

CANADA / JUDGMENT

Tai v. Wu

2024 BCSC 1279

COURT

Supreme Court of British Columbia

DECIDED

16 July 2024

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2024 BCSC 1279 Tai v. Wu

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Tai v. Wu,

2024 BCSC 1279

Date: 20240716

Docket: E66444

Registry: New Westminster

Between:

Christine Chung-Yen Tai

Claimant

And

Shek Wo Wu

Respondent

Before: The Honourable Justice Lamb

Reasons for Judgment

Counsel for the Claimant:

E. Szilagyi

Counsel for the Respondent:

V. Wun

Place and Dates of Trial:

New Westminster, B.C.

March 25-26, 2024

Place and Date of Judgment:

New Westminster, B.C.

July 16, 2024

Introduction

- [1] In this family law action, the parties have worked together to resolve most of the issues between them. They consented to an order dividing family property and debt and addressing child support, including retroactive child support. At the conclusion of the two-day trial, I granted a divorce order. The only remaining issue is whether the respondent is entitled to spousal support, retroactive and ongoing.
- [2] Mr. Wu says he is entitled to indefinite spousal support on a compensatory and non-compensatory basis. He worked part time as a server in a restaurant, both evenings and weekends, and looked after the parties' two children during the day when they were young. Ms. Tai has worked full time for the same company for the past 23 years, working her way up from office clerk to an executive position. The respondent says that he is economically disadvantaged by the dissolution of the parties' marriage.
- [3] Ms. Tai says Mr. Wu is not entitled to compensatory support because he did not forego any career opportunities as a result of his obligations to his family and they shared child care responsibilities. Ms. Tai says that to the extent Mr. Wu supported her career, he has received the economic benefit by receiving half of the family property they were able to accumulate during their marriage. She says that he has failed to establish entitlement to spousal support on a non-compensatory basis.
- [4] I will briefly review the background facts necessary to decide the issue of spousal support.

Background facts

- [5] Ms. Tai and Mr. Wu are 46 and 47 years old, respectively. They met when Ms. Tai went to Hong Kong in 1999 to do a 6-month internship with TGIFridays after she graduated from UBC with a Bachelor of Commerce. At the time, Mr. Wu was working as a line cook in the TGIFridays kitchen in Hong Kong. He grew up in China and had dropped out of school at the equivalent of grade nine. He failed some exams and realized that he was not going anywhere if he continued with his studies.

- [6] The parties started dating in the fall of 1999, and Ms. Tai became pregnant very soon thereafter. The parties moved back to Canada in May 2000 to live with Ms. Tai's family in Coquitlam. They married on May 15, 2000, and their first child was born August 25, 2000.
- [7] When Mr. Wu first moved to Canada, he was not eligible to work. To support her family, Ms. Tai took a job working in office services for Concert Properties Ltd. when their first child was three months old. Ms. Tai still works for Concert Properties Ltd. After about a year with the company, Ms. Tai moved into the accounting/finance department, and she earned her CPA designation in 2015 with the support of her employer. Two years ago, Ms. Tai moved out of the finance department and became the Director of Analysis and Change for the company.
- [8] When Mr. Wu obtained a work permit in early 2001, Ms. Tai helped him get a job as a server in a Chinese food restaurant in Surrey. Mr. Wu's employment opportunities were restricted by his limited English and his lack of formal education or training. Mr. Wu took some ESL courses for immigrants when he first came to Canada, but he did not continue his studies, and he is not proficient in English.
- [9] The parties' second child was born December 13, 2003. Ms. Tai took maternity leave for a year. Mr. Wu took on a second job during Ms. Tai's maternity leave to make up for her reduced earnings.
- [10] When the children were young, aside from her maternity leave, Ms. Tai worked full time, Monday to Friday, at Concert Properties. She commuted by public transit from the family home in Coquitlam to downtown Vancouver. Her employer accommodated her family's needs by allowing Ms. Tai to start and end her workday early.
- [11] Mr. Wu stayed home during the day with the children when they were very young, with some childcare help from Ms. Tai's mother. Ms. Tai's mother provided less childcare assistance after Ms. Tai returned to work following her maternity leave.
- [12] Until 2014, Mr. Wu continued to work part time in the evenings and on weekends as a server at the restaurant in Surrey. When the children were young, Mr. Wu would prepare their lunches and drive them to school. He and Ms. Tai shared breakfast preparation for the children. Because he worked evenings, Mr. Wu generally caught up on his sleep while the children were at school. On occasion, he failed to drive the children to school because he slept in.
- [13] During the week, Ms. Tai would return home around 5 pm, and Mr. Wu would leave for work at the restaurant after a brief handover period. On weekday evenings, Ms. Tai would make dinner and then supervise homework (once the children started school) or participate in church activities with the children. Ms. Tai and occasionally Mr. Wu took the children to Chinese lessons on Saturday mornings. The family went to church together on Sundays. The children had few other extracurricular activities because Mr. Wu did not believe the family needed to spend money on such activities.

