

CANADA / JUDGMENT

Said v. Said

2026 BCSC 509

COURT

Supreme Court of British Columbia

DECIDED

21 January 2026

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2026 BCSC 509 Said v. Said

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Said v. Said,

2026 BCSC 509

Date: 20260121

Docket: E151343

Registry: Vancouver

Between:

Abdul Malik Said

Claimant

And

Monta Monique Said

Respondent

Before: The Honourable Madam Justice Sharma

Oral Reasons for Judgment

In Chambers

Counsel for the Claimant:

A. Khan

Counsel for the Respondent:

A. Petraru

Place and Date of Trial/Hearing:

Vancouver, B.C.

January 21, 2026

Place and Date of Judgment:

Vancouver, B.C.

January 21, 2026

[1] THE COURT: First, I am going to make the following orders:

- a) The claimant will engage professionals in Canada and/or the UK to assist with obtaining financial records related to all pensions and bank accounts in the UK, including all financial information relating to the two properties.
- b) The claimant will update the respondent weekly as to the progress of those efforts to get that information.

[DISCUSSION OF TRIAL MANAGEMENT ISSUES]

[2] I will not pronounce judgment on the rest.

[3] This application was filed on November 6, 2025. The parties were before me in early December. At which time I made some orders and dealt with a portion of that application, but I ordered that the parties reappear before me today to get an update on disclosure.

[4] I am pleased to see that Mr. Said has complied with the orders I made, in terms of filing two affidavits containing information about his prior disclosure and other matters, as well as filing his updated F8. I also appreciate his apology that he has in his affidavit to the court and to the respondent for his prior non-compliance.

[5] It seems to me there is every reason to believe that he is now on a better path of providing complete disclosure and complying with court orders, and that is a very positive step, and I do not want to downplay the importance of that, so I do appreciate that.

[6] It is true, however, that this is very recent in the life of this file. Current counsel, Mr. Khan, was engaged I believe in December, and certainly, I can see that he has had a positive impact on the file. But, the application was brought because of prior non-compliance, and that is what is being judged today.

[7] I asked Mr. Said to file an affidavit explaining why, if he was not providing documents, why he had not done so, and the respondent says that there has not been full compliance with my order on that point.

- [8] I appreciate people can differ as to whether he said in his affidavit provides reasons for non-compliance. I accept that he believes he has done so. Whether those reasons are acceptable or reasonable is a separate issue.
- [9] What I will say is this: the issue with regard to the notice of application is that Mr. Said was for a very long time in non-compliance with significant disclosure orders. I find that conduct was egregious.
- [10] In terms of his past behaviour, this is one of the most egregious cases of non-disclosure I have seen. His counsel says that the court has been clear that contempt under the family law rules is not meant to be an instrument of punishment, but rather something reserved in order to get compliance when other steps have failed. He says that the claimant is now on the road to compliance and therefore it is not appropriate for there to be a finding of contempt.
- [11] With regard to fines, Mr. Kahn makes the same point to some degree, saying that Mr. Said has now brought himself, to the best of his ability, into compliance and that should count for something. He also submits a fine would be problematic given his financial situation, notwithstanding that he is now earning a good income. In particular he points to Mr. Said's periods of not being employed, periods of not having having a lawyer to represent him. Unfortunately, those are not reasonable reasons for his past non-compliance on this file.
- [12] As I said, I find his past behaviour is egregious. Being a self-represented litigant is not a reason not to comply with disclosure obligations. An order for disclosure of documents is not hard to understand. Turning over documents is not complicated. It is not imbued with legalese. It is very simple.
- [13] He has been under an obligation since the beginning of the file. While it could be true that a person first introduced to a family law action might not understand that overriding obligation, but he has been in this Court with counsel a number of times, and it is difficult not to find that he knew he needed to comply.
- [14] Notwithstanding my comments, I am not satisfied in this case that it is appropriate to deal with the contempt order at this time. I am adjourning that to trial.
- [15] The parties will let the trial judge know that I have specifically adjourned the orders seeking a finding of contempt for past non-disclosure to the trial judge. The reason I am doing that is because it may be at trial that the respondent is in the unfortunate position of still having significant non-disclosure because of the passage of time. It seems to me that the trial judge will be in the best position to determine if fault for that should be completely the respondent's, and what to do about it.
- [16] I suspect a trial judge will conclude it was completely Mr. Said's fault, but the trial judge will have a better opportunity to view the whole matter.

