

**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 14A: Affidavit (General)****dated March 19, 2018****Applicant(s)**

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

**Jonathan William Kiska**  
**1244 Lampman Cr**  
**Ottawa, Ontario**  
**K2C 1P8**

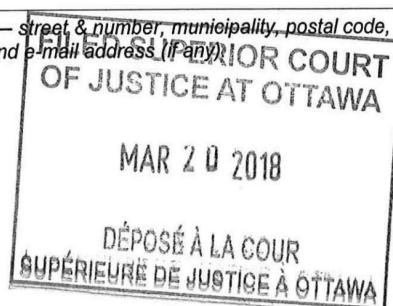
Lawyer's name &amp; address — street &amp; number, municipality, postal code, telephone &amp; fax numbers and e-mail address (if any).

**Wade L. Smith**  
**Bell Baker LLP**  
**Barristers and Solicitors**  
**700-116 Lisgar Street**  
**Ottawa, Ontario K2P 0C2**  
**Tel: (613) 237-3444**  
**Fax: (613) 237-1413 Box#35**  
**wsmith@bellbaker.com****Respondent(s)**

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

**Deirdre Moore**  
**7 Vanson Avenue**  
**Ottawa, Ontario**  
**K2E 6A9**  
**Tel: 613-261-3520****deirdre\_cfa@icloud.com**

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

**My name is**

(Full legal name)

**Jonathan William Kiska****I live in**

(municipality and province)

**Ottawa, Province of 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. I am the Applicant in this matter, the Responding party to a Motion returnable March 22, 2018, and as such have personal knowledge of the matters set out in this my Affidavit.

**Request for an Adjournment**

2. In this matter we appeared before the Honourable Madam Justice Engelking at a Settlement Conference held January 26, 2018.
3. We discussed all issues, after which Justice Engelking gave us specific leave to bring Motions on some issues. I was authorized to bring a Motion for disclosure of the Respondent's (hereinafter "Deirdre") medical records. Leave was given for this in that Deirdre has extensive mental health issues and has refused

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to provide her medical records. Attached and marked as **Exhibit "A"** to this my Affidavit is a true copy of Her Honour's Endorsement together with the draft Order, which has not yet been approved by Deirdre.

4. I have not brought this Motion in that there is also an Order that the Office of the Children's Lawyer be involved to conduct a clinical investigation. I am hopeful that this investigation will assist in resolving the parenting issues and explore Deirdre's illness.
5. Deirdre was authorized to bring a Motion for temporary support "if necessary".
6. Deirdre was not authorized to bring Motions with respect to the matrimonial home. These are issues for trial.
7. After the Settlement Conference, Deirdre appeared at my lawyer's office and, on January 31, 2018, delivered a Notice of Motion returnable March 22, 2018. The Motion contained three requests for relief as well as a two paragraph Affidavit.
8. Deirdre did not consult with my lawyer as regards his availability on March 22, 2018. I am advised by Mr. Smith that his assistant immediately indicated to Deirdre that he was already committed to attending Court that date and he was unavailable for a Motion. He offered alternative dates for re-scheduling. Deirdre is not willing to reschedule. Attached and marked as **Exhibit "B"** are copies of email exchanges confirming this.
9. Late in the afternoon of March 9, 2018, Deirdre re-attended at my lawyer's offices to serve three further documents. These documents were called "Affidavit #2", a sworn Financial Statement and a new Affidavit in Support of a Claim for Custody or Access.
10. Again, Mr. Smith wrote to Deirdre that he was unavailable on March 22, 2018, and I am attaching as **Exhibit "C"** to this my Affidavit an email exchange between Mr. Smith and Deirdre dated March 14, 2018.
11. Mr. Smith is unable to attend to argue the Motion on March 22, 2018. I am requesting that the Motion be adjourned to a date when he is available.