- [14] As the children got older, the parties discussed the possibility of Mr. Wu's working full time, especially once the children started taking the bus to school. Mr. Wu brushed aside that option.
- [15] Although Ms. Tai consistently earned far more than Mr. Wu over the course of their marriage and she managed the family's day-to-day finances, Mr. Wu made the key economic decisions for the family. For example, Mr. Wu needed to approve any major expenditures, including whether to buy a second car (they did not) or take a family vacation (they did so infrequently). The family rarely went out to dinner. I find that Mr. Wu preferred to save money rather than spend money on family entertainment.
- [16] In 2015, Mr. Wu announced to his family that he had decided to quit his job at the restaurant because he was not happy there and wanted a change. When Ms. Tai asked what his plan was, Mr. Wu dismissed her question and told her that she had to support him regardless.
- [17] After leaving the restaurant, Mr. Wu tried a variety of jobs including cleaning and painting, but he left those jobs after a short period. He worked as a cabinet maker for a company in Port Coquitlam for approximately one year before he was fired for failing to meet performance expectations. Mr. Wu unsuccessfully challenged his termination for cause. Mr. Wu made minimal efforts to find new employment.
- [18] In November 2017, Ms. Tai had what she initially thought was a heart attack. She was off work for eight weeks before returning to work full time. Mr. Wu looked after Ms. Tai during her convalescence. When Ms. Tai returned to work, Mr. Wu decided to abandon all efforts to find employment outside the home. He decided he would take over all household chores, including cleaning and meal preparation. At that point, the first child was 17 years old, and the second child was 13 going on 14 years old. The family did not need Mr. Wu to stay home full time to look after the children's needs, but Mr. Wu had made up his mind. Ms. Tai tried to discuss with Mr. Wu a possible return to work, but she was careful to avoid upsetting him because he was physically violent toward her on a regular basis. When she suggested to him that he might find outside employment, Mr. Wu would respond that Ms. Tai could simply work harder to improve the family's finances.
- [19] As time went on, Ms. Tai noticed that Mr. Wu's relationship with the children was deteriorating. She became concerned that he would be physically violent toward them. The second child witnessed Mr. Wu strike Ms. Tai. The second child told her mother that was not okay. With support from her pastor and church members, Ms. Tai and the children left the family home on October 1, 2021.

- [20] Within a month of the parties' separation, Mr. Wu found full-time work at an embroidery company. He remained in that position until May 2022, when he found a job at a lumber factory. In December 2023, Mr. Wu was fired from the lumber factory job when his manager could not contact him after Mr. Wu had a physical altercation with a co-worker. Mr. Wu was earning approximately \$60,000 per year when he was fired. Mr. Wu remained unemployed as of the trial date.
- [21] The two children continue to reside with Ms. Tai as they pursue post-secondary education. The parties consented to an order providing child support for both children from September 1, 2022 to June 30, 2025 (the first child's anticipated graduation date) and continuing for the second child to December 31, 2026 (her anticipated graduation date) based on Mr. Wu's declared income of \$60,000. The amount of child support is reviewable annually. Ms. Tai agreed to pay the children's special and extraordinary expenses, including their post-secondary tuition.
- [22] The parties bought their first family home in 2005 and upgraded to their second family home in 2009. The sale of the second family home was scheduled to complete shortly after the trial, with the net proceeds of approximately \$450,000 to be divided equally between the parties, subject to certain adjustments.
- [23] Ms. Tai earned a pension through Concert Properties Ltd., which was valued at approximately \$287,000 for the period of the marriage. The parties agreed to divide the pension equally in accordance with Part 6 of the Family Law Act, S.B.C. 2011, c. 25.

