

CANADA / JUDGMENT

S.K.W. v. C.M.W.

2025 BCSC 1420

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 1420 S.K.W. v. C.M.W.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

S.K.W. v. C.M.W.,

2025 BCSC 1420

Date: 20250819

Docket: E211835

Registry: Vancouver

Between:

S.K.W.

Claimant

And

C.M.W.

Respondent

Before: The Honourable Justice E. McDonald

Reasons for Judgment

Respecting Trial Costs and Applications dated December 27, 2024

The Claimant, appearing in person:

S.K.W.

The Respondent, appearing in person:

C.M.W.

Written Submissions of the Claimant:

January 17, 2025

Written Submissions of the Respondent:

January 3 and 21, 2025

Place and Date of Trial/Hearing:

Vancouver, B.C.

February 10-11 and May 13, 2025

Place and Date of Judgment:

Vancouver, B.C.

August 19, 2025

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Introduction

- [1] Following a lengthy family law trial, the parties have failed to fully implement the final order set out in the reasons for judgment indexed as S.K.W. v. C.M.W., 2024 BCSC 1183 (the "Trial Reasons"). Each party alleges the other is to blame for the failure to abide by the final order.
- [2] The claimant, who is the father, is concerned that the respondent, who is the mother, has failed to comply with the final order terms, for example, by not providing her retainer for the parenting coordinator and not complying with the parenting order. The father seeks to enforce the terms of the final order made in the Trial Reasons.
- [3] The mother is concerned that since the Trial Reasons were issued, circumstances have materially changed which ought to result in a change to virtually every aspect of the final order. The mother is also concerned that the Trial Reasons contain errors that ought to be corrected and lead to different final order terms.

- [4] Many of the mother's grounds are that the Trial Reasons contain errors or failures to reach correct conclusions on the trial evidence. In my view, much of the relief sought by the mother involves considering what is effectively an appeal of the final order - something I am not permitted to do. These relief sought by the mother that is effectively an appeal from the final order cannot be entertained and I therefore dismiss paras. 3-9, 45, 89, 101, 227-228, 273-274, 292 and 297 of part 1 of the mother's December 27, 2024, application.
- [5] After the issuance of the Trial Reasons, the parties provided written submissions on January 3, 17 and 21, 2025, respecting the trial costs. The mother seeks an award of double costs against the father on the basis of offers to settle that she made prior to the trial. These reasons, in addition to addressing each party's December 27, 2024, application, will also address the issue of trial costs.

Background Facts

- [6] The parties had a 15-year marriage before they separated in 2021. The multi-week trial of this matter took place in late 2023. On July 5, 2024, I issued the Trial Reasons with the final order terms. The parties have continued litigating this family law proceeding and, most recently, each party filed a notice of application on December 27, 2024, seeking relief related to the final order.
- [7] The parties' children are now presently 13 and 16 years old. The eldest child, C1, has now completed grade 11, and the youngest child, C2, has now completed grade 7.
- [8] The parties continue to be employed in the same jobs that they held at the time of trial. The parties continue to reside in the same homes that they occupied at the time of trial. The parties continue to be self-represented just as they were at the trial of this matter.

Objections to Affidavits

- [9] The mother raises objections to many paragraphs contained in the father's affidavit evidence filed in support of these applications. Specifically, she submits that the father's affidavit nos. 19, 21 and 22 contain hearsay or information which is untrue. She submits that these affidavits, or certain paragraphs in them, are therefore inadmissible and they should not be considered. For example, with respect to the father's affidavit no. 22, the mother objects to a long list of paragraphs that the mother submits contain assertions about her thoughts, desires or future actions, which are inappropriate and inadmissible.
- [10] In my view, the mother's many criticisms of the father's evidence should be considered as I weigh the evidence. Clearly, the father has no knowledge of the mother's thoughts. His evidence about such matters shall be given no weight.

The Applications

- [11] In the mother's December 27, 2024, application, she seeks a significant number of orders to correct, clarify, vary or set aside various terms of the final order. The father opposes the relief sought, except for agreeing to correct some paragraphs where the parties were misidentified.
- [12] In the father's December 27, 2024, application, he seeks to enforce the terms of the final order set out in the Trial Reasons, including the terms for parenting time and support that the mother is asking to vary.
- [13] Throughout the mother's application and in her submissions, she requests changes to findings or terms of final order terms set out in Trial Reasons. The mother is concerned that evidence was misunderstood or overlooked. In her application, she refers to "mistaken facts", or "misinformation", in the Trial Reasons that she seeks to correct. The mother submits that when facts are corrected or properly understood, that should cause me to reach a different conclusion - one that is usually aligned with the position she took on the various issues at the trial.
- [14] For example, the mother seeks to vary the findings about dividing family property and debt because she is concerned that family property was divided unfairly or incorrectly. The mother seeks to have me reconsider and reweigh the evidence at trial, such as related to the value of the timeshare property. As I explained to the mother during her submissions, I am not permitted to reconsider or reweigh the evidence to reach a different conclusion.
- [15] The mother also seeks adjustments to the division of family property and debt based on information she obtained after the trial. For example, the mother was advised by the timeshare company that due to the fees not being paid by a certain time, the accumulated timeshare points are not transferrable to her. To compensate for this, and the assumption that she would get all of the accumulated timeshare points, the mother now seeks a different order dividing that property.
- [16] The Supreme Court Family Rules, B.C. Reg. 169/2009 [SCFR] contain rules for extensive pretrial procedures to assist the parties with obtaining disclosure respecting family property and debt. The time to provide all relevant evidence about the timeshare property was during this lengthy family law trial.
- [17] In my view, considering all the circumstances, it is inconsistent with the interests of finality and proportionality to revisit the valuation and division of the family property and debt, including respecting the timeshare property. I decline to do so.
- [18] Therefore, the relief sought in paras. 3-9, 20 and 37-41 of part 1 of the mother's application is dismissed.

Request for corrections

Clerical errors sought to be corrected

[19] In paras. 1-2 of part 1 of her application, the mother seeks to correct clerical errors in paras. 145, 189 and 194 of the Trial Reasons where the party has been misidentified. The father agrees that paras. 145, 189 and 194, contain such clerical errors.

[20] Paragraphs 145, 189 and 194 of the Trial Reasons are to be corrected.

Requests for further direction/clarification and other relief

Reimbursement of expenses for children

[21] The mother seeks further direction about the parties' obligation to pay non-s. 7 expenses for the children.

[22] Based on the shared parenting regime, the current child support that the mother is required to pay the claimant was determined to be \$835 per month based on the parties' respective Federal Child Support Guidelines, SOR/97-175 [Guidelines] income. The mother paid support to the father for a few months only. Once she determined she could no longer afford to pay, the mother submits that she promptly filed an application to vary support.

