

Superior Court of Justice Family Court Branch

(Name of court)

Court File Number

FC-15-2446-0

Form 14A: Affidavit
(general) dated

Motion - Interim Support ++

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

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_cf@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:

Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.

1. It has been lost during these lengthy proceedings that the Respondent ("Moore") notified the Applicant ("Kiska") that she was going to file for divorce for cruelty on October 1, 2015. (see exhibit A)

MOORE HAS BEEN TRYING TO SECURE EMPLOYMENT FOR YEARS

2. Moore was a stay-at-home mum and worked part-time from home from 2007 until 2012 when her second child, Cate began school full-time.

3. In 2013, Moore suffered two psychotic breaks and another in 2014. Separation #1 was initiated by Moore in August 2014 but, begged by Kiska, she returned home the following month.

4. Moore suffered from another psychotic break in October 2015 and during this hospitalization Kiska served Moore with a Form 8 for separation as well as a Notice of Motion seeking sole custody of their children.

5. For the past five years, Kiska has claimed (and continues to claim) that Moore is severely mentally ill, refuses to take medication and is a danger to her children, Sean (now 11) and Cate (now 10).

6. Moore has the stigma of being severely mentally ill and Kiska continues to make these claims publicly; however, the Children's Aid Society ("CAS") has closed the file.

7. Despite extensive efforts, Moore has been awarded only three junior short-term contracts since her first psychotic break five years ago, most recently at a rate of \$25/hour (vs. the \$125/hour that she earned for over ten years.)

AN OVERVIEW OF COSTS OF INCURRED SINCE 3rd AND FINAL SEPARATION OF 27-NOV-16

8. There was a "faux" reconciliation period between April 2016 and October 2016 after which Moore was planning to initiate the third and final separation; however, Kiska served his notice of separation by text on November 27, 2016.
9. During December 2016, Kiska continued to make false claims regarding Moore's mental health and she was advised by the CAS to find safe lodging for herself and her two children. (see Exhibit B, pages 1 and 2).
10. Establishing and maintaining safe housing while shielding her two children Sean (11) and Cate (10) from the cruelty of this divorce was not without its challenges and Moore has spent a considerable amount of money on extraordinary expenses that include moving expenses, items for the children, legal fees, counselling and anti-anxiety medications. (see ~~Tab 4~~ ^{Tab 1}: Form 13.1 Financial Statement and ~~Tab 2~~ ^{Tab 2}: Form 13B Net Family Property Statement [*both done on a best efforts basis*]) TM
11. Also, unanticipated by Moore was the costly eviction of a delinquent tenant ("Pattee") who was to maintain 7 Vanson Avenue, the home purchased as a result of Moore's 2015 separation from Kiska.
12. During November 2015, as Kiska was serving Moore a Notice of Motion for sole custody of the children and sole possession of the matrimonial home, Moore cashed-in her RRSP, took out a mortgage and borrowed \$40,000 in order to save Pattee's house from creditors. (Re-acquainted in September 2015, she believed and relied upon Pattee's sincerity as he posed as a supportive friend throughout October and November 2015: Moore did not realize that she was being duped by Pattee who was about to be both evicted and unemployed.)
13. When Moore finally regained access to 7 Vanson Avenue on March 1st, 2016, there was considerable damage and disrepair. Also, during the repairs, Moore was advised that much of the electrical wiring was not up to code.
14. Fortunately, in anticipation of Kiska's behaviour during these proceedings, Moore prepared to survive 2017 by paying off credit cards and expanding her credit limit.
15. Moore also insisted that she receive \$50,000 in dividends from their shared company, AdvisorOnTrack Inc. ("AOT") in order to cover expenses, even though this meant a reduction in the savings that were meant for retirement. (As an equal shareholder, Kiska also received \$50,000.)
16. Most of Moore's \$50,000 was depleted during the first four months of separation due to reasons explained in #10-13 above.

WHY INTERIM FINANCIAL SUPPORT IS NECESSARY

17. For the 16-month period of separation to date, Kiska has provided \$35,000 - \$45,000 in support; almost half of which arrived after 12 months of separation when significant credit card debt had already accumulated.
18. Moore submits that his consulting revenues for 2017 were consistent with those of the past 10 years of approximately \$150,000 to \$200,000.

