

CANADA / JUDGMENT

R.B. aka R.K. v. M.J.B.

2025 BCSC 488

COURT

Supreme Court of British Columbia

DECIDED

18 March 2025

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2025 BCSC 488 R.B. aka R.K. v. M.J.B.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R.B. aka R.K. v. M.J.B.,

2025 BCSC 488

Date: 20250318

Docket: E222610

Registry: Vancouver

Between:

R.B. aka R.K.

Claimant

And

M.J.B.

Respondent

Before: The Honourable Madam Justice Murray

Reasons for Judgment

Counsel for the Claimant:

J. Pyde

L. Chambers, Articled Student

The Respondent, appearing in person:

M.J.B.

Place and Date of Trial:

Vancouver, B.C.

January 13, 15-17, 20-24, 27-31, 2025

Place and Date of Judgment:

Vancouver, B.C.

March 18, 2025

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INTRODUCTION

- [1] The issues in this family trial include divorce, parenting time, division of parenting responsibilities, child support, and division of property and debt. R.K. originally sought spousal support but waived any claim she may have to same, now and in the future, on the first day of trial. In addition, near the end of the trial, R.K. abandoned her claim to shares in M.J.B.'s company.
- [2] By way of brief background, the parties began to live together in July 2018 and married on October 9, 2020. M.J.B. had been previously married to E.S., and they had a daughter, P., born January 8, 2017 (now 7). For much of the parties' relationship, including the final year of it, M.J.B. and E.S. shared parenting of P. on a 2-2-5-5 schedule. R.K. regularly cared for P., including when M.J.B. was at work. R.K. carried the majority of P.'s transitions between E.S. and M.J.B.
- [3] R.K. and M.J.B. have one child, a son, A., born July 16, 2021. The parties separated in October 2022. The exact date of separation, which is in dispute, is of no moment to any of the issues in this trial.
- [4] The parties have both re-partnered - R.K. with T.D. and M.J.B. with A.W. R.K. and T.D. have a son together, H., born in February of 2024. They live in Cloverdale in a house T.D. co-owns with his brother. M.J.B. rents a house in Coquitlam. While M.J.B. and A.W. do not live together, they spend most of their time together and are in a committed relationship.
- [5] With respect to the parties' separation, on October 6, 2022, M.J.B. emailed R.K. advising of his intention to separate and enclosing a draft separation agreement for her consideration. The agreement was never signed. The parties physically separated on October 26, 2022, when R.K. left the family home while M.J.B. was at work, taking A. along with all of his belongings and the family pets (a dog and three cats). She went to Vancouver Island to stay with her parents. She then rehomed the pets without asking M.J.B. if he wanted them, and contacted the police alleging that M.J.B. abused her physically. No action was taken. She also alleged that M.J.B. spanked P. on August 1, 2022, causing bruising on her buttocks. As a result of the allegations of child abuse, R.K. applied for, and on November 4, 2022, was granted a protection order in Supreme Court barring him from having contact with her and A.
- [6] On June 30, 2023, Associate Judge Robertson granted an order permitting M.J.B. supervised parenting time of A. That parenting time was increased in October 2023 by Justice Gomery. Justice Gomery also removed the requirement that M.J.B.'s parenting time be professionally supervised and replaced it with an order that it be supervised by a non-professional agreed on between the parties. The Gomery orders regarding parenting time are still in place.

M.J.B. has supervised parenting time with A., two afternoons and one overnight per week. The Protection Order ordered by Gomery J. was terminated on October 21, 2024, by Associate Judge Robertson, but M.J.B.'s parenting time remains supervised. A.W. has been the primary supervisor.

- [7] M.J.B. and his ex-wife, E.S., have an acrimonious relationship, which has led to problematic co-parenting. Since their separation, there have been numerous Provincial Court attendances regarding M.J.B.'s parenting time of P., including a 9-day trial before Judge Jamieson in early 2021. R.K. testified in support of M.J.B. at that trial.
- [8] After leaving the family home, R.K. shared with E.S. the allegation that M.J.B. spanked P. Based on R.K.'s information, E.S. applied for, and on November 8, 2022, was granted an ex parte protection order prohibiting M.J.B. from, amongst other things, having contact with P. In 2023, M.J.B. applied to terminate the Protection Order regarding P. At this hearing, R.K. testified against M.J.B. In her 2023 Reasons for Judgment, Judge Cronin, changing the order from a protection order to a conduct order and ordering reunification counselling for M.J.B. and P., Cronin, PCJ found that M.J.B. had slapped P.'s buttocks, leaving bruises. In reaching this conclusion, Judge Cronin relied on the evidence of R.K. and Child and Family Therapist, Lorna Demedeiros. I will return to this.
- [9] After not seeing P. for approximately 17 months, in late March 2023, pursuant to the order of Judge Cronin, M.J.B. and P. began reunification counselling with Gerry Bock, a registered Parent Child contact specialist. M.J.B. currently has parenting time with P. on Thursdays from 3 p.m. to 6 p.m. and Sundays from 10 a.m. to 2 p.m. Mr. Bock is still involved. M.J.B. is applying in March of this year to increase his parenting time. E.S. is opposed.
- [10] M.J.B. is charged criminally with assaulting P. No date has been set for trial.
- [11] R.K. worked as a manager at a daycare. Her maternity leave ended at the end of January 2025. She does not plan to go back to work immediately but may return to work part-time in the future.

ISSUES

- [12] The issues to be decided are as follows:
- 1) Divorce;
 - 2) Division of property and debt;
 - 3) Child support, including s. 7 expenses - prospective and retroactive;
 - 4) Guardianship and parenting responsibilities;
 - 5) Where A. should go to school;
 - 6) Parenting time;

7) Conduct orders.

[13] I will consider the issues in turn, but before I do, I must address the issue of credibility.

CREDIBILITY

[14] The credibility of witnesses and the reliability of their evidence is a key consideration in any trial.

[15] The distinction between reliable evidence and credible evidence was discussed by Doherty J.A. in *R. v. Morrissey* (1995), 1995 CanLII 3498 (ON CA), 22 O.R. (3d) 514 (C.A.) at p. 526:

Testimonial evidence can raise veracity and accuracy concerns. The former relate to the witness's sincerity, that is, his or her willingness to speak the truth as the witness believes it to be. The latter concerns relate to the actual accuracy of the witness's testimony. The accuracy of a witness's testimony involves considerations of the witness's ability to accurately observe, recall and recount the events in issue. When one is concerned with a witness's veracity, one speaks of the witness's credibility. When one is concerned with the accuracy of a witness's testimony, one speaks of the reliability of that testimony. Obviously a witness whose evidence on a point is not credible cannot give reliable evidence on that point. The evidence of a credible, that is, honest witness, may, however, still be unreliable. ...

[16] In *Bradshaw v. Stenner*, 2010 BCSC 1398, at para. 186, Dillon J. set out a non-exhaustive list of factors the Court may consider when assessing credibility:

[186] Credibility involves an assessment of the trustworthiness of a witness' testimony based upon the veracity or sincerity of a witness and the accuracy of the evidence that the witness provides (*Raymond v. Bosanquet (Township)* (1919), 1919 CanLII 11 (SCC), 59 S.C.R. 452, 50 D.L.R. 560 (S.C.C.)). The art of assessment involves examination of various factors such as the ability and opportunity to observe events, the firmness of his memory, the ability to resist the influence of interest to modify his recollection, whether the witness' evidence harmonizes with independent evidence that has been accepted, whether the witness changes his testimony during direct and cross-examination, whether the witness' testimony seems unreasonable, impossible, or unlikely, whether a witness has a motive to lie, and the demeanour of a witness generally (*Wallace v. Davis*, [1926] 31 O.W.N. 202 (Ont.H.C.); *Faryna v. Chorny*, 1951 CanLII 252 (BC CA), [1952] 2 D.L.R. 354 (B.C.C.A.) [Faryna]; *R. v. S.(R.D.)*, 1997 CanLII 324 (SCC), [1997] 3 S.C.R. 484 at para.128 (S.C.C.)). Ultimately, the validity of the evidence depends on whether the evidence is consistent with the probabilities affecting the case as a whole and shown to be in existence at the time (Faryna at para. 356).

[17] Many witnesses testified during the three-week trial. They can be broken into three categories: the parties, experts/counsellors, and family members.

Family Members

- [18] The parents and siblings of both R.K. and M.J.B. testified about their observations on the parenting skills of one party over the other. While I do not doubt their trustworthiness, their evidence is of limited value as they are, in most cases, testifying to limited observations. Additionally, the witnesses, through their relationship to the parties, are connected to one side or the other. While I take into account all of the evidence, I do not find the evidence of family members to be determinative of any of the issues.
- [19] The parties also called their current partners to testify. I have no difficulty accepting the evidence of both T.D. and A.W. as credible and reliable. Despite their alliances, they gave their evidence fairly and in a straightforward manner.
- [20] One witness who does not fit neatly into the definition of family is E.S. I have reservations about E.S.'s evidence for a number of reasons. First, her animosity toward M.J.B. is palpable. Second, she has aligned with R.K. And finally, her self-interest in keeping M.J.B.'s parenting time to a minimum is connected at least peripherally to the outcome of this case. Given these concerns, I am unable to find E.S. to be unbiased or fair. I must therefore treat her evidence with caution.

Expert/Professional Witnesses

- [21] Two witnesses testified as experts - Dr. Mary Korpach, who wrote the s. 211 report, and Gerry Bock. Both professionals gave their evidence fairly and impartially. Regarding Dr. Korpach, while R.K. takes issue with her opinions regarding parenting time and where A. should go to school, neither party challenged the bulk of her lengthy and comprehensive report.
- [22] As mentioned above, licenced social worker and Child and Family counsellor, Lorna Demedeiros, testified for R.K. While Ms. Demedeiros testified that she is qualified to write Views of the Child and s. 211 reports, she did not testify as an expert witness, meaning that she was not qualified to give opinion evidence.
- [23] Ms. Demedeiros's evidence is critical as it is the key to the allegation against M.J.B. She testified in this court, and others, that on January 14, 2023, P. disclosed to her that her father spanked her and left marks. I find Ms. Demedeiros's evidence, with respect to the methods she used to obtain this disclosure, her note-keeping and report writing, and her actions regarding P.'s relationship with her father, to be troubling.
- [24] Ms. Demedeiros testified that she has been doing synergetic play therapy with P. since October 26, 2022. E.S. was her contact person. Ms. Demedeiros testified about her ongoing contact with E.S.; they spoke at the beginning of each session. Conversely, Ms. Demedeiros refused to have contact with M.J.B. It was clear from Ms Demedeiros's evidence that she has aligned herself with E.S. and against M.J.B. In fact, toward the end of her evidence, Ms. Demedeiros admitted that she was biased against M.J.B. As a result of this bias, her

information was skewed and one-sided. She knew very little about P.'s life with M.J.B., R.K., and A. In my view, she was looking to find reasons for why M.J.B. should not have parenting time with P.

