
CANADA / JUDGMENT

L.N.S. v. W.R.W.C.

2025 BCSC 1613

COURT

Supreme Court of British Columbia

DECIDED

24 July 2025

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2025 BCSC 1613 L.N.S. v. W.R.W.C.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

L.N.S. v. W.R.W.C.,

2025 BCSC 1613

Date: 20250724

Docket: E69223

Registry: New Westminster

Between:

L.N.S.

Claimant

And:

W.R.W.C.

Respondent

Before: Associate Judge Bilawich

Oral Reasons for Judgment

In Chambers

Counsel for the Claimant:

C.J. Carta

Counsel for the Respondent:

H. Randhawa

Place and Date of Hearing:

New Westminster, B.C.

July 8, 2025

Place and Date of Judgment:

New Westminster, B.C.

July 24, 2025

Introduction

[1] THE COURT: This is a high-conflict family dispute. Before me are three interim applications:

- a) By application filed May 22, 2025, the claimant seeks an order restraining the respondent from relocating with the parties' children, [F], born [redacted], 2019, and [E], born [redacted], 2016, outside of the Lower Mainland of BC;
- b) By application filed June 11, 2025, the claimant seeks an order that she have graduated unsupervised parenting time with the children; and
- c) By application filed June 24, 2025, the respondent seeks an order that he be permitted to relocate with the children to Thompson, Manitoba, on July 31, 2025.

[2] Each application is opposed by the other party.

Background

[3] The parties began residing together in a marriage-like relationship on or about August 1, 2015, and separated on September 7, 2022. They have two children of their relationship: [F] (age 5) and [E] (age 8).

[4] [F] has been diagnosed as having Attention Deficit Hyperactivity Disorder and Oppositional Defiance Disorder. [E] has learning disabilities related to reading and writing, and there is mention of [F] having issues with iron deficiency.

[5] The respondent is a status band member of the Siksika Nation.

[6] During the relationship, the parties relocated to Manitoba with the children for a two-year period, between late 2020 and October 2022, after which they returned to BC, with the respondent's consent.

- [7] Both parties have re-partnered post-separation. The claimant married [C.H.] in November 2023. The respondent married [A.W.C.] in January 2024. [A.W.C.] has two children from a previous relationship: [S] (age 6) and [C] (age 5). It is my understanding that the respondent and [A.W.C.] had a new child together, after the February 2025 incident which will be addressed below.
- [8] The parties were initially involved in litigation in BC Provincial Court on September 14, 2023. Judge Mah made an order which resulted in the respondent having parenting time with [F] and [E] from 9:00 a.m. on Sundays until 6:00 p.m. on Tuesdays. The claimant had them for the balance of the week. This arrangement was in place from September 2023 until August or September 2024.
- [9] Around August 2024, the claimant's partner, [C.H.], separated from her and relocated to the United States. Shortly thereafter, the claimant became ill with an infection (sepsis) and suffered a concussion as a result of fainting due to her illness. She says she has struggled with her health for many years. She has fibromyalgia and is on disability. The claimant says she was overwhelmed by the combination of the separation and her health issues. She began asking the respondent for extra help with the children. The parties roughly reversed the parenting schedule. The changeover started in around August and then became more permanent in late October 2024. The respondent had the children from Sunday to Friday each week and the claimant had them Friday at 3:00 p.m. to Sunday at 12:00 p.m., with some variations here and there.
- [10] The claimant says that by about January 2025, she had recovered and informed the respondent that she wished to return to their previous parenting schedule. This would result in the children returning to what she describes as her "primary care". It appears her request was motivated in part by [E] having informed her at some point in January 2025 that the respondent was planning to relocate with the children to Manitoba. The claimant says she also discovered the respondent was not giving [E] certain medication during his parenting time.
- [11] On January 17, 2025, the claimant notified the respondent that their regular court-ordered parenting schedule would resume. She says the respondent was initially agreeable to this.
- [12] On February 4, 2025, the respondent messaged the claimant, indicating that he now disagreed with returning to the former court-ordered parenting schedule. The claimant became concerned he would wrongfully withhold the children from her.
- [13] The claimant says that, due to the respondent's failure to return the children to her, on February 5, 2025, she went to their school to pick them up. The pickup time was around 2:20 p.m. [E] was at the school, but [F] was absent due to illness. The claimant dropped [E] off with her mother, [D.S.], and attended at the respondent's home. While enroute, she contacted the police and requested that they attend, as she anticipated the respondent intended to wrongfully withhold [F] from her.

