

CANADA / JUDGMENT

# Lepp v. Reynolds

2002 BCSC 298

## COURT

Supreme Court of British Columbia

## DECIDED

25 February 2002

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2002BCSC0298

Citation: Lepp v. Reynolds Date:20020225

2002 BCSC 298 Docket:

E011294

Registry: New Westminster

IN THE SUPREME COURT OF BRITISH COLUMBIA

## BETWEEN:

GARY DAVID LEPP  
ALSO KNOWN AS DAVID LEPP  
PLAINTIFF

## AND:

LESLEY ANGELA REYNOLDS  
DEFENDANT

## REASONS FOR JUDGMENT

### OF THE

HONOURABLE MR. JUSTICE CRAWFORD

Counsel for the plaintiff: P.Paul

Counsel for the defendant: G.J. Niemela

Date and Place of Hearing: February 14, 2002

## New Westminster

- [1] The plaintiff's application seeking declarations the defendant was in contempt of a number of court orders and seeking various consequent remedies, as well as orders regarding provision of documentation and settlement of some family asset issues, came before me on February 14, 2002.

**BACKGROUND**

- [2] The file has several inches of affidavit material reflecting the defendant's inability to heed various orders made by this court during the course of the divorce proceedings.
- [3] The plaintiff is 50 years of age and the defendant 48. They were married December 30, 1977, in Oakville, Ontario and ceased cohabitation July 15, 2000. I was satisfied there was no prospect of reconciliation and made an order of divorce.
- [4] On November 29, 2001, Master Brine made an order that:
- (a) the defendant forthwith provide to counsel for the plaintiff a complete listing of all furnishings, accessories and household goods and other items taken by her since June 1, 2001, from the former matrimonial home at 116 Parkside Drive, Port Moody;
  - (b) the defendant forthwith advise counsel for the plaintiff the location of the said items;
  - (c) the defendant forthwith return all items taken by her from the former matrimonial home.
- [5] Master Brine's order was varied by Master Nitikman on December 24, 2001, requiring the defendant forthwith return all items taken by her from the former matrimonial home to a locker in the name of the plaintiff at Budget Mini Storage in Coquitlam.
- [6] Mr. Niemela advised the court that a list of the chattels had been made and given to plaintiff's counsel the day before the February 14, 2002, hearing.
- [7] There are monies in trust, being the equity from the sale of the matrimonial home and I ordered that a moving company be hired to pick up all the items listed by the plaintiff from the location in the letter and delivery those items to the Budget Mini Storage in Coquitlam. The moving company was to make an itemized list of the chattels so returned.
- [8] Master Brine on June 1, 2001, made an order that the parties be restrained from molesting, annoying, harassing or communicating with or attempting to molest, annoy, harass, or communicate with the other party. The plaintiff alleged the defendant on several occasions breached this order.
- [9] Mr. Niemela attacked this claim on the basis that most of the information provided was of a second-hand nature and not the direct evidence necessary to prosecute a claim of contempt. In large part I agree with him.
- [10] An application was also made for an address for delivery which was satisfied by Mr. Niemela now being solicitor of record.
- [11] There were a number of applications for provision of documentation by the defendant, namely, Royal Bank of Canada records, City Bank Canada, City Bank Visa and City Bank MasterCard. The only issue there was how far back in time the records should be produced and I ordered that those documents be produced effective from January 1, 2000, to date. The motion further provided, and it is ordered, that upon receipt of the requested records,

counsel for the plaintiff will deliver copies to counsel for the defendant and further that the plaintiff will pay the reasonable photocopying charges of the various banks involved.

- [12] The items relating to the proceeds of sale and payment of family debts were not pursued and I believe were adjourned generally.
- [13] While I have found that the defendant was plainly in breach of the various orders of Master Brine and Master Nitikman, I have reserved the issue of punishment of the contempt.
- [14] I would want to be satisfied that all the chattels removed from the matrimonial premises were in fact returned to safe keeping and that prompt and adequate disclosure was made of the documentation ordered to be produced.
- [15] As well, the family assets issues are yet to be resolved. I will leave those items in plaintiff's counsel's hands for such further application as needed.

"R. Crawford, J."

The Honourable Mr. Justice R. Crawford

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Prepared on 29 October 2026 · Esheria