- [17] There is also the issue that typically, in lieu of imprisonment, fines are imposed, sometimes large fines. The trial judge will be dealing with all financial issues, and it may be that that can be addressed through that mechanism. I do not have a full picture on an interim application to be able to do that.
- [18] So, I specifically direct the parties that they must let the trial judge know what I have done. The reasons is my concern that at trial there may still be outstanding non-disclosure because of the passage of time, notwithstanding Mr. Said's more recent reasonable efforts to try and bring himself into compliance.
- [19] To be very clear, the contempt that might be punished at trial has to do with what happened before Mr. Khan started representing Mr. Said.
- [20] I have already made orders requiring the claimant to make some further concrete steps in order to get information about his pensions, as well as the properties in the UK, but I will add this.
- [21] I do not think I should have to make orders. I think that Mr. Khan and Mr. Said are going to work together with claimant's counsel, having heard from me and knowing that there is a contempt application that will be heard at trial, to move heaven and earth to get all the rest of the documents. The disclosure is extremely serious, and I appreciate that Mr. Sasid is making efforts now and those efforts need to be redoubled and counsel are going to have to be creative. That includes potentially signing over consent to counsel for the respondent to communicate with agencies directly, if need be. Certainly, that might be required for the UK matters.
- [22] It may be as a way of dealing with that, you try to get one of the other properties sold, that an account be set up in the respondent's name into which UK sales proceeds can be paid, but that she could access from where she lives. Perhaps also with an agreement for the money to go into that account in trust pending final disposition.
- [23] You have to get creative, and I highly recommend you do so before trial. I highly recommend Mr. Said take his counsel's advice on that, because I can tell you if I was the trial judge, contempt would be easy to find, regardless of what has happened or will happen in the future.
- [24] The other order that was sought was a fine under s. 213 or s. 230 of the Family Law Act, S.B.C. 2011, c. 25: s. 230 is the section where no other section fits the circumstances, but s. 213 specifically deals with fines for non-disclosure.

- [25] Regardless of potential findings of contempt, as a separate matter, it is appropriate to order a fine in this case for Mr. Said's past non-compliance with disclosure orders. I appreciate he will be disappointed with my order. I appreciate that he has turned the corner but, as I said, his past behaviour was egregious. This Court simply cannot countenance that behaviour at all. There needs to be a signal to him and a signal to other litigants that this kind of non-disclosure displayed by his past behaviour is simply not acceptable.
- [26] The fine will be \$5,000 for non-compliance in the past, pursuant to s. 213. I would add that I also leave open the possibility that the respondent can seek leave to appear before me in the next two months seeking further orders regarding disclosure if she runs into problems, and that she can do that by a request to appear without filing a notice of application, but I would ask her to be mindful of Mr. Khan's availability.
- [27] I expect Mr. Khan, as I said, to be creative, to work with his friend to get these documents. I do not doubt what Mr. Said says that it may be difficult to get these documents from the UK, but it simply cannot be the case that it is impossible to do so. To be very clear, I am asking you to work cooperatively to make creative efforts to do so.
- [28] If the respondent feels that there continues to be frustration of disclosure obligations, or that efforts taken are not enough, and a court order is needed, she has that ability to seek a request to appear back before me. I sincerely hope, with the greatest respect, that I do not see you again, which means that you are cooperating and found a way to solve the problem.

"Sharma J."

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