- [14] Initially, the respondent and [F] were not at the home. The respondent was contacted by telephone. He eventually returned home with [F]. He advised that [F] was sick and declined to return him to the claimant while he was ill.
- [15] A confrontation followed. The claimant says the police declined to intervene and advised her to contact the Ministry of Children and Family Development ("MCFD"). She became distraught and panicked when she eventually saw [F], who appeared to be sick and upset.
- [16] The claimant says she got into her vehicle and caused it to crash into the carport of the respondent's home and into his vehicle. The police were still on scene at the time. The claimant was arrested and charged criminally for the incident.
- [17] The respondent says that prior to the collision, the claimant had sounded the horn on her vehicle constantly for roughly a two-minute period. Following the crash, the police directed the claimant to exit her vehicle and cease her continuing efforts to accelerate it, but she did not follow their directions.
- [18] The respondent notes that he, his wife, [A.W.C.], and several young children ([F], [S] and [C]) were inside the home at the time the claimant drove her vehicle into the carport structure. [A.W.C.] was in the late stages of pregnancy at the time. He says there was a loud noise and their house shook, scaring everyone. Respondent's counsel suggests the claimant made continued efforts to try to hit the home with her vehicle following the initial carport collision. The respondent also says the claimant made threats that she would kill him.
- [19] I will refer to this confrontation as the "February 5 Incident".
- [20] The claimant was detained overnight for a mental health assessment and released on February 7, 2025, with conditions set out in a Release Order made by Judge Jetté of BC Provincial Court. Its terms included ones which prevented the claimant from communicating with, or being within 100 metres of [E] and [F], with certain exceptions.
- [21] On February 7, 2025, the respondent filed a without notice application for a protection order against the claimant. Justice Elwood granted the order, which includes the following:
- a) The claimant was restrained from directly or indirectly communicating with the respondent and [A.W.C.], except written communication through counsel.
 - b) The claimant was restrained from attending at, nearing, or entering the respondent's home or any other place where the respondent and [A.W.C.] attend.
 - c) The claimant was restrained from following the respondent and [A.W.C.].
 - d) A police-officer enforcement clause was included.
- [22] MCFD also issued an Undertaking / Safety Plan which provided that the children were to remain in the respondent's care. The claimant says the MCFD Safety Plan expired on March 25, 2025.

- [23] On March 6, 2025, the claimant filed an application seeking parenting time with the children, including:
- a) Twice weekly video calls; and
 - b) Supervised in-person parenting time at the home of her mother, [D.S.], each weekend commencing after school on Fridays or at 9:00 a.m. if there is no school until Sunday evenings at 6:00 p.m., with the claimant's mother acting as supervisor.
- [24] On May 1, 2025, the respondent, via counsel, delivered to the claimant a letter notifying her of his intention to relocate with the children to Manitoba.
- [25] The claimant says on May 16, 2025, MCFD notified her they would not be restricting her access to the children and consented to her starting to see them again.
- [26] On May 22, 2025, the claimant filed her application for an order restraining the respondent from relocating with the children outside the Lower Mainland of BC.
- [27] On June 11, 2025, the claimant filed her application for graduated in-person parenting time with the children, to occur at her mother's home. She proposed that the parenting time not be formally supervised.
- [28] On June 20, 2025, the claimant took a drug test, which came back with positive results for amphetamine, marijuana metabolite/THCA, and alcohol. The claimant says the amphetamine came from a prescription drug she was taking under a doctor's orders. She says the marijuana and alcohol are not remarkable because she was not exercising any parenting time with the children at the relevant times.
- [29] On June 27, 2025, the parties agreed to a consent order providing for the following:
- a) On an interim basis or until the respondent relocates with the children to Manitoba, the claimant will have weekly parenting time with the children by video between Sunday and Tuesday, at a time to be agreed;
 - b) On an interim basis or until the respondent relocates with the children to Manitoba, the claimant will exercise in-person supervised parenting time with the children on 8 specified days in June and July, for periods ranging between 1.5 to 2 hours;
 - c) The claimant will exercise in-person supervised parenting time with the children on Friday and Saturday of each week, from 3:00 p.m. to 6:00 p.m.;
 - d) The claimant's parenting time will be supervised by her mother at all times;
 - e) The children will not be left alone with the claimant for any reason;
 - f) The claimant's mother will be responsible for the pickup and drop-off of the children from the respondent's home;

- g) During her parenting time, the claimant will not be under the influence of any alcohol or drugs, except for drugs prescribed by a medical practitioner; and
- h) The parties will not discuss with the children any inappropriate adult court or legal matters, blame, criticize, or disparage the other parent to the children.

