



ONTARIO
Superior Court of Justice, Family Court

(Name of Court)

Second St. W., Cornwall, Ontario K6J 1G3

(Court office address)

Court File Number

FC-24-124

Form 8: Application
(General)

Amended with permission of the Court, 12 August, 2024

Applicant(s)

Full legal name **Natashia Lynn Michinski**
Address **15490 Ashburn Road**
Phone & fax
Email **Berwick, ON**
K0C 1G0
Tel: (613) 316-0412

nmichinski@gmail.com

Applicant(s) Lawyer

Name **M. Anne Vespry**
Address **Barrister and Solicitor**
Phone & fax **Suite 642**
Email **99 - 1568 Merivale Road**
Ottawa, Ontario K2G 5Y7
Tel: 613 800 8334
Fax: 613 800 8334
anne@vespry.ca

Respondent(s)

Full legal name **Justin Skyler Zanth**
Address **15490 Ashburn Road**
Phone & fax
Email **Berwick, ON**
K0C 1G0
Tel: 6138980992

skylerzanth@gmail.com

Respondent(s) Lawyer

Name
Address
Phone & fax
Email

TO THE RESPONDENT(S):

A COURT CASE HAS BEEN STARTED AGAINST YOU IN THIS COURT. THE DETAILS ARE SET OUT ON THE ATTACHED PAGES.

☐ **THE FIRST COURT DATE IS** (date) _____ **AT** _____ ☐ **a.m.** ☐ **p.m.** or as soon as possible after that time, at: (address) _____

NOTE: If this is a divorce case, no date will be set unless an Answer is filed. If you have also been served with a notice of motion, there may be an earlier court date and you or your lawyer should come to court for the motion.

☒ **THIS CASE IS ON THE FAST TRACK OF THE CASE MANAGEMENT SYSTEM.** A case management judge will be assigned by the time this case first comes before a judge.

☐ **THIS CASE IS ON THE STANDARD TRACK OF THE CASE MANAGEMENT SYSTEM. No court date has been set for this case** but, if you have been served with a notice of motion, it has a court date and you or your lawyer should come to court for the motion. A case management judge will not be assigned until one of the parties asks the clerk of the court to schedule a case conference or until a motion is scheduled, whichever comes first.

IF, AFTER 365 DAYS, THE CASE HAS NOT BEEN SCHEDULED FOR TRIAL, the clerk of the court will send out a warning that the case will be dismissed within 60 days unless the parties file proof that the case has been settled or one of the parties asks for a case or a settlement conference.

IF YOU WANT TO OPPOSE ANY CLAIM IN THIS CASE, you or your lawyer must prepare an Answer (Form 10 — a blank copy should be attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service (Form 6B). **YOU HAVE ONLY 30 DAYS AFTER THIS APPLICATION IS SERVED ON YOU (60 DAYS IF THIS APPLICATION IS SERVED ON YOU OUTSIDE CANADA OR THE UNITED STATES) TO SERVE AND FILE AN ANSWER. IF YOU DO NOT, THE CASE WILL GO AHEAD WITHOUT YOU AND THE COURT MAY MAKE AN ORDER AND ENFORCE IT AGAINST YOU.**

Check the box of the paragraph that applies to your case

☐ This case includes a claim for support. It does not include a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

☐ This case includes a claim for property or exclusive possession of the matrimonial home and its contents. You **MUST** fill out a Financial Statement (Form 13.1 – a blank copy attached), serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service even if you do not answer this case.

IF YOU WANT TO MAKE A CLAIM OF YOUR OWN, you or your lawyer must fill out the claim portion in the Answer, serve a copy on the applicant(s) and file a copy in the court office with an Affidavit of Service.

- If you want to make a claim for support but do not want to make a claim for property or exclusive possession of the matrimonial home and its contents, you **MUST** fill out a Financial Statement (Form 13), serve a copy on the applicant(s) and file a copy in the court office.
- However, if your only claim for support is for child support in the table amount specified under the Child Support Guidelines, you do not need to fill out, serve or file a Financial Statement.
- If you want to make a claim for property or exclusive possession of the matrimonial home and its contents, whether or not it includes a claim for support, you **MUST** fill out a Financial Statement (Form 13.1, not Form 13), serve a copy on the applicant(s), and file a copy in the court office.

You can file documents in person at a courthouse or online by visiting www.Ontario.ca/familyclaims.