- [25] Ms. Demedeiros testified that E.S. asked her to talk to P. about M.J.B. slapping her. Ms. Demedeiros admitted that it was her goal to get P. to disclose that. Her methods in extracting that "disclosure" were leading and suggestive. This is particularly concerning as, according to Dr. Korpach, young children can be "relatively easily coached."
- [26] The power of Ms. Demedeiros's suggestion is illustrated by the fact that P. has never made any disclosures to her regarding R.K. When asked about this by Dr. Korpach, Ms. Demedeiros responded that she did not query this area with P. because E.S. did not talk to her about R.K. treating P. badly, just M.J.B.
- [27] Ms. Demedeiros's note-taking was inaccurate (often wrong), inadequate, and careless. She conceded so in her evidence. A relatively benign example is Ms. Demedeiros's recording of the number of sessions she had with P. At the beginning of each session's notes, she inserted the session number, often recording the wrong number, making it appear that she had had more sessions with P. than she actually had. A more serious example is from her session notes dated July 16, 2024. Ms. Demedeiros recorded that P. told her that she wanted to see her dad once or twice a week and then have sleepovers. The note then says this: "P asked me to relay that information to (blank)." When asked about this blank in her notes, Ms. Demedeiros testified that when she made her notes sometime after her session, she could not remember who P. asked her to tell. As a result, she did not tell anyone about P.'s wishes even though she testified that it would have been important to do so. Important is an understatement. At the time, M.J.B. was not permitted to see P. at all.
- [28] Of greater concern, Ms. Demedeiros provided reports to Court that were inaccurate, knowing that the Court would rely on them to determine M.J.B.'s parenting time.
- [29] In an Affidavit dated March 29, 2023, sworn for the Provincial Court, proceedings between E.S. and M.J.B., Ms. Demedeiros attested to seeing a dramatic change in P.'s demeanour from being withdrawn with low mood during her sessions on October 26, November 5, and November 12, 2022, to being happier and more open from her November 26, 2022 session. She attributed that change to the fact that P. had stopped seeing her father. In fact, P. had not seen M.J.B. since October 26, 2022, during the period of "low mood."
- [30] In the same Affidavit, Ms. Demedeiros stated under oath that on January 14, 2023, P. disclosed to her "that her father [M.J.B.] "spanked [her] on her bum so hard it left a bruise"." The italicized portion was in quotes in Ms. Demedeiros's affidavit, indicating, according to her, that those were P.'s exact words. Of note, the quote attributed to P. was different than the "quote" in her notes and a "quote" about the same disclosure written for court on a different occasion. Plus, it was inaccurate. P. did not say M.J.B. spanked her. According to Ms. Demedeiros, P. said, daddy spanked me. Ms. Demedeiros knew that P. called E.S.'s new partner "daddy" and M.J.B. "other daddy." However, Ms. Demedeiros did not ask P. who

daddy was. She testified that she just assumed that it was M.J.B. Notably, Ms. Demedeiros testified that her goal was to get P. to say that M.J.B. slapped her, leaving bruises.

- [31] In a letter written August 9, 2023, that she knew would be used in court, Ms. Demedeiros wrote the following:

I was also made aware of an occurrence in [M.J.B.'s] home when P was "so scared that she stood frozen in her bedroom and peed herself". This is an example of a "Freeze Response" where the child's nervous system is so overwhelmed and lacking a safe caregiver in their environment to approach for comfort It is my clinical recommendation that P continue to have no contact with her father.

- [32] No evidence was led as to who Ms. Demedeiros was quoting above. In her testimony, Ms. Demedeiros conceded that she did not know whether this incident actually happened. Nor did she know if M.J.B. was home during the alleged incident. Yet she used it as a reason to base her "professional opinion" that M.J.B. not see P. In fact, the incident Ms. Demedeiros references happened when R.K. was home and M.J.B. was at work. Ms. Demedeiros admitted that it was "irresponsible" of her to make that statement.

- [33] Further in her August 2023 reporting letter to Court, Ms. Demedeiros opined that P's "reticence to see her father is justified due to substantiated abuse claims." In cross-examination, Ms. Demedeiros admitted that she was not qualified to give this opinion. I pause to note that she had no factual basis on which to make it in any event. She went on in her letter to assert that the fact that there was a protection order in place prohibiting M.J.B. from contacting P. and her family indicates "that he is using coercive or controlling behaviour to contact P, which harms her attachment with him and demonstrates a lack of empathy for considering P's experience." In cross-examination, Ms. Demedeiros conceded that she had no factual basis to make these statements; she just assumed that that was what was happening because there was a protection order.

- [34] These serious allegations, all made to support her conclusion that M.J.B. not see P., were made by Ms. Demedeiros, in her role as an expert, in a letter that she knew would be before the Court that was determining whether M.J.B. should get parenting time with P. She knew the Court would rely on her opinions to make the decision.

- [35] Ms. Demedeiros's crusade against M.J.B. continued when she was interviewed for the s. 211 report, which Ms. Demedeiros knew was going to be relied on by this Court to determine M.J.B.'s parenting time with A. She told Dr. Korpach that M.J.B. had behaved in concerning ways toward her as follows:

he has called the office multiple times per day, followed by hanging up, and has harassed her staff, demanding information about his daughter. She noted he once telephoned impersonating a lawyer and demanding information. She described his behavior as "shifty and coercive controlling" and stated he was slurring his speech during the "lawyer" call.

- [36] In cross examination, she admitted that these were strong claims and that she was "wrong" in labelling M.J.B. "coercive controlling." I note that these allegations were substantially unfounded. All were an exaggerated distortion of the truth.
- [37] In the course of her testimony, Ms. Demedeiros conceded that her notes were inaccurate, that she jumped to conclusions based on unfounded assumptions, that she gave opinions that she was not qualified to give, that she used incorrect words in her notes and "expert" reports, and that her charting and reports were inaccurate. Most alarmingly, Ms. Demedeiros admitted that she was biased against M.J.B.
- [38] I am left unable to accept any of Ms. Demedeiros's evidence. Not only is it based on inaccurate and irresponsible record keeping and falsehoods, it is tainted by her animus toward M.J.B. While I have doubts that P. actually made a disclosure, I find that if she did, it was the result of Ms. Demedeiros's coaching and suggestion. As stated by Dr. Korpach, it is easy to coach a young child to make a disclosure.

The Parties

R.K.

- [39] I have serious concerns regarding the credibility and reliability of R.K.'s evidence. She acknowledges that she lied to Dr. England, who was appointed by the Court to prepare a s. 211 report for the Provincial Court regarding P. She also testified that she committed perjury in her testimony in the Provincial Court trial between M.J.B. and E.S. R.K. justified her dishonesty in her testimony, saying first that she lied because she did not want to jeopardise M.J.B.'s parenting time with P., and then that she was afraid of what M.J.B. would do at home later. I am not the only Judge that has had difficulty with R.K.'s credibility. In Reasons for Judgment indexed at 2024 BCSC 2475, Gomery, J. stated that he did not put much weight on R.K.'s evidence due to her admitted lies and perjury. He also noted that R.K.'s evidence regarding her actions and state of mind throughout her relationship with M.J.B. evoked skepticism.
- [40] I find that R.K. exaggerated aspects of her evidence that she thought would help her. For example, R.K. portrayed herself as a victim of an abusive relationship. The problem with this representation is that it does not fit with the rest of the evidence. Texts, photographs, and videotapes demonstrate that R.K. is strong-willed and regularly stood up to M.J.B. It also showed that she enjoyed confrontation and often initiated it with M.J.B. and others, including E.S. I agree with Judge Jamieson's characterization of R.K. after she testified in a Provincial Court trial before him that R.K. "enjoyed the fight and stoked the fire."
- [41] I conclude from the evidence that the parties' relationship was toxic. I accept that at times M.J.B. did not treat R.K. well. However, I do not accept that it was entirely one way as represented by R.K. I will return to this.

- [42] R.K.'s evidence is internally and externally inconsistent. Examples of internal inconsistencies include R.K. telling Dr. Korpach during her first interview that she and T.D. have never had conflict. During the second interview, she told Dr. Korpach that while they have conflict, they work through it. During her evidence at trial, R.K. testified about taking photographs of P.'s bruised buttocks from M.J.B.'s iPad, as first that she was just looking through his photos innocently to that she was planning to leave and was looking for evidence to use to make a police complaint.
- [43] With respect to external inconsistencies, her evidence conflicts with the real evidence, that is, videos, texts, and photographs. For example, R.K. denied keeping P. in her room for long periods of time. This does not fit with the other evidence, particularly the text messages and photographs. Text messages sent by R.K. to M.J.B. demonstrate the cruelty with which R.K. treated P. R.K. called P. "a bitch," complained about her "bullshit," and left her standing in her room for hours on end. A room that R.K. had cleared of all of P.'s belongings. No toys. No pictures on the wall. The evidence is that R.K. removed everything from P.'s room to punish her. Photographs show P. standing forlornly in her room staring at her dresser. In texts, M.J.B. tried to commiserate with R.K. and coach her into treating P. kindly. There is no evidence to support R.K.'s evidence that P. would not come out of her room when M.J.B. was home. In fact, all of the evidence is to the contrary.
- [44] As a further example, R.K.'s evidence, that she did not leave P. in soiled clothing, conflicts with photographs she sent to M.J.B. while he was at work, showing P. in her room with feces smeared all over her room and clothes that she had defecated in. And R.K.'s denial that she kicked E.S.'s dog when she was picking up P. one day is belied by a video of her doing so.
- [45] Some of R.K.'s evidence defies common sense. For example, her explanation as to why she cut P.'s hair in August of 2022. She testified that she cut P.'s hair shorter to make it look fuller because a chunk of it had fallen out. She explained that she thought P. would be embarrassed by her hair when she started kindergarten in September. M.J.B. asked her not to cut it. P. did not want her to cut it; she loved her long hair. I find that she did it to be cruel. It fits with her pattern of behaviour towards P.
- [46] R.K.'s hostility toward M.J.B. permeated her testimony. All of her actions since she left the family home have been directed at getting back at M.J.B. for the hurt she believes he caused her. This includes making the police report, befriending E.S., resisting M.J.B. having time with A., refusing to acknowledge M.J.B.'s existence to A., not letting A. out of the car at drop-offs until the time designated for exchange even when both parties are sitting in their cars before that, and rehoming the dog without asking M.J.B. if he wanted to keep it.
- [47] As a result of my findings, I have grave concerns about R.K.'s evidence. I find that she will say whatever she thinks will help her and that her negative feelings toward M.J.B. taints all of her testimony. As a result, I must be cautious when dealing with her evidence. Overall, I prefer the evidence of others to the evidence of R.K.

