

Superior Court of Justice, Family Court

(Name of Court)

Court File Number

FC-15-2446-0**at 161 Elgin Street, Ottawa, Ontario, K2P 2K1**

(Court office address)

Form 10: Answer*Amended***Applicant(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Jonathan Kiska**1244 Lampman Crescent, Ottawa, Ontario K2C 1P8****mobile: 613-723-0010 jonathankiska@gmail.com**

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Wade Smith**700-116 Lisgar Street, Ottawa, Ontario K2P 0C2****phone: 613-237-3444 wsmith@bellbaker.com****Respondent(s)**

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Deirdre Moore**7 Vanson Avenue, Ottawa, Ontario K2E 6A9****mobile: 613-261-3520 deidre_cfa@icloud.com**

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

n/a

**FILED SUPERIOR COURT
OF JUSTICE AT OTTAWA****JAN 30 2018****DÉPOSÉ À LA COUR****SUPÉRIEURE DE JUSTICE À OTTAWA****INSTRUCTIONS: Financial Statement**

COMPLETE A FINANCIAL STATEMENT (Form 13) IF:

- you are making or responding to a claim for spousal support; or
 - you are responding to a claim for child support; or
 - you are making a claim for child support in an amount different from the table amount specified under the Child Support Guidelines.
- You must complete all parts of the form **UNLESS** you are **ONLY** responding to a claim for child support in the table amount specified under the Child Support Guidelines **AND** you agree with the claim. In that case, only complete Parts 1, 2 and 3.

COMPLETE A FINANCIAL STATEMENT (Form 13.1) IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

TO THE APPLICANTS: Jonathan William Kiska

If you are making a claim against someone who is not an applicant, insert the person's name and address here.

AND TO: (full legal name) _____ **an added respondent,**
of (address of added party) _____

My name is (full legal name) Deirdre Ann Moore

- I agree with the following claim(s) made by the applicant: (Refer to the numbers alongside the boxes on page 4 of the application form.)
20-equalization of net family property
- I do not agree with the following claim(s) made by the applicant: (Again, refer to the numbers alongside the boxes on page 4 of the application form.)
11 – support for the children, 13- custody of the children, 14 – access of the children, 21- exclusive possession of matrimonial home, 30- costs, 32- prejudgement interest, 50 – other.
- ☒ I am asking that the applicant's claim (except for the parts with which I agree) be dismissed with costs.
- ☒ I am making a claim of my own. (Attach a "Claim by Respondent" page. Otherwise do not attach it.)
- ☒ The FAMILY HISTORY, as set out in the application,
☐ is correct ☒ is not correct

(If it is not correct, attach your own FAMILY HISTORY page and underline those parts that are different from the applicant's version.)

- The important facts that form the legal basis for my position in paragraph 2 are as follows: (In numbered paragraphs, set out the facts for your position.)

Set out below.

Put a line through any blank space left on this page

January 30, 2018
Date of signature

Patricia A. Moore
Respondent's signature

CLAIM BY RESPONDENT

Fill out a separate claim page for each person against whom you are making your claim(s).

7. THIS CLAIM IS MADE AGAINST

- ☒ THE APPLICANT
☐ AN ADDED PARTY, whose name is (full legal name)

(If your claim is against an added party, make sure that the person's name appears on page 1 of this form.)

8. I ASK THE COURT FOR THE FOLLOWING:

(Claims below include claims for temporary orders.)

Claims under the Divorce Act (Check boxes in this column only if you are asking for a divorce and your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)	Claims relating to property (Check boxes in this column only if your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)	Claims relating to child protection
00 <input checked="" type="checkbox"/> a divorce	20 <input checked="" type="checkbox"/> equalization of net family Properties	40 <input type="checkbox"/> access
01 <input checked="" type="checkbox"/> support for me	21 <input type="checkbox"/> exclusive possession of matrimonial home	41 <input type="checkbox"/> lesser protection order
02 <input checked="" type="checkbox"/> support for child(ren) - table amount	22 <input type="checkbox"/> exclusive possession of contents of matrimonial home	42 <input type="checkbox"/> return of child(ren) to my care
03 <input type="checkbox"/> support for child(ren) - other than table amount	23 <input type="checkbox"/> freezing assets	43 <input type="checkbox"/> place child(ren) into care of (name) _____
04 <input checked="" type="checkbox"/> custody of child(ren)	24 <input checked="" type="checkbox"/> sale of family property	44 <input type="checkbox"/> children's aid society wardship for _____ months
05 <input checked="" type="checkbox"/> access to child(ren)		45 <input type="checkbox"/> society supervision of my child(ren)
Claims under the Family Law Act or Children's Law Reform Act	Other claims	
10 <input checked="" type="checkbox"/> support for me	30 <input checked="" type="checkbox"/> Costs	
11 <input checked="" type="checkbox"/> support for child(ren) - table amount	31 <input type="checkbox"/> annulment of marriage	
12 <input type="checkbox"/> support for child(ren) - other than table amount	32 <input checked="" type="checkbox"/> prejudgment interest	
13 <input checked="" type="checkbox"/> custody of child(ren)	33 <input type="checkbox"/> claims relating to a family arbitration	
14 <input checked="" type="checkbox"/> access to child(ren)		
15 <input checked="" type="checkbox"/> restraining/non-harassment Order		
16 <input type="checkbox"/> indexing spousal support		
17 <input type="checkbox"/> declaration of parentage		
18 <input type="checkbox"/> guardianship over child's property		
50 <input checked="" type="checkbox"/> other (Specify.)		

