

CANADA / JUDGMENT

M.S.G. v. I.K.G.

2025 BCSC 2174

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IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

M.S.G. v. I.K.G.,

2025 BCSC 2174

Date: 20251105

Docket: E53203

Registry: New Westminster

Between:

M.S.G.

Claimant

And

I.K.G.

Respondent

Before: The Honourable Justice Armstrong

Reasons for Judgment

Counsel for the Claimant:

S.J. Bobb

Counsel for the Respondent:

J.K. Broadhurst

Place and Dates of Hearing:

New Westminster, B.C.

March 17, 18, 2025

June 18, 2025

Place and Date of Judgment:

New Westminster, B.C.

November 5, 2025

Introduction

- [1] These reasons address the claimant's continuing application for expanded parenting time with the parties' child and variation of a protection order under s. 183(3)(b) of the Family Law Act, S.B.C. 2011, c. 25 [FLA]. He seeks an order granting him unsupervised equal parenting time on a schedule to be agreed upon by the parties.

Background

- [2] The background to this family dispute has been described in reasons issued earlier in this application at 2024 BCSC 90 and 2024 BCSC 651.
- [3] The parties had one child when they separated in May 2017. They entered into a consent final order on February 7, 2022 in which the court divided parenting time equally between the parties. Prior to this order, the respondent had been granted a series of protection orders in 2017, 2018, 2019, 2020 and 2021. The respondent was arrested at least twice for breach of protection orders.
- [4] The final order was suspended on February 10, 2023 when the respondent was granted a protection order that allowed the claimant only limited and supervised parenting time. On April 22, 2024 a new protection order was granted and set to expire on April 22, 2025; on March 17, 2025 the order was extended for a period of one year to March 17, 2026.
- [5] At paras. 29, 31, 32, 33, 36, 40, 64, 65, 68, 84, 85, 86 and 87 my reasons for judgment indexed at 2024 BCSC 651, I made a number of findings that the claimant's evidence was not credible. I concluded inter alia that:
- a) the claimant was not credible in his assertions that communications received by the respondent did not emanate from him;
 - b) the claimant sent nude photographs of the respondent to her after having threatened to send copies of same to Dr. Elterman who was preparing a s. 211 report;
 - c) his communications with the respondent indicated a "relentless and obsessive focus on returning to a marriage-like relationship with" her;

- d) the claimant had demonstrated a willingness to involve the child in the conflict;
 - e) the claimant had engaged in behaviours that constituted family violence, including inveigling their child to inform the claimant about the respondent's activities;
 - f) the claimant attempted to dictate the respondent's post-separation lifestyle;
 - g) there was a risk of physical or emotional and psychological violence towards the respondent and the child after December 2022; and
 - h) the child needed some protection from the claimant's obsessive interest in the respondent.
- [6] I concluded that the claimant lacked a measure of self-control and maturity in his relationship with the respondent and the child. I lacked any confidence that he was aware of the risks he posed to both. To enable the court to determine if circumstances had changed such that the risk of family violence had receded and the claimant had become capable of taking on a larger role in the child's parenting, the order was made reviewable after six months. The application was adjourned with the expectation "that the claimant may be able to demonstrate sufficient changes in his behaviours to warrant an expansion of parenting time".
- [7] A trial of the issues on this application will occur in September 2026. The claimant seeks an interim order expanding his parenting role pending a trial.
- [8] On this application, the respondent relies on the affidavits filed prior to April 2024 and additional affidavits sworn November 1, 2024, March 3, 2025 and March 5, 2025. The claimant's affidavits were sworn March 4, 2025 and March 12, 2025.
- [9] On March 17 and 18, 2025 the parties were cross-examined on their affidavits.

The Claimant's Position

- [10] The claimant seeks unsupervised parenting time with his child along with an expansion of the parenting time when he can care for the child. He seeks to achieve this expansion with the assistance of a parenting coordinator and counsellors to improve the parties' communications and to ensure the well-being of their child. Additionally, he argues that if the respondent has issues regarding the welfare of the child, these should be communicated to and managed by the parenting coordinator.
- [11] He argues that the respondent is hypersensitive and has exaggerated the impact of his behaviours and communications which in part form the basis of the protection orders made since 2023. More particularly, he contends the respondent has unfairly and incorrectly attributed to him communications received by her that have constituted family violence; he affirms he has not made these contacts.
- [12] For example, he argued that the respondent's concern about the child's unsupervised activity outside of the house is an example of her hypersensitivity.

