

CANADA / JUDGMENT

Bringeland Estate (Re)

2026 BCSC 356

COURT

Supreme Court of British Columbia

DECIDED

19 January 2026

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2026 BCSC 356 Bringeland Estate (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Bringeland Estate (Re),

2026 BCSC 356

Date: 20260119

Docket: P22971

Registry: New Westminster

In the Matter of the Estate of Harold Irvin Bringeland, Deceased

Before: The Honourable Justice Morishita

Oral Reasons for Judgment

re contempt application

In Chambers

Counsel for the Applicant Hal Fraser Bringeland in his capacity as the executor of the Estate of Harold Irvin Bringeland:

J.J. Wingson, K.C.

A. Bajcetic

S. Durity Wingson, Articled Student

No other appearances

Place and Date of Hearing:

Vancouver, B.C.

November 28, 2025

Place and Date of Judgment:

New Westminster, B.C.

January 19, 2026

- [1] THE COURT : These are my oral reasons for judgment. Should anyone order a transcript, I reserve the right to edit them for grammar, clarity, style, brevity, and to add case citations or references. If I do make any edits, the substance of my decision will not change.

Introduction

- [2] This is an application by Hal Bringeland for an order of contempt against Dawne Bringeland for her failure to comply with the terms of orders made by Justice Stephens on August 23, 2024, and of this court made on August 22, 2025.
- [3] Hal Bringeland brings this application in his capacity as the court-appointed Executor of the Estate of Harold Irvin Bringeland, deceased. To reduce confusion, I will refer to the deceased Harold Irvin Bringeland as "the Deceased", and the executor Hal Bringeland as Mr. Bringeland or Hal. I will refer to Dawne Bringeland as Ms. Bringeland or Dawne. I mean no disrespect when using the parties' first names.

Background and procedural history

- [4] The Deceased died on June 26, 2017. He left two children surviving him: Hal Bringeland and Dawne Bringeland. The Deceased did not have a spouse at the time of his death.
- [5] The Deceased left a Last Will and Testament dated April 2, 1963, and by a second codicil to the Will dated August 27, 2012, the Deceased appointed Dawne Bringeland to be the executor and trustee of the Will. Under the Will, the residue of the Deceased's estate is divided equally between his two children, Hal and Dawne.
- [6] On June 1, 2018, a grant of probate of the Will was issued to Dawne Bringeland out of the New Westminster Registry of the Supreme Court of British Columbia. Pursuant to the Statement of Assets, Liabilities, and Distribution sworn by Dawne on May 7, 2018, and submitted and filed in support of her application for the grant of probate, the gross value of the Estate as of the date of the Deceased's death was \$2,610,621.54 less liabilities of \$1,628,058.00, for a net amount of \$982,563.54.

[7] On August 22, 2023, Hal Bringeland filed an application seeking an order that Dawne Bringeland be removed and discharged as executor and trustee of the Deceased's estate. In addition, Hal sought a number of ancillary orders, including orders that Dawne deliver all assets of the estate to Hal, along with delivering all documents, books, personal papers, and accounts of the Deceased in her power and possession. The application was heard by Justice Stephens on April 23 to 24, 2024, with judgment being released on August 23, 2024.

[8] Justice Stephens ordered that Dawne be removed as executor and trustee of the estate and appointed Hal in her place. Two other orders of Stephens J. relevant to this application are as follows.

1) Paragraph 3 which ordered that:

the Respondent, Dawne Bringeland, shall deliver all of the assets of the Estate, including real and personal property, to the Applicant, Hal Fraser Bringeland, and shall deliver to the Applicant, Hal Fraser Bringeland, all documents, books, personal papers and accounts of the deceased in her power or possession, including but not limited to all information regarding income taxes, insurance policies, debts, assets and liabilities of the Estate

2) Paragraph 7, which ordered that:

the accounts of the Respondent, Dawne Bringeland, in respect of her administration and management of the Estate for the period from June 26, 2017 to the date of this Order be audited, taken and passed before the Registrar of this Court

[9] By notice of application filed on June 7, 2025, Hal Bringeland sought a declaration that Dawne had breached paragraphs 3 and 7 of the Justice Stephens Order, along with an order that Dawne was in contempt of court for wilfully disobeying the Justice Stephens Order.

[10] The first contempt application was heard by this Court in general judge's chambers on August 22, 2025. I issued oral reasons from the bench that same day. Those reasons have not been transcribed, but in short, I found that the applicant had not proven beyond a reasonable doubt the elements of civil contempt. Nevertheless, I found that Dawne was in breach of paragraphs 3 and 7 of the Justice Stephens Order.

