

CANADA / JUDGMENT

Jadavji v. Khadjieva

2026 BCSC 667

COURT

Supreme Court of British Columbia

DECIDED

30 January 2026

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2026 BCSC 667 Jadavji v. Khadjieva IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Jadavji v. Khadjieva, 2026 BCSC 667 Date: 20260130 Docket: E056615 Registry: New Westminster Between: Azmairnin Jadavji Claimant And: Saodat Khadjieva Respondent And: Louis Victor Jadavji Respondent by Counterclaim And: Natasha Jadavji Respondent by Counterclaim Corrected Judgment: the judgment was corrected throughout on April 17, 2026. Before: The Honourable Madam Justice S.M. Sukstorf Oral Reasons for Judgment In Chambers Counsel for the Claimant: D.P. Kuhn Counsel for the Respondent: S. Das Place and Date of Hearing: Port Coquitlam, B.C. January 30, 2026 Place and Date of Judgment: Port Coquitlam, B.C. January 30, 2026

- [1] THE COURT: This application arises in the context of the respondent's claims for child support, s. 7 expenses, and spousal support. There are no outstanding arrears. The issue is the scope of the required financial disclosure, as the respondent seeks production of the respondent's partner's income tax returns and other personal financial documents on the basis that he makes contributions to her household.
- [2] The claimant does not seek to add the respondent's new partner as a party, nor to impose any support obligation upon him. However, he seeks disclosure of the partner's financial information, which he submits is necessary to permit the Court to properly assess the respondent's needs, means, and household circumstances under s. 9 of the Child Support Guidelines, SOR/97-175.

Legal Framework

- [3] The obligation of financial disclosure in family proceedings rests with the litigants, not third parties. Under Rule 5-1 of the Supreme Court Family Rules, a party who seeks or responds to a claim for child support or spousal support is required to provide full, frank, and timely financial disclosure, including the filing and service of financial statements and supporting income documents. That obligation is ongoing and extends to information reasonably available to the party, particularly where the Court must assess the parties' means, needs, and circumstances. The central question, therefore, is what information is reasonably available to the party, and it is on that point that the parties' disagreement primarily lies.

- [4] A new partner's income is not used to calculate table child support, and re-partnering alone does not justify broad disclosure. However, the legal authorities are clear that a new partner's financial contributions may be relevant in limited and well-defined circumstances. These include determinations under s. 9 of the Child Support Guidelines in shared parenting arrangements, the allocation of s. 7 expenses, and the assessment of non-compensatory spousal support. In that context, the Court must consider the parties' conditions, means, needs, and other circumstances.
- [5] Where a party advances support claims based on need, reduced earning capacity, or financial vulnerability, the Court is entitled to consider evidence necessary to understand that party's actual financial circumstances. This reflects the contextual and fact-driven analysis required under s. 9 of the Child Support Guidelines and related support provisions, as confirmed in *Contino v. Leonelli-Contino*, 2005 SCC 63.

Analysis

- [6] Given the nature of the claims advanced, the Court requires a clear understanding of the respondent's actual financial circumstances. Her affidavit acknowledges a shared household and makes general assertions that her partner pays certain household expenses. However, the evidence lacks the specificity required for the Court to assess her needs and overall financial position. In particular, there is no evidence of the actual cost of housing or how those costs are being met. In these circumstances, the respondent must provide that information.
- [7] Importantly, the evidence must be sufficiently specific to identify the nature and extent of her partner's contributions to the shared household. This includes details of utilities, phone, transportation, groceries, and other recurring expenses; whether any financial assistance has been provided by him by way of loans, gifts, or otherwise; and the nature and terms of the referenced \$20,000 loan. The Court also requires evidence of the extent to which these contributions affect the respondent's actual monthly expenses and standard of living.
- [8] Counsel for the claimant correctly observes that the respondent's stated expenses significantly exceed her reported income, even before accounting for income tax payable or daycare. The record suggests some degree of financial intermingling and household support, and there are some inconsistencies between the respondent's financial statement and other evidence.
- [9] Without clear and sworn evidence addressing these matters, the Court cannot properly undertake the analysis required under s. 9, s. 7, or, if applicable, the provisions governing spousal support.
- [10] I am satisfied that the information sought is relevant to the issues to be determined at trial. It is reasonably available to the respondent and must be provided by her, as the onus rests on the respondent.

- [11] The respondent's partner is not required to swear an affidavit, is not being compelled to produce documents, and is not being made a party to this proceeding. The obligation is confined to information within the respondent's knowledge, or from which she receives or derives a financial benefit, and that is reasonably available to her.
- [12] This is not a fishing expedition. It is a proportionate and necessary disclosure obligation directly tied to the claims the respondent seeks to have the Court adjudicate.
- [13] To be clear, the purpose of this disclosure is to enable the Court to assess the respondent's actual financial circumstances, including her housing and living expenses. The disclosure is confined to information reasonably available to the respondent. Disposition and Orders
- [14] Accordingly, I order that the respondent file an affidavit addressing the following: Housing
- [15] With respect to her housing, the respondent shall provide particulars of her housing arrangements, including:
- a) the full monthly cost of housing, including base rent or mortgage payments, strata fees (if any), property taxes (if applicable), and utilities ordinarily associated with the residence;
 - b) whether she is a tenant, owner, or co-occupant and, if a tenant, a copy of the lease or rental agreement; and
 - c) the allocation of those costs, including the portion paid by the respondent and the portion, if any, paid directly or indirectly by her current partner. Household Expenses
- [16] With respect to household expenses, specificity is required. The respondent shall provide particulars of whether her partner pays, contributes to, or reimburses her for expenses such as utilities, internet, phone, cable, groceries, household supplies, transportation or vehicle costs, insurance, daycare and other recurring expenses. Where such contributions are made, the respondent shall provide the approximate monthly amounts. Other Financial Assistance
- [17] The respondent shall also provide particulars of any loans, gifts, or transfers of funds provided by her partner since the commencement of the relationship, including the approximate amounts and their purpose. This includes any non-monetary benefits, such as the provision of legal services, whether on a one-time or ongoing basis. The respondent shall also address the extent to which those contributions affect her claimed need, including any impact on her monthly expenses and financial circumstances.
- [18] To be clear, the respondent is not required, at this time, to produce her partner's income tax returns, notices of assessment, or financial statements. The affidavit is limited to matters within the respondent's knowledge or reasonably available to her.

- [19] No finding is made that the respondent's partner bears any legal obligation of support. The purpose of this disclosure is to ensure that the Court has a complete and accurate understanding of the respondent's financial circumstances, so that the children's standard of living may be appropriately considered in both households. That assessment is properly the role of the trial judge.
- [20] Given the divided success on this application, each party will bear their own costs. "Sukstorf J."
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