



Form F3 (Rule 4-1(1))

E
0000067357

Court File No.:
Court Registry: New Westminster

In the Supreme Court of British Columbia

Claimant: James Michael Slater

Respondent: Yuphin Phenglao also known as Yuphin Slater

NOTICE OF FAMILY CLAIM

This family law case has been started by the claimant(s) for the relief set out in section 4 below.

If you intend to respond to this family law case, you or your lawyer must

- (a) file a response to family claim in Form F4 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim on the claimant.

If you intend to make a counterclaim, you or your lawyer must

- (a) file a response to family claim in Form F4 and a counterclaim in Form F5 in the above-named registry of this court within 30 days after the date on which this copy of the filed notice of family claim was served on you, and
- (b) serve a copy of the filed response to family claim and counterclaim on the claimant and on any new parties named in the counterclaim.

Orders, including orders granting the relief claimed, may be made against you if you fail to file the response to family claim within the 30 day period referred to above.

1. Information about the parties

The claimant, James Michael Slater, is the husband of the respondent, Yuphin Phenglao also known as Yuphin Slater.

The respondent, Yuphin Phenglao also known as Yuphin Slater, is the wife of the claimant, James Michael Slater.

2. Spousal relationship history

The claimant James Michael Slater and the respondent Yuphin Phenglao also known as Yuphin Slater

- began to live together in a marriage-like relationship on
- were married on May 4, 2001 at Bang Rak District, Bangkok Metropolis, Thailand
- separated on August 23, 2001

3. Prior court proceedings and agreements

- There is no prior agreement, court order or court proceeding relating to any of the claims made in this notice of family claim

4. The claimant's claims

The claimant is asking for the following:

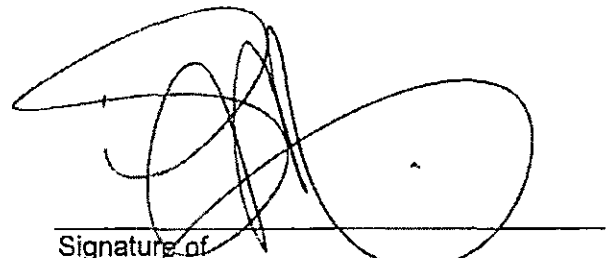
- An order for divorce – *[complete and attach Schedule 1]*

- 5. Place of trial will be: New Westminster
- 6. The address of the registry is: 651 Carnarvon Street, New Westminster, BC.
- 7. The claimant's address for service is *[Set out the street address of the address for service.]*

Address for Service:

Sarah E. Morse
 BTM Lawyers LLP
 530 – 130 Brew Street
 Port Moody, BC, V3H 0E3
 Tel. 604-937-1166

Date: May 3, 2023.



Signature of
 claimant lawyer for claimant
 Sarah E. Morse

Note to Claimant AND Respondent: You must file financial information [Form F8] if any of the following apply:

- there is a claim against you for spousal support or you are claiming spousal support;
- there is a claim by either party for the division of property and/or debts under Part 5 or 6 of the *Family Law Act*;
- there is a claim against you for the support of a child, OR
- you are claiming child support unless all of the following conditions apply:
 - a) you are making no claim for any other kind of support;
 - b) the child support is for children who are not stepchildren;
 - c) none of the children for whom child support is claimed is 19 years of age or older;
 - d) the income of the person being asked to pay child support is under \$150 000 per year;
 - e) you are not applying for special expenses under section 7 of the child support guidelines;
 - f) you are not applying for an order under section 8 of the child support guidelines;
 - g) you are not applying for an order under section 9 of the child support guidelines;
 - h) you are not making a claim based on undue hardship under section 10 of the child support guidelines.

If you do not file the financial information that is required, the court may attribute an amount of income to you, and make a support award against you, based on that amount.

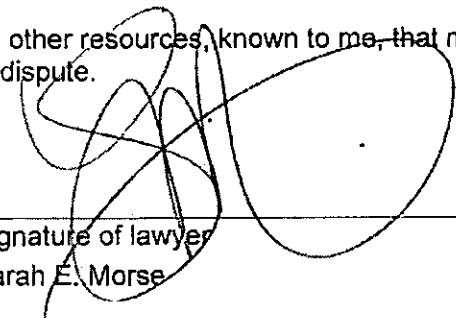
If in this family law case a claim is made under the Family Law Act and the claimant is represented by a lawyer, the lawyer must complete the following certificate.

