

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

SUXIAO XIE

Petitioner

-and-

CHARLES NORMAN ADAMS

Respondent

Ruling on Application for disclosure of third-party documents.

Heard at: Yellowknife

Reasons filed: December 1, 2025

REASONS FOR DECISION OF THE
HONOURABLE JUSTICE S. M. MACPHERSON

Counsel for the Petitioner: Anastasia Kiva

Counsel for the Respondent: Self-Represented

Counsel for the RCMP: Matthew Scott

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OVERVIEW

[1] The Petitioner, Suxiao Xie, and the Respondent, Charles Norman Adams, both apply for production of records in the possession of the Royal Canadian Mounted Police (RCMP) relating to an incident occurring on April 18, 2024.

[2] In addition, the Petitioner seeks RCMP records relating to:

- i) service of an emergency protection order on the Respondent on April 19, 2024; and
- ii) Canada Police Information Centre (CPIC) records, in relation to the Respondent, if any exist.

[3] The Respondent did not oppose the records in relation to service of the emergency protection order. The Respondent opposes production of CPIC records in relation to any past criminal record he may have.

[4] The applications are made pursuant to Rule 231 of the *Rules of the Supreme Court of the Northwest Territories*, R 010-96.

[5] For the reasons that follow, I grant the applications.

BACKGROUND

[6] The Petitioner and the Respondent were married on January 12, 2024, after a long-distance courtship. The Petitioner had moved from China to Richmond, British Columbia in 2020. In 2022, the Petitioner met the Respondent through an on-line dating site. The Respondent resides in Yellowknife, Northwest Territories. The parties began a relationship, the exact details of which are disputed. What is not disputed is that the parties married on January 12, 2024, in British Columbia. The Petitioner moved to Yellowknife in February 2024.

[7] The Petitioner is not a Canadian citizen and is in Canada on a visitor's visa. She asserts that the Respondent promised to sponsor her and her son to be permanent residents of Canada. The Petitioner's son, now 20, returned to China when the parties married.

[8] By all accounts, the relationship was not a happy one. Each have made accusations of the other behaving in a violent and erratic fashion.

[9] Matters came to a head on April 18, 2024. The parties were at home and were arguing. The Petitioner alleges the Respondent became violent and engaged in a prolonged physical assault on her. She ran out of the home and the RCMP were called by a passer-by. The RCMP attended, as did paramedics, however, no charges were laid. The RCMP assisted with a safety plan and the Petitioner left the residence.

[10] The Respondent's version of events is substantially different. He alleges that he and the Petitioner had been arguing the night before and that he had asked her to leave and that she had agreed to do so the following day. On April 18, 2024, the Respondent states that he went to work for a few hours and then came back home to drive the Petitioner to the airport to catch a flight to southern Canada. He asserts that she requested cash to purchase an airline ticket. According to the Respondent, when he advised her that he would purchase the ticket at the airport, the Petitioner got upset and attacked him, ultimately running out of the home, yelling that the Respondent was trying to kill her. This led to the RCMP being called.

[11] The Petitioner subsequently obtained an emergency protection order under the *Prevention Against Family Violence Act*, SNWT 2003, c 24.

[12] The Petitioner filed a Petition for Divorce on September 9, 2024, in which she relies on cruelty as the ground for divorce.

[13] The Respondent filed an Answer on February 12, 2025, in which he seeks a divorce but opposes it being granted on the grounds of cruelty.

[14] The Petitioner and Respondent both assert that the RCMP records of their interaction with the parties on April 18, 2024, are relevant to the issue of whether the Petitioner can establish the grounds for divorce.

[15] Additionally, the Petitioner asserts that she found the Respondent's adult daughter's journal and that the journal revealed the Petitioner had served time in jail for assaulting his ex-wife. As a result, she seeks disclosure of the Respondent's criminal record.

POSITION OF THE PARTIES

[16] The Petitioner argues that production of the RCMP records for April 18, 2024, is relevant to the issue of whether cruelty can be established. She notes that an evidentiary basis is required in order to establish cruelty and argues that a finding of cruelty is relevant generally to the issues before the court. In oral argument, she focused on the relevance of this finding as it relates to the Petitioner's immigration status, noting the Petitioner will be pursuing her application for citizenship based on being a victim of domestic violence.

[17] The Petitioner also submits that production of the Respondent's record, if it contains information with respect to domestic violence, as she believes it does, is relevant to his credibility and propensity to commit the acts alleged.

[18] The Respondent, who is now self-represented, submits that the RCMP records relating to the April 18, 2024, event are relevant to the Petitioner's credibility in that he believes they will establish that she is not telling the truth. The Respondent is opposed to production of his criminal record and takes the position that this disclosure is not relevant to the issues before the court.

[19] Counsel for the record holder, the RCMP, filed a memorandum of law in response to being served with the application for production of records. The RCMP acknowledges the records relating to the April 18th event may be technically relevant to an issue before the court, namely, whether cruelty can be established. However, the RCMP take the position that seeking a divorce on the grounds of cruelty is not necessary as the Petitioner can also seek a divorce based on the parties now having lived separate and apart for a period in excess of one year. The RCMP indicate that pleading cruelty unnecessarily complicates the proceeding without materially affecting the substantive issues before the court. The RCMP also note that neither party has asserted that the documents are relevant to a material issue before the court, namely spousal support. As such, the RCMP take the position that the granting of an order for production is a discretionary remedy, and the court should decline to order production of the documents relating to the April 18th incident.

