



ONTARIO
Superior Court of Justice, Family Court
(Name of Court)

Court File Number
FC-15-2492

at **161 Elgin Street, Ottawa, Ontario K2P 2K1**
(Court office address)

Form 25: Order (general)

☒ **Temporary**
☐ **Final**

Applicant(s)

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

Darryl Ross
81 Upminster Way
Ottawa, Ontario
K2J 5G2

darrylondunlin@gmail.com

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

Allison Lendor
Lendor & Guest LLP
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The Honourable Justice
Somji

Judge (Print or type name)

June 24, 2022

Date of order

Respondent(s)

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

Cynthia Holmes
221 Brambling Way
Ottawa, ON
K2J 0E4

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

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☐ This order is made pursuant to provincial legislation only.

The court heard a motion made by (name of person or persons)

The Respondent, Cynthia Holmes

The following persons were in court (names of parties and lawyers in court)

The Applicant, Darryl Ross and his counsel Allison Lendor

The Respondent and her counsel, Alison Boyce

The court received evidence and heard submissions on behalf of (name or names)

The Applicant, Darryl Ross and his counsel Allison Lendor

The Respondent and her counsel, Alison Boyce

PURSUANT TO THE DIVORCE ACT (CANADA), THIS COURT ORDERS THAT: (if not applicable, cross out this line)

1. Pursuant to s. 16.1(2) of the *Divorce Act*, the Applicant father shall have supervised in-person parenting time with the children of the marriage, namely, Charlotte Olive Holmes, born September 4, 2011 and Alice Harriett Holmes, born March 30, 2014

a) one (1) day a week for three (3) hours and;

b) one (1) day on the weekend for four (4) hours every week.

These blocks of time will allow the Applicant father to have sufficient time to do an activity and share a meal with the children.

2. The children's paternal grandmother is a suitable third-party supervisor. The parties are free to consider other adult supervisors.
3. Thereafter, the parenting schedule can be revised in accordance with the recommendations of the reunification therapist.
4. In addition, there will be an order that the father will have virtual parenting time with the children two times a week for a minimum of 20 minutes.
5. The parenting schedule will be as follows:
 - a. Sunday in person visits from 1:30 p.m. – 7:30 p.m.
 - b. Tuesday in person visits from 4:30 p.m. – 7:30 p.m.
 - c. Thursday visits (Facetime) at 6:00 p.m.
 - d. Saturday visits (Facetime) at 10:00 a.m.
6. An adult third-party other than the father will be responsible for the transportation of the children to and from the in-person visits.
7. The father shall not drive the children with the children in any car.

PURSUANT TO THE CHILDREN'S LAW REFORM ACT, THIS COURT ORDERS THAT:

(if not applicable, cross out this line)

8. Pursuant to section 36(2) of the *Children's Law Reform Act*, the Ottawa Police Service and any other police service having jurisdiction where the children (to be named) may be found are directed to forthwith locate, apprehend and deliver the child to the party which has parenting time with the children in accordance with the parenting schedule set out in this Order.
9. Pursuant to section 36(4) of the *Children's Law Reform Act*, the Ottawa Police Service and any other police service having jurisdiction where the child may be found shall do all things reasonably able to be done to locate, apprehend and deliver the child in accordance with this Order.
10. Pursuant to section 36(5) of the *Children's Law Reform Act*, for the purpose of locating and apprehending the child in accordance with this Order, any member of the Ottawa Police Service and any member of any other police service having jurisdiction where the child may be found may enter and search any place where he or she has reasonable and probable grounds for believing that the child may be, with such assistance and such force as are reasonable in the circumstances.
11. Pursuant to section 36(6) of the *Children's Law Reform Act*, an entry or a search referred to in paragraph 4 of this Order shall be made only between 8:00 a.m. and 6:00 p.m., eastern standard/daylight time.
12. A copy of this Order shall be delivered to the Chief of Police of the Ottawa Police Service forthwith by the Applicant through email correspondence at OPSLegalServices@ottawapolice.ca.
13. The terms of this police enforcement clause shall be limited for a period of six (6) months Should either party wish to renew it, they may reapply to the court.

14. Neither party shall discuss legal issues in the presence of the children or involve the children in any adult conflict.