[11] Specifically, this Court made the following orders:

THIS COURT DECLARES that:

1. the Respondent, Dawne Bringeland, is in breach of paragraph 3 of the Order of the Honourable Justice Stephens pronounced on August 23, 2024 (the "Order"), by failing to deliver all of the assets of the Estate of Harold Irvin Bringeland (the "Estate"), including real and personal property, to the Applicant, Hal Fraser Bringeland, and failing to deliver to the Applicant, Hal Fraser Bringeland, all documents, books, personal papers and accounts of the deceased, Harold Irvin Bringeland, in her power or possession, including but not limited to all information regarding income taxes, insurance policies, debts, assets and liabilities of the Estate;

2. the Respondent, Dawne Bringeland, is in breach of paragraph 7 of the Order, by failing to audit, take and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017, to the date of the Order, before the Registrar of this Court; and

THIS COURT ORDERS that:

3. the Respondent, Dawne Bringeland, shall comply with the Order by providing the documents and information pursuant to paragraph 3 of the Order within 14 days of the date of service of this order on the Respondent to her at her email addresses: [email address redacted] and [email address redacted], by delivering to the Applicant's lawyers' office, being McQuarrie Hunter LLP, #1500, 13450 - 102nd Avenue, Surrey, BC, V3T 5X3, all documents, books, personal papers and accounts of the deceased, Harold Irvin Bringeland, in her power or possession, including but not limited to all information regarding income taxes, insurance policies, debts, assets, and liabilities of the Estate;
4. the Respondent, Dawne Bringeland, shall file her application to audit, take and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017, to August 23, 2024, and deliver same to counsel for the Applicant at McQuarrie Hunter LLP, within 30 days of the date of service of this order on the Respondent to her at her email addresses: [email address redacted] and [email address redacted]...

[12] In addition, I ordered that Hal Bringeland had leave to bring a contempt application on new or additional evidence and that I was seized of such an application.

[13] Hal submits that since the August 22, 2025 order, Dawne has taken no steps to comply with the August 23, 2024 order of Justice Stephens or the August 22, 2025 order of this Court. In this application, Hal seeks the following orders:

- 1) Declarations that Dawne continues to be in breach of paragraphs 3 and 7 of the Justice Stephens Order;
- 2) Declarations that Dawne has breached paragraphs 3 and 4 of the Justice Morishita Order;
- 3) Declarations that Dawne is in contempt of court for failing to comply with the Justice Stephens Order and the Justice Morishita Order;
- 4) Orders under R. 22-8 of the Supreme Court Civil Rules [Rules] that Dawne is in contempt for wilfully disobeying both orders;
- 5) An order under R. 22-8 of the Rules that Dawne shall pay a fine of \$10,000 to the King in Right of the Province of British Columbia as a remedy for being in contempt of court;
- 6) An order that Dawne can cure the contempt of court by providing the requested documents and information pursuant to paragraph 3 of the Justice Stephens Order and paragraph 3 of the Justice Morishita Order within seven days, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia;

- 7) An order that Dawne can cure the contempt of court with respect to her failure to comply with paragraph 7 of the Justice Stephens Order and paragraph 4 of the Justice Morishita Order by filing her application to audit, take, and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017 to August 23, 2024, and deliver same to counsel for the applicant at McQuarrie Hunter LLP, within 30 days of the date of service of this order, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia;
- 8) An order that Dawne shall post \$5,000 with the court as security to ensure compliance with the Justice Stephens Order and the Justice Morishita Order; and
- 9) Special costs payable forthwith in any event of the cause.

Service

- [14] Before proceeding to the contempt analysis, I will first deal with the threshold issue of service.
- [15] At the August 22, 2025 hearing, I confirmed that Dawne Bringeland had been personally served with the contempt application and supporting materials. I accept the applicant's evidence that Dawne Bringeland has been properly served with the materials relevant to this application.
- [16] On November 7, 2024, Dawne Bringeland filed a Notice of Intention to Act in Person where she listed her address for service as [address redacted], Coquitlam, BC, and her email address for service as [email address redacted].
- [17] Since then, the evidence shows that Dawne Bringeland has also been using the email address [email address redacted] to send emails. However, she has not filed a Notice of Change of Address, changing her email address for service.
- [18] I am satisfied, based on the evidence, that on August 25, 2025, Mr. Bringeland's counsel's office served a copy of the entered Justice Morishita Order on Dawne Bringeland by email sent to both email addresses.
- [19] In addition, I am satisfied that on November 12, 2025, Mr. Bringeland's counsel's office served on Dawne Bringeland by email sent to both email addresses a copy of the second contempt Notice of Application and supporting materials. This satisfied ordinary service requirements.
- [20] Starting on November 10, 2025, Mr. Bringeland attempted on numerous occasions to have the second contempt Notice of Application and supporting materials personally served on Ms. Bringeland. The relevant evidence of this personal service is as follows:
 - 1) Process server Mr. Street attempted to personally serve Ms. Bringeland at her address for service on November 10, 2025, at 6:25 p.m. An older female occupant answered the door and stated that Dawne Bringeland was not home and denied knowing when she would be home,

after which she closed the door on Mr. Street. Mr. Street was subsequently provided with three photographs of Ms. Bringeland. Mr. Street deposed that the three photographs depicted the woman who was at the door. Further, Mr. Street deposed that he believed Ms. Bringeland was aware of his attempts to serve her and was evading service.

