

ONTARIO COURT (GENERAL DIVISION)

BETWEEN:

CATHERINE L.E. ROSS

Petitioner
(Wife)

- and -

WILLIAM THOMAS ROSS

Respondent
(Husband)

SUPPLEMENTARY AFFIDAVIT

I, CATHERINE ROSS, of the Township of West Carleton, in the Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. Since my Affidavit of May 16, 1994 was sworn in this proceeding, matters in the matrimonial home have gone from bad to intolerable. The Respondent taunts me on a daily basis. He is trying to use fear to break me down. Recently, he told me that there was nothing but destruction and despair in my future. This is a typical example. The situation has become so severe that I contacted my physician, who recommended a psychiatrist for me, at my request. As a result of the stress arising out of the Respondent's behaviour, I contacted Dr. Selwyn Smith. I have asked him to prepare a report on my behalf, and same is attached as Exhibit "A".

2. I am now taking a low dosage of alprazolam, and this has assisted me greatly in dealing with the Respondent's behaviour calmly. I strongly believe that the solution to the Respondent's abusive behaviour is not for me to take tranquilizers, but rather

abusive behaviour is not for me to take tranquilizers, but rather to require the Respondent to leave the home, and to put in place a restraining order, to prevent him from harassing me in the future.

3. Most of the Respondent's threats relate to the within Court action. He repeatedly tells me that he will destroy me in Court, and that he will have me kicked out of my home. He tells me that I am "poison", that I "poison everything I touch", that I am "a defective human being" and that he knows "what (not who) I am", whatever that means. He constantly attempts to provoke arguments. I have told him repeatedly that I will not discuss this action with him, and that he should speak to his lawyer and not directly to me. He nonetheless repeatedly tells me that I should agree to give him custody of our children, the house, and "go and find another man to leach off of". He treats this as a sick game, as though we should compete to prove who is at fault for the breakdown of our marriage, and the innocent party should "win" everything. For the most part, I have simply not responded, which has infuriated him all the more.

4. Two weeks ago, the Respondent's verbal abuse turned to physical abuse. On the evening of June 6, 1994, I went to bed, as I usually do, in our daughter's bedroom. The Respondent came in, sat down on my bed, grabbed my wrists tightly, and told me "I know what you are, and I know why you are the way you are ... you have hurt me badly and I have done nothing to you. I want to know why. Now I am going to have to destroy you in Court". I struggled in an attempt to get free, and the Respondent tightened his grip. He told me then "I might rape you here and now". He repeated this two or three times, while I continued to try to free my wrists. I told him to go to bed, and he kept repeating "I want to know why". I asked him if he had been drinking, and he replied no. He repeated the rape threat again. He again asked me "why", and said he wouldn't let go of me and said that "now he would have to destroy me in Court". I told him that he was going to "try" and destroy me in Court. I told him he disgusted me and to leave the room. He

did. This all occurred in the presence of the children, who thankfully, to the best of my knowledge, slept through the entire incident, which lasted approximately five minutes. Other than bruises on my inner arms, I was unhurt. However, the incident was disturbing as I am 5 foot 2 inches and weigh 110 pounds. He is 6 feet tall and weighs approximately 180 pounds. He could easily overpower me physically if he chose to.

5. Following this incident, I was somewhat shaken, and went down to have some juice in the kitchen. The Respondent followed me downstairs and told me that our children were screwed up because of me and that I was a defective human being. He told me that I am full of fear, and then went back upstairs. Thereafter, I discussed the matter with my lawyer, and with Dr. Smith. I went to the West Carleton O.P.P. station and made a report, in case the Respondent attempts to pull any further stunts ever again. I have attached as Exhibit "B" a copy of the said report.

6. The Respondent has also threatened me in the event that I do not agree to delay the within proceedings. He has said that if I do not agree to a delay, there will be "consequences". Unfortunately, he has not elaborated. However, I believe that it is essential that these matters be resolved as soon as possible.

7. His daily behaviour toward me is difficult to deal with. He will do things such as start to drive away from the home without me (before I purchased my own car), and send demanding notes to me. For example, attached as Exhibit "C" hereto is a copy of the Respondent's Sears bill, with a note in his handwriting, telling to me "pay this now!".

