

CANADA / JUDGMENT

Kaur v. Singh

2018 BCSC 2425

COURT

Supreme Court of British Columbia

DECIDED

24 October 2018

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2018 BCSC 2425 Kaur v. Singh IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Kaur v. Singh, 2018 BCSC 2425 Date: 20181024 Docket: E052986 Registry: New Westminster Between: Gurpreet Kaur Claimant And Kanwaljit Singh, Avtar Singh Dhaliwal and Harvinder Kaur Dhaliwal Respondents Before: The Honourable Madam Justice Iyer Oral Reasons for Judgment In Chambers Counsel for the Claimant: A. Kahlon Counsel for the Respondent Kanwaljit Singh: R. Choudhry No other appearances Place and Date of Trial/Hearing: New Westminster, B.C. October 24, 2018 Place and Date of Judgment: New Westminster, B.C. October 24, 2018

- [1] THE COURT: All right, I am satisfied, based on hearing from both Ms. Kaur and Mr. Singh, that the present arrangement for pre-recorded audio or video messages and responses ordered by Madam Justice Shergill on September 6, 2017 is not a workable form of communication and, based on that, I am satisfied that the circumstances are such that a variation is appropriate.
- [2] With respect to that variation, I understand from the notice of application that Mr. Singh is seeking a number of orders, and they are interim orders, so they are not, just so you understand, permanent. They are going to be a variation of Justice Shergill's orders, and their purpose is to tide the parties over until the point in time when you can come to court and resolve these disputes in a more comprehensive way.
- [3] I am referring now to paragraphs 3, 4, and 5 of the notice of application, I understand there is no objection to them, so that on an interim and without prejudice basis, the respondent shall have live video calls with each child on their birthdays for a minimum of 30 minutes as follows: Jaskeerat Kaur on May 19; Ekam Singh on November 17; and Jassa Singh on October 9.
- [4] Second, on an interim and without prejudice basis, again on consent, the respondent shall have live video calls with the children on Father's Day for a minimum of 45 minutes.
- [5] Third, the claimant through her counsel shall provide to counsel for the respondent regular updates on the children's health, education, and general well-being, and it is understood that those terms do not include any location information.

- [6] Turning now to the substance of this application, it concerns contact between Mr. Singh and the children. There are two components to that, supervised parenting time, which is in-person parenting time, and communications, audio or video communications.
- [7] Based on what I have heard and what I have reviewed from the materials, I am satisfied that it is appropriate to dispense with the pre-recorded communications that are not working and instead to substitute live phone calls or live communication, whether it is by phone, Skype, or WhatsApp or similar audio-visual means. They will be mutually recorded and they will be supervised.
- [8] The mechanism through which the contact is arranged shall not include GPS, or a device with a working GPS function. Mr. Singh is to pay for the cost of whatever device is used. I infer from what I have been told that the mom does not have such a device, so Mr. Singh can either provide the money to purchase such a device, or provide the device himself, in which case Ms. Kaur will have to ensure that the GPS is turned off.
- [9] The supervision shall not be by Ms. Kaur, it should be by an independent person. If there is any cost associated with that it will be paid by Mr. Singh.
- [10] Recognizing that these parties do not have a history of agreeing, I am trying to craft an order here that is as flexible as possible. Therefore, the timing of the phone calls should include at least one weekend day and scheduled around the children's activities, so their normal activities are not disrupted, and not interfering with bedtimes or meal times. I am trying to look at the information in the application, but it is not really sufficient to enable me to stipulate a time, and I do not think that that would be desirable. So there will be three phone calls a week, and I am going to ask counsel to coordinate a schedule that is workable for both parties and for the children.
- [11] I am going to set a minimum length of 10 minutes total time for all three children. I recognize that this is going to be difficult initially, so a minimum of 10 minutes total time initially, with a view of increasing that time to 30 minutes over the course of the next six weeks. This gives everybody an opportunity to get used to the new arrangement.
- [12] With respect to supervised parenting time, that is, in-person parenting time, I have taken into account that Mr. Singh wants to have in-person contact with his children, and there is no dispute that such contact would be supervised and that the cost of the supervision would be borne by Mr. Singh. Ms. Kaur is not opposed to that. She has proposed two days of weekend visits per month of four hours each, and I am prepared to make that order.
- [13] So there will be in-person supervised parenting time one weekend per month, starting in November 2018 of a maximum of four hours per visit on each of Saturday and Sunday. However, if there is a professional development day, or a day when the children are not in school, it could occur on that day instead of one of the Saturday or Sunday.
- [14] I believe that takes care of everything. Is there anything else that I need to address?

- [15] MS. KAHLON: My Lady, the only thing that comes to my attention is that my friend has been successful on her three phone calls, but the duration of which is commensurate with what we had proposed, and the two days is what we had offered in our settlement offer to my friend as well, so the issue of costs, I don't know if My Lady is --
- [16] THE COURT: I am not going to make a costs order at this point.
- [17] MS. KAHLON: Thank you, My Lady.
- [18] THE COURT: This is an interim ruling and I do not think that it is appropriate that I make a costs order right now.
- [19] MS. KAHLON: Thank you, My Lady.
- [20] MS. CHOUDHRY: Yes, My Lady, just to confirm, so the two-day visit per month, that continues until we have the hearing of this matter?
- [21] THE COURT: That is right, and just for further clarification, if any of the two-day in-person visits is taking place on a day that would ordinarily be a day for a phone call, that phone call will not occur.
- [22] MS. KAHLON: Thank you, My Lady.
- [23] MS. CHOUDHRY: Thank you.
- [24] THE COURT: Thank you. "IYER J."

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