- 2) On November 12, 2025, process server Mr. Iwaschuk attempted to personally serve Ms. Bringeland at her address for service. Mr. Iwaschuk rang the doorbell and an adult male occupant of the residence answered the door and advised that Ms. Bringeland was not currently home. Mr. Iwaschuk left the documents with that male.
- 3) Mr. Iwaschuk attended Ms. Bringeland's address for service again on November 14, 2025 and November 16, 2025 to personally serve Ms. Bringeland with the application and materials. Mr. Iwaschuk approached an adult male and female at the property, at which time he observed that the adult female matched the photographs that he had of Ms. Bringeland. Mr. Iwaschuk told the female that he had a delivery for her, to which the female replied, "no." Mr. Iwaschuk then placed the application and supporting materials at the feet of the adult female and subsequently started to walk away. As he was walking away, the female shouted to him, "the other package is getting returned to sender. Not served!" Mr. Iwaschuk then overheard the female say to the male occupant, "another binder." Mr. Iwaschuk recognized the male as the same male with whom he left a similar binder with on November 12, 2025. Mr. Iwaschuk has affirmed that the female he served on November 16, 2025 was the person in the photographs he had received from Mr. Bringeland's counsel's office.

[21] I note that Mr. Iwaschuk's affidavits do contain hearsay evidence, specifically, that the photographs he was provided depicted Ms. Bringeland. In his affidavit sworn November 24, 2025, Mr. Iwaschuk states that Mr. Bringeland's counsel's office provided him with three photographs of a person they identified as Ms. Bringeland. That evidence - that the photographs are of Ms. Bringeland, is hearsay, and because of the nature of this application, I find the hearsay evidence identifying the person in the photos as Ms. Bringeland is inadmissible.

[22] Nevertheless, I am satisfied that the person who Mr. Iwaschuk served with the materials on November 16, 2025 was Ms. Bringeland. Based on the evidence before me, I find that Ms. Bringeland was intentionally evading service of the application materials. The property is a residence and is listed as her address for service. There is no indication that there was any other adult female living there. The comments she made that the other package is getting returned and was not served and the reference to another binder are admissions and strongly support an inference that Ms. Bringeland was the person Mr. Iwaschuk served. The other binder was left with the adult male for Ms. Bringeland and was addressed to Ms. Bringeland. It makes no sense that someone other than Ms. Bringeland would be on the property moving a carpet into the residence and would tell a process server that they were sending back a binder addressed to someone else, and that the binder was not served.

[23] In sum, I find that Ms. Bringeland was personally served with the application materials, including the Justice Morishita Order on November 16, 2025, with personal service taking effect on Monday, November 17, 2025.

Legal framework

[24] As indicated by the Supreme Court of Canada in *Carey v. Laiken*, 2015 SCC 17 at paras. 32-35, civil contempt has three elements, which must be satisfied beyond a reasonable doubt:

- 1) The order must clearly and unequivocally state what should and should not be done.
- 2) The party alleged to have breached the order must have had actual knowledge of the order.
- 3) The party allegedly in breach must have intentionally done the act that the order prohibits or intentionally failed to do the act that the order compels.

[25] An order for civil contempt is an extraordinary order that is not to be used routinely to obtain compliance with court orders; the discretionary power to make such an order is one that should be used cautiously and with great restraint: *Carey* at para. 36.

[26] Even when all three of the *Carey* elements are met, the court retains the discretion to decline making a finding of contempt: *B & B Barges Ltd. v. British Columbia*, 2023 BCCA 98 at para. 34.

The August 23, 2024 Order (Justice Stephens Order)

[27] Mr. Bringeland seeks a declaration that Ms. Bringeland continues to be in breach of paragraphs 3 and 7 of the Justice Stephens Order and that she is in contempt of court for this non-compliance. As indicated, paragraph 3 of the order required Ms. Bringeland to deliver to Mr. Bringeland all assets and documents, books, personal papers, and accounts of the estate. Paragraph 7 of the order required Ms. Bringeland to pass her accounts before the registrar.

[28] In my August 22, 2025 oral reasons for judgment, I found that Ms. Bringeland had failed to comply with these terms of the August 23, 2024 order, and was thus in breach of that order. As indicated, I found that Mr. Bringeland had not established beyond a reasonable doubt all the elements of civil contempt.

[29] I am satisfied, based on the evidence before me, that since being served with the August 22, 2025 order, with that service occurring on August 25, 2025, Ms. Bringeland has taken no steps to comply with the Justice Stephens Order. In particular, I note and accept the evidence of Suzanne Redmond, who is a legal assistant at Mr. Bringeland's counsel's office, McQuarrie Hunter LLP. Ms. Redmond has sworn a number of affidavits in this proceeding. The evidence establishes that Ms. Redmond is counsel's point person in communicating or attempting to communicate with Ms. Bringeland.