M.J.B.

- [48] M.J.B. presented as a thoughtful, honest witness. He was forthright in acknowledging his unacceptable behaviour toward R.K., including using profane, hostile language, flipping a table, and being physically aggressive. He did not attempt to deflect blame.
- [49] It was evident throughout his testimony that the well-being of A. and P. is M.J.B.'s primary concern and that he is willing to work with R.K. I found him to be candid about their relationship.
- [50] Contrary to R.K.'s submissions, I did not find M.J.B. to be evasive. That I had to at times remind him to just answer the questions rather than expand on them was a result of him being self-represented rather than being uncooperative. He was clearly trying to be thorough in his answers.
- [51] I also disagree that the texts M.J.B. sent to R.K. during her difficulties with P. show him to be dishonest. Though he admitted that sometimes he told her things that were not true, for example, that it took P. an hour to come out of her room for him, he was obviously walking a tightrope, trying to commiserate with R.K. while attempting to encourage her to parent P. with kindness rather than anger. I also reject the premise that his overtures to try to reconcile after R.K. left were nonsensical. I accept those efforts as a desperate attempt to get his son back. The theme that came shining through M.J.B.'s evidence is that he will do everything in his power to be with his children and ensure their well-being.
- [52] The most important factor in assessing M.J.B.'s evidence is that, unlike R.K.'s evidence, it fits with the real evidence, including texts, videos, photographs, and work schedules.
- [53] Overall, I find M.J.B.'s evidence on material points to be both credible and reliable. It was reasonable and logical and it fit with the real evidence. Accordingly, unless explicitly specified in these reasons, I accept his evidence.
- [54] I will now turn to address the issues in turn.

DIVORCE

- [55] Divorce is granted on the ground that the parties have lived separate and apart for over a year.

DIVISION OF PROPERTY AND DEBT

- [56] Spouses are entitled to an equal entitlement to family property and debt: s. 81 of the Family Law Act, S.B.C. 2011, c. 25 (the "FLA"). This is not a difficult exercise in this case. It was a short union - together, four years, married for two of those years. They did not own property. Their cars, their main assets, were completely financed.

- [57] As noted above, in closing argument, R.K. withdrew her claim to shares in M.J.B.'s company, a company he formed before the relationship. I pause to note that the shares in that company currently have no value.
- [58] R.K. concedes that she owes M.J.B. funds to equalise the division of property. By consent, I order that within 30 days of this judgment, R.K. pay to M.J.B. \$13,468.73, being \$10,290.53 to equalize the parties' debts at separation, \$1,378.20 for Rogers cell phone fees he paid on R.K.'s behalf after separation, and \$1,800 for the family pets.
- [59] Additionally, by consent, I order that the parties retain and be responsible for the remainder of their property and debt. The sole exception to this is the engagement ring given to R.K. by M.J.B. By consent I order that R.K. sell the ring and e-transfer half of the proceeds to M.J.B. within two days of the sale.

CHILD SUPPORT AND SPECIAL EXPENSES

- [60] R.K. seeks both prospective and retrospective child support.
- [61] There is no question that M.J.B. has an obligation to pay child support to R.K. as she has been, for the reasons outlined above, A.'s primary parent since October 26, 2022. Save for a period of seven months, which I will deal with below as arrears, M.J.B. has been paying child support to R.K. for A.

Child Support Arrears

- [62] In terms of retrospective child support, M.J.B. acknowledges that he owes R.K. child support for the period November 2022 through May 2023. Based on the parties' respective incomes for the relevant period and by consent, I order that M.J.B. owes R.K. \$4,320 in child support arrears.

Child Support

- [63] With regard to child support going forward, until the parties share parenting time equally, M.J.B. will pay child support in an amount commensurate with his line 150 income, which will be revisited annually with updated financial information. For 2025, M.J.B. shall pay child support based on his 2024 income: \$79,222. I order that M.J.B. pay to R.K. child support for A. in the amount of \$757 per month, commencing on the 22nd day of May 2025, and continuing on the 22nd day of each month until agreement of the parties or further court order.
- [64] As mentioned above, the formula changes if parenting is shared equally. The expectation is that this amount will be revisited when that happens.

[65] Additionally, child support is subject to review annually based on the parties' updated financial information. To that end, I order that the parties are to exchange financial information showing their income by July 1 of each year. This obligation applies to R.K. even if she is unemployed.

Special Expenses

[66] Special expenses, also referred to as section 7 or extraordinary expenses, are provided for in s. 7 of the Federal Child Support Guidelines (SOR/97-175) (the "Guidelines") which reads in part 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 employment, illness, disability or education or training for employment of the spouse who has the majority of parenting time;
- (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.

[67] Section 7(2) of the Guidelines instructs that special expenses are shared by the spouses in proportion to their incomes. M.J.B.'s income is known. The question is R.K.'s income.

[68] As above, R.K.'s maternity leave ended at the end of January 2025, and she has presently chosen to not return to work. R.K. submits that her income from maternity benefits should be used as her income. I disagree. While it is R.K.'s prerogative to not return to work outside the home, M.J.B. should not have to pay an increased share of special expenses as a result of that decision.

- [69] Section 19(1)(a) of the Guidelines permits the Court to impute income to a spouse in a number of circumstances, including when a spouse is intentionally unemployed. R.K. submits that the fairest way to determine an imputed income is to consider her income over the last three years, as her income has fluctuated. In the three years preceding R.K.'s present maternity leave, her income has been as follows: in 2021, \$36,854; in 2022, \$28,118; and in 2023, \$56,130.
- [70] Section 17(1) of the Guidelines permits the Court to consider the spouse's pattern of income to "determine an amount that is fair and reasonable in light of any pattern of income, fluctuation in income or receipt of a non-recurring amount during those years." As R.K. was on maternity leave in 2022, the income for that year does not provide an accurate gauge of her income earning ability. Having regard to the pattern of earning over the three years and taking the maternity leave into account, I find a fair and reasonable income to impute to R.K. to be \$48,000.
- [71] Taking M.J.B.'s income as \$79,222 and R.K.'s income as \$48,000, s. 7 expenses shall be shared as follows: M.J.B. will pay 60% and R.K. will pay 40% until further order of this Court or by agreement of the parties.
- [72] R.K. seeks an order that M.J.B. pay his share of A.'s daycare from June to December 2023, being \$376. M.J.B. agrees.

GUARDIANSHIP, PARENTAL RESPONSIBILITIES, AND PARENTING TIME

Guardianship

- [73] By consent, both parties are to share the guardianship of A.

Parental responsibilities

- [74] Pursuant to s. 40(2) of the FLA, unless an agreement or court order allocates parental responsibilities differently, each child's guardian may exercise all of them with respect to the child in consultation with the child's other guardians, unless consultation would be unreasonable or inappropriate in the circumstances.
- [75] Parental responsibilities are set out in s. 41 of the FLA as follows:
- (a) making day-to-day decisions affecting the child and having day-to-day care, control and supervision of the child;
 - (b) making decisions respecting where the child will reside;
 - (c) making decisions respecting with whom the child will live and associate;
 - (d) making decisions respecting the child's education and participation in extracurricular activities, including the nature, extent and location;

- (e) making decisions respecting the child's cultural, linguistic, religious and spiritual upbringing and heritage, including, if the child is an Indigenous child, the child's Indigenous identity;
- (f) subject to section 17 of the Infants Act, giving, refusing or withdrawing consent to medical, dental and other health-related treatments for the child;
- (g) applying for a passport, licence, permit, benefit, privilege or other thing for the child;
- (h) giving, refusing or withdrawing consent for the child, if consent is required;
- (i) receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;
- (j) requesting and receiving from third parties health, education or other information respecting the child;
- (k) subject to any applicable provincial legislation,
- (i) starting, defending, compromising or settling any proceeding relating to the child, and
- (ii) identifying, advancing and protecting the child's legal and financial interests;
- (l) exercising any other responsibilities reasonably necessary to nurture the child's development.

[76] The only consideration is the best interests of the child.

[77] R.K. seeks sole decision-making authority or, alternatively, final say if the parties are unable to agree. She argues that she has been A.'s primary caregiver since birth and has coordinated all of his medical/dental appointments.

[78] M.J.B. is seeking primary decision-making authority regarding A.'s educational and medical needs.

[79] Dr. Korpach recommends that parenting decisions be divided as follows (at pages 92-94):

These parties appear to have little capacity to make decisions together, and appear to lack funds for a Parenting Coordinator. It is therefore recommended that decision making areas be divided in the following way which capitalizes on each parties' strengths:

As recommended above, it is recommended that [M.J.B.] oversee, and make final decisions pertaining to [A.] educational needs, school attendance, and decisions around school. This recommendation assumes he actively engages and remains engaged in the recommended services, and that he maintains his mental health through adequate stress management. Each parent should have access to all school records.

