

CANADA / JUDGMENT

Tuor v. Ross

2025 BCSC 2526

COURT

Supreme Court of British Columbia

DECIDED

3 December 2025

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2025 BCSC 2526 Tuor v. Ross

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

Tuor v. Ross,

2025 BCSC 2526

Date: 20251203

Docket: E252050

Registry: Vancouver

Between:

Marla Denise Tuor

Claimant

And

Justin Peter Ross

Respondent

Before: The Honourable Madam Justice Wilkinson

Oral Reasons for Judgment

In Chambers

Counsel for the Claimant:

C. Chisholm

Counsel for the Respondent:

J. Cudmore

T. Bradford

Place and Date of Hearing:

Vancouver, B.C.

December 3, 2025

Place and Date of Judgment:

Vancouver, B.C.

December 3, 2025

- [1] THE COURT: These are my brief reasons for a decision on the claimant's notice of application filed on November 5, 2025, seeking a payment of approximately \$250,000 to the claimant from the respondent for accommodation and living expenses, as well as exclusive use of one of the parties' vehicles, a 2018 Range Rover Sport located here in the Vancouver area.
- [2] In submissions the claimant describes the distribution as an "uncharacterized advance" on a distribution of property.
- [3] Both parties provided extensive and helpful submissions.
- [4] Primarily for the reasons set out in the respondent's response to the application and written submissions, the application for an interim distribution or advance is dismissed. I will make an order with respect to the use of the Range Rover and a further conduct order.
- [5] The parties clearly had a high standard of living in their relationship and the respondent has significant means. As submitted by claimant's counsel, one way or another, the claimant is likely entitled to some level of spousal support and an interest in some or all of the properties at issue between the parties.
- [6] I note that a JCC is scheduled for January 2, 2025 and there is a jurisdictional claim pending in California, as well as one likely to be heard here in British Columbia sometime in February. I will direct that the respondent's jurisdictional dispute and application related to that jurisdictional claim is to be given scheduling priority for a date in February 2026, if filed in time. I believe the parties are seeking one day. The respondent is directed to take all steps necessary to get that application filed in time for a February hearing.
- [7] There are serious jurisdictional issues raised in this matter. The real properties in dispute in this claim are located in British Columbia and California. There are business operations and interests held by the respondent in a variety of jurisdictions, including British Columbia and California.

- [8] The respondent claims that the parties habitually resided in California. The claimant's position is that they habitually resided, at least more recently, in British Columbia.
- [9] Given the jurisdictional issues raised in the matter it would be inappropriate for the court to make the orders sought until a hearing deciding the jurisdictional issues can be held. The nature of the relief sought by the claimant in this application might be heard at the same time as the jurisdictional application or after the jurisdictional application is decided. Substantially, the application before me seeks interim spousal support. It may be that an advance interim distribution application and application for exclusive occupancy application might be more appropriate in the circumstances.
- [10] The delay in deciding whether interim relief is available to the claimant I find will not be prejudicial. She has significant funds to meet her living expenses until such a hearing could be held. The respondent is currently providing the claimant with \$15,000 towards living expenses incurred on her credit cards, an additional \$3,000 USD in cash deposits, and an additional \$4,500 in cash deposits monthly. He represents to the Court that he will continue to do so until other arrangements are made between the parties or otherwise ordered by the Court.
- [11] I also note he is paying all of the maintenance costs and staff expenses related to the real properties at issue, as well as United States health insurance to cover the claimant in the amount of over \$2,855 USD monthly. The claimant has significant liquid assets and is able to reside in either the West Vancouver property, although in difficult circumstances, or another property the that the respondent indicates he is not intending to reside in located in Dana Point, California.
- [12] As well, on the merits of the application itself, the orders sought functionally constitute an interim distribution of family property but are framed by the claimant as conduct orders under ss. 222, 226, and 227 of the Family Law Act, SBC 2011, c 25. The claimant refers me to the decision in *M.M.E. v. S.B.T.*, 2024 BCSC 1567 in support of her application for her interim distribution for accommodation expenses pursuant to s. 226 of the FLA. In that decision, Justice Wolfe conducted a review of the relevant authorities at paras. 52 to 54. Each of these authorities, as in the case before Justice Wolfe, made an order for exclusive occupancy and as a consequence of that orders were made for the payment of funds to the relocating spouse. In all cases the court had the consent of the payor spouse before ordering that they pay the relocating spouse for their disposition expenses.
- [13] Regarding interim distributions for living expenses pursuant to ss. 222 and 227, Justice Wolfe issued another decision in *B.F.W. v. F.P.*, 2025 BCSC 589, where she considered whether ss. 222 and 227 could be used to order the interim change in ownership of a vehicle without prejudice to the other party's outstanding claims in the matter. Justice Wolfe stated at para. 51:

The focus of both provisions appears to be on controlling behaviour or conduct, rather than on addressing concerns with property.

- [14] At para. 52, Justice Wolfe stated that she was not persuaded that an order focused on the division of property can be made under ss. 222 or 227, and I agree with her on that assessment.
- [15] In *Walker v. Kotarska*, 2024 BCSC 399, Justice Crerar dismissed an application for broad conduct orders that would have allowed disclosure of confidential corporate information. In that decision he cites the White Paper on Family Relations Act Reform - Proposals for a new Family Law Act (July 2010). Justice Crerar confirmed at para. 21 of his decision that: "it is clear that the focus and intent of conduct orders is to address specific misconduct in acrimonious family litigation."
- [16] I note that advances are specifically addressed in the FLA at s. 89 and limited in scope. That is advances from property of the parties. I find that in the circumstances before me, ss. 222, 226, and 227 do not provide me with the authority to make the orders sought. I decline to convert the application into an application for spousal support under the Divorce Act, RSC 1985, c 3 (2nd Supp) as is suggested by the claimant.
- [17] There are some issues with regard to whether or not the Divorce Act and spousal support provisions would even apply given the jurisdictional issues at play and the one-year residency requirement. It is otherwise not an instance of special and extraordinary circumstances that if available to me in which I would choose to exercise my discretion under my inherent jurisdiction to make the orders or advance funds at this time.
- [18] With regards to the Range Rover, I will make an order under s. 222 of the FLA that the respondent will not obstruct the claimant's use of the vehicle while she is located in the Pacific Northwest region -- that is for definition British Columbia, Washington State, and Oregon State -- until otherwise agreed or ordered.
- [19] I will also make a conduct order with respect to the respondent that when he communicates with the claimant that he is to communicate with her in only respectful terms.
- [20] Mr. Cudmore, can you commit to me a timeline when the jurisdictional application could be filed? I do not want this to delay matters.
- [21] CNSL J. CUDMORE: Indeed. I envision by Friday, December 19, we would have that application filed. That would be well before the timeline. That's my timeline I am envisioning. Because my friend and I are expected to look favourably at cross-examination on affidavits by agreement, I wanted time to facilitate that.
- [22] THE COURT: Yes. You might -- I do not know, but you might have access to transcripts from the California proceeding as well.

[23] CNSL J. CUDMORE: Oh, indeed. By January 14 and 21, I expect both parties will have been cross-examined in the California court and I would expect in February we will have that available. Indeed, yes.

[24] THE COURT: Then, what I will do is I will direct the respondent to file his application on the jurisdictional issues within the normal Rules time such that it can be set for one day in February and I will direct that scheduling provide priority to the hearing of that application.

[25] My inclination on today's application is that the costs will be in the cause.

[SUBMISSIONS ON COSTS]

[26] THE COURT: On today's application it will be costs to the respondent in the cause.

"Wilkinson J."

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