

CANADA / JUDGMENT

Pook v. Pryce

2022 BCSC 367

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Supreme Court of British Columbia

DECIDED

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2022 BCSC 367 Pook v. Pryce

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Pook v. Pryce,

2022 BCSC 367

Date: 20220308

Docket: E39980

Registry: New Westminster

Between:

Nicole Mary Frances Pook

Claimant

And

Thomas Anthony Pryce

Respondent

Before: The Honourable Mr. Justice Blok

Reasons for Judgment

The Claimant, appearing on her own behalf:

N. Pook

The Respondent, appearing on his own behalf:

T. Pryce

Place and Date of Hearing:

New Westminster, B.C.

November 19, 2021 and

February 18, 2022

Place and Date of Judgment:

New Westminster, B.C.

March 8, 2022

I. Introduction

- [1] Both parties in this family action have brought applications to the Court. Mr. Pryce seeks a variation of child support, based on what he says is his current income, and Ms. Pook seeks orders relating to exchange location, parenting time on specific days, ensuring that their son attends scheduled activities, and the sharing of special and extraordinary expenses. Each opposes the other's application.
- [2] Procedurally, these applications have taken an extended course. Evidently there was a court appearance on October 19, 2021 before Mr. Justice Jenkins, who adjourned Mr. Pryce's application to November 1, 2021, because Mr. Pryce had not filed a Form F8 financial statement, which is a required document. Ms. Pook then filed her application on October 22, 2021. The applications then came before Mr. Justice Taylor who, it appears, felt there was a need for further financial information. He, too, adjourned the applications.
- [3] The matter returned to court on November 22, 2021. Only Mr. Pryce's application was addressed that day, but not ruled upon as questions arose concerning certain business expenses he claimed that were not capable of being answered on the materials presented. We did not get to Ms. Pook's application at all, as her chambers binder had been filed in Chilliwack, not New Westminster, and it did not make it to the courtroom where the applications were being heard.
- [4] As these applications had now gone before three different judges, I seized myself of both matters in order to bring consistency to the hearing.
- [5] The parties again appeared before me on February 18, 2022, and both applications were completed at that time.

II. Background

- [6] The parties were self-represented on these applications, which presented challenges both in terms of deficiencies in their materials and in focusing the parties on the issues, rather than on their mutual hostility, during the hearing.

- [7] Neither party provided the Court with background information, and so I have reviewed materials from the court file in order to derive some of those facts.
- [8] The parties were in a spousal relationship from July 2007 to November 2011. They never married. They have one child together, Skylyer, who was born in March 2010. He is now 11 years old.
- [9] Two actions were commenced, but these were consolidated and continued under New Westminster Registry No. E39980. That action was commenced on December 19, 2011.
- [10] A judicial case conference was held on March 22, 2012. At that hearing, both parties were represented by counsel. Orders were made by consent. These included:
- a) an order that the parties share joint custody and joint guardianship of Skylyer, with his primary residence being with Ms. Pook;
 - b) an order granting liberal and generous parenting access to Mr. Pryce, with specific parenting time every second weekend and midweek parenting time on Wednesdays; and
 - c) orders determining the Guidelines income of Ms. Pook at \$12,000 and that of Mr. Pryce at \$40,000, with Mr. Pryce's ongoing child support obligation set at \$700 per month.
- [11] The materials on file indicate that the parties resided in Burnaby during their relationship, but that Ms. Pook moved to Langley after they separated. In October 2014, Ms. Pook notified Mr. Pryce that she intended to move to Chilliwack. This prompted a further court appearance, which took place on December 15, 2014 before Mr. Justice Jenkins. The parties each had counsel at that court appearance.
- [12] The orders that resulted were largely, though not exclusively, by consent. These included the following terms:
- a) Skylyer's residence with Ms. Pook "will be moved to Chilliwack";
 - b) various terms regarding parenting time for Mr. Pryce, but essentially every other weekend, with further terms for Christmas, Thanksgiving, spring break and summertime;
 - c) after June 2015, parental exchanges to be done at the location of Skylyer's preschool in Langley;
 - d) conduct orders regulating the parties' communications with one another and their communications with Skylyer;
 - e) a determination of the parties' incomes, with Mr. Pryce's Guidelines income found to be \$61,464 and Ms. Pook's to be \$34,785; and
 - f) Mr. Pryce to pay child support of \$571 per month.

