

This Exhibit ' N ' referred to in the  
Affidavit of Deirdre Moore,  
sworn before me at the City of Ottawa, this  
...17... day of April, ~~2017~~ 2018  
[Signature]  
A Commissioner for taking affidavits

## Client Copy

BY FACSIMILE

January 18, 2018

Mr. Wade L. Smith  
Bell Baker LLP  
700-116 Lisgar Street  
Ottawa, Ontario  
K2P 0C2

Dear Mr. Smith:

**RE: Jonathan William Kiska v. Deirdre Moore**  
**Ottawa Family Court File FC-15-2446-0**

Further to our telephone conversation today and your email to me on January 5, 2018, Cate has advised her mother that she does not like it when her father leaves her at home alone with her brother, Sean. Cate has stated that her father does not permit her to go with him "even when [he says he is just going out] for groceries". She has stated that this upsets her greatly. Ms. Moore respects that Cate may be experiencing some anxiety and brings her on many errands. Sometimes, such as when they were recently at the bank, errands run a little longer than expected. Ms. Moore has chosen to turn these errands into opportunities for "home-schooling". Most recently, they used an online application that teaches basic programming skills. At other times, they have played "Hangman" to help her with her vocabulary and spelling. If your client is interested in learning more about how to turn errands into learning opportunities, he need only ask Cate about these online apps, math books and other notebooks.

My client has advised me that Mr. Kiska phoned Ms. Moore's father, Charlie Moore, in mid-December 2017 and asked him to support Mr. Kiska in a motion seeking sole custody. Ms. Moore specifically asked Mr. Kiska to stop calling/harassing her 82 year old father by phone or having other family members of his call her father.

It appears inconsistent for Mr. Kiska to be seeking sole custody since he is obviously not concerned about the children being in my client's care on the days he for any reason finds

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himself unable to care for them during his scheduled time (most recently the evening of Wednesday January 3<sup>rd</sup> as well as daytime on January 4<sup>th</sup> and 5<sup>th</sup> of this year). Furthermore, when Ms. Moore requested that Mr. Kiska contribute to the cost of activities and meals for the children over their Christmas break from school last month, he ignored her request despite the fact that he would have incurred the costs of day camps had my client not been available to look after the children on his time as well as her own time. This behaviour is not unlike the summer of 2017.

I have asked you whether or not Mr. Kiska is prepared to pay spousal support of a reasonable amount (i.e. an amount recommended under the spousal support advisory guidelines) and child support based on a set off of the child support each party will owe the other. My client should not have to incur debt on her credit cards or lines of credit OR use her equity in AdvisorOnTrack Inc. ("AOT") to support herself or her children. In the eight (8) months following the parties' 2016 separation, your client only provided \$15,000.00 in support despite having been made fully aware of Ms. Moore's financial situation. The lack of reasonable support throughout 2017 has resulted in my client incurring unnecessary interest charges which, to date, have yet to be offset by cheques provided by Mr. Kiska due to her need to fund basic living expenses.

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I have attached my DIVORCEmate calculation—using the high amount of spousal support (as advised by Justice Trousdale at the previous Settlement Conference), the "With Child Support" formula and my client's actual income for 2017. Your client should have paid mins \$70,504.00 in interim spousal support and \$38,178.00 in child support for the period from November 27, 2016 to January 31, 2018 alone. If Mr. Kiska had made these interim support payments on time, Ms. Moore would not have incurred hundreds of dollars in interest charges.

In order to calculate the specific amount of overall child and spousal support deficiency, kindly provide me with whatever documents your client has care and control of that confirm:

- All amounts that Mr. Kiska has paid to my client since their separation,
- Particulars of what the funds were for, and
- Where the funds came from.

For 2018 and onward, it appears to me that imputing an annual income of \$50,000 to Ms. Moore in a DIVORCEmate calculation is inconsistent with your description of my client today in our telephone conversation as "in every, crazy land". Your client is aware that my client has been actively searching for a full-time work since January of 2014 when the children were then both in school on a full-time basis. Despite her ongoing efforts to find work, her experience and education (which enabled AdvisorOnTrack Inc. to benefit from her ability to invoice at a rate of \$125 per hour for over 12 years), Ms. Moore has been unable to acquire any meaningful employment since January of 2017. She continues to seek out employment opportunities but will be mindful of the costs of childcare and transportation to ensure her income is not exceeded by the costs of earning the income. She will also remain mindful of the needs of the children, especially Cate who requires assistance with schoolwork.

