

CANADA / JUDGMENT

Brown v. Brown

2013 BCSC 434

COURT

Supreme Court of British Columbia

DECIDED

14 March 2013

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2013 BCSC 434 Brown v. Brown IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Brown v. Brown, 2013 BCSC 434 Date: 20130314 Docket: E073599 Registry: Vancouver Between: Leslie Norah Brown Claimant And Roy Alan Brown Respondent Before: The Honourable Madam Justice Hyslop Reasons for Judgment Leslie Norah Brown appeared on her own behalf: Counsel for the Respondent: J. Reid Place and Date of Hearing: Vancouver, B.C. February 25, 2013 Place and Date of Judgment: Vancouver, B.C. March 14, 2013

- [1] There were two applications before me: one brought by Leslie Nora Brown, the claimant, and the other by Roy Allan Brown, the respondent.
- [2] I will refer to the applicants by their first name as both of them are physicians. Roy and Leslie were formally husband and wife.
- [3] These applications arise after a trial of this family law proceeding: 2011 BCSC 246. Amongst other orders, Leslie was to compensate Roy for one-half of the remaining amount due to Roy by the Medical Services Plan ("MSP"), less any tax benefits accruing to Roy.
- [4] Initially and in the application, Roy was seeking the sum of \$50,000.00 from Leslie. That amount has now been revised to \$28,150.00, plus pre-judgment interest of \$559.92. This amount does not include any interest, penalties or audit fees that may have been assessed by MSP against Roy, which he has never sought from Leslie.
- [5] Roy's chartered accountant, Anita Johnson, has calculated the amount that Leslie owes to Roy (first affidavit of A. Johnson, exhibit A). I accept Ms. Johnson's calculations as being accurate and I find that Leslie owes Roy the sum of \$28,150.00. I am not going to impose interest on Leslie as the calculation by Ms. Johnson was not performed until February 19, 2013, and the initial amount sought by Roy from Leslie was \$50,000.00. Further, there were a number of orders that Roy had not performed and that had been outstanding since 2011. Leslie, in her application, sought the performance of those orders. Roy managed to complete the performance of those orders prior to the hearing of this application.

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- [6] Leslie has attempted to re-calculate Roy's income for the years 2009 and 2010. This is an attempt to re-adjudicate those matters which were before the court and have been decided. Leslie is seeking that Roy: ... pay the Special Expenses that he was ordered to pay by the orders of Mr. Justice McEwan (April 2009) and Justice Hyslop after trial.
- [7] Leslie also seeks that Roy: ... file his tax returns for 2009 and 2010 and supply copies of the filed returns and copies of the Notices of Assessment for those years and the years 2007 and 2011.
- [8] I refer Leslie to paras. 7, 216-217, 225-232, 234-237, 243-244, and 246-247 of my earlier decision cited at 2011 BCSC 246.
- [9] I dismiss Leslie's application. She is attempting to re-litigate matters that were litigated at the time of the trial.
- [10] Each party will bear their own costs. "H.C. Hyslop J." HYSLOP J.
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