An assessment under Section 30 of the Children's Law Reform Act, if necessary, and other claims including those detailed below:

Give details of the order that you want the court to make. (Include any amounts of support (if known) and the names of the children for whom support, custody or access is claimed.)

1. An order for the awarding of compensation for general, aggravated and punitive damages due to the intentional infliction of mental suffering and emotional distress.
2. An order for the awarding of compensation due to attempted parental alienation.
3. An order for the awarding of compensation due to the tort of defamation.
4. An order for the awarding of compensation due to the tort of breach of fiduciary responsibility.
5. An order for the awarding of compensation for general, aggravated and punitive damages due to the negligent infliction of mental suffering and emotional distress.
6. An order for pecuniary damages related to the criminal act of Defamatory Libel.
7. An order for pecuniary damages related to the criminal act of Criminal Harassment.
8. An order for pecuniary damages related to the criminal act of Mischief.
9. An order for retroactive spousal and child support under the Divorce Act.
10. An order for constructive trusts and/or vesting orders for cost recovery and/or damages awards.
11. An order that the Applicant not come within 500 metres of the Respondent's home or harass Respondent by way of phone, text, e-mail or any other form of communication.
12. An order for a divorce;
13. An interim and permanent order for joint custody of the children of the marriage, namely, Sean Kiska (born May 8, 2006) and Cate Kiska (born November 30, 2007);
14. An interim and permanent order that the children reside with both parents in an equal timesharing arrangement on a 2/2/3 schedule or other schedule that the Court deems appropriate;
15. In the alternative, an order that the parties jointly retain the services of professional to prepare a custody and access assessment report that provides recommendations to the Court as to an appropriate parenting schedule;
16. An interim and permanent order for equal division of holiday time between the parties including Christmas, March Break, Easter holiday, Thanksgiving, etc.;
17. An interim and permanent order that either party is prevented from removing the children permanently from the jurisdiction of the City of Ottawa without the written consent of the other parent or a Court Order;
18. An interim and permanent order for child support payable pursuant to the Federal Child Support Guidelines having regard to the parenting arrangements in place;
19. An interim and permanent order that the children's special and extraordinary expenses be paid by the Applicant both parties in proportion to their respective incomes as set out in section 7 of the Federal Child Support Guidelines;

20. An interim and permanent order that the Applicant pay spousal support to the Respondent in an amount to be determined;
21. An interim and permanent order requiring the Applicant to ~~maintain a~~ purchase a paid-up policy of life insurance in an amount sufficient to secure his child and spousal support obligations and that he designate the Respondent as irrevocable beneficiary thereof in trust for the children;
22. An order for equalization of the parties' net family properties.
23. An order for the partition and sale of the jointly held matrimonial home located at 1244 Lampman Cr., Ottawa, Ontario, K2C 1P8;
24. An order for costs of this matter on a substantial indemnity basis.
25. An order for pre-judgement interest in accordance with the Courts of Justice Act.
26. An order that this order be police enforceable.
27. Such further and other orders as this Honourable Court deems just.

IMPORTANT FACTS SUPPORTING MY CLAIM(S)

(In numbered paragraphs, set out the facts that form the legal basis for your other claim(s).)

