

CANADA / JUDGMENT

C.Y.C. v. P.J.H.

2025 BCSC 2712

COURT

Supreme Court of British Columbia

DECIDED

5 November 2025

Source: bccourts.ca · Research copy typeset by Esheria. Not court-issued or certified.

2025 BCSC 2712 C.Y.C. v. P.J.H.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

C.Y.C. v. P.J.H.,

2025 BCSC 2712

Date: 20251105

Docket: E141224

Registry: Vancouver

Between:

C.Y.C.

Claimant

And

P.J.H.

Respondent

Corrected Judgment: The text of the judgment was corrected at paragraphs [1] and [2] on April 7, 2026.

Before: The Honourable Justice E. McDonald

Oral Reasons for Judgment

In Chambers

The Claimant, appearing in person:

C.Y.C

The Respondent, appearing in person:

P.J.H.

Place and Date of Trial/Hearing:

Vancouver, B.C.

November 3, 2025

Place and Date of Judgment:

Vancouver, B.C.

November 5, 2025

- [1] THE COURT: I am providing my oral reasons in respect of P.J.H.'s application filed October 6, 2025. Should the parties request a transcript, I may edit the oral reasons to include headings and correct the oral reasons for grammar, but the result will not change.

Introduction

- [2] The parties have been litigating their family law proceeding before this court for more than a decade. The latest application filed October 6, 2025, by the respondent, P.J.H., seeks to vary the August 1, 2024 consent order.
- [3] In the orders sought, P.J.H. seeks, among other things, to change the amounts allocated to the parties pursuant to orders made April 4, 2025, and August 1, 2024, and a registrar's certificate made September 13, 2024, and to require the claimant to pay him certain amounts for tutoring expenses and medical and dental expenses.

Procedural History

- [4] On August 1, 2023, Justice Morellato made an order following a multi-day hearing of another of P.J.H.'s applications. She determined s. 7 expenses and child support, among other things. The parties later consented to vary the August 11, 2023, order.
- [5] On April 4, 2025, the parties again appeared before Justice Morellato, and, according to the clerk notes, Justice Morellato adjourned certain applications and directed P.J.H. to work with Supreme Court scheduling to set two days before her to resolve all outstanding issues.
- [6] P.J.H. provided some evidence about his efforts to arrange another hearing before Justice Morellato after August, April 4, 2025. His efforts included contacting Supreme Court scheduling starting in August 2025 to set a hearing with emails describing the variety of orders and setting out what he was seeking.

- [7] Among the orders he was then proposing to seek was for the immediate release of the funds held in the parties' joint bank account to him or the payment of those funds into court. He was eventually advised that since he was seeking such orders, they must wait until after the registrar's reports were issued. Currently, there is a further appearance before the registrar set for November 27, 2025, to determine costs.
- [8] P.J.H. understood from the Supreme Court scheduling communications that Justice Morellato had declined to hear the matter and he was to set his application in chambers before any presider.
- [9] As mentioned, on October 6, 2025, P.J.H. filed his application and it came on in chambers before me on November 3, 2025.
- [10] The parties previously appeared before the registrar on September 13, 2024, as directed by Justice Morellato. That reference concerned reconciliation of the parties' respective proportionate share of s. 7 expense claims for 2017 to 2022.
- [11] The registrar prepared a report and certificate on October 22, 2024. The parties had, as I mentioned, an additional appointment before the registrar scheduled for November 27, 2025, to address costs.
- [12] C.Y.C. filed a response to the October 6, 2025, application, stating that the present application is yet another misuse of the family court process intended to exhaust her financially and psychologically. She also submits that much of the review sought is already provided for in other orders or has been previously determined by the registrar.
- [13] I will now address each item of relief sought by P.J.H. in his October 6, 2025, application.