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Mr. Smith, my client is a 50% shareholder of AOT; a company which she began and remains President. She has made several requests to the other 50% shareholder, your client, for access to

her portion of the retained earnings by way of a shareholder loan. Each request has been either ignored completely or acknowledged and then ignored. The process for acquiring funds through a shareholder loan is a simple one: an AOT cheque made payable to my client needs to be signed by both Ms. Moore and Mr. Kiska. Is your client willing to do this or not? Please advise me by 11:00 a.m. on Monday, January 22, 2018.

As you are aware, Ms. Moore has been surviving financially largely on credit as she has received an inappropriate amount of child or spousal support given her inability to obtain a sufficient amount of work, has not had access to her equity in the matrimonial home, the retained earnings of AOT or obtained a shareholder's loan from this corporation. Ms. Moore is trying to hold on to 7 Vanson Avenue so that she won't have to move the children for a third time. To do so, she advised your client that she was transferring funds from the matrimonial home's joint home equity line of credit immediately after each of Mr. Kiska's mortgage payments. She advised Mr. Kiska that she was making these transfers to pay the premiums due on the parties' joint life insurance policy, the matrimonial home insurance policy and his car insurance policy. She was also using funds from the joint account to pay the monthly interest on that line of credit and if there were funds left over that were contributed by your client to the line of credit, my client would use that to make a payment on her credit card.

Shortly after informing Mr. Kiska of this practice, however, Ms. Moore noticed some disturbing behaviour in her **personal** RBC chequing account to which no one else is supposed to have access and the bank cannot explain. Specifically:

- The account number associated with Bell Canada in her payee list was changed from her home account to the one associated with the matrimonial home.
- Mr. Kiska's personal income tax installment account was added to her payee list as evidenced by his S.I.N.
- A City of Ottawa Property Tax account associated with the matrimonial home was added to her payee list.

Did your client or anyone known by him gain access to my client's personal bank account and alter her payee list so that she would unknowingly pay your client's bills? Kindly provide me with a copy of your client's Bell Canada bills from September 1, 2017 to December 31, 2017, inclusively.

Finally, I require copies of the following disclosure from your client:

- For the period from January 1, 2013 on onward:
  - All (no missing pages) personal bank account statements, credit card statements and registered and non-registered investment statements (chequing accounts and savings accounts)
  - For any business other than AdvisorOnTrack Inc., that your client has had or has an interest in: (with no missing pages) all bank account statements, all business credit card statements and all investment statements, a complete copy of the Minute Book, all Corporate Financial Statements and Corporate Tax Returns;

- A Statement indicating all revenue and/or income that he, or a corporation in which he has been or is involved, other than Advisor OnTrack Inc., has generated and/or earned and/or collected since January 1, 2013, including but not limited to accounts receivable and revenue and shareholder loans

I confirm that I have advised you that this matter is not ready to go to trial given the November 16, 2017 decision of the Honourable Justice Summers allowing my client to amend her Answer and Claim by Respondent and accordingly I do not think it is appropriate to attend another Settlement Conference (as opposed to a Case Conference) at this time.

I have advised you that my client is not prepared to enter into mediation. This is due to your client's history of and ongoing emotional, psychological and financial abuse of her, as well as his attempts to alienate the children, her family members and the clients of AdvisorOnTrack Inc. from her and his intentional infliction of mental suffering and emotional distress and his defamation and harassment of her post-separation. Nevertheless, Ms. Moore is open to you and I trying to resolve the issues of custody, time-sharing, child support, spousal support and the equalization of the parties' Net Family Property that we may be able to agree on.

I expect we will be unable to resolve Ms. Moore's civil claims on consent and will have to proceed to a trial on these claims.

