

Superior Court of Justice, Family Court

(Name of court)

at **29 Second St. W., Cornwall, Ontario K6J 1G3**

Court office address

Court File Number

FC-24-124

Form 14: Notice of Motion

Applicant(s)

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

Natashia Lynn Michinski
15490 Ashburn Road
Berwick, ON
K0C 1G0
Tel: (613) 316-0412
nmichinski@gmail.com

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

M. Anne Vespry
Barrister and Solicitor
Suite 642
99 - 1568 Merivale Road
Ottawa, Ontario K2G 5Y7
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Respondent(s)

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

Justin Skyler Zanth
15490 Ashburn Road
Berwick, ON
K0C 1G0
skylerzanth@gmail.com

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

The person making this motion or the person's lawyer must contact the clerk of the court by telephone or otherwise to choose a time and date when the court could hear this motion.

TO THE PARTIES:

THE COURT WILL HEAR A MOTION on (date)

at, **or as soon as possible after that time, at (place of hearing)**

This motion will be made by (name of person making the motion) **Justin Skyler Zanth**

who will be asking the court for an order for the item(s) listed on page 2 of this notice.

☐ A copy of the affidavit(s) in support of this motion is/are served with this notice.

☐ A notice of a case conference is served with this notice to change an order.

If this material is missing, you should talk to the court office immediately.

The person making this motion is also relying on the following documents in the continuing record: (List documents.)

- 1) Request of information - Loan provider
 - Email requesting the information
 - Screenshot of email correspondence showing a lack of response to the question
- 2) Strike of pleading - Restraining order
 - Police report(currently not in my possession)
 - Screenshot of inbox showing a list of emails sent during the month of may
 - Emails sent during the month of May
 - Audio recording(I don't know how to submit through a document)
 - GPS data(I do not have this as it is in Natashias possession but this information would be critical in proving she was at our residence.)
 - Photo of Natasha on property with no vehicle
- 3) Strike of pleading - Order of removal from premises
 - Disability certificate
 - First Refinancing Contract(if space allows me, but can be provided at the hearing)
 - Second Refinancing Contract(if space allows me, but can be provided at the hearing)
 - Email correspondence between Natasha and refinancing company
 - Initial payment for our home
 - Text message sent in April asking if we are separating due to her actions
 - Screenshots of text messages sent during the month of August 2023
 - Non-court ordered notice of no trespass
 - Proof we tried to finance with both of our names before, multiple times(I have one piece of evidence regarding this currently, I'm waiting for more to come into my possession because I know we tried to refinance through my usual contact as well)
 - Paperwork needed to refinance on prior attempts

If you want to oppose this motion or to give your own views, you should talk to your own lawyer and prepare your own affidavit, serve it on all other parties and file it at the court office not later than 4 days before the date above. Only written and affidavit evidence will be allowed at a motion unless the court gives permission for oral testimony. You may bring your lawyer to the motion.

IF YOU DO NOT COME TO THE MOTION, THE COURT MAY MAKE AN ORDER WITHOUT YOU AND ENFORCE IT AGAINST YOU.

Date of signature

Signature of person making this motion or of person's lawyer

Typed or printed name of person or of person's lawyer, address for service, telephone & fax numbers and e-mail address (if any)

NOTE TO PERSON MAKING THIS MOTION: You **MUST** file a confirmation (Form 14C) not later than 2:00 p.m. 3 days before the date set out above.

If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this notice on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for costs against you.

Court File Number

State the order or orders requested on this motion.

This motion is for:

- 1) Request of information - Loan provider
- 2) Strike of pleading - Restraining order
- 3) Strike of pleading - Order of removal from premises
- 4) Request of information - Evidence pertaining to her support of claims

The grounds for the motion are:

1) Request of information - Loan provider

Applicant refusing to respond to questions about the loans I have. For the last 3 years we have lived at our home, she was in control of the finances. At this time, to my understanding, the loan in question has not been paid since the start of our separation for the last 3 months and I'm worried that my vehicle will be repossessed in order to satisfy the late payments. At the start of the separation the applicant, due to the circumstances, informed me that she would be paying the loan till our separation has concluded. Multiple times, the applicant and her counsel informed me that the separation would take less than a week to conclude and I should start packing. Obviously, this is not the case. Our home is an hour outside of Ottawa, and the nearest town is a 7 hour round trip walk. As you can see a vehicle is necessary where we live.