[20] The RCMP acknowledge that the Respondent's criminal record may be relevant to credibility and invite the court to review the record to determine its relevance and whether it should be produced.

[21] Rule 231(3) contemplates an inspection by the court in applications of this nature to assist in determining the relevance or necessity of this information. Counsel for the RCMP helpfully provided the court with a sealed envelope containing the documents in question with proposed redactions to protect personal information. In the context of deciding this application, I have examined these records, including the proposed redactions.

ANALYSIS

[22] Rule 231 provides as follows:

231(1) Where a document is in the possession of a third person who is not a party to the action and there is reason to believe that the document is relevant to a material issue in the action and is not privileged, the Court may, on the application of any party, order the production of the document at such time and place as the Court directs.

[23] As noted by Vertes J in *Fullowka v Royal Oak Mines Inc*, 2001 NWTSC 4, para 23, aff'd 2002 NWTCA 3, mere relevance is not enough to support a production request. A party must also demonstrate that "the interests of justice in the particular case require that discretion be exercised in favour of production."

[24] With respect to assessing relevance, Vertes J notes in *Base v Hadley*, 2004 NWTSC 34 at para 10 that Rule 231 is located within the part of the Rules dealing with pre-trial discovery of documents. As such, "the test for relevance at this stage of proceedings is quite broad". Vertes J also notes that there is a policy objective of ensuring that all relevant evidence is made available for a just determination of the issue.

[25] Through the *Divorce Act*, RSC 1985 c 3 (2nd Supp), the federal Parliament has provided that the court may grant a divorce on the ground that there has been a breakdown of the marriage which can be established in three ways: living separate and apart for at least one year, a spouse committing adultery, or a spouse committing physical or mental cruelty making continued cohabitation intolerable: s 8(2).

[26] The vast majority of divorces in this Court, and likely in all Canadian courts, are granted on the basis that the parties have lived separate and apart for at least one year. This is often referred to as a "no fault" divorce. There are practical reasons for this. It is easier to prove separation for a year than it is to prove either adultery or cruelty. Furthermore, with some exceptions, the conduct of spouses is generally not

relevant to either parenting orders or spousal support orders: See *Divorce Act*, s 15.2(5) addressing spousal support and s 16(5) addressing parenting orders.

[27] Having said that, the fact that the majority of divorces are granted on the basis of separation does not mean that a spouse is barred from seeking a divorce by relying on evidence of either adultery or cruelty. If Parliament wished to remove the ability to rely on the “fault” grounds, the *Divorce Act* could be amended and this option removed. Given that this option remains in the *Divorce Act*, it is open for a spouse to pursue a divorce on this basis and to seek production of evidence which might be relevant to that issue.

[28] There may also be reasons, as is argued here, where the conduct of a party will be relevant to immigration status which may then be relevant to the issue of spousal support.

[29] The Supreme Court of Canada in *Leskun v. Leskun*, 2006 SCC 25, clarified that while misconduct itself (such as cruelty) cannot be considered to punish or reward a spouse, the emotional or psychological consequences of that misconduct—if they impact a spouse’s ability to work or achieve self-sufficiency—can be highly relevant to the amount, duration, or entitlement to support. The focus is not on the misconduct itself, but on the effect of the misconduct on the spouse’s ability to be self-sufficient.

[30] Having found that the RCMP records relating to the incident of April 18, 2024, are likely relevant to both establishing or refuting the allegation of cruelty and to addressing the consequences of the marriage breakdown, I will order the production of those records, on terms set forth below.

[31] With respect to production of CPIC records relating to the Respondent, I also find that production of this information as it may relate to past incidents of domestic violence, could be relevant to credibility issues. As such, I will order production of CPIC records on terms below.

CONCLUSION

[32] The records of the RCMP in relation to the events of April 18, 2024, shall be disclosed to the parties, after counsel for the RCMP has redacted those records so as to remove any personal information relating to third parties and any information that would reveal discussions between the Petitioner and the RCMP regarding safety planning. There is a valid public interest in not revealing details of information the RCMP provide to individuals about how to best safety plan in incidents involving domestic conflict. I have had the benefit of reviewing the proposed redactions

suggested by counsel for the RCMP and am satisfied that all proposed redactions are appropriate.

[33] Any records relating to service of the emergency protection order are also ordered to be disclosed.

[34] Lastly, the CPIC records relating to the Respondent are ordered to be disclosed.

[35] All records disclosed are subject to the implied undertaking rule for use in these proceedings only and cannot be use in any new or other proceedings.

[36] With respect to costs of this motion, as between the parties, I will leave that issue to the discretion of the trial judge. As requested by counsel for the RCMP, there shall be no costs against the RCMP.

[37] In terms of the form of order, counsel for the RCMP provided a draft order which identifies the RCMP files, addresses privacy and privilege interests by allowing redactions and protects the confidentiality and use of these records. That order shall issue in the form provided by counsel for the RCMP with an additional paragraph addressing my costs order in relation to the parties and the RCMP.

[38] I thank counsel for the RCMP for their helpful memorandum of law and organization of the documents. The involvement of the third-party record holder made this application proceed more efficiently than it might otherwise have.

[39] Lastly, this matter is in case management. Now that the issue of disclosure of records has been addressed, the parties are asked to provide their available dates to the Supreme Court Registry for a case management conference to address next steps.

S.M. MacPherson
J.S.C.

Dated in Yellowknife, NT this
1st day of December 2025

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