

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 **August 29, 2018****Applicant(s)**

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

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

Lawyer's name & address — street & number, municipality, postal code, telephone & 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 & 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
Tel: 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).

This Exhibit '15' referred to in the
 Affidavit of Deirdre Moore
 sworn before me at the City of Ottawa, this
30 day of August, 2018
A. Luss
 A Commissioner for taking affidavits

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 proceeding and as such have knowledge of the matters set out in this my Affidavit.
2. As regards our respective incomes, I note that the Respondent's Income Tax Returns have been included by her in a volume of the Continuing Record she served on my lawyer's offices. The volume simply includes her 2015, 2016 and 2017 Income Tax Returns. There was no further material. Thereafter, she provided a copy of her 2017 Income Tax Return as part of a "Factum" dated August 24, 2018.
3. In her 2015 and 2016 Income Tax Returns she reported all of her taxable dividends at line 120 of her Income Tax Return. This was the way that we had always done in our Income Tax Returns.

dated August 29, 2018.

4. However, in her 2017 Income Tax Return, the Respondent reports the dividends as non-eligible and includes the amount at line 180 of her Income Tax Return. There is no reason given for why she is reporting these dividends in a different fashion.
5. Attached as **Exhibits "A", "B" and "C"** to this my Affidavit are true copies of my 2015, 2016 and 2017 Income Tax Returns. As with the Respondent's Income Tax Returns, I have reported the dividends at line 120 only.
6. At the Motion heard March 22, 2018, I did not have my Income Tax Returns and was unclear as to what type of dividends I received.
7. As regards 2017, it is clear that I have reported all dividend income as eligible and the Respondent, on the other hand, has put the total amount of dividends in line 120 and then again as non-eligible in her line 180 of her Income Tax Return.
8. Although I prepared the Income Tax Returns myself, I have had my 2017 return reviewed by Luc Imbeau, CPA, CA, a partner at Connelly & Koshy, who prepares my corporate financial statements.
9. I am advised by Laura Hunt, an associate lawyer at the law firm of Bell Baker LLP, that she has reviewed the method of imputing this information into the DivorceMate software with a DivorceMate representative by the name of Christine Montgomery. Based on Ms. Montgomery's advice, Ms. Hunt has prepared the DivorceMate calculations based on two scenarios, those being whether the dividends received by me are to be grossed-up under Section 19 (1) (h) of the *Child Support Guidelines*. The calculations where there is no gross-up are attached as **Exhibit "D"** to this my Affidavit and those with a gross-up are attached as **Exhibit "E"** to this my Affidavit.
10. To date I have paid the support ordered by the Court on March 22, 2018. I have not deducted the amount of \$200.00 per month regarding the costs awarded.

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Motions by the Respondent

11. At the Settlement Conference held January 26, 2018, I was in Court when Justice Engelking indicated to both of us that neither was to bring a further Motion in the Court after a Settlement Conference had been held unless it was specifically authorized. Consequently, Her Honour gave me leave to bring a Motion for disclosure of the Respondent's medical records. Thereafter, the Respondent was also granted specific leave to bring a Motion for temporary support.
12. Throughout this matter the Respondent has served upon my counsel various Procedural Motions. These are always done on short notice and she has not requested whether my lawyer is available on those dates to address any of these. Almost invariably, she withdraws these Motions at the very last moment claiming that she needs to do revisions, or some other excuse.
13. On May 30, 2018, the Respondent served a large package at my lawyer's offices addressed to Justice Engelking. Attached and marked as **Exhibit "F"** to this my Affidavit is a true copy of the letter. The materials were voluminous.
14. These materials were rejected by the Court and attached and marked as **Exhibit "G"** to this my Affidavit is a true copy of an email from the trial coordinator confirming that Justice Engelking would not accept the materials.
15. Given that the Respondent is self-represented, I simply ask that the Court provide directions as what further motions (preferably none) may be brought. We are scheduled to have a further Settlement Conference before Justice Engelking on October 17, 2018. At present, the Respondent's actions are simply increasing my legal fees astronomically and are also a waste of the Court's time and resources.
16. 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.

dated August 29, 2018.

Sworn/Affirmed before me at:

Ottawa

(municipality)

in Province of Ontario

(province, state or country)

on August 29, 2018.

(date)

Commissioner for taking affidavits

(Type or print name below if signature illegible.)



Signature

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