Legal framework

- [24] Entitlement to spousal support is a threshold issue to any award for spousal support.
- [25] Mr. Wu's claim for spousal support is made pursuant to the Divorce Act, R.S.C. 1985 (2nd Supp.), c. 3.
- [26] Section 15.2(6) of the Divorce Act sets out the objectives for a spousal support order. Section 15.2(4) sets out a non-exhaustive list of factors to consider when assessing the spouses' condition, means, needs and other circumstances.
- [27] Section 15.2(5) of the Divorce Act provides that the court shall not take into account any misconduct by a spouse during the marriage. In other words, Mr. Wu's repeated family violence toward Ms. Tai and his physical disciplining of the second child are not factors in the analysis.
- [28] The Supreme Court of Canada has identified that the purpose of spousal support "is to relieve economic hardship that results from 'marriage or its breakdown': *Moge v. Moge*, [1992] 3 S.C.R. 813 at 848, 1992 CanLII 25 (emphasis in original). Marital partners "should expect and are entitled to share [the] financial benefits" that are generated from the marriage: *Moge* at 849. Those financial benefits can be equally distributed in many ways, including through spousal support and through division of assets: *Moge* at 849. The court

must consider "the respective advantages and disadvantages of the spouses as a result of their roles in the marriage": Moge at 849.

[29] The Supreme Court of Canada has identified three grounds for entitlement to spousal support:

1. compensatory support, which relates primarily to the first two objectives set out in s. 15.2(6) of the Divorce Act;
2. non-compensatory support, which relates primarily to the final two objectives set out in s. 15.2(6) of the Divorce Act; and
3. contractual support.

[30] Mr. Wu does not have a contractual claim for spousal support. I will review his claims for compensatory and non-compensatory support.

Is Mr. Wu entitled to compensatory support?

[31] Justice Rowles summarized the purpose of compensatory spousal support as follows in *Chutter v. Chutter*, 2008 BCCA 507, leave to appeal to SCC ref'd, 33002 (28 May 2009):

[50] Compensatory support is intended to provide redress to the recipient spouse for economic disadvantage arising from the marriage or the conferral of an economic advantage upon the other spouse. The compensatory support principles are rooted in the "independent" model of marriage, in which each spouse is seen to retain economic autonomy in the union, and is entitled to receive compensation for losses caused by the marriage or breakup of the marriage which would not have been suffered otherwise (Bracklow, at paras. 24, 41). The compensatory basis for relief recognizes that sacrifices made by a recipient spouse in assuming primary childcare and household responsibilities often result in a lower earning potential and fewer future prospects of financial success.

[32] The question of possible economic disadvantage requires consideration of missed career opportunities as a result of primary childcare and household responsibilities. I am not satisfied that Mr. Wu's career was adversely affected or that Ms. Tai's career was enhanced by Mr. Wu's assumption of family responsibilities.

[33] First, both parties actively participated in raising the children. They both adjusted their work schedules to accommodate the needs of the children and to avoid hiring childcare, an expense Mr. Wu was not prepared to incur. Mr. Wu had the daytime shift with the children, and Ms. Tai had the evening shift. Ms. Tai took on household responsibilities, including grocery shopping for the family.

[34] Second, I am not satisfied on the evidence that Mr. Wu would have had a higher earning potential if he had not married and taken on some family responsibilities. Throughout the marriage, Mr. Wu worked in jobs that were commensurate with his training and experience. His employment opportunities were limited by his failure to become fluent in English, but

he chose not to continue with ESL courses when he had the opportunity to do so. Mr. Wu had limited schooling when he arrived in Canada, and he took no steps to secure training, despite encouragement from Ms. Tai. There is no evidence to suggest that Mr. Wu's employment opportunities would have been better had he stayed in Hong Kong rather than immigrating to Canada. Mr. Wu is responsible for any economic disadvantage attributable to his voluntary absence from the workforce from November 2017 until October 2021: he alone decided he would stay home full time when he would have helped his family more by working outside the home. Despite a prolonged absence from the workforce, Mr. Wu was able to secure full-time employment quickly when the parties separated. He earned approximately \$60,000 in 2023. I do not accept that Mr. Wu would have earned more if he had not married and taken on family responsibilities.

[35] Third, I do not accept that Ms. Tai's career advancement is attributable to Mr. Wu's role in the family. As noted, Ms. Tai shared in child and household responsibilities throughout her career until Mr. Wu unilaterally decided in 2017 he would assume all household responsibilities. Ms. Tai was able to earn an accounting designation with the support of her employer and by studying at night after the children were in bed. She achieved her career success through her own extraordinary efforts, not because Mr. Wu took over household responsibilities that she might otherwise have shared.