8. He has asked that I transfer my old vehicle to him, as I have purchased a new one in anticipation of our physical separation, as we will both require a vehicle to get to work. This vehicle was used as a family car but was registered in my name. I have agreed

to transfer the vehicle to him on the understanding that it would be considered his as at the date of separation, but this has led to no end of harassment from the Respondent. Initially, the Respondent accused me of not paying the insurance, despite my providing written proof to him of my payment. I have now had to extend the temporary insurance I placed on the vehicle twice, while he delays. Until today, he has refused to give me copies of any documents that he has regarding the vehicle, including the transfer papers to be signed by him. I have told him that I will give him the registration as soon as I have signed copies of the transfer documents. He has steadfastly refused. This morning, the Respondent began screaming at me to hand over the registration immediately. Among other things, he told me that he would camp out at my place of employment until I gave it to him. Given how angry he was when I left the house, I contacted security at work to seek an escort into the building upon my arrival. Attached hereto as Exhibit "D" is a copy of that report. Instead, however, the Respondent sent a fax to my solicitor, a copy of which is attached hereto as Exhibit "E".

9. The present environment in the home is not healthy for the children, and they are showing signs of stress. Khierstyn is very angry and near tears on a daily basis. Hilary has begun to do mean things to our puppies, and to act out. The girls are fighting more often and their behaviour is becoming increasingly aggressive. I even received a telephone call from Khierstyn's teacher, to let me know that problems at home were affecting her at school, and that she was concerned.

10. Although I understand that the stress of our separation will be detrimental to the children, I believe this detrimental effect has been multiplied by the Respondent's behaviour. The Respondent does not hesitate to tell the children more than they should know about our separation. For example, my daughter, Khierstyn, recently told me that we would be in Court on the 23rd. She is

seven years old, and should not be privy to the horrific accusations being spread by the Respondent. She was very upset. I therefore asked Paul Wilson, a Nepean police officer, who is the husband of our caregiver, to explain Court to her in a way in which she would not be frightened. I have however, done my best to insulate the children from the "warfare" that is being launched herein. I will not even discuss the matters in this action on the telephone if they are in the room.

11. Any suggestion by the Respondent that I have attempted to malign him in the presence of the children is simply untrue. The reverse is what has occurred. For example, after I told the Respondent that I wished to seek a separation, we agreed that we would tell the children together, at my suggestion. The Respondent proceeded to abruptly inform our daughter, Khierstyn, that "Mommy and Daddy were separating due to Mommy's drinking". He then went on to demand that she tell him which parent she wished to reside with. She replied "Mommy". The entire exchange lasted less than two minutes. The children were quite upset by this "announcement", and the Respondent simply left me to attempt to comfort the children afterward. The Respondent has never hesitated to accuse me of various inadequacies in the presence of the children, and continues to do so. While I cannot say that I have never said anything derogatory to the Respondent in the presence of the children, I have always attempted to avoid doing so, and for the most part, have succeeded. I ask the children to leave the room when I speak to my lawyer on the telephone, or when I discuss my marital breakdown with friends or relatives. I have reassured the children that their father loves them. I even purchased Father's Day cards for the children to give to their father.

12. Meanwhile, friends and relatives continue to contact me to advise that the Respondent has been repeatedly contacting them about me. Although I am not privy to the discussions that the Respondent has had with these individuals, I understand that he is

telling almost everyone that I know that I am an alcoholic, and now also a drug addict. For example, I am told that I go out every day between 6:00 p.m. and 6:30 p.m. to drink. This is not true, as I am home with the children. Friends of mine have contacted me to inquire about my health, and to ask whether there is something I am not telling them. My honesty is being questioned by those who are close to me. This is extremely disturbing to me, as I do not know what they are referring to.

13. Because it became clear from what I have been hearing from friends that the Respondent intends to manufacture allegations against me in his attempt to undermine me, I have asked others to provide sworn Affidavits with respect to my ability to look after our children.

14. The Respondent constantly seeks confrontation. Accordingly, it has become impossible to discuss even the most basic matters relating to our children. He does not tell me or the children when he will be home and when he will not. I, on the other hand, make arrangements when I will not be there. Last week, he took the children to a movie, and I had to call around the neighbourhood to find out where the children were. I have been forced to start writing notes to him to let him know about the children's activities, and their appointments, but he has not reciprocated. When more significant matters require addressing, I have proposed that a neutral third party be present, as the Respondent uses every opportunity possible to denigrate, threaten me, or twist my words.

