

Superior Court of Justice, Family Court

(Name of Court)

at 440 Kent St. W Lindsay, Ontario K9V 6K2

(Court office address)

Court File Number

Form 8: Application
(General)

Applicant(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Katerina Smith 1 Main St. Canada, Toronto, ON 111-111-1111 fl9_na_nk@a.com</p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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Respondent(s)

<p><i>Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p> <p>Alex Smith 123 Main Canada, Toronto, ON 222-222-2222 b@b.com</p>	<p><i>Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).</i></p>
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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 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

FAMILY HISTORY**APPLICANT:** Age: 33 Birthdate:(d, m, y) December 5, 1986Resident in (municipality & province) Toronto, ON, Canadasince(date) April 2014Surname at birth: SmithSurname just before marriage: KostrioukovaDivorced before? ☒ No ☐ Yes (Place and date of previous divorce)**RESPONDENT:** Age: 32 Birthdate:(d, m, y) December 19, 1987Resident in (municipality & province) Toronto, ON, Canadasince(date) June 2013Surname at birth: SmithSurname just before marriage: SmithDivorced before? ☒ No ☐ Yes (Place and date of previous divorce)**RELATIONSHIP DATES:**☒ Married on (date) September 3, 2010 ☒ Started living together on (date) September 10, 1998☒ Separated on (date) September 1, 2020 ☐ 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> <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.)</i>	Claims under the <i>Family Law Act</i> or <i>Children's Law Reform Act</i>	Claims relating to property <i>(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.)</i>
00 <input checked="" type="checkbox"/> a divorce	10 <input checked="" type="checkbox"/> support for me	20 <input checked="" type="checkbox"/> equalization of net family Properties
01 <input checked="" type="checkbox"/> support for me	11 <input type="checkbox"/> support for child(ren) – table Amount	21 <input checked="" 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	22 <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"/> custody of child(ren)	23 <input type="checkbox"/> freezing assets
04 <input type="checkbox"/> custody of child(ren)	14 <input type="checkbox"/> access to child(ren)	24 <input checked="" type="checkbox"/> sale of family property
05 <input type="checkbox"/> access to child(ren)	15 <input checked="" type="checkbox"/> restraining/non - harassment Order	
	16 <input checked="" type="checkbox"/> indexing spousal support	
	17 <input type="checkbox"/> declaration of parentage	
	18 <input type="checkbox"/> guardianship over child's Property	
Other claims		

30	<input checked="" type="checkbox"/>	costs	50	<input checked="" type="checkbox"/>	Other (Specify.)
31	<input type="checkbox"/>	annulment of marriage			See below
32	<input type="checkbox"/>	prejudgment interest			
33	<input type="checkbox"/>	claims relating to a family arbitration			

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 support, custody or access is claimed.)

1. A Divorce
2. A temporary and permanent Order requiring the Respondent to pay to the Applicant ongoing periodic spousal support, including but not limited to, compensatory spousal support, that is commensurate with their income and the *Spousal Support Advisory Guidelines* in accordance with subsections 15.2(1) and 15.2(2) of the *Divorce Act* and/or subsections 33(1) and 34(1)(a) of the *Family Law Act*;
3. A temporary and final order that all spousal support payments be increased annually on the anniversary date of the granting of any Order by the percentage change in the Consumer Price Index for Toronto for all items since the month of the previous year as published by Statistics Canada pursuant to subsection 15.2(3) of the *Divorce Act* and/or subsection 34(5) of the *Family Law Act*;
4. A temporary and final order requiring the Respondent to preserve and not to dissipate directly or indirectly, through a corporation or trust or other entity, or by any means whatsoever, any property in any jurisdiction in which he may have a direct or indirect, legal or beneficial interest pursuant to section 40 of the *Family Law Act*;
5. A temporary and final order imputing income to the Respondent in an amount to be determined and commensurate with the lifestyle enjoyed by the parties during the marriage in accordance with section 19(1) of the *Federal Child Support Guidelines*;
6. A temporary and final order imputing income to the Respondent in an amount to be determined and commensurate with the lifestyle enjoyed by the parties during the marriage in accordance with section 19(1) of the *Federal Child Support Guidelines*;
- 7.