TM * Vol 5 / Tab 8 in C.R. TM
TM ** Vol 5 / Tab 9 in C.R. TM

19. It is difficult to ascertain the spousal support amount vs. the child support amount vs. the contributions to childcare expenses as this question, asked several times, has yet to be answered.
20. Moore cared for and entertained the children more than half of the time during the 2017 summer months—despite Kiska's consistent and vocal "concerns" over her mental health—as she was unemployed.
21. As of today, Moore is (once again) living off of credit cards and lines of credit.
22. Along with basic living expenses, personal taxes of approximately \$15,000 will be due on April 30th. (It is impossible to know the exact amount due to #19 above.)
23. Between January and February 2018, Moore's requests for a \$100,000 loan from AOT were denied by Kiska. (Note that both signatures are required for the issuance of an AOT check.)
24. She requested \$100,000 in order to pay off her credit cards and lines of credit and prepare for another year of inadequate support from Kiska.
25. In February, Kiska agreed to a \$50,000 shareholder loan for Moore, but only if he received one of a similar amount. This depleted the corporate savings by another \$100,000. (I submit that Kiska is trying to bankrupt himself in order to avoid the payment of future damages and support obligations.)
26. Moore used this \$50,000 to pay off some of the credit card debt that accumulated during 2017.
27. Moore also cashed-in her \$16,500 RSP in order to pay off credit cards and avoid interest charges.
28. As per the attached Form 13.1: Financial Statement (~~see Tab 1~~ ^{ym} ~~Tab 1~~ ^{ym}), Moore has no liquid assets.
29. Despite extensive efforts to find employment, Moore has no reliable source of income; yet, she is trying to shield her two young kids from the truth by making everything seem "normal".
30. Early in 2018, Kiska asked Moore what amount of support she thought was reasonable.
31. However, when Moore responded by providing an old DivorceMate calculation from 2015 (see Exhibit C), she was accused of harassment.

WHY AN APPRAISAL OF THE MATRIMONIAL HOME IS NECESSARY

32. In Kiska's initial application of November 2015, he stated that the matrimonial home ("house") was worth \$950,000 (see Exhibit D, page 1).
33. In March 2016, the house was appraised at \$840,000 (net of proceeds of disposition). (see Exhibit D, page 2).
34. During October 2016, BMO relied upon the MPAC value of the house at \$1,093,000 (see Exhibit D, page 3) in order to renew the mortgage.
35. Three months prior to Kiska's notice of separation of November 2016, Kiska wrote to MPAC to request a reduction in its value. The house was subsequently valued at \$1,006,000. (see Exhibit D, page 4 and 5)

ym CR. Vol 5, Tab 9 *ym*

36. In Kiska's most recent Form 13.1, he claims the house is worth \$700,000. (see Exhibit D, page 6)
37. With such a variation in value, Moore submits that the house needs to be re-appraised as soon as possible—if the real estate market is tumbling, Moore would like to sell the house (or receive her fair half) as soon as possible.
38. Immediately following the second Settlement Conference (January 26, 2018), the goal was to have the issue of the house settled. Moore immediately contacted the appraiser, but Kiska (who has interim sole possession of the house) has refused.

WHY A SUMMARY JUDGEMENT TO SELL THE MATRIMONIAL HOME IS REQUESTED

39. Moore cannot rely on meaningful support from Kiska.
40. Though she will continue to aggressively look for meaningful employment, there is no guarantee that Moore (age 52) will secure a decent job and she may have to accept a minimum/low wage position.
41. Moore submits that her only reasonable option to provide for her children for the next 10 years is to convert 7 Vanson Avenue into a property that can be used as both a home and a rental property.
42. 7 Vanson Avenue is situated between Carleton University and Algonquin College. Moore feels that she can earn approximately \$25,000 in rental income.
43. Accepting a low wage job could bring her income up to approximately \$45-50,000.
44. Moore believes that these two sources of income, along with a drawdown from the net family property settlement (if available) will enable her to survive financially in the event that Kiska's support falls to \$0.
45. Cash from the sale of the matrimonial home, which is tax-free, will enable Moore begin a renovation to 7 Vanson Avenue as soon as possible.

WHY SETTING OF A TRIAL DATE IS REQUESTED TODAY

46. The date of the original Application (separation #2) is over two years old and the current separation (#3) is over 15 months old and nothing has been settled.

47. Given the leave granted by Justice Summers in November 2017 (see C.R. Endorsement section), it is doubtful that anything will be settled.

48. Moore is seeking damages for, among other things, the intentional infliction of mental suffering and emotional distress. Kiska's behaviour during these proceedings is merely a continuation of his behaviour of the past five years.

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Sworn/Affirmed before me at City of Ottawa
in Ontario
on March 9, 2018
date

municipality

province, state, or country

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

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