

CANADA / JUDGMENT

Vuong Estate (Re)

2025 BCSC 2452

COURT

Supreme Court of British Columbia

DECIDED

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2025 BCSC 2452 Vuong Estate (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Vuong Estate (Re),

2025 BCSC 2452

Date: 20251117

Docket: V240136

Registry: Vancouver

In the Matter of the Estate of So Dai Vuong, Deceased

Before: Associate Judge Bilawich

Oral Reasons for Judgment

In Chambers

Counsel for the Applicant Cardi Wong:

S. Horricks

(as Agent for P. Paul)

Counsel for the Disputants Katelyn Ki-Yee Vuong and Kyle Ka Him Vuong:

J. Yuan

Place and Date of Hearing:

Vancouver, B.C.

October 24, 2025

Place and Date of Judgment:

Vancouver, B.C.

November 17, 2025

Introduction

- [1] THE COURT: The applicant, Cardi Wong ("Cardi") applies to remove two separate notices of dispute filed by the disputants, Katelyn Ki-Yee Vuong ("Katelyn") and Kyle Ka Him Vuong ("Kyle") on December 11, 2024.

Background

- [2] So Dai Vuong (the "Deceased") died on September 16, 2024 (the "Date of Death"). He was survived by four children. He has two adult children from his first marriage to Anna Lang Lieu ("Ms. Lieu"), namely Karen Wong ("Karen"), age 42, and Cardi, age 33. The Deceased's second marriage was to Nga Fong Chang ("Ms. Chang"), age 44 years. Ms. Chang says their relationship began in or about 2006. They were married on November 13, 2014. They had two children together, Kyle, age 16 years, and Katelyn, age 13 years. They separated for the first time on October 22, 2023.
- [3] On December 10, 2023, the Deceased was diagnosed with Stage IV gastric cancer. The Deceased and Ms. Chang reconciled for about two months before separating a second and final time on February 22, 2024. The Deceased moved in with his daughter Karen.
- [4] Following their second separation, the Deceased retained family law counsel, David Sue-A-Quan and Winnie Leung with the firm Direction Legal. Karen and Cardi helped the Deceased gather information and documents needed for an intended family action. Cardi asserts the Deceased told him on several occasions that he wanted to get the property to which he was entitled and divide it amongst his four children. He also expressed a concern that if Ms. Chang got hold of his money, she would simply spend it. Cardi and Karen essentially characterize Ms. Chang as being a spendthrift during her relationship with the Deceased.
- [5] For her part, Ms. Chang tendered an affidavit in opposition to this application in which she says that during her reconciliation with the Deceased, he told her that upon his death, he did not want Karen or Cardi to receive anything from him, as they were already adults and no longer dependant children. Despite this, he had continued to support them financially for many years, often with substantial contributions from Ms. Chang. She says he said he had already given them more than enough and made it clear that Ms. Chang should receive everything in his name upon his death, as she was the one caring for him and continuing to raise Kyle and Katelyn. As noted, Ms. Chang and the Deceased separated permanently roughly a month after that and he moved in with Karen and her family.

