

**Superior Court of Justice, Family Court**

(Name of Court)

Court File Number

**FC-24-124****at 29 Second St. W., Cornwall, Ontario K6J 1G3**

(Court office address)

**Form 10A: Reply by**☒**applicant**☐**added respondent****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****Tel: 613 800 8334****Fax: 613 800 8334****anne@vespry.ca****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****Tel: 6138980992****skylerzanth@gmail.com***Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***Self Represented****INSTRUCTIONS: Financial Statement**

COMPLETE A FINANCIAL STATEMENT (Form 13) IF:

- you are making or responding to a claim for spousal support; or
- you are responding to a claim for child support; or

You must complete all parts of the form **UNLESS** you are **ONLY** responding to a claim for child support in the table amount specified under the Child Support Guidelines **AND** you agree with the claim. In that case, only complete Parts 1, 2 and 3.

COMPLETE A FINANCIAL STATEMENT (Form 13.1) IF:

- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents; or
- you are making or responding to a claim for property or exclusive possession of the matrimonial home and its contents together with other claims for relief.

**TO ALL PARTIES:**

- 1. My name is** (full legal name) Natashia Lynn Michinski
- 2. I agree with the following claim(s) made by the respondent in his/her answer:** (Refer to the numbers alongside the boxes in the Answer, Form 10.)  
none
- 3. I do not agree with the following claim(s) made by the respondent in his/her answer:** (Again, refer to the numbers alongside the boxes in the Answer, Form 10.)  
15, 22, 26, 50
- 4. ☒ I am asking that the respondent's claim (except for the parts with which I agree) be dismissed with costs.**

5. The important facts supporting my position in paragraph 3 are as follows: *(In numbered paragraphs, set out the reasons for your position.)*
1. I do not agree with the respondent's claim, 15, for a restraining order against me because:
    - a. The respondent is living in my home.
    - b. The respondent refuses to make payments for occupation rent, utilities, or contributions towards the mortgage, and as such is not in the position of being a tenant who has a legal right to exclude me as landlord.
    - c. The respondent takes no care for the home: he leaves food waste around, does not pick up and rarely takes out garbage, does not flush or clean bathroom, and does not mow the lawn or do any upkeep of the external property. I have to attend at my home to make sure that it remains in sanitary condition. As it is, to put the house in a saleable condition once the respondent has moved out is likely to require extensive professional cleaning.
    - d. I have removed some of my property from the home, but I have not threatened or abused the respondent.
  2. I do not agree with the claims, 22 and 26, for equalization of Net Family Property and sale of Family Property because:
    - a. The respondent and I were never married, and there is therefore no Family Property.
    - b. The respondent and I cohabited between December 1, 2016 and August 2023. During the latter part of that cohabitation, we were common law partners as per Canada Revenue and properly filed taxes as such. This does not create "Family Property".
    - c. The house at 15490 Ashburn Road, in Berwick, ON was purchased in September 2019 entirely from my lottery winnings and a gift of \$5,000 from my mother. I agreed to add the respondent on title as at that time I thought I could trust him to contribute to the home. At no time has the respondent contributed more to the home than would be reasonable for room and board.

d. When it was time to renegotiate the mortgage in August 2023, the respondent was dealing badly with his own personal debt and I did not want to risk that attaching to my home. He had also by that time stopped making contributions towards the mortgage, and there did not seem to be any legal reason to retain his name on title. The mortgage was renegotiated, and title was reassigned, and the house became fully mine.

3. I do not agree with the claim, 50, for, among other things:

“5. Replacement cost of item's taken before an agreement of separation was finalized.”

a. The claim regarding “item’s taken” is for items owned by me including items I purchased, and items gifted to me by my family. The respondent has moved my possessions to the front porch and garage, and since he moved my possessions, several items have disappeared including an heirloom clock, and tools purchased for me by my father and step mother.

“6. Restitution of lost wages.”

b. The applicant has not prevented the respondent from working, and has throughout the relationship supported the respondent in keeping his employment, including by assisting in financing his car, and paying for his gas to attend at work.

“7. If restraining order is not put in effect, freedom from the other.”

c. The respondent can have immediate freedom from the applicant merely by moving out of her home.

“8. Debt incurred during relationship.”

d. The parties are not married, they own no joint property, and they have no joint debt. There is one debt for windows in the home that was taken out in the respondent’s name. The applicant has made several attempts to assume or pay off that loan, however the lender wishes the respondent to sign an assignment form so that the applicant can make payments. The respondent has admitted to receiving a copy but appears not to have completed or returned it

to the financing company.

“8: (sic) Other matters pertaining to the sale of the house.”

- e. These other matters are unknown to the applicant; however, it is her position that the respondent must give vacant possession – pursuant to a Writ of Possession if necessary – so that the applicant’s home can be sold forthwith.

“9. Breach of contract penalty.”

- f. The applicant has not entered into any contracts with the respondent during their cohabitation. The only post-cohabitation contract that the applicant is aware of was for the transfer of ownership of the dog, Oliver, and that contract is fully completed and discharged.

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

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18 June 2024

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*Date of signature*

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*Signature*

1. I agree with the following claim(s) made by the respondent:

***Under the Divorce Act***

- 00 ☐ a divorce  
 01 ☐ support for me  
 02 ☐ support for child(ren) – table amount  
 03 ☐ support for child(ren) – other than table amount  
 04 ☐ decision-making responsibility for child(ren)  
 05 ☐ parenting time with child(ren)  
 06 ☐ contact with child(ren) (*this requires court leave*)

***Family Law Act or Children's Law Reform Act***

- 10 ☐ support for me  
 11 ☐ support for child(ren) – table amount  
 12 ☐ support for child(ren) – other than table amount  
 13 ☐ decision-making responsibility for child(ren)  
 14 ☐ parenting time with child(ren)  
 15 ☐ restraining/non-harassment order  
 16 ☐ indexing spousal support  
 17 ☐ declaration of parentage  
 18 ☐ guardianship over child's property  
 19 ☐ contact with child(ren) (*this does not require court leave*)

***Claims relating to property***

- 20 ☐ equalization of net family properties  
 21 ☐ exclusive possession of matrimonial home  
 22 ☐ exclusive possession of contents of matrimonial home  
 23 ☐ freezing assets  
 24 ☐ sale of family property

***Other claims***

- 30 ☐ costs  
 31 ☐ annulment of marriage  
 32 ☐ prejudgment interest  
 33 ☐ claims relating to a family arbitration

***Claims relating to child protection***

- 40 ☐ access  
 41 ☐ lesser protection order  
 42 ☐ return of child(ren) to my care  
 43 ☐ place child(ren) into care of (*name*)  
 44 ☐ interim society care and custody for \_\_\_\_\_ months  
 45 ☐ society supervision of my child(ren) for \_\_\_\_\_ months

50 ☐ other

2. I do NOT agree with the following claims made by the respondent:

***Under the Divorce Act***

- 00 ☐ a divorce  
 01 ☐ support for me  
 02 ☐ support for child(ren) – table amount  
 03 ☐ support for child(ren) – other than table amount  
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