- [30] In her affidavit sworn on November 6, 2025, Ms. Redmond deposes that, to the best of her knowledge, McQuarrie Hunter LLP has not received a response from Ms. Bringeland, nor any other communication or correspondence from her since they served her with the Justice Morishita Order on August 25, 2025. In addition, in that same affidavit, Ms. Redmond deposes that she conducted a search on Court Services Online and Ms. Bringeland has not filed any response materials to the contempt application, nor has she filed an application to pass her accounts since the Justice Stephens Order was made on August 23, 2024. Ms. Redmond attached a printout of the CSO search to corroborate this evidence.
- [31] In short, nothing has changed since the August 22, 2025 hearing of the first contempt application. Accordingly, I find that Ms. Bringeland continues to be in breach of paragraphs 3 and 7 of the Justice Stephens Order.
- [32] The next issue to determine is whether Ms. Bringeland is in contempt of court for her continuing breach of the Justice Stephens Order.
- [33] The first element of the Carey test is whether the order is clear. Paragraphs 3 and 7, while being clear on what needs to be done, do not set a deadline on when those actions need to be completed by. The Carey test requires that the order must clearly and unequivocally state what should and should not be done. Moreover, an order may be found to be unclear if it is missing a detail about where, when, or to whom it applies: Carey at para. 33, citing Fettes v. Culligan Canada Ltd., 2010 SKCA 151 at para. 21.
- [34] By not setting a deadline for the actions to be completed, the order is unclear. As such, the first element of the Carey test is not established, and the applicant has not established that Ms. Bringeland is in contempt of court for failing to comply with paragraph 3 and paragraph 7 of the Justice Stephens Order.

The August 22, 2025, Order (Justice Morishita Order)

Is the order clear?

- [35] Paragraphs 3 and 4 of the Justice Morishita Order read as follows:
3. the Respondent, Dawne Bringeland, shall comply with the Order by providing the documents and information pursuant to paragraph 3 of the Order within 14 days of the date of service of this order on the Respondent to her at her email addresses: [email address redacted] and [email address redacted], by delivering to the Applicant's lawyers' office, being McQuarrie Hunter LLP, #1500, 13450 - 102nd Avenue, Surrey, BC, V3T 5X3, all documents, books, personal papers and accounts of the deceased, Harold Irvin Bringeland, in her power or possession, including but not limited to all information regarding income taxes, insurance policies, debts, assets, and liabilities of the Estate;

4. the Respondent, Dawne Bringeland, shall file her application to audit, take and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017, to August 23, 2024, and deliver same to counsel for the Applicant at McQuarrie Hunter LLP, within 30 days of the date of service of this order on the Respondent to her at her email addresses: [email address redacted] and [email address redacted]...
- [36] Paragraph 3 of the Justice Morishita Order requires Ms. Bringeland to comply with the Justice Stephens Order by delivering to Mr. Bringeland's counsel all documents, books, and personal papers of the Deceased that are in her power and possession. The order sets out the examples of the types of documents that must be delivered, the address where the documents must be delivered to, and the deadline for completing the action: i.e., 14 days from the date she is served with the order.
- [37] The order sets out the details of what should be done, when, and by whom. Further, I do not find that the language is overly broad or that external circumstances have obscured its meaning. While the scope of the order is significant - it asks for all documents, etc., of the Deceased - the order further provides examples of what some of those documents could be. In addition, there are letters in evidence where counsel for Mr. Bringeland sets out specific documents and classes of documents that they are seeking to be returned.
- [38] Similarly, paragraph 4 of the Justice Morishita Order is also clear and unequivocal. It requires Ms. Bringeland to file and deliver an application to audit, take, and pass her accounts within 30 days of being served with the Justice Morishita Order. I cannot find any lack of clarity or ambiguity in the terms of this paragraph.
- [39] I am satisfied beyond a reasonable doubt that paragraphs 3 and 4 of the Justice Morishita Order are clear and unequivocal. As such, the first element of the Carey test is established.

Did Ms. Bringeland have actual knowledge of the order?

- [40] While I did not find that Ms. Bringeland was in contempt of court in relation to the Justice Stephens Order, I find that Ms. Bringeland had actual knowledge of that order as well, beyond a reasonable doubt. In this regard, I note the following facts which support this finding:
- 1) Following the release of the Stephens J. reasons for judgment on Friday, August 23, 2024, Ms. Bringeland's counsel started correspondence with the then estate counsel, who Ms. Bringeland had been instructing, and Ms. Bringeland's personal counsel as executor regarding drafting the order and compliance with the order.
 - 2) The order was signed by counsel for Ms. Bringeland as executor, along with counsel for Ms. Bringeland personally, and ultimately entered on November 14, 2024.
 - 3) In the meantime, counsel for Mr. Bringeland was pressing for delivery of the estate documents, records, and assets, pursuant to the order.