- [6] On April 30, 2024:
- a) The Deceased made a Will in which he appointed Karen as executor and Cardi as alternate executor. In it, he divides the residue of his estate equally amongst his four children;
 - b) The Deceased executed a power of attorney appointing Karen as his attorney and Cardi as alternate attorney;
 - c) The Deceased executed a representation agreement appointing Karen as his representative under s. 9 of the Representation Agreement Act, RSBC 1996, c 405 and Cardi as alternate representative; and
 - d) The Deceased filed a Land (Spouse Protection) Act, RSBC 1996, c 246 charge on title to their former family home, 1030 West 49 Avenue, Vancouver, B.C. (the "West 49 Property").
- [7] Ms. Chang is the sole registered owner of the West 49 Property. She asserts that she purchased it with her own funds and that she and the Deceased had verbally agreed that it would remain her separate property. They later moved to live in a different property while the Deceased used the West 49 Property as part of his broader marihuana cultivation business, and at times for Airbnb rentals.
- [8] On July 24, 2024, Ms. Chang filed a notice of family claim in Vancouver Action E241884 (the "Family Action"). Issues include claims for divorce, orders relating to Kyle and Katelyn, spousal support, and division of family property and debt. Ms. Chang asserts that in the Family Action she is making claims which, if successful, will mean that whatever property and monies the Deceased may have had, or had a claim to, will be allocated 100% to her: see para. 136 of her Affidavit #1 made October 21, 2025.
- [9] Also on July 24, 2024, Ms. Chang obtained a without notice s. 91 Family Law Act, S.B.C. 2011, c 25 asset protection order restraining the Deceased from transferring, selling, or encumbering family property. There was also an order made under s. 226 that the Deceased continue making payments with respect to the mortgage and other expenses relating to the West 49 Property.
- [10] On August 16, 2024, the Deceased was admitted to Richmond General Hospital. Cardi complains that Ms. Chang did not allow Kyle and Katelyn to visit the Deceased while he was still conscious. Near the end of his life, they did attend to see him, but he had lost consciousness by that time and died shortly thereafter. Cardi says Ms. Chang had allowed the children to visit him in hospital the previous December 2023, when he was receiving chemotherapy treatments.
- [11] On August 30, 2024, the Deceased filed a response to family claim and counterclaim in the Family Action. In the counterclaim, he sought an order for divorce, orders relating to Katelyn and Kyle, spousal support, and division of family property and debt. This included a claim in relation to the West 49 Property.

- [12] On September 16, 2024, the Deceased died.
- [13] On November 19, 2024, Karen renounced her right to act as executor of the Deceased's estate. Cardi intends to take on this role. He says he has always had a close and loving relationship with Kyle and Katelyn, is willing to act in their interests in both the Family Action and the Estate matters generally. He noted that towards the end of his father's life, Ms. Chang became more negative towards Karen and he believes Ms. Chang views him as being more neutral.
- [14] On December 11, 2024, Katelyn and Kyle each filed a Notice of Dispute under Vancouver Actions No. V240135 (Kyle) and V240136 (Katelyn). The notices were filed in their own names, despite the fact that they are minors. The reasons indicated for filing the notices are identical:
- a) The named executor has a conflict of interest with the Estate and/or the beneficiaries; and
 - b) The named executor may have fraudulently conveyed assets of the estate by a power of attorney or benefited from assets fraudulently conveyed prior to the passing of the Deceased.
- [15] On December 19, 2024, in the Family Action, Cardi applied for and was granted a without notice order appointing him as the Deceased's litigation representative for purposes of conducting of the Family Action.
- [16] Cardi also intends to apply for probate of the Deceased's Will, however, the probate process cannot proceed while the notices of dispute remain in force.
- [17] Cardi says he believes that as of the Date of Death, the Deceased's estate consisted of:
- a) About \$30,000 in assets; and
 - b) His claim in the Family Action to a share of family property, including in relation to the West 49 Property.
- [18] In 2024, the Deceased also purchased an RRSP or GIC worth about \$40,000 which passed directly to his first wife, Ms. Lieu, as designated beneficiary upon his death. Ms. Chang received \$100,000 in life insurance proceeds in trust for Kyle and Katelyn. Karen and Cardi also received life insurance proceeds of \$50,000 each.
- [19] On October 21, 2025, Ms. Chang filed an amended notice of family claim purporting to add Karen and Cardi as respondents. Amongst other things, it appears this was done via a pleading amendment under Rule 8-1(1)(a) of the Supreme Court Family Rules, B.C. Reg. 168/2009 ("SCFR"), rather than through an application to add new respondents. The proper approach for adding a party to an action after it has been started is to make an application under Rule 8-2(7) of the SCFR (its civil equivalent being Rule 6-2(7) of the Supreme Court Civil Rules, B.C. Reg. 168/2009). See *Alexis v. Duncan*, 2015 BCCA 135 at para. 20 et seq.

