

Jan 28, 2020

Dear Trevor Holsworth:

I am responding to your emails of December 22, 2019, and January 21, 2020, addressed to the Honourable David Eby, Attorney General, regarding your case enrolled with the Family Maintenance Enforcement Program (FMEP). Your correspondence has been referred to me for response.

With respect to your access to your children, where the other parent is unwilling to facilitate such access, you may wish to make an application to court, so that the matter can be heard and a decision made by a judge.

You are requesting the assistance of the Attorney General with enforcement actions taken on your FMEP file. I must convey that it is not within the mandate or role of the Attorney General to comment on or become involved in private legal matters, only a court of proper jurisdiction has the authority to make a decision on disputed support or arrears. However, I can provide you with some general information about the specific enforcement actions you have identified that FMEP have taken on your file.

In British Columbia, it is the court that determines support obligations for parents after separation or divorce. In contrast, it is the FMEP that ensures parents comply with these court orders. The FMEP monitors and enforces orders or agreements filed in a British Columbia court, and registered with the program, under the legislative authority of the *Family Maintenance Enforcement Act* (the Act). The Act provides the FMEP with the legislative authority to issue enforcement measures such as British Columbia driver's licence and Canadian passport restrictions in an effort to recover payments if a paying parent does not comply with his or her support obligations.

I have inquired about, and received the following information from the FMEP about your file: your FMEP file was enrolled on September 25, 2017, with your Nelson Provincial Court order of July 17, 2015, under which you were to pay \$200 each month for the support of your children Ethan and Jonah.

Under your subsequent Kelowna Supreme Court order of June 5, 2019, registered with the FMEP for enforcement, you are to pay \$2,502 each month for child support retroactive to September 1, 2018. The retroactive judgement resulted in arrears just in excess of \$23,000.

Enforcement actions have been taken as you continue to pay \$200 each month and as arrears on your file accrue.

A letter stating the FMEP's intention to issue a restriction on your driver's licence was sent on November 5, 2019. The restriction on your Canadian passport became active on November 8, 2019, when your arrears balance stood in excess of \$35,500.

Although you may disagree with the circumstances and terms of your June 5, 2019 order, and while I am sorry to hear about the health related challenges your family in Australia are experiencing, I must convey that the FMEP has a responsibility to recover all due support as mandated by the Act.

With respect to your statement about your rights, there are legislative provisions with respect to enforcing the payment of child support which allow the various enforcement actions the FMEP may take.

You have indicated that you are proceeding to court to resolve your disputed child support issue. I

encourage you to maintain contact with the FMEP Client Office where your case is administered, to provide any updates that may impact your file.

I appreciate your taking the time to write and express your concerns about your family situation, and I hope that preceding information is of assistance to you.

Yours sincerely,

Chris Beresford
Director of Maintenance Enforcement

Feb 4, 2020

Chris,

Thank you for taking the time to respond to my letters that I wrote to the B.C. Attorney General. I wrote to Mr Eby directly because of the legal implications of the Government actions in disregarding the Canadian Charter of Rights and Freedoms. I note that neither you nor Mr Eby have addressed this issue whatsoever, either because you did not read it in my email or because there was no defence offered.

You misinterpret my email that I am proceeding to court to attempt to resolve any family maintenance or access issues. I am in contempt of court because of the Canadian Judicial Council's stated belief that they have the right to dispense arbitrary justice and disregard the rules of evidence, fundamental justice and the Canadian Charter of Rights so to attend court would result in a further breach of my Charter of Rights regarding my right to liberty and security of the person as the penalty is potential incarceration.

If you could clarify your position on the issue below regarding how the FEMP removal of my passport and licence has been done in accordance with fundamental justice of which arbitrariness is a well established principle.

Unfortunately the Canadian Judicial Council has written to me stating that Federally appointed Judges have the right to accept or reject ANY form of evidence up to and including their own official transcripts of trial. There is no better evidence than the official transcript of trial. My understanding is that the Canadian Judicial Council is proposing that they have the right to dispense arbitrary justice contrary to the Canadian Charter of Rights s. 7 and Fundamental Justice. I have attached the letter. Removing my right to a passport and drivers license is a substantial intrusion upon my right to liberty.

Section 7 - Life, liberty and security of person

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice.

Section 7 guarantees the life, liberty and personal security of all Canadians. It also requires that governments respect the basic principles of justice whenever they intrude on those rights.

Please explain how I can confidently go to court and present evidence and expect fairness.

To clarify my position in further detail. I agree that FMEP (Family Maintenance Enforcement Program) has the legal right by statute to remove my licence and passport for failure to pay a debt. However that act must be done without abusing the Canadian Charter or Rights s. 7 as well as International Law Article 9 of the 1948 Universal Declaration of Human Rights. The Canadian Judicial Council's position that Canadian Federal Judges have the discretion to accept or reject any form of evidence up to and including the official transcript of trial is the exact definition of arbitrary rule.

I have asked them to clarify or explain their position and they have refused. I have made an official complaint to the Canadian Judicial Council regarding the author of the letter Justice Pigeon so that their position could be validated by Parliament and they have refused to accept the complaint. They are standing by their decision that they have the right to arbitrary rule.

It is also not an excuse to say that you have to do it because you are ordered to do it as is most famously argued during the Nuremberg trials. "Nuremberg Principle IV states: The fact that a person acted pursuant to order of his Government or of a superior does not relieve him from responsibility under international law, provided a moral choice was in fact possible to him."

Every Person and Government body in Canada is under a responsibility to uphold the Canadian Charter of Rights.

Yours sincerely,

Trevor Holsworth

Feb 24, 2020

Chris Beresford

The silence to my email is of course deafening. But also by default in agreement with my email. If you have a defense to FEMP assault on my charter of rights then please advise.

Or are you proposing that the FEMP does not have to comply with the charter of rights?

Quite simply it is incorrect for the canadian judicial council to hold a policy in contradiction with the canadian charter of rights. The cjc is a federal body

created by a statute of parliament. It is against the charter of rights of all Canadians for the CJC to hold a position that is so grossly in contradiction with the principles of fundamental rights.

Your continued communication is anticipated.

Trevor

On Tue, Jan 28, 2020 at 5:14 PM AG Justice Services AG:EX <AGJUSERV@gov.bc.ca> wrote:

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Chris Beresford
Director of Maintenance Enforcement