- 4) By email sent September 20, 2024, counsel for Ms. Bringeland as executor of the estate, advised Mr. Bringeland's counsel that "Dawne will be dealing with your office directly regarding compliance with the court order."
 - 5) Ms. Bringeland filed a Notice of Intention to Act in Person on November 7, 2024.
 - 6) By letter dated November 20, 2024, and sent by email to Ms. Bringeland's email address for service, Mr. Bringeland's counsel served on Ms. Bringeland a copy of the entered Justice Stephens Order and attached an August 28, 2024 letter sent by Mr. Bringeland's counsel to Ms. Bringeland's counsel regarding compliance with the order.
 - 7) From November 20, 2024 to the hearing before this Court in August 2025, there was a considerable amount of correspondence sent from McQuarrie Hunter LLP to Ms. Bringeland requiring her compliance with the Justice Stephens Order.
 - 8) Most significantly, Ms. Bringeland filed a Notice of Appeal of Justice Stephens's Order on September 24, 2024. The appeal was not filed in time and on March 20, 2025, Ms. Bringeland's application for an extension of time to appeal the Justice Stephens Order was dismissed by Justice Iyer.
- [41] In addition, I am satisfied beyond a reasonable doubt that Ms. Bringeland had actual knowledge of the Justice Morishita Order.
- [42] As indicated earlier in these reasons, I have found that Ms. Bringeland was personally served with the first contempt application. Thus, I find that Ms. Bringeland had knowledge that Mr. Bringeland was bringing an application to find her in contempt of the Justice Stephens Order. Further, as indicated, I have found that Ms. Bringeland was served with the Justice Morishita Order by ordinary service on August 25, 2025. The Justice Morishita Order does not require Ms. Bringeland to do any new actions. It requires her to do the same actions as set out in the Justice Stephens Order, but includes a deadline and the address for delivery of McQuarrie Hunter LLP.
- [43] The service was effected by serving the order on Ms. Bringeland's email address for service, as well as the additional email address that Ms. Bringeland had been emailing from as recently as August 21, 2025 (one day before the hearing before Justice Morishita).
- [44] Last, the Justice Morishita Order was personally served on Ms. Bringeland on November 16, 2025, as it was contained in the application materials that were personally served on her.

Did Ms. Bringeland intentionally fail to do the acts the order compels?

- [45] In his Affidavit Number 4, made June 12, 2025, Mr. Bringeland deposes that following Justice Stephens making his order, Ms. Bringeland has refused to deliver to him any documents or records as required by the order. Nevertheless, he notes that she continues to deal with the estate by withdrawing funds from the estate account and attempting to instruct the estate's accountants.

- [46] With respect to property, Mr. Bringeland deposes in his June 12, 2025 affidavit that, with the exception of a catamaran, he has not received any of the other estate assets or items pursuant to the order.
- [47] Because Ms. Bringeland had not complied with the Justice Stephens Order or the Justice Morishita Order, it is not possible for Mr. Bringeland to know with one-hundred-percent certainty what other property Ms. Bringeland has not returned.
- [48] In his August 9, 2023, affidavit, Mr. Bringeland deposes that the Deceased collected artwork and jade pieces, and notes that none of the Deceased's pieces of artwork or jade were listed in the statement of assets, liabilities, and distribution or in the accounts.
- [49] Mr. Bringeland noted that after multiple requests, his counsel received copies of certificates of authenticity for only six jade pieces. In his June 12, 2025, affidavit, Mr. Bringeland deposes that he has exhausted all avenues to obtain the documents and personal and household effects of the Deceased, and that Ms. Bringeland is the only person who could provide the outstanding documents, artwork, jade, account statements, records, and items of the estate which are in her possession.
- [50] Mr. Bringeland does not explicitly state that he has not received the six jade pieces of which he was provided with certificates of authenticity, but an inference could potentially be made. In addition, I note an October 21, 2022 letter from Ms. Bringeland's counsel to Ms. Wingson indicating that estate chattels are in storage and at present there is no inventory prepared for them, but that Ms. Bringeland intended on preparing one. This statement and Ms. Bringeland's counsel's letter constitutes an admission and is thus admissible as evidence in this hearing. Again, Mr. Bringeland's evidence is that, other than the catamaran, no chattels have been delivered to him since the Justice Stephens Order.
- [51] The evidence does not, however, address whether any chattels were delivered from Ms. Bringeland to Mr. Bringeland between October 21, 2022 (the date of the letter) and the hearing before Justice Stephens. In other words, there is a gap in the evidence.
- [52] Although I am satisfied on a balance of probabilities that Ms. Bringeland has chattels from the estate that have not been delivered to Mr. Bringeland, I am not satisfied beyond a reasonable doubt.
- [53] I am satisfied, however, beyond a reasonable doubt that Ms. Bringeland has intentionally failed to deliver all of the estate documents, books, and accounts to Mr. Bringeland.
- [54] Most significantly, Ms. Bringeland has admitted that she has not provided documents to Mr. Bringeland in the period following the Justice Stephens Order. In a January 20, 2025 email to Ms. Wingson, among other things Ms. Bringeland writes:
- [c]opies of all documents have previously been provided to Hal, with the exception of new documents from September 23, 2023 to date.