15. Our daughter, Khierstyn, recently went through an evaluation to determine whether or not she has suffered from attention deficit disorder, on the recommendation of Dr. DeCorte. It was determined that she did not, but as part of the process, Dr. DeCorte recommended that the Respondent and I meet with her to discuss Khierstyn's situation. She confirmed my belief that Khierstyn is affected very much by the stress in the home. However, he chose to

utilize the meeting with Dr. DeCorte, which occurred on June 15th, to inform me that I had better cooperate in delaying the within Court proceeding, or suffer "consequences". Although we did have some opportunity to discuss our daughter during that meeting, I was extremely concerned about this. Dr. DeCorte recommended that I continue to write notes to Bill, regarding the children, and that he do the same.

16. I have also now had an opportunity to review briefly the volumes of material presented by the Respondent. Although I only received same today, it is my intention to respond now as quickly as possible, in order that these proceedings will not be further delayed. However, I do not intend to respond in detail, as most of the "information" presented by the Respondent is repetitive and untrue. The first thought that came to my mind in reading the volumes of letters presented by the Respondent, and the references to numerous meeting with people regarding those letters, is that I was at home looking after the children while he did all that.

17. Throughout our marriage, the Respondent told me that he believed that I was an excellent and caring mother, and that I was the "hub" of the home. The degree of change in his attitude is shocking to me. In our many discussions about the problems in our marriage, he never once suggested that I was an inadequate mother. We did, however, argue frequently about appropriate and inappropriate punishment for our children.

18. The suggestion made by many of the Respondent's friends and relatives suggest that I do not punish our children is inaccurate. However, I strongly disagree with the Respondent's chosen methods. These include giving the children cold showers, if they splash water on the floor during their baths. On one occasion, the Respondent diapered our daughter, Khierstyn, at age 6, in a towel, and took photographs of her, because she had urinated on the floor. He threatened to show the picture to friends and relatives if it

ever happened again. To prevent her that humiliation, I took the picture, and put it away. A copy of that picture is attached hereto as Exhibit "F". It is my strong view that shame is inappropriate as a method of punishment. At age 2 1/2, he punished our daughter, Khierstyn, for emptying her clothes dresser by removing all personal belongings from her bedroom, other than her bed. This included everything from her lamp, pictures, toys, and teddy bear. As her behaviour improved, he would return one item at a time. I felt this was too severe.

19. Most of the individuals who have presented letters on behalf of the Respondent have suggested that I do not pay attention to the children when they visit. This is true in part. The Respondent and I, when entertaining, have always put on a very good spread. Although we entertain infrequently, when we do, I usually spend two or three hours in the kitchen. During this time, I usually expect the Respondent to care for the children. Sometimes he does, and sometimes he sends them off to play. This would be during the times when friends are in attendance. However, otherwise, that is not typical. Furthermore, the Respondent has always gone out of his way to be a good father when others are around. I have chosen to take advantage of that, given the rarity of the event.

20. It is also true that when we entertain, alcohol is often large part of that entertaining. Whenever someone comes to the house, either the Respondent or I will immediately offer them a drink, alcoholic or otherwise. The Respondent and I have always enjoyed social drinking, as do most of our friends. It was not uncommon to have three or four drinks in an evening for either of us. It is also true that in the five or six months prior to my advising the Respondent of my decision to separate, I drank two or three drinks in the evening several times in a week, as opposed to just when we had company over. I no longer do this.

21. During our marriage, the Respondent frequently attempted to

involve friends and relatives in our disputes. He would speak with them about his views of our disagreements, and attempt to get them "on his side". This disturbed me greatly, as I believed our disagreements should be kept between us, and resolved by us. Accordingly, it does not surprise me that many of Bill's relatives have detailed information representing Bill's "side" of our disputes relating to money matters, and so forth. They do not have mine, nor have they ever heard same.

