bogdanic v. Hanna

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Bogdanic v. Hanna,

2025 BCSC 770

Date: 20250425

Docket: E62284

Registry: New Westminster

Between:

Maja Bogdanic

Claimant

And

Remon Samir Hanna

Respondent

Before: The Honourable Justice Caldwell

Reasons for Judgment

Counsel for the Claimant:

K.L. Pollitt

S. Takhar

For the Respondent:

No appearance

Place and Dates of Trial:

Chilliwack, B.C.

March 3, 5-6, 2025

Place and Date of Judgment:

New Westminster, B.C.

April 25, 2025

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- [1] The claimant seeks a divorce, orders regarding parenting of seven-year-old twin girls, child support including sharing of s. 7 expenses, and unequal division of family assets.

BACKGROUND

- [2] The parties began living together in January 2011, married in June 2016, and separated in February 2021. The twin girls were born in April 2017. There are numerous alleged instances of family violence, including physical actions (some witnessed by and involving the children), and financial and emotional manipulation and abuse.
- [3] During the latter several years of the relationship, the parties owned and operated, through one or more corporations, one or more "traffic control and management" businesses. The companies were owned by the claimant but the businesses were run on a day-to-day basis by the respondent.
- [4] Those businesses were successful and provided the family with a comfortable and, at times, opulent lifestyle. They generated hundreds of thousands of dollars of income for the family. The parties amassed assets including a motor-yacht, a Range Rover SUV, an Escalade SUV, an Aston Martin sports car, and other personal luxuries.

LITIGATION HISTORY

- [5] The Notice of Family Claim was filed in April 2021, two months after separation. The respondent retained counsel and filed a Response. He parted ways with two separate, senior counsel over the space of about eight months. He was self-represented for a time, before retaining a third lawyer in July 2023. That lawyer withdrew in October 2023.
- [6] What has occurred during the course of the litigation is an almost unbelievable campaign of misfeasance and contempt on the part of the respondent, including but not limited to the following:
- a s. 91 financial restraining order was made by Justice Milman in April 2021 restraining, in itemized and specific detail, the respondent from compromising family assets personally and by way of the companies, in response to which he systematically removed cash and assets from the companies, including over \$1.4 million in cash, stripped them of value and profitability, and undertook actions designed to interfere with their ability to do business;
 - he intentionally withheld over \$800,000 of payments to the business while advising the bookkeeper/accountant that he was doing so in an attempt to reduce the apparent value of the business for litigation purposes;
 - he failed in his duties under the Supreme Court Family Rules to file and provide a Form 8 financial statement and to provide a List of Documents;
 - to date, he has never produced a Form 8 or a single document of disclosure;
 - he failed to attend a duly scheduled Examination for Discovery;
 - he failed to attend a Judicial Case Conference, several Trial Management Conferences, and several Chambers applications, and he has almost universally failed or refused to obey or abide any of the orders resulting from those occasions, including:
 1. he was ordered by Justice Thomas (August 30, 2022) to complete, file, and deliver a Form 8 financial statement with all attachments within 14 days - he has refused to do so and has never filed or delivered any Form 8 financial statement;
 2. the same order required him to make extensive and itemized financial disclosure regarding assets and income, both personal and corporate - he has refused and has never provided a single document of disclosure;
 3. the same order required him to sign the children's passport applications - he has refused to do so;
 4. the same order required him to pay for the storage of embryos from 2021 onward - he has refused to do so and also refused to provide consent for the destruction of the embryos;
 5. by the order of Justice Girn (July 18, 2023), he was found to be in contempt of the order of Thomas J. and was given 14 days to purge his contempt - he has refused or failed to do so;