2) Strike of pleading - Restraining order

The applicant does not fear me, or fear being around me. I have never abused/harassed the applicant in any way, mental or physical. This false claim is a calculated maneuver to damage my reputation, credibility, and livelihood. To prove this false, I would like to submit a police report as evidence. At this time I still have not received the police report that I requested through the information of freedom act, but I'm sure it can be produced quickly at the hearing. The event took place on May 8th and I was provided the report number E240569999. I had called the authorities on the applicant because she vacated the premises more than 30 days prior, and I did not know what to do as she was there taking items from the property. I had called the authorities for guidance but because of the matter at hand they immediately dispatched officers to the scene. Once they arrived we were both questioned. During my questioning I had informed the officer what was happening and what can be done in this situation. The officer told me that since her name is on the title, they can't remove her even if she hasn't lived there for more than 30 days. At this time I had also asked about making a report on a stolen item that went missing, because I did not have video proof of the act, I couldn't submit a report. I also inquired about bringing charges of mental abuse forward and to have a restraining order on Natasha, the officer responded with, "We are not equipped to deal with such matters". The officer was supposed to have someone reach out to me about this, but never got any correspondence. After I was questioned, the officer asked if she feared for her safety with me, she responded that she did not and that she does not fear me in any way. And that she would remain on the premises to continue packing and removing things after the police officers had left.

On the contrary Natasha has mentally abused me for years, seeking me out to instigate fights where she blames, shames, criticizes me and more for various reasons but the subject matter never mattered even if it was contradictory to the subject matter from a previous interaction. Even during our separation these events took place regularly. For example I was home sick with food poisoning, I was on the couch watching tv in the living room, where she had no belongings left to take and in a part of the house that was far from anything she planned to take. Obviously I was not in the condition to start something, but she entered the living room and instigated a fight. I have an audio recording of the event that I'm more than happy to share, during this audio recording I also asked for her to clarify and give me events that took place where I had harassed and/or abused her, she could not come up with such an event.

Later in the document she claims I harassed her by email, we discussed this during that audio recording and she did not call it harassment. She called it scattered emails, which I will go into later.

I was unaware of the abuse she did against me till after our relationship and discussed it with a friend because during our relationship Natasha asked me not to talk to anyone regarding our relationship, good or bad, because she wasn't. Out of respect and love I complied.

Being a man I was never taught how to recognize these events, and just took everything on the chin. There were night's where my mental state couldn't handle these events to the point I would beg her not to start, or if my mental state deteriorated to the point I couldn't take it any longer I would beg her to stop. Typically she wouldn't but for example one night I begged her not to start and she just stared at me for several minutes not talking, turned quickly and ran around the entire house and came back to me telling me everything I had done wrong and threatened that it needed to be taken care of before I went to bed.

If she fears for her safety so much to request this of the court, then why did she come to the residence after separating almost daily to pack and remove things from the property once we separated?

She threatened to change the locks, so I asked for a leave of absence(2 weeks into our separation) from work to deal with the separation. So at this time I was home every day, and she still came over every day. Most days she was here she instigated fights and we can prove she was here by the gps data on her phone as she has a up to date modern Iphone that records every where you go in order to provide you services.

To further prove this to be an unneeded request, the first night of our separation I called the authorities on Natasha because she took my dog Oliver. The authorities came, there was no evidence that I was abusing her and they happily left to go to their next call. The same thing happened during the call I talked about earlier.

I will also submit a photo, where Natasha had driven her lawn mower from an unknown place of origin to the house. She had no way of escaping if I had become aggressive or abusive because she had no vehicle there. This is not the type of behaviour of someone in fear. This event took place Friday June 14th of this year. It shows her on the property by the driveway where her vehicle is not seen. I also witnessed the applicant driving down the road on her lawn mower once she was done.