[23] Notwithstanding the mother's non-payment of support, she seeks reimbursement from the father for what she identifies as her payment of ordinary, non-s. 7 expenses, for the children. This aspect of the mother's application appears related to my comment in the Trial Reasons at paras. 280 and 290 of the Trial Reasons, where I comment on the type of expenses that are generally not considered s. 7(1) expenses. In the Trial Reasons, I comment on the "ordinary costs already factored into the child support paid for the children". It appears the mother interprets this as entitling her to seek reimbursement from the father for the ordinary costs that she incurs for the children.

[24] For example, the mother seeks reimbursement for paying the cost of public transit and school activity fees that she has paid for the children.

[25] The objectives of the Guidelines include establishing a fair standard of support that ensures the children continue to benefit from the financial means of both spouses after separation. In my view, there is also an assumption that, regardless of which parent is the payor or recipient of child support pursuant to the Guidelines, both parents will be using their personal financial resources to support the children.

[26] The Guidelines are intended to reduce conflict and increase predictability by eliminating the need for parents to account for, except for s. 7 expenses, all monies expended on the children and to seek reimbursement from other parent. In my view, the relief sought by the mother falls outside of the Guidelines.

[27] Therefore, I am dismissing paras. 10 and 15 of part 1 of the mother's December 27, 2024, application.

Request for interest and penalties

- [28] Respecting the requirement for the father to make an equalization payment to the mother or to reimburse s. 7 expenses, the mother seeks an order applying penalties and interest to the amount owing for any delays by the father in making the making payment or reimbursement.
- [29] There is no provision in the Family Law Act, S.B.C. 2011, c. 25 [FLA] that provides for the court to impose interest on, for example, an equalization payment that a party is ordered to make to equalize family assets/debt or any other payment.
- [30] Normally, the Court Order Interest Act, R.S.B.C. 1996, c. 79 [COIA], governs interest applicable to court orders. In s. 1(1) of the COIA, it provides that a court must add an amount of interest to a pecuniary judgment.
- [31] In *Sangha v. Sangha*, 2018 BCSC 731, Justice Millman considered whether a final compensation order he made pursuant to s. 66(2)(c) of the former Family Relations Act, R.S.B.C. 1996, c. 128 [FRA], was a "pecuniary judgment" within the meaning of the COIA. Ultimately, he concluded that the compensation order made against one of the parties for taking and using one of the family assets for his own benefit, thereby depriving the other party of her interest in the asset, was indeed a pecuniary judgment.
- [32] However, because the other party did not advance a claim for court order interest in *Sangha*, Millman J. noted, that he did not have it in mind when, having regard to that period of deprivation, he reapportioned their interest in the family assets. Justice Millman concluded that adding court order interest would result in double recovery, so he denied the request: *Sangha* para. 11.
- [33] No compensation payment pursuant to the former FRA was made in the present case and therefore, I can see no basis upon which to make an order that the General Debt Equalization Payment is due to be paid by the father, subject to the court order interest.
- [34] As for whether the father should be penalized for failing to make the payments required, the timeline for payment, as well as the procedure for adjusting the amounts payable, are set out in the Trial Reasons. It seems to me that, except for the Canada Emergency Business Account ("CEBA") Debt Equalization Payment, which is addressed later in these reasons, the mother's request to enforce the father's obligation to make the payments is premature.
- [35] The mother also seeks an order imposing penalties and interest on the amounts the father is required to pay her for s. 7 expenses and retroactive child support. In my view, there is no need to make the orders sought since interest on arrears of maintenance is already provided for in s. 11.1 of the Family Maintenance Enforcement Act, R.S.B.C. 1996, c. 127.
- [36] Therefore, I am dismissing paras. 11-12 of part 1 of the mother's December 27, 2024, application.

Reimbursement for CEBA loan repayment

- [37] The mother also seeks an order that the father be ordered to pay her \$20,000 on account of the CEBA loan repayment that she made, which is addressed in para. 107 of the Trial Reasons. The Trial Reasons provide that if the mother repays the CEBA loan, the father will reimburse her for half the loan repayment, i.e. \$20,000, "upon receiving proof of payment".
- [38] The mother's evidence is that she provided the father with proof of payment on July 6, 2024, and the father has not yet reimbursed her. Unlike the timeline provided for the General Debt Equalization Payment, the CEBA Debt Equalization Payment was payable by the father upon proof of payment by the mother.
- [39] Therefore, the relief sought in para. 13 of part 1, of the mother's December 27, 2024, application is granted. The father shall be required to make the \$20,000 CEBA Debt Equalization Payment to the mother within 14 days of these reasons for judgment.

Retroactive child support / s. 7 expenses owed by Father

- [40] The mother also seeks enforcement of the father's obligation to pay her for retroactive child support and retroactive s. 7 expenses as stated in the Trial Reasons. Likewise, the father seeks an order enforcing the mother's obligation to pay him retroactive child support and ongoing child support.
- [41] In the father's affidavit #22 made January 17, 2025, at para. 82, he agrees that he has not paid the mother retroactive child support. However, he points out that the mother has likewise failed to pay him various amounts required by the Trial Reasons including retroactive child support. He submits that when the retroactive support obligations are set off from all the amounts he is owed, the mother owes far more in outstanding child support than he does. As mentioned, the mother objects to many paragraphs in the father's affidavit #22, but she does not object to this specific paragraph.
- [42] The father's evidence in para. 82 of his affidavit #22, is that he paid the mother child support of \$1,176 from August 1, 2021, to December 1, 2021, for a total of \$5,880. In the Trial Reasons, the total support payable by the father for this period was \$9,534. As a result, the father appears to agree that the mother is owed retroactive child support of \$3,654 for August to December 2021.
- [43] The father's evidence is that he paid the mother child support of \$1,176 from January 1, 2022, to August 1, 2022, for a total of \$9,408. In the Trial Reasons, the total support payable by the father for this period was \$10,008. As a result, the father appears to agree that he owes the mother retroactive child support of \$600 for January to August 2022.

- [44] The father's evidence is that he paid the mother child support of \$1,176 from August 1, 2022, to November 1, 2022, and then on December 1, 2022, he paid \$1,086, for total support paid of \$4,614. The father's evidence is that when the \$4,614 that he paid to the claimant is set off against the \$7,684 of child support that the mother was required to pay him, the off-set amount payable to him by the mother is \$3,070, not the \$2,404 stated in para. 275 of the Trial Reasons.
- [45] While the father alleges, and I agree, that the mother has not paid him the ongoing child and spousal support provided for in the Trial Reasons, the father's own evidence indicates that he owes outstanding retroactive child support of \$3,070.
- [46] Therefore, as sought in para. 14 of part 1 of the mother's application, there will be an order that the father pay the mother \$3,070, after accounting for and setting off all retroactive child support payable between the parties, as the total outstanding child support owed by him to the mother up to and including December 1, 2022. The father shall also pay \$2,194 for retroactive s. 7 expenses up to and including December 1, 2022.
- [47] I will address the father's request to enforce current support payments from the mother, as well as the mother's application to vary support payments, later in these reasons.

