

CANADA / JUDGMENT

Turkan v. Bennett

2019 BCSC 1439

COURT

Supreme Court of British Columbia

DECIDED

27 August 2019

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2019 BCSC 1439 Turkan v. Bennett IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Turkan v. Bennett, 2019 BCSC 1439 Date: 20190827 Docket: E133694 Registry: Vancouver Between: Maryam Turkan Claimant And: Cameron James Bennett Respondent Before: The Honourable Mr. Justice D.M. Masuhara Directions Acting on her own behalf: M. Turkan Acting on his own behalf: C. Bennett Place and Date of Hearing: Vancouver, B.C. August 12, 2019 Place and Date of Directions: Vancouver, B.C. August 27, 2019

- [1] Mr. Bennett has filed a notice of application which seeks several orders which have significant implications.
- [2] The matters brought before me were for:
- (a) A contempt finding against Ms. Turkan for the deliberate delay in conveying travel documents for the summer holiday period in light of orders made on March 25, 2019;
 - (b) An order for Sienna's travel documents (Nexus and passport) to be held by the respondent with access for the claimant on request with immediate return to the respondent at the next parenting exchange;
 - (c) An order for child support payments to be adjusted in accordance with the Federal Child Support Guidelines under a shared custody arrangement, including outstanding s. 7 expenses absorbed by the respondent, retroactive from June 30, 2019;
 - (d) An order for the Federal Child Support Guidelines for the coming years and for schooling expense to be listed as clear s. 7 expenses for the purposes of FMEP monitoring.
- [3] Ms. Turkan opposes all of the relief sought by Mr. Bennett.
- [4] Ms. Turkan was not prepared for the hearing of this matter, despite having the financial materials from Mr. Bennett for a good period of time and being an accountant. She says she needs more time and information to review the financial details provided to her.
- [5] As I mentioned during the course of the hearing that I would provide directions as to what should be done prior to the hearing proceeding further.

- [6] Mr. Bennett is a self-employed physiotherapist.
- [7] Ms. Turkan is a Certified Public Account, CGA.
- [8] The parties were married for two years and have a daughter born December 2012.
- [9] They had a trial before Pearlman J. in 2015. He ordered joint custody of the child and that Ms. Turkan have the primary residence of the child. The parents were also to share guardianship over the child. A detailed set of orders regarding parenting, child support and spousal support for Ms. Turkan for a fixed period, and disposition of asset and liabilities was issued.
- [10] Mr. Bennett in advance of the hearing before me provided in hard copy and electronic form his financial statements as well as for his company. They include the years 2015 through 2018.
- [11] Ms. Turkan is to deliver her questions on financial matters and parenting issues to Mr. Bennett within 10 days of this Direction. Similarly, questions Mr. Bennett may have regarding the financial position and circumstances of Ms. Turkan as well as parenting issues are to be delivered within 10 days of this Direction.
- [12] Mr. Bennett is to provide his full responses in writing within 21 days of receiving the questions, including supporting receipts and documents. Similarly, Ms. Turkan is to deliver her full responses in writing within 21 days of receiving any questions, including supporting receipts and documents.
- [13] Ms. Turkan is to file and deliver to Mr. Bennett any affidavits she intends to rely upon not later than 7 days before the date of the hearing of this matter, both in respect to the issues surrounding child support, the time the child is with each parent, and travel documents. Mr. Bennett is file and deliver any affidavits in reply not later than 2 days before the hearing.
- [14] The parties are to find an agreeable date for the hearing of the issues. Given the difficulty that the parties will have in scheduling a hearing before me in the fall, this matter should go to general chambers. The parties should request a half-day for the hearing. "The Honourable Mr. Justice Masuhara"

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