Interim Relocation to Manitoba

- [30] The respondent seeks an interim order allowing him to relocate with the children to Manitoba; specifically, to [address redacted], Thompson, Manitoba, on July 31, 2025. They would be residing at his grandfather's 1,000-acre farm. It has a three-storey home with four bedrooms, two bathrooms, a kitchen, large living room, garage, and a basement. It has a playground which includes a slide, swing set and trampoline. [E] and [F] would each have their own bedroom. The children have previously resided at this farm from March 2021 to October 2022. He says they had a great time while living there and thoroughly enjoyed life on the farm.
- [31] He intends to seek employment as a bus driver after relocating there. He will assist his grandfather with farming activities and anticipates that he will eventually take over the entire farming operation.
- [32] The respondent has numerous family members who reside in the area. His mother and grandmother reside in Manitoba. He has numerous aunts, uncles and cousins there as well.
- [33] There is a health centre located 30 minutes away by car. They would be attending [redacted] School, which is located approximately 10 minutes away from the farm. They would be able to attend the same school until they graduate from grade 12, theoretically. There are numerous dental clinics in Morden, Manitoba, which is approximately 30 minutes away.
- [34] The respondent is open to facilitating the claimant having weekly FaceTime contact with the children. Once she has adequately addressed her mental health issues, he takes no issue with her seeing the children for one week during the school spring break, one week during the school Christmas break, and one month during the school summer break.
- [35] The respondent says that, in the wake of the February 5 Incident, he is concerned for his safety and that of his family. The claimant has serious mental health concerns which have not been addressed. He says the children have witnessed family violence perpetuated by the claimant, and they have expressed to him concerns about being returned to her care. The claimant is not able to provide a stable environment for the children. They have advised him that the claimant previously made them sleep on couches in the homes of people they had never met before. When they were returned from her care, they appeared to be sleep-deprived and "out of it."

- [36] The claimant says she was primarily responsible for the children, in terms of parenting time and meeting their needs. They have particular medical and educational needs, which she was responsible for addressing. They both currently attend [redacted] Elementary School. [E] is supported by a team which includes a counsellor and full-time education assistant. They are both involved in the Delta School District's Indigenous Education Program. The school also has a dedicated Aboriginal Support Worker.
- [37] She stresses that the children were born in BC. They have medical issues which have been treated in the Lower Mainland. Their family doctor is in White Rock. Their dentist office is in the Tsawwassen Place Dental Clinic.
- [38] The parties had relocated to Manitoba with the children between late 2020 and October 2022. They returned to BC with the respondent's consent. She notes that the Siksika Nation, of which the respondent is a member, is located in Alberta, one hour east of Calgary, not in Manitoba. While the parties resided in Manitoba, the respondent did not engage with or did not encourage the children to engage with their cultural heritage. She was responsible for doing that. When [E] previously attended [redacted] School while they lived in Manitoba, he did not have sufficient supports there and ran away from school on multiple occasions. She also suggests the children had not formed a strong relationship with the respondent's family during their time in Manitoba.
- [39] The claimant was adopted by [redacted] and the Three Sun family. She, rather than the respondent, was responsible for facilitating the children connecting with their indigenous heritage. This included taking them to pow-wows, drumming and singing circles, marches and protests.
- [40] She complains that since the February 5 Incident, the respondent has not facilitated her relationship with the children, despite having been informed by MCFD and Crown Counsel that there are no safety concerns or restrictions on her having parenting time with them. She complains the respondent has inappropriately restricted and decreased her parenting time. She acknowledges that she has mental health challenges and says she has been actively taking steps to address them.

Applicable Law

- [41] When making an order regarding parenting arrangements, the court is required to consider the best interests of the child only. Section 37(1) and (2) of the Family Law Act, S.B.C. 2011, c. 25 ("FLA") are as follows:

37 (1) In making an agreement or order under this Part respecting guardianship, parenting arrangements or contact with a child, the parties and the court must consider the best interests of the child only.

