

CANADA / JUDGMENT

C.P.K. v. A.A.

2025 BCSC 2103

COURT

Supreme Court of British Columbia

DECIDED

15 October 2025

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2025 BCSC 2103 C.P.K. v. A.A. IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: C.P.K. v. A.A., 2025 BCSC 2103 Date: 20251015 Docket: E65342 Registry: New Westminster Between: C.P.K. Claimant And: A.A. Respondent Before: Associate Judge Hughes Oral Reasons for Judgment In Chambers Appearing as Agent for Counsel for the Claimant A. Rebane: A. Khan Counsel for the Respondent: H. Sandhu Place and Date of Hearing: New Westminster, B.C. October 15, 2025 Place and Date of Judgment: New Westminster, B.C. October 15, 2025

- [1] THE COURT: Before me is an application by the claimant for sale of the family home in which the respondent and the parties' two children have been residing since the parties' separation in 2022. If the home is sold, the claimant also seeks an interim distribution pursuant to s. 89 of the Family Law Act, S.B.C. 2011, c. 25.
- [2] With respect to the application for sale of the family home, Rule 15-8 of the Supreme Court Family Rules provides that a court may order that property be sold if it is necessary or expedient. It is a discretionary test.
- [3] There is evidence that the parties had fallen behind in their property tax payments and strata fees. However, the respondent was able to come up with the funds to pay the 2023 property taxes in order to prevent the property going to a tax sale. 2024 and 2025 property taxes are still outstanding.
- [4] With respect to the strata fees that had fallen behind, the respondent has been able to negotiate a payment plan with the strata corporation, and she is meeting the terms of that payment plan. That payment plan provides that the amounts outstanding be paid off within a period of six months, and she has made those initial few payments.
- [5] It is notable in many respects that the claimant is not contributing to those expenses. He is also behind on his child support payments, and I have been told that the B.C. Family Maintenance Program has a lien against the property for arrears of child support of approximately \$15,000.

- [6] This appears a case where the respondent is doing what she can to try to meet the financial obligations related to the family home. Whether that is sustainable on a long-term basis or not remains to be seen. However, she is currently meeting those obligations, including making mortgage payments at a significantly increased interest rate because of the parties' inability to agree on a mortgage renewal.
- [7] With respect to the first part of the test, it does not appear to me that it is necessary for the property to be sold at this time. The second part of the test is whether it is expedient, and those two prongs are disjunctive. If it is necessary or expedient, the property may be sold. Expedient has been commented on in many case authorities as meaning advantageous to both parties.
- [8] While it may be advantageous to the claimant to have the property sold in order to clear off some of the debts, including his child support arrears, I do not see it on the evidence before me that it is advantageous to the respondent to having the property sold. I agree with the claimant that a sale of the property may be inevitable, but again, that remains to be seen.
- [9] The best interests of the children are certainly a factor to be considered on an application like this, including their needs, stability, access to school, which five-year-old [redacted] has just started this year. Also to be considered is the availability and affordability of alternative accommodation for each spouse, and that involves consideration of the financial circumstances of the parties. It is unfortunate that neither party has filed updated financial statements. The most recent financial statements were filed in 2022 from the claimant and 2023 from the respondent.
- [10] This case has many, many similarities to the case referred to by the respondent of Carcani v. Cicatiello, 2021 BCSC 2227. There are many similarities on the facts, and I come to the same conclusion with respect to this application, as the court did in that case. That is, considering all of the relevant factors, I do not find that a sale of the family home is advantageous to both parties at this point, and frankly it would be significantly disadvantageous to the respondent and the children.
- [11] I do not consider that sale of the property at this time is necessary or expedient, and the claimant's application is therefore dismissed. That includes the application for an interim distribution because the only potential source of funds to allow for such an interim distribution would have been from the sale proceeds from the family home.
- [12] The application is dismissed, and the respondent is entitled to her costs.
- [13] And as I indicated earlier, I do encourage you to try to resolve this out of court because these parties can ill afford ongoing litigation. "Associate Judge Hughes"

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