Analysis of Relief Sought

- [14] In subparagraph (1)(a) to (l) of part one, P.J.H. seeks various debits or credits to the parties' respective allocation for monies presently held in their joint bank account. He explained that he is seeking to resolve, ahead of time, the various debits and credits he made, even though some items, such as costs, remain to be resolved before the registrar on November 27, 2025.
- [15] For example, in para. 1(a), he seeks an order that \$100,000 be debited from C.Y.C.'s share out of the funds because, pursuant to Justice Morellato's order, those funds were transferred to her on April 4, 2025.
- [16] In para. 1(c) he seeks a debit of \$824.68 from C.Y.C.'s share because the bank took that sum from the monies held in the joint account, apparently as payment towards C.Y.C.'s loan, and it was not authorized by him. C.Y.C. does not deny that this amount was taken from the joint account; however, she submits that all of this relates to the final allocation, which is to be determined once the registrar hearing is complete.

- [17] I find that the relief requested in paras. 1(a) to (f) relate to the final determination of what amounts are to be debited or credited against each party's allocation of the remaining funds presently held in their joint account. As such, if the parties cannot agree on the final allocation, then according to the clerk's notes of the April 4, 2025, order, the parties are to set a two-day hearing before Justice Morellato to address any outstanding issues.
- [18] Therefore, I decline to grant any of the relief sought in paras. 1(a) to (f) as there is already a clear direction on the process from a Justice of this court, provided on April 4, 2025, and communicated to the parties through Supreme Court scheduling before this application was filed and set down for hearing. However, while I dismiss the relief requested, I grant P.J.H. leave to address any amount that he seeks to debit or credit to the parties' respective share of the funds described in paras. (1)(a) to (f) of part 1 of this application when the parties appear before Justice Morellato.
- [19] In respect of paras. 1(g) and (h) which seek to debit and credit certain amounts against C.Y.C.'s allocation of funds to reconcile child support and s. 7 expenses for 2023 and 2024, these expenses were not addressed by the registrar because her certificate address amounts for 2017 to 2022. It appears that P.J.H. is also disputing that certain amounts claimed by C.Y.C. are proper s. 7 expenses for 2023.
- [20] For the reasons that I already explained, I find that the final allocation of debits and credits must await the outcome of the registrar's hearing, and to the extent that P.J.H. wishes to argue that certain expenses are not s. 7 expenses for years following 2022, he must address that as an outstanding issue before Justice Morellato in light of the determination of s. 7 expenses set out in Justice Morellato's August 11, 2023, order. I therefore dismiss the relief sought in paras. 1(g) and (h) of part 1 of the application. Again, P.J.H. has leave to address whether expenses incurred in 2023 and 2024 are s. 7 expenses as the amount owing for s. 7 expenses, when the parties appeared before Justice Morellato.
- [21] Respecting paras. 1(i) and (j) of part 1, P.J.H. seeks a debit against C.Y.C.'s allocation for interest that he submits he lost on his share of the funds that are being held in the joint account. The parties were required to hold those funds in the joint account, and at some point, the parties agreed to invest the funds in a GIC. However, since December 13, 2024, P.J.H. submits that C.Y.C. refused to reinvest the funds in a GIC, costing both parties, but mostly him, a higher amount of interest that would otherwise have accrued on those funds. P.J.H. indicates that he tried to require the reinvestment of the funds in a GIC and he brought an application for that, but he submits the application was adjourned and never heard.
- [22] C.Y.C. submits that there is no requirement that the funds be held in a GIC because the order only required that the funds were to be held in a joint account, and that order was complied with. C.Y.C. submits when the GIC investment last matured, she anticipated that the funds would soon be paid out to the parties so she wanted the money held in a joint account. However, the finalization of the distribution has not occurred because, according to her,

P.J.H. continues bringing endless applications, such as the present one, seeking never-ending adjustments to the account so that the final accounting is perpetually delayed.

