

CANADA / JUDGMENT

Hokhold v. Gerbrandt

2014 BCSC 1807

COURT

Supreme Court of British Columbia

DECIDED

5 September 2014

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2014 BCSC 1807 Hokhold v. Gerbrandt IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: Hokhold v. Gerbrandt, 2014 BCSC 1807 Date: 20140905 Docket: E45924 Registry: Vernon
Between: Andrew Nicholas Hokhold Claimant And Laurie Darlene Gerbrandt Respondent Before:
The Honourable Mr. Justice Cole Oral Ruling re Claimant's Application for Stay of Proceedings
Appearing on his own behalf: A.N. Hokhold Appearing on her own behalf: L.D. Gerbrandt
Counsel for Family Maintenance Enforcement Program: R.E. Benwell Place and Date of Hearing:
Vernon, B.C. September 5, 2014 Place and Date of Judgment: Vernon, B.C. September 5, 2014

- [1] THE COURT: The claimant, the father of two children, applies for a stay of proceedings in respect to my order of May 15, 2014, when I found him in contempt of court and I ordered that he pay \$35,000 per month for support, including retroactive support, of his two children and their mother, and in default, he was to serve 14 days in jail for each default.
- [2] He now says that he is worse off financially than he was on August 11, 2014, when I ordered that his payments be reduced to \$15,000 per month for September, October, and November, and \$25,000 per month thereafter until the hearing of the claimant's application to vary child and spousal support and cancellation of arrears.
- [3] He claims he will close his business if the order is not stayed because he has no money to pay his staff. He has been out of work because of this family trial that just concluded today. He threatened to close his business on a number of other occasions. The arguments that he makes today are the same arguments he made on August 11, 2014, when I reduced his payments.
- [4] I am satisfied that there is no compelling change of circumstances that have taken place since August 11, 2014, until today (Hama v. Werbes, 2000 BCCA 367, at paras. 8 to 10.)
- [5] When Family Maintenance Enforcement lifted their seizure order on his assets and those of his company on January 20, 2014, the claimant's company, the next day, paid \$42,000 to Mrs. Bird's company, Little Feather Global Corp. The close relationship between Mrs. Bird and the claimant and his company is set out in my reasons for judgment indexed at 2012 BCSC 1313 and 2012 BCSC 1683 and my reasons for judgment of May 15, 2014.

- [6] During the contempt hearing that commenced April 30, 2014, I made it clear to the claimant that his top priority was his children and their mother and that he was preferring other creditors over his children and their mother. At that hearing, he made an offer to pay \$6,000 per month support. That offer was rejected. That very day, he, through his limited company, paid Mrs. Bird's company \$30,000. The following day he, through his limited company, paid Mrs. Bird's company \$35,000.
- [7] As of April 14, 2014 he had RRSPs of approximately \$820,000 and Family Maintenance Enforcement took execution against those RRSPs, and at the hearing on July 7, the claimant appeared at that hearing and advised the court that a trial to vary support and cancel arrears was set for August 11, 2014. Based on that representation, I understand the Court adjourned that matter over to after the August 11, 2014 trial. In the latter part of July of 2014, he paid a Vernon law firm \$20,000 to represent him in a different lawsuit. On August 11, 2014, he applied for and was granted an adjournment of that trial, which is now set for some time next year.
- [8] He has not made his September 1, 2014, payment. I am satisfied that he has arranged his affairs in such a way as he has placed himself in a financial bind. This financial bind is of his own creation and caused because he has preferred to pay Mrs. Bird's company before his children and before the mother of those children.
- [9] His application for a stay of proceedings has, in my view, absolutely no merit whatsoever, and I dismiss his application. He will pay costs of this application forthwith upon taxation, and his signature is dispensed with on the signing of this order. The Honourable Mr. Justice F.W. Cole

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Prepared on 27 October 2026 · Esheria