YOU SHOULD GET LEGAL ADVICE ABOUT THIS CASE RIGHT AWAY. If you cannot afford a lawyer, you may be able to get help from your local Legal Aid Ontario office. (See your telephone directory under **LEGAL AID**.)

Date of issue

Clerk of the court

Amended with permission of the Court, 12 August, 2024

FAMILY HISTORY

APPLICANT: Age: 32 Birthdate: (d, m, y) 03/21/1992
 Resident in (municipality & province) Berwick, Province of Ontario since (date) _____
 First name on the day before the marriage date: _____
 Last name on the day before the marriage date: _____
 Gender on the day before the marriage date:
☐ Male ☒ Female ☐ Another gender
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

RESPONDENT: Age: 35 Birthdate: (d, m, y) 06/15/1988
 Resident in (municipality & province) Berwick, Province of Ontario since (date) _____
 First name on the day before the marriage date: _____
 Last name on the day before the marriage date: _____
 Gender on the day before the marriage date:
☒ Male ☐ Female ☐ Another gender ☐ Gender information not available
 Divorced before? ☐ No ☐ Yes (Place and date of previous divorce)

RELATIONSHIP DATES:

☐ Married on (date) _____ ☒ Started living together on (date) 12/01/2016
☒ Separated on (date) August 2023 ☐ Never lived together ☒ Still living together

THE CHILD(REN): List all children involved in this case, even if no claim is made for these children.

Full legal name	Age	Birthdate (d, m, y)	Resident in (municipality & province)	Now Living with (name of person and relationship to child)

PREVIOUS CASES OR AGREEMENTS

Have the parties or the children been in a court case before?

☒ No ☐ Yes

Have the parties made a written agreement dealing with any matter involved in this case?

☒ No ☐ Yes (Give date of agreement. Indicate which of its items are in dispute.)

Has a Notice of Calculation and/or a Notice of Recalculation been issued by the online Child Support Service in this case?

☒ No ☐ Yes (Give date(s) of Notice(s) of Calculation or Recalculation.)

If yes, are you asking the court to make an order for a child support that is different from the amount set out in the Notice?

☐

No

☐

Yes (Provide an explanation.)

Have the parties arbitrated or agreed to arbitrate any matter involved in this case?

☒

No

☐

Yes (Give date of agreement and family arbitration award, if any.)

CLAIM BY APPLICANT

I ASK THE COURT FOR THE FOLLOWING: (Claims below include claims for temporary orders.)

Claims under the <i>Divorce Act</i> (Check boxes in this column only if you are asking for a divorce and your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)	Claims under the <i>Family Law Act</i> or <i>Children's Law Reform Act</i>	Claims relating to property (Check boxes in this column only if your case is in the Superior Court of Justice or Family Court of the Superior Court of Justice.)
00 <input type="checkbox"/> a divorce	10 <input type="checkbox"/> support for me	22 <input type="checkbox"/> equalization of net family properties
01 <input type="checkbox"/> support for me	11 <input type="checkbox"/> support for child(ren) – table amount	23 <input type="checkbox"/> exclusive possession of matrimonial home
02 <input type="checkbox"/> support for child(ren) – table amount	12 <input type="checkbox"/> support for child(ren) – other than table amount	24 <input type="checkbox"/> exclusive possession of contents of matrimonial home
03 <input type="checkbox"/> support for child(ren) – other than table amount	13 <input type="checkbox"/> decision-making responsibility for child(ren)	25 <input type="checkbox"/> freezing assets
04 <input type="checkbox"/> decision-making responsibility for child(ren)	14 <input type="checkbox"/> parenting time with child(ren)	26 <input type="checkbox"/> sale of family property
05 <input type="checkbox"/> parenting time with child(ren)	15 <input checked="" type="checkbox"/> restraining/non-harassment order	
06 <input type="checkbox"/> contact with child(ren) (this requires court leave)	16 <input type="checkbox"/> indexing spousal support	
	17 <input type="checkbox"/> declaration of parentage	
	18 <input type="checkbox"/> guardianship over child's property	
	19 <input type="checkbox"/> contact with child(ren) (this does not require court leave)	
	20 <input type="checkbox"/> wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada under the Convention on the Civil Aspects of International Child Abduction	
	21 <input type="checkbox"/> wrongful removal to or retention of child(ren) in Ontario involving a country outside Canada NOT under the Convention on the Civil Aspects of International Child Abduction	
Other claims		
30 <input checked="" type="checkbox"/> costs	50 <input checked="" type="checkbox"/> Other (Specify.)	
31 <input type="checkbox"/> annulment of marriage	An Order, enforceable by the Ontario Provincial Police, that the	

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- 32 ☒ prejudgment interest
- 33 ☐ claims relating to a family arbitration

Respondent must vacate the home owned by the Applicant.

