

CANADA / JUDGMENT

E.M.W. v. J.P.B.

2020 BCSC 622

COURT

Supreme Court of British Columbia

DECIDED

11 March 2020

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2020 BCSC 622 E.M.W. v. J.P.B. IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: E.M.W. v. J.P.B., 2020 BCSC 622 Date: 20200311 Docket: E152591 Registry: Vancouver Between: E.M.W., also known as E.M.B. Claimant And J.P.B. Respondent Corrected Judgment: The reasons were anonymized for publication purposes on April 21, 2020. Before: The Honourable Mr. Justice Branch Oral Reasons for Judgment In Chambers Counsel for Claimant: S. Jamal Appearing on own behalf: J.P.B. Place and Date of Trial/Hearing: Vancouver, B.C. March 11, 2020 Place and Date of Judgment: Vancouver, B.C. March 11, 2020

- [1] This is an application to prevent the respondent and her children from visiting the respondent's mother in Palm Desert, California. The sole ground for the application is a health concern said to be arising from the presence of the coronavirus. In particular, the applicant is concerned because the State of California has issued a state of emergency.
- [2] Upon review of all the material, however, I find that there is an insufficient basis to restrict the travel. I have come to this conclusion for the following reasons:
- 1) I see nothing in the declaration of the state of emergency that suggests that California is recommending against travel from Canada to California;
 - 2) more importantly, the government of Canada has not issued a travel advisory in relation to travel from Canada to California;
 - 3) the planned airline carrier, WestJet, is not offering any refunds on travel, given this absence of the travel advisory from the government of Canada;
 - 4) there is no evidence before me that the rate of coronavirus is higher in California than in British Columbia;
 - 5) the family is not headed to the more populous Los Angeles County but rather to the more rural Palm Desert, California;
 - 6) the family has no plans to attend large gatherings or amusement parks during their visit;
 - 7) the respondent is carefully monitoring the health recommendations and alerts from the Government of Canada;

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- 8) the respondent has purchased medical insurance to cover any issues arising while the children are in California; and finally
- 9) in terms of the present parenting regime between the parties, the applicant has no current visitation rights as a result of certain criminal allegations and no right to interfere in any travel plans.
- [3] As such, as indicated, I find that there is insufficient basis for the order requested, and hence the application is dismissed. However, given the fluid situation in relation to the fears arising from the coronavirus, I conclude that there should not be a costs order against the applicant. "Branch J."
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Prepared on 28 October 2026 · Esheria