- (2) To determine what is in the best interests of a child, all of the child's needs and circumstances must be considered, including the following:

- (a) the child's health and emotional well-being;
 - (b) the child's views, unless it would be inappropriate to consider them;
 - (c) the nature and strength of the relationships between the child and significant persons in the child's life;
 - (d) the history of the child's care;
 - (e) the child's need for stability, given the child's age and stage of development;
 - (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise the person's responsibilities;
 - (g) the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member;
 - (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in the person's ability to care for the child and meet the child's needs;
 - (i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;
 - (j) any civil or criminal proceeding relevant to the child's safety, security or well-being.
- (3) An agreement or order is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being.
- (4) In making an order under this Part, a court may consider a person's conduct only if it substantially affects a factor set out in subsection (2), and only to the extent that it affects that factor.

[42] Section 38 sets out factors to be considered when assessing the best interests of a child where family violence is involved:

38 For the purposes of section 37 (2) (g) and (h) [best interests of child], a court must consider all of the following:

- (a) the nature and seriousness of the family violence;
- (b) how recently the family violence occurred;
- (c) the frequency of the family violence;
- (d) whether any psychological or emotional abuse constitutes, or is evidence of, a pattern of coercive and controlling behaviour directed at a family member;
- (e) whether the family violence was directed toward the child;

- (f) whether the child was exposed to family violence that was not directed toward the child;
- (g) the harm to the child's physical, psychological and emotional safety, security and well-being as a result of the family violence;
- (h) any steps the person responsible for the family violence has taken to prevent further family violence from occurring;
- (i) any other relevant matter.

[43] The claimant also relies on Articles 9, 11, 12, 13, 14 of the Declaration on the Rights of Indigenous Peoples Act, S.B.C. 2019, c 44. They were not addressed in detail in the course of argument, so it is not necessary to reproduce them here.

[44] Section 65-69 of the FLA address relocation. Generally speaking, the court will be reluctant to address relocation on an interim application. In *Den Duyf v. Den Duyf*, 2024 BCSC 2151, at paras. 65-66 and 74:

[65] For many of the same reasons the courts approach final relocation orders carefully on a summary trial basis, they are also reluctant to allow a relocation on an interim application. An interim order that has the effect of significantly reducing the non-moving parent's time with the child can be tantamount to a final order, with a lasting impact on the child's relationship with both parents: *Nolie v. Reece*, 2016 BCSC 2201, at para. 27.

[66] That being said, relocation orders may be granted on an interim basis in appropriate cases: *P.D.B. v. L.D.A.*, 2021 BCSC 1984, at para. 46.

[74] On an interim application, the fundamental question is whether it is in the child's best interests to allow the relocation on an interim basis pending a full trial. If the child's best interests are evenly balanced on the interim application, the relocation issue is better left to trial.

[45] And in *Nolie v. Reece*, 2016 BCSC 2201, at paras. 25-28:

[25] There is a great deal of conflict in the evidence before me that relates to the factors that bear on the analysis of the children's best interest and each party has suggested the other is not credible. There are also significant gaps in the evidence regarding the children. I have little sense of Cecil and Morgan Li as individuals, or their daily lives. Who are their friends? How did Cecil enjoy kindergarten? What activities are they involved in? What are each child's needs and strengths and personality? How have the children responded to weekly weekend visits with Mr. Nolie since August 8th, 2016?

[26] I appreciate the parties have not had a great deal of time to prepare some of their materials. Understandably perhaps, the evidence focuses to a large extent on the proposed move and Ms. Reece's plan, its benefits from her perspective, and its weaknesses from Mr. Nolie's.

- [27] Relocation is, as Master Scarth said in *D.R.K. v. S.G.G.*, 2013 BCSC 2107, one of the most serious decisions the court is asked to make. It can have a lifelong impact on a child and his or her relationship with a non-moving parent. When granted at the interim stage, it can be tantamount to a final order.
- [28] The authorities indicate that courts are reluctant to consider relocation applications at the interim stage particularly where the move would significantly reduce the non-moving parent's time with the child.

