

CANADA / JUDGMENT

Wang v. Sullivan

2023 BCSC 1869

COURT

Supreme Court of British Columbia

DECIDED

17 May 2023

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

2023 BCSC 1869 Wang v. Sullivan

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Wang v. Sullivan,

2023 BCSC 1869

Date: 20230517

Docket: E180535

Registry: Vancouver

Between:

Julia Wei Hua Winnie Wang

Claimant

And

Kevin Wayne Sullivan

Respondent

Before: The Honourable Madam Justice Sharma

Oral Reasons for Judgment

In Chambers

The Claimant, appearing in person:

J. Wang

Counsel for the Respondent:

N. Nasser

Place and Date of Trial/Hearing:

Vancouver, B.C.

May 17, 2023

Place and Date of Judgment:

Vancouver, B.C.

May 17, 2023

- [1] THE COURT: These are my reasons for judgment. This is an application brought by the respondent. He shares a child --
- [2] JULIA WANG: Sorry, may I ask for one more thing?
- [3] THE COURT: No. And Ms. Wang, I am going to ask you to please be very patient with me.
- [4] JULIA WANG: Okay.
- [5] THE COURT: I am going to give my decision right now, and I am going to give it all the way through, and I want you to be very patient. And when I am done, I will let you know that I am done, and then we may have to deal with some other matters. But, I am going to ask you to be very patient and respectful.
- [6] The respondent shares a child with the claimant. There has been extensive litigation and MCFD involvement in the litigation. The orders sought today by Mr. Sullivan are set out in his May 4, 2023, notice of application. I confirm that I was able to review the pleadings and the text of almost all the affidavits in the record today. I was also referred to some material in Ms. Wang's affidavits attached to her application, but certainly not all of it.
- [7] Ms. Wang is representing herself. She has not yet filed a notice of intention to appear in person, but I appreciate that she has told me she will do so by Friday, and I have made an order that she must file it and serve it by then.
- [8] Ms. Wang wanted to adjourn Mr. Sullivan's application today, but I did not do so. However, after hearing from the parties, I have, in fact, adjourned the relief that is sought at paragraph 3 respecting support, and the relief sought at paragraph 10 regarding expenses. The respondent no longer seeks the relief at paragraph 9, as I understand it. I will address the other orders.
- [9] Although Ms. Wang was not successful at getting the matter adjourned, she did emphasize to me that she felt she did not have enough time to prepare. She believed she did not get fair notice, and she did not feel she had enough time to make her submissions today.

- [10] However, she filed voluminous material for her application, which I am not addressing, and that is not consistent with her saying she did not have time to prepare. However, I am very mindful that she is not a lawyer, and for that purpose, I provided her some guidance today on procedures.
- [11] She expressed concerns about her facility with the English language. I confirm I had no difficulty understanding her. I also noticed that she had a very good capacity, without looking at documents, to recall the timing and details of many events that were very important to her. In any event, in recognition of her concerns, she had, by far, the majority of time today to make submissions.
- [12] The reality is that people representing themselves will often feel overwhelmed in this Court, especially when it comes to parenting issues. They will often feel they do not have enough time. I am sure that parents who are facing a difficult court hearing would like to have many days to explain their position, but, unfortunately, that is simply not possible. I am satisfied, after looking at the material and hearing from the parties today, that there was adequate time today to deal with the matters that I am going to address.
- [13] I am not going to go over the history of this litigation. It is extensive and it is very high conflict. However, the most important thing to note is that MCFD succeeded in a presentation hearing earlier this year. It is seeking a protection order against Ms. Wang in Provincial Court, and that proceeding is set to start in June. For obvious reasons, that fact is prominent in my analysis.
- [14] I also looked at the s. 211 report. Ms. Wang objected to that--she said I should not refer to it. She said it was not produced by a court order and, in fact, it was contrary to the court order.
- [15] It is true that in May 2022, Justice Groves dismissed an application by the respondent for a s. 211 report, but he did order that they prepare an update. However, that was done at a time when the trial was imminent. The trial was delayed, and there has been significant and very concerning developments with regard to parenting since then.
- [16] Ms. Wang is also very concerned that the doctor who authored the s. 211 report was biased against her. She said the doctor did not listen to her. She said the doctor consulted people her lawyers said should not be consulted, and she also says that there are numerous inaccuracies in the s. 211 report.
- [17] Ms. Wang is adamant that the child is not in need for protection from her, and I believe that she holds that view genuinely. She also says that the respondent has misled the Court. She is very concerned that to a large degree, she is constantly, in her mind, being painted as a bad parent.
- [18] I have spent all day listening to the parties, mostly Ms. Wang. While I have not read every document, I have reviewed the file extensively, and I am satisfied I have enough information from the evidence and the pleadings in order to proceed.