In regards to the scattered emails, I'm mentally disabled with ADHD(registered with the federal government) and autism. The applicant has been aware of this since we started dating 8 or 9 years ago. In an effort not to forget any matter or detail in regards to this case, as soon as something important came up I would email her or her counsel. Natasha is used to this type of behaviour because we both worked on making my memory better. This claim is weaponizing my disability against me in order to strengthen her claims against me. Natasha works in the medical industry, and has received training to deal with patients, even ones with disabilities. Instead of using this training to help our situation, she used it to help abuse me for the last 3 years of our relationship. I say 3 years because I cannot remember events like this taking place before that time. I will submit all correspondence from the month of may to prove this, as I already included it in my answer. You will notice every email had a reason and I was not looking to instigate anything with Natasha. The last mail I sent that month to her was in regards to finding a solution for our separation. Once she learned that I was looking for a fair solution, she stopped responding. 9 days before that, I inquired about an account with a lien on the home that went into arrears. 2 days prior to that, I had another notice about the account in arrears and sent it to her. May 22nd I asked if she stopped making payments on the car, and asked which company it was with. 3 days prior to that, I emailed about a possible offer we were talking about in person when she came by the house. During the month of may I reached out to her 12 times, by email. I do not have a phone so I cannot text or call her. I do not know where she is currently residing so I cannot just show up at her residence. As you can see, I have not harassed or abused her in any way, even in the eyes of the police officers that had come by. If more evidence is needed, I can submit it.

3) Strike of pleading - Order of removal from premises

The applicant claims to exclusive ownership of the home, this is false. I will explain in 3 different ways as to how this is false.

1) At the time of signing, I was not in the right state of mind. I was still attempting to recover mentally from my recent medical diagnosis. I was depressed, distraught, experiencing severe anxiety, and had attempted suicide multiple times. On the day of signing, my mental state was particularly poor. During the session, I was not fully present; I sat out most of it while the lawyer explained everything to Natasha. I only joined the session briefly to sign the documents and requested a quick explanation. I was told that we were putting the house in her name to satisfy the bank's requirements, and that in the event of a separation, the house would remain jointly owned. I have now discovered this was not the case. Natasha was aware of my mental state at the time, as she had previously advised me to take time off work to address my issues. Despite my concerns about our financial situation, she convinced me that we could afford it. To avoid straining our relationship, I compartmentalized my struggles. If Natasha disputes my mental health condition at that time, I can obtain a written statement from my doctor. From my years in sales, I know that a contract is not valid if the signer is not in the right state of mind, such as being intoxicated or under duress. This scenario meets those requirements, making the contract invalid if it states anything other than a 50/50 financial split of our family home, as it was before the contract.

2): In the event the court does not accept my mental state at the time of signing, I must clarify my intentions. When we refinanced the home, it was to pay off debt and improve our lives. It was not clearly explained to me, and I never intended to completely sign over my financial share of the home to Natasha. Given the frequency of failed relationships, doing so would be financially irresponsible. We had previously refinanced the home without issues (see First Refinancing Contract from answer), and there were no problems when we initially bought the house (see Original Purchase Agreement For Ashburn Rd from answer). At that time, I completely trusted Natasha. I don't know if she had been planning this all along or is now taking advantage of the situation. I do know she was planning the separation for some time based on her actions leading up to it. She began removing items from the property before her vacation, cleaned out our joint checking account, and served me a notice of no trespass immediately upon her return. It took me two and a half weeks to contact legal aid, only to find out I didn't qualify. Drafting the notice must have taken her lawyer some time. Given the circumstances, legally a resulting trust would be in effect. The contract was explained to me as being required by the bank, and no money was transferred to me. Further proof of this can be shown through the fact that we tried to refinance prior without success multiple times and each time tried to include me on the title, I will submit proof of one of the times as evidence. Natasha is attempting to take advantage of a situation of unjust enrichment (see Second Refinancing Contract to prove no money was transferred). With accordance to the law, the only fair settlement is for Natasha to return 50% of the financial value of the home to me once it is sold. As she was only to hold it for me to appease the bank's requirements. If needed I do have a large pdf with various supporting documents.