Give details of the order that you want the court to make. (Include any amounts of support (if known) and the names of the children for whom you are claiming decision-making responsibility, parenting time, or contact in this case.)

1. An Order, enforceable by the Ontario Provincial Police, restraining the Respondent, Justin Skyler Zanth, from contacting the Applicant by phone, text, or email, and also restraining the Respondent from attending at the home located at 15490 Ashburn Road in Berwick, Ontario.
2. An Order, enforceable by the Ontario Provincial Police, that the Respondent must vacate the family home owned by the Applicant.

In the alternative:

3. An Order under the Courts of Justice Act, s. 96(1), and the common law Tort of Trespass issuing a Writ of Possession regarding the property at 15490 Ashburn Road in Berwick, Ontario in favour of the Applicant as against the Respondent, to take effect within two weeks of the Order being made. The Respondent shall vacate the Property on or before the date the Order takes effect. The Applicant shall have exclusive possession of the Property thereafter.

~~IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE~~

- ☐ **~~Separation:~~** The spouses have lived separate and apart since (date) _____ and ☐ have not lived together again since that date in an unsuccessful attempt to reconcile. ☐ have lived together again during the following period(s) in an unsuccessful attempt to reconcile: (Give dates.)
- ☐ **~~Adultery:~~** The respondent has committed adultery. (Give details. It is not necessary to name any other person involved but, if you do name the other person, then you must serve this application on the other person.)
- ☐ **~~Cruelty:~~** The respondent has treated the applicant with physical or mental cruelty of such a kind as to make continued cohabitation intolerable. (Give details.)

IMPORTANT FACTS SUPPORTING MY OTHER CLAIM(S)

(Set out below the facts that form the legal basis for your other claim(s).)

1. I am the sole owner of the house located at 15490 Ashburn Road in Berwick, Ontario.
2. Since September 2019, the Respondent has lived with me in what is now a common law relationship – we never married.

3. In August 2023, the Respondent and I broke up.
4. The Respondent has refused to move out of my house.
5. I have asked the Respondent to leave on several occasions, including giving him a no trespass notice.
6. I have told the Respondent that if he continues to live in my house he will owe rent, but he has stated that he has no interest in paying for anything.
7. Unfortunately, the police have viewed this as a “domestic” issue, and have refused to enforce the notice.
8. I have temporarily removed myself from my house as I was not feeling safe around the respondent, and I worried about the safety of my dog alone with him during the day.
9. Since I left, the Respondent has engaged in email harassment, sending numerous emails with threats and unfounded claims that he has a right to half the value of my property.
10. I ~~do not have, and~~ cannot afford, ~~a second residence,~~ paying for two residences. I need to return to my house and I fear for my safety.

APPLICANT'S CERTIFICATE

(Your lawyer, if you are represented, must complete the Lawyer's Certificate below.)

Sections 7.1 to 7.5 of the *Divorce Act* and section 33.1 of the *Children's Law Reform Act* require you and the other party to:

- Exercise your decision-making responsibility, parenting time, or contact with a child in a manner that is consistent with the child's best interests;
- Protect the child from conflict arising from this case, to the best of your ability;
- Try to resolve your family law issues by using out-of-court dispute resolution options, if it is appropriate in your case *(for more information on dispute resolution options available to you, including court-connected mediation, you can visit the [Ministry of the Attorney General's website](#) or www.stepstojustice.ca)*;
- Provide complete, accurate, and up-to-date information in this case; and
- Comply with any orders made in this case.

I certify that I am aware of these duties under the *Divorce Act* and the *Children's Law Reform Act*.

May 1, 2024
Date of signature

Applicant's signature

LAWYER'S CERTIFICATE

My name is: M. Anne Vespry

and I am the applicant's lawyer in this case. I certify that I have complied with the requirements of section 7.7 of the *Divorce Act* and section 33.2 of the *Children's Law Reform Act* regarding reconciliation and the duty to discuss and inform.

May 1,, 2024

Date

Lawyer's signature



For information on accessibility of court services for people with disability-related needs, contact:

Telephone: 416-326-2220 / 1-800-518-7901 TTY: 416-326-4012 / 1-877-425-0575



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