Issues in Dispute

- [20] There are numerous disputed issues identified in the application materials.
- [21] Ms. Chang complains in the Family Action and in her affidavit sworn in opposition to this application that in the last year of his life, the Deceased was divesting family assets.
- [22] The Deceased had operated a legal marihuana cultivation business. He was registered owner of two Sechelt properties which were used for that, in addition to using the West 49 Property. Cardi and Karen say they believe their father had made reasonable income from this business prior to 2020, but in the last four years of his life, he had relatively little income and was borrowing from friends and family to survive. He sold the two Sechelt properties, which included Emerson Road (2023) and Vine Road (2024).
- [23] Cardi says he reviewed the Deceased's bank statements and learned that he had spent about \$1,001,250 in the final year of his life, and that this largely consisted of payments he was making on various debts. Karen says he indicated that he had a partner, Jason Li, who owned 50% of Emerson Road, but whose name had not appeared on title. The Deceased made a payment of \$272,048 to Mr. Li. There was also a \$90,000 payment to Huong Thi Nguyen. It is not entirely clear what the payment was for. Inquiries were made to Ms. Nguyen, who indicated it was repayment of a loan, plus an addition amount over and above this for notional interest.
- [24] In or about May 2024, the Deceased deposited \$180,000 into an account in Karen and Cardi's names. Karen asserts that the reason for this transfer included that he was repaying her for \$180,000 in loans which she had advanced to him over a period of 4-5 years. This appears to have included outstanding rent payments for a warehouse which Karen had owned at one point. She had entered into a three-year lease with a company the Deceased had started, Cardinal Tech International Ltd. It was created to pursue a recycling export business which failed and became insolvent in 2020. Karen says the company never paid any of the rent that was owing. The Deceased had given a personal indemnity and said he would pay her when he could. Ms. Chang notes that Karen actually sold that warehouse in or about 2020.
- [25] Cardi says that he was aware of the loans that Karen had made to the Deceased. It is his view that the \$180,000 in the joint account belonged solely to her. He denies ever having a beneficial interest in those funds. The two of them are not sure why the Deceased included Cardi's name on the account.
- [26] Other payments which the Deceased made to Karen included, on July 3, 2024, a transfer of \$10,000. Karen says this was a combination of birthday and high school graduation gift for her eldest daughter (the Deceased's granddaughter).

- [27] There was a further payment of \$9,000 which Karen says was payment to her and her spouse, representing nine months' worth of room and board, including October 2023 - December 2023, and February 2024 - August 2024, while the Deceased lived with her and her family.
- [28] In late June 2024, the Deceased gave Karen a bank draft for \$57,000. Karen says this was to pay for his anticipated funeral expenses. She believes she ended up spending more than this for the funeral, celebration of life and for airfare to fly in various extended family members.

Applicable Law

- [29] Rule 25-10 includes the following:

Notice of dispute

- (1) To oppose the issuance of an estate grant, an authorization to obtain estate information or an authorization to obtain resealing information or to oppose the resealing of a foreign grant, a person to whom documents have been or are to be delivered under Rule 25-2 (2) or a person who claims an interest under a prior or subsequent will must file a notice of dispute that accords with subrule (3) of this rule before the earlier of
- (a) the issuance of an authorization to obtain estate information or an authorization to obtain resealing information, and
- (b) the issuance of an estate grant or the resealing of a foreign grant.

...

Contents of notice of dispute

- (3) A notice of dispute referred to in subrule (1) must be in Form P29, must provide an address for service of the disputant, which address for service must be an accessible address that complies with Rule 4-1 (1), and must disclose
- (a) that the disputant is a person to whom documents have been or are to be delivered under Rule 25-2 (2) or a person who claims an interest under a prior or subsequent will, and
- (b) the grounds on which the notice of dispute is filed.