- [19] This is a very concerning case. It is very high conflict, and there are events that are alleged to have occurred in this case are very concerning. I mention the audio recordings. Ms. Wang confirms that she made audio recordings of her child. This was remarked on by the Provincial Court judge who presided over the presentation hearing, who called that event "sad" and "disturbing".
- [20] Ms. Wang addressed me about that. I want to confirm whether she had recorded her child, and she gave me that confirmation. I suggested to her that the recording of her child, in and of itself, presented a very challenging view of her judgment as a parent. She wanted to explain to me why she did it, and she provided those reasons.
- [21] She submits she should not be misjudged for that behaviour because she asked that the recordings be sealed in the Provincial Court, and only the judge would hear it. She suggested that she perceived she was told by people from the Ministry of Children and Family Development ("MCFD") that it would be better for the child to be recorded.
- [22] The fact that Ms. Wang did not seem to appreciate that the concern is not only the presentation of recordings in court, but the act of recording the child. The concern is the act of asking the child to comment on parenting which is at the heart of this dispute. I am extremely concerned that Ms. Wang simply does not appreciate what it says about her judgment as a parent, and that is very disturbing to this Court as it was to the Provincial Court.
- [23] I also refer to the s. 211 report. Ms. Wang believes that the doctor is biased, and I cannot make a ruling on that. That will no doubt be a subject at trial later on, and that is maybe when the doctor is called. However, this is an interim application where the Court is required to only consider the best interests of the child. I have a report from an expert, who has been in this Court many times. That expert is ethically and professionally obliged to do their best to provide an accurate and helpful summary of the situation to the Court.
- [24] Ms. Wang may be able, at some point in a different court proceeding, to establish that the doctor was biased against her. I see no evidence of that whatsoever in the report. Rather, the doctor at some length was careful to point out that the child wanted still to spend time with Ms. Wang, and that perhaps Ms. Wang was not always portrayed accurately in some reports by other people. The doctor pointed to Ms. Wang's positive qualities as a parent.
- [25] What is also clear, with the greatest of respect, there is a very genuine, serious concern about Ms. Wang's judgment and capacity as a parent arising from her inability to separate out her conflict with her former spouse and her desire to be perceived as being a good mother, versus the actual actions and decisions that she takes.
- [26] I am not saying anything about Ms. Wang as a mother. She clearly loves her child, and I am sure that the child loves her. That is never what these cases are about. The case is simply about what is in the best interests of the child, in terms of which parent, at this point in time, should have the ability to make decisions.

- [27] I am concerned about the comments I have read in the report, and unfortunately, those comments were reinforced to some degree by my interactions with Ms. Wang in Court today. I know that she is trying her best. I know that she loves her son. I think she could benefit greatly from some counselling to help her understand the best way to parent her child.
- [28] Right now, I am concerned that she has become entrenched in the litigation and is losing sight of what is important, which is to come to a place where she can make decisions about the child that are independent of her relationship and disputes with the child's father.
- [29] The Court expects both parties to do that. There has been high conflict and many difficulties in this case. There has been very concerning behaviour by both parties. However, all of the objective information before me at this point in time does suggest that Mr. Sullivan has been able to move forward to a better place than he may have been in the past. I am making no comment whether the allegations against him are true or not. However, there remains very serious concerns about Ms. Wang's ability to move forward.
- [30] Unfortunately, I find that she tends to be quite defensive and want to be right in showing that she has complied with what she is supposed to, rather than focusing on what she should be doing in terms of the child's best interests. This was illustrated by the amount of time and the kind of comments she made about the audio recording. I am very concerned she still does not understand what was wrong about what she did.
- [31] I turn to the specific orders that are sought. The first order sought is that it be stated that the child primarily reside with the respondent and some term about the parenting ability of the claimant.
- [32] There is no dispute that the reality is the child has been living primarily with Mr. Sullivan since June of last year. Ms. Wang confirmed that she has had no parenting time with the child since that time. She explained to me why. In her mind, she was concerned that the conditions imposed on her by MCFD to have parenting time would have required her to admit that she was a bad parent, and she did not want to do that. She was concerned that each time she had parenting time with the child, there would be further allegations made against her.
- [33] I understand that, and I sympathize with her reticence given what has happened. However, it is inconceivable to me that a parent would not see their child when they were given a path to do so. I am very sorry to say that that reflects on Ms. Wang's judgment as a parent because it suggests she would prioritize how she would be perceived, how she would be judged in other people's eyes, versus actually having contact with her child. That was very revealing and significant.