[36] In summary, I find that Mr. Wu has not established eligibility for spousal support on a compensatory basis.

Is Mr. Wu entitled to non-compensatory support?

[37] Justice Rowles summarized the purpose of non-compensatory spousal support as follows in Chutter:

[54] Where compensatory principles do not apply, need alone may be sufficient to ground a claim for spousal support (Bracklow, at para. 43). Non-compensatory support is grounded in the "social obligation model" of marriage, in which marriage is seen as an interdependent union. It embraces the idea that upon dissolution of a marriage, the primary burden of meeting the needs of the disadvantaged spouse falls on his or her former partner, rather than the state (Bracklow, at para. 23). Non-compensatory support aims to narrow the gap between the needs and means of the spouses upon marital breakdown, and as such, it is often referred to as the "means and needs" approach to spousal support.

[38] While non-compensatory support does not guarantee either spouse the same standard of living as they had during the marriage, the longer the relationship and the greater their economic union, "the greater will be the presumptive claim to equal standards of living upon its dissolution": Moge at 870. That said, there is no presumption that a party is entitled to an equalization of income or to the same standard of living they enjoyed during the marriage: Lee v. Lee, 2014 BCCA 383 at paras. 60-61, 65.

[39] Where there is significant income disparity, non-compensatory spousal support "allows for transitional assistance to the lower-income earning spouse from the shared financial resources of the marriage to the financial realities of a single income": *Kirton v. Mattie*, 2014 BCCA 513 at para. 49. As noted by the Supreme Court of Canada in *Moge* at 861:

In cases where relatively few advantages have been conferred or disadvantages incurred, transitional support allowing for full and unimpaired reintegration back into the labour force might be all that is required to afford sufficient compensation.

[40] In this case, the duration of the parties' marriage and the degree of their economic interdependency are factors in favour of finding eligibility for non-compensatory support. The parties had a 21-year marriage. Their finances were largely intertwined. When he worked, Mr. Wu's paycheque was deposited into the parties' joint account, though he kept his tips when he worked as a server for his personal expenses. Ms. Tai managed the family's finances on a day-to-day basis, and Mr. Wu's approval was required for any significant expenditure. This degree of financial integration weighs in favour of entitlement on a non-compensatory basis.

[41] There is a significant income disparity between the parties. Ms. Tai is steadily employed and earns \$140,000 per year. Mr. Wu is currently unemployed, though he reasonably accepts income of \$60,000 per year should be attributed to him for child support and spousal support purposes. As noted in *Lee*, a disparity in income alone does not give rise to entitlement to spousal support.

[42] Both parties' standards of living have fallen in some respects since separation. When they were together, the family lived in a 2000 square foot home with a basement and backyard, which they owned. Mr. Wu continued to live in the family home from the date of separation (October 2021) until he moved out in March 2024 to facilitate its sale. Ms. Tai paid all ongoing expenses related to the family home from May 2022 until June 2023 and again from February 2024 onward. Mr. Wu agreed to compensate Ms. Tai for his share of these expenses from the proceeds of sale of the family home. Mr. Wu paid his share of expenses related to the family home from July 2023 to January 2024 pursuant to a consent order made at the judicial case conference on June 29, 2023.

[43] As of the trial date, both parties were living in rented accommodation. Ms. Tai pays \$3600 per month to live in a two-bedroom apartment with her children. She shares a bedroom with her 20-year-old daughter. Mr. Wu testified he now pays \$2500 per month to rent a 500 square foot apartment. He says a friend has loaned him money for rent.

[44] In other respects, Mr. Wu has chosen to enhance his standard of living after separation. While married, the parties had one vehicle, a 2005 Toyota Corolla, which Mr. Wu kept after separation. More recently, Mr. Wu purchased a pre-owned 2020 BMW X1 by financing the purchase price of \$39,000 over seven years. Mr. Wu testified that he would not be able to continue financing his current vehicle without spousal support. It is not clear when he purchased the BMW X1, as it was not included as an asset on his most recent F8 financial

statement. His F8 financial statement did not include any debt or loan payments associated with the BMW X1. Ms. Tai purchased a 2015 Mini Cooper shortly after the parties separated, valued at \$16,000 on her November 16, 2023 F8 financial statement.