1. The parties began cohabiting in 1997 and were married on July 22, 2000 and separated on September 23, 2015. They have two (2) children of the marriage namely, Sean (age 9) and Cate (age 8).
2. Both parties have a background in finance. The Applicant ("Husband") holds a Bachelor of Commerce and a Chartered Professional Accountant Designation. The Husband also holds a Master's in Business Administration. The Respondent ("Wife") holds a Bachelors in Business Administration and has achieved her Chartered Financial Analyst designation.
3. Shortly after the parties were married, the Wife left her full time position with National Bank Financial to become an independent management consultant. She set up a consulting business, AdvisorOnTrack ("AOT"), which she operated as a sole proprietorship until January 2004, when she then incorporated this company.
4. Around this same time period, the Husband lost his position with InTouch Survey Systems and also decided to become an independent consultant. The parties began invoicing clients under AOT and have primarily earned dividend income from AOT since that time. The parties each own 50% of the shares of AOT and are both officers of the company.
5. Following the birth of their children, the parties agreed that the Wife would work from home so that she could also focus her attention on childcare responsibilities. However, given the nature of their work as independent contractors and the fact that the Wife had been working as a consultant with AOT for a longer period by the time that the children were born, she had to take on more consulting work than was initially anticipated resulting in the Husband also taking some time off to be at home with the children in the first few months of their son's birth in 2006.
6. By 2007, the Husband had built up his reputation and client base and has since that time being the

primary contractor for AOT allowing the Wife to focus her attention on the care of the children. The Wife is highly attuned to each child's routine and needs and has always ensured that her children are her top priority. For example, the Wife:

- a. Breastfed both children: Cate until she was 12 months old and Sean until he was 4 months old (as he had difficulty nursing). Once the children were no longer breastfeeding, the Wife would prepare healthy meals for the children by making her own baby food;
- b. Managed the children's healthcare needs including:
 - i. Scheduling medical and dental appointments on her days off from work and taking the children to all appointments;
 - ii. Administering the children's medications;
- c. Managed the children's education and childcare needs including:
 - i. Researching appropriate pre-school arrangements for the children;
 - ii. Registering them in nursery school and pre-kindergarten programs;
 - iii. Developing home schooling materials for phonics and music;
 - iv. Assisting and supervising the completion of homework. The Husband took on a larger role assisting with homework completion however the Wife plays a larger role in piano instruction as well as supporting French homework as the bilingual parent;
- d. Taking the children to and from school every day as well as to their various activities (piano, organized sports, etc.). The Mother and children also enjoy frequent visits to the library;
- e. Researched and registered the children in various activities including playgroups;
- f. Purchased clothes, toys, crafts, books, and other education items for the children including supplies required for school;
- g. Planned and organized the children's birthday parties;
- h. Planned and organized activities for holidays such as Canada Day (picnics, t-shirt making, etc.);
- i. Purchased gifts for the children to bring to friend's birthday parties
- j. Ensured the children had family dinners on the weekends, and would organize dinners at the home so that both sets of their extended families would attend;
- k. Was responsible for purchasing all the gifts for the children including Christmas presents, Easter presents and birthdays;
- l. Shared the responsibilities surrounding the children's grooming including bathing the children, washing/combing through their hair and cutting their nails;
- m. Sharing responsibility for putting the children to bed and ensuring that they followed their bedtime routine including brushing their teeth, reading bedtime stories, and snuggle time before going to sleep;

- n. Prior to hiring a part-time housekeeper in *[when]*, assuming the majority of the household management tasks including:
 - i. Preparing the family meals;
 - ii. Shopping for family groceries;
 - iii. Preparing the children's lunches and snacks;
 - iv. Washing and organizing the children's clothing;
 - v. Keeping the home tidy, clean, and organized.
 - o. Taking turns in washing the dishes and cleaning up the kitchen after meals.
7. Even after the children began attending school full time, the Wife continued to work part-time so that she could maintain an active role in the children's care including:
- a. Driving them to and from school each day;
 - b. Driving them to playdates and birthday parties;
 - c. Organizing playdates at home;
 - d. Attending all medical and dental appointments related to the children;
 - e. Taking the children to piano lessons and assisting them with their practice at home;
 - f. Attending school concerts, events, and activities;
 - g. Organizing special events and adding special touches such as preparing themed cakes, cookies, clothing, and homemade invitations;
 - h. Encouraging the children to lead an active lifestyle by taking them on walks and bike rides and registering them in sports programs suited to their interests and abilities;
 - i. Encouraging the children to explore the arts through participation in crafting and music;
 - j. Encouraging the children to make healthy food choices by discussing nutrition.
8. The Husband was generally away from the home each weekday from 8:00 a.m. to 5:00 p.m. The parties would share in the evening routine with the children when the Husband returned home from work such as homework assistance, bath and bedtime routine, as well as taking children to extracurricular activities on weekends.