- [55] Thus, in the email, Ms. Bringeland makes an admission that she has not provided Mr. Bringeland with any documents from the period of September 23, 2023, to the date of the email. This statement is an admission by a party and thus admissible in this contempt application.
- [56] In his June 12, 2025 affidavit, Mr. Bringeland deposes that Ms. Bringeland has refused to deliver any documents or records to him as required by the Justice Stephens Order. Thus, Mr. Bringeland confirms that he has received no documents from Ms. Bringeland from the period of August 23, 2024, to the date he swore his affidavit (i.e., June 12, 2025).
- [57] In addition, as indicated in her November 6, 2025, affidavit, Ms. Redmond deposes that McQuarrie Hunter LLP has not received any communication from Ms. Bringeland since she was served with the Justice Morishita Order on August 25, 2025. Further, from the period following the Justice Stephens Order to when the first contempt application was filed (i.e., August 23, 2024, to July 7, 2025), Mr. Bringeland's counsel sent almost monthly letters or emails to Ms. Bringeland asking her to comply with the Justice Stephens Order. There is no indication in correspondence during that period that Ms. Bringeland sent any estate documents to Mr. Bringeland or his counsel.
- [58] Taken together, the evidence establishes beyond a reasonable doubt that Ms. Bringeland failed to provide all the estate documents in her possession or power to Mr. Bringeland following Justice Stephens' August 23, 2024 order.
- [59] The evidence further establishes that this failure to comply with Justice Stephens' order was intentional, as indicated by Ms. Bringeland's admission in the January 20, 2025 email where she states she was not providing copies of any new documents from September 23, 2023 to date. The reason for this, Ms. Bringeland indicates, is that she needs the original documents in order to apply for a passing of accounts.
- [60] I do not propose to go through every example of documents not provided by Ms. Bringeland to Mr. Bringeland since the Justice Stephens Order but, as an example, after she was removed as executor, Ms. Bringeland continued to withdraw funds from the estate bank account. A statement from that account shows that on September 12, 2024 and November 19, 2024, there were e-transfers made to Ms. Bringeland's lawyer (in her capacity as executor) in the amounts of \$1,792.00 and \$4,451.30 respectively. In addition, there was a transfer of \$15,911.09 made to another account with a note indicating "post-death expense pymt DB".
- [61] Ms. Bringeland has admitted that she has not provided any new documents from September 23, 2023 onwards, which means that she did not provide any source documents related to these transactions. Mr. Bringeland deposes in his June 12, 2025 affidavit that he has not received any documents regarding this reimbursement of Dawne to herself.

- [62] In addition, I am satisfied beyond a reasonable doubt that Ms. Bringeland has intentionally failed to file an application to audit, take, and pass her accounts in respect of her time as executor. The evidence establishes, beyond a reasonable doubt, that she has not filed an application and, further, the evidence establishes that she is aware that she needs to apply to pass accounts. For example, in that January 20, 2025 email to Ms. Wingson, she indicates that the passing of accounts is important, but she needs to retain copies of all documents in their original form to comply with that paragraph of the order.
- [63] Nevertheless, despite acknowledging that the order requires her to pass her accounts, she has failed to file an application to do so. I find that she has intentionally failed to pass her accounts, despite being ordered to do so on August 23, 2024, and again being ordered to do so on August 22, 2025 within 30 days.

Should a contempt order be made?

- [64] As indicated, the court has the discretion to decline to make a finding of contempt, even where all three elements of the Carey test have been satisfied. The court can, for example, exercise such discretion where a finding of contempt would work an injustice in the circumstances of the case.
- [65] In my view, the circumstances of this case do not warrant the court exercising such discretion. This is not a situation where Ms. Bringeland has, in good faith, taken reasonable steps to try and comply with the orders.
- [66] I am mindful that the order related to delivering estate documents likely requires a significant amount of work on Ms. Bringeland's part. Nevertheless, since Justice Stephens' order, she has done virtually nothing to comply with the order. In my view, the evidence establishes, beyond a reasonable doubt, that she is deliberately flouting the court order.
- [67] Ms. Bringeland indicated in an email that she cannot provide original copies of estate documents because she needs them to file her application to pass her accounts. Nevertheless, Ms. Bringeland could have scanned or photocopied the documents and relied on those copies for the purposes of her application to pass accounts. From the evidence, it appears that many of the documents sought by Mr. Bringeland are financial documents which are easily available in electronic form.
- [68] In my view, based on the evidence before me, Ms. Bringeland's statement that she could not provide the documents because she needed them to file the application to pass her accounts was simply another delay tactic. If the statement was correct, she should have filed a response to the first contempt application or this application, setting these facts out in an affidavit, and requested more time or a different sequencing of deadlines in the orders. She did not do any of this.

[69] Ms. Bringeland's deliberate inaction has severely limited Mr. Bringeland's ability to administer the estate. It has essentially brought the administration of the estate to a standstill. This cannot continue and, in my view, a finding of contempt is the only remaining option in order to enforce the court order. Accordingly, I find beyond a reasonable doubt that Ms. Bringeland is in contempt of paragraphs 3 and 4 of the Justice Morishita Order.

Penalty

[70] Mr. Bringeland seeks the following penalty:

- 1) that Ms. Bringeland pay a fine of \$10,000 to the King in Right of the Province of British Columbia;
- 2) an order that Ms. Bringeland can cure the contempt of court by providing the requested documents and information pursuant to paragraph 3 of the Justice Morishita Order within seven days, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia;
- 3) an order that Ms. Bringeland can cure the contempt of court with respect to her failure to comply with paragraph 4 of the Justice Morishita Order by filing and serving her application to audit, take, and pass her accounts in respect of the administration and management of the Estate within 30 days of the date of service of this order, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia;
- 4) an order that Ms. Bringeland shall post \$5,000 with the court as security to ensure compliance with the Justice Morishita Order.