22. During our marriage, money matters were a great source of disagreement. The Respondent has always earned considerably more income than I, and has told me that because he has a higher level of income, that he should have more say in how we spend our money. He has presented numerous proposals to me over the course of our marriage, about how we should split expenses. Most of those proposals involved him contributing the same amount of money toward the joint household expenses as I do. He has always believed that any additional money that he earns, should be spent as he wished. Granted, he was investing money which would benefit both of us, but he felt it was only he who would have the right to make the decisions. I have no knowledge of how he spent most of his money. As a result, I kept my personal finances for personal expenditures to myself, because he has always hassled me about every purchase.

23. The Respondent's request for an Order restraining me from disposing of assets is totally unnecessary. The only liquid "asset" that I have is the litter of puppies the Respondent refers to. I plan to sell them, and four have already been promised. They will bring in only \$2400.00 to \$4800.00 in revenue. In the next few months I anticipate the following necessary expenses: stud fees (\$442), vaccinations (\$250.00), tatooing (\$200.00), registration fees, vacation, repayment of car loan (\$365 in July, \$365 in August, and \$900.00 in September), increased child care costs to \$200.00 per week), and vet bills over \$300.00. I am prepared to provide the Respondent with information as to the costs

associated with getting the puppies ready for sale, as well as the amount of income brought in, when they are sold.

24. There are numerous inaccuracies in the Financial Statement provided by the Respondent. Except for one of the cats, the pets referred to by him are my pets and not his. All of the purebred cats are old and have no value. They are first and foremost pets.

The Respondent has never assumed any responsibility for their care. As recently as two weeks ago, he left the dog (who is nursing) outside while I was at one of our children's performances, while the puppies were inside crying. He did not even notice. Why he would suggest they are his is beyond me.

25. In addition, although the Respondent shows only half the rental income from the duplex, he receives the entire rental payment, and pays the mortgage and other expenses for the property. Because the asset is joint, when we prepare our income tax returns, I record half of the income.

26. Lastly, the Respondent shows a debt to his father of \$35,511.74, which has long since been repaid. He has shown a debt to his brother of \$13,340.25 that I have never heard of.

27. Rather than reviewing the letters attached by the Respondent as Exhibits "E" through "Q" in detail, I will simply point out that none of those individuals had regular ongoing contact with our family. We have had only sporadic contact with them. None of them see us on a daily, weekly, or even monthly basis. I must say I find it disappointing that the Respondent has chosen to deal with our separation in this fashion. Although I have concerns about the Respondent's parenting skills, I have until now attempted to deal with this matter in as cooperative and positive a manner as is possible in the circumstances.

28. I note that the Respondent has chosen to inform our friends

and family of an inaccurate level of debt load, and to rely heavily on it. It appears there is a typographical error in my financial statement, and that it should read that I transferred some of my (not joint) assets to my mother to repay a \$5500.00 debt. A copy of that agreement is attached as Exhibit "G". Both chairs were mine prior to my marriage to the Respondent, and the ring was a gift to me, and therefore mine. Finally, to avoid any dispute, I have the items valued, and the copies of the valuations are attached as Exhibits "H".

29. The Respondent has repeatedly contacted almost everyone we know, often to the point of harassment. Our phone bills are excessive, due to the Respondent's repeated attempts to contact friends and relatives. He has even gone so far as contacting an old friend of mine, who now resides in England. Many of the people that the Respondent has contacted have refused to provide him with the letters that he is seeking. Those that I know about include: Paul Wilson, Kelly Wilson, Kathy St. Hill, Donna Clement, Lois Sample, Steve Harris, Dianna Drynman, Bernie Wilson, David Paton, and Trina Alexson. Conspicuously absent from his list of letter-signers are some of his relatives that I got along with well, and some friends. These include Jan Huus, Janice Huus, Brian Ross, Cyndi Ross, Marie Brown, David Ross, and Grant Hall.

30. I make this Affidavit bona fide in support of my Notice of Motion dated May 16, 1994 and for no other or improper purpose.

SWORN BEFORE ME at the City of Ottawa)
in the Regional Municipality of)
Ottawa-Carleton on the 21st day of)
June, 1994.)



A Commissioner for taking
affidavits etc.



CATHERINE ROSS

CATHERINE L. E. ROSS
Petitioner

- and -

WILLIAM THOMAS ROSS
Respondent

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa

AFFIDAVIT

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