- [45] Mr. Wu submits that his current needs weigh in favour of a finding of entitlement because his current expenses exceed his imputed income of \$60,000. In my view, this is not a significant factor in favour of entitlement on a non-compensatory basis in this case. In closing submissions, Mr. Wu's counsel acknowledged that some of his expenses were "aspirational". That characterization fairly recognizes that some of Mr. Wu's claimed expenses are unreasonable given his current financial situation and the parties' standard of living during the marriage. For example, in his direct evidence, Mr. Wu estimated his clothing expense to be \$400 per month, his entertainment expense to be \$400 per month and his vacation expense to be \$3000 per year. The evidence at trial did not suggest the parties spent comparable amounts on these expenses during the marriage.
- [46] When considering whether Mr. Wu is entitled to spousal support on a non-compensatory basis, Ms. Tai argues that the court should not ignore the financial benefit Mr. Wu received as a result of sharing family assets. As a result of the parties' settlement of property issues, Mr. Wu has received the economic benefit of sharing equally in the family assets accumulated during the marriage, including an equal share of Ms. Tai's pension earned during the marriage. However, the family assets to be divided were relatively modest and would not allow Mr. Wu to generate significant income even if invested wisely.
- [47] It appears unlikely that either party will enjoy their pre-separation standard of living in terms of home ownership and the economies of scale available when sharing accommodation and related expenses.
- [48] The fact remains that Ms. Tai has an established career with a long-term employer at a reasonable income level. Her income has not been affected by the breakdown of the marriage.
- [49] On the other hand, Mr. Wu has limited job skills and a fractured earnings history (largely of his own making). As of the trial date, he had been unemployed for three months with no employment offers pending. I accept that Mr. Wu has suffered economic hardship as a result of the breakdown of the marriage.
- [50] Taking all of these factors into account, I find that Mr. Wu is entitled to spousal support on a non-compensatory basis.

What is the appropriate award of spousal support?

- [51] Mr. Wu seeks an award of retroactive spousal support from October 1, 2021 and indefinite ongoing spousal support. I find that spousal support for a limited time based on Ms. Tai's actual and Mr. Wu's imputed income is appropriate in this case.

- [52] Mr. Wu is not entitled to an award of pre-trial spousal support prior to February 27, 2023. The Supreme Court of Canada has confirmed that the principles from *D.B.S. v. S.R.G.*, 2006 SCC 37 apply to a claim for pre-trial spousal support: *Kerr v. Baranow*, 2011 SCC 10 at paras. 207-208 [Kerr SCC]. In keeping with the D.B.S. reasoning, spousal support would only be payable from the date the claim was first advanced. As noted at para. 208 in Kerr SCC, "concerns about notice, delay and misconduct generally carry more weight in relation to claims for spousal support" because, unlike child support, there is no presumptive right to spousal support. Mr. Wu first advanced a claim for spousal support in a counterclaim filed February 27, 2023. Mr. Wu did not offer any explanation for failing to advance a claim for spousal support prior to that date.
- [53] Based on the parties' 2023 incomes of \$140,000 and \$63,093 respectively, the Spousal Support Advisory Guidelines [SSAG] recommend "custodial payor" spousal support in the amount of \$990, \$1,155, or \$1,320, in the low, mid or upper range when Ms. Tai's payment of the children's post-secondary tuition is factored into the DivorceMate calculations. Spousal support would be significantly higher once child support is reduced on June 30, 2025 and then terminated on December 31, 2026.
- [54] The SSAG also recommend that spousal support in this case should continue indefinitely because the marriage lasted longer than 20 years.
- [55] The SSAG provide guidance in making appropriate spousal support awards; however, they do not "operate to displace the courts' reliance on decided authorities but [rather] to supplement them": *Yemchuk v. Yemchuk*, 2005 BCCA 406 at para. 64. That said, a departure from the SSAG requires an explanation: *Kerr v. Baranow*, 2009 BCCA 111 at para. 84, rev'd in part on other grounds 2011 SCC 10; *Lightle v. Kotar*, 2014 BCCA 69 at para. 63, leave to appeal to SCC ref'd, 35841 (25 September 2014).
- [56] In this case, I find it appropriate to award spousal support in the low range and to depart from the SSAG by setting the duration of spousal support at five years from the date of separation.
- [57] First, the SSAG recognize the basis of entitlement is relevant when determining whether a departure from the SSAG ranges is justified as an exception: SSAG, s. 4.2.
- [58] Second, there is judicial precedent for deviating from the SSAG recommendation for indefinite duration where entitlement is based only on non-compensatory entitlement: *Lan v. Buchanan*, 2024 BCSC 302 at para. 398. As in *Lan*, Mr. Wu has a modest claim for non-compensatory spousal support. He has suffered an economic hardship as a result of the breakdown of the marriage. That said, his 2023 earnings likely would have covered his reasonable expenses even if he had actually paid half of the costs associated with the family home as they were incurred. On the other hand, Mr. Wu may have difficulty meeting his current expenses based on his imputed income of \$60,000 as a result of car payments (the amount of which were not disclosed and may not be reasonable) and rent as of March 1, 2024, which is higher than his share of the costs related to the family home.