Debt Equalization Payment by Father

- [48] The mother also seeks an order that the father be ordered to immediately pay into court, the amount presently known to equalize his share of family debt. At para. 110 of the Trial Reasons, it states that the father's payment for General Debt Equalization Payment "is not payable until the T5 statements for the 2014 to 2020 taxation years have been processed and the reassessments issued". Paragraph 111 of the Trial Reasons addresses the timing of payment where the reassessments are not issued within two years.
- [49] In other words, despite the Trial Reasons providing timelines for the payment of the General Debt Equalization Payment, the mother seeks to significantly truncate the time provided and to require immediate payment to be held in court. In my view, there is no basis to require immediate payment of the General Debt Equalization Payment. For example, I do not find that the mother has demonstrated that the father presently has the funds necessary to make the General Debt Equalization Payment and there is a risk that he will dissipate the funds. Therefore, I am dismissing para. 18 of the mother's December 27, 2024, application.

Payment of Current s. 7 Expenses

- [50] In para. 16 of part 1 of the mother's December 27, 2024, application, she seeks to enforce the father's obligation to reimburse her for his share of the s. 7 expenses of the children. However, the mother also seeks a "re-determination of [her] income" and to vary, among other things, the child support she is required to pay retroactively since July 6, 2024, due to her having the majority of parenting time.

- [51] Setting aside the issue of variation of support, which will be addressed later in these reasons, the Trial Reasons found that the s. 7 expenses for the children consist of medical-type expenses and the eldest child [C1's] acting-related expenses, consisting of acting lessons, agent's fees and reasonable audition expenses. At the hearing, the father confirmed that he has now reimbursed the mother for his share of the orthodontic expenses.
- [52] In her affidavit #23 made December 27, 2024, the mother explains that the parties are exchanging a large number of email messages about expenses for the children, calendar and extracurricular activity issues. The mother is concerned that the children are missing out on opportunities to engage in extracurricular activities due to the parties' inability to communicate and agree. I note that these issues could have been addressed with the assistance of a parenting coordinator.
- [53] The mother's evidence is that she has incurred various expenses for the children as set out in the Our Family Wizard email communications. Those emails refer to expenses for prescriptions, orthodontics, acting lessons, haircuts and swimming lessons. In addition to the email communications, there are screenshots of the school board website showing amounts due for the children's field trip and school supply fees. Some of the email messages appear to indicate that the expenses were approved and paid by the father.
- [54] One particularly contentious expense relates to C1 attending an international school trip. The father submits that the mother did not seek his approval for incurring this expense and the expense is unreasonable given the parties' dire financial situation. The mother insists the father knew that this was an expense associated with C1 participating in a particular program at school. The mother paid C1's international trip costs without contribution from the father and she seeks reimbursement.
- [55] From my review of the expenses included in the mother's affidavit #23, many of them do not appear to be s. 7 expenses. For example, paying for a child's haircut is not a s. 7 expense as defined by the Guidelines or as I determined in the Trial Reasons. Prescription and orthodontic costs, after deduction of all amounts reimbursed through the parties' extended health benefits are s. 7 expenses. As stated in the Trial Reasons, C1's acting-related expenses, which include acting lessons, agent's fees and reasonable audition expenses, are s. 7 expenses. The mother incurred an expense of \$1,200 for a photographic head-shot of C1 which she states is required by his agent.
- [56] As these are s. 7 expenses, the father is required to reimburse the mother, if he has not already done so, for 30% of the total amount the mother has paid for:
- a) C1's acting-related expenses, which includes the head-shot;
 - b) Orthodontic and prescription costs, after applying any reimbursement received from extended benefit plans.

- [57] There are emails between the parties and pages printed from the school website that refer to charges, for example, for school supplies and field trips. However, there is no straightforward description of the current s. 7 expenses in the evidence to assist me to identify: (i) what amounts the mother paid for C1's acting-related expenses, orthodontic and prescription costs, (ii) what amounts were reimbursed by father; and (iii) what amounts remain outstanding. In short, the evidence does not allow me to clearly identify the total amount of s. 7 expenses that the father has allegedly not paid.
- [58] Therefore, I leave it to the parties to identify the amounts paid for s. 7 expenses and the current amount of the father's share for those expenses that remains unpaid.
- [59] As I explained earlier, expenses paid by a party for costs that are not s. 7 expenses are not subject to reimbursement. There are costs that a parent may pay, such as paying for a child's transit fare or haircut, which are not subject to reimbursement pursuant to the Guidelines. Again, the s. 7 expenses determined at trial, included C1's acting-related expenses and the children's orthodontic and prescription costs.

Request for Tax Information

- [60] In para. 17 of part 1 of the mother's application, she seeks an order requiring the father to provide his tax return that underlies his May 9, 2024, notice of (re)assessment.
- [61] I grant the relief sought and the father shall provide his tax return underlying his May 9, 2024, notice of (re)assessment within 21 days of these reasons for judgment.

Request for draft final order

- [62] The mother seeks an order requiring the father to deliver a draft final order to her by February 15, 2025, and providing her with 14 days to respond with any changes or corrections. In the meantime, before the hearing of this application completed on May 13, 2025, the father submitted the final order for entry to the Registry pursuant to SCFR 15-1(3.4).
- [63] The father's submission of the final order is supported by his affidavit #23 made April 22, 2025. In that affidavit, he describes delivering the draft final order to the mother on April 2, 2025, but receiving no response.
- [64] As the father provided the mother with a draft order and as he has now submitted the final order to the Registry pursuant to SCFR 15-1(3.4), the relief sought by the mother is moot. I therefore, dismiss the mother's request in para. 19 of part 1 of her application.

Should there be a change re Parenting Orders?

- [65] The mother seeks to vary the equal parenting time regime and to eliminate the need for the parenting coordinator, while the father seeks to enforce these terms. I will begin by addressing parenting time and then I will address the issue of the parenting coordinator.

- [66] To vary a final order pursuant to s. 37 of the FLA, the applicant must satisfy the court that there has been a change in circumstances of the child since the final order was made. The core consideration is always on the best interests of the child.
- [67] The mother submits there are material changes of circumstance that support varying the parenting time to provide her with most of the parenting time. As she did at trial, the mother continues to submit that equal parenting time is not in the best interests of the children.
- [68] The parenting time regime is set out in the Trial Reasons. The parties have agreed to change the weekly exchange time to 8:00 p.m. on Mondays. In their applications, both parties seek to vary the parenting time so that it reflects their consent to adjust the transition details. Therefore, by consent, I grant the relief sought by each of the mother and father (in para. 21 and para. 7 of their respective applications) to vary the Regular Parenting Time Schedule transition to occur at 8:00 p.m. on Mondays.