...

Renewal of notice of dispute

- (6) The court may renew a notice of dispute, for any period the court considers appropriate, as follows:
- (a) if the application for renewal is brought before the notice of dispute ceases to be in effect, if the court is satisfied that it is appropriate to make an order for renewal;

- (b) if the application for renewal is brought after the notice of dispute ceases to be in effect, if the court is satisfied that
- (i) there were good reasons that the application for renewal could not be brought before the notice of dispute ceases to be in effect,
- (ii) substantial prejudice would be suffered by the person seeking renewal of the notice of dispute if the order for renewal is not made, and
- (iii) no other person interested in the estate would suffer substantial prejudice if the order for renewal is made.

...

No grant while notice of dispute in effect

- (8) While a notice of dispute is in effect in relation to the estate of a deceased, the registrar must not, with respect to that estate,
 - (a) issue an estate grant, an authorization to obtain estate information or an authorization to obtain resealing information, or
 - (b) reseal a foreign grant.

...

Application to remove notice of dispute

- (10) A person who is interested in an estate in relation to which a notice of dispute has been filed, including, without limitation, an applicant for an estate grant or for the resealing of a foreign grant, may apply on notice to the disputant for an order removing the notice of dispute.

Grounds on which notice of dispute may be removed

- (11) On an application under subrule (10), the court may, by order in Form P31, remove a notice of dispute if the court determines that the filing is not in the best interests of the estate.

When notice of dispute ceases to be in effect

- (12) A notice of dispute in relation to an estate ceases to be in effect as follows:
 - (a) subject to paragraph (b), on the date that is one year after the date on which the notice of dispute was filed;
 - (b) if the notice of dispute has been renewed under subrule (6), at the end of the renewal period;
 - (c) if the notice of dispute is withdrawn by the disputant under subrule (9);

- (d) if the will in relation to which the notice of dispute relates is proved in solemn form;
 - (e) if the court orders, under subrule (11) or otherwise, that the notice of dispute is removed.
- [30] The sole consideration on an application to remove a notice of dispute is whether it is in the best interests of the estate: see *Haynes Estate (Re)*, 2021 BCSC 669 at para. 15, citing *Richardson Estate (Re)*, 2014 BCSC 2162 at para. 58.
- [31] In *Richardson Estate* at paras. 61-62, the Court considered what "best interest of the estate" means:
- [61] There is a previous case which provides some assistance in the interpretation of the phrase "best interests of the estate" (*Re: Estate of Fannie Cleverley*, 2000 BCSC 1454 at paras. 24-26). In that case a beneficiary said that an executor was not protecting the beneficiaries because he was not pursuing litigation on behalf of the estate. The executor, appearing on his own, said that the litigation in question would involve substantial costs for a nominal value to the estate of not more than \$20,000. The executor submitted to the court that it would not be in the best interests of the estate to pursue the litigation. Master Joyce (as he then was) concluded that he was in no better position than the executor with whom he agreed.
- [62] Looked at in this light, the best interests of the estate are an economic issue, one requiring the weighing of the value of a decision or issue in dispute with the overall value of the estate. I conclude that this approach has some merit in interpreting Rule 25-10(11) in this case. I hasten to add that non-economic issues can be important to the best interests of the estate such as, for example, situations involving personal items or even real property that has unique value. Those circumstances are not a concern here.

Analysis

- [32] The disputes described above are factually complex and highly contentious.
- [33] I did not have a meaningful opportunity to review the application materials in advance of the hearing. At the conclusion of the hearing, I reserved so I could review the materials in detail and I set a date for providing oral reasons.
- [34] In the course of my review, an issue became apparent which had not been addressed at the hearing. The two notices of dispute were filed by Kyle and Katelyn directly. As noted, Kyle is 16 years old and Katelyn is 13 years old. They are both minors, and as such they are both under a legal disability. The notices of dispute were both signed by their counsel, Mr. Yuan. No litigation guardian is identified in either Notice.
- [35] Rule 20-2(2) requires that a proceeding brought by or against a person under legal disability must be started or defended by the person's litigation guardian:

Start of proceedings by person under disability

- (2) A proceeding brought by or against a person under legal disability must be started or defended by the person's litigation guardian.