- [13] He recognizes that he has said things in the past to the child that were inappropriate and offensive to the respondent. He says he has not made those types of comments since 2024.
- [14] The claimant contends that many of the child's past troubles and difficulties were connected to events at his school and not connected to the claimant's relationship or interaction with the child. He argues he is not the only cause of difficulties experienced by the child.
- [15] He contends that his parenting time with their child has been positive and the child does well with the current structure. He believes the child wishes to have more time with his father and that a views of the child report would be helpful in guiding the court at the time of the trial. He points out that the parenting coordinator assisted the parties in establishing an adequate supervision model for the claimant's parenting time. Thus, a parenting coordinator can be relied upon to maintain a healthy and safe relationship between the child and the claimant.
- [16] The claimant confirms that more recently he told the child that he will be able to choose where and with whom he lives as he gets older. The claimant maintains that this conversation was neutral and happened because the child raised the issue with him. He says this comment was not inappropriate and does not justify a supervision order.
- [17] The claimant contends that implementation of a new parenting schedule will be assisted by the direct involvement of a parenting coordinator to address any difficulties inherent in an increase in his parenting role. He contends that family counselling could also be implemented with the assistance of a parenting coordinator with a view to addressing any issues that might arise from expanding his contact time. The claimant focused some comments on his involvement in the child's soccer program and on how implementation of changes to his involvement in the child's activities could occur.
- [18] The claimant argues that the respondent's hypersensitivity in regard to their child is not objectively reasonable or grounded in evidence. He contends the respondent has not communicated concerns about the child's needs with the parenting coordinator. He suggests the respondent's hypervigilance imposes on the child her animus towards the claimant and that the child has been well cared for in his parenting time without concern.
- [19] He contends that the child is happy and would greatly benefit by increasing and normalizing his parenting role. Her reluctance to expand his parenting role is exacerbated by her irrational conclusions based on the telephone calls and messages that have been received by her in the past.
- [20] The claimant accepts that the child would benefit from some counselling on the issues of his insecurity about his status as between the parents. He argued the parenting coordinator's role could be broadened to assist in direct help for the child to better enable him to manage the tension between the parties. He recognizes that it is not appropriate for him to be asking the child questions about the respondent's whereabouts or activities. He believes safeguards can be put in place through the assistance of a parenting coordinator who can protect and

promote the child's interests.

- [21] He contends the child is now happy and prospering in his personal life and school life and would benefit from expanded contact with his father. He proposes that there should be a moderate increase in his parenting role to include overnight parenting time. He also noted the child has friends in his neighbourhood and would benefit from additional opportunities to form relationships in the claimant's neighbourhood.
- [22] The claimant accepts that changes to his parenting time should be phased in over time with a review focused on returning to a 50/50 regime.

The Respondent's Position

- [23] The respondent contends that the claimant did not demonstrate any evidence of measures taken - whether counselling or other steps - to address his obsessive behaviours toward the respondent and her life after divorce. Since his application was first made in this proceeding, he has not demonstrated any effort to obtain help in managing his obsessive focus on the respondent and her future with their child. She argues that he has interacted inappropriately with their son and would likely be a risk to his well-being if he was accorded extended parenting time.
- [24] She had reported that their child experienced signs of anxiety and discomfort before the protection orders were put in place. Since the protection order came into effect, the child has not reported similar signs of anxiety or physical discomfort and has had a positive change in his personality. He is succeeding in school and appears content and happy with the current arrangements. As he is now doing well in his schooling and personal life, she worries that any significant increase in the claimant's parenting role will cause stress and destabilization that could threaten his current state.
- [25] The respondent articulates concerns stemming from the claimant's past misbehaviour as confirmed in the previous reasons for judgement in this case. The respondent concedes that counselling would assist the child and the family in addressing the claimant's concerns and her concerns. However, she contends no change in the schedule should happen at this time.
- [26] She remains negatively affected by the torrent of abuse and harassment that came after the final order in their divorce proceeding. She contends that the claimant's history of controlling, threatening and abusive behaviours toward her have not been fully addressed by him.
- [27] The child told her that the claimant asked him where the respondent was going and with whom on a trip to Arizona between March 30, 2024 and April 4, 2024. During that same time she said she received telephone calls from various unknown numbers. The claimant denied asking the child questions about the respondent's whereabouts and any travelling companions.

