

CANADA / JUDGMENT

D.L.P. v. H.E.P.

2025 BCSC 1477

COURT

Supreme Court of British Columbia

DECIDED

1 August 2025

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2025 BCSC 1477 D.L.P. v. H.E.P. IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: D.L.P. v. H.E.P., 2025 BCSC 1477 Date: 20250801 Docket: E201759 Registry: Vancouver Between: D.L.P. Claimant And H.E.P. also known as H.E.H. also known as H.E.C. Respondent Corrected Judgment: The cover page was corrected on August 11, 2025. Before: The Honourable Madam Justice Murray Reasons for Judgment The Claimant, appearing in person: D.L.P. The Respondent, appearing in person: H.E.C. Place and Date of Hearing: Vancouver, B.C. January 14, 2025 Place and Date of Judgment: Vancouver, B.C. August 1, 2025

INTRODUCTION

- [1] Ms. C. seeks an interim order granting her final decision-making authority on all parenting responsibilities, pursuant to s. 41 of the Family Law Act, S.B.C. 2011, c. 25 (FLA), for the parties' 11-year old son, who I will simply refer to as L.
- [2] This highly acrimonious family matter has consumed significant court time and judicial resources. The difficulties primarily involve parenting issues. Put bluntly, the parties are unable to get along which makes for a toxic co-parenting arrangement. The concern is for their young son who is caught in the middle of his parents' war. There is a 14-day trial scheduled in April 2026.
- [3] In the hope that it would assist the parties, on October 24, 2023, I seized myself with all parenting issues. Since that time, I have heard many applications. I have also met L. He was extremely withdrawn.
- [4] On the date of this application, I made an order granting Ms. C. interim interim decision-making responsibilities pending this judgment. I made it clear to the parties that I would be delaying the release of this decision to see how things went. THE LAW
- [5] Pursuant to s. 40(2) of the FLA, "unless an agreement or court order allocates parental responsibilities differently, each child's guardian may exercise all [of them] with respect to the child in consultation with the child's other guardians, unless consultation would be unreasonable or inappropriate in the circumstances."

[6] Parental responsibilities are set out in s. 41 of the FLA as follows:

- (a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child;
- (b) making decisions respecting where the child will reside;
- (c) making decisions respecting with whom the child will live and associate;
- (d) making decisions respecting the child's education and participation in extracurricular activities, including the nature, extent and location;
- (e) making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity;
- (f) subject to section 17 of the Infants Act, giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;
- (g) applying for a passport, licence, permit, benefit, privilege or other thing for the child;
- (h) giving, refusing or withdrawing consent for the child, if consent is required;
- (i) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;
- (j) requesting and receiving from third parties health, education or other information respecting the child;
- (k) subject to any applicable provincial legislation,
 - (i) starting, defending, compromising or settling any proceeding relating to the child, and (ii) identifying, advancing and protecting the child's legal and financial interests;
- (l) exercising any other responsibilities reasonably necessary to nurture the child's development.

[7] The only consideration is the best interests of the child.

ANALYSIS

[8] Ms. C. seeks sole decision-making authority as she and Mr. P. are unable to communicate in any way or any form. Nor are they able to agree on what is best for L. Ms. C. states that Mr. P. is hostile, demeaning, and aggressive toward her. She claims that having contact with him impacts her health and emotional well-being. She also says that she can no longer afford to litigate every parenting decision.

- [9] Mr. P. insists that he and Ms. C. are able to make parenting decisions together. He is open to the allocation of different parenting responsibilities, but if one parent is given sole decision-making power, it should be him, as he always puts L.'s best interests first. It is Mr. P.'s belief that if one parent's role is reduced, it diminishes that parent. He stresses that that should not be done.
- [10] There have been several attempts to facilitate cooperative communication between the parties. In April 2020, Justice Harvey made conduct orders setting parameters on the behaviour of both parties and ordered that all communication be via email, except in the case of emergencies. Of note, Justice Harvey also gave Ms. C. final decision-making authority regarding L's healthcare, should the parties not be able to agree.
- [11] In her April 21 2021 s. 211 report, Registered Psychologist Dr. Peggy Koopman noted the problems between the parties as follows: L. and H. have both demonstrated over time including after separation that they are loving and competent parents. [L.] benefits emotionally when he is being parented by each party. He is not neglected or at risk at either home. His needs are understood, and attempts made to provide for them. Both parents are attempting to raise their son with his best interests paramount. The problems regarding parenting are resident in the various forms of negative interactions that take place between the parents. In the clinical opinion of the writer these are seriously affecting the mental and physical health of their son, [L.]. Because the parties have been unable to reach a workable level of cooperation and it appears that further deterioration in their ability and willingness to cooperate is a significant risk, the writer is of the opinion that third party intervention is important to assist them to do what they have not been able to accomplish i.e. systematic planning and consistency in parenting [L.]. [Emphasis added.]
- [12] This passage reflects my observations of the parties.
- [13] Dr. Koopman recommended that an experienced parenting coordinator be appointed immediately and tasked with negotiating parenting issues and "finalizing actions in parenting issues with the power to enforce those decisions."
- [14] Parenting coordinators did not work. Mr. P. took issue with some of their directions and refused to pay his portion of their fees. Additionally, he lodged a formal complaint about one of the parenting coordinators to their governing body.
- [15] Since then, the parties have been using the court to make decisions. Their inability to communicate and work together has been evident throughout their numerous appearances before me. At times, the hostility between them was palpable. It is clear that neither party trusts nor respects the other.
- [16] It is impossible for parties to co-parent when they cannot communicate. The question is who should have final decision-making authority? Can responsibilities be split?

- [17] It has been over six months since I granted Ms. C. interim decision-making authority. In that time, I have seen both in court and in correspondence filed in court applications, that Mr. P.'s manner of communication has improved. His tone, which has at times in the past been condescending and aggressive, has been even and cooperative. In contrast, Ms. C.'s tone has become sharper and less cooperative. In addition, Ms. C. took an unreasonable position on an issue that should have been uncontroversial - Mr. P. taking L. to Italy in the summer, something he does every summer.
- [18] Having said that, there is no doubt that it is in L's best interests that the acrimony between his parents be minimized. That can only be achieved by minimizing contact. I have considered but rejected the idea of splitting responsibilities between the parties. While there is some draw to that arrangement, I fear that that would open the door to more communication and therefore more conflict. That means giving one parent decision-making authority until trial. Who should that be?
- [19] Despite my observations about Ms. C.'s tone over the last six months, overall the communication between the parties has improved since she was granted interim interim decision-making authority. Accordingly, I conclude that Ms. C. should maintain interim decision-making authority until the issue is decided at trial. Hopefully over time, the parties can learn to work cooperatively for L's sake.
- [20] The decision-making paradigm remains the same. Simply put, it requires that the parties communicate respectfully and consult together before the parent with the final decision-making authority makes a decision. The test to be employed in decision-making is the same as in this Court: the best interests of L. The need for communication does not stop after a decision is made. The parties are obliged to keep each other apprised of L.'s activities and well-being.
- [21] By way of memo to counsel on June 24, 2025, I unseized myself of this action, as in my view the parties would benefit from a fresh perspective. All future applications should be set in chambers in the usual course.

CONCLUSION

- [22] I order that Ms. C. have interim decision-making authority over all parenting matters, as set out in s. 41 FLA, until further court order or by agreement of the parties.
- [23] I further order that the style of cause be amended to add "AKA H. E. C." to the respondent's name.
- [24] Costs are in the cause. "The Honourable Madam Justice Murray"

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Prepared on 29 October 2026 · Esheria