

CANADA / JUDGMENT

Kasapoglu v. Kasapoglu

2020 BCSC 2087

COURT

Supreme Court of British Columbia

DECIDED

11 December 2020

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2020 BCSC 2087 Kasapoglu v. Kasapoglu IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: Kasapoglu v. Kasapoglu, 2020 BCSC 2087 Date: 20201211 Docket: E182730 Registry:

Vancouver Between: Angie Neco Kasapoglu also known as Necmiye Kasapoglu also known as Necmiye Gencer Claimant And Emin Tan Kasapoglu, Kasapoglu Family 2017 Trust, Confidex Holdings Ltd., Certus Enterprises Ltd., Ingenius Incorporated, West Quay Offices Inc. also known as Butcherson Investments Inc. Respondents And Nurdan Ozel Respondent Before: Master Cameron Oral Reasons for Judgment Counsel for the Claimant: K. Heinrichs Counsel for the Respondent Emin Tan Kasapoglu: J.M. Werb K. Lawrence Place and Date of Hearing: Vancouver, B.C. December 11, 2020 Place and Date of Judgment: Vancouver, B.C. December 11, 2020

- [1] This is an application brought pursuant to s. 222 and 227 of the Family Law Act by Mr. Kasapoglu (the respondent) seeking an order that Ms. Kasapoglu (the claimant) not bring their child M. into the presence of Ms. Anna Perry who was prior counsel for the claimant in this family case.
- [2] The evidence and submissions from both counsel support the conclusion that Ms. Perry's judgment was flawed when she proposed to continue to assist the claimant with this family case once she was no longer acting as her counsel, by offering to be a supervisor to facilitate the claimant's parenting time with M.
- [3] I believe Ms. Perry's intentions were for the best in offering to assist in this way, but if she had reflected more carefully she would have recognized she was not a suitable person to provide supervision after being counsel for the claimant for some considerable time in this high conflict family law case. Simply put, she would not be viewed as being neutral and objective as a parenting supervisor.
- [4] These events have caused the respondent to be distrustful of Ms. Perry as she has continued to support the claimant as a friend and advisor and has added to the friction between the parties.
- [5] Section 222 of the Family Law Act (the FLA) reads as follows:

[222] At any time during a proceeding or on the making of an order under this Act, the court may make an order under this Division for one or more of the following purposes:

- (a) to facilitate the settlement of a family law dispute or of an issue that may become the subject of a family law dispute;
- (b) to manage behaviours that might frustrate the resolution of a family law dispute by an agreement or order;
- (c) to prevent misuse of the court process;
- (d) to facilitate arrangements pending final determination of a family law dispute.

[6] Section 227 reads in part:

[227] A court may make an order requiring a party to do one or more of the following: . . .

- (c) do or not do anything, as the court considers appropriate, in relation to a purpose referred to in section 222 . . .

[7] This application seeks an order, as I have said, that the claimant not bring M. into the presence of Ms. Perry. The s. 211 report authored by Dr. Korpach and recently released to the parties supports the conclusion that the time spent by Ms. Perry in the company of the claimant and M has been beneficial for M. Ms. Perry has become a close friend and a source of support for the claimant and, given the struggles that the claimant has had and that she continues to have with her sobriety, that support ought to be encouraged.

[8] In my view, it would not be in the interests of the parties in their efforts in resolving this litigation to limit the time that the claimant may spend with Ms. Perry accompanied by M. On all of the evidence there is nothing to suggest that M has had anything but a positive experience when her mother spends time with Ms. Perry and she comes along with her.

[9] I now turn to the specific concern raised by the respondent that Ms. Perry has been residing overnight on occasion at the former family home. Although since separation the claimant has resided in the home the respondent continues to have a close attachment to the property. He bristles at the fact that when Ms. Perry stays overnight she has access to his home office and other private space. While the parties have now agreed that the home will be sold a sale may be some months away. Until the home is sold if Ms. Perry were to continue to stay overnight on occasion I conclude that it will result in continuing resentment and discord between the parties.

[10] The evidence confirms that Ms. Perry need not reside with the claimant when she visits from her home in Victoria. She has other family in the Lower Mainland who can offer her accommodation as need be.

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- [11] Counsel did not provide any authorities that address when and in what circumstances an order should be made under these provisions of the FLA to limit contact between a party to a family law case and a third party as sought and I was not able to find any myself.
- [12] Section 222 and 227 of the FLA provide that any conduct orders that are to be made must be designed to reduce the friction and the tension between the parties and promote a resolution of matters.
- [13] I conclude at this time when the parties must make their best efforts to settle the litigation short of a lengthy trial set for March 2021, that these objects may be furthered if Ms. Perry does not reside overnight in the former family home and I make that order pursuant to s. 222 (a) and (d) of the FLA. "Master Cameron"
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Prepared on 27 October 2026 · Esheria