

CANADA / JUDGMENT

Weightman Estate (Re)

2021 BCSC 2732

COURT

Supreme Court of British Columbia

DECIDED

12 August 2021

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2021 BCSC 2732 Weightman Estate (Re)

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Weightman Estate (Re),

2021 BCSC 2732

Date: 20210812

Docket: P14792

Registry: Campbell River

In the Matter of the Estate of Andrew Thomas Weightman, Deceased

Before: The Honourable Mr. Justice Baird

Oral Reasons for Judgment

Counsel for Applicant:

S. Bose

No other appearances

Place and Date of Hearing:

Campbell River, B.C.

August 12, 2021

Place and Date of Ruling:

Campbell River, B.C.

August 12, 2021

INTRODUCTION

- [1] The evidence in this case satisfies me that Andrew Thomas Weightman died intestate on May 3, 2020, leaving behind three adult children who are entitled to an equal share of his estate as a matter of intestate succession. Those three children are Tanya Weightman, whose date of birth is unknown to me; Melody Weightman, born April 17, 1975; and Tyrone Weightman, born on October 12, 1978. They are all adults living independently, but I will refer to them as "the children".

BACKGROUND

- [2] The children were born to the deceased and Mary Elizabeth Weightman, who was born Mary Elizabeth Singleton, in the course of what I infer must have been a reasonably brief marriage ending in a permanent separation sometime in 1981 or 1982. Mary Weightman died on September 4, 1992 when the children were teenagers. Up until then, the three siblings had lived and grown up together since birth.
- [3] The children, as I understand it, went into foster care after their mother's death. It seems obvious to me that the children were more or less estranged from their father thereafter. I don't know all of the details, but that seems to be the case. In May 2019, the Public Guardian and Trustee ("PGT") for British Columbia was appointed committee of the deceased's estate after he became intellectually incapacitated. The PGT sent correspondence to each of the children confirming this fact. In due course, when the deceased passed away, the PGT notified each of the children of their father's death.
- [4] The problem presented in this case, and the subject of this application, is that Tanya Weightman applied for and received from this court a representation grant regarding her father's estate without notifying either of her siblings, and by representing to the court in filed documents that she alone was entitled to a share of her father's estate.
- [5] Fortunately, the PGT notified the other two siblings that Tanya Weightman's application for a representation grant was in the works, and the present application has been brought to put a stop to all the mischief, and to have the representation grant revoked. The deceased's estate is being held in trust in its entirety, as I understand it, by the PGT pending the outcome of this application. Thankfully, it appears that, to a great extent, no harm has been done.

DISCUSSION

- [6] In my view, there is no doubt whatsoever that the grant of administration issued to Tanya Weightman must be revoked. It was based on a wilful and possibly fraudulent failure to give her siblings notice of her application for a representation grant or to disclose their identity and whereabouts.

- [7] I will pause here to say that I am amply satisfied on the evidence submitted that all three of these children are full siblings and that each and all of them are the natural children of the deceased and Mary Elizabeth Weightman. I am persuaded on the evidence that Tanya Weightman made her application omitting any mention of her siblings consciously and dishonestly, or alternatively, because she is suffering from some kind of mental health deficit.
- [8] Why do I say this? In the materials, there are numerous items of email correspondence between Tanya Weightman, who though duly served with this application today has not attended, indicating that she may be suffering from some kind of delusional thinking. I have read correspondence from her to her siblings that seems disorganised, chaotic, and redolent of some kind of mental health deficit. It strikes me that this is a possible reason why, as recently as on June 2, 2021, in correspondence acknowledging the receipt of the notice of application herein and the materials related to it, she repeated an allegation, one that she has made in previous email correspondence with her siblings, to the effect that Tyrone Weightman is not the deceased's natural son and that Melody Weightman was a foster child unrelated to either the deceased or Mary Weightman. These statements made by Tanya Weightman are not true, and it is a mystery to everybody why she continues making them.
- [9] In my view, there are only two possible interpretations on the evidence in its totality. The first is that Tanya Weightman wilfully and dishonestly failed to give her siblings notice of her application for a grant of administration, and failed to identify them to the court in that application in order to cheat her siblings out of their equal share of their father's estate. Secondly, and alternatively, it may be that she is operating on the basis of a sincere but delusional belief that her natural siblings are not related to her.
- [10] In either case, in my view, it is perfectly obvious that Tanya Weightman must be replaced as the administrator of her father's estate. I am satisfied abundantly that it is not in the best interest of the beneficiaries that she should continue in that role. There is a substantial danger that if she is left in that role, she will fail to administer the estate in accordance with law.
- [11] I have decided to allow the application to have the grant of administration revoked and to grant administration instead to Tyrone Weightman, whose application to do so is supported by his sister, Melody. I am satisfied that Mr. Tyrone Weightman will faithfully and diligently discharge his duties at law to distribute the estate equally amongst the children.

DISPOSITION

- [12] Accordingly, I make the orders in the terms sought. They are as follows:
1. The grant of administration issued to Tanya Lucy Weightman in relation to the Estate of Andrew Thomas Weightman on November 23, 2020, is revoked and declared null and void from the date of this order.

2. A grant of administration of the estate of Andrew Thomas Weightman is issued to the applicant, Tyrone Thomas Weightman.
3. A declaration that the deceased's estate is to devolve according to the law of intestate succession.
4. The accounts of the respondent, Tanya Lucy Weightman, if any, in respect of her administration and management of the estate for the period of November 23, 2020, to the date of this order be audited, taken and passed before the Registrar of this Court.
5. The respondent, Tanya Lucy Weightman, shall deliver all of the assets of the estate including real and personal property to the applicant, Tyrone Thomas Weightman, and shall deliver to the applicant, Tyrone Thomas Weightman, all documents, books, personal papers and accounts of the deceased in her power or possession including but not limited to all information regarding income taxes, insurance policies, debts, assets, and liabilities of the Estate.
6. The respondent, Tanya Lucy Weightman, is not hereby released from any actions, claims, or demands arising from or in connection with any of her acts or omissions while acting as the administrator of the estate.
7. The costs of the applicant, Tyrone Thomas Weightman, shall be paid on Scale B out of Tanya Lucy Weightman's share of the estate and the respondent, Tanya Lucy Weightman, shall not be entitled to her costs of this application from the estate.

"Baird J."

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