[13] An account statement from the Family Maintenance Enforcement Program ("FMEP") indicates that Ms. Pook enrolled in that program in February 2013. The FMEP statement shows figures for monthly child support that are different from that set out in the 2014 order, beginning in July 2015. The FMEP statement shows the following child support amounts effective on July 1 of each year:

2015

\$683

2016

\$585

2017

\$796

2018

\$746

[14] Although not expressly stated, it appears these changes in support amounts were likely done by consent, utilising an FMEP form for that purpose, as these forms are attached as exhibits in respect of later years.

[15] On that point, Mr. Pryce attached as exhibits three FMEP support change forms, each dated July 5, 2021, for the years 2018, 2019 and 2020. Only the form for 2018 is signed Ms. Pook. These forms indicate Mr. Pryce sought an agreement that his income for 2018, 2019 and 2020 was \$101,824, \$60,599 and \$41,381, respectively. For her part, Ms. Pook deposed that in July 2020 she had sent a similar form to Mr. Pryce for his 2018 income, using the same figure he later used (\$101,824).

[16] In any event, the parties did come to an agreement as to Mr. Pryce's 2018 income, and this has apparently resulted in Mr. Pryce's support obligation being set at \$962 per month. I say "apparently" because this is not reflected in the FMEP statements in evidence as these statements end in September 2021. This support amount evidently forms the basis for Mr. Pryce's statement, made at the hearing, that he was paying "\$1,000 a month" in child support.

[17] In Mr. Pryce's Form F8 financial statements for 2019 and 2020, filed in October 2021, he declared incomes of \$60,600 and \$65,693, respectively.

[18] In answer to questions from the bench, Mr. Pryce said he runs a small glass company that does residential and commercial work. He also indicated that he now resides in Langley.

[19] Ms. Pook is employed as a special education assistant with a school district. She lives in Chilliwack with her husband. She now has a two year old child in addition to Skylyer.

III. Mr. Pryce's Application

- [20] On its face, Mr. Pryce's application is a simple one: to determine his income for 2019 and 2020 and to vary his child support accordingly.
- [21] Ms. Pook is deeply suspicious of Mr. Pryce on the matter of his reported income. She notes that in recent years Mr. Pryce has managed to acquire a condominium, a boat and a vehicle to tow that boat. She also notes that the multiple vehicles and the boat are written off as business expenses and this lowers his income unfairly. She alleges that Mr. Pryce has cash income from his business that is not recorded in his business records. She refers as well to the variable amounts that have emerged from Mr. Pryce's financial records and income tax returns, and notes in particular a communication from Mr. Pryce in which he threatened to artificially restrict the income paid to him by his company in order to keep his child support obligation at a minimal rate. Finally, she also says that in the court hearing of March 2012, Mr. Justice Grist rejected Mr. Pryce's attempt to have his child support set at a lower income and instead he imputed income to Mr. Pryce. She says the Court should do the same here.
- [22] On that last point, I note that Mr. Justice Grist's 2012 order was a consent order made at a judicial case conference. While the judge might have made some comments designed to encourage the parties to adjust their settlement positions, he would not have, and could not have, made an income determination against a party's wishes at a judicial case conference.
- [23] On the first day of this hearing, Mr. Pryce provided some details of his vehicles, noting that he has a tradesman's van (a 2003 Chevrolet Express), a 2012 Dodge Ram pickup truck, both of which he uses for work, a 2010 Cadillac Escalade SUV, which he uses for work occasionally, and as for his boat, he said he claimed some expenses relating to it because he entertains clients on it.
- [24] Following those initial submissions, I delved into the actual evidence by examining the statement of business activities reflected in Mr. Pryce's income tax return for 2020. This revealed a few entries that might be subject to challenge pursuant to s. 19 of the Guidelines on the basis that they reflect additional income available for the payment of child support. These include meals and entertainment (\$1,431), motor vehicle expenses (\$38,241), and capital cost allowance or CCA (\$9,165). I outlined to both parties the law on the subject, to the general effect that deductions that are allowable for income tax purposes are not necessarily ones that will be duplicated for Guidelines purposes, but I said I would need more information on those items in order to assess whether some or any of these amounts should be included in income for child support purposes.
- [25] When the parties returned to court on February 18, Mr. Pryce presented a further affidavit, which attached revised income tax returns for 2019 and 2020, together with a letter to him from an accounting firm dated January 15, 2022, which said:

I am providing this letter outlining the vehicle expenses claimed on your 2019 and 2020 return. When we initially prepared the return, we overlooked depreciation of some of the vehicle expenses and based on your reviewed feedback it is all corrected.