The Wife's Medical Condition:

- 9. In 2013, the Wife began experiencing mental health issues. These changes began around the same time In each that the Wife began experiencing symptoms of menopause.
- 10. The mental health issues experienced by the Wife since 2015, have led to approximately 3 instances where the Wife required extended hospitalization following episodes where she was experiencing delusions and paranoid thoughts.
- 11. The Wife's most hospitalization, as described in further detail below, has confirmed that the Wife suffers from psychosis non-otherwise specified (NOS) with a leaning toward schizoaffective disorder.
- 12. In the Husband's material, he describes the circumstances surrounding each hospitalization in great detail and tries to depict the Wife as being unstable and uncooperative when it comes to her medical treatment. The Wife does not deny that she had delusional episodes which resulted in her being hospitalized. However, the Wife's position is that the Husband's materials do not accurately reflect the facts/issues surrounding the symptoms which led to periods of hospitalization in 2013, 2014 and the most recent one in October 2015.

13. It is these inaccurate statements that continue to be made by the Husband that the Wife feels were misinterpreted by her previous physicians who relied heavily on the Husband's account of the Wife's behaviour. The Wife believes that these inaccurate statements led to her initial improper diagnosis of Bipolar Disorder in 2013 and 2014.
14. The Wife acknowledges that she was not compliant with taking her prescribed medication following her release from hospital in 2013 and 2014. The reason for this was that she adamantly opposed the diagnosis of Bipolar disorder at the time. This was well documented in her medial file yet the nurses and doctors would not discuss the Wife's concerns with her. Instead, they insisted that the Wife take medication that was not doing anything to treat her delusions and was in fact making her feel worse.
15. It was for this reason that the Wife contemplated moving to Gatineau in 2014. She hoped that by establishing a residence in Quebec that she could seek a second opinion of her medical situation. The Wife put a down payment on first and last months' rent on a condominium in Gatineau in the fall of 2014 and took other steps to establish residency in Quebec. This also coincided with the Wife advising the Husband that she wanted a divorce in the summer of 2014.
16. In September 2014, the Husband pleaded with the Wife not to end their marriage. The Wife gave up her condominium in Gatineau and the parties focused on reconciling their relationship.
17. The Applicant was symptom free for approximately one (1) year. Then, on September 23, 2015, she came across some hospital notes in her medical file that summarized a telephone call placed by the Husband on July 10, 2014, describing her behaviour. The Wife was upset and shocked to see that the Husband had misrepresented various incidents. She confronted the Husband about these statements and explained that some of the incorrect statements which suggested she was experiencing manic and depressive periods were likely what led to her spending the entire summer of 2014 in hospital.
18. The Wife felt extremely betrayed and advised the Husband that their relationship was over. She asked the Husband to assist in correcting his inaccurate statements in her medical file as she explained that it was her belief that this contributed to her improper diagnosis. The Husband initially advised her that he would contact the hospital to correct his statements but then did not do so.
19. In the days that followed, the Wife began to experience delusional thoughts as the stress in the household continued to build and she became fearful of the Husband. By October 9, 2015, her delusional thoughts had increased and she was so fearful that she decided to take the children to the Hilton Hotel at the Lac Leamy Casino in Gatineau for 2 days as this was a place that she felt that she and the children could be safe given the high level of security onsite.
20. While the Wife was at the Hilton Hotel with the children, the Husband called her cell phone on numerous occasions and left threatening messages which only heightened her delusions. At one point, the Husband phoned the police and had officers come to the hotel room to check in on the children. The police left once they determined that the children were fine.
21. The following day, the Husband contacted the Wife again and was in a calmer state resulting in the Wife agreeing to return home with the children. As soon as she arrived at the home, the Husband became very hostile causing the Wife to fear that he was going to take the children from her which is why she blocked the Husband's vehicle from being able to exit their driveway. At that point, the Husband phoned the police who attended at the home to de-escalate the conflict. A referral was made to the Children's Aid Society.

22. That same evening, the Wife got into her vehicle and drove herself to the Civic Campus of the Ottawa Hospital. She remained in hospital from October 11, 2015 to November 12, 2015.
23. The Wife's Discharge Summary Report confirms that her current working diagnosis is Psychosis NOS (not otherwise specified) with a leaning toward schizoaffective disorder. Upon her release, the Wife was referred to the Psychiatry Outpatient Program for treatment. Her treating psychiatrist is now Dr. Mercer, whom the Wife has seen on three (3) occasions since December 2015. The Wife is to continue seeing Dr. Mercer every 4 to 6 weeks.
24. In addition, the Wife has been prescribed medication which she continues to take daily. The Wife's physicians recognize that her delusional episodes are triggered by heightened states of anxiety. The Wife recalls that before each instance where she was hospitalized, she and the Husband had been engaged in significant high stress periods, specifically:
- In 2013, the parties had a severe argument whereby the Husband was yelling/screaming at the Wife and implied that he would divorce her;
 - In 2014, the parties had a series of arguments about several different topics including the household budget which resulted in the Husband accusing her of being manic;
 - In 2015, the parties argued about notes that the Wife came across in her medical file that summarized a conversation between the Husband that provided inaccurate statements which she believes contributed to her mis-diagnosis.
25. Now that the Wife's physicians have been able to more accurately pinpoint the Wife's condition and triggers that led to her delusions, they have prescribed Latuda (anti-psychotic) which the Wife continues to take daily. They have also prescribed Clonazepam (anti-anxiety) and Immovane (sleeping aid) to be taken when required.
26. As part of her treatment plan, the Wife's psychiatrist has also recommended that the Wife get back to exercising including attending yoga classes 3 times per week to assist her with managing her stress levels.
27. The Wife has also obtained a referral to a social worker so that she can have access to regular counselling in between her appointments with Dr. Mercer.

