

CANADA / JUDGMENT

Morris v. Heise

2025 BCSC 2667

COURT

Supreme Court of British Columbia

DECIDED

9 December 2025

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2025 BCSC 2667 Morris v. Heise IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Morris v. Heise, 2025 BCSC 2667 Date: 20251209 Docket: E-46709 Registry: Penticton Between: Sheena Marie Morris Claimant And Paul Ernest Heise Respondent Before: The Honourable Justice Tucker Oral Reasons for Judgment In Chambers Counsel for the Claimant: B. White S. Keyvandarian, A/S No other appearances Place and Date of Trial/Hearing: Penticton, B.C. December 9, 2025 Place and Date of Judgment: Penticton, B.C. December 9, 2025

- [1] THE COURT: These are oral reasons on a notice of application filed on August 27, 2025.
- [2] This is a matter with an unusual procedural history. The parties lived in, and separated while in, Alberta. In 2016, the Court of King's Bench of Alberta ("ABKB") issued at least one order regarding parenting arrangements and child support.
- [3] After Ms. Morris relocated to British Columbia from Alberta, and while Mr. Heise was represented by legal counsel, the parties agreed that court jurisdiction should be transferred to British Columbia. The initial correspondence regarding the agreement references the British Columbia Supreme Court. In the end, the parties agreed to a consent order, dated August 2, 2022, transferring jurisdiction to "British Columbia" and providing for further applications in the matter to be made in British Columbia (the "Consent Transfer Order"). The Consent Transfer Order was signed, on August 2, 2022, by Judge Keyes of the British Columbia Provincial Court.
- [4] Ms. Morris subsequently applied through the Provincial Court for further parenting and child support terms. These were largely granted as requested, again by order of Judge Keyes, with an order dated February 7, 2023 ("Keyes Order"), issuing from the Provincial Court.
- [5] Ms. Morris later applied to Provincial Court again, under an application dated May 15, 2024 ("May 2024 Application"), seeking changes to the Keyes Order. Judge Heinrichs of the Provincial Court, in reviewing the application and file, noted the existence of the ABKB orders. I am advised by Ms. White that Judge Heinrichs indicated that the Provincial Court was without jurisdiction given the ABKB orders, and suggested an application to transfer the proceeding to this Court.

- [6] That resulted in the August 27, 2025, notice of application before me. In it, Ms. Morris seeks orders under Part 1:
- (i) transferring the Provincial Court proceeding to this Court; (ii) entering or "reiterating" the terms in the Keyes Order; (iii) setting a date for the May 2024 Application (presumably following refiling in this Court); and (iv) providing for substitutional service on Mr. Heise.
- [7] On November 17, 2025, Justice Hoffman granted the substitutional service order sought. Under that order, Mr. Heise was served with the present application record.
- [8] In my view, given that there was no jurisdiction to make the Keyes Order, the orders sought under the present notice of application effectively amount to asking this Court to vary or amend the ABKB order(s). This is something that can be done under the Court Jurisdiction and Proceedings Transfer Act, S.B.C. 2003, c. 28. However, the notice of application does not state that that is what is being sought and thus fair notice has not been given to Mr. Heise by the version served under the Hoffman order.
- [9] Further, and in any event, the photocopy of the 2016 ABKB order that is in evidence before me is almost illegible, and Ms. White cannot confirm whether the order in evidence is the only ABKB order made.
- [10] I have concluded that the proper thing here is for me to grant the transfer order sought in Part 1, para. (i). There was clear consent to a transfer to British Columbia as a jurisdiction. A transfer occurred through entry of the consent order at the Provincial Court, and that Provincial Court jurisdiction can now be moved up to this Court. The transfer of jurisdiction from ABKB to this Court is unusual in being indirect due to a stopover in the Provincial Court, but it is effective.
- [11] I declare, for clarity, this Court is accepting a transfer of jurisdiction from the ABKB Alberta proceeding under s. 13(1)(b) of the Court Jurisdiction and Proceedings Transfer Act.
- [12] Turning to the remainder of the relief sought in Part 1, with respect to para. (ii), the relief sought ought to seek to discharge or amend the ABKB order(s) to replace them with an order of this Court with terms similar to those in the Keyes Order. To be clear, what should be sought is an order with mirror terms or similar terms, not a transfer or affirmation of the Keyes Order (which is an order made without jurisdiction). I understand from Ms. White that the present application materials do include the evidence put before the Provincial Court in seeking the Keyes Order.
- [13] I turn now to the Part 1, para. (iii), and the May 2024 Application. Since the relief sought at Part 1, para. (ii) needs to be revised and re-served, I see no reason why the revised application cannot also seek the relief sought in the May 2024 Application. That is, I do not see why the revised application could not be filed as an omnibus application.

- [14] Accordingly, I make the following declaration: this Court accepts a transfer of jurisdiction from the ABKB File No. 4814 003653 proceeding, with jurisdiction having passed under the August 2, 2022, Consent Transfer Order filed in Provincial Court of British Columbia (File No. 4891 F 47624) and then, by this order, transferred on to the British Columbia Supreme Court (Penticton Registry File No. E-46709) for all purposes.
- [15] With respect to the August 27, 2025 notice of application, the orders sought in Part 1, are disposed of as follows:
- a) The transfer from the Provincial Court sought in paragraph (i) is granted;
 - b) Paragraphs (ii) and (iii) are dismissed without prejudice, and Ms. Morris is at liberty to apply to the Supreme Court under a revised notice of application.
 - c) Any revised application can be served under the Hoffman order; and
 - d) Paragraph (iv) was already granted by Justice Hoffman.
- [16] In summary, the intended effect of today's orders is to bring the jurisdiction transferred to the Provincial Court by consent up to the British Columbia Supreme Court, so as to permit Ms. Moise to apply, under the Court Jurisdiction and Proceedings Transfer Act, to discharge and amend whatever ABKB orders have been made. The intention is to put the parties in the position they would be in if the application for the Keyes Order had never been heard in Provincial Court and the Keyes Order had never issued. This makes it open to Ms. Moise to obtain appropriate child support (retroactive and prospective) and other orders about parenting arrangements in this Court in accordance with the best interests of the child. "Tucker J."

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