[36] Subrule (3) provides:

Role of litigation guardian

- (3) Unless a rule otherwise provides, anything that is required or authorized by these Supreme Court Civil Rules to be done by or invoked against a party under disability must
- (a) be done on the party's behalf by the party's litigation guardian, or
 - (b) be invoked against the party by invoking the same against the party's litigation guardian.
- [37] Subrule (4) provides that a litigation guardian must act by a lawyer unless the litigation guardian is the Public Guardian and Trustee.

Lawyer must be involved

- (4) A litigation guardian must act by a lawyer unless the litigation guardian is the Public Guardian and Trustee.
- [38] There is recent authority for the proposition that a notice of dispute is a "proceeding". In *Glendale v. Matewish Estate*, 2024 BCSC 1947, the Court considered whether a notice of dispute constituted a proceeding within the meaning of s. 103 of the Wills, Estates and Succession Act, S.B.C. 2009, c. 13 [WESA]. That section allows an administrator pending litigation to be appointed. In that case, the subject Will had not been probated and no application had been made for proof in solemn form. Ms. Glendale had filed a notice of dispute indicating her intention to challenge the validity of the Will based on lack of capacity and undue influence exerted by a Mr. Walker. Ms. Glendale took the position that Mr. Walker was in a disabling conflict of interest. She applied to appoint a neutral interim administrator to manage the estate. Mr. Walker opposed her application, including on the basis the requirements to bring an application under ss. 103 or 132 of WESA had not been met because there was no pending "proceeding" yet. At paras. 23-25:
- [23] The first aspect of their dispute centers around the meaning of the word "proceeding". The Petitioner submits that the Notice of Dispute constitutes a "proceeding" within the meaning of s. 103. Consequently, this Court is empowered by virtue of s. 103 of WESA of to appoint an administrator pending the determination of the dispute regarding the validity of the Will.
- [24] In contrast, Christopher takes the position that the Notice of Dispute does not rise to the level of a proceeding. Rather, s. 103 requires the existence of an active probate proceeding or filing of an action in which the validity of the Will is in issue.
- [25] The parties agree that there is no specific authority which holds that a notice of dispute can constitute a "proceeding" for the purposes of s. 103 of WESA.

- [39] The Court went on to conclude at paras. 43-44:
- [43] While the notice of dispute is not strictly an action or suit, it is a "cause" or "matter". This is further evidenced by how the document was treated when it was filed in the Abbotsford Registry. In addition to applying the Court seal to this document, the Registry filing officer gave the Notice of Dispute "Action No. V03376". This conduct is consistent with considering the Notice of Dispute a proceeding.
- [44] I agree with the Petitioner that the Notice of Dispute filed by her is a proceeding within the meaning of s. 103 of WESA and is therefore sufficient to trigger an application for an APL [is, I believe, administrator pending litigation] under s. 103.
- [40] Since a notice of dispute is a "proceeding", presumptively it must comply with the requirements of Rule 20-2 SCCR generally and subrule (2) in particular, which requires that it be started by a litigation guardian when minors are the disputants. That was not done here. It appears that Ms. Chang was likely the person responsible behind the scenes.
- [41] The parties have not had an opportunity to address this issue. It did not come up during oral argument. It would not be appropriate for me to finally dispose of the application and potentially have an adverse impact on the rights of two minors without giving the parties an opportunity to address the issue more fully.
- [42] As noted, the notices of dispute reference two issues:
- a) That Cardi has a conflict of interest with the estate and/or beneficiaries; and
 - b) That Cardi may have fraudulently conveyed assets of the estate by a power of attorney or benefited from assets fraudulently conveyed prior to the passing of the deceased.
- [43] The former issue could potentially be addressed through Kyle and Katelyn's litigation guardian applying to have a neutral person or entity appointed to act as interim administrator pending litigation of the Deceased's estate and/or an application to disqualify Cardi as executor of the Deceased's estate, based on alleged conflict of interest.
- [44] There are also issues in the event Ms. Chang seeks to be appointed administrator pending litigation. One of the Deceased's principal assets appears to be his claim for a division of family property and debt in the Family Action. Ms. Chang is the opposing party in that action. She states in her Affidavit #1 at para. 136, she is seeking 100% of the property and monies which the Deceased had or had a claim to. She also says that Kyle and Katelyn will be looked after by her and eventually inherit from her. Ms. Chang's interests conflict with those of at least two (Cardi and Karen) of the four presumptive beneficiaries of the Deceased's estate, and arguably all four.

