

CANADA / JUDGMENT

Li v. Wang

2025 BCSC 2162

COURT

Supreme Court of British Columbia

DECIDED

3 November 2025

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2025 BCSC 2162 Li v. Wang

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Li v. Wang,

2025 BCSC 2162

Date: 20251103

Docket: E200774

Registry: Vancouver

Between:

Wei Li, also known as Vivian Li

Claimant

And

Guanson Wang, also known as Mike Wang

Respondent

Before: The Honourable Justice Hardwick

Reasons for Judgment

re: Holiday Parenting Time

Counsel for the Claimant:

J. Cao

Counsel for the Respondent:

G.N. Ahluwalia

Place and Date of Hearing:

Vancouver, B.C.

October 29, 2025

Place and Date of Judgment:

Vancouver, B.C.

November 3, 2025

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Overview

- [1] This matter came on for trial before me on October 14, 2025, and continued for four days. The trial did not complete within the time allocated. The continuation is scheduled for January 29 and 30, 2026.
- [2] One of the key issues at the trial is the holiday parenting schedule for the child, whom I will refer to as "A.". A. is currently 11.5 years of age. He is the parties' only biological child.
- [3] The issue of holiday parenting time for A. has been before this Court on several occasions previously because A. presently resides with his mother, the claimant, in the Lower Mainland region of British Columbia. His father, the respondent, resides in Ontario. In the background is a complicated history as to how it is that A., who was born in China, came to reside in Canada.
- [4] When it became apparent that the trial could not complete within the time originally allocated and there was no possibility of a continuation in 2025, I advised counsel that I would conduct a separate hearing to determine the 2025/2026 holiday parenting schedule.

- [5] In doing so, I explained to the parties that while I cannot make any final orders given that the trial is still underway and the respondent is in the midst of cross-examination, I considered myself best equipped to make an interlocutory order even in the absence of a specific application.
- [6] I further concluded that my decision to proceed in this fashion was in the best interests of A. A. ought to be able to be told of his winter holiday plans sufficiently in advance and not be subject to the uncertainty that has flowed from the parties' previous court appearances for both summer and winter holiday parenting time.
- [7] In accordance with the foregoing, I requested that counsel for both parties provide written submissions which included the proposed terms of order. I received same from both counsel and reviewed them in anticipation of the oral hearing.

Applicable Legislation

- [8] The parties were married and divorced in China.
- [9] Given a discrepancy in the written submissions, I queried counsel at the oral hearing as to which legislation they were relying upon in seeking the orders sought regarding the 2025/2026 holiday parenting time. There was not a consensus.
- [10] Given it is necessary for the purposes of any appeal to clearly identify the legislation being relied upon in family law disputes, I have decided it is appropriate to proceed under the Family Law Act, S.B.C. 2011, c. 25 [FLA].
- [11] I remain open to hearing more fulsome submissions on this issue at the conclusion of the trial. However, on an interlocutory basis, I am satisfied that the FLA is the more appropriate legislation based upon the pleadings.

A.'s Circumstances

- [12] A. is, as noted, 11.5 years of age. He is in middle school.
- [13] Based on the evidence I have heard thus far at trial, A. is an intelligent, athletic and musically talented child. He has an active social network and has no identified special needs.
- [14] The protocol in recent years has been for the respondent to travel to the Lower Mainland from Ontario to pick up A. and then they fly to Ontario together for holiday parenting time. The respondent then accompanies A. back to British Columbia.
- [15] The respondent also exercises parenting time in British Columbia which does not require A. to travel.

- [16] The respondent's position is that A. is now sufficiently mature to use the "unaccompanied minor" service such that he can fly alone to Ontario if it is a direct flight. In particular, the respondent submits that it would be preferable that A. fly via Air Canada using that airline's "unaccompanied minor" service as there are more direct flight options than with other carriers and that by virtue of his Aeroplan member status, there are certain additional benefits available to A.
- [17] The claimant submits that A. has expressed a reluctance to travel alone and that while she is not necessarily opposed to the use of the "unaccompanied minor" service, it would need to be with A.'s cooperation.
- [18] I do not have the benefit of any independent evidence of A.'s views relevant to the matters in issue. I simply have the claimant's evidence on this point.