6. that same order of Justice Girn required him to pay the claimant \$2,000 for each of his five contemptuous breaches - he has refused to do so and has never paid such monies;
 7. the same order required him to cooperate in detailed and specified ways with Rosanne Walters, the Court-ordered Certified Business Valuator, in the preparation of a valuation of the companies and of a Guideline income assessment and report - he has refused to do so, even up to and including refusing direct requests by Ms. Walters as she was attempting to prepare such reports;
 8. by my order (August 17, 2023), made by consent and in the presence of his then counsel, he was required to undergo a minimum three-month five-panel hair follicle drug test in relation to his request for parenting time - he has never taken such test;
 9. by the order of Associate Judge Krentz (October 31, 2023 TMC), he was required to file and serve, by November 15, a Form 8 financial statement with all attachments and a List of Documents - he has refused to do so; and
 10. by that same order of Associate Judge Krentz, he was required to cooperate fully with accountants and bookkeepers of the companies in order to facilitate the preparation of proper corporate financial statements - he refused to do so;
- his failure and refusal to comply with disclosure orders necessitated at least three separate applications to the Court for orders compelling financial disclosure from various known banks and other institutions;
 - he "paid" court-ordered support by way of funds from the companies while he had control of their finances, but entered them as salary, thus resulting in the claimant being required to pay tax on even the child support portions of the payments, while at the same time creating a tax deduction for the companies for the whole of the payment;
 - he unilaterally ceased paying support of any kind as of December 2023 while continuing to reside in a Yaletown apartment with an associated rent of over \$6,000 per month; and
 - he failed to attend the trial commencing on March 3, 2025.

THE EVIDENCE

- [7] The evidence at trial consisted of a lengthy Notice to Admit which was filed as Exhibit 1, the viva voce evidence of the claimant and Ms. Walters, and a variety of exhibits identified by and entered through each of them. The evidence included Ms. Walters' qualifications and her reports as the corporate valuation and Guideline income.
- [8] Given the refusal of the respondent to respond to the Notice to Admit or to appear at trial, none of the evidence was challenged in any fashion.
- [9] The evidence satisfies me, and I find as a fact, that the respondent has, by his actions:

- stripped the companies of in excess of \$1.4 million, net of taxes and in a fashion that has left the companies responsible for tax consequences, all for his own use after separation and much of it in breach of a court order prohibiting such action;
- actively and knowingly decreased the value and profitability of the companies after separation, again in the face of a court order prohibiting such action;
- knowingly, intentionally, and fraudulently charged various and significant expenses to the corporate accounts and provided so-called loans to personal friends from the corporate accounts, which charges were actually for his own personal benefit, including the purchase of a \$43,000 Rolex watch in May 2023;
- vastly increased, both financially and emotionally, the costs and duration of this litigation; and
- shown utter contempt and disdain for the Court, the Court's process, and, in fact, the entire justice system.

[10] Given the respondent's refusal to engage in the legal process, provide adequate or any disclosure, attend examination for discovery, or obey court orders, there is literally no way to tell what or how much additional financial gain in terms of asset diversion or income he has obtained by his actions.

[11] The evidence also satisfies me, and I find as a fact, that the remaining assets consist of:

- the Belgrade, Serbia condominium owned by the claimant prior to the relationship, valued at \$245,000 and clearly outside of the jurisdiction of this Court;
- the re-named and re-organized company Neway Traffic Management Ltd. ("Neway"), valued at \$937,042 and currently owned and controlled by the claimant;
- the Cadillac Escalade valued at \$26,353 and in the possession of the claimant;
- the Range Rover, valued at \$37,827 and in the possession of the claimant;
- the Aston Martin, valued at \$53,000 and in the possession of the claimant;
- the Bayliner motor-yacht valued at \$75,000 and in the possession of the claimant;
- the proceeds of sale of the camping trailer in the amount of \$17,000;
- remaining cash from the accounts of Advanced Traffic Solutions Inc., one of the family businesses referenced in the orders of Justices Thomas and Girn and included in the corporate valuation report of Rosanne Walters, in the amount of \$125,777;
- other miscellaneous cash accounts totalling \$6,330.80; and
- a RESP purchased for the benefit of the twins, currently valued at \$17,000.

