



ONTARIO
Superior Court of Justice Family Court Branch
 (Name of Court)

Court File Number
FC-15-2446-0

at **161 Elgin Street, Ottawa, Ontario**
 (Court office address)

Form 25: Order (General)

☒ Temporary
☐ Final

Applicant(s)

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

Jonathan William Kiska
1244 Lampman Cr
Ottawa, ON K2C 1P8

613-723-0010
jonathankiska@gmail.com

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

Wade L. Smith
Bell Baker LLP
Barristers and Solicitors
#700-116 Lisgar Street
Ottawa, ON K2P 0C2
Tel: 613-237-3444
Fax: 613-237-1413 BOX #35
wsmith@bellbaker.com

The Honourable
Madam Justice Audet

Judge

March 22nd, 2018

Date of order

Respondent(s)

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

Deirdre Moore
7 Vanson Avenue
Ottawa, ON K2E 6A9

613-261-3520 Deirdre_CFA@iCloud.com

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

n/a

The court heard an application/motion made by Deirdre Moore

The Respondent

The following persons were in court (names of parties and lawyers in court)

Wade L. Smith, counsel for the Applicant, Jonathan Kiska
 The Respondent, Deirdre Moore

The court received evidence and heard submissions on behalf of Deirdre Moore and Jonathan Kiska

This Exhibit 'K' referred to in the
 Affidavit of Deirdre Moore

sworn before me at the City of Ottawa, this
 17 day of April, 2018

[Signature]
 A Commissioner for taking affidavits

The Parties

FOR ORAL REASONS GIVEN**THE COURT ORDERS THAT:**

- On a without prejudice/temporary basis, the father shall pay monthly child support to the wife for the 2 children of the marriage in the amount of \$1,924. This is based on the father's "other taxable income" of \$137,000 and the mother's "other taxable income" of \$50,000 + imputed employment income of \$30,000 (for a total of \$80,000).

The parties are both in receipt of dividend income ("other taxable income") from their joint company. The nature and tax treatment of those dividends is unknown to me as I do not have

the parties' Income Tax Returns before me. Should those show that proper identification of that income in the support calculation would materially affect the outcome, the matter may be brought back before me based on relevant evidence.

2. The parties shall share the children's Section 7 expenses: 60% for the father and 40% for the mother.
3. The mother is given leave to bring a motion for the sale of the matrimonial home, but only after the Office of the Children's Lawyer has made its recommendations known.
4. On a without prejudice basis, the mother's claim for temporary spousal support is denied.
5. On the issue of costs, and in light of the father's offer to settle, which was more beneficial to the mother than the result achieved in this motion, I find that the father is entitled to \$2,000 in costs. The outcome, however, might very well be different when the nature/tax treatment of the dividends is known. Therefore, I will give the parties, or either one of them, 30 days within which to submit to me, if they wish, further written submissions not exceeding 2 pages, in addition to brief affidavits providing me with the additional evidence confirming the nature/tax treatment of the dividends, and I will then make a final decision on the issue of temporary support. My decision regarding costs may vary depending on the. If no additional submissions are provided to me within 30 days, my cost award will stand and it shall be repaid by the mother at the rate of \$200/month.

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

Date of signature

Signature of judge or clerk of the court

20180322 Interim Support

Superior Court of Justice, Family Court

(Name of court / Nom du tribunal)

at / au 161 Elgin Street, Ottawa, ON K2P 2K1

(Municipality / Municipalité)

Court File Number / Numéro de dossier du greffe

FC-15-24

Endorsement Sheet /

Page d'inscription

| | | |
|---|--|---|
| Date Mar 22 2018 The Hon. Madam Justice Audet | Applicant(s) / Requéant(e)(s): <u>Jonathan Kiska</u> | <input checked="" type="checkbox"/> Present / Comparait |
| | Counsel / Avocat(e): <u>W Smith</u> | <input checked="" type="checkbox"/> Present / Comparait <input type="checkbox"/> Duty Counsel / Avocat de service |
| | Respondent(s) / Intimé(e)(s): <u>Deirdre Moore</u> | <input checked="" type="checkbox"/> Present / Comparait |
| | Counsel / Avocat(e): <u>Self</u> | <input type="checkbox"/> Present / Comparait <input type="checkbox"/> Duty Counsel / Avocat de service |
| <input type="checkbox"/> Order to go in accordance with minutes of settlement or consent filed. / Ordonnance conformément au procès-verbal de l'audience de transaction ou le consentement déposé. <u>Motion</u> | | |