- [23] I find that the parties' prior agreements to invest the money held in the joint bank account in a GIC does not create an actionable claim for lost interest if the parties failed to continue their agreement to invest the money in a GIC. As mentioned, the order directed the parties to hold the funds in a joint account. Had the applicant wished to compel the parties to invest the funds rather than merely hold them in a joint bank account, his remedy was to apply for a court order to that effect, and he indicates that he filed such an application but it was never heard.
- [24] I find that there is no actionable claim to either party for lost interest associated with the parties failing to reinvest the funds in a GIC, and the relief sought in paras. 1(l) and (j) of part 1 is dismissed.
- [25] However, given that it may take some time before the funds held in the joint bank account can be distributed and the final accounting completed, and because there is past evidence that the parties were able to agree to invest the funds pending final distribution, I find it appropriate to order the parties to forthwith take all steps necessary to invest the funds currently held in their joint BMO bank account ending in number 314 in a GIC, to be held jointly, and to keep those funds invested in such a GIC investment until the funds are ordered to be distributed to the parties or the parties otherwise consent to their disbursement. This order will address P.J.H.'s concern that the parties have access to the potential to earn a higher rate of interest for the balance of the funds, if the funds were invested in a GIC.
- [26] The relief sought in para. 1(l) is dismissed because that matter is already dealt with by a court order and it forms part of the final accounting and allocation to each of the parties from the remaining funds yet to be distributed.
- [27] The relief sought in paras. 1(k) and 2 of part 1 of the application seeks to vary the orthodontic expenses already determined by the registrar and to vary the final order respecting tutoring expenses. P.J.H. submits that now he has additional evidence that was not available during the hearing before the registrar, and with this new evidence, he seeks to reduce the s. 7 expense amounts that were determined.
- [28] Supreme Court Family Rules, B.C. Reg. 169/2009 [Rules], Rule 1-3 sets out the object of the Rules, including helping the parties to resolve their legal issues fairly and secure the just, speedy, and inexpensive determination of every case on its merits, which includes the principle of proportionality, respecting, among other things, the importance of the issues in dispute and the complexity of the family law case.
- [29] In my view, the orthodontic and tutoring expenses and their allocation has already been addressed by the registrar, and reopening that issue now, more than one year after those amounts were certified, is contrary to the object of the Rules. Judicial resources are finite

and P.J.H. himself expressed dates for hearings before the registrar are often fully reserved and not readily available. Therefore, considering the amount of the expenses that are at issue, the time already expended by the parties and the judicial resources already expended on determining tutoring and orthodontic expenses, I decline to grant the relief sought in paras. 1(k) and para. 2 of the notice of application.

- [30] On a go-forward basis, P.J.H. has already noted that s. 7(3) of the Federal Child Support Guidelines, SOR/97-175 [Guidelines] provide that for special and extraordinary expenses, the amount is determined by taking into account any subsidies, benefits, or income tax deductions or credits relating to an expense. Therefore, I see no basis to vary the final order to duplicate something that is already present in the Guidelines.
- [31] Respecting the relief sought in para. 3, P.J.H. seeks to recover \$1,887.47 that he submits he paid for medical and dental expenses when he suspects that this amount was refunded to C.Y.C. and/or her new spouse through their extended health plans. P.J.H.'s evidence is that he has spent significant time and effort making inquiries of the parties' extended health plans on the issue of coordination of benefits. The information he obtained leads him to believe that he paid for s. 7 expenses that were ultimately refunded to C.Y.C., and the registrar declined to deal with it. He obtained some additional information after the registrar's hearing, and so he effectively wants to re-open the determination of these benefits. For the same reason I explained earlier, I find it disproportionately contrary to the object of the Rules to reopen the determination of an allocation of the s. 7 expenses. I decline to grant the relief sought in para. 3.
- [32] P.J.H. also seeks, in para. 6, that I order the parties to immediately reimburse each other for any amount a party receives as an insurance reimbursement of a s. 7 expense when the expense was originally paid for out of pocket by the other party. I decline to make that order because neither the final order nor the August 11, 2023, order included such a term. Rather, the parties were already directed to a reference to the registrar to deal with the child support and s. 7 expenses from 2017 to 2022, and if there are issues for years following 2022, they were directed to seek an appearance before Justice Morellato to address any final issues.
- [33] For the same reasons that I explained earlier, I decline to make the order sought in para. 5 of the application to direct that any future disagreements about child support and s. 7 expenses be automatically referred to the registrar.
- [34] Therefore, as I have explained, paras. 5 and 6 are dismissed. However, P.J.H. has leave to renew his request for automatic referrals to the registrar if the parties appear before Justice Morellato.