Varying parenting time with C1

- [69] The mother also seeks to vary the parenting time to reflect a material change of circumstances due to the father having minimal parenting time with C1 since the Trial Reasons were issued. The evidence indicates that shortly after the Trial Reasons were issued, C1 began refusing in August 2024 to participate in parenting time with the father.
- [70] The mother's evidence is that she has tried to convince C1 to participate in parenting time but C1, who is now 16 years old, refuses to participate in parenting time with his father.
- [71] The mother describes that C1 is thriving since refusing parenting time. Despite having virtually no contact with his father, the mother reports that C1's grades are good, and he is doing well socially and pursuing his interests. However, the mother also submits that C1 is emotionally conflicted about his relationship with his father.
- [72] The mother denies that she is undermining the parent-child relationship between C1 and the father. Her evidence is that through her encouragement, C1 has had some very limited, non-overnight, parenting time with the father such as attending with C2 for a brief visit on Father's Day or the father's birthday. The mother agrees that since February 2025, C1 has participated in no parenting time with the father.
- [73] The mother describes C1 as having some contradictory views about his relationship with his father. For example, the mother submits that C1 expresses to her that the father is not giving him space, while C1 also apparently says the father is uninterested and not contacting him.
- [74] The mother submits that C1 is thriving since he began refusing parenting time with the father. She says C1's grades have improved, and he is excelling even though he is not having any meaningful parenting time with the father.

- [75] It is not disputed that the relationship between C1 and the father needs professional assistance to address C1's best interests and to attempt to support and repair the father-child relationship. The mother agrees that C1's well-being is served by building and maintaining a strong relationship with both parents.
- [76] The mother's evidence, which I accept, is that she has tried to encourage C1 to participate in parenting time with the father. The mother describes C1 as very resistant to participate in parenting time. She has managed to persuade C1 to engage in minimal parenting time with the father and she urges respect for C1's negative feelings about his father. The mother submits that C1 expresses frustration and sorrow about his relationship with his father.
- [77] In *K.M.H. v. P.S.W.*, 2018 BCSC 1318 at para. 40, Justice Skolrood (as he then was) describes the predicament where an older child disagrees with a parenting arrangement:
- [40] More weight may be attached to the children's views or wishes depending upon their age and level of maturity. Some cases have recognized that at a certain age, children vote with their feet, in the sense that they are acknowledged as having the capacity to make choices about preferred parenting arrangements. In such cases, the courts generally recognize the futility of ordering a child or youth to comply with a parenting arrangement with which they disagree, as the child or youth will simply leave either to return to the other parent or go elsewhere.
- [78] I am of the view there is a material change in circumstances arising from C1's present refusal to engage in any overnight parenting time and very minimal non-overnight parenting time with the father. I am also of the view that it would be futile and potentially harmful to C1's best interests, to order that the parties to comply with equal parenting time as it relates to C1.
- [79] The relief sought in paras. 22-24 of part 1 of the mother's application is granted only to the extent that the final order shall be varied, as described in more detail below, to provide that as of September 1, 2024, C1's primary residence shall be with the mother and C1's parenting time with the father shall be as arranged between C1 and the father. The parties shall encourage C1 to participate in and arrange parenting time with the father and they shall use best efforts to facilitate the parenting time arranged between C1 and the father.
- [80] While the parties that C1 refuses to participate in parenting time with the father, I am not asked to, nor do I have the evidence that would be required, to find that the estrangement is caused by the mother's alienation of the child.
- [81] The parties agree that C1's best interests are met by seeking out professional support to repair the father-son relationship.

Counselling for C1

- [82] In para. 3 of part 1 of his application, the father requests that the court order the parties and the children to engage in psychological treatment to address estrangement issues. While the mother submitted that she agrees that the father-son relationship needs professional assistance, I have no evidence to assist me in determining whether C1 is willing to participate in professional counselling to support the father-son relationship.
- [83] Because I lack such key evidence, I am reluctant to order C1, who is 16 years old, to engage in counselling. In my view, it would be futile to require him to engage in counselling if he is unwilling. Therefore, any order for counselling services to be provided to C1 should be subject to his agreement to participate.
- [84] Therefore, I make the following order respecting the relief sought by the father in para. 3 of part 1 of his application:
- a) Subject to C1 confirming his agreement to participate in such counselling services, I order the parties are to arrange for professional counselling services, provided by either a registered counsellor or psychologist, for the purpose of supporting the parent-child relationship between C1 and the father.
 - b) The parties shall share the cost of such counselling services on an equal basis and use their best efforts to follow the recommendations of the professional(s) involved in providing such counselling services, including by encouraging C1 to participate in the counselling services.
 - c) To facilitate the arranging of such counselling services, the father shall:
 - i. provide the mother with a list of three names of professional counsellors and/or psychologists that the father proposes to provide such counselling services;
 - ii. within ten days of receiving the list of names of professionals suggested by the father, the mother shall select one name from the list;
 - iii. once the mother has made a selection, both parties shall forthwith use their best efforts to:
 - encourage C1 to participate in such counselling;
 - obtain C1's agreement to participate in such counselling;
 - arrange for such counselling to begin as promptly as reasonably possible; and,
 - promptly pay their share of the costs of such counselling.

Varying parenting time with C2

- [85] The mother also seeks an order varying parenting time to provide that C2 shall reside primarily with her. According to the mother, C1 and C2 are close siblings, and they miss each other when C2, who is now 13 years old, is away participating in his parenting time with the father.
- [86] The mother's evidence is that C2 is doing poorly as a result of spending every other week with the father. The mother says that C2 does not really want to attend the parenting time at his father's house because the living arrangements there are inferior and C2 misses activities and time with his friends.
- [87] The mother describes negative changes in C2 when he is having parenting time with his father, such as having poor posture and limited interaction with teachers and peers. The mother says that C2's personal hygiene is poor when he returns from parenting time with the father.
- [88] The mother's evidence included samples of C2's homework and his report cards. The mother submits that C2's schoolwork during her parenting time demonstrate that his work is better than during his parenting time with the father. The mother assesses C2's schoolwork during the father's parenting time as showing a clear decline, and "demonstrating poor handwriting, misspellings, and a lack of depth of responses" indicating his emotional distress from having to participate in the current parenting time with the father.
- [89] The mother's evidence is that C2's teachers have noticed the difference in C2 when he is having parenting time with the father, and they have adjusted their expectations of C2 accordingly. I was not shown a report card or teacher-parent communication stating that C2's school performance is worse when he is having parenting time with the father.
- [90] The mother also says that C2 is getting into trouble at school during the father's parenting time. For example, the father reported an incident to the mother where C2 was sent to the principal's office for pulling a prank at school by putting red paint on his face. There is no evidence that this prank incident resulted in serious discipline and there is no evidence the principal said the misbehaviour was caused by the father's parenting of C2.
- [91] The mother says that C2 becomes anxious before transitioning to parenting time with the father. Upon his return from parenting time, the mother says C2 appears defensive and uncommunicative with her. However, after resting and relaxing for a little while, C2 becomes himself again. In short, the mother's view is that C2's overall quality of life and school performance is better during parenting time with her. In short, the mother continues, as she did during the trial, to seek a reduction in the father's parenting time with C2.

