

CANADA / JUDGMENT

P.R.C. v. C.K.C.

2025 BCCA 441

COURT

British Columbia Court of Appeal

DECIDED

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2025 BCCA 441 P.R.C. v. C.K.C. COURT OF APPEAL FOR BRITISH COLUMBIA Citation: P.R.C. v. C.K.C., 2025 BCCA 441 Date: 20251212 Docket: CA49763 Between: P.R.C. Appellant (Respondent) And C.K.C. Respondent (Claimant) Before: The Honourable Mr. Justice Harris The Honourable Madam Justice DeWitt-Van Oosten The Honourable Justice Iyer Supplementary Reasons to P.R.C. v. C.K.C., 2024 BCCA 363, Vancouver Docket CA49763. The Appellant, appearing in person (via videoconference): P.R.C. Counsel for the Respondent: S. Oberoi Place and Date of Hearing: Vancouver, British Columbia September 17, 2024 Place and Date of Judgment: Vancouver, British Columbia October 29, 2024 Written Submissions Received from the Appellant: November 28, 2025 Place and Date of Supplementary Judgment: Vancouver, British Columbia December 12, 2025 Supplementary Reasons of the Court Summary: The appellant asks that this family law appeal be reopened. He wants the Court to reconsider issues raised in the appeal based on fresh evidence. He also seeks damages for "financial abuse" and other wrongdoings that he says he has suffered since the breakdown of the parties' marriage and because of the ensuing litigation. HELD: The request to reopen is denied without the necessity of receiving submissions from the respondent. A final order reflecting the outcome of the appeal has been entered. Consequently, this Court is functus officio. Even if there is some sort of residual discretion to reopen an appeal after an order has been entered, the appellant has not established a principled basis for doing so. Supplementary Reasons for Judgment of the Court:

- [1] In October 2024, we issued reasons in this family law appeal, indexed as P.R.C. v. C.K.C., 2024 BCCA 363. The appeal was dismissed. We also made various ancillary orders to assist with enforcement of the trial judgment. A final order reflecting the outcome of the appeal has been entered. We dispensed with the need to obtain the appellant's approval as to the form of that order. We did so because of how the litigation had unfolded over time, the appellant's approach to the litigation, and his lack of post-trial cooperation with the respondent.
- [2] At the start of our reasons, we provided a brief overview of the case:

- [1] In February 2024, the parties to this appeal were in the midst of a family law trial when P.R.C. (the appellant), announced that he was "done" and would no longer participate. He withdrew from the trial while in the process of cross-examining C.K.C. (the respondent), and did not return to court the next day.
- [2] The trial carried on in the appellant's absence. The judge decided the issues before him after the respondent closed her case. He treated a counterclaim filed by the appellant as having been abandoned and dismissed it. He granted a divorce and made various other orders, including orders specific to parenting time with the parties' young daughter, child support, and the division of family property and debt.
- [3] The appellant appeals from those orders. He alleges multiple errors by the judge. He says the trial was procedurally unfair and the outcome is not supported by the evidence. The appellant does not ask for a new trial. Rather, he applies to adduce fresh evidence in the appeal and asks that we vary the Supreme Court orders on the basis of that evidence, assessed in conjunction with the trial record. [Emphasis added.]
- [3] The appellant (P.R.C.) did not seek leave to appeal our judgment to the Supreme Court of Canada. Instead, on November 28 and December 4, 2025, more than one year after the appeal was dismissed, he sent letters to this Court's Registrar taking issue with the dismissal and ancillary enforcement orders. Among other things, the letters allege that: a) the evidentiary record relied upon to resolve the appeal was incomplete; b) the outcome of the appeal contravenes property and trust law principles in both the United Kingdom and British Columbia; c) a down payment towards the parties' family home should have been treated as excluded property in the appellant's favour; d) the appellant was rendered homeless because of the family law litigation and should have been awarded one or more equitable interests as compensation; e) the publication of sensitive details in the case breached his privacy, dignity, and security of the person, justifying an award of damages; f) there was procedural misconduct during the family law litigation and "irregular" pre-trial orders were issued by various judges; and g) British Columbia courts did not have jurisdiction over certain aspects of the litigation. Many of these allegations are similar in nature and substance to the ones advanced before us in 2024.
- [4] In his letters, the appellant asks for a variety of relief, including that: a) the appeal be reopened; b) this Court's judgment be set aside; c) the trial judgment be set aside; d) fresh evidence be admitted in this Court; e) certain property be found to be excluded property; f) restitution; g) compensatory and constitutional damages; h) recognition of the United Kingdom as the "controlling legal regime" for property situated there and "coordination" with that jurisdiction; i) restoration of "father-child contact through structured reunification"; and j) costs, including special costs.

- [5] As noted, a final order was entered after the appeal was heard and decided. The appellant participated in that hearing. He applied to introduce fresh evidence in the appeal (the bulk of which was rejected). He also alleged the trial judge made various legal and factual errors. We reviewed the trial record to determine whether those errors had been made out. We concluded the appellant had not established a proper basis for appellate intervention. He bore the onus of doing so and received a full opportunity to advance his position.
- [6] With entry of a final order, this Court is functus officio and as a general rule, we cannot reconsider the issues raised by the appellant in 2024. The jurisprudence suggests there may be an exception to this rule when a party can show there "has been a fraud upon the court, or a miscarriage of justice": *Coad v. Lariviere*, 2023 BCCA 458 at para. 16. We need not determine whether that exception exists at law. In our view, even if it does, the appellant's letter does not establish fraud or a miscarriage of justice.
- [7] Instead, we are satisfied the request to reopen the appeal reflects an attempt by the appellant to rehash the appeal and once again challenge the trial judgment based largely on evidence that he could have presented in the trial court. We rejected the appellant's application to present fresh evidence when he appeared before us in 2024. We were satisfied that through his fresh evidence, the appellant was trying to "advance a case on appeal that he should have martialed in the [trial court]". Among other things, we were concerned that enabling this practice "would be contrary to well-established appellate jurisprudence": at para. 80.
- [8] That concern has not abated. The appellant is once again attempting to reach back into the trial, supplement the record through fresh evidence, and ask for a different outcome. He is also attempting to advance first instance damages claims for which this Court has no jurisdiction. As noted in our initial reasons, the appellant chose to withdraw from the family law trial before he advanced his case. He had an opportunity to build an evidentiary record in support of his claims at the trial, including claims for excluded property. He elected not to. We said this about the appellant's choice, and it still resonates:
- [71] the appellant understood the consequences of withdrawing from the trial and made a voluntary and informed decision to do so. Rather than testify, explain his excluded property claims, and fill in any evidentiary gaps, he chose to walk away and rely on his untested F8. He was specifically told that not being available for cross-examination on his F8 risked the possibility of adverse findings against him. Nevertheless, the appellant did not return to court. This may not have been a prudent choice, given the potential implications, but it was nonetheless a choice, and I see nothing in the record to show that the appellant did not have the capacity to make that decision.
- [9] We decline to reopen the appeal. We did not consider it necessary to receive submissions from the respondent before making that determination.

[10] The request to reopen is denied. "The Honourable Mr. Justice Harris" "The Honourable Madam Justice DeWitt-Van Oosten" "The Honourable Justice Iyer"

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Prepared on 25 October 2026 · Esheria