

CANADA / JUDGMENT

D.L.T. v. K.K.M.

2017 BCSC 505

COURT

Supreme Court of British Columbia

DECIDED

1 March 2017

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2017 BCSC 505 D.L.T. v. K.K.M. IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: D.L.T. v. K.K.M., 2017 BCSC 505 Date: 20170301 Docket: E131162 Registry: Vancouver Between: D.L.T. Claimant And K.K.M. Respondent Before: The Honourable Madam Justice Gray Oral Ruling re forbidding other party's attendance during parenting time The Claimant, D.L.T.: In Person The Respondent, K.K.M.: In Person Place and Date of Hearing: Vancouver, B.C. March 1, 2017 Place and Date of Judgment: Vancouver, B.C. March 1, 2017

- [1] THE COURT: I am now dealing with the Father's application number 3. This is a high-conflict family case involving a 5½ year old girl. I will refer to the claimant as the "Father" and the respondent as the "Mother".
- [2] The Father is seeking an order that the Mother not attend at a residence, property, business, school or place of employment of the Father for any reason when the Father is exercising parenting time, and he says he wants a further order that the Mother not follow either him or the daughter when the Father is exercising his parenting time. The Mother is opposed.
- [3] The Father then suggested that the parties both agree to an order that they each not go to the other's home, but the Mother did not agree.
- [4] This is a very high-conflict family case. I wish I could find a way to reduce the conflict. I am going to read from my reasons for judgment dated October 1, 2015, being not quite a year and a half ago.
- [5] Paragraphs 331 and 332 are as follows:: The parties should not go to the other's home or workplace unless they are invited to do so. A restraining order can escalate the tensions and promote police involvement in matters which the parties could otherwise solve maturely. It can also complicate innocent contact such as dropping off a sick child. I dismiss the Father's claim for an order restraining the Mother from attending at his residence or place of business. However if there are any future incidents at his residence or place of business, the question of a restraining order can be revisited.

- [6] The Father's basis for seeking such an order at this time is that on a recent occasion, the Mother came to the Father's home with police officers to pick up the child. The Mother admits that there was a mix-up and she was not in the right place at the right time to pick up the child. She called the police, and she points out it was not the emergency line, or the 911 line. It was the non-emergency line, and the Mother asked the police to come with her to keep the peace. The Mother says she is afraid of the Father.
- [7] As I have said in other reasons for judgment, this is one of those terrible cases where the Mother has come to believe that the child may be sexually abused by the Father, and the Father vehemently denies doing anything improper in connection with the child. There has been the involvement of the Ministry of Children and Family Development and the RCMP. Both of those organizations have closed their files, but there has now been an order for Mr. Colby to do a report, and so the allegations of sexual misconduct are being investigated further with Mr. Colby. There is a very heightened level of conflict between the parents.
- [8] I am not satisfied that the incident of the Mother bringing the police/non-emergency people to the Father's home is enough that I am prepared to make a restraining order at this time. I continue to be concerned that it will simply escalate the tension.
- [9] I admonished both parties yesterday about calling the police. In my view it is harmful to the little 5½ year old girl that I am concerned about in this case. She should not be exposed to police when she goes from the home of one parent to another. I am not going to make an order forbidding calling the police, but I suggest that the parties stop doing so.
- [10] I am therefore dismissing the Father's application number 3. "Gray J."

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Prepared on 28 October 2026 · Esheria