- [35] C.Y.C. consents to signing the form that P.J.H. handed up during the hearing from Employment and Social Development Canada called Form Annex B, which was marked as Exhibit 1 on the application related to the RESP contract ending in number 219. As she consents to sign this form, I order C.Y.C. to complete and deliver the signed copy of that form to P.J.H. within 14 days of this order. As a result, para. 4(1) of part 1 is granted by consent.
- [36] The parties agree that they would like to obtain a divorce. They did not provide the clearance certificate and I was not provided with the court file to determine if it contained the original marriage certificate. The parties are directed to take the steps necessary to apply for a divorce by way of desk order.
- [37] Finally, in his affidavit number 48, P.J.H. sets out that he learned that C.Y.C. has successfully applied for disability benefits for their son and that she has received a disability tax credit grant, funding. P.J.H. is concerned that C.Y.C. has claimed the disability tax credit available to their son and that should be accounted for. He seeks a monetary adjustment to reflect the tax reduction that she received and/or the benefits or funding that she received that could be applied to offset the s. 7 expenses such as tutoring.
- [38] He submits that the tax credit would be better utilized by him since he earns far more income than C.Y.C. He has asked C.Y.C. to sign CRA documents to allow him to claim the disability tax credit for their son. She did not respond or she did not sign the document that he wanted to submit to CRA.
- [39] P.J.H.'s plan would be to use any monies saved on his taxes as a contribution towards the child's disability savings plan ("DSP"). He also takes the position that grant money accumulated within the DSP should be utilized to pay for s. 7 expenses for their son.
- [40] I note that P.J.H. does not actually seek an order in his notice of application respecting the disability tax credit that is now available for their son.
- [41] In Justice Morellato's August 11, 2023, order, the parties' entitlement to claim eligible dependent allowances for their children is provided for. However, the disability tax credit was not available until December 2, 2024.
- [42] In my view, this is another one of the final issues that should be raised before Justice Morellato, especially because of the August 11, 2023, order provides for the allocation of tax credits related to the children.

Disposition

- [43] To summarize, the following paragraphs of P.J.H.'s October 6, 2025, notice of application are dismissed: paras. 1(a) to (l), 2, 3, 5, 6, and 8.

- [44] By consent, para. 4 of P.J.H.'s October 6, 2025, notice of application is granted; and within 14 days of today's date, C.Y.C. shall complete and deliver the signed copy of the form marked as Exhibit 1 to this notice of application, and it shall be returned to P.J.H.
- [45] Respecting para. 7 of P.J.H.'s October 6, 2025, notice of application, the parties are directed to take all steps necessary to complete an application for a desk order divorce.
- [46] The parties shall forthwith take all steps necessary to invest the funds currently held in their joint BMO bank account ending in number 314 in a GIC investment to be held jointly and to keep those funds invested in a GIC investment until such time as the funds are ordered to be distributed or the parties otherwise consent to their disbursement.
- [47] The parties shall bear their own costs of this application.

"E. McDonald J."

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bccourts.ca/jdb-txt/sc/25/27/2025BCSC2712cor1.htm>

CASE PAGE <https://chat.esheria.ai/case-law/canada/c-y-c-v-p-j-h-2025>

Prepared on 29 October 2026 · Esheria