Custody and Access:

28. In spite of the Wife's updated diagnosis and her full cooperation in her treatment program, the Husband has continued to attempt to limit the Wife's interactions with the children.
29. The Husband initially took the position that the Wife was to have only supervised contact with the children. He refused to allow the Wife to spend any time alone with the children and refused to allow her to resume her regular parenting responsibilities such as transporting the children to/from school, taking them to activities, etc. The Husband claimed that this was necessary to protect the children from their mother and that he was acting on the advice of the Children's Aid Society ("CAS") when in fact the CAS attended at the home following the Wife's release from hospital in November 2015 and confirmed that there was no need for supervision.
30. In December 2015, the Husband finally agreed to allow the Wife to resume her parenting duties.

However, his behaviour toward the Wife in the home has become increasingly inappropriate and hostile. This includes:

- a. Making inappropriate comments to the Wife in front of the children such that she is forced to leave the room to ensure that the children are not exposed to any further conflict;
- b. Constantly interrupting when the Wife spends time with the children and attempting to redirect the children's attention to himself;
- c. Making comments to the children about their mother in an attempt to portray her as strange or someone that they should be afraid of;
- d. Threatening to tape record conversations between himself and the Wife and threatening to telephone the police whenever she attempts to converse with him about issues pertaining to their separation including suggesting they participate in mediation.

31. The Wife has done her best to maintain a level of normalcy in the home for the children however this is becoming increasingly difficult. The children are young but they are perceptive. The Wife believes that the children would benefit from counselling to assist them in processing any concerns/emotions they may be feeling surrounding their parents separation. Counselling would also assist in helping the children to understand the issues that the Wife experienced with her mental health from a neutral third party.
32. The Wife has tried her best to work cooperatively with the Husband within the home for the sake of the children. However, it appears to the Wife that the Husband's focus has been on tainting the children's perception of their mother and making them feel that she is someone that they should be fearful of which is inappropriate and confusing to the children. The Wife has also come across an email exchange between the Husband and an individual at the Schizophrenia Society of Ontario wherein the Husband is seeking a referral for counselling for the children. In this email, the Husband indicates that it is very important for him that the children understand that the primary reason for their parents separation is the mother's illness and "nothing to do with their dad". The Wife is very concerned about the inappropriate messages that the Husband is relaying to the children about her.
33. Both parents have been actively involved in the care and upbringing of their children. The Husband himself has suffered from depression issues from time to time during the marriage. In spite of their health issues, both parties have remained committed and involved parents. Anything less than a shared parenting arrangement would be a significant departure from the status quo that the children experienced throughout the marriage.
34. The Wife's position is that it is in the best interests of the children that both parents maintain an equal role in their lives and she is therefore seeking joint custody and a residential schedule that would allow the children to reside with their parents on a 2/2/3 schedule.

Child Support:

35. The Wife's position is that child support should be paid in accordance with the Federal Child Support Guidelines in an amount to be determined having regard to the parenting arrangements in place and the income of the parties. Section 7 expenses should be paid in proportion to the parties' incomes.
36. The Wife is requesting that the Husband be required to obtain and maintain a life insurance policy in an amount that is sufficient to cover his child support obligations for the children and that he

designate her as the irrevocable beneficiary in trust for the children.

Spousal Support:

37. The parties are joint shareholders of a management consultant company, AdvisorOnTrack Inc. Throughout their marriage, they have both drawn equal amounts of dividends from this company which was the family's primary source of income.
38. Given the separation, it is unclear what will happen with respect to this business and/or whether the parties will continue to run the business together.
39. It is the Wife's position that she is entitled to spousal support both on a needs and compensatory basis.
40. The parties jointly decided that the Wife would take on a less active role in the business by working part-time so that she could focus her primary responsibility on the care of the children.
41. As a result, the Husband has developed a larger client base and has had an increased opportunity to market himself and his skills in the Ottawa area. The Wife will need an opportunity to transition back to full-time employment and will require spousal support to supplement her income. It is difficult to know at this point what type of income she will be able to earn in relation to the Husband's income.

