

Superior Court of Justice Family Court Branch

(Name of court)

at 161 Elgin Street, Ottawa, Ontario K2P 2K1

Court office address

Form 14A: Affidavit
(general) dated

Rule 14(1)3 - Change in
Temporary Order

TM
Feb 5, 2019
TM

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 Ann Moore
1466 Claymor Avenue, Ottawa, Ontario K2C 1S6
Phone 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).

n/r

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. As documented in both the Endorsement section and the Order section of Continuing Record FC-15-2446-0, Deirdre Moore ("Moore") brought a Motion for Interim Support in 2018.
2. Moore believes that the Court relied heavily upon the verbal arguments presented by Mr. Wade Smith of BellBaker LLP ("Smith") in order to reach its decision.
3. Smith represented the Applicant, Jonathan Kiska ("Kiska") throughout the process.
4. The Court decided that Interim Support should be provided to Moore.

5. Kiska was ordered to pay Moore \$345/month in child support. (Please see exhibit D, page 1, paragraph 1)
6. Kiska was ordered to pay Moore \$1,230/month in spousal support. (Please see exhibit D, page 2, paragraph 2.)
7. Kiska claimed that his 2017 taxable income was comprised primarily of eligible dividend income.
8. Mr. Marc Payeur is of the opinion that Kiska's source of income appeared to be from other than eligible dividends. (Please see exhibit A, page 1, item 1), paragraph 4.)
9. In addition, Smith argued that Moore should be imputed an income (of \$30,000/year). (Please see Affidavit # 2 Table of Contents to refer to one of the DivorceMate calculations that was provided.)
10. Moore submits that this imputed income is unfair — under the circumstances — as observed by Mr. Payeur. (Please see exhibit A, page 2, item 2) a).
11. Moore received no dividend income in 2018 nor did she receive any employment income; however, she did deplete her RRSP to \$0 in order to access \$11,561.46. (Please see exhibit B, page 2.)
12. Moore has invoiced only \$1,026 for 2019 as of February 5th. (exhibit C, page 1)
13. Moore respectfully requests that the Court change the Temporary Order for Interim Support.
14. If it pleases the Court, Moore would be grateful for leave to bring a Motion for Summary Judgement as well.

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

Sworn/Affirmed before me at City of Ottawa

municipality

in Ontario

province, state, or country

on

February 5, 2019
(date)

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

[Signature]
Signature

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