

CANADA / JUDGMENT

Kreke v. Alansari

2021 SCC 50

COURT

Supreme Court of Canada

DECIDED

2 December 2021

Source: decisions.scc-csc.ca · Research copy typeset by Esheria. Not court-issued or certified.

Kreke v. Alansari Collection Supreme Court Judgments Date 2021-12-02 Neutral citation 2021 SCC 50 Report

[2021] 2 SCR 685 Case number 39567 Judges Wagner, Richard; Moldaver, Michael J.; Karakatsanis, Andromache; Côté, Suzanne; Brown, Russell; Rowe, Malcolm; Martin, Sheilah; Kasirer, Nicholas; Jamal, Mahmud On appeal from Saskatchewan Notes SCC Case Information Decision Content SUPREME COURT OF CANADA Citation: Kreke v. Alansari, 2021 SCC 50, [2021] 2 S.C.R. 685 Appeal Heard: December 1 and 2, 2021 Judgment Rendered: December 2, 2021 Docket: 39567 Between: Tiffany Jo Kreke Appellant and Amro Abdullah M. Alansari Respondent Coram: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ. Judgment Read By: (paras. 1 to 3) Wagner C.J. Majority: Wagner C.J. and Moldaver, Karakatsanis, Brown, Rowe, Martin, Kasirer and Jamal JJ. Dissent: Côté J. Tiffany Jo Kreke Appellant v. Amro Abdullah M. Alansari Respondent Indexed as: Kreke v. Alansari 2021 SCC 50 File No.: 39567. 2021: December 1, 2; 2021: December 2. Present: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ. on appeal from the court of appeal for saskatchewan Family law — Custody — Change of residence — Best interests of child — Trial judge allowing mother's application for permission to relocate with child — Court of Appeal concluding that trial judge misapprehended evidence in way that affected her conclusion that it was in best interests of child to relocate and failed to consider or overlooked factors relevant to determination — Court of Appeal setting aside trial judge's orders regarding mobility, custody and parenting arrangements and ordering new trial — No reviewable error made by trial judge — Trial judge's orders restored. Family law — Support — Spousal support — Trial judge imputing income to mother for purposes of calculating spousal support payable by father — Court of Appeal concluding that trial judge misapprehended evidence in respect of mother's employment status and employment prospects — Court of Appeal setting aside trial judge's spousal support order, imputing higher income to mother and reducing monthly spousal support payments — No reviewable error made by trial judge — Trial judge's order restored. APPEAL from a judgment of the Saskatchewan Court of Appeal (Caldwell, Whitmore and Barrington-Foote JJ.A.), 2020 SKCA 122, 464 D.L.R. (4th) 453, [2020] S.J. No. 404 (QL), 2020 CarswellSask 522 (WL Can.), setting aside the orders of Wilson

J. of the Court of Queen's Bench, dated July 4, 2019, and July 17, 2019, DIV No. 423 of 2018, making a final order as to spousal support, and ordering a new trial on issues of mobility, custody, access, primary residence and parenting. Appeal allowed, Côté J. dissenting. Karina Jackson, for the appellant. Kate Crisp, for the respondent. The judgment of the Court was delivered orally by

- [1] The Chief Justice — Even if the fresh evidence were admitted, a majority of this Court is of the view that there was no reviewable error made by the trial judge.
- [2] Therefore, the appeal is allowed and the trial judge's orders dated July 4, 2019, and July 17, 2019, are restored with costs throughout.
- [3] Justice Côté, dissenting, would have dismissed the appeal on the ground that it is moot since she would have admitted the fresh evidence, and in light of this, would remand the matter to the Court of Queen's Bench. Judgment accordingly. Solicitors for the appellant: Mokuruk & Woods Law Office, Saskatoon. Solicitors for the respondent: McKercher, Saskatoon.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/19098/index.do>

CASE PAGE <https://chat.esheria.ai/case-law/canada/kreke-v-alansari-2021>

Prepared on 26 October 2026 · Esheria