Equalization of Net Family Property:

42. The parties do not hold significant assets with the exception of the jointly held matrimonial home located at 1244 Lampman Cr. and their investments. These assets will have to be valued and equalized.
43. The Wife is prepared to agree to Husband purchasing her interest in the matrimonial home provided he is able to arrange to do so within a relatively short timeframe. Otherwise, the home should be listed for sale as soon as possible so that the parties may access the significant equity in this property to purchase new residences for themselves and the children.
44. In November 2015, the Wife purchased a home located at 12-25 Bayswater Avenue, Ottawa, Ontario. The Wife did so to assist a "friend" who had defaulted on his mortgage. She purchased the home from the owner for an advantageous price. Her friend continues to live in the home and pays all expenses related to this property. When purchasing this home, the Wife used some of the parties' joint funds, specifically \$40,000 from a joint line of credit, to fund part of the down payment on this property. The Wife acknowledges that she is solely responsible for the \$40,000 and that there will have to be an adjustment made to the equalization payment to reflect this.

Husband's Claim for Exclusive Possession of the Family Home/Police Enforcement:

45. The Wife has been transparent and forthcoming about her current medical diagnosis and treatment plan. She has provided the Husband with a copy of her discharge summary report that confirms her current diagnosis following her most recent hospitalization. She also provided the Husband with her treating psychiatrist's report and recommendation for treatment.
46. The Husband has made a claim for exclusive possession of the home, which is unnecessary in the circumstances. He has made regular threats to engage in emergency court proceedings to have the

Wife removed from the property which is only adding to the conflict and stress in the home.

47. The parties continue to live separate and apart in the matrimonial home. The Wife moved down to the basement and set up a room for herself there on September 23, 2015. In an effort to minimize her interaction with the Husband and any potential conflict, the Wife has recently begun sleeping at a friend's home in the evenings after the children go to bed. On Mondays, Wednesdays, and Fridays she makes sure to return to the home every morning by 6:30 a.m. so that she is present when the children wake up and available to engage in their care. On Tuesdays and Thursdays the Wife attends yoga classes as part of her therapy, however, she is home by 8:00 a.m. to take the children to school.
48. The Wife has attempted to fairly divide weekend time with the children by spending Saturday afternoon and Sunday morning with the children while the Husband spends Saturday morning and Sunday afternoon with them; however, the Husband often interferes with the Wife's parenting time.
49. The parties are joint tenants of the matrimonial home and are both entitled to occupy this property. The Wife acknowledges that she suffers from mental health issues and she is receiving treatment for same. Her struggles with mental health over the past 3 years in no way justify her removal from the property.
50. Similarly, the Husband's request for police enforcement of any access arrangements determined by the Court is also unnecessary. The Wife's reasons for taking the children to the Hilton Lac Leamy Hotel in Gatineau are described above. This was an isolated occurrence. The Wife is not a flight risk and in no way poses a risk to the children.
51. The Wife is prepared to consent to an order that provides that neither party can permanently remove the children from the City of Ottawa without the written consent of the other parent or Court Order.

Put a line through any blank space left on this page

January 30, 2018
Date of signature

Deirdre Moore
Respondent's signature

LAWYER'S CERTIFICATE

For divorce cases only

My name is: Tania Pompilio

and I am the lawyer for (name) Deirdre Ann Moore

in this divorce case. I certify that I have complied with the requirements of section 9 of the *Divorce Act*.

Date of signature

Signature of Lawyer



For information on accessibility of court services for people with disability-related needs, contact:
Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575



1. I agree with the following claim(s) made by the applicant:

Under the Divorce Act

- 00 ☐ a divorce
 01 ☐ support for me
 02 ☐ support for child(ren) – table amount
 03 ☐ support for child(ren) – other than table amount
 04 ☐ custody of child(ren)
 05 ☐ access to child(ren)

Family Law Act or Children's Law Reform Act

- 10 ☐ support for me
 11 ☐ support for child(ren) – table amount
 12 ☐ support for child(ren) – other than table amount
 13 ☐ custody of child(ren)
 14 ☐ access to child(ren)
 15 ☐ restraining/non-harassment order
 16 ☐ indexing spousal support
 17 ☐ declaration of parentage
 18 ☐ guardianship over child's property

Claims relating to property

- 20 ☒ equalization of net family properties
 21 ☐ exclusive possession of matrimonial home
 22 ☐ exclusive possession of contents of matrimonial home
 23 ☐ freezing assets
 24 ☐ sale of family property