- [34] Ms. Wang made a valid point asking why the orders should be granted now when there is going to be a Provincial Court hearing next month. The fact of the matter is I have no control, nor do the parties, about what the Provincial Court will do next month. Nor is there any assurance that when the hearing will conclude soon after it starts. I am aware that Provincial Court hearings are often taking place over a number of months.
- [35] I find it is important and it is in the best interests of the child that the orders in this Court reflect reality. The reality is the child is primarily residing with the respondent, and it is appropriate, in my respectful view, that there be an order that states that. As described above, I find there has been a material and a dramatic change of circumstances that justifies making this change.
- [36] Counsel for Mr. Sullivan was fair to suggest that the order could be stated to be on an interim, without prejudice, basis. I find that wording is appropriate, and that is the order I grant.
- [37] The order sought stated that the claimant's parenting time could be as agreed between the parties. Ms. Wang very rightly pointed out that such an order was potentially putting her in a conflict with MCFD's order. She wanted to emphasize how her raising the issue showed that she was being very considerate and a good parent. I appreciate her pointing that out.
- [38] She is quite right that any parenting time she can exercise must be consistent with MCFD orders. Therefore, the wording of the order must reflect that.
- [39] In paragraph 2, the respondent has asked that the parents jointly exercise parenting responsibility, but in the event of a disagreement, that he have the final say. Ms. Wang objected to this. She wanted to emphasize that she is an equal parent, and she wanted to emphasize that she is concerned by what the father has done and, in her mind, this is a continuation of his attempts to remove her authority as a parent.
- [40] Ms. Wang will always be a parent to her son. This issue is not about how much she loves her son, or how much her son loves her. This is not about her maternal bond. This issue is about who should be exercising parenting responsibility with regard only to what is in the best interests of the child. It is abundantly clear on the record that these parents are not able to co-parent. It does not matter why that is at this stage, but it is very clear.
- [41] They had a parenting coordinator who resigned because that coordinator did not feel that she was being effective with the parents. That happened after several court applications were brought seeking to change decisions the parenting coordinator made. In a few of those applications, apparently the Court agreed with Ms. Wang in changing the parenting coordinator's decision. Ms. Wang relied on that to show that she was ultimately right. Again, sadly, this is an illustration of Ms. Wang focusing on her being vindicated about a particular decision. A parenting coordinator is meant to reduce tensions between parties and is intended to assist keeping parties out of court. Unfortunately, when you disagree with decisions of the parenting coordinator and you challenge a number in court, that may be an

indicator that you have not participated in the spirit of having a parenting coordinator. So, that unfortunately did not help Ms. Wang's position.

