



SUPREME COURT OF CANADA

CITATION: Kreke v. Alansari, 2021 SCC
50

APPEAL HEARD: December 1 and 2, 2021
JUDGMENT RENDERED: December 2,
2021
DOCKET: 39567

BETWEEN:

Tiffany Jo Kreke
Appellant

and

Amro Abdullah M. Alansari
Respondent

CORAM: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ.

JUDGMENT READ

BY: Wagner C.J.
(paras. 1 to 3)

MAJORITY: Wagner C.J. and Moldaver, Karakatsanis, Brown, Rowe, Martin, Kasirer and Jamal JJ.

DISSENT: Côté J.

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Tiffany Jo Kreke

Appellant

v.

Amro Abdullah M. Alansari

Respondent

Indexed as: Kreke v. Alansari

2021 SCC 50

File No.: 39567.

2021: December 1, 2; 2021: December 2.

Present: Wagner C.J. and Moldaver, Karakatsanis, Côté, Brown, Rowe, Martin, Kasirer and Jamal JJ.

ON APPEAL FROM THE COURT OF APPEAL FOR SASKATCHEWAN

Family law — Custody — Change of residence — Best interests of child — Trial judge allowing mother's application for permission to relocate with child — Court of Appeal concluding that trial judge misapprehended evidence in way that affected her conclusion that it was in best interests of child to relocate and failed to consider or overlooked factors relevant to determination — Court of Appeal setting aside trial judge's orders regarding mobility, custody and parenting arrangements and

ordering new trial — No reviewable error made by trial judge — Trial judge's orders restored.

Family law — Support — Spousal support — Trial judge imputing income to mother for purposes of calculating spousal support payable by father — Court of Appeal concluding that trial judge misapprehended evidence in respect of mother's employment status and employment prospects — Court of Appeal setting aside trial judge's spousal support order, imputing higher income to mother and reducing monthly spousal support payments — No reviewable error made by trial judge — Trial judge's order restored.

APPEAL from a judgment of the Saskatchewan Court of Appeal (Caldwell, Whitmore and Barrington-Foote JJ.A.), [2020 SKCA 122](#), 464 D.L.R. (4th) 453, [2020] S.J. No. 404 (QL), 2020 CarswellSask 522 (WL), setting aside the orders of Wilson J. of the Court of Queen's Bench, dated July 4, 2019, and July 17, 2019, DIV No. 423 of 2018, making a final order as to spousal support, and ordering a new trial on issues of mobility, custody, access, primary residence and parenting. Appeal allowed, Côté J. dissenting.

Karina Jackson, for the appellant.

Kate Crisp, for the respondent.

The judgment of the Court was delivered orally by

[1] THE CHIEF JUSTICE — Even if the fresh evidence were admitted, a majority of this Court is of the view that there was no reviewable error made by the trial judge.

[2] Therefore, the appeal is allowed and the trial judge's orders dated July 4, 2019, and July 17, 2019, are restored with costs throughout.

[3] Justice Côté, dissenting, would have dismissed the appeal on the ground that it is moot since she would have admitted the fresh evidence, and in light of this, would remand the matter to the Court of Queen's Bench.

Judgment accordingly.

Solicitors for the appellant: Mokuruk & Woods Law Office, Saskatoon.

Solicitors for the respondent: McKercher, Saskatoon.