Analysis

- [46] One of the cases the respondent relies on is *K.H.D. v. O.O.M.*, 2022 BCSC 1525. There, I concluded it was one of the relatively rare cases in which it was appropriate to allow relocation on an interim application. This was due to there being uncontested evidence establishing a pattern of ongoing harassment of the respondent which could fairly be characterized as a form of ongoing family violence. This was having an adverse impact on the well being of the children and was contrary to their best interests. See para. 122 of those reasons.
- [47] The claimant argues that in the present case, there are no analogous factors raised by the respondent in support of his application for interim relocation. Since the February 5 Incident, the claimant has been compliant with all orders and directions arising from her criminal case, with the MCFD Safety Plan and the Protection Order made on February 7, 2025 in this action. She has been pursuing counselling and other assistance to address her mental health issues. She suggests MCFD has completed its investigation and has indicated it has no concerns about her having parenting time with the children. The claimant's mother lives in the Lower Mainland. [D.S.] is a retired Vancouver Police Department officer and has indicated a willingness to make herself and her home available for the claimant to exercise parenting time, including by continuing to provide supervision as necessary, transportation for exchanges, and helping to facilitate communication between the parties concerning the children. The claimant also points to the children's established status quo of attending school here, as well as the educational and medical supports which have been established for them here.
- [48] Claimant's counsel says he can be available for relatively early trial dates, such that it is realistic to expect a trial could be held as early as one year from today, subject to availability of mutually convenient trial dates from Supreme Court Scheduling.
- [49] This is clearly a high-conflict and complex dispute. I suspect the court would benefit from having a comprehensive s. 211 FLA report available to help assess what is in the best interests of [E] and [F]. Unfortunately, there is currently no such report in the works. The evidence before me on this application regarding the children's lives and circumstances here in BC and the opportunities available in Manitoba is, frankly, inadequate for the sort of fully rounded analysis that is necessary. See *Hellberg v. Netherclift*, 2017 BCCA 363, at para.

72:

- [72] The importance of considering the best interests of the child "in the round" can be traced to this Court's judgment in *Hejzlar v. Mitchell-Hejzlar*, 2011 BCCA 230 per Saunders J.A. at para. 46. Although the expression was used in a particular context in *Hejzlar*, it is one of general application and simply means that consideration of the child's best interests requires a fully-rounded analysis that takes into account all relevant factors.
- [50] It is clear that permitting an interim relocation to Manitoba would dramatically reduce, if not effectively extinguish the claimant's opportunities to try to gradually re-establish her in-person parenting time with the children. The parties are both of relatively modest financial means. Trying to make long-distance parenting work between BC and Manitoba would undoubtedly be a major obstacle for her.
- [51] I agree this is not a case in which there is any sense of urgency which makes determining relocation on an interim application appropriate. This should be addressed either in a summary trial application or at a full trial on viva voce evidence, with a far more fulsome evidentiary record and possibly with the benefit of cross-examination of witnesses.
- [52] The respondent's application for an interim relocation of the children to Manitoba is dismissed. Relocation will be determined at trial or on summary trial, as appropriate.

Interim Non-Removal From BC

- [53] In view of my dismissal of the respondent's application for interim relocation of the children to Manitoba, I agree it is appropriate for there to be an ongoing interim order that neither party relocate with or remove the children from the Lower Mainland of BC without further order or written agreement of the parties. This will remain in effect until the respondent's relocation application has been determined at trial.

Interim Parenting

- [54] The claimant seeks an order that she have graduated unsupervised parenting time with [F] and [E], as follows:
- a) During the school year Fridays after school from 3:00 p.m. to Sundays at 6:00 p.m.;
 - b) During the summer school break shared parenting on a week-on/week-off basis with exchanges to occur on Saturdays at 10:00 a.m. at the home of the children's maternal grandmother or such other location as may be agreed to by the parties; and
 - c) The children's maternal grandmother, [D.S.], will facilitate all communication between the parties regarding the children on the claimant's behalf.
- [55] The respondent opposes this and says that the claimant's ongoing parenting time should resemble that which was provided for in the Consent Order of June 27, 2025.