LAWYER'S CERTIFICATE (FAMILY LAW ACT, S. 8 (2))

I, Sarah E. Morse, lawyer for James Michael Slater certify that, in accordance with section 8 (2) of the *Family Law Act*, I have

- (a) discussed with the party the advisability of using various types of family dispute resolution to resolve the matter, and
- (b) informed the party of the facilities and other resources, known to me, that may be available to assist in resolving the dispute.

Date: May 3, 2023..



Signature of lawyer
Sarah E. Morse

In the Supreme Court of British Columbia

Claimant: James Michael Slater

Respondent: Yuphin Phenglao also known as Yuphin Slater

SCHEDULE 1-DIVORCE

1. Personal Information

	Claimant	Respondent
Birthdate: <i>[dd/mmm/yyyy]</i>	April 30, 1959	September 8, 1970
Habitually resident in British Columbia since: <i>[dd/mmm/yyyy]</i>	Birth	Never resided in BC
Surname at birth:	Slater	Phenglao
Surname immediately before marriage:	Slater	Phenglao
Marital status immediately before marriage:	<input type="checkbox"/> never married <input checked="" type="checkbox"/> divorced <input type="checkbox"/> widowed	<input checked="" type="checkbox"/> never married <input type="checkbox"/> divorced <input type="checkbox"/> widowed
Place of marriage: <i>[city or town; province or state; country]</i>	Bangrak District, Bangkok Metropolis, Thailand	
Date of marriage:	May 4, 2001	

2. Grounds for the claimant's claim for divorce

The claimant asks for an order for divorce on these grounds:

- (i) The claimant and his or her spouse have lived separate and apart since August 23, 2001. The claimant and respondent spouses never resided together after May 11, 2001, as the claimant resided in BC and the respondent, pending approval for immigration, remained in Thailand. On August 23, 2001, the parties were notified that the respondent was unable to immigrate to Canada due to a past criminal offence. The parties have not been in touch since September 2001.

AND

- the claimant and his or her spouse have not lived together since then

3. The claimant confirms that:

- There is no possibility of reconciliation.
- I do not know about and I am not involved in any arrangement to make up or to hide evidence or to deceive the court to obtain a divorce.

4. Proof of marriage

- A certificate of marriage or of registration of marriage has been filed

5. Children

- There are no children of the marriage, as defined by the *Divorce Act* (Canada)

The following certificate must be completed by each party to a divorce claim.

PARTY'S CERTIFICATE (DIVORCE ACT (CANADA), s. 7.6)

- By checking this box, I, James Michael Slater, certify that I am aware of my duties under sections 7.1 to 7.5 of the *Divorce Act* (Canada), which say:

- 7.1 A person to whom parenting time or decision-making responsibility has been allocated in respect of a child of the marriage or who has contact with that child under a contact order shall exercise that time, responsibility or contact in a manner that is consistent with the best interests of the child.
- 7.2 A party to a proceeding under this Act shall, to the best of their ability, protect any child of the marriage from conflict arising from the proceeding.
- 7.3 To the extent that it is appropriate to do so, the parties to a proceeding shall try to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process.
- 7.4 A party to a proceeding under this Act or a person who is subject to an order made under this Act shall provide complete, accurate and up-to-date information if required to do so under this Act.
- 7.5 For greater certainty, a person who is subject to an order made under this Act shall comply with the order until it is no longer in effect.

The following certificate must be completed for each party to a divorce claim who is represented by a legal adviser.

LEGAL ADVISER'S CERTIFICATE (DIVORCE ACT (CANADA), s. 7.7(3))

- By checking this box, I, Sarah E. Morse, legal adviser for James Michael Slater, certify that I have complied with section 7.7 of the *Divorce Act* (Canada), which says:

- 7.7 (1) Unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so, it is the duty of every legal adviser who undertakes to act on a spouse's behalf in a divorce proceeding

- (a) to draw to the attention of the spouse the provisions of this Act that have as their object the reconciliation of spouses; and
 - (b) to discuss with the spouse the possibility of the reconciliation of the spouses and to inform the spouse of the marriage counselling or guidance facilities known to the legal adviser that might be able to assist the spouses to achieve a reconciliation.
- (2) It is also the duty of every legal adviser who undertakes to act on a person's behalf in any proceeding under this Act
- (a) to encourage the person to attempt to resolve the matters that may be the subject of an order under this Act through a family dispute resolution process, unless the circumstances of the case are of such a nature that it would clearly not be appropriate to do so;
 - (b) to inform the person of the family justice services known to the legal adviser that might assist the person
 - i. in resolving the matters that may be the subject of an order under this Act, and
 - ii. in complying with any order or decision made under this Act; and
 - (c) to inform the person of the parties' duties under this Act.