For oral reasons given, the following order shall issue;

1. On a without prej. / temp. basis, the father shall pay monthly child support to the wife for the 2 children of the marriage in the amount of \$1,924. This is based on the F's "other taxable income" of 137,000* and the mother's "other taxable income" of \$50,000 + imputed empl. income of \$30,000 (for a total of \$80,000). "Other tax income"

The parties are both in receipt of dividend income from their company. The nature and tax treatment of those dividends is unknown to me as I do not have the parties' ITR before

Superior Court of Justice, Family Court
(Name of court / Nom du tribunal)
at / au 161 Elgin Street, Ottawa, ON K2P 2K1
(Municipality / Municipalité)

Court File Number / Numéro de dossier du greffe
FC-

Endorsement Sheet /
Page d'inscription

| Date | Applicant(s) / Requérant(e)(s) : | <input type="checkbox"/> Present / Comparait |
|--|----------------------------------|--|
| | Counsel / Avocat(e) : | <input type="checkbox"/> Present / Comparait <input type="checkbox"/> Duty Counsel / Avocat de service |
| | Respondent(s) / Intimé(e)(s) : | <input type="checkbox"/> Present / Comparait |
| | Counsel / Avocat(e) : | <input type="checkbox"/> Present / Comparait <input type="checkbox"/> Duty Counsel / Avocat de service |
| <input type="checkbox"/> Order to go in accordance with minutes of settlement or consent filed. / Ordonnance conformément au procès-verbal de l'audience de transaction ou le consentement déposé. | | |

no. Should there show that proper identification of that
items in the support calc would materially affect the
outcome, the matter may be brought back before me based
on relevant evidence.

2- The parties shall share the children's s.7 exp. 60% for
the F and 40% for the M.

3- The M is given leave to bring ~~for~~ a motion for the
sale of the M.H., but only after the OCL has made
its recommendations known.

4- On a W/P basis, the M's claim for Temp. sp sup. is denied.

Superior Court of Justice, Family Court
(Name of court / Nom du tribunal)
at / au 161 Elgin Street, Ottawa, ON, K2P 2K1
(Municipality / Municipalité)

Court File Number / Numéro de dossier du greffe

Endorsement Sheet /
Page d'inscription

Date

Applicant(s) / Requéran(t)e(s) : _____ ☐ Present / Comparait

Counsel / Avocat(e) : _____ ☐ Present / Comparait
☐ Duty Counsel /
Avocat de service

Respondent(s) / Intimé(e)(s) : _____ ☐ Present / Comparait

Counsel / Avocat(e) : _____ ☐ Present / Comparait
☐ Duty Counsel /
Avocat de service

☐ Order to go in accordance with minutes of settlement or consent filed. /
Ordonnance conformément au procès-verbal de l'audience de transaction ou le consentement
déposé.

On the issue of costs, and in light of the F's Offer to settle, which was more beneficial to the M than the result achieved in this motion, I find that the F is entitled to 2,000\$ in costs. The outcome, however, might very well be different when the nature / tax treatment of the dividends is known. Therefore, I will give the parties ^{or either one of them} 30 days within which to submit to me, if they wish, further written submissions not exceeding 2 pages, in addition to brief affidavits providing me with the additional evidence concerning the nature / tax treatment of the dividends, and I will then make a final decision on the issue of temp. support. My decision re costs may vary depending on that. If no add. submissions are provided

Superior Court of Justice, Family Court
(Name of court / Nom du tribunal)
at / au 161 Elgin Street, Ottawa, ON, K2P 2K1
(Municipality / Municipalité)

Court File Number / Numéro de dossier du greffe

Endorsement Sheet /
Page d'inscription

Date

Applicant(s) / Requéran(t)e(s) : _____ ☐ Present / Comparait

Counsel / Avocat(e) : _____ ☐ Present / Comparait

☐ Duty Counsel /
Avocat de service

Respondent(s) / Intimé(e)(s) : _____ ☐ Present / Comparait

Counsel / Avocat(e) : _____ ☐ Present / Comparait

☐ Duty Counsel /
Avocat de service

☐ Order to go in accordance with minutes of settlement or consent filed. /
Ordonnance conformément au procès-verbal de l'audience de transaction ou le consentement
déposé.

to me within 30 days, my cost award will stand and
it shall be repaid by the mother at the rate of \$200/month.

[Signature]