- [28] The claimant said he did not know any of the phone numbers used to call the respondent at this time. He insisted he wanted to know where the child was staying if the respondent had travelled away from the home.
- [29] There were also a series of phone calls to the respondent on October 5, 2024 that she believed came from the claimant through a blocked telephone number, accompanied by a voicemail message in the claimant's voice. He denied making these calls.
- [30] The claimant was asked about the respondent's concern arising from a text message exchange between the parties that suggested that he knew she was attending an appointment for work on her nails. As she sent a message to the claimant, his messaging service showed an emoji of a person's nails being painted. He contends he did not know she was having her nails worked on at the time; she was suspicious that his use of the emoji was intended to communicate to her that he knew where she was and what she was doing.
- [31] The respondent expressed concern about the claimant's admission that he had spoken to the parties' child in October 2024 and indicated to the child that when he gets older, he can choose where and with whom he wishes to live. The respondent argues this represents the kind of communication that is not in the best interests of the child and is potentially damaging. The claimant does not appear to realize the negative impact his comments could have on their child. In the circumstances, I conclude there was a real risk the questions would create stress and uncertainty for the child.
- [32] The respondent established that the claimant has had memory lapses concerning the child's well-being and anxiety issues from time to time. For instance, the claimant acknowledged that on October 6, 2024, while the child was in his care the child was not supervised as required by the order because the claimant's father was late returning from work and was not present during some portion of the parenting time.
- [33] The claimant's continued memory lapse about his earlier communications with the respondent threatening to disclose nude pictures of her to a psychologist, and his inability to remember sending a nude picture of the respondent to her is, in my view, evidence of his continuing refusal to acknowledge the potential damage to the respondent stemming his past abusive behaviours affecting the respondent and the child.
- [34] The claimant believed the communication with the child that, as the child got older, he could choose where he might live with whoever he wished, was appropriate in the circumstances. The claimant was asked about the order made April 22, 2024 expressly prohibiting him from having any discussion or conversation with the child about the respondent. He denied having any conversations with the child about these issues.

- [35] The claimant denied involvement in other messages and calls received by the respondent. The claimant denied informing the respondent previously that after their marriage breakup, she had two options: either return to the marriage or engage in casual sex with him - there would be no one else. He said he could not remember communicating these things to the respondent.
- [36] The claimant contends the respondent was concocting evidence against him; she said the use of the word "purple" in one message she received was a codeword they used when they were dating. He denied using that phrase in a more recent communication to her. I found this response to be disingenuous.
- [37] The respondent was cross-examined on her affidavit about her report of continuing random telephone calls she received from unknown numbers in April 2024. Although she did not report these calls to the police, she informed her lawyer and was concerned that they emanated from the claimant.
- [38] The respondent recognizes that these calls from unknown numbers and unknown persons might not be from the claimant but, in light of the history and all the circumstances of his past behaviours, she believes they could coming from the claimant. Many of her concerns were not verified as communications involving the claimant but these incidences concern her.
- [39] The respondent contends that the claimant has repeatedly refused to provide documentary evidence via his credit card statements that would address her worry that he has used these credit cards to purchase a service that facilitates the of masking the identities and numbers of senders that would reveal the claimant as the source of some calls. His continuing resistance to produce this information feeds the suspicion that he is likely to continue his clandestine behaviours designed to upset the respondent. He has within his control the ability to produce documents that could demonstrate that he has no involvement in the ongoing telephone calls and messages reported by the respondent; he refuses to provide this information.
- [40] She argues that the claimant's refusal to produce his Visa statements from late 2022 onward raises continuing doubt about his veracity. I concluded in my April 2024 decision that:
- [68] The claimant has unreasonably refused to [produce credit card statements]. I infer that, in addition to the other evidence about these messages, he has done so to avoid the discovery of his use of different numbers to mask his messages
- [41] It is likely he continues to forward communications with disguised sender information; I found in the past this occurred and the respondent indicates the claimant has not altered his behaviours. She fears that unsupervised or expanded parenting time will simply expose the child to more opportunities for the claimant to pressure and stress the child over the parties failed marriage relationship.

[42] Lastly, the respondent contends that a views of the child report should be obtained as a precursor to any changes in parenting until trial. She argues that the parenting coordinator would not have the requisite authority to be involved in the management of the child's contact with the claimant.

Analysis

[43] I recognize that the child's best interests are paramount in considering parenting arrangements for the parties' child. All of the considerations referred to in ss. 37 and 38 of the FLA inform the court's analysis in this application.

[44] The issues that emerged during submissions include the following:

- a) how to improve the claimant's relationship with the child without compromising the child's security, safety and best interests;
- b) whether the claimant is willing or prepared to abandon his obsessive behaviours focused on the respondent's post-separation life and whether he acknowledges the corrosive nature of these behaviours;
- c) whether the claimant is able to resist his practice of engaging the child in reporting on his mother's activities and discussing parenting decisions that should not be his concern at this time;
- d) what steps, if any, can be taken to protect the child from the claimant's propensity to involve the child in his obsessions concerning the respondent; and
- e) whether the respondent can be protected from communications from the claimant that undermine her personal security and independence.