He should also be the parent to make major medical decisions pertaining to [A.] routine medical care. However, [A] should maintain his existing physician/nurse practitioner in each community for the purpose of emergency care, until he is in Kindergarten. Thereafter, a primary physician should be established in [A] school community, and records from other professional should be sent to his primary physician. Each parent should have access to all medical records.

[R.K.] should oversee [A.] dental care and needs, and both parents should have access to records.

Each home should engage [A.] in structured activities which promote learning, physical literacy, and peer engagement, within their own parenting time. That said, there will likely come a time when [A.] may wish to play a sport which involves weekend games/tournaments.

Mediation is recommended for any other areas of conflict.

With the above decision making paradigm, the overseeing parent is to first email the other, seeking views and perspectives around potential decisions. Responses should occur within 48 hours, and, once the decision is made, detailed information around the decision should be sent to the other party.

In all cases, the decision should consider [A.] needs only, as described in this report. Any disagreements with decisions made should be managed through mediation, although this is likely to be most successful if these parents do not meet face-to face.

To ensure the [A.]'s needs are not obstructed and that both parents contribute to decisions, it is recommended each parent undertake to check their "parent" emails daily at a given time of day, and more frequently on transition days. Responses, where needed, should occur as quickly and briefly as possible. All communication should focus on [A.] only, and both should resist the urge to add denigrating or insulting comments.

It is recommended these parents employ an internet program such as Family Wizard for their primary communication method, and that parent coaches assist in implementing this. In addition, email communication, using a brief, businesslike, informative, or point form format, as suggested by author Bill Eddy, is recommended.

It is also recommended that each parent send an information email to the other at the end their parenting time, initially with assistance from their parenting coach, updating the other as to [A.] needs around toilet training, food intake, sleep, health, activities, homework, school, behavior, and other child-specific issues and shared activities. Any child-specific issues which would involve questioning the other parent based on [A.]'s report, should first be vetted through parenting coaches, to minimize conflict and [A.] involvement in same. Both parents should refrain from questioning [A] about the other home, beyond child-centered questions such as, "Did you have fun at daddy's house? What was your favorite toy at mommy's? What was most fun at daddy's?" Information seeking questions about the other home should be avoided.

[80] In reaching this conclusion, Dr. Korpach notes the following:

- 1) M.J.B.'s judgment around A.'s needs is generally good;
- 2) He is generally able to put A.'s needs above his own;
- 3) Conversely, R.K. "struggles to consider A.'s needs above her own"; instead, "she tends to project her own wants and needs on A.";
- 4) Although both parties are capable of attending to A.'s health needs, M.J.B. may be more attentive;
- 5) M.J.B. is likely to be stronger at facilitating A.'s needs around health, school, physical activity, and peer-involved structured activities.

[81] My reservation about the Korpach plan is that R.K. is strongly resistant to co-parenting with M.J.B. R.K. refuses to communicate with M.J.B., which makes sharing decision-making an impossibility. In my view, that militates against giving her final decision-making power in any area.

[82] After much consideration, I have decided to follow Dr. Korpach's recommendation. As I am seizing myself of this file, this order can be reviewed to see if it is working. It will be varied if it is not. I stress that it is essential for parties to follow the decision-making paradigm set out by Dr. Korpach (reproduced above). Simply put, it requires that the parties communicate respectfully and consult together before the parent with the final decision-making authority makes a decision. The test to be employed in decision-making is the same as in this court: the best interests of A. The need for communication does not stop after a decision is made. The parties are obliged to keep each other apprised of A.'s activities and well-being, as per Dr. Korpach's recommendations.

WHERE SHOULD A. GO TO SCHOOL?

[83] R.K. is supportive of A. attending preschool two days a week as a three-year-old and three days a week as a four-year-old (he turns 4 in mid-July). M.J.B. may enroll A. in a preschool for two to three days per week. As A. is not on a waiting list, I am hesitant to put a commencement date on preschool, but it may start as soon as M.J.B. can arrange a spot. Ideally, preschool should commence no later than September 2025. Given the division of parenting responsibilities, M.J.B. must consult with R.K. regarding the choice of preschool, days, and start date, but if they cannot agree, he has final decision-making power. I expect the parenting schedule for the week will change once A. commences preschool. I further expect that exchanges on school days will be at the preschool. If the parties are unable to agree to a schedule change, they may arrange to appear before me.

[84] Further changes will come in September 2026, when A. enters kindergarten. The parties are unable to agree on where A. should go to school. M.J.B. wants A. to attend the same school as P. in Coquitlam, while R.K. wishes A. to go to a school in Surrey, closer to her home, where her other child will eventually go. R.K. is primarily concerned that if A. attends school in Coquitlam, it will create a "driving nightmare" for her. M.J.B. seems primarily

concerned about keeping A. and P. together but also has concerns about how he would be able to get A. and P. to different schools and get to work.

[85] Both parties provided the benefits of the schools they recommend. Each school has its positives. There is not a solution that works for both of the parties. Unfortunately, the parties live in different communities, about a 40-minute drive apart.

[86] Dr. Korpach recommends that A. attend the same school as his sister, P., in the Coquitlam area. In making that recommendation, Dr. Korpach's goal is to capitalize on M.J.B.'s strength in education.

[87] For the following reasons, I find that A. should attend school in Coquitlam at the school of M.J.B.'s choosing:

- 1) P. attends that school. While cognizant that H. will be attending school in Surrey, he will not be entering school for four years as he just had his first birthday in February. At this point, A. is closer to P.
- 2) It is a French immersion school. P. and A. can learn French together.
- 3) Ultimately, I expect that M.J.B. will get more parenting time with P. It will be very challenging for M.J.B. to deliver A. and P. to school and then get himself to work if the children go to schools in different communities. While I am aware that that means R.K. will have to do more driving, she is not working, and if she does return to work, it will be part-time.
- 4) R.K.'s parents live a short distance from the school in Coquitlam if they are needed to assist with A.

[88] I order that A. will attend the school in Coquitlam as proposed by M.J.B. M.J.B. shall enrol A. to start kindergarten in September 2026.

PARENTING TIME

[89] This is the primary issue. The bulk of the evidence heard over the 14 days of trial was directed at the question of whether M.J.B. should get increased parenting time and whether it should continue to be supervised.

[90] As outlined above, at present M.J.B. has A. on Tuesday and Thursday afternoons for a number of hours and Sunday morning until Monday morning.

[91] With the exception of tweaking the times of pick-ups and drop-offs slightly, R.K. argues that M.J.B.'s parenting time should remain virtually the same and supervised, with the times as follows:

- i. Tuesdays and Thursdays from 10 a.m. to 4 p.m. and
- ii. Sundays from 10 a.m. to Mondays at 11:30 a.m.

[92] M.J.B. seeks a shared parenting schedule with parenting to be unsupervised.

[93] When making parenting orders, the only consideration for this Court is the best interests of the child: s. 37(1) of the FLA. In order to determine what is in the best interests of the child, the Court must consider all of the child's needs and circumstances, including the factors set out in s.37 (2):

- (a) the child's health and emotional well-being;
- (b) the child's views, unless it would be inappropriate to consider them;
- (c) the nature and strength of the relationships between the child and significant persons in the child's life;
- (d) the history of the child's care;
- (e) the child's need for stability, given the child's age and stage of development;
- (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise the person's responsibilities;
- (g) the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member;
- (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in the person's ability to care for the child and meet the child's needs;
- (i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;
- (j) any civil or criminal proceeding relevant to the child's safety, security or well-being.

[94] The Court may consider a person's conduct only if it substantially affects a factor set out above, and only to the extent that it affects that factor: s. 37(4) of the FLA.

[95] Both parties allege that the other abused P. When family violence is being alleged, the Court must consider all of the factors set out in s.38 of the FLA:

- (a) the nature and seriousness of the family violence;
- (b) how recently the family violence occurred;
- (c) the frequency of the family violence;
- (d) whether any psychological or emotional abuse constitutes, or is evidence of, a pattern of coercive and controlling behaviour directed at a family member;
- (e) whether the family violence was directed toward the child;

- (f) whether the child was exposed to family violence that was not directed toward the child;
- (g) the harm to the child's physical, psychological and emotional safety, security and well-being as a result of the family violence;
- (h) any steps the person responsible for the family violence has taken to prevent further family violence from occurring;
- (i) any other relevant matter.

[96] As per s. 37(3), an order is not in A.'s best interests unless it protects, to the greatest extent possible, his physical, psychological, and emotional safety, security, and well-being.

[97] I will consider the applicable factors enumerated in the FLA in turn. In doing so, I will rely heavily on the thorough and comprehensive s. 211 report prepared by Dr. Korpach.

A.'s health and emotional well-being

[98] The evidence is consistent that A. is a bright, active, happy, and healthy three-year-old. Dr Korpach described him as "very resilient," "lovely," "reasonably well-regulated," "content," and "remarkably even-tempered." She opined that he will do "better than most" in a shared parenting regime because of his disposition.

A.'s views

[99] In her s. 211 report, Dr. Korpach provided A.'s views as follows:

[A.] views were sought in age-dependent interviewing. He states he likes both homes, both parents, and sleeping at both homes. From an observational perspective, [A.] appeared to manifest secure attachment behaviors with his father, [A.W.], and [T.D.]. His attachment with his mother appeared mildly insecure/avoidant, perhaps as her parenting may be influenced by her daycare knowledge, which, while appropriate for managing groups of children, does not quite meet the needs of [A.]. Regardless, he is comfortable and settled in that home as he is well-bonded with [T.D.], who manifests strong relational and attachment behaviors, is inclusive, and relatively conciliatory in relationships.

The nature and strength of the relationships between A. and the significant persons in his life

[100] The evidence is consistent that A. has strong bonds with both of his parents and their partners, T.D. and A.W., although I note Dr. Korpach's observations in the quote above, that his bond with R.K. is less secure than his bond with M.J.B. A. also has close relationships with his maternal grandparents who see him regularly, at least a couple of times a week. A. is close to his half-sister, P., and has a growing relationship with his step-brother, H., (as H gets older and more interactive).

