

CANADA / JUDGMENT

# Shih v. Shih

2015 BCSC 2558

## COURT

Supreme Court of British Columbia

## DECIDED

17 April 2015

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2015 BCSC 2558 Shih v. Shih IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Shih v. Shih, 2015 BCSC 2558 Date: 20150417 Docket: E141017 Registry: Vancouver Between: Vanya Shih Claimant And Rick Shih Respondent Before: The Honourable Madam Justice Warren Oral Reasons for Ruling on Adjournment Counsel for Claimant: Kerry L. Somerville Counsel for Respondent: Rick Shih (self-represented) Place and Date of Hearing: Vancouver, B.C. April 17, 2015 Place and Date of Judgment: Vancouver, B.C. April 17, 2015

- [1] THE COURT: I am going to grant the adjournment requested by Mr. Shih. I recognize, Ms. Shih, how frustrating this is, but I am particularly concerned that Mr. Shih have an opportunity to address the central issue in a substantive way - that is, the issue of the extent to which the assets held in his own name are excluded.
- [2] It is challenging for self-represented parties to conduct litigation. That has to be balanced against the position that represented parties find themselves in, and it is hard sometimes to achieve the right balance. But, at the end of the day, in the absence of prejudice to Ms. Shih the priority must be making sure the court is in a position to decide the real issues.
- [3] I am going to adjourn the trial, but on these conditions.
- [4] There is going to be a time period set within which Mr. Shih must retain counsel. By that time your counsel and/or Ms. Somerville must contact the registry to schedule a date for an application for you to re-open. I am not deciding now that you will be able to re-open, but I do want to hear from your counsel as to whether you ought to be given the opportunity. If by that date, you have not done that, then it will be open to Ms. Somerville to set down a half day to complete the trial; in other words, for you to complete your final submissions.
- [5] How much time do you think is reasonable for you to retain Mr. Batist and get him into a position where he can correspond with Ms. Somerville and get a date for this application to re-open? I am not going to set a deadline for the hearing of it, because that is going to depend on Ms. Somerville's schedule, his schedule, and my schedule. So how much time do you need to get that arranged?

- [6] MR. SHIH: Well I will call him right after this. I know he is in discovery right now, that is why he could not be here. I guess it depends on his schedule as well.
- [7] THE COURT: Right. All I am saying is it is not a deadline for when the application has to be heard, but a deadline -- how much time do you think is reasonable for him to just arrange a date? A week?
- [8] MR. SHIH: Sure.
- [9] THE COURT: A week.
- [10] Ms. Somerville?
- [11] MR. SHIH: Unless he says otherwise. I will message him right away.
- [12] MS. SOMERVILLE: I am going to be away next week, My Lady.
- [13] THE COURT: That is fine.
- [14] MS. SOMERVILLE: It is a week.
- [15] THE COURT: What I am suggesting is that Mr. Shih would have a week to arrange for a lawyer to contact you, and for the two of you to contact the registry and arrange a date that suits your calendar for an application to re-open. If you are away next week, then I am happy to make it Wednesday of the following week.
- [16] MS. SOMERVILLE: The Wednesday of the following week would be better, thank you, My Lady.
- [17] THE COURT: The Wednesday of the following week would be April 29.
- [18] MS. SOMERVILLE: Thank you, My Lady.
- [19] THE COURT: In summary, the trial is adjourned, Mr. Shih is to retain counsel, and, by no later than April 29, 2015, his counsel is to make arrangements for a date for an application by Mr. Shih to re-open the trial. Such application is to be scheduled through trial division for a date suitable to the claimant and Ms. Somerville.
- [20] In the event these arrangements are not made by Mr. Shih's counsel by April 29, the claimant has leave to schedule half a day through trial division to complete the trial.
- [21] I am sure Mr. Batist will know this, but you can pass on that I will expect that the application will be specific as to the evidence he plans to lead if the application to re-open is granted.
- [22] MR. SHIH: Has to leave?
- [23] THE COURT: Lead. I do not want a general statement "we would like to re-open." It has to be very specific - what issue are you leading evidence on, and what evidence do you intend to lead?
- [24] Any questions?

- [25] MS. SOMERVILLE: Would Your Ladyship consider granting costs of today's appearance, given that we anticipated concluding the trial today?
- [26] MR. SHIH: I think both sides have had delays.
- [27] THE COURT: I would like to reserve on the question of costs until I decide the application to re-open.
- [28] MS. SOMERVILLE: Thank you, My Lady.
- [29] THE COURT: If there is nothing further, we will adjourn. "WARREN J."

---

### Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE      <https://www.bccourts.ca/jdb-txt/sc/15/25/2015BCSC2558.htm>

CASE PAGE              <https://chat.esheria.ai/case-law/canada/shih-v-shih-2015>

Prepared on 28 October 2026 · Esheria