[45] At the outset of argument, counsel were unaware that the April 2024 protection order had been extended to March 2026. There is no request by the claimant to revisit the protection order; he seeks only a variation of those terms to permit him an expanded parenting role.

[46] The father's relationship with the child is enormously important to the child and should be encouraged, but the risks inherent in an expansion of parenting time cannot be ignored.

[47] The background to this family dispute since 2022 and the events occurring in late 2022 and early 2023 have seriously complicated the assessment of the claimant's ability to behave in an appropriate manner that does not expose the child to risks that might erode the child's well-being.

[48] The findings I made in my January 18, 2024 reasons and April 22, 2024 reasons are continuing concerns on this application. I accept that the history of events constituting harassment and abuse of the respondent by the claimant has not dissipated entirely.

- [49] I am concerned by the claimant's choice to inform the child that when he is older he will get to decide his own schedule, whether it be with mom or dad or both. The claimant knew or ought to have known that this type of discussion with the child at his current age was inappropriate.
- [50] The claimant also engaged the child in discussions about the respondent's whereabouts after she had travelled to Arizona. At around this time, the respondent received five telephone calls from a phone number not belonging to the claimant. On November 26, 2024 the respondent received a text from an unknown number containing the phrase "just remember there will be no one else. - Purple". Purple was a codeword used during the parties' relationship.
- [51] I retain some concerns about the claimant's ability to interact with the child without yielding to the temptation to question the child or involve him in his continuing obsession with the respondent. However, I believe those risks can be sufficiently mitigated.
- [52] While I am not prepared to accede to the claimant's request for equal parenting time, I have concluded that there should be an expansion of the claimant's parenting time to include some overnight unsupervised parenting opportunities.
- [53] If there are any continuing episodes of the claimant involving the child in parenting decisions, observation of the respondent's activities or inappropriate communications, the respondent will be at liberty to apply to vary this order.

Conclusion

- [54] I am prepared to make a further interim order that will expand the claimant's parenting role with the child pending the trial date set for September 2026.
- [55] In this regard, I direct that the parties obtain a Views of the Child Report to focus on the child's views and ability to have extended parenting time with the claimant. This report should be prepared and the cost shared equally by the parties.
- [56] Fourteen days after the views of the child report has been delivered to both parties, I order that the claimant will begin to have parenting time with the child on alternating weekends commencing 5 p.m. on Fridays ending 7 p.m. on Sundays. He will also have parenting time on Wednesdays from 3 p.m. to 7 p.m. The claimant will be prohibited from having any discussion, conversation or communication with the child concerning the respondent, the respondent's personal life or issues concerning parenting with the child.
- [57] If either party believes the views of the child report indicates that the parenting time ordered above is inappropriate, then that party will be at liberty to apply to vary the parenting regime set out above.

- [58] Between now and the trial in this matter, it may be appropriate to obtain a further or updated s. 211 report; I make no order about that but conclude the parties will be at liberty to bring an application if they are unable to agree on commissioning such a report.
- [59] The parties will retain or continue to retain the parenting coordinator until after the trial of the issue of the appropriate parenting time to be accorded to the claimant. The parenting coordinator will be expressly authorized to facilitate the sharing of parenting time as provided in this order including substitution of parenting time or other equivalent times when warranted.
- [60] If the child communicates with the respondent that the claimant has breached any part of this order, the respondent will also be at liberty to make further application to vary this order. Moreover, if any circumstances concerning the care of the child change or there is disclosure of additional information as required in this order, either party may make application to vary the terms of this order.
- [61] The claimant declined to produce his credit card statements that could establish the veracity of his claim that he was not directly or indirectly involved in initiating telephone calls or text messages to the respondent. He resists such production on the basis that he suspects that the respondent would not be satisfied with disclosure of his credit card records for 2023, 2024 and 2025 to resolve her suspicions. At this juncture, I am satisfied that it is necessary that the respondent produce these documents to enable the respondent to move forward without fear of the claimant. Achieving that level of confidence in the claimant will have a positive impact on the respondent and on the child's future. Accordingly, I make that order that he produce copies of all credit card statements for credit cards in his control for the years 2023, 2024 and 2025 within 21 days.
- [62] The protection order will be varied to accommodate the proposed expansion of the claimant's parenting time. If the claimant produces his credit card statements as ordered and those records demonstrate he has not been involved in the messages and phone calls to the respondent, he will be at liberty to make a further application to vary this order pending the trial.
- [63] I am not satisfied there should be any change to the protection order as between the claimant and respondent.
- [64] I make no order as to costs on these applications; if either party seeks costs against the other, application for same must be brought within 30 days of these reasons.

"Armstrong J."

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