The history of A.'s care

[101] While the parties differ as to just how involved M.J.B. was in caring for A. before the separation, the evidence shows that he was an active parent. R.K. was a stay-at-home parent and M.J.B. was working full-time for the first 11 months of A.'s life. In June 2022, R.K. went back to work and M.J.B. parented A. while she was at work. This ended when R.K. left the family home with A. on October 26, 2022. Due to the various court orders, M.J.B. did not see A. for about eight months until early July 2023. M.J.B. has had supervised parenting time since. As touched on above, he currently has A. on Tuesdays and Thursdays for a number of hours and every Sunday overnight to Monday morning. He has consistently sought more parenting time.

A.'s need for stability, given his age and stage of development

[102] There is no doubt that A., at three years of age, needs stability and routine in his life, which according to Dr. Korpach means stability and routine in his home, community, and parenting.

The ability of M.J.B. and R.K. to exercise parental responsibilities

[103] In October 2023, Justice Gomery noted M.J.B. to be an "experienced and highly motivated" parent. I find that still to be true. He has taken parenting courses and worked with Mr. Bock on improving his parenting skills. His children are clearly his priority. Both Dr. Korpach and Mr. Bock report that M.J.B.'s instincts with his children are warm and loving. In August through October 2022, when R.K. was having trouble with P., M.J.B. continually tried to coach her on how to connect with the young girl suggesting that she treat P. with kindness and affection. When he got home from work, M.J.B. would take P. for walks. He took her to the office when things were particularly bad with R.K. and P.

[104] M.J.B.'s main issues arise in co-parenting. He tends to be hypervigilant about what happens during R.K.'s time and perceives issues that likely are not present, such as that A. is not being fed properly or that people are acting inappropriately in A.'s presence. As a result, M.J.B. is critical of R.K.'s parenting.

[105] This issue was addressed by Dr. Korpach at page 75 of the s. 211 report:

On his part, [M.J.B.] can draw erroneous conclusions based on 3 year old [A.] statements, and appears to become overly focused on relatively minor parenting concerns. Some of his mis-perceptions may be resolved with co-parenting communication, at least by email, as there is none currently occurring, and each home has to guess as to [A.] immediate needs. Some of these require the assistance of services to manage.

[106] Dr. Korpach recommends that M.J.B. needs to manage his concerns about R.K.'s parenting in a way that avoids conflict and criticism.

[107] Regarding R.K., I have concerns about her parenting abilities. There is no doubt on all of the evidence that she abused P. emotionally and verbally by forcing her to stay in her room for hours, calling her names, saying hurtful things to her, and by cutting her hair. I have no difficulty accepting the evidence of M.J.B. and his client, Ms. D, that they heard R.K. on the baby monitor swearing at P. and saying cruel things. That fit with R.K.'s treatment of P. for months leading to the parties' separation, and was consistent with R.K.'s pressure on M.J.B. to let P. go and just focus on their family with A. R.K. denies forcing P. to stay in her room but tearfully accepts that she should not have spoken to her as she did. She blames M.J.B. for her behaviour, saying that she felt unsupported by him. As she did in court, to Dr. Korpach, R.K. denied physically or emotionally abusing P. and stated, "I was frustrated and maybe not patient, but I was well-bonded with her. She was my child." While I accept that the parties were under extreme pressure during this period and that P. is not R.K.'s biological child, R.K.'s cruel treatment of P., then five, over a prolonged period of time is alarming. From the evidence and the s. 211 report, it appears that R.K. has little insight into her conduct and the impact it had and may continue to have on P. To Dr. Korpach, R.K. said that she was at her wits' end and that M.J.B. was obsessed with obtaining custody of P. She denies that her behaviour toward P. constitutes abuse. Rather, she rationalizes it by saying that she was frustrated or impatient.

[108] This lack of insight into her behaviour has continued with A. R.K. has all but erased M.J.B. from A.'s life when he is with her. She does not talk about him with A. To A., she refers to T.D. as "daddy." When it is time for A. to go to see his father, she tells A. that it is time for him to play. Dr. Korpach's account of what R.K. told her is as follows:

Following the private interview with [A], as the writer was leaving, [R.K.] approached, and explained that they do not refer to [M.J.B.] as "daddy," and that [A.] would not have known who the writer was referencing when she asked [A.] about his "daddy." She subsequently asked about hearing or listening in on the interview with [A.]. She responded that she did not hear the conversation, "but I remember when the other Section 211 writer took [P.] to her room for an interview " She continued that they never speak of "[M.J.B.]" including in the role of "daddy" within their home, that [A.] refers to [T.D.] as daddy, and "would be confused" if they discussed [M.J.B.] as daddy. She stated [A.] never mentions [M.J.B.], and "we don't ask, and he doesn't discuss."

Asked how she believes not mentioning [A.]'s biological father may impact [A.]'s relationship with his father, [R.K.] responded that she did not want to confuse [A.], and that he would not understand if they referred to [M.J.B.] as [M.J.B.] or daddy. Instead, to prepare [A.] for his father's parenting time, they tell him he is going to "see Mimi and play a bit." Mimi is the maternal grandmother who assists with transitions. She further explained that she has safety concerns with [A.] being with [M.J.B.], so, when at their home, they "focus on the here and now," and never mention [M.J.B.], perceiving that [A.] may find this distressing.

[109] At trial, R.K. testified that A. started to call T.D. daddy about two months after they started dating. She claims that he did so on his own. She never did anything to correct this. To the contrary, she voiced to Dr. Korpach her concern that M.J.B. may be "brainwashing" A. to stop calling T.D. daddy:

The couple noted that [A.] calls [T.D.], "daddy." [R.K.] stated they never forced this on [A.], but he just started calling [T.D.] daddy. She assumes [M.J.B.] is "trying to brainwash [A.] to not call [T.D.] daddy." The writer conveyed that [A.] does appear to know [M.J.B.] as "daddy," and asked the couple how they will help [A.] maintain a relationship with his father, when they do not mention him in their home. [R.K.] is concerned that referencing [M.J.B.], even as "daddy [M]" (vs. "daddy [T]") is too confusing for [A.]. [R.K.] perceives that, since [A.] has been calling [T.D.] "daddy," he would not understand that [M.J.B.] is also "daddy." She perceives that when [A.] refers to "daddy" within his play, he is referencing [D.T.]. She allowed that when he is older, he may then be able to say he is going to visit "that dad."

Asked if they intend to explain/inform [A.] about who is his biological vs. stepfather when older, [R.K.] stated they would do so if [A.] was able to understand or if [A.] asks. She firmly believes he is not yet able to understand a two daddy concept without getting confused. Asked whether there are any photos of [M.J.B.] for [A.] in their home or in [A.] room, they stated there were not, and probably would not be. [R.K.] added that if [A.] asked for a photo, they would provide it.

[110] A couple of concerns arise from this. First is that R.K. does not appreciate how much A. comprehends (and soaks up) at this stage. Dr. Korpach found that A. understands the difference between the two "daddys." Second is that she has no appreciation as to how harmful it is to A. to cut his father out of his life when A. is with her. T.D. does. Although it was evident in his testimony that T.D. follows R.K.'s lead when it comes to parenting A., he conceded that it was unhealthy to not talk to A. about M.J.B. or refer to M.J.B. as daddy.

[111] R.K. is putting her feelings toward M.J.B. before A.'s needs. Whether she likes it or not, M.J.B. is A.'s father and will always be in his life. It is not in A.'s best interests to force him to live in two separate worlds - hers and M.J.B.'s. This is the same thing R.K. wanted to do with P. She wanted P. out of the way so she and M.J.B. could be a family with A. Now she wants M.J.B. out of the way so she and T.D. can be a family with A. and H.

[112] The following excerpts from Dr. Korpach's report highlight the deficits in R.K.'s parenting, starting at page 74:

[R.K.] may be at risk for using emotionally/verbally abusive language with [A.], considering past behavior with [P.]. That said, it is acknowledged that [P.] is not "her child" (she notes this in text messages), so may have been less close to or protective of her. [R.K.] was also living within an environment of high stress and conflict, and this is not currently the case. [A.] temperament may also be easier to manage than was that of [P.].

The above noted, [A.] needs for [R.K.] to develop her empathy, understanding of [A.] needs, and to develop her capacity for secure attachment behaviors, attention to [A.] needs for stimulation and cognitive development, and responding with positive discipline strategies as [A.] ages. Despite her degree in early childhood education, it is apparent she has a number of parenting deficits around understanding [A.] needs and perspectives. Of particular concern is that, perhaps due to the litigation and her allegations of violence, she has extricated [M.J.B.] from [A.] home life, concerned he would be "confused" if [M.J.B.] is discussed within their home. However, [A.] needs for her to learn to separate her own needs from that of [A.], and to understand that, while [M.J.B.] was, at times inappropriate with her, she has contributed to that conflict, and the volatility of that relationship is unlike the father-son relationship. (page 74)

And then at page 83:

[R.K.] was observed to manifest reasonable parenting skills, which appear largely based on knowledge acquired through her early childhood education. In observing her alone with [A.], it appeared that [A.] was less accustomed to "playing" with her than with [T.D.], and she struggled to get his cooperation and attention. However, [A.] appeared to crave the physical affection when snuggling with her, as he did not want to transition to playing with his exciting toys outside, or with [T.D.], giving the impression that he may need more of this from his mother. Of the two caregivers, [T.D.] was observed to be substantially more affectionate, interpersonally engaged, interactive, and attuned to [A.] and [H.]. [R.K.] was observed to be mildly aloof, less aware of [A.] capacities and developmental needs, and [A.] behavior with her suggested a mildly insecure/avoidant attachment relationship.

It is the writer's opinion that [R.K.] also presents some risk of family violence with [A.], based on her treatment of [P.]. Her risk is related to her lack of knowledge/understanding in some parenting areas, her own strong needs for social interaction and approval, and personality variables which contribute to her considering her own needs primarily over those of [A.]. Her capacity to perceive [A.] major needs and perspectives is impaired by a tendency toward emotional self-focus, despite that she is good at the mechanics of caregiving. She is less strong at facilitating activities, at considering [A.] current and future cognitive/academic needs, and is less academically oriented than is M.J.B.].