- [42] I realize that this is a change to the parents' current assignment of responsibilities. I have thought very carefully about that. I have taken into account everything I have heard today, and I am fully satisfied it is in the best interests of the child that Mr. Sullivan have final decision-making authority under s. 40 of the Family Law Act, S.B.C. 2011, c. 25, for all the reasons that I have stated, especially about my concerns about Ms. Wang's judgment as a parent and her inability to move in a positive direction in this high-conflict matter.
- [43] I am mindful that there is an extant Provincial Court protection hearing. With the greatest of respect, it would be almost disrespectful for me to make any other kind of order in the face of that fact. I simply cannot ignore that a Provincial Court judge was already persuaded that a protection hearing should take place. I grant Mr. Sullivan final decision-making authority.
- [44] Paragraph 5 of the application seeks an order that the claimant provide to the respondent two documents demonstrating proof of her residential address, such as a hydro or electric bill. I understand there has been a dispute between the parties about where the child should play hockey. I am aware that the residence of a parent in a particular location is the basis upon which a child can be accepted to play at certain hockey clubs. Mr. Sullivan now has the final decision-making authority. Absent agreement between the parties, he can decide where the child plays hockey. If he wants the child to play in Burnaby, and that is where Ms. Wang is living, then it is appropriate for her to turn those documents over. I grant that order.
- [45] I am requiring Ms. Wang to provide those documents no later than 4:00 p.m. on Friday, so she will provide a hydro bill in her name showing her address in Burnaby, and she will also provide one other utility bill, whether that is for Fortis or Telus or any other utility, that shows her name and an address in Burnaby, and she will do that by 4:00 p.m. on Friday.
- [46] The respondent asks that he be given the child's passport. Ms. Wang questions why this is necessary. She said in the order granted by Justice Hughes regarding property, the passport is being held by a lawyer. However, it is clear that the child was deprived of an important opportunity to take part in an event in the United States. I appreciate there are differences of opinion perhaps as to why that occurred and Ms. Wang certainly does not want to be seen as having been the cause of that. I make no comment on that. I only comment that, had the passport been with Mr. Sullivan, I suspect the child would not have missed out.
- [47] In any event, for all the same reasons why I have granted Mr. Sullivan the final say, I am satisfied that it is appropriate for him to have the child's passport. I am satisfied that there may be opportunities, if the child is playing hockey, for the child to play a tournament in the United States. That is an extremely enriching experience for a young child. I also understand that there are plans to go to Disneyland and that they have a timeshare there. Mr. Sullivan wants to have the certainty that he will be able to take the child, and therefore he wants the passport. That is a reasonable request. I do order that the passport go to Mr. Sullivan and that that should occur immediately.

- [48] Mr. Sullivan is also seeking an order that he be permitted to travel with the child to the United States without the consent of the claimant, and that he is permitted to authorize the child to travel to the United States without the consent of the claimant. For all the same reasons I have stated above, I do grant those two orders.
- [49] Although it is not in the material, there is a question about the Nexus card. The Nexus card is an important document. In the circumstances of how this matter came up, I do find that it is reasonable, given my other conclusions, that the Nexus card be turned over to Mr. Sullivan, and I order that to happen. I appreciate that it is somewhat unusual to do so, notwithstanding that it was not specifically sought in the application, but given the breadth of the orders that I have made, and given my conclusions and analysis, I do not think there is any prejudice to Ms. Wang, and I find it is in the best interests of the child to do so.
- [50] The respondent also asks that the claimant produce an updated F8 financial statement. I think both parties need to prepare an updated financial statement, and I am going to suggest that that has to be done. I am going to ask them about timelines, because I am also going to set down a date for when the matters that I have adjourned should be heard. That hearing will be about support and expenses.
- [51] That concludes my reasons, but for the setting of the dates. I will ask Ms. Nasser first. I would suggest it be in July. When are you available for a one-day hearing to address expenses and support?
- [SUBMISSIONS BY CNSL N. NASSER]
- [52] THE COURT: Ms. Wang, I have said that the parties can come back for one day to address the issue of support and expenses, and that you be given one day to do that. Are you available on Friday, July 7 to do that?
- [SUBMISSIONS BY JULIA WANG]
- [53] THE COURT: Because that order was made by Mr. Justice Brundrett, I cannot schedule things in front of him. When you come back on August 11, it will just be to deal with paragraph 3 and 10 of this notice of application,
- [54] I am also going to order that both sides produce an updated F8 financial statement and that needs to be done by July 21.
- [55] The last thing to deal with is that you filed an application, Ms. Wang, and I did not hear that application today, and I understood, when I looked at it, and Mr. Sullivan's lawyer said there is some concern because it is not seeking orders that a court could grant. So, in its present form it is not something that could be heard, but I want to try and help you so that you can craft it properly. Do you have time to do that now?
- [56] JULIA WANG: Yeah.