PURSUANT TO THE FAMILY LAW ACT, THIS COURT ORDERS THAT: *(if not applicable, cross out this line)*

15. The parties shall continue to have joint decision-making authority for the children pursuant to the Order of the Honourable Master Fortier dated October 4, 2017;
16. The Applicant father, Darryl Ross, shall pay child support to the Respondent mother, Cynthia Holmes, for the children Charlotte Olive Holmes, born September 4, 2011 and Alice Harriett Holmes, born March 30, 2014, in the amount of \$861 per month, in accordance with the Tables under the child support guidelines based on the Applicant father's annual income of \$56,429, commencing July 1, 2022 and continuing on the 1st day of each month that follows.
17. The Applicant father shall pay child support arrears based on the *Child Support Guidelines* and in accordance with his actual income for the years July 1, 2019 to July 1, 2022 in the amount of \$10,884.
18. The arrears for 2018 to present will be paid at \$300 per month effective July 1, 2022.
19. The parties shall share section 7 expenses shared by the parties in a ratio reflective of the parties' incomes.
20. The arrears for 2018 to present and ongoing child support will be enforceable by *the Family Responsibility Office*.
21. Unless the order is withdrawn from the office of the Director, Family Responsibility Office, it shall be enforced by the Director, and amounts owing under the order shall be paid to the Director, who shall pay them to the person to whom they are owed.
22. The Applicant father shall provide the Respondent mother with his income tax return annually by June 1st at which time the child support amount can be adjusted in accordance with the Applicant father's income.
23. The Applicant father shall reimburse the Respondent mother for half the costs of the eyeglasses and dental care for 2020 after contributions from the insurers in the amount of \$491.67. Payment shall be made no later than July 30, 2022.

THIS COURT ORDERS THAT *(specify legislation, where applicable):*

24. The Respondent mother may submit requests for reimbursement directly to the father's insurance on behalf of the children.
25. The Applicant father shall seek the requested disclosure from the relevant third parties by July 10, 2022 and shall provide it to the Respondent mother's counsel by July 30, 2022. The requested disclosure is as follows:
- a. copies of all complete hospital records since 2017;
 - b. copies of all treatment reports for alcohol misuse and substance misuse since 2017;

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- c. copies of the urine test the father has been submitting to Dr. Bowling;
 - d. documentation from Dr. Brenhouse about the father's alcohol treatment;
 - e. documentation from Dr. Souci regarding the father's treatment with the sleep clinic at the Royal Ottawa;
 - f. documentation showing the father's consistent attendance at the S.M.A.R.T. Recovery Program;
 - g. documentation about the father's participation and consistent attendance at the RAAM clinic at the Royal Ottawa;
 - h. updated documentation about the father's participation at Rideauwood Addictions;
 - i. documentation from Dr. Harrison outlining what treatment she was providing to the father after she stopped seeing one of the children;
 - j. documentation from Dr. Milstone pertaining to the care she was providing to the father from 2015-2017;
 - k. documentation pertaining to any counselling or programs the father has participated at with Family Services Ottawa;
 - l. documentation pertaining to the father's treatment and duration of stay at Serenity House Addiction Treatment Services from June 2021;
 - m. additional documentation from Dr. Bowling pertaining to the father's treatment;
 - n. per the Order of Master Fortier, documents relating to the father's car accidents from November 2016 and March 2017 including but not limited to police reports, accident reports, court documents, photos of the damage, and bills for repairs to the car;
 - o. information regarding the father's employment status or return to work plan;
 - p. complete hospital records regarding treatment for any other incidents in 2019, 2020, or 2021; and
 - q. disclosure from Dr. Willows of the Substance Use and Concurrent Disorders program.
26. If any of the requested disclosure cannot be provided by that date, the Applicant father shall set out in a letter to counsel for the Respondent mother:
- a. Whether the disclosure has been requested;
 - b. Proof of the date upon which it was requested from the relevant third party and;
 - c. And responses from the third party regarding the request.
27. If the Applicant father takes the view that some or all of the requested disclosure is irrelevant or privileged and is not being disclosed for that reason, he shall set this out in a letter to the Respondent

mother's counsel to be provided by July 30, 2022 so that the Respondent mother can determine next steps, including scheduling a disclosure motion.

28. The Respondent mother shall not disclose or discuss with anyone other than her counsel the Applicant father's medical disclosure.

29. A case management judge be assigned by the Ottawa Local Administrative Family Law Judge, Justice Audet.

Pursuant to section 129 of the *Courts of Justice Act*:

30. This order bears interest at the post judgment interest rate of ____ % per cent per year effective from the date of this order. A payment in default bears interest only from the date of default.

31. Counsel for the Applicant father shall draft an Order consistent with this decision.

32. If the parties are unable to settle the issue of costs, submissions can be filed in writing. They shall not exceed two (2) pages exclusive of the Bill of Costs and Offers to Settle. The Respondent mother shall file her submissions by July 8, 2022 and the Applicant father by July 22, 2022. The Respondent mother shall have until July 29, 2022 to reply.

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Date of signature

Signature of judge or clerk of the court