- [92] In my view, transitions between parenting time are a common challenge for children. Given that these parties have operated under this equal parenting time regime for about 12-months, I do not find C2's difficulty with transitions to be surprising. The mother observes that when she gives C2 space, C2 transitions back to her parenting time well.
- [93] Respecting the parenting time arrangement with C2, when I consider all the evidence, I do not find a material change in C2's circumstances that requires varying the parenting time as sought by the mother. C2 is participating in parenting time with his father and while the mother raises various issues, the father's evidence is that C2 is adjusting and doing well during his parenting time. I do not find that it is in C2's best interests to vary parenting time to order that C2 primary residence is with the mother or to reduce the father's parenting time.
- [94] The relief sought in paras. 23 and 24 of part 1 of the mother's application respecting C2 is dismissed.

Extracurricular activities

- [95] In para. 31 of part 1 of her application, the mother seeks to vary the order made respecting extracurricular activities for the children. Paragraph 8 of the final order provides as follows:

The parent who is exercising parenting time shall take the Children to any extracurricular activity that falls during their parenting time. However, no parent shall enrol a child in an extracurricular activity that falls during the other parent's parenting time, without that other parent's consent.

- [96] The mother is concerned that the children are missing out on extracurricular activities due to the parties' inability to cooperate about their activities. I note that had the mother paid the retainer to the parenting coordinator, the appointed parenting coordinator could have assisted the parties with this parenting issue.
- [97] Given that the order appointing the parenting coordinator is now being set aside and the parenting time is being varied, I am of the view that it is appropriate to grant, to a limited extent and as set out below, the mother's request for relief in para. 31 of part 1 of her application. I find that because of the change of circumstances in parenting issues, it is appropriate to vary the final order respecting extracurricular activities to try to reduce conflict and to meet C2's ongoing needs and best interests.

Travel Authorization Letters and Identification for the Children

- [98] The father seeks in para. 6 of part 1 of his notice of application that the parties exchange travel consent letters related to the children and that each parent hold identification documents, such as passport and birth certificate, for one child or alternatively, those documents be held by a third party such as the parenting coordinator. The mother consents to exchanging travel consent letters for the children.

- [99] It is unclear why, if the father wishes the parties to exchange travel consent letters to allow the children to travel, he seeks to divide up the holding of the children's identification and travel documents, such as passports. I see no reason to make such an order, and I decline to do so.
- [100] As the parties' consent to this, I order that the parties shall forthwith exchange travel consent letters authorizing each other to travel with the children, including outside of Canada.
- [101] I further order that if a parent intends to travel with the children, the parent holding the children's identification documents including, passport, birth certificate and government issued medical services card or any other identification required for travel, shall provide the requested identification documents to the travelling parent promptly upon request and by later than two days before the expected date of travel and the identification documents shall be returned to the party who provided them promptly upon completion of the travel.

Children's Electronic Devices

- [102] Issues related to the cost, management, accessibility, and exchange of the children's electronic devices has continued to be a point of conflict for the parties. Again, these issues are the type of disagreements that a parenting coordinator could have assisted the parties with.
- [103] The mother believes that the father should contribute to the cost of the various electronic devices that she has provided to the children, and the father believes that the mother uses the devices to track the children and interfere with his parenting time. There have been issues about whether the children could bring and use their electronic devices during parenting time at each party's home.
- [104] In para. 9 of part 1 of his application, the father seeks shared supervision over the children's electronic devices and during his submissions, he clarified that he sought sole supervision of the devices including that the devices be registered under his email account. In my view, the relief sought by the father is unworkable and impractical in light of the evidence.
- [105] At this point, the parties submit that the children have access to electronic devices at each of their homes regardless of who pays for or manages the devices. I therefore decline to make another order or vary the final order that I made in para. 10 of the final order respecting supervision and management of electronic devices.

Should There be a Change re Parenting Coordinator and Decision-making?

- [106] In paras. 32-33 of part 1 of the mother's application, she seeks, among other things, to set aside the appointment of a parenting coordinator. In paras. 1-2 of part 1 of the father's application he seeks to enforce the appointment. In the father's view, the lack of a parenting coordinator has deprived the parties of necessary assistance.
- [107] In the Trial Reasons, I determined that a parenting coordinator should be appointed for a period of 18 months to support the parenting arrangement. I ordered the parties to retain a parenting coordinator within 45 days of the Trial Reasons. The father paid his share of the retainer to the parenting coordinator.
- [108] The mother continues to submit - as she did during the trial - that the cost of retaining a parenting coordinator is unnecessary and beyond the parties' financial means. The mother's evidence is that she signed the agreement with the parenting coordinator on November 2, 2024.
- [109] However, the mother never paid her share of the retainer. As a result, the parenting coordinator was not retained, and the parties have not had assistance from a parenting coordinator.
- [110] While the mother concluded that she could not pay the parenting coordinator retainer, she decided to seek an independent medical examination of herself. In her affidavit #26 made January 21, 2025, the mother includes a copy of the January 16, 2025, mental health assessment prepared by Dr. Kang. The mother submits that she paid approximately \$2,800 for this assessment.
- [111] The assessment addresses the recommendations of the s. 211 report writer, Dr. Koopman, that the mother should receive a complete psychiatric or psychological assessment. In the assessment, Dr. Kang states that the mother has perimenopause and attention deficit hyperactivity disorder ("ADHD").
- [112] Dr. Kang's treatment recommendations include that the mother would benefit from ongoing therapy trauma related to the abusive marriage and recent "breach of trust wrt [sic] professionals (psychologist, judge) due to past inaccurate inference of borderline personality disorder". There are other recommendations, including for medication, sleep routine and blood work.
- [113] The mother appears to rely on the assessment to support her argument that I should re-weigh the s. 211 report and come to different findings on credibility, parenting, and Guideline income. For example, numerous paragraphs in the mother's affidavit no. 26 contain argument that I should reject the opinions and recommendations of the s. 211 report writer about parenting issues.