[12] The total value of such assets is \$1,523,329.80 including the Belgrade condominium but not including the RESP which is for the benefit of the twins.

[13] In addition to these assets, the evidence shows that since assuming control of the company, which now operates under the name Neway, in December 2023, the claimant has drawn a salary of \$118,800 per annum, paid at the rate of \$9,900 per month.

PARENTING

[14] The respondent was previously having somewhat regular contact with the children.

[15] In mid-2023, issues of drugs and drug paraphernalia arose. Both the claimant and a housekeeper discovered white powder and crystals, along with various other supplies and hardware associated with drug use, in the family home.

[16] In August 2023, the parties appeared before me in chambers and a consent order was entered into which provided for family member supervision of parenting time and which required the respondent to undergo a three-month five-panel hair follicle drug test.

[17] He has never undergone the drug test. The claimant has presented photographs which show the respondent with the children but not supervised by at least one of his parents as required by the order.

[18] The allegations regarding drug use, including storage of drugs and associated supplies in areas to which the children had access while in the respondent's care, and the breaches of the supervision order were included in the Notice to Admit and were not responded to in any way by the respondent.

[19] There are also allegations of significant family violence within the relationship, some of which occurred in the presence of the children. Photographs depict various property damage including holes in walls and doors, all allegedly caused by the respondent during violent outbursts. Again, none of those allegations were responded to or denied by the respondent and, thus, I deem them to be admitted as true.

[20] Given the respondent's absolute refusal to abide by or to, in any way, be limited by court orders, his violent behaviour in the presence of the children and his willingness to prejudice the interests of the family by his actions including wasting assets, I find that it is not currently in the best interest of the children to be exposed to the respondent in any way.

[21] I order that:

- the claimant is allocated sole decision-making and parenting responsibility regarding the children pursuant to s. 16.3 of the Divorce Act, R.S.C. 1985, c. 3 (2nd Supp.);
- the claimant is the sole guardian of the children and the respondent is not a guardian of the children, pursuant to s. 39 of the Family Law Act, S.B.C. 2011, c. 25 [FLA];
- the claimant shall have the primary and sole residence of the children;

- the claimant is allocated all parental responsibilities pursuant to s. 41 of the FLA and to the exclusion of the respondent; and
- the respondent shall have no parenting time or contact with the children until further order of the Court.

SUPPORT

- [22] The first order relating to support was made by Master Cameron on November 30, 2021. It provided that the respondent was to pay the rent on the family home in the amount of \$3,900 per month, daycare costs of \$2,000 per month, and a global spousal/child support payment of \$6,000 per month. These payments were to commence December 1, 2021 and continue thereafter until further court order or agreement of the parties.
- [23] While the respondent did make certain payments up to December 2023, he paid them from the companies, as noted above, and designated them as salary paid to the claimant, making them entirely taxable in her hands. Accordingly, he paid no support during that time but the amounts paid as salary are taken to account in adjusting the claimant's Guideline income for purposes of calculating what child and spousal support should have been paid to date.
- [24] The respondent ceased making any payments whatsoever after December 2023.
- [25] Based on what is now known of the financial arrangements orchestrated by the respondent, it appears that the claimant's approximate "income" was \$3,100 in 2021; \$82,500 in 2022; \$216,200 in 2023; and \$118,800 thereafter as a result of her having taken over operation of the company.
- [26] The respondent's "income" for 2021, 2022, and 2023 is best estimated as being \$200,000 per year, grossed up to \$337,000 per year, as he took his \$200,000 from the company in a net cash fashion and without assuming tax consequences on the funds. Beginning in January 2024, based on the evidence and report of Ms. Walters, I impute an income of \$200,000 (gross) to the respondent.
- [27] Based on the above income figures, the respondent's obligation for child support was slightly more than \$4,300 per month for 2021, 2022, and 2023, and it dropped to \$2,749 per month beginning in January 2024. His mid-range spousal support obligation was \$4,890 for 2021; \$2,950 for 2022; and zero thereafter.
- [28] Using these figures, I set arrears of child support as of the end of February 2025 at \$185,000 and arrears of spousal support to the same date at \$84,000.
- [29] I am not able, on the evidence presented, to determine that there are any arrears of contribution towards daycare expenses for the years 2021, 2022, and 2023. Commencing in January 2024, the claimant took over operations of the company, was required to assume full-time operational work obligations of the company, and thus required daycare for the children. Those and other necessary and reasonable expenses (share of medical and dental