- [56] The claimant denies she is a danger to the children and says she has been their primary caregiver. She complains that, in the course of her efforts to restart her parenting time, she requested video and supervised in-person parenting, but the respondent initially rejected this. Eventually, on May 26, 2025, she was permitted a 46-minute video chat with both children. Further in-person parenting time has taken place as set out in a Consent Order. I was provided an unentered copy of the order, which provides for some specific in-person supervised parenting time.
- [57] The claimant says on May 16, 2025, an Intake Team Leader with MCFD indicated it would not be restricting her access to the children and that it may be closing its file regarding the February 5, 2025 incident after completing a few reference checks and conducting a closing conversation with the claimant. She argues that MCFD closing its file indicates there are no ongoing concerns regarding safety of the children. She also says she has started counselling sessions.
- [58] The respondent argues that MCFD is currently not concerned about the children's safety because he has been exercising virtually all of the parenting time since February 6, 2025. The parenting time that the claimant has recently started having has taken place at [D.S.'s] home and supervised by her.
- [59] The respondent argues the claimant has a history of family violence. He points to an incident in October 2024, where the children told him that the claimant had assaulted her father. He says the claimant also told him about this incident. He characterizes it as a "fist fight". On the same day, the children were dropped off at his residence by a male whom he had never met before, and who had transported them in a vehicle which did not have child car seats.
- [60] Another safety concern he raised includes September 5, 2024, when the respondent received a text from the claimant advising she had fallen asleep while behind the wheel. He is concerned she may have been driving [E] around that time.
- [61] On February 2, 2025, the claimant refused to drop [E] off at his residence for his parenting time. She later attended at his home, began calling him names, demanded they revert back to the court-ordered parenting schedule and demanded money from him. She later attended his residence with a boyfriend and [E], refused to deliver [E] to him, and refused to tell him where they were going. She asked [E] whether he wished to stay with his Mom or go with his Dad. She, [E] and the boyfriend then departed. This appears to have been a precursor to the February 5 Incident. The focus of respondent's concern is that the claimant put [E] in the middle and being asked to choose between his parents, which is clearly inappropriate.

Applicable Law

- [62] Both parties rely on s. 37(1), (2) and 38 of the FLA, reproduced above.

Analysis

- [63] The claimant argues the most relevant factors when assessing children's best interests are that she has historically been the parent with primary parenting time and decision making. She arranged their medical appointments, which have been frequent due to their medical issues. They have a close bond with her and her family and routinely slept over at her mother's home. She suggests neither of them witnessed the February 5 Incident. She says their views are currently unknown, due to the respondent restricting her and her mother's contact with them.
- [64] The claimant acknowledges a single incident of family violence. I understand this to refer to the February 5 Incident. There were no injuries. She acknowledges [F] was present at the respondent's home, but suggests he did not witness it. She argues the incident occurred because the respondent wrongfully denying her parenting time. She has since sought counselling to address her mental health issues. Both MCFD and Crown counsel have determined she does not require any other limitations on her parenting with the children. As child protection professionals, their insight into the "alleged family violence" and the level of risk to the children should be given significant weight. While she acknowledges she has some work to do to re-establish herself as the primary parent in the children's lives, their best interests require they resume meaningful parenting time with her.
- [65] The respondent emphasizes that at the time of the February 5 Incident, he, his wife and three young children were in the home. He describes it as follows, in his Affidavit #2 sworn February 7, 2025:
15. The Claimant then began stating that she hates me and that I was a rapist. After the police officers were about to leave, the Claimant ran up to my front door and began banging on the front door while attempting to turn the handle to open the door. The Claimant was also yelling during this time.
 16. The police officers then came back to the front door and removed the Claimant from the doorway. Shortly after, the Claimant got back into her vehicle and pressed the horn down for approximately 2 minutes. Shortly after pressing the horn, I heard a loud bang and felt a shock in my residence. [C], [S], and [F] all began screaming when this occurred. [S] was playing in her room which is right next to the carport. [S] was terrified and had peed in her pants. I opened the front door and looked outside, and the Claimant had crashed her vehicle into the carport and was attempting to still accelerate and come towards the front door of the house. The police officers began yelling at the Claimant and advised her to turn the vehicle off. The Claimant was continuing to accelerate her vehicle which caused a great deal of smoke.
 17. As there was a big cloud of smoke outside the front door, I closed the front door to prevent the smoke from entering the house.