[R.K.] is strongly resistant to co-parenting with [M.J.B.], due, in large part to her allegations of family violence, alleged trauma, and need to maintain behaviors consistent with her allegations, including complete rejection, avoidance, and denigration of [M.J.B.]. It is the writer's opinion that, unless she is able to overcome her own needs and learns to place [A.] needs primary, [A.] will be harmed by the compartmentalization of homes promoted by [R.K.], but not by [M.J.B.].

[Emphasis added.]

[113] As noted by Dr. Korpach, both parties need to work on their parenting skills. M.J.B. has already begun and is willing to continue doing whatever he needs to for the well-being of A. and P. R.K. appears to be more resistant to doing so, likely because she lacks insight into her deficits.

The impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member

[114] There are two aspects to this factor: first whether there was family violence between the parties, more specifically by M.J.B. on R.K., and whether either of the parties perpetrated violence on P. I will consider these questions in turn.

Was there family violence between M.J.B. and R.K.?

[115] As mentioned above, R.K. alleges that M.J.B. physically, emotionally, and financially abused her throughout their relationship. M.J.B. admits that he was verbally hostile with R.K., that he flipped a table one evening, and that he was physical with her in an effort to protect P. The latter included putting R.K.'s arm behind her back to walk her out of P.'s room when R.K. was acting cruelly toward her. He denies the other alleged assaults and the financial abuse.

[116] For the reasons outlined in the section on credibility, other than the incidents admitted by M.J.B., I do not accept R.K.'s evidence regarding the alleged assaults. Nor do I accept R.K.'s assertion that she did nothing to cause, contribute to, or exacerbate stressful situations between her and M.J.B. The evidence from the time period in question, including text conversations with M.J.B. and videos taken of her with E.S. during transitions, demonstrates that R.K. not only instigated conflict, she seemed to thrive on it. Even on her own evidence, when M.J.B. would try to extricate himself from an argument to let things cool down, R.K. would follow and continue to goad him. One day she called M.J.B. 92 times in order to continue an argument. I share Dr. Korpach's opinion that R.K. is a forceful person who is not afraid of conflict.

[117] The evidence demonstrates that the parties had an immature and toxic relationship. They were under a great amount of pressure with the acrimony and ongoing family proceedings with E.S., financial/work pressures, and R.K.'s difficulty being a step parent to P.

[118] I agree with the following conclusions of Dr. Korpach:

With regard to emotional/verbal abuse allegations against one another, it is the writer's opinion that both parties were likely verbally abusive with the other when arguing, and that this likely constituted Situational Couples' violence. Both parties appeared immature in their interpersonal problem-solving abilities, approach to conflict, and management of their emotions. Both appear to have the capacity to use verbally abusive language and control under conditions of stress and anger. Despite the relative power imbalance in the relationship (larger male v smaller female; [M.J.B.] was the primary income earner), [R.K.] appears to have been assertive, at times aggressive, and confronting of [M.J.B.] through the end of the relationship. While it is not

uncommon for individuals to feel anxious or fearful at the end of the relationship, this may reflect their own sense of insecurity going forward, rather than fear associated with the other person.

[119] Dr. Korpach then goes on to conclude that the "nature and seriousness of the parties' allegations" do not constitute serious, coercive, or controlling violence. I agree.

[120] Having considered all of the evidence, I find that the parties were at times verbally abusive to each other and that on a number of occasions the conflicts between them, which generally concerned P., escalated out of control. I find that the conflict was situational conflict, caused by circumstances of high stress that the parties were unable to address maturely. Having regard to the factors outlined in s. 38 of the FLA, I do not find that what happened between the parties constitutes family violence: the incidents, while unacceptable, were at the lower end of the scale of severity, there have been no incidents since the parties separated in October 2022, while there is a chance that A. may have been exposed, in Dr. Korpach's opinion, he was not impacted by it, the parties have minimal communication, and both parties will be engaging in counselling.

Was there family violence toward P.?

[121] Allegations regarding violence toward P. go both ways. R.K. alleges that M.J.B. slapped P. on her bottom, leaving bruises. M.J.B. says that R.K. abused P. by leaving her in her room for hours, yelling at her, calling her names, and saying unkind things to her.

[122] As noted in previous decisions of this Court concerning these parties, the dispute over the parenting of A. centres on R.K.'s allegations of family violence - specifically, that M.J.B. slapped P., leaving bruises. As touched on above, there have been several orders made with respect to M.J.B.'s parenting time with A. These were interim orders, in force until a parenting arrangement is settled at trial. The interim decisions were made based on affidavits only. The Justices and Associate Judges all mentioned in their reasons for judgment that they did not make a determination as to whether M.J.B. slapped P. as alleged by R.K.-- the act at the heart of all decisions. Rather, at the interim stage, they assumed that he had. This decision is different. I am making a final order.

[123] There is one exception. On November 7, 2023, Provincial Court Judge K. Cronin found that M.J.B. slapped P., causing bruising. Judge Cronin heard viva voce evidence from M.J.B., R.K., E.S., and Ms. Demedeiros. In reaching her conclusion, Judge Cronin accepted the evidence of R.K. and Ms. Demedeiros and rejected M.J.B.'s evidence.

[124] While I am not bound by Cronin, PCJ's decision, I had a more comprehensive evidential record put before me at this trial. I have had the opportunity to hear viva voce evidence from many witnesses, including the parties, and have been taken through voluminous exhibits. In addition, and of significance, I have the benefit of the thorough and comprehensive s. 211 report completed by Dr. Mary Korpach and hearing her testimony, as well as the reports and evidence of Mr. Bock. Having regard to all of the evidence, I have

reached a conclusion contrary to that of the learned Provincial Court Judge.

- [125] R.K. alleges that on the evening of August 1, 2022, she was bathing A., and M.J.B. was in P's room with her. R.K. says that she could hear M.J.B. talking and P. crying. M.J.B. then came breathlessly into the bathroom to ask R.K. to look at P's buttocks. R.K. went into P's room. P. was lying face down on her bed. R.K. pulled down P's pants and saw bruising. R.K. says that she went back into the bathroom, and M.J.B. said "we're fucked." Over the next few days, he treated P. to control the bruising. R.K. says that M.J.B. googled spanking bruises. He sent E.S. a text telling her that P. had fallen down the stairs.
- [126] E.S. testified that on about November 28, 2022, P. told her that her dad got very angry and slapped her bum and it got bruised.
- [127] M.J.B. denies slapping P. He testified that she fell down the back stairs twice while holding a bosu ball, landing on her buttocks on the stairs both times. He noticed the bruises that evening when he was getting her ready for bed. He was concerned about E.S.'s reaction to the bruising as their relationship was acrimonious, and E.S. was constantly "leveraging" bruises and illness as a tool in the constant court applications regarding parenting time.
- [128] The report of the Heal Clinic speaks generally to inflicted spanking versus falling injuries. It is not dispositive. Nor do I find it particularly helpful.
- [129] For the reasons outlined above, I do not find R.K.'s evidence to be credible or reliable. In addition to my general findings about her credibility, her evidence regarding this incident does not make sense. She does not report hearing slapping, although she was a short distance away. That she saw purple bruising appearing immediately defies common life experience. Of significance, R.K. did not report this incident until she left the family home with A. At that point, she used it as a weapon. She immediately reported it to E.S. and the police and used it in court in order to keep M.J.B. away from her and A.
- [130] I also reject the evidence of Ms. Demedeiros and E.S. As stated above, I find that if Ms. Demedeiros did get a disclosure from P., of which I am doubtful, it was as a result of her deliberate coaching and suggestion. Similarly, with E.S., if this disclosure was made, there is a danger that P.'s disclosure came about as a result of (likely inadvertent) suggestive questioning or coaching. According to the reasons for judgment of Judge Cronin, E.S. testified that "P. told her she was spanked by [M.J.B.]." It is noteworthy that E.S. did not report this disclosure to Dr. Korpach. Rather, according to the s. 211 report, she told Dr. Korpach that around the time of the alleged assault, P. had complained to her that R.K. was being mean to her.
- [131] I accept the evidence of M.J.B. regarding this incident. The alleged slapping does not fit with the evidence regarding what M.J.B. was doing that evening. Nor does it fit with any of the other evidence that demonstrates his parenting style, including the texts to R.K. on how to treat P. when she was having difficulty with her. He always coached her to be kind and patient. And M.J.B.'s version of how the bruises were caused makes sense. Although I am

perplexed by M.J.B.'s text to R.K., that "his story is purposely created," I accept that given the acrimony between him and E.S. and her constant court applications, M.J.B. would have been worried about her reaction. Additionally, Mr. Bock, who facilitated M.J.B.'s reunification with P., testified that he was surprised how quickly P. reunited with him and how safe she appeared with him after a separation of 17 months. In Mr. Bock's opinion, P.'s reaction to her father was inconsistent with her having been abused by him.

[132] Having carefully considered all of the evidence, I find that M.J.B. did not slap P., causing bruising. Put another way, I find that M.J.B. has not perpetrated family violence on P.

[133] I further note that there is no suggestion that M.J.B. has been abusive toward A. Although I fear that given her hostility toward M.J.B., R.K. will "see problems" that are not present. As put by Dr. Korpach:

There have been no concerns about [A.] care when with [M.J.B.], although it is the writer's opinion that [R.K.] can be suggestible, and has recently begun seeing negative reactions in [A.] associated with [M.J.B.]'s parenting time. She is certain there is abuse in [M.J.B.]'s household with his current partner, having repeated this concern multiple times throughout the interviews, and she does not appear capable of considering another possibility. It is the writer's opinion that her concerns are largely promoted by aspects of her psychological functioning, the emotional high stakes of the case considering her need to "save face" with her partner, and considering her parents involvement both emotionally and financially.

[Emphasis added.]

[134] I am, however, satisfied that R.K. abused P. verbally and emotionally. Having regard to the considerations in s. 38 of the FLA, I find that while there was a pattern of verbal and emotional abuse, it was over a finite period of a number of months. This was a period of high anxiety for the parties. R.K. was clearly having trouble dealing with P., who was going through a difficult period while R.K. was pregnant with A. and then the mother of a new baby. She was unhappy in her marriage. M.J.B. was emotionally and verbally, and at times physically, abusive toward her. P. is not her natural child. Obviously, the situation is different now. The parties are now apart and have moved on. R.K. has a supportive partner in T.D. and has another child. By all accounts, she is more settled.