Yours truly,

Anne B. Gregory

Enclosure

cc. Ms. Deirdre Moore

No Reply  
T. J. Deirdre

# Tools One 2017

Moore: Calculation #1 Using \$200,000 for husband's income and \$4,000 for wife's income  
Prepared by: Anne B. Gregory  
January 18 2018

## DIVORCEMATE SOFTWARE

### Calculation Input Annual \$

**Jonathan** Male, 57, Resident of ON

**Income**  
Taxable CDN dividends (non eligible) 200,000

**Deirdre** Female, 52, Resident of ON

**Income**  
Employment income 4,000  
(min. wage X 50 full-time)

| Children | Age | Lives with | Table Amt | Claimed by |
|----------|-----|------------|-----------|------------|
| Sean     | 11  | Shared     | Yes       | Deirdre    |
| Cate     | 10  | Shared     | Yes       | Deirdre    |

Youngest child finishes high school 7 years from the date of separation.  
Dependant credit claimed by Deirdre.

Note: This calculation includes dividend and/or capital gains income taxed at a lower rate; the resulting tax savings have been added and grossed up (see CSG, s.19(1)(h)).

Note: This calculation includes amounts that have been grossed-up; this gross-up accounts for income tax only.

### Cautions/Overrides

▲ **Child Support (Table)** - Jonathan's Income over \$150,000; CSG Table Amount may be inappropriate.

| Child Support Guidelines (CSG) | Jonathan | Deirdre |
|--------------------------------|----------|---------|
| Annual Guidelines Income       | 204,180  | 4,000   |
| CSG Table Amount (current)     | 2,727    | 0       |
| Child Support (Table)          | 2,727    | 0       |

| Spousal Support Advisory Guidelines (SSAG) | Monthly \$ |
|--|------------|
| Length of marriage/cohabitation: 20 years  |            |
| Recipient's age at separation: 52 years    |            |

### "With Child Support" Formula

| Low    | Mid   | High  |
|--------|-------|-------|
| 3,269* | 4,512 | 5,036 |

\*Low end of the range extended to include 50/50 split of NDI (as defined by SSAG)

The formula results in a range for spousal support of \$3,269 to \$5,036 per month for an indefinite (unspecified) duration, subject to variation and possibly review.

**SSAG Considerations:** The results of the SSAG formula must be interpreted with regard to: Entitlement; Location within the Ranges; Restructuring; Ceilings and Floors; and Exceptions.

| Support Scenarios                             | Monthly \$ | A. SSAG Low |         | B. SSAG Mid |         | C. SSAG High |         |
|---|------------|-------------|---------|-------------|---------|--------------|---------|
|   |            | Jonathan    | Deirdre | Jonathan    | Deirdre | Jonathan     | Deirdre |
| Gross Income                                  |            | 14,245      | 333     | 14,245      | 333     | 14,245       | 333     |
| Taxes and Deductions                          |            | (1,848)     | (312)   | (1,257)     | (753)   | (1,020)      | (909)   |
| Benefits and Credits                          |            | 26          | 410     | 61          | 292     | 76           | 256     |
| Spousal Support                               |            | (3,269)     | 3,269   | (4,512)     | 4,512   | (5,036)      | 5,036   |
| Child Support (Table)                         |            | (2,727)     | 2,727   | (2,727)     | 2,727   | (2,727)      | 2,727   |
| Net Disposable Income (NDI)                   |            | 6,427       | 6,427   | 5,810       | 7,111   | 5,538        | 7,443   |
| adult in household                            |            |             |         |             |         |              |         |
| child in household                            |            |             |         |             |         |              |         |
| shared/summer child in household              |            |             |         |             |         |              |         |
| Payor's NDI/Contribution                      |            | 50.0%       | 50.0%   | 45.0%       | 55.0%   | 42.7%        | 57.3%   |
| Percent of NDI                                |            | 50.0%       | 50.0%   | 45.0%       | 55.0%   | 42.7%        | 57.3%   |
| CSG Special Expenses Apportioning %           |            | 79.2%       | 20.8%   | 72.1%       | 27.9%   | 69.0%        | 31.0%   |
| After-tax Cost/Benefit of Spousal Support     |            | (1,701)     | 2,964   | (2,353)     | 3,766   | (2,641)      | 4,135   |
| Life Insurance (to secure support)            |            | 244,578     | 0       | 244,578     | 0       | 244,578      | 0       |
| Child Support (CSG Table only)                |            | 1,052,857   | N/A     | 1,337,740   | N/A     | 1,468,814    | N/A     |
| Spousal Support (Deirdre's after-tax benefit) |            | 1,297,435   | 0       | 1,582,317   | 0       | 1,713,392    | 0       |
| Life Insurance Estimate                       |            |             |         |             |         |              |         |

