

CANADA / JUDGMENT

Ward v. Ward

2010 BCSC 1100

COURT

Supreme Court of British Columbia

DECIDED

26 July 2010

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2010 BCSC 1100 Ward v. Ward IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Ward v. Ward, 2010 BCSC 1100 Date: 20100726 Docket: E093748 Registry: Vancouver Between: Rochelle Guptill Ward Plaintiff And: Stephen John David Ward Defendant Before: The Honourable Mr. Justice D.M. Masuhara Oral Reasons for Judgment In Chambers Appearing on her own behalf: R.G. Ward Appearing on his own behalf: S.J.D. Ward Place and Date of Hearing: Vancouver, B.C. July 26, 2010 Place and Date of Judgment: Vancouver, B.C. July 26, 2010

Introduction:

- [1] The matter before me relates to child support and has its origins in the Court of Queen's Bench in New Brunswick. I am told by the parties that this is a confirmation hearing under the Divorce Act.

Background:

- [2] The parties were married July 23, 1988. They had three daughters born October 20, 1989, July 24, 1991, and January 22, 1993.
- [3] The parties separated in October 2000 and entered into a separation agreement in June 2001 which dealt with support for the children.
- [4] The parties were granted an order for divorce on June 18, 2003.
- [5] There have been several subsequent proceedings before the Court of Queen's Bench in which orders dealing with child support and related issues have been made.
- [6] Mr. Ward now resides in Metro Vancouver and Ms. Ward continues to reside in New Brunswick.
- [7] Mr. Ward is an insurance examiner and Ms. Ward is a customer service representative for Air Canada.

- [8] A provisional order under the Divorce Act was issued out of the Court of Queen's Bench in August 2009 for confirmation in this court. The order dealt with setting child support and retroactive child support.
- [9] A confirmation order was issued regarding the provisional order on February 23, 2010 by a judge of this court. This confirmation order was later set aside on July 5, 2010 by another judge of this court.
- [10] A further proceeding was conducted in the Court of Queen's Bench on or about July 26, 2010. Ms. Ward states that the court took no action awaiting a decision from a hearing before this court. Today is the date for that hearing; however, the parties state they wish to appear the New Brunswick court to have their issues determined. Neither seemed to be clear why the matter was set to be before me. No materials were before me except for the orders and pleadings which are contained in the court file. Both parties indicated that they had issues related to the orders arising from the New Brunswick Court of Queen's Bench. Mr. Ward advised that he had retained counsel in New Brunswick to represent his interests. Mr. Ward wished to raise questions related to his obligations to support his eldest daughter who is now attending university in Ottawa as well as certain orthodontic costs related to another daughter. Ms. Ward wished to raise questions regarding Mr. Ward's arrears for child support and his level of income. Mr. Ward stated that he had had a severe reduction in income due to health problems and lost nine months of work in 2009 and only received disability benefits during that time. He said that he earned \$235,000 in 2008 and only earned \$40,000 to \$50,000 in 2009. Ms. Ward challenged this, however, did not have any financial information regarding Mr. Ward's financial circumstances. The parties also disagreed on what amount Mr. Ward was in arrears. The documents each had regarding arrears could not be readily reconciled. It seems more disclosure by both parties is required and ought to be presented to the court in New Brunswick where they wish issues to be resolved and where virtually all issues have been litigated.

Orders:

- [11] With the hope of providing some clarity and direction for the parties and to assist the Court of Queen's Bench, after discussion with the parties, I make the following orders and directions by consent :
- (a) Mr. Ward will pay \$2,000 to Ms. Ward in respect to their youngest daughter's orthodontic expenses in full satisfaction of the expenses incurred. Such payment to be not later than July 30, 2010.
- (b) Mr. Ward will pay Ms. Ward \$2,205 per month at \$550 per week for child support, without prejudice to arguments Mr. Ward wishes to make regarding the appropriate level of child support he should be paying and the amount of arrears outstanding, until further disposition by the Court of Queen's Bench. Such payments are to commence this date and will be made to the maintenance enforcement agency in New Brunswick.

- (c) Mr. Ward and Ms. Ward will obtain the most current information from the family maintenance enforcement agency in New Brunswick to reconcile the discrepancy in the information of the parties regarding arrears of Mr. Ward and file such information with the Court of Queen's Bench of New Brunswick and deliver same to the other.
- (d) Both parties will provide to the other and file with the Court of Queen's Bench of New Brunswick their respective financial statements, including their full tax returns (including source documents such as T4's), assessment notices, records from Mr. Ward's disability insurer, and investment and banking statements for the past three years.
- (e) Mr. Ward will forthwith provide written authorization to his banks or investment firms permitting Ms. Ward to speak directly with them and obtain records they have regarding his investments, transactions, and holdings. Mr. Ward will provide forthwith a copy of such authorizations to Ms. Ward and contact information. "The Honourable Mr. Justice Masuhara"

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