- [26] The letter goes on to say that these revised income tax returns were being filed with the Canada Revenue Agency.
- [27] Mr. Pryce explained the primary issue that prompted the revisions were errors relating to the Escalade. The accountant had, in error, included 100 percent of the expenses relating to this vehicle, whereas only 20 percent of its expenses ought to have been included. Mr. Pryce said he occasionally uses that vehicle for business use, and he felt 20 percent was an appropriate percentage. He emphasized that there is nothing untoward about having several vehicles as he is entitled to do so.
- [28] Ms. Pook maintained her objection to the vehicle expenses. She said Mr. Pryce should have to prove the amount of use for each vehicle through mileage (or kilometrage) logs. Mr. Pryce said he has never kept those kinds of logs.

Discussion

- [29] There is indeed some variability to Mr. Pryce's claims concerning his income. Earlier, he said his income was \$60,600 in 2019; following the accountant's recalculation, it is now \$75,538. For 2020, he has said his income was as low as \$41,382 (as per his income tax return attached to his September 24, 2021 affidavit); now he says it is \$68,416.
- [30] At the same time, Ms. Pook's stated position that none of Mr. Pryce's operating expenses should be allowed is unreasonable.
- [31] Ideally, the question of Mr. Pryce's income for child support purposes would have been resolved, or at least delineated, by way of an expert report from an accountant. A qualified accountant would be able to assess Mr. Pryce's expense claims and provide informed guidance about the appropriateness of claimed expenses in terms of reducing income available for child support purposes. There was no expert report here, and neither party offered the type of analysis or submissions that provided any substantial assistance. Accordingly, I have been mostly left to my own devices in analysing this issue, which I will proceed to do based on the evidence, the general law relating to child support and my understanding of Mr. Pryce's business and business needs.
- [32] I will deal with the subject by year, using the statements of business activities that form part of Mr. Pryce's income tax returns.

2019 Income

- [33] In 2019, Mr. Pryce had revenues of about \$258,600. Other than Ms. Pook's bare or unsupported allegation, there is no evidence indicating Mr. Pryce had or has unrecorded cash income. The fact that Mr. Pryce has acquired a condominium and some vehicles over the years does not convince me that he must be earning income that he has failed to record or report.
- [34] Mr. Pryce's 2019 statement of business activities shows he had costs of goods sold and subcontract costs of about \$127,800, which brought about a gross profit of about \$130,800, which is the profit figure before any operating expenses are taken into account. This is also the figure Ms. Pook says should be used for child support. As I have said, that is not a reasonable submission.
- [35] Against that gross profit figure, Mr. Pryce has claimed expenses totalling about \$61,370. Of that sum, the items inviting the most scrutiny are meals and entertainment (\$1,815), motor vehicle expenses (\$25,624) and CCA (\$8,618). The only vehicles mentioned in that return are the Express van and the Escalade SUV. I note there is no item specifically relating to any boat expenses. If there were any such expenses, they must be included in other items.
- [36] Mr. Pryce attached copies of repair receipts indicating some substantial repairs to the Express van and Escalade SUV in that year, including one bill for \$6,750 for the Escalade and another for the Express for \$3,664. I note the vehicle expenses for the prior year were about \$13,800, which is roughly comparable in amount when the two large bills in 2019 are taken into account.
- [37] CCA can be a difficult issue when determining income available for child support purposes, as it is not an out-of-pocket expense and instead is a deduction allowed for income tax purposes. I repeat my earlier comment that deductions for income tax purposes do not necessarily translate to proper deductions for the purposes of determining income available for child support. However, I also note the two vehicles in question are depreciating assets, and expensing CCA is a legitimate way to account for that depreciating value and the eventual cost of replacement. In the absence of any actual accounting opinion evidence on the point, I conclude that CCA is an appropriate deduction here.
- [38] Finally, as to number of vehicles, Mr. Pryce says he has an employee, at least at times, and he explained that the employee might be using the Express van on occasion and so he needs a vehicle for his own work activities. On the evidence before me, I cannot conclude that having two vehicles in 2019 was unreasonable. On that point, I note that while the Express van was expensed on the basis of 100 percent business use, for the Escalade the business use was claimed at 81 percent, which recognized some element of personal use.