- [45] To the extent that Kyle and Katelyn may wish to dispute various funds transfers which took place in the final year or so of the Deceased's life, it may be in their interest to seek appointment of an administrator who is prepared to investigate and, if appropriate, pursue claims against Karen, possibly Cardi and other recipients. Another possibility would be for their litigation guardian to seek leave under s. 151 of WESA to pursue such claims on behalf of the estate.
- [46] At this point, based on Cardi's summary of assets currently in the Deceased's estate, and given that he has already obtained a without notice appointment as the Deceased's litigation representative for purposes of the Family Action, there does not appear to be any particular urgency for cancelling the notices of dispute. Cardi appears to have authority to manage the estate's interest in the Family Action, for the time being. No other "pressing" issues were brought to my attention.
- [47] I note that the notices of dispute are due to automatically expire by December 11, 2025, based on the effluxion of time. I am not aware of Kyle, Katelyn, or anyone on their behalf having filed an application to renew them yet. In my view, it would not be in the interests of justice or an efficient use of court resources to require them to make an urgent application to do so, in addition to preparing and arguing a potential second application dealing with whether Cardi is an appropriate person to be acting as executor / administrator and/or appointing some other person or entity to take on that role. It will likely take some time to identify an appropriate person to act as litigation guardian for Kyle and Katelyn and to prepare and arrange a hearing of whatever application their litigation guardian decides is appropriate.
- [48] I exercise my discretion to renew both of the notices of dispute for a period of six months, to June 11, 2026. This should give the interested parties adequate time to arrange a litigation guardian and to prepare and schedule appropriate applications. This is without prejudice to Cardi's right to renew his application to cancel the notices of dispute in the event there are new developments affecting the proper administration of the Deceased's estate, and it is without prejudice to the right of any interested party to apply for the appointment of an interim administrator pending litigation.
- [49] The litigation guardian issue is not something that either counsel addressed, and I do not want to render a decision that deals with that on its merits until they have had an opportunity to consider that. This is intended simply to be a stop-gap measure, until the parties are able to grapple with that. This may well be a case where there are two (or more) sets of competing conflicting interests amongst beneficiaries. You have Karen and Cardi, who are focused on trying to achieve an outcome in the Family Action, pursuing the Deceased's interests in an effort to bring additional assets into the estate. You have Kyle and Katelyn, who may well be more interested in trying to challenge transfers to Karen and others, to try and bring funds back into the estate. There may have to be two distinct sets of litigation which end up being pursued separately.

[50] CNSL S. HORRICKS: The issue of costs of the application?

[51] THE COURT: I have not heard from either of you yet, but my inclination is that costs be at the discretion of whomever hears the ultimate application to cancel the notices or to remove or disqualify Cardi, if that does proceed at some point in the future. I have not dealt with that issue on its merits. I am trying to be helpful by identifying some potential paths forward, but really my focus is to preserve the rights of minors until the parties can figure out an appropriate way to deal with them.

"Associate Judge Bilawich"

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