2025/2026 Holiday Parenting Schedule

- [19] The respondent did not have any parenting time with A. over the 2024/2025 holiday season as the parties were unable to reach an agreement and the application filed by the respondent for an order in this regard was not heard.
- [20] On this basis, the respondent seeks an order that he have parenting time in Ontario for essentially the entirety of the school winter holiday--namely, from December 20, 2025 to January 4, 2026.
- [21] The claimant does not oppose A. having holiday parenting time with the respondent. However, she seeks to limit his parenting time to December 20, 2025 to December 27, 2025.
- [22] The primary basis for the claimant's position is that A. has a very active social network in the Lower Mainland and A. does not wish to miss out on opportunities with his friends during the entire holiday break.
- [23] On balance and having regard to the fact that the respondent had no winter holiday parenting time with A. in 2024/2025, I favour the respondent's position.
- [24] A. has ample other time during the year to spend with his friends but has only a limited window to spend meaningful time with the respondent and his paternal grandparents in Ontario.
- [25] The above said, I think the respondent's position fails to fully appreciate that A. could benefit from a small amount of downtime after school finishes in December 2025 before leaving for Ontario. Similarly, and especially given the realities of winter travel, I do not think it is prudent have A. return home on the day before school resumes.
- [26] Accordingly, my order is that the respondent shall have parenting time, unless otherwise agreed in writing between the parties, from December 21, 2025 to January 2, 2026.

Transportation of A.

- [27] A. clearly qualifies for the "unaccompanied minor" service offered by Air Canada provided that the respondent books him a direct flight from YVR to YYZ. Further, as noted, A. has no identified special needs or other special circumstances which would suggest that he is not sufficiently mature to fly alone (appreciating that the "unaccompanied minor" service permits the guardian/caregiver to accompany the child through security and wait with them until the plane boards).
- [28] However, the practical reality is that the parties are currently in the midst of a trial exclusively relating to A.
- [29] The claimant is A.'s primary caregiver and has been for many years. I am concerned that ordering that A. travel as an "unaccompanied minor" en route to Ontario for his holiday parenting time with the respondent could be problematic. I am further concerned that addressing such problems would be exacerbated by the fact that the respondent is currently under cross-examination and his ability to speak to his counsel about anything to do with this family law proceeding is highly circumscribed by this Court.
- [30] The appropriate solution, in my view, is for the respondent to pick up A. at YVR on December 21, 2025 and accompany him to YYZ as has been the historical practice to date.
- [31] I do not foresee the same possible difficulties with A. returning back to the Lower Mainland. Accordingly, the respondent has liberty to arrange A.'s return flights from YYZ to YVR on January 2, 2026 using Air Canada's "unaccompanied minor" service, if he so chooses.
- [32] The cost associated with all of the travel required, including the "unaccompanied minor" fee, if applicable, will be borne by the respondent.

Travel Documentation

- [33] The claimant is required to provide the respondent with A.'s BC Services Card/Care Card for the purposes of A.'s travel in accordance my above orders. This card shall be returned with A. when he returns to the care of the claimant.
- [34] The claimant is not required to provide the respondent with A.'s Permanent Resident card for the purposes of this travel.

Video Parenting Time

- [35] A. should, within reasonable and appropriate boundaries established by both his parents in their respective homes, have the ability to contact the other parent.
- [36] A. is, however, quite accustomed, based on the evidence I have heard, to having structured scheduled video parenting time. Accordingly, I am going to make an order that the claimant shall have video parenting time with A. during the 2025/2026 holiday season as follows:
- a) December 23, 2025 at 7:00 p.m. EST;

- b) December 25, 2025 at 1:00 p.m. EST;
- c) December 28, 2025 at 7:00 p.m. EST; and
- d) December 31, 2025 at 1:00 p.m. EST.

[37] The duration of the video parenting time shall be limited to 15 minutes.

[38] The parties are at liberty to adjust, by written agreement, the timing and duration of video parenting time. I have simply set a default schedule that, in my view, allows A. and the claimant the opportunity to reasonably check in with each other at times that should not be unduly inconvenient for the respondent to accommodate into his holiday plans with A.

Costs

[39] Given the circumstances, including the reality that the parties likely anticipated the trial would be concluded before the 2025/2026 holiday season, I do not consider it appropriate to make any order for costs of related to the oral hearing conducted on October 29, 2025. Rather, I conclude that the appropriate result is that the parties shall bear their own costs of that appearance in any event of the cause. Costs of the action generally remain, of course, a live issue.

"Hardwick J."

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