- [39] Finally, as for claimed expenses for meals and entertainment, I was given little evidence on which to allow or disallow that item. It does not seem excessive in amount and indeed it would make relatively little difference in child support even if it were entirely rejected, which would not have been likely. I see no reason to disallow this expense either in whole or in part.
- [40] As a final check, I have compared Mr. Pryce's claimed 2019 income of \$75,538 against Ms. Pook's claim that Mr. Pryce could earn "up to \$39 per hour" as an hourly-paid employee. On that point, I note that the job listings referred to by Ms. Pook showed quite a range in hourly rates for glaziers, with rates as low as \$26 per hour. In any event, at the top-end rate of \$39 per hour, and assuming full-time and full-year work, a glazier would earn \$81,120 a year. In my view, Mr. Pryce's claimed income for 2019 compares adequately to that level of income.
- [41] For all of those reasons, I find Mr. Pryce's 2019 income for child support purposes to be \$75,538.

2020 Income

- [42] For 2020, Mr. Pryce's revised income tax return shows gross sales of \$244,484, about \$14,000 less than the year before. His cost of purchases and subcontracts totalled \$129,764, for a gross profit before expenses of \$114,720, which is \$16,000 less than the year prior.
- [43] His meals and entertainment expenses (\$1,431) are less than the year before and so are his vehicle expenses (\$17,800). CCA is much higher: \$14,164, versus \$8,618 in 2019.
- [44] For 2020, there are four vehicles: the Express van, the Escalade, the Dodge Ram pickup truck and a 2005 Dodge Dakota which, I gather, is also a pickup truck.
- [45] Not all the vehicles are expensed in full in Mr. Pryce's revised 2020 income tax return. While the Express van is shown as being used 100 percent for business, the expenses and CCA for the Dodge Ram and Dodge Dakota are both claimed on the basis of 75 percent business use and the Escalade is expensed on the basis of 20 percent business use.
- [46] On the evidence here, it difficult to discern a legitimate business purpose for having so many vehicles in what is a very small operation. I accept that three of the vehicles are apportioned as to business and personal use, but still the claimed business use seems excessive given that Mr. Pryce, as I understand it, does not have multiple employees. While I accept that Mr. Pryce is entitled to have as many vehicles as he wants, what he cannot do is claim expenses for as many vehicles as he wants without justifiable business reasons if the effect of those deductions is to unreasonably reduce the income he has available to pay child support.
- [47] Doing the best I can given the limited state of the evidence, I conclude that the most appropriate approach is to allow CCA at the same level as it was in 2019. This means adding \$5,546 (\$14,164 - \$8,618) to income, which brings about a total income of \$73,962 (\$68,416 + \$5,546).

[48] The vehicle expense amount stands on a different footing as those expenses would vary with use, unlike CCA, which I understand is the same no matter how much a vehicle is used. Perhaps for that reason, the vehicle expense figure for 2020 is not far off the figure for 2018 (with 2020 being about \$4,000 more), despite four vehicles being available for use in 2020. Recognizing that I can only attempt rough justice here, I conclude a modest vehicle expense disallowance of perhaps \$1,500 is called for in order to reflect an element of additional expense relating to the excessive number of vehicles. This brings Mr. Pryce's 2020 income very close to his 2019 income. In fact, it is so close that I conclude it should be the same.

[49] Accordingly, I find Mr. Pryce's income to be \$75,538 for 2020.

[50] On that level of income, the Guidelines tables prescribe a monthly child support obligation of \$721 for one child. Mr. Pryce's child support obligation is therefore \$721 effective July 1, 2020.

IV. Ms. Pook's Application

[51] In Ms. Pook's notice of application, she seeks the following orders:

- a) a change in the exchange location;
- b) a modification to parenting time to allow her to have parenting time with Skylyer on Mother's Day and her birthday;
- c) an order requiring Mr. Pryce to take Skylyer to his scheduled activities during Mr. Pryce's parenting time; and
- d) an order that Mr. Pryce pay half of all special and extraordinary expenses.

Exchange Location

[52] The exchange location was prescribed in the order of Jenkins J. of December 15, 2014. As noted earlier, at the time of that order Ms. Pook had moved to Chilliwack and Mr. Pryce lived in Burnaby. The order constrained Ms. Pook geographically, requiring that her residence be within the boundaries of North Vancouver to the north, White Rock to the south, Burnaby to the west and Chilliwack to the east, except upon the written consent of the parties or further court order.

[53] The order requires that the exchanges are to be done at a particular address in Langley regardless of the location of Ms. Pook's residence within those boundaries.