18. The Claimant was arrested by the police. While in the police car, the Claimant began yelling that she would kill me. A police officer advised me that they would be taking the Claimant for a psychiatric evaluation.
- [66] The respondent is concerned for the safety of himself and his family. There were conditions imposed in the criminal Release Order which permitted no contact between the claimant and the children. That is subject to any arrangements which may be allowed by MCFD or by court order in this case. There is also the Protection Order of February 7, 2025, which remains in force. He says the claimant has serious unresolved mental health concerns which have not been addressed. The children have witnessed family violence perpetuated by the claimant. He says they have expressed concerns to him about being returned to her care.
- [67] I acknowledge that the claimant has indicated she has made significant efforts to address her mental health issues post-incident. She describes having attended therapy with Dr. John Copen since 2014 or 2015, on a roughly weekly basis. She has also started working with a therapist, Premila Markan, at the Charles Basham Pavilion since April 28, 2025. The latter has suggested that she attend anger management group therapy, which she planned to start attending as of May 25, 2025. She also says she intends to start Dialectical Behavioural Therapy sessions with therapist Rachel Spanier.
- [68] A difficulty I have with the current state of the claimant's evidence is that it describes a plan, and in some instances intended therapy and counselling which had not yet started at the time she swore her affidavits. There is little or nothing in terms of what her various therapists are addressing, what their diagnoses and prognoses are and what, if any, progress the claimant has made. This is not intended to be a criticism of the claimant's efforts. I accept she is making real, good faith efforts. It is just very early in the process and there appears to be little in the way of progress or results in evidence at this point in time.
- [69] While I appreciate the criminal case is still pending and it is by no means my intention for anything in these reasons to adversely influence that process, the February 5 Incident does represent a very serious event of family violence. It appears to have had a significant impact on the respondent, his pregnant wife, her two children and [F]. It raises serious concerns about the claimant's state of mind, her dramatic loss of self-control in a stressful situation, and calls into question her ability to prioritize the well being and safety of the children when she is under stress. The claimant's suggestion that the significance of the incident ought to be minimized because it was a one-time event is simply not an adequate answer. She chose to use a motor vehicle as a weapon, directed towards the respondent's home and his property, while there were multiple people, including children, present and all while the police were on site. This calls for careful assessment and treatment on the claimant's part.
- [70] This case would benefit greatly from a s. 211 FLA report. It appears that counselling for the children impacted by the February 5 Incident may be indicated. I do not have much in the way of objective evidence offering insight into how the children have responded in the wake

of the incident, or into why the claimant reacted in the extreme and violent way she did. I do not have any objective evidence indicating that the counselling or other treatment she has been receiving has given her some insight and improvement at this point. There is a notable lack of objective evidence regarding how [F] and [E] have responded to their recent parenting time with the claimant. Based on the alarming and extreme nature of the February 5 Incident, some further evidence which addresses these concerns is necessary and appropriate, before the claimant ought to be allowed to resume full unsupervised parenting time with the children.

- [71] Fortunately, her mother, [D.S.], who was present in court during the hearing of these applications, has confirmed she is ready, willing and able to provide assistance as necessary to help facilitate and supervise the claimant's parenting time with the children. She is a retired VPD officer with 27 years on the police force. She assured the court that she will fully prioritize the safety and well-being of the children over the claimant's interests. She appears to be an acceptable supervisor from the respondent's perspective as well. In the circumstances, it is my view that the appropriate parenting-time arrangement, for the time being at least, until additional information is available is that:
- a) On an interim basis, the claimant will have weekly parenting time with the children by video between Saturday and Tuesday at times to be agreed;
 - b) On an interim basis, the claimant will exercise in-person supervised parenting time with the children on Fridays and Saturdays of each week, with it being Friday from 3:00 p.m. until 6:00 p.m. and Saturday from 2:00 p.m. until 6:00 p.m.;
 - c) The claimant's parenting time will be supervised by her mother, [D.S.], at all times;
 - d) The children will not be left alone with the claimant for any reason;
 - e) The claimant's mother, [D.S.], will be responsible for pickup and drop-off of the children from the respondent's home;
 - f) During her parenting time, the claimant will not be under the influence of alcohol or drugs except drugs prescribed by a medical practitioner; and
 - g) The parties shall not discuss with the children any inappropriate adult court or legal matters or blame, criticize, or disparage the other parent in front of the children.
- [72] That concludes my reasons.
- [73] THE CLERK: And, Your Honour, who would you like to draft the order?
- [74] CNSL C. CARTA: Mr. Randhawa and I can sort that out. We have a decent working relationship, Your Honour. And the matter of costs?

[75] THE COURT: My inclination is to say the parties should bear their own costs. There was some mixed success here, and I do not want to have the costs issue become a point of division. I think there was just a really unfortunate incident, and everyone is trying to find their way and figure out what the parenting arrangements are going to look like post-incident. I think the best way to send a message of keeping the peace and getting things quieted down is for everybody to bear their own costs of the applications.

[76] CNSL C. CARTA: Yes, Your Honour, thank you.

[77] CNSL H. RANDHAWA: Thank you, Your Honour.

"Associate Judge Bilawich"

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