[71] In support of this position, Mr. Bringeland relies on the Court of Appeal's decision in 1063664 B.C. Ltd. v. Perehudoff, 2023 BCCA 254, where the Court upheld a trial judge's original decision (before she later varied it) to impose a \$5,000 fine for contempt of an order to deliver records. In addition, the Court of Appeal upheld the trial judge's original decision to impose an additional fine of \$5,000 for every seven-day period of non-compliance. The contemnor was also ordered to pay special costs.

[72] As Justice P. Walker sets out in Axion Ventures Inc. v. Bonner, 2023 BCSC 978 at para. 34:

[34] In assessing the appropriate sanction for contempt, the following list of non-exhaustive factors will be considered:

- a) the public interest in maintaining and fostering respect for the role and the authority of the courts: Ezzati at para. 60;
- b) denunciation and deterrence (to deter the contemnor's continuing conduct and to deter others from comparable conduct) of contempt: Ezzati at para. 57; Carey v. Laiken, 2015 SCC 17 at para. 31;
- c) the past conduct and character of the offender(s);

- d) protection of the public from the offender's misconduct;
- e) whether there were previous contempts/whether the contempt is a first offence: Ezzati at para. 64; *Law Society of British Columbia v. Gorman*, 2011 BCSC 1484 at para. 39;
- f) whether there was a disregard for the legal system: Glase at para. 7;
- g) whether the contempt was an honest mistake of law or reliance on legal advice: *Transportation Lease Systems Inc. v. Viridi*, 2009 BCSC 695 at para. 22; and
- h) apologizing for and/or purging the contempt: Ezzati at para. 64; *Boily v. Carleton Condominium Corp. 145*, 2014 ONCA 574 at para. 111.

[73] I find that the sanctions imposed in 1063664 B.C. Ltd. are appropriate here, as that case involves similar circumstances. In my view, fines similar to those imposed in 1063664 B.C. Ltd. are necessary and appropriate to deter both Ms. Bringeland from continuing in such conduct, and to deter others from comparable conduct.

[74] Ms. Bringeland has demonstrated a disregard for the legal system. There has been no mistake of law or reliance on legal advice, nor has there been any attempt to demonstrate that she is trying to comply with the Justice Morishita Order. In order to maintain and foster respect for the role and authority of courts, the imposition of fines in these circumstances is necessary.

[75] Accordingly, I will impose a fine of \$5,000 payable to the Provincial Crown for Ms. Bringeland's contempt of paragraph 3 of the Justice Morishita Order. Ms. Bringeland can purge her contempt by providing the requested documents and information pursuant to paragraph 3 of the Justice Morishita Order within 30 days of the date of service of this order, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia.

[76] I will impose an additional fine of \$5,000 payable to the Provincial Crown for Ms. Bringeland's contempt of paragraph 7 of the Justice Morishita Order. Ms. Bringeland can purge her contempt by filing and serving her application to audit, take, and pass her accounts in respect of her administration and management of the Estate within 30 days of the date of service of this order, failing which she shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia.

[77] I decline to make an order that Ms. Bringeland shall post \$5,000 with the Court as security to ensure compliance with the Justice Morishita Order.

[78] Mr. Bringeland is entitled to special costs. Ms. Bringeland's conduct in continuing to be in breach of the Justice Stephens Order and being in contempt of the Justice Morishita Order is reprehensible conduct that includes misconduct that is deserving of rebuke. Ms. Bringeland's actions have brought the administration of the estate to effectively a standstill. In addition, she has put the estate to considerable costs. Therefore, I award special costs of this application payable forthwith.

Conclusion

[79] The orders will be as follows.

- [80] A declaration that the respondent, Dawne Bringeland, continues to be in breach of paragraph 3 of the order of the Honourable Justice Stephens pronounced on August 23, 2024 (that is the "2024 Order"), by failing to deliver all of the assets of the Estate of Harold Irvin Bringeland (the "Estate"), including real and personal property, to the applicant, Hal Fraser Bringeland, and failing to deliver to the applicant, Hal Fraser Bringeland, all documents, books, personal papers, and accounts of the Deceased in her possession, including but not limited to all information regarding income tax, insurance policies, debts, assets, and liabilities of the Estate.
- [81] A declaration that the respondent, Dawne Bringeland, continues to be in breach of paragraph 7 of the 2024 Order by failing to audit, take, and pass her accounts in respect of the administration and management of the Estate for the period from June 26, 2017, to the date of the 2024 Order, before the Registrar of this Court.
- [82] A declaration that the respondent, Dawne Bringeland, is in breach of paragraph 3 of the order of the Honourable Justice Morishita pronounced on August 22, 2025 (that is the "2025 Order"), by failing to deliver to the applicant's lawyers' office, within 14 days of the date of service of the 2025 Order on the respondent, all documents, books, personal papers, and accounts of the Deceased in her power or possession, including but not limited to all information regarding income taxes, insurance policies, debts, assets, and liabilities of the Estate.
- [83] A declaration that the respondent, Dawne Bringeland, has breached paragraph 4 of the 2025 Order by failing to file an application to audit, take, and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017, to the date of the 2024 Order, and deliver same to counsel for the applicant within 30 days of service of the 2025 Order on the respondent.
- [84] The application seeking a declaration that the respondent, Dawne Bringeland, is in contempt of court for failing to comply with the 2024 Order is dismissed.
- [85] A declaration that the respondent, Dawne Bringeland, is in contempt of court for failing to comply with the 2025 Order.