[54] Ms. Pook says that with Mr. Pryce now living in Langley, she is the one bearing the burden of most of the driving. She suggests that the exchange location be changed to a specific address (a gas station) in Abbotsford, which would make the amount of driving roughly even between the parties. Alternatively, Ms. Pook suggests that she drive Skylyer to Mr. Pryce's residence at the beginning of Mr. Pryce's parenting time, and that Mr. Pryce drive him back to Chilliwack.

- [55] Mr. Pryce notes he has already agreed to a closer meeting spot on 232nd Avenue in Langley. He said problems have arisen because Skylyer has wanted additional time with his father and Mr. Pryce ends up driving all the way to Chilliwack during those additional visits. He also said "the time always changes", which I took to mean that either the meeting time for these visits was unpredictable or this additional parenting time generally was unpredictable. He said the driving responsibilities should stay the same.
- [56] This issue was not well developed by the parties largely because there was very little hearing time available by the time we addressed it. As best as I can understand it, the exchange issue seems to have more to do with the additional parenting time requested by Skylyer than to the regular parenting time.
- [57] Given that Mr. Pryce now lives in Langley, I am satisfied that the situation has materially changed since the time Jenkins J. made the order of December 15, 2014. I also note that carrying out exchanges at gas stations or other, similar locations is not ideal for any child, although sometimes it is necessary for various reasons.
- [58] I conclude that the better arrangement for Mr. Pryce's regular parenting time is for Ms. Pook to drive Skylyer to Langley at the beginning of the parenting time and for Mr. Pryce to drive Skylyer back at the end of it. This simplifies the arrangement and also allows Skylyer to be dropped off at a residence and not have to wait for the other vehicle to show up.
- [59] The exchange place relating to the extra parenting time is another issue. I am not going to prescribe the driving or drop-off locations for these occasions. These appear to be more or less spontaneous events and so it is difficult to prescribe fixed obligations for them. One or another of the parties may be unavailable to do the driving, for example. I will simply say that both parents should support Skylyer in his desire for parenting time with each parent, and so both parties should share the burden associated with making that additional time happen.
- [60] I appreciate that due to time limitations (and, I must say, a certain amount of bickering between the parties) this issue may not have been fully argued. If there is something I have missed or there is a further aspect to be decided on it, the parties may request a further attendance before me.

Mother's Day and Birthday

- [61] I consider it reasonable that both parents should have parenting time with Skylyer on their respective birthdays and parental days. Accordingly, if those days fall within the other parent's parenting time, then the other parent's parenting time will be deferred to the following week.

Attendance at Activities

- [62] Ms. Pook indicated that Mr. Pryce has not always taken Skyyler to his scheduled activities, with rep soccer being the example given. Mr. Pryce said he feels it is unreasonable to force him (Mr. Pryce) to attend events that may interfere with his own plans for Skyyler. He added that sometimes Skyyler himself does not want to go to the event or practice.
- [63] I do not consider it appropriate to make an order requiring Mr. Pryce to take Skyyler to any and all of his scheduled events, as Ms. Pook argued. There may be reasons why Skyyler should not go, including reasons relating to Skyyler's own preferences. However, Mr. Pryce should still be making best efforts to get Skyyler to his scheduled activities.
- [64] I conclude that the appropriate order here would allow some flexibility and the exercise of judgement, so I order that Mr. Pryce is to make his best efforts to take Skyyler to his scheduled activities.

Expenses

- [65] Ms. Pook seeks an order requiring Mr. Pryce to pay half of all dental, medical, school fees and extracurricular activities relating to Skyyler. She is content that the sharing not be in proportion to their respective incomes.
- [66] The Guidelines provide for additional support amounts to be paid, beyond the table amounts, for "special and extraordinary expenses". These are often described as "Section 7 expenses" since they are dealt with in Section 7 of the Guidelines. That section reads as follows:
- 7 (1) In a child support order the court may, on either spouse's request, provide for an amount to cover all or any portion of the following expenses, which expenses may be estimated, taking into account the necessity of the expense in relation to the child's best interests and the reasonableness of the expense in relation to the means of the spouses and those of the child and to the family's spending pattern prior to the separation:
- (a) child care expenses incurred as a result of the custodial parent's employment, illness, disability or education or training for employment;
 - (b) that portion of the medical and dental insurance premiums attributable to the child;
 - (c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
 - (d) extraordinary expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs;
 - (e) expenses for post-secondary education; and

(f) extraordinary expenses for extracurricular activities.