- [114] In my view, the mother is asking that I engage in impermissible reweighing or reassessing of the trial evidence based on Dr. Kang's medical assessment. The mother also appears to rely on Dr. Kang's medical assessment as support for her submission that her income has been declining due to stress from the litigation. However, there is no recommendation from Dr. Kang that the mother ought to reduce her working hours or work-load to treat a physical or mental-health condition.
- [115] The mother's position - which is the same position that she took at trial - is that the breakdown of the relationship has added to her emotional and financial stress, making it even harder for her to work. The mother also submits that the financial results of the trial have worsened her financial affairs and negatively impacted her work. However, the financial results of reasons for judgment after trial will not generally be regarded as a material change in circumstances.
- [116] A parenting coordinator was appointed for the reasons set out in the Trial Reasons. I am of the view that the mother's failure to pay the retainer had the effect of impeding the appointment. The mother decided to pay for the independent medical examination and not to pay for the parenting coordinator's retainer.
- [117] The father seeks a consequence to the mother for her failure to pay the parenting coordinator's retainer. However, considering all the evidence, I am of the view that notwithstanding the mother's failure to retain the parenting coordinator, there is a material change of circumstances relating to C1's best interests that has overtaken the need for a parenting coordinator.
- [118] Therefore, as the mother requests in paras. 31 and 32 of part 1 of her application, I set aside the appointment of a parenting coordinator and the requirement of the parties to retain a parenting coordinator. Because of my conclusion that a material change in circumstances justifies setting aside the appointment of the parenting coordinator, I decline to impose a consequence for the mother's failure to comply with the final order respecting retaining the parenting coordinator.
- [119] The relief sought by the father in paras. 1, 2 and 8 of part 1 on his application is dismissed because of my conclusion that the order for the appointment of a parenting coordinator should be set aside.
- [120] Respecting the mother's application to have all decision-making authority for the children, I dismiss that request in paras. 35-36 of part of her application. I am not satisfied that there is a change of circumstances respecting the children that justifies varying the final order to grant the mother all parental responsibilities.

Should there be change to Guideline income and support?

- [121] In paras. 25-30 of part 1 of the mother's application, she seeks to vary a variety of aspects of the final order to redetermine her Federal Child Support Guidelines ("Guideline") income and to reduce or eliminate her obligation to pay child and spousal support. Meanwhile, the father's application seeks to enforce the mother's obligation to pay such spousal support.
- [122] I will begin by addressing the request to vary Guideline income followed by the issue of support payable.

Guideline Income

- [123] The mother seeks to retroactively and prospectively vary her Guideline income to reduce it from \$130,985 to the amount that she reported as total income. The mother submits that varying her income would recognize the fact that in her view, she earns less income than she did in the past, and she carries a larger share of financial responsibility because of the trial outcome. The mother submits that by relying on numerous "incorrect assumptions" in the Trial Reasons, I incorrectly imputed income to her and incorrectly determined her Guideline income.
- [124] In my view, this request to vary the mother's Guideline income is yet another impermissible invitation to reweigh the trial evidence to reach a different conclusion. Therefore, I dismiss the mother's request to vary her Guideline income.

Child Support

- [125] Respecting the mother's submission that there has been a material change in circumstances that supports downwardly retroactively and prospectively varying her Guideline income and reducing or eliminating the support payable, I am not satisfied that the mother has demonstrated a material change of circumstances. There is, however, an exception for child support due to the consequence of C1 refusing to participate in parenting time with the father for the last year. There is also a consequential impact on spousal support, which I will address later in these reasons.
- [126] Respecting child support, I have already determined that starting in August 2024, C1 began refusing to participate in parenting time with his father. Effective from September 1, 2024, C1 has resided exclusively with the mother, and he has had no overnight parenting time with the father. Meanwhile, the parties have had shared parenting time of C2, meaning that despite the regular parenting time ordered in the Trial Reasons, the parties have effectively had a hybrid shared parenting time arrangement. I am satisfied that this is a material change of circumstances that justifies varying the child support terms of the final order set out in the Trial Reasons.
- [127] The Guidelines provide that if there is shared parenting, the amount payable is determined considering the table amounts for each spouse, the increased costs of shared parenting time arrangements and the "conditions, means, needs and other circumstances of each spouse and of any child for whom support is sought": s. 9, Guidelines; *Contino v. Leonelli*-

Contino, 2005 SCC 63 [Contino]. A fair standard of support and fair contributions from each parent are objectives of the Guidelines and the court must consider the standard of living in each household and the ability of each parent to absorb the costs of maintaining the appropriate standard of living: Contino, para. 68.

- [128] For a hybrid arrangement, the starting place is the table payment amount by one parent for two children, less the table payment amount by the other parent for one child. In the present case, based on the mother's Guideline income of \$130,958 and the father's Guideline income of \$72,800, the father's support for C1 and C2 is \$1,129. The mother's support for C2 is \$1,203, with the set-off amount being \$74 payable by the mother. Following the determination of the table payment amounts, the next step is to consider the other factors in s. 9 of the Guidelines.
- [129] Considering the increased costs of shared parenting time arrangements, each party submits that they are facing increased costs because of this arrangement. For example, there have been conflicts about the children bringing electronic devices between households. The mother purchased and paid for the children's cell phones and Apple watches, while the father has provided a laptop and purchased an iPad for the children.
- [130] The mother's evidence is that she expends more of her resources than the father, facilitating the shared parenting arrangement. For example, she incurs the cost of continuing to live in the three-bedroom former family home, while the father's one-bedroom home lacks space and privacy for the children. According to the mother, C2 is wearing clothing that is too small and not receiving sufficient food, rest and activity while staying at the father's home.
- [131] The mother's evidence is that because of the financial result of the trial, including not receiving child support, she is falling behind financially and incurring credit card debt to pay expenses for the children. The mother also expressed concerns that because of her support payment and parenting coordinator obligations, she may not be able to pay the rent on her current home.
- [132] I am satisfied that each party provides appropriate supplies and amenities for the children in their respective households. There is no basis to conclude that the best interests of the children are not being met by the father because, for example, his home is smaller. In the father's affidavit no. 22, he includes budget information that indicates he has usual living expenses for himself and the children, including for children's activities.
- [133] When I consider each of the factors in s. 9 and the evidence, I conclude that the straight set-off is the appropriate outcome of the s. 9 analysis because I am not convinced the increased costs of the hybrid shared parenting arrangement and the conditions, means and needs and other circumstances militate in favour of child support that is different from the straight set-off amount. In my view, the goals of a fair standard of support and fair payment of support by each party are met by the table set-off amount as the appropriate amount of child support for the parties' current hybrid shared parenting arrangement.

[134] The relief sought by the mother in para. 28 of part 1 of her application is partially granted as follows: effective September 1, 2024, the child support that is payable based on the mother's Guideline income of \$130,985 and the father's Guideline income of \$72,800, the mother is required to pay the father child support of \$1,203 for C2 and the father is required to pay the mother child support of \$1,129 for C1 and C2, with the set-off amount being \$74 per month payable by the mother to the father for so long as the C1 and C2 continue to be children of the marriage.