Other claims

- 30 ☐ costs
 31 ☐ annulment of marriage
 32 ☐ prejudgment interest
 33 ☐ claims relating to a family arbitration

Claims relating to child protection

- 40 ☐ access
 41 ☐ lesser protection order
 42 ☐ return of child(ren) to my care
 43 ☐ place child(ren) into care of (name)
 44 ☐ children's aid society wardship
 45 ☐ society supervision of my child(ren)

50 ☐ other

2. I do NOT agree with the following claims made by the applicant:

Under the Divorce Act

- 00 ☐ a divorce
 01 ☐ support for me
 02 ☐ support for child(ren) – table amount
 03 ☐ support for child(ren) – other than table amount
 04 ☐ custody of child(ren)
 05 ☐ access to child(ren)

Family Law Act or Children's Law Reform Act

- 10 ☐ support for me
 11 ☒ support for child(ren) – table amount
 12 ☐ support for child(ren) – other than table amount
 13 ☒ custody of child(ren)
 14 ☒ access to child(ren)
 15 ☐ restraining/non-harassment order
 16 ☐ indexing spousal support
 17 ☐ declaration of parentage
 18 ☐ guardianship over child's property

Claims relating to property

- 20 ☐ equalization of net family properties
 21 ☒ exclusive possession of matrimonial home
 22 ☐ exclusive possession of contents of matrimonial home
 23 ☐ freezing assets
 24 ☐ sale of family property

Other claims

- 30 ☒ costs
 31 ☐ annulment of marriage
 32 ☒ prejudgment interest
 33 ☐ claims relating to a family arbitration

Claims relating to child protection

- 40 ☐ access
 41 ☐ lesser protection order
 42 ☐ return of child(ren) to my care
 43 ☐ place child(ren) into care of (name)
 44 ☐ children's aid society wardship
 45 ☐ society supervision of my child(ren)

50 ☒ Other: police enforceability

Family Law Rules > Rule 11(3) Amending Answer with Court's Permission > Leave granted by Madam Justice D. Summers on November 16, 2017

FAMILY HISTORY**APPLICANT:**Name: Jonathan William Kiska Age: 57 Birthdate: (d, m, y) September 29, 1960Resident in (municipality & province) Ottawa, Province of Ontariosince (date) 1963Surname at birth: KiskaSurname just before marriage: KiskaDivorced before? ☒ No ☐ Yes (Place and date of previous divorce)**RESPONDENT/JOINT APPLICANT:**Name: Deirdre Ann Moore Age: 52 Birthdate: (d, m, y) September 28, 1965Resident in (municipality & province) Ottawa, Province of Ontariosince (date) 1965Surname at birth: MooreSurname just before marriage: MooreDivorced before? ☒ No ☐ Yes (Place and date of previous divorce)**RELATIONSHIP DATES:**☒ Married on (date) July 22, 2000☒ Started living together on (date) Early 1997☒ Separated on (date) September 23, 2015☐ Never lived together ☐ Still living together**THE CHILD(REN):** List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate	Resident in (municipality & province)	Now Living with (name of person and relationship to child)
Sean Charles Kiska	<u>11</u>	<u>May 8, 2006</u>	<u>Ottawa, Ontario</u>	<u>Both parents</u>
Cate Stella Kiska	<u>10</u>	<u>November 30, 2007</u>	<u>Ottawa, Ontario</u>	<u>Both parents</u>

Superior Court of Justice, Family Court

(Name of court)

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

Court File Number

FC-15-2446-0

Form 6B: Affidavit of Service
sworn/affirmed

January 30, 2018

Applicant(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Jonathan Kiska
1244 Lampman Crescent, Ottawa, Ontario K2C 1P8
mobile: 613-723-0010 jonathankiska@gmail.com

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Wade Smith
700-116 Lisgar Street, Ottawa, Ontario K2P 0C2
phone: 613-237-3444 wsmith@bellbaker.com

Respondent(s)

Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

Deirdre Moore
7 Vanson Avenue, Ottawa, Ontario K2E 6A9
mobile: 613-261-3520 deirdre_cfa@icloud.com

Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).

n/a

My name is (full legal name) Deirdre Ann Moore

I live in (municipality & province) City of Ottawa, Ontario

and I swear/affirm that the following is true:

1. On (date) January 30, 2018, at (time) 1:26 p.m., I served (name of person to be served) Mr. Wade Smith with the following document(s) in this case:

Name of document	Author (if applicable)	Date when document signed, issued, sworn, etc.
Amended Answer	Deirdre Moore	January 30, 2018
Bill of Costs Submission	Deirdre Moore	January 30, 2018
Updated Table of Contents of Continuing Record	Deirdre Moore	January 30, 2018

List the documents served

NOTE: You can leave out any part of this form that is not applicable.