**Net Present Value (NPV) Assumptions:** spousal support duration is indefinite (discounted for Deirdre's life expectancy); child support until age 18; discount rate of 0.5% applied (Indexed - based on the risk-free rate of return currently available from a Long-Term Government of Canada Real Return Bond, which rate effectively indexes support payments for currently anticipated inflation in the CPI over the next 20-30 years); support payments and taxation rates remain constant throughout duration; NPV based on the after-tax cost/benefit of spousal support to the parties; lump sum payment of spousal support assumed to be non-deductible/non-taxable to the Payor/Recipient respectively.

| SSAC Duration Information                                      |     |
|--|-----|
| Years of marriage/cohabitation                                 | 20  |
| Deirdre's age at separation                                    | 52  |
| Years until youngest child finishes high school                | 7   |
| Marriage/cohabitation period of 20 years or more               | yes |
| "Rule of 65" (Deirdre's age plus marriage/cohabitation period) | yes |



| Support Scenario Details (cont'd)     | A. SSAG Low     |                | B. SSAG Mid     |                | C. SSAG High    |                 |
|---------------------------------------|-----------------|----------------|-----------------|----------------|-----------------|-----------------|
| <b>Gross Income</b> Annual \$         |                 |                |                 |                |                 |                 |
| Line 150 Total Income                 | 200,000         | 43,227         | 200,000         | 58,141         | 200,000         | 64,435          |
| Spousal Support Received              | 0               | (39,227)       | 0               | (54,141)       | 0               | (60,435)        |
| Tax Adjustment                        | (29,060)        | 0              | (29,060)        | 0              | (29,060)        | 0               |
| <b>Gross Income (Annual)</b>          | <b>170,940</b>  | <b>4,000</b>   | <b>170,940</b>  | <b>4,000</b>   | <b>170,940</b>  | <b>4,000</b>    |
| <b>Gross Income (Monthly)</b>         | <b>14,245</b>   | <b>333</b>     | <b>14,245</b>   | <b>333</b>     | <b>14,245</b>   | <b>333</b>      |
| <b>Taxes and Deductions</b> Annual \$ |                 |                |                 |                |                 |                 |
| Line 260 Taxable Income               | 160,773         | 43,227         | 145,859         | 58,141         | 139,565         | 64,435          |
| Federal Income Tax                    | (10,999)        | (2,804)        | (6,673)         | (5,713)        | (4,932)         | (7,004)         |
| Provincial Income Tax                 | (11,171)        | (852)          | (8,406)         | (3,236)        | (7,310)         | (3,811)         |
| CPP and EI                            | 0               | (90)           | 0               | (90)           | 0               | (90)            |
| <b>Taxes and Deductions (Annual)</b>  | <b>(22,170)</b> | <b>(3,746)</b> | <b>(15,079)</b> | <b>(9,039)</b> | <b>(12,242)</b> | <b>(10,905)</b> |
| <b>Taxes and Deductions (Monthly)</b> | <b>(1,848)</b>  | <b>(312)</b>   | <b>(1,257)</b>  | <b>(753)</b>   | <b>(1,020)</b>  | <b>(909)</b>    |
| <b>Benefits and Credits</b> Annual \$ |                 |                |                 |                |                 |                 |
| Line 236 Net Income (Family)          | 160,773         | 43,227         | 145,859         | 58,141         | 139,565         | 64,435          |
| Combined Child Benefit (Fed/Prov)     | 308             | 4,507          | 733             | 3,500          | 912             | 3,076           |
| GST/HST Credit(s)                     | 0               | 415            | 0               | 0              | 0               | 0               |
| <b>Benefits and Credits (Annual)</b>  | <b>308</b>      | <b>4,922</b>   | <b>733</b>      | <b>3,500</b>   | <b>912</b>      | <b>3,076</b>    |
| <b>Benefits and Credits (Monthly)</b> | <b>26</b>       | <b>410</b>     | <b>61</b>       | <b>292</b>     | <b>76</b>       | <b>256</b>      |