Spousal Support

- [135] The mother also seeks to terminate spousal support payable by her to the father. In my view, there is an insufficient basis in the material to terminate spousal support. The mother essentially asks me to reconsider the evidence and to correct alleged factual mistakes or wrong assumptions in the Trial Reasons to now decide that the father has no entitlement to spousal support. Again, this is not an appeal, and I am not permitted to reweigh the trial evidence to reach another conclusion about the father's entitlement to spousal support.
- [136] While there is no basis to terminate spousal support, there has been a change in the parenting time arrangement and a consequential change to child support that I must also consider respecting the quantum of spousal support. Taking the new hybrid shared parenting arrangement and child support payable into consideration (including a rough estimate of s. 7 expenses as set out in the Trial Reasons), the spousal support payable by the mother to the father, effective September 1, 2024 at the high-end of the range based on the parties' Guideline incomes set out above, using the "with child support" formula, is calculated as \$1,395 per month.
- [137] In the Trial Reasons, I determined that spousal support was payable at the high-end of the range. I do not find a basis in the evidentiary record, or in the authorities, to lower the range of spousal support, notwithstanding the consequential change addressed above.
- [138] I leave it to the parties to calculate the amount of child and spousal support that is presently outstanding in light of these reasons for judgment.

Proportionate sharing of s. 7 expenses

- [139] I have found that C1's change in residence is a material change that requires the variation of the child support amounts payable and impacts on other aspects of the support orders. As discussed above, I have found that the change in the amount of child support supports a variation to the amount of spousal support payable. Accordingly, I find that this variation in spousal support payable also supports a variation to the proportionate sharing of s. 7 expenses.

- [140] While spousal support is not income for the purposes of determining child support, it is in relation to s. 7 expenses: *M.A.T. v K.P.T.*, 2017 BCSC 1603 at para. 196. Given the increase in spousal support, I find it appropriate to vary the proportionate sharing of s. 7 expenses to 55%, being the portion of s. 7 expenses that the mother is responsible for, and 45%, being the portion that the father is responsible for.
- [141] Apart from the above changes to the child support, spousal support and s. 7 expenses payable effective September 1, 2024, the child and spousal support determined in the final order set out in the Trial Reasons remains effective. In other words, the parties shall pay the child and spousal support, and share s. 7 expenses, as determined in the Trial Reasons up to the date of September 1, 2024, and then commencing on that date they will pay the varied amounts as set out in the paragraphs above.
- [142] In conclusion, the mother's requests in paras. 25-27, 29 and 30 of part 1 of her application to re-determine her Guideline income, to set aside the imputation of income and to terminate spousal support are dismissed because I am not satisfied that there is a material change of circumstances. The mother's request in para. 28 of part 1 of her application to vary support to reflect that C1 resides primarily with the mother is granted in part as set out above.

Shoulder There be a Change to Supervision of Electronic Devices?

- [143] The father seeks in para. 9 of part 1 of his application that the parties have shared supervision of the children's electronic devices. In his submissions, the father clarified that he seeks to have all devices registered under his email and to be solely in charge of supervising the devices.
- [144] I have already discussed the ongoing conflicts between the parties respecting the children's electronic devices. The parties have each purchased devices for the children. Each party presumably supervises the electronic devices that they purchased and supplied to the children. I do not find that any further order is required respecting supervising electronic devices, and I dismiss the relief sought by the father in para. 9 of part 1.

Divorce

- [145] Each party requests that a divorce be granted.
- [146] I am satisfied that the parties have met the evidentiary and statutory requirements. I therefore grant a divorce order in the terms set out at the end of these reasons.

Costs

Trial costs

- [147] In the mother's written submissions on costs dated January 3, 2025, and January 21, 2025, she seeks an award of double costs on the basis that the father did not accept any of her multiple offers to settle.

- [148] In the father's responding submissions dated January 17, 2025, he agrees that the mother provided him with four versions of the separation agreement. The father explains his reasons for not agreeing to the mother's "all-or-nothing" approach even though he concedes that parts of the agreement were "reasonable". The father submits that for offers made to him after June 21, 2021, they were "unfair, inequitable and not in the best interests of the Children" and he could not reasonably have been expected to accept "any of the proposals presented later than June 21, 2021".
- [149] Rule 11-1 of the SCFR governs offers to settle in family law proceedings and is relevant to the issue of costs and it defines an "offer to settle" and it sets out what a court may do in relation to costs when an offer to settle is made.
- [150] Rule 11-1 applies to all parties, including self-represented parties: *Hurford v. Burgart*, 2011 BCSC 1551 at para. 18; *Bennett v. Larivière*, 2021 BCSC 493 at para. 43.
- [151] Orders for double costs are not often made in family law cases: *Jaszczewska v. Kostanski*, 2016 BCCA 286 at para. 72.
- [152] In *Walburg v. Lindsay*, 2015 BCSC 959 [Walburg], Justice Fitzpatrick considered submissions on costs following a trial where her preliminary view was that neither party was entitled to costs because success was divided. However, the claimant sought an award of costs including because of her offers to settle.
- [153] In respect of departing from the usual rule respecting costs, Fitzpatrick J. noted:
- [25] Under Rule 11-1(5)(d), the court may award costs to a party who made an offer in respect of all or some of the steps taken in the family law case if the judgment obtained is "as favourable, or more favourable" than the terms of the offer. In *Paul v. Pumple*, 2013 BCSC 1844 at para. 34, the court stated that this required an assessment of the overall result of the trial in relation to the offer in its entirety.

Walburg, para. 25

- [154] As mentioned, in the present case, the mother seeks an award of double costs against the father due to non-acceptance of her many formal offers to settle. The mother submits that had the father accepted any of the five offers that she made to the father on June 8, June 21, July 28, August 11, 2021, and November 13, 2023, the outcome to him would have far exceeded the outcome achieved at trial.
- [155] The mother's fifth and final formal offer to settle that she emailed to the claimant's then-counsel on November 13, 2023, is the only offer containing the necessary language from Rule 11-1(1)(c) to reserve her right to bring the offer to the court's attention. In my view, this is only offer that is relevant to the analysis of whether to award double costs.
- [156] The final offer states that the mother would settle, even on an issue-by-issue basis, on terms that included:

- The mother will have primary residence of the children.
- The father's parenting time will consist of two week-day evenings of parenting time during week 1; and three overnights on Friday, Saturday and Sunday during week 2, with the potential for additional parenting time "at the request of the children".
- The father will pay the mother child support pursuant to the Guidelines.
- Neither party would claim spousal support.
- The parties would equally share family property.
- The parties would be equally responsible for family debt and, to equalize the family debt, the father will pay the mother \$285,569.36.

[157] The final offer, which was open for acceptance until five minutes after the start of trial, also included terms offering the father the ability to agree to only certain sections of the offer that were grouped together under the heading "acceptance of offer to settle" in the following way:

- a) Sections 1, 2 and 3: parental decision making, parenting time and child support;
- b) Sections 4, 5, 6 and 7: spousal support, asset/debt division, a commitment to seek no further relief and divorce; and
- c) Section 8: costs.