- [57] THE COURT: Okay. So, I want you to look at your notice of application that you filed May 8. Do you have it in front of you? It would be helpful if you actually had it in front of you.
- [58] JULIA WANG: May 8, yeah. Yes.
- [59] THE COURT: Okay, so number 1 is not an order that we would ever grant. There is no such thing as rejecting it, but you argued to me why I should not look at the s. 211 report. I disagreed with you, but you will be able to make those same arguments at the trial.
- [60] Ms. Nasser, do you know anything about number 2? That is Mr. Justice Groves' order?
- [61] [SUBMISSIONS BY CNSL N. NASSER] :
- [62] THE COURT: So, with regard to number 2, I cannot grant an order because that order has already been entered.
- [63] [SUBMISSIONS BY JULIA WANG]
- [64] THE COURT: So, number 2 is not something that a judge would be able to grant because it has been entered.
- [65] [SUBMISSIONS BY JULIA WANG].
- [66] THE COURT: Registrar, 3 and 4 were already dismissed earlier today, because those are adjournments, and 1 and 2 are not orders that can be sought. Number 5 is something you can seek if you want to.
- [67] [FURTHER SUBMISSIONS BY JULIA WANG ABOUT ORDER NUMBER 2]
- [68] THE COURT: Number 6, this has to do with costs, so that is something that can be adjourned to August 11, and so can number 7. Number 8, you can try and seek that on August 11, but I do not see how you could get it, but you can try.
- [69] Number 9 is no longer something that needs to be addressed because I have already addressed it.
- [70] Number 10 is something you can seek at another time, not on August 11, so it is adjourned generally.
- [71] I am dismissing number 11. It is not appropriate.
- [72] JULIA WANG: Why is it not appropriate?
- [73] THE COURT: Number 12 is going to be addressed --
- [74] JULIA WANG: Your Honour, why is number -- because you know --
- [75] THE COURT: We do not make those kind of declarations. If you have a concern about your proficiency, like you did with me, the next time you are in court you bring that up with the judge, okay.

[76] [FURTHER SUBMISSIONS BY JULIA WANG ON ORDER 12]

[77] THE COURT: Number 13 is adjourned to August 11. Number 14 is not an order I could grant, so it is dismissed.

[SUBMISSIONS BY CNSL N. NASSER REGARDING FILING A RESPONSE]

[78] THE COURT: Yes, you have leave to file a response to this notice of application, given my orders in five business days.

[SUBMISSION BY CNSL N. NASSER REGARDING DEADLINE TO RETURN PASSPORT AND NEXUS CARD]

[79] THE COURT: In seven days.

[SUBMISSIONS BY JULIA WANG]

THE COURT: Thank you, Ms. Wang, I appreciate that. All right. Ms. Wang, usually when a court makes a number of orders, the parties that were in front of the court draft the order and they review it, and they decide if it is accurate and then it gets sent in for filing and it gets approved. This was a very difficult case, and I know that you are very disappointed by a number of orders I made. I am going to suggest that Ms. Nasser is going to draft the order, and that it come to me, and that I make sure it reflects what I ordered, and then I can approve it and have it filed without you having to be involved. Are you okay with that?

[80] [SUBMISSIONS BY JULIA WANG]

[81] THE COURT: I am making an order that a draft of the order will be sent to Ms. Wang, and she can provide comments to Ms. Nasser before it is submitted to the Court for filing, but I dispense with the need for Ms. Wang's signature on the order.

[82] JULIA WANG: May I say, if I disagree with one of the order, because one of the order --

[83] THE COURT: Yes. Yes, you can -- I assume you can appeal me and you can get some advice how to do that, okay.

[84] [SUBMISSIONS ON COSTS]

[85] THE COURT: Thank you, all right. Costs are in the cause. I am not making a decision now.

"Sharma 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/23/18/2023BCSC1869.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/wang-v-sullivan-2023-bcsc-1869>

Prepared on 25 October 2026 · Esheria