- [59] Third, non-compensatory support is intended to provide transitional support to the financial realities of a single income: Kirton at para. 49. Mr. Wu's entitlement arises from the change in his economic fortunes as a result of the marriage breakdown. As Justice Elwood found at para. 398 in Lan, a longer period of support "would risk creating a disincentive for him to transition to self-sufficiency". Transitional spousal support for five years would allow him time to transition to the financial realities of a single income.
- [60] Fourth, at para. 65 of Lee, the Court of Appeal declined to rule as a matter of law that the spouse with the lower income should be compensated indefinitely for the loss of the ability to share in the higher income earner's income and lifestyle. I am not satisfied that the circumstances in the case at bar justify an indefinite award. The marriage is over, and Ms. Tai should not have to support Mr. Wu indefinitely simply because she has higher earning capacity than he does where that circumstance is not attributable to the marriage or its breakdown.
- [61] Fifth, Mr. Wu was relatively young as of the date of separation, which improves his opportunity to become self-supporting and provides adequate working years to prepare for retirement. Since separation, Mr. Wu has demonstrated he is capable of finding work and earning a reasonable income. Despite his recent termination from his job at the lumber factory, Mr. Wu accepts that income of \$60,000 should be imputed to him. Transitional spousal support will help him as he navigates a return to consistent employment that will allow him to be self-supporting. In terms of retirement, as of the date of separation, Mr. Wu could reasonably anticipate another 20 years of working, give or take, which should afford him the opportunity to add retirement savings to the pension income he will receive by virtue of the division of family property.
- [62] As a result, Mr. Wu is entitled to retroactive spousal support from March 1, 2023 to trial in the amount of \$11,880. Spousal support of \$990 per month payable on the first of each month shall continue until June 1, 2025. At that time, spousal support shall be varied to reflect the low "custodial parent" SSAG amount based on Ms. Tai's 2024 actual income, Mr. Wu's 2024 actual income or imputed income of \$60,000 (whichever is higher), and tuition payable by Ms. Tai in 2025. Spousal support shall be adjusted again on June 1, 2026 to reflect the low "custodial parent" SSAG amount based on Ms. Tai's 2025 actual income, Mr. Wu's 2025 actual income or imputed income of \$60,000 (whichever is higher), and tuition payable by Ms. Tai in 2026. Spousal support shall cease after the final support payment on September 1, 2026.
- [63] In ordering spousal support at the lower end of the range, I have considered that Ms. Tai's standard of living has also decreased since October 1, 2021.
- [64] At trial, Ms. Tai argued that spousal support should not be awarded, and she argued in the alternative that a lump sum award of \$32,944 based on three years of spousal support at a rate of \$931 per month. Ms. Tai says a lump sum award is appropriate in this case because she prefers finality and would prefer to have no further dealings with Mr. Wu given the

history of family violence. Section 15.2(1) of the Divorce Act authorizes the court to order lump sum spousal support, and I accept that the history of family violence provides a rationale for making such an award in this case (although the consent child support order will result in ongoing contact between the parties). The spousal support award is higher than Ms. Tai anticipated when she sought a lump sum award. In the circumstances, I am prepared to grant leave to Ms. Tai to seek an order for a lump sum award based on the spousal support award I have made within 30 days if she would still prefer a lump sum award.

Conclusion

[65] Mr. Wu is entitled to spousal support as ordered in para. 62 above.

[66] In terms of costs, it is not obvious which party was substantially successful. Spousal support was the only issue at trial, but Mr. Wu recovered far less than he was seeking in terms of amount and duration. The parties shall each bear their own costs, unless one party makes a request to appear within the next 30 days to make further submissions on costs.

"Lamb J."

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Prepared on 27 October 2026 · Esheria