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**Motion for Interim Support**

12. In her Financial Statement Deirdre does not declare all of her income. In 2017 she received income of \$107,000.00 – not the \$69,000.00 declared on page 2 of her Financial Statement. This is made up of the following:
- (a) \$50,000.00 in dividends from our joint business, Advisor On Track;
  - (b) \$43,000.00 in voluntary support payments from me;
  - (c) She took \$10,000.00 from the joint line of credit; and
  - (d) She alleges that she earned only \$4,000.00 from her employment.
13. In 2018 Deirdre has received \$50,000.00 from Advisor On Track in dividend income and \$5,000.00 in support payments. The dividend income is not disclosed. Ms. Moore believes the funds were a shareholder loan and not dividend income.
14. In 2018 I have paid Deirdre \$5,000.00 based on what I have been able to generate in income thus far this year. I operate my own consulting business, called Kiska Consulting, and in 2018 I have received \$15,000.00 in dividend income as well as having also received \$50,000.00 in dividend income from Advisor On Track.
15. My income is sporadic and very hard to predict. Consequently, what I have done is pay significant amount of the children's expenses (although we have an equal timesharing regime) and thereafter split our incomes. I have proposed to Deirdre that I continue to split income in this fashion. I suggest that we each work at our respective jobs and, at the end of the year, reconcile our incomes.
16. As indicated above, I pay a significant amount of the children's sports, clothing, entertainment, music lessons (saxophone and recorder lessons) and their school expenses. I estimate that I spent approximately \$12,000.00 from 2017 and up to February 2018 on direct expenses for the children.
17. I don't know what expenses Deirdre covers for the children and, therefore, it is hard to determine child support given the co-parenting arrangement.

18. Although Deirdre has mental health issues, she is very intelligent and is able to work. She is a qualified chartered financial analyst. As late as the spring of 2016 she was working for a financial planning firm and was earning approximately \$65,000.00 per year. She left this job voluntarily as she wanted to take a contract position. I assumed that this contract would have paid her somewhat close to the amount she was earning at the financial planning firm. Attached and marked as **Exhibit "D"** are Divorcemate calculations based on  $\frac{1}{2}$  of what Deirdre used to make, and also based on the \$4,000.00 she made last year.
19. Throughout 2017-2018 there have been many instances where I have not been able to work directly because of Deirdre's actions. For example, at a recent Professional Development day for the children Deirdre was at my house and made gestures toward me that frightened our daughter and as a result I had to remain with her and was not able to go to work that day. Throughout 2017 I have lost at least \$5,000.00 in income because of these various actions and situations.
20. Deirdre also has a "B Level" French qualification which allows her ample opportunities in the Federal Government for full or part-time employment.
21. As regards my own income, my present contract ends at the end of July, 2018. Although I am usually successful in obtaining other contracts, there is no guarantee and (as always) I am somewhat nervous regarding this. In 2017 my income was \$137,500.00 in dividends taken from Kiska Management Consulting (\$87,500.00) and Advisor On Track (\$50,000.00).

### Motions Regarding The Home

22. Deirdre has asked for an Order for an appraisal of the matrimonial home as well as its sale.
23. These Motions were not authorized by Justice Engelking. These issues were discussed at the Settlement Conference and I understand that it is not proper for me to state in an Affidavit what was said at that particular hearing. However, I believe that these are issues for trial.
24. We have owned 1244 Lampman Crescent, Ottawa since August, 2004. It is the only home that the children (aged 11 and 10) have known. There has already been a great deal of instability in their lives and losing their home would not be in their best interests.

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25. I have asked the Bank of Montreal (Prince of Wales Drive, Ottawa) repeatedly about receiving a mortgage to purchase Deirdre's interest in the home. However, they have indicated to me that they will not lend me any funds until we have a final, signed Separation Agreement. Consequently, if I was forced to sell the home I would have to move into a rental property with the children. At trial I am asking the Court for an Order for exclusive possession of the matrimonial home.
26. As regards an appraisal, the value of the home will be an issue for trial. We have suggested that any appraisal occur just prior to the trial so that the trial judge will have a current value of the property. However, we have also advised Deirdre that she is free to have any expert she wishes to retain to attend at the home to provide an opinion.
27. I make this Affidavit conscientiously believing it to be true and for no improper purpose.

*Put a line through any blank space on this page.*

Sworn/Affirmed before me at:

Ottawa

(municipality)

in Province of Ontario

(province, state or country)

on March 19, 2018.

(date)

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

Signature

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