[158] The next issue to consider in determining whether double costs should be awarded is whether the judgment obtained by the father is "as favourable, or more favourable" than the terms of the mother's final offer to settle. This requires an "assessment of overall result of the trial in relation to the offer in its entirety": Paul para. 25.

[159] The terms final offer did not include an offer for parenting that was as favourable or more favourable than the judgment obtained. The final order provided for equal parenting time for the father, while the final offer did not propose equal parenting time. The terms of the final offer also did not include spousal or child support payable to the father and the final order provided for such support.

[160] The final offer did provide the father with the option of accepting only some terms as the mother had grouped them together. The mother noted that whether the father accepted some or all of the sections of the offer, it could have reduced the time spent at trial and the financial/relational pressure.

[161] Given that I must assess the overall result of the trial in relation to the offer in its entirety, I am not convinced that the final offer is clearly as favourable, or more favourable, than what the father achieved at trial because the final offer did not include equal parenting time or child and spousal support payable by the mother to the father.

[162] Therefore, I am unconvinced that there is a basis to award double costs to the mother. I am also unconvinced that there is a basis to depart from the usual rule respecting costs.

[163] In my view, the father was substantially successful at trial. As a result, the father is entitled to the costs of the family law case.

Application costs

[164] Each party seeks the costs of the December 27, 2024, cross-applications. I am of the view that success is divided on the parties' respective applications.

[165] I therefore order that the parties shall bear their own costs of their respective cross-applications filed on December 27, 2024.

Disposition and Orders Made

Parenting Orders

[166] Paragraph 8 of the Final Order is varied to state:

8. (a) No parent shall enroll a child in an extracurricular activity that falls primarily or exclusively during the other parent's parenting time without that other parent's consent.
- (b) In the case of weekly extracurricular activities that fall equally, or near-equally, during the parenting time of both parents, and the child is in agreement to participate in that activity (the "Activities"), if the parties are unable to otherwise agree, one parent may, at their sole expense, register the child in up to two Activities for each of the fall and spring school sessions, but not during the school summer break.
- (c) The parent who is exercising parenting time shall take the children to any Activities that is scheduled to occur during their parenting time.

[167] Paragraph 12(a) of the final order is varied to state:

- (a) The parties shall equally share regular parenting time with C2 on an alternating weekly schedule with an exchange time at 8:00 p.m. on Mondays, unless the parties otherwise consent to a different exchange day of the week or time.

[168] Paragraph 12 of the final order is further varied to add the following terms respecting parenting time with C1:

Parenting time with C1

- (a) As of September 1, 2024, C1's primary residence shall be with the mother and C1's parenting time with the father shall be as arranged between C1 and the father.
- (b) Each party shall encourage C1 to participate in and arrange parenting time with the father.

- (c) Each party shall use best efforts to facilitate the parenting time that is arranged between C1 and the father.

Counselling for C1

[169] I make the following additional parenting orders respecting counselling services for C1:

- a) Subject to C1 confirming his agreement to participate in these counselling services, I order the parties to arrange for professional counselling services to be provided for C1 and the parties, by either a registered counsellor or psychologist, for the purpose of supporting the parent-child relationship between C1 and the father.
- b) The parties shall share the cost of these counselling services on an equal basis and use their best efforts to follow the recommendations of the professional(s) involved in providing these counselling services, including by encouraging C1 to participate in these counselling services and participating themselves as directed to do so.
- c) To facilitate the arranging of these counselling services, the father shall:
 - i. provide the mother with a list of three names of professional counsellors and/or psychologists that the father proposes to provide these counselling services;
 - ii. within ten days of receiving the list of names of professionals suggested by the father, the mother shall select one name from the list;
 - iii. once the mother has selected, both parties shall forthwith use their best efforts to:
 - encourage C1 to participate in these counselling services;
 - obtain C1's agreement to participate in these counselling services;
 - arrange for these counselling services to begin as promptly as reasonably possible; and,
 - promptly pay their share of the costs of these counselling services.

Setting Aside Order Respecting Appointment of Parenting Coordinator

[170] Paragraphs 13 to 15 of the final order are set aside.

Child Support

[171] The Claimant is found to have a Federal Child Support Guidelines income of \$72,800 as of January 1, 2024 onwards.

[172] Commencing September 1, 2024, based on the mother's Guideline income of \$130,985 and the father's Guideline income of \$72,800, the respondent shall pay to the claimant \$1,203 of child support for C2, and the claimant is required to pay the respondent \$1,129 of child support for C1 and C2, with the set-off amount being \$74 per month payable by the respondent to the father for so long as the C1 and C2 continue to be children of the marriage.

Special Expenses and Extra-curricular Expenses

[173] Paragraph 23 of the Final Order is varied to state:

23. The parties shall share special and extraordinary expenses of the Children pursuant to s. 7 of the Guidelines with the claimant to be responsible for 45% and the respondent to be responsible for 55% of these expenses.

Spousal Support

[174] Paragraph 46 of the final order is varied to state:

46. Commencing on September 1, 2024, the mother shall pay the father spousal support of \$1,395 per month for spousal support, and continuing on the first day of each month thereafter for an indefinite period

Payments Required

[175] The claimant shall make the \$20,000 CEBA Debt Equalization Payment to the respondent within 14 days of these reasons for judgment.

[176] The claimant shall pay the respondent \$3,070, as the total outstanding child support owing by him to the respondent up to and including December 1, 2022.

[177] The claimant shall pay the respondent \$2,194, for retroactive s. 7 expenses up to and including December 1, 2022.

[178] The respondent shall pay to the claimant all outstanding child and spousal support provided by the final order and as varied by these reasons for judgment.

Requirement to Produce Tax Return

[179] The claimant shall deliver a copy of his tax return for the taxation year referred to in his May 9, 2024, notice of (re)assessment to the respondent within 21-days of the date of these reasons for judgment.

Divorce

[180] Subject to s. 12 of the Divorce Act, the claimant and respondent, who were married at Toronto, Ontario on April 8, 2002, are divorced from each other, the divorce to take effect on the 31st day after the date of this order.

Travel Documents for Children

[181] By consent, the parties shall forthwith exchange travel consent letters authorizing each parent to travel with the children, including outside of Canada.

[182] In the event a party intends to travel with the children, the party holding the children's identification documents including, passport, birth certificate and government issued medical services card or any other identification required for travel, shall provide the requested identification documents to the travelling parent promptly upon request and by later than two days before the expected date of travel and the identification documents shall be returned to the party who provided them promptly upon completion of the travel.

The Balance of the Cross-Applications

[183] I dismiss the relief sought by the parties in their cross-applications filed December 27, 2025, unless the relief sought has been adjourned or granted, in whole or in part, in these reasons for judgment.

Costs

[184] The claimant is awarded costs of the family law case.

[185] There is no order as to costs respecting the December 27, 2024, cross-applications.

"E. McDonald J."

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