premiums, health expenses not covered, school expenses and summer camp) amount to \$9,190 per child per year. I order such expenses divided 45% payable by the claimant and 55% payable by the respondent. The respondent's share of such expenses is therefore \$842 per month. Arrears of s. 7 expenses payable by the respondent for the period January 1, 2024 to February 28, 2025 are set at \$11,788 and the amount of \$842 shall continue and be payable on the first day of each month, commencing March 1, 2025 until further order of the Court or agreement of the parties.

- [30] Child support is ordered to continue in the amount of \$2,749 for so long as the children remain children of the marriage or until further order of the Court or agreement of the parties.
- [31] The Federal Child Support Guidelines, SOR/97-175 (the "Guidelines"), provide for annual financial disclosure by the parties. In the circumstances of this case, I order that such disclosure by the respondent shall include the delivery of a sworn Form 8 financial statement accompanied by all documentation required to be attached or included in or with such document. Such financial disclosure is to be provided no later than June 1 of each year beginning in 2026.

ASSETS AND LIABILITIES

- [32] Counsel for the claimant seeks an order that all the remaining assets vest entirely with the claimant in order to draw matters to a close and to avoid the need of expending further monies in tracing through the maze and ruins left behind by the respondent.
- [33] In the circumstances of this case, I am satisfied that the respondent has already received at least one-half, and probably far in excess of that share, of the value of the assets as at the date of separation.
- [34] I order that the claimant retain all the remaining assets including:
- the condominium in Belgrade, Serbia;
 - Neway Traffic Management Ltd.;
 - All Power Traffic Control Inc.;
 - 2016 Cadillac Escalade;
 - 2016 Range Rover;
 - 2011 Aston Martin;
 - 1989 Bayliner 4588;
 - camping trailer;
 - small Bayliner motorboat;

- RBC 3317 account;
- RBC 2744 account;
- RBC 8741 account;
- Foreign account 4953; and
- Foreign account 6223.

[35] I order that the claimant retain sole authority and control over the children's RESP account 5411.

[36] I order that, as between the parties, the respondent is solely responsible for any and all debt associated with or accruing on or regarding the American Express credit card account ending in 5411.

[37] Save as provided above, the parties are responsible for any debt and liability incurred in their respective names.

DIVORCE

[38] I am satisfied on the evidence that the order for divorce is appropriate and warranted and I make that order on the usual terms.

COSTS

[39] On the evidence before me, it is hard, if not impossible, to imagine a case more suitable for the imposition of special costs in favour of the claimant and payable by the respondent. He has, at every turn and opportunity, acted to disregard litigation rules and court orders. He has acted to make the resolution of this case needlessly complex and expensive, both financially and emotionally. That cost has been borne not only by the claimant but also by the children who have been prejudiced by the respondent's actions. He has been found in actual contempt of court orders and, although given the opportunity to purge his contempt, he has refused such offer and remains in contempt.

[40] Many more examples of his misfeasance could be listed, but suffice it to say that his behaviour throughout this litigation has been reprehensible and worthy of rebuke.

[41] The claimant is entitled to her costs throughout this action and assessed as special costs.

[42] The claimant shall have liberty to apply for further directions should the need arise.

"Caldwell J."

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