[135] I accept the conclusion of Dr. Korpach:

[R.K.] may be at risk for using emotionally/verbally abusive language with [A.], considering past behavior with [P.]. That said, it is acknowledged that [P.] is not "her child" (she notes this in text messages), so may have been less close to or protective of her. [R.K.] was also living within an environment of high stress and conflict, and this is not currently the case. [A.] temperament may also be easier to manage than was that of [P.].

The above noted, [A.] needs for [R.K.] to develop her empathy, understanding of [A.] needs, and to develop her capacity for secure attachment behaviors, attention to [A.] needs for stimulation and cognitive development, and responding with positive discipline strategies as [A.] ages. Despite

her degree in early childhood education, it is apparent she has a number of parenting deficits around understanding [A.] needs and perspectives. Of particular concern is that, perhaps due to the litigation and her allegations of violence, she has extricated [M.J.B.] from [A.] home life, concerned he would be "confused" if [M.J.B.] is discussed within their home. However, [A.] needs for her to learn to separate her own needs from that of [A.], and to understand that, while [M.J.B.] was, at times inappropriate with her, she has contributed to that conflict, and the volatility of that relationship is unlike the father-son relationship.

[136] Having considered all of the evidence, I find that R.K.'s actions toward P. do not constitute family violence. While I still have concerns about the level of cruelty R.K. showed toward P., her refusal to accept true responsibility for her actions and her inability to appreciate the impact of her behaviour, it is my opinion that any risk that she will be abusive toward A. can be mitigated through working with a parenting coach, as recommended by Dr. Korpach. I will return to this.

Conclusion re family violence

[137] In conclusion, I do not find that family violence as defined in the FLA occurred. It follows that I do not find there to be safety concerns for A., R.K., or any other family members.

Whether the allegations of family violence call into question the ability of R.K. or M.J.B. to care for A. and meet his needs

[138] Both M.J.B. and R.K. must accept that through A., they are tied together for the rest of their lives. They must further accept that in order for A. to thrive, they must learn to co-parent amicably. That includes accepting that life for A. at one home will not be exactly the same as life at the other parents' home. The suspicion and mistrust must end.

[139] This will not happen overnight. In my view, the following recommendations of Dr. Korpach will maximize the parties' ability to co-parent and therefore be in A.'s best interests:

[A.] is a child with few extraordinary needs, beyond those of the majority of children, given his resilient temperament and quieter nature. Uniquely, he needs regular physical activity, cognitive stimulation, parental patience and attunement, and parents who promote inclusion of both "worlds." Most importantly, his continued and future well-being depends on each parent acknowledging and ceasing their contribution to the conflict. This will be difficult, as both parents continue to blame the other, and this is especially the case with [R.K.], who takes no responsibility for the conflict in the relationship, and has extricated [M.J.B.] from all aspects of [A.] home life.

On his part, [M.J.B.] can draw erroneous conclusions based on 3 year old [A.] statements, and appears to become overly focused on relatively minor parenting concerns. Some of his mis-perceptions may be resolved with co-parenting communication, at least by email, as there is none currently occurring, and each home has to guess as to [A.] immediate needs. Some of these require the assistance of services to manage.

It is recommended that each parent work with a parent coach who can assist in navigating the co-parenting relationship and communications, as well as provide therapeutic instruction around identified concerns related to [A.] well-being, including decreasing future risk. For [R.K.], target areas include:

Developing her capacity for secure attachment behaviors, including eye contact, attunement and reading a child's needs;

Developing her sensitivity and empathy to [A.] feelings and perspectives;

Developing her understanding of [A.]'s underlying needs rather than projecting her own perspective onto [A.];

Managing email / text / other communications with [M.J.B.];

Managing her verbal hostility, as well as understanding and containing her reactions;

Developing home structure, routine, consistency, including around [A.] academic development;

Understanding children's development and the impact of conflict and stress upon same, as well as developing insight into her own contribution to conflictual relations;

Understanding [A.] needs around cognitive stimulation;

Understanding the importance of referencing [M.J.B.] to [A.] and integrating the concept of "daddy [M]" into [A.] home life;

Managing her social media posts so as to protect the future well-being of her children.

It is recommended that [R.K.] engage the services of a Parent coach, such as Marianne Cottingham or another professional at Crossroads Collective in Langley. In addition, if she does maintain any anxiety around co-parenting with [M.J.B.], work with the parent coach toward bolstering her coping skills is recommended.

For [M.J.B.], identified needs associated with decreasing future risk include:

Managing his concerns around [R.K.]'s care in a way that avoids criticism and conflict with [R.K.];

Learning to manage his communications with [R.K.], including reviewing emails and responses, e.g., using a point-form, business-like format (e.g., the work of Bill Eddy);

Further understanding of healthy parent/child boundaries, eg., not examining [A.] for concerns such as a "red anus"

Learning strategies for self-expression without using physical touch; Learning respectful relations; and further anger management strategies to assist when he is highly emotionally stimulated; and stressed;

Additional stress management work, considering criminal charges;

Monitoring of his stress level, including around the criminal trial and results;

Understanding his own somewhat idiosyncratic communication style, including his tendency to criticize, and helping to manage his anxiety, as this appears associated criticism;

Acquiring developmentally appropriate parent techniques for managing child behavior, as [A.] ages.

While [M.J.B.] is already engaged with Mr. Bock, the writer is unsure whether taking on a parent coach role in this case would constitute a dual role. If so, and the group at Crossroads Collective is amenable, [M.J.B.] should work with a parent coach there. This may assist with case continuity and management, particularly where there may be conflict around [A.] needs or decision making.

For both parties, regardless of which parent coaches are selected, coaches should have experience with high conflict cases (including Bill Eddy's work), and must understand their role is not that of a blind advocate, but that [A.] is the ultimate client, and the ultimate goal is to keep conflict to a minimum. In addition, both parent coaches should provide their coach with a copy of this report.

[M.J.B.]'s work with a parent coach would be specific to items 1,2,3, and 8. Items 4, 5, 6 and 7 should be addressed with a therapist skilled with anger management, trauma, stress and emotional/behavioral management techniques. Suggestions for this work include (in order of preference) Dr. Russel King, Dr. Stephen Rochefort, or Dr. Randy Patterson. The Family Violence section of this report should be provided to this professional.

[Emphasis added.]

The appropriateness of any arrangement that would require M.J.B. and R.K. to cooperate on issues affecting A.

[140] R.K. is clearly unable to communicate and cooperate with M.J.B. at this time. This makes shared parenting challenging. Dr. Korpach addresses this issue in the passage below (at p. 89):

With regard to requiring [A.] parents to cooperate, it is the writer's opinion that, while there is no direct risk to either parent or to [A.] safety and well-being with co-parenting, the risk of heightened verbal conflict and exposing [A.] to conflict continues, at least with any face-to-face contact, and until each party completes 6 or more parenting coaching sessions. However, co-parenting should occur, using Our Family Wizard, which has some controls to manage inflammatory language. Both parents should refer to their respective parent coaches to vet any complaints about the other home, and to seek advice around messaging.

[Emphasis added.]

[141] In addition to the issues raised by Dr. Korpach above, I am concerned about R.K. cutting M.J.B. out of A.'s life when he is at her home. This is, in my view, a form of alienation.

[142] The parties will have to learn to cooperate. Given R.K.'s resentment toward M.J.B., it is in A.'s best interests to minimise contact between them to avoid any negative interactions. To that end, until further order, I order that transitions that do not occur at A.'s school or daycare, be facilitated by third parties - such as R.K.'s mother, T.D., or A.W. To be clear, both sides do not need to have third parties. For example, M.J.B. can be present to drop off or receive A. from T.D. Over time, with the parenting coaching recommended by Dr. Korpach, hopefully the involvement of third parties will no longer be a necessity.

Assessment re Parenting Time

[143] Given my finding that M.J.B. did not physically abuse P., there is no further need for supervision of his parenting, and the parties should work toward equal shared parenting. Mindful of the pending criminal charge against M.J.B., I accept the recommendation of Dr. Korpach (at p. 89):

While the trial may be somewhat disruptive to [M.J.B.]'s stress level and possibly to his care for [A.], considering the relatively secure attachment [A.] maintains with his father, it is ill-advised that [M.J.B.]'s parenting time be limited due to criminal charges. As the court has previously noted, there is no evidence that [M.J.B.] has harmed [A.], and risk factors for family violence toward or in the presence of [A.] are currently and in the near future considered to be low. It is the writer's opinion that [A.] needs to spend time with both parents, and this, combined with the parties' engagement with recommended services are most likely to protect [A.] physical, psychological, and emotional safety, security, and well-being.

[Emphasis added.]

[144] Currently, M.J.B. has A. Tuesdays and Thursdays for a number of hours and overnight Sundays. I order that change as follows to commence Monday, March 24, 2025:

M.J.B. will have parenting time with A. from Wednesday at 10 a.m. to Thursday at 7 p.m. and Sundays from 10 a.m. to 10 a.m. Monday morning. In addition, commencing Friday March 28, 2025 and continuing every second weekend until agreement of the parties or further order of this court, M.J.B. will have A. from Friday at 4 p.m. to Monday morning at 10 a.m.

[145] It is impossible to set a parenting schedule for any fixed period of time as A. will soon be entering preschool then kindergarten. The expectation is that once A. starts preschool, drop offs and pickups will be at school at the appropriate times.

[146] As stressed above, much will change in the next couple of years which will necessitate changes to the parenting schedule. Dr. Korpach opines that it is in A.'s best interests to be with both parents. I agree. M.J.B.'s parenting time will increase until the parties are sharing parenting time of A. equally. I expect that to be happening by the time A. starts preschool in September.

[147] I will remain seized of this matter for two years to facilitate change when the parties require assistance.

CONDUCT ORDERS

[148] Given the history of conflict between the parties, it is in the best interests of A. that I impose conduct orders as set out below. Neither party is opposed.

CONCLUSION

[149] I make the following orders:

Divorce

- 1) Pursuant to s. 12 of the Divorce Act, R.S.C., 1985, c. 3 (2nd Supp) (Canada), the parties are divorced from each other, the divorce to take effect on the 31st day after the date of this Final Order.