A temporary and final order requiring the Respondent to maintain dental, medical and extended health plan coverage for the Applicant if available to the Respondent, and to maintain same so long as either of them are entitled to be supported by the Respondent and to contribute toward the cost of prescription drugs, dental, orthodontic, vision care and medical costs and medical insurance not covered by such plan pursuant to subsections 15.1(4) and 15.2(3) of the *Divorce Act* and subsection 34(1)(j) of the *Family Law Act*;

8. A temporary and final order fixing the obligation and liability to pay child support and spousal support to continue after the death of the Respondent and same be a debt against their estate and an order securing same pursuant to subsections 15.1(4) and 15.2(3) of the *Divorce Act* and/or subsections 34(4), 34(1)(i) and 34(1)(k) of the *Family Law Act*

A temporary and final order requiring the Respondent to irrevocably designate the Applicant as the sole beneficiary of insurance on his/her life having a sufficient face value to secure any support payments, and requiring the Respondent to maintain same in good standing and to provide proof thereof when

requested in writing by the Applicant to do so pursuant to subsection 15.1(4) and 15.2(3) of the Divorce Act and/or subsection 34(1)(i) of the Family Law Act;

9. An equalization of net family property pursuant to section 5 of the *Family Law Act*;

10. A declaration that that the Respondent is holding a interest in the matrimonial home located at [[Matrimonial Home Address]] in trust for the Applicant by virtue section of 10 of the Family Law Act and/or the doctrines of resulting/constructive trust and unjust enrichment;

11.

An order, if necessary, pursuant to subsection 9(l) of the *Family Law Act*;

12.

A temporary and final order restraining the Respondent from directly or indirectly, through a corporation or trust or any other entity by any means whatsoever, transferring, alienating, assigning, mortgaging, encumbering, disposing of, depleting or otherwise dealing with any property in any jurisdiction in which he may have a direct or indirect, legal or beneficial interest and, a temporary and final order that the Respondent preserve all such property, pursuant to section 40 of the *Family Law Act*;

13.

An order for the immediate partition and sale of the matrimonial home municipally known as _____ pursuant to sections 2 and 3 of the *Partition Act*;

14. An order for a post-separation accounting of all the Respondent's expenditures from the date of separation to the date of trial;

15. An order granting the Applicant temporary and permanent exclusive possession of the matrimonial home municipally known as pursuant to subsection 24(1) and 24(2) of the *Family Law Act*;

16. An order for the immediate partition and sale of the matrimonial home municipally known as pursuant to sections 2 and 3 of the *Partition Act*;

17. An Order that the Respondent pay to the Applicant occupation rent with respect to the matrimonial home/family residence municipally known as pursuant to subsection 122(2) of the Courts of Justice Act and the common law;

18. Under the Courts of Justice Act and Rule 24(12) of the Family Law Rule, interim disbursement in order for the Applicant to retain counsel and, to retain experts for the purposes of determining the Respondent's income for support purposes and the calculation of his/her net family property;

19. A temporary and final order restraining the Respondent from molesting, annoying, harassing or communicating with the Applicant or the children of the marriage pursuant to section 46 of the *Family Law Act* and section 35 of the *Children's law Reform Act*;

IMPORTANT FACTS SUPPORTING MY CLAIM FOR DIVORCE

☒ **Separation:** The spouses have lived separate and apart since (date) September 1, 2020 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).)

Introduction

1. The Applicant and Respondent are joint owners of the matrimonial home municipally known as 123 Main Street, Toronto. This home has an approximate fair market value of \$820,000.00 and is subject to a mortgage in favour of the Royal Bank in the amount of \$320,000.00. The Respondent continue to live in the home with the children when they are residing with her.
2. There are two children of the marriage, namely, Pat Mary Smith born January 23, 2005 and Rory Peter Smith born December 3, 2009. Pat attends Jarvis Collegiate Institute and is in grade 10. Rory is in grade 7 at Winchester Senior Public School.

Spousal Support Claims

3. Fact S1
4. Fact S2
5. The Applicant is a Senior Design Technician employed by Toronto Hydro since 2001. His current salary is \$101,000.00 per annum. The Respondent is a teacher employed by the Toronto District School Board and is currently teaching at Northern Secondary School with an annual salary of \$90,200.00.

Other Support Claims

6. Fact P1
7. Fact P2

Property Claims

8. The Applicant and Respondent are joint owners of the matrimonial home municipally known as 123 Main Street, Toronto. This home has an approximate fair market value of \$820,000.00 and is subject to a mortgage in favour of the Royal Bank in the amount of \$320,000.00. The Respondent continue to live in the home with the children when they are residing with her.
9. In or about January 2, 2020, the Respondent stopped continuing to any of the expenses in relation to the matrimonial home. In or around that time she arranged for her pay to be deposited into her own bank account. The Applicant's pay continues to be deposited into the joint account. The Applicant has asked the Respondent to contribute to the ongoing housing expenses, but she has refused. The Respondent is now in a very precarious financial situation as he is paying both his own housing expenses and all of the expenses in relation to the matrimonial home.

Matrimonial Home Claims

10. Fact M1

11. Fact M2

Other Claims

12. Fact O1

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

Date of signature

Signature of applicant

LAWYER'S CERTIFICATE

For divorce cases only

My name is:

and I am the applicant's lawyer in this divorce case. I certify that I have complied with the requirements of section 9 of the *Divorce Act*.

Date

Signature of Lawyer

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