2. I served the documents mentioned in paragraph 1 by:

- ☒ special service. (Go to paragraph 3 below if you used special service.)
- ☐ mail. (Go to paragraph 4 if you used mailed service.)
- ☐ same day courier. (Go to paragraph 5 if you used courier.)
- ☐ next day courier. (Go to paragraph 5 if you used courier.)
- ☐ deposit at a document exchange. (Go to paragraph 6 if you used a document exchange.)
- ☐ an electronic document exchange. (Go to paragraph 7 if you used an electronic document exchange.)
- ☐ fax. (Go to paragraph 8 if you used fax.)
- ☐ email. (Go to paragraph 9 if you used email.)
- ☐ substituted service or advertisement. (Go to paragraph 10 if you used substituted service or advertisement.)

Check one box only and go to indicated paragraph.



3. I carried out special service of the document(s) on the person named in paragraph 1 at (place or address)
700-116 Lisgar Street, Ottawa, Ontario K2P 0C2

by: ☐ leaving a copy with the person.

☒ leaving a copy with (name) Elizabeth Vaughan

Check one
box only.
Strike out
paragraphs 4
to 10 and go
to paragraph
11.

☐ who is a lawyer who accepted service in writing on a copy of the document.

☐ who is the person's lawyer of record.

☒ who is the (office or position) receptionist
of the corporation named in paragraph 1.

☐ mailing a copy to the person together with a prepaid return postcard in Form 6 in an envelope bearing the sender's return address. This postcard, in which receipt of the document(s) is acknowledged, was returned and is attached to this affidavit.

☐ leaving a copy in a sealed envelope addressed to the person at the person's place of residence with
(name) _____

who provided me with identification to show that he/she was an adult person residing at the same address and by mailing another copy of the same document(s) on the same or following day to the person named in paragraph 1 at that place of residence.

☐ other (Specify. See rule 6 for details.) _____

4. I mailed the document(s) to be served by addressing the covering envelope to the person named in paragraph 1 at:
(Set out address.) _____

which is the address ☐ of the person's place of business.

Check appropriate
paragraph and strike
out paragraphs 3, 5, 6,
7, 8, 9 and 10.

☐ of a lawyer who accepted service on the person's behalf.

☐ of the person's lawyer of record.

☐ of the person's home.

☐ on the document most recently filed in court by the person.

☐ other (Specify.) _____

5. The document(s) to be served was/were placed in an envelope that was picked up at _____ a.m./p.m. on
(date) _____ by (name of courier service) _____

a private courier service, a copy of whose receipt is attached to this affidavit. The envelope was addressed to the person named in paragraph 1 at: (Set out address.) _____

which is the address ☐ of the person's place of business.

Check appropriate
paragraph and strike
out paragraphs 3, 4, 6,
7, 8, 9 and 10.

☐ of a lawyer who accepted service on the person's behalf.

☐ of the person's lawyer of record.

☐ of the person's home.

☐ on the document most recently filed in court by the person.

☐ other (Specify.) _____

6. The document(s) was/were deposited at a document exchange. The exchange's date stamp on the attached copy shows the date of deposit. *(Strike out paragraphs 3, 4, 5, 7, 8, 9, 10 and 13.)*
7. The documents were served through an electronic document exchange. The record of service from the exchange is attached to this affidavit. *(Strike out paragraphs 3, 4, 5, 6, 8, 9, 10 and 13.)*
8. The document(s) to be served was/were faxed. The fax confirmation is attached to this affidavit. *(Strike out paragraphs 3, 4, 5, 6, 7, 9, 10 and 13.)*
9. The documents were served by email. Attached to this Affidavit is a copy of the email that the document was attached to. *(Strike out paragraphs 3, 4, 5, 6, 7, 8, 10 and 13.)*
10. An order of this court made on (date) _____ allowed
- ☐ substituted service.
- ☐ service by advertisement. *(Attach advertisement.)*

The order was carried out as follows: *(Give details. Then go to paragraph 13 if you had to travel to serve substitutionally or by advertisement.)*

11. My relationship to, or affiliation with, any party in this case is as follows:

Respondent

12. I am at least 18 years of age.

13. To serve the document(s), I had to travel 9 kilometres. My fee for service of the document(s) is \$ 0 including travel.

Sworn/Affirmed before me at Ottawa

municipality

in Ontario

province, state, or country

on

January 30, 2018

date

[Signature]
Commissioner for taking affidavits
(Type or print name below if
signature is illegible.)

[Signature]
Signature

(This form is to be signed in front of a
lawyer, justice of the peace, notary
public or commissioner for taking
affidavits.)