- [86] The next item is dismissed, and that is the paragraph from the notice of application that asks for an order pursuant to R. 22-8 that the respondent, Dawne Bringeland, is in contempt of court for wilfully disobeying the 2024 Order.
- [87] An order pursuant to R. 22-8 that the respondent, Dawne Bringeland, is in contempt of court for wilfully disobeying the 2025 Order.
- [88] An order pursuant to R. 22-8 that the respondent, Dawne Bringeland, shall pay a fine of \$10,000, within 14 days of service of this Order on the respondent, to the King in Right of the Province of British Columbia as a penalty for being in contempt of court.
- [89] An order that the respondent, Dawne Bringeland, can purge the contempt of court by providing the requested documents and information pursuant to paragraph 3 of the 2025 Order within 30 days, failing which the respondent, Dawne Bringeland, shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia.
- [90] An order that the respondent, Dawne Bringeland, can purge the contempt of court with respect to her failure to comply with paragraph 4 of the 2025 Order by filing her application to audit, take, and pass her accounts in respect of her administration and management of the Estate for the period from June 26, 2017, to August 23, 2024, and deliver same to counsel for the applicant at McQuarrie Hunter LLP, within 30 days of the date of service of this order, failing which the respondent, Dawne Bringeland, shall pay an additional fine of \$5,000 to the King in Right of the Province of British Columbia.
- [91] The next item deals with the order sought that the respondent, Dawne Bringeland, shall post \$5,000 with the court as security to ensure compliance with the 2024 Order and the 2025 Order. That item is dismissed.
- [92] The next order is that the respondent, Dawne Bringeland, shall pay the special costs of this application to the Estate, forthwith, in any event of the cause.
- [93] The next order will be that the requirement for the signature of Ms. Bringeland as to the form of this order is dispensed with.
- [94] I also order that I am no longer seized of any matters in this proceeding.
- [95] Ms. Wingson, do you or your team have any questions or do you need any clarifications of the order? Go ahead, Ms. Wingson, you may need to unmute yourself.
- [96] CNSL J. WINGSON: I just -- when you mentioned the contempt fine, at some point you referred to paragraph 7 of the Morishita Order, but I think it might have been paragraph 4.
- [97] THE COURT: Yes, that is correct. So if I referred to any orders in the Morishita Order, it would be paragraph 3 or paragraph 4. I probably mixed it up with the Justice Stephens Order.

- [98] CNSL J. WINGSON: Yes, and then the other question I -- clarification I have -- seek is with respect to the timing for the payment of the \$10,000 to the Province, is there any timing on that?
- [99] THE COURT: Oh okay, do you have a submission on that, Ms. Wingson?
- [100] CNSL J. WINGSON: In terms of that payment, I would say that that ought to be paid within 14 days.
- [101] THE COURT: All right. So, Madam Registrar, the term of the order that says pursuant to Rule 22-8 that the respondent Dawne Bringeland shall pay a fine of \$10,000.
- [102] THE CLERK: Yes, Justice.
- [103] THE COURT: We will put a comma, and it will say within 14 days of the service of this order on the respondent, and then there will be another comma, to the King in Right of the Province of British Columbia as a penalty for being in contempt of court.
- [104] THE CLERK: Got it, thank you, Justice.
- [105] THE COURT: All right, was there --
- [106] CNSL J. WINGSON: And a final clarification, for service of this order, Justice, that service can be to her email address for service, as we had done with the Morishita Order.
- [107] THE COURT: Yes, that will be fine, so I am just going to add a term. Just give me one second, I will just draft it out.
- [108] CNSL J. WINGSON: Yes, that was -- I believe that's paragraph 4, as well, of the Morishita Order, 3 and 4.
- [109] THE COURT: All right. So, Madam Registrar, I will add an additional term and it will say the applicant may serve this order on the respondent by ordinary service to her email address to service, and to [email address redacted].
- [110] THE CLERK: Thank you, Justice.
- [111] THE COURT: All right, is there anything else, Ms. Wingson?
- [112] CNSL J. WINGSON: No, Justice, that would be all, thank you.
- [113] THE COURT: All right. Okay. Well, thank you, everyone, for your attendance and for your assistance with this application. We are adjourned.

"Morishita J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/26/03/2026BCSC0356.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/bringeland-estate-re-2026>

Prepared on 29 October 2026 · Esheria