(1.1) For the purposes of paragraphs (1)(d) and (f), the term extraordinary expenses means

- (a) expenses that exceed those that the spouse requesting an amount for the extraordinary expenses can reasonably cover, taking into account that spouse's income and the amount that the spouse would receive under the applicable table or, where the court has determined that the table amount is inappropriate, the amount that the court has otherwise determined is appropriate; or
- (b) where paragraph (a) is not applicable, expenses that the court considers are extraordinary taking into account
 - (i) the amount of the expense in relation to the income of the spouse requesting the amount, including the amount that the spouse would receive under the applicable table or, where the court has determined that the table amount is inappropriate, the amount that the court has otherwise determined is appropriate,
 - (ii) the nature and number of the educational programs and extracurricular activities,
 - (iii) any special needs and talents of the child or children,
 - (iv) the overall cost of the programs and activities, and
 - (v) any other similar factor that the court considers relevant.
- (2) The guiding principle in determining the amount of an expense referred to in subsection (1) is that the expense is shared by the spouses in proportion to their respective incomes after deducting from the expense, the contribution, if any, from the child.

[67] Not all child-related expenses are payable under this section, hence the use of the word "extraordinary" when referring to school expenses and expenses related to extracurricular activities. "Extraordinary expenses" are "expenses that exceed those that the spouse requesting an amount for the extraordinary expenses can reasonably cover", taking into account the requesting spouse's income and other factors.

[68] Although I do not have any information about Ms. Pook's income (which from the language of s. 7 is ordinarily a necessary factor), I also note that Ms. Pook only seeks equal sharing which, given that she almost certainly earns less than Mr. Pryce, is a concession in Mr. Pryce's favour.

[69] I also note the scope of the dispute here is relatively limited. The only costs mentioned are dental expenses, an orthotics bill and the costs of Skyler's activities. The first two are relatively straightforward as they are health-related expenses and, accordingly, s. 7(1)(c) applies. Mr. Pryce should therefore pay one-half of any health-related expenses that exceed insurance reimbursement by at least \$100 annually.

- [70] Extracurricular activities are more difficult. One parent should not have to bear all the expense of reasonable extracurricular activities for a child where those activities are generally commensurate with the child's interests, skills and the parents' standard of living, but neither should one parent unilaterally incur excessive or unreasonable expenses for a child and expect the other parent to pay half (or whatever proportion) without regard to the views of the other parent.
- [71] The ideal situation is where separated parents agree on the child's extracurricular activities. In such a case, the expense will generally be shared in some way.
- [72] Here, Ms. Pook seeks an order that, in effect, would require Mr. Pryce to pay half of the cost of any and all activities for Skylyer. I note, first of all, that some activities might have only a minor cost component and so these would not likely meet the definition of "extraordinary". A \$20 school excursion fee might be an example. Second, I am not inclined to make an order that would have the effect of giving a blank cheque to Ms. Pook for any number of activities for Skylyer, no matter what the expense, if that is what she chooses to arrange.
- [73] In these circumstances, I conclude that only a standard s. 7 order, using general language, is appropriate here. As an aside, I note that the December 2014 order does not really impose a general obligation on Mr. Pryce to pay s. 7 expenses, although it mentions s. 7 expenses at several points in the context of daycare expenses. An order is appropriate here to fill that gap.
- [74] Accordingly, Mr. Pryce shall pay one-half of s. 7 special and extraordinary expenses for Skylyer. If the parties disagree on any expense or expenses, they have liberty to apply to Court to have that issue adjudicated upon.

V. Conclusion

[75] In summary:

- a) I find Mr. Pryce's income to be \$75,538 for both 2019 and 2020;
- b) effective July 1, 2020, Mr. Pryce's child support obligation is \$721 per month;
- c) for Mr. Pryce's regular parenting time, Ms. Pook will drive Skylyer to Mr. Pryce's residence in Langley at the beginning of the parenting period and Mr. Pryce will return Skylyer to Ms. Pook's residence in Chilliwack at the end of it;
- d) the driving arrangements for any additional parenting time will be arranged between the parties on an individual basis;
- e) in the case of Mother's Day, Father's Day and the birthdays for the parties, if those days fall within the other party's parenting time, then the other party's parenting time will be deferred to the following week;
- f) Mr. Pryce shall make his best efforts to take Skylyer to his scheduled activities; and

9) the parties shall share equally the s. 7 special and extraordinary expenses for Skytyler. If the parties disagree on any expense or expenses, they have liberty to apply to Court to have that issue adjudicated upon.

[76] On the matter of costs, given the mixed success of both parties I conclude the parties should bear their own costs.

"Blok J."

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