

CANADA / JUDGMENT

Dosanjh v. Sandhu

2024 BCSC 756

COURT

Supreme Court of British Columbia

DECIDED

11 April 2024

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

2024 BCSC 756 Dosanjh v. Sandhu IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Dosanjh v. Sandhu, 2024 BCSC 756 Date: 20240411 Docket: E68683 Registry: New Westminster Between: Sabraj Singh Dosanjh Claimant And Rupinder Kaur Sandhu Respondent Before: The Honourable Justice Thomas Oral Reasons for Judgment In Chambers Counsel for the Claimant: R. Roxborough (as agent) Counsel for the Respondent: J. Wong Place and Date of Trial/Hearing: New Westminster, B.C. April 11, 2024 Place and Date of Judgment: New Westminster, B.C. April 11, 2024

- [1] THE COURT: This is an application pursuant to section 61 for a fine for wrongfully withholding parenting time, recently ordered by Justice Caldwell. The respondent says that the withholding of parenting time was not wrongful pursuant to section 62(c) and (f). The background and overview of the proceedings to date are set out in paragraphs 1 to 27 of the notice of application. The denial of parenting time is set out in paragraphs 32 to 38 of the notice of application.
- [2] The respondent concedes that there has been denial of parenting time, but noticed the child has had a progressively negative reaction to the schedule imposed by Justice Caldwell that has been commented on by the respondent's family, at his childcare by a parent at the childcare, by a nurse practitioner, and a medical doctor.
- [3] The applicant knows that the child did suffer from some diaper rash and the flu and that at least some of these issues, which he advised the respondent of, could account for part of the difficulties experienced by the child.
- [4] The medical evidence is vague and unhelpful. It is based solely on unspecified information told to the practitioners by the respondent. The practitioners did not know for what purpose their comments would be used. The claimant was not asked to attend nor were his views solicited. Dr. Zou specifically stated that his letter was not for court use and was only for the respondent's "records." Due to these factors, the reports obtained by the respondent are neither neutral, nor objective. In my view, they are self-serving.

- [5] It is clear that the respondent is a protective mother who is very distressed by the parenting schedule ordered by Justice Caldwell. I refer to tab 3 of the application record, Exhibit B, as an example. It is clear that she believes Justice Caldwell's order to be unfair and I infer that she believes it not to be in the best interests of her child.
- [6] In my view, the respondent's evidence must be interpreted within this context. I accept that the child is suffering from a number of transitional issues arising from the order of Justice Caldwell. In all the circumstances, this is to be expected. There is no issue of family violence towards the child relevant to this application. The respondent fears that the child's current issues will cause permanent harm. I do not accept this.
- [7] Justice Caldwell determined that it was in the best interests of the child to have the ordered parenting schedule. The respondent clearly disagrees with this finding. She is free to appeal and even seek a stay. Instead, she has taken matters into her own hands and unilaterally granted herself a stay of the order by withholding parenting time.
- [8] The evidence obtained by the respondent does not provide an exception to wrongful denial pursuant to section 62(1)(c) or (f). In my view, the child is not suffering from an illness within the context of section 62(1)(c). The child is suffering from expected transitional issues that are necessary for his long-term well-being and are in his best interests pursuant to Justice Caldwell's order.
- [9] I see no issues which would justify the denial of parenting time pursuant to section 62(1)(f). In my view, this is an attempt by an unsuccessful litigant to avoid complying with a court order based on the best interests of her child.
- [10] I agree with the applicant that a fine pursuant to section 61 is necessary to ensure future compliance with court orders. In my view, an appropriate fine would be \$2,500. This concludes the claimant's application.
- [11] I award the applicant \$2,000 in costs, plus disbursements of \$200, payable forthwith.
- [12] The respondent is restricted from bringing any further applications until payment of the fine and costs. The claimant is at liberty to bring further applications, including an application for non-compliance, should they be necessary. "Thomas 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/24/07/2024BCSC0756.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/dosanjh-v-sandhu-2024>

Prepared on 29 October 2026 · Esheria