Division of Property and Debt

- 2) R.K. waives any claim she may have to shares in M.J.B.'s company now and in the future.
- 3) By consent, within 30 days of the date of this judgment, R.K. shall pay to M.J.B. \$10,290.53 to equalize the parties' debts at the time of the separation.
- 4) By consent, within 30 days of the date of this judgment, R.K. shall pay to M.J.B. \$1,378.20 for Rogers cell phone fees he paid on R.K.'s behalf.
- 5) Within 30 days of the date of this judgment, R.K. shall pay to M.J.B. \$1,800 for the family pets that she rehomed without his consent.
- 6) R.K. shall sell the engagement ring given to her by M.J.B., and e-transfer to M.J.B. one-half of the proceeds within 48 hours of receipt of the funds.
- 7) The parties shall retain and be solely responsible for the remainder of their assets and debts.

Spousal Support

- 8) R.K. waives all claim to spousal support she may have now and in the future.

Child Support and Special Expenses

- 9) For child support purposes, M.J.B.'s income is \$79,222 and R.K.'s income is imputed to be \$48,000.
- 10) Commencing the 22nd day of April and continuing on the 22nd day of each month until further order of this Court or by agreement of the parties, M.J.B. shall pay \$757 to R.K. in child support for A. until further order of this Court or by agreement of the parties.

- 11) M.J.B. shall pay to R.K. child support arrears in the amount \$4,320 within 30 days of this judgment.
- 12) The parties shall share s. 7 expenses with M.J.B. paying 60% and R.K. 40% until further order of this Court or by agreement of the parties.
- 13) By consent, within 30 days of this judgment, M.J.B. shall pay to R.K. \$376 being his share of A.'s daycare costs from June to December 2023.
- 14) The parties shall exchange copies of their respective tax returns for the previous year by July 1st of each year and copies of any Notice of Assessment or Reassessment from Revenue Canada immediately upon receipt.
- 15) The parties shall conduct a review of child support and special expenses no later than the end of August of each year.

Special Expenses

- 16) The parties will share all Special Expenses with M.J.B. paying 60% and R.K. 40% until further order of this Court or by agreement of the parties.
- 17) Pursuant to ss. 222 and 227 of the Family Law Act, a party who incurs any Special Expenses will provide their proof of payment to the other party, to be exchanged via the parties' respective email addresses within 14 days of the expense being incurred. The non-incurring party will then repay their proportionate share to the incurring party within 14 days of being provided with the proof of payment.
- 18) Neither party will incur Special Expenses which they seek the other's financial contribution towards without obtaining the other party's written consent beforehand, which consent is not to be unreasonably denied.
- 19) By consent, within 30 days of this judgment, M.J.B. will pay to R.K. his share of A.'s daycare from June to December 2023 being \$376.

Guardianship

- 20) By consent, both parties are to share the guardianship of A.

Parental Responsibilities

- 21) During their respective parenting time, the parties will each exclusively exercise day-to-day decisions affecting A.
- 22) M.J.B. shall oversee and make final decisions pertaining to A's educational needs, school attendance, and decisions around school, including what school he attends. Each parent shall have access to all school records.

- 23) M.J.B. shall make major medical decisions pertaining to A's routine medical care. However, A. should maintain his existing physician/nurse practitioner in each community for the purpose of emergency care, until he is in kindergarten. Thereafter, a primary physician should be established in A.'s school community, and records from other professionals should be sent to his primary physician. Each parent should have access to all medical records.
- 24) R.K. should oversee A.'s dental care and needs, and both parents should have access to records.
- 25) The balance of the parenting responsibilities shall be shared equally between the parties including but not limited to:
- i. making decisions respecting where A. will reside;
 - ii. making decisions respecting with whom A. will live and associate;
 - iii. making decisions respecting A.s' participation in extracurricular activities, including the nature, extent, and location;
 - iv. making decisions respecting A.s' cultural, linguistic, religious and spiritual upbringing, and heritage;
 - v. applying for a passport, license, permit, benefit, privilege, or of other things for A.;
 - vi. giving, refusing, or withdrawing consent for A., if consent is required;
 - vii. receiving and responding to any notice that a parent or guardian is entitled or required by law to receive;
 - viii. requesting and receiving from third parties health, education, or other information respecting A.;
 - ix. subject to any applicable provincial legislation,
 - (i) starting, defending, compromising or settling any proceeding relating to A., and
 - (ii) identifying, advancing, and protecting A.'s legal and financial interests;
 - x. exercising any other responsibilities reasonably necessary to nurture A.'s development.
- 26) With the above decision-making paradigm, the overseeing parent is to first email the other, seeking views and perspectives around potential decisions. Responses should occur within 48 hours, and, once the decision is made, detailed information around the decision should be sent to the other party. In all cases, the decision should consider A.'s needs only. To ensure A.'s needs are not obstructed and that both parents contribute to decisions, it is recommended each parent undertake to check their "parent" emails daily at a given time of day, and more frequently on transition days. Responses, where needed, should occur as quickly and briefly as possible. All communication should focus on A. only, and both should

resist the urge to add denigrating or insulting comments.

- 27) The parties are to engage in and successfully complete parenting counselling as prescribed in the s. 211 report of Dr. Korpach.

A's School/ Preschool

- 28) M.J.B. shall enroll A. in a preschool of his choosing two to three days per week to start as soon as possible;
- 29) A. will attend the school in Coquitlam, as proposed by M.J.B. M.J.B. shall enrol A. to start kindergarten in September 2026

Parenting Time

General Parenting Schedule

- 30) Unless otherwise agreed to by the parties in advance or by order of this court, commencing March 24, 2025, M.J.B. will have parenting time with A. from Wednesdays at 10 a.m. to Thursdays at 7 p.m. and Sundays from 10 a.m. to 10 a.m. Monday morning. In addition, commencing Friday, March 28, 2025, and continuing every second weekend until agreement of the parties or further order of this court, M.J.B. will have A. from Fridays at 4 p.m. to Monday mornings at 10 a.m.

Transitions

- 31) Unless otherwise agreed to by the parties in advance or by order of this court, transitions will proceed as follows:
- i. On days that A is attending school or preschool, pickups and drop-offs will be at the school.
 - ii. When A. is not in school, the parties will exchange A. at the Real Canadian Superstore located at 1301 Lougheed Highway, Coquitlam, British Columbia.
 - iii. To minimise conflict between the parties in front of A., transitions that do not occur at A.'s school, must be facilitated by a third party such as R.K.'s mother, T.D., or A.W. To be clear, both sides do not need to have a third party present.

Holidays

- 32) Unless otherwise agreed to by the parties in advance or by order of this court, the parties shall share major holidays and special occasions with A. as follows, during which time the general parenting schedule will be suspended:

Easter

- a) In odd numbered years:

- i. M.J.B. will have parenting time with A. from 11:00 a.m. on Good Friday until noon on Easter Sunday; and
 - ii. R.K. will have parenting time with A. from noon on Easter Sunday until 10 a.m. on the Tuesday after Easter.
- b) In even-numbered years:
- i. R.K. will have parenting time with A. from noon on Good Friday until 11:00 am on Easter Sunday; and
 - ii. M.J.B. will have parenting time with A. from noon on Easter Sunday until 10 a.m. on the Tuesday after Easter.

Mother's Day and R.K.'s birthday

If R.K. does not already have parenting time on these days, R.K. will have A. from 11:00 a.m. to 6:00 p.m.

Father's Day and M.J.B.'s birthday

If M.J.B. does not already have parenting time on these days, M.J.B. will have A. from 11:00 a.m. to 6:00 p.m.

Thanksgiving

- a) In 2025 and continuing in even numbered years thereafter, M.J.B. will have parenting time with A. from 11:00 a.m. on the Friday before Thanksgiving until 4 p.m. on Thanksgiving Monday; and
- b) Commencing in 2027 and continuing in odd numbered years thereafter, R.K. will have parenting time with A. from 11:00 a.m. on the Friday before Thanksgiving until 4 p.m. on Thanksgiving Monday.

Halloween

- a) In 2025 and even numbered years thereafter, if M.J.B. does not already have parenting time this day, M.J.B. will have A. from noon October 31 until 10 a.m. November 1.
- b) Commencing in 2027 and continuing in odd years thereafter, if R.K. does not otherwise have parenting time this day, R.K. will have A. from noon October 31 until 10 a.m. November 1.
- c) The party who has A. for Halloween will be fully responsible for arranging and paying for his Halloween costume.

Christmas

- a) In 2025 and even-numbered years thereafter, M.J.B. will have parenting time with A. from 4:00 pm on December 24th (Christmas Eve) until noon on December 26th (Boxing Day).

- b) Commencing in 2027 and continuing on odd-numbered years thereafter, R.K. will have parenting time with A. from 4:00pm on December 24th (Christmas Eve) until noon on December 26th (Boxing Day).

Conduct Orders

33) I make the following conduct orders:

- a. Except as otherwise provided for by this Final Order, the parties will communicate with each other solely for the purposes of arranging and facilitating their parenting time with A., providing significant updates regarding A., and exercising any shared parental responsibilities in accordance with this Final Order.
- b. Unless it is an emergency or time-sensitive matter concerning A., the parties will communicate through the co-parenting app, AppClose, only.
- c. The parties will maintain respectful, courteous, and business-like communications at-all times.
- d. Neither party will attend at the residence or place of work of the other without the other's express consent.
- e. Except for parenting time exchanges wherein parenting time may, during the exchange, overlap, neither party will attend during the other party's parenting time without the other's express consent.
- f. Neither party will schedule extracurricular activities for A. during the other's parenting time without obtaining the other party's express written consent.
- g. Both parties will encourage A. to have a positive relationship with the other party;
- h. Neither party will criticize, blame, or otherwise speak negatively about the other party in A.'s presence or earshot;
- i. Neither party will question A. about his time with the other parent beyond simple, age-appropriate conversational questions; or discuss any inappropriate legal or adult subject-matters in A.'s presence.

[150] In addition to the above orders, and by consent, I remain seized of this matter until further court order.

Costs

[151] The parties may contact Supreme Court Scheduling to schedule a hearing date to address the issue of costs.

"The Honourable Madam Justice Murray"

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