3) When my wages started to get garnished, due to the refinancing, we had to prove that I did not receive any funds from the refinancing. Natasha forwarded me a ledger to support this. In that email exchange Natasha explains to the refinance company why we are refinancing. That we were only refinancing to better our financial situation and that's it. She also refused, without my knowing, legal counsel for me as we were not separating. This was to only appease the requirements set forth from the bank because it was the bank's idea to have me off of the title, not Natashias. From these events it proves our intentions at the time, that the house was still both ours and not just hers and we would still both live there since we were still planning to get married, once our financial situation improved, and in the event of a separation, we would both get 50% of the sale of the house proceeds. Again a resulting trust is in place. Not only that but in the refinance contract Natasha signed off on, it states that I'm her spouse. Along with that there are a number of other questionable irregularities with the contract.

I will mention this here, as it shows her support of her claims, to be false.

- The first initial cheque to purchase the home was in my name, from my account, I have supporting evidence.
- I can also produce supporting evidence that I was the one who did all of the work to purchase the home, as every receipt/email was in my name. I did this because Natasha worked overnight at the hospital and I wanted her to get as much sleep as possible.(Evidence in large pdf.)
- I was in control of the finances for the first 3 years of our time in our home, so every bill was in my name. If it was just her house, this would not have happened.(Evidence in large pdf.)
- We did not separate in August of 2023, but in April of 2024, I have supporting evidence. She informed me of our separation through a non-court ordered notice of no trespass to our family home. Given to me on April 6th 2024 when she returned from her unannounced vacation.
- I have not refused to leave, I informed her and her counsel I would leave once a separation agreement was signed. As I can no longer trust her, how does she expect me to trust that she will keep to her word at this point? Evidence of this is in our offers of settlement. At this time it has come to my attention that I do not have anywhere to go and would be living on the street if removed before the sale of our family home. Natasha emptied our joint account, which my pay deposited into, right before she left on an unannounced vacation.
- She threatens to charge me rent, but yet does not follow any rule/guideline/law set forth by the landlord and tenant act. When she first threatened me with this, the day after our separation. Among other laws, not once did she give me notice that she was coming over to enter the residence to take things. A landlord needs to provide 24-48 notice to enter the domicile.(GPS data will be used as evidence as she was here, and she cannot provide a notice to enter because I never received one)

- She can't afford a second place? Yet she has the means to live outside of our residence, along with storing every item she has taken from the house? The house is quite large, and she has taken almost everything, so storing that level of possessions takes a lot of space. The separation started on April 6th, due to the time and amount of items taken from the property. I'm assuming she is already living at her next residence. The reason she took so much is because we had a verbal agreement neither one of us would remove anything without the other being there. She broke this agreement the following day, Monday, as I was at work. She continued this behaviour till there was nothing else for her to take, even all the food after she made sure I had no money for the separation.

4) Request of information - Evidence pertaining to her support of claims

As you can see she has bullied/threatened me to leave our family home in multiple ways. She has yet to provide any evidence to support any of her claims. She has not verbally or in writing told me, even when requested. I'm asking the court to order Natasha to provide evidence to support her claims, as almost all of them are false.

I am self representing so I do not know where or how to ask for this but in my answer I go over how to settle this separation in a fair manner. How can we move forward with this? Some of the points are important, like the restraining order I would like against Natasha. Thankfully once her counsel found out the gps data can be used against her, she stopped entering the residence, but this only happened for the last 2 weeks, meanwhile she still comes to the property even to this day.

The following documentary evidence will be used at the hearing of the motion:

- 4) Request of information - Loan provider
 - Email requesting the information
 - Screenshot of email correspondence showing a lack of response to the question
- 5) Strike of pleading - Restraining order
 - Police report(currently not in my possession)
 - Screenshot of inbox showing a list of emails sent during the month of may
 - Emails sent during the month
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 - GPS data(I do not have this as it is in Natashias possession but this information would be critical in proving she was at our residence.)
 - Photo of Natasha on property with no vehicle
- 6) Strike of pleading - Order of removal from premises
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