

**ONTARIO COURT (GENERAL DIVISION)**

BETWEEN:

CATHERINE L.E. ROSS

Petitioner  
(Wife)

- and -

WILLIAM THOMAS ROSS

Respondent  
(Husband)

**AFFIDAVIT**

I, CATHERINE ROSS, of the Village of Dunrobin, in the Twonship of West Carleton and Province of Ontario, MAKE OATH AND SAY AS FOLLOWS:

1. Since my last Affidavit was sworn in this proceeding, numerous events have occurred. First, this matter was brought before the Court in June of this year. At that time, with the assistance of our respective solicitors, the Respondent and I arrived at an agreement with respect to the care of the children, the occupation of the Matrimonial home, and various financial matters, including provision of child support. At the end of June, 1994, my solicitor, on my behalf forwarded a copy of the draft Order incorporating the terms of the above mentioned Consent to the Respondent's solicitor. My solicitor, however, did not receive the Order back from the Respondent's solicitor until September 22, 1994. A copy of the Order of Mr. Justice Sirois dated September 28, 1994 based on the said Consent, are attached as Exhibit "A".

2. Immediately following reaching the Consent referred to above, I began to encounter numerous serious incidents of harassment and manipulation from the Respondent. Virtually each time the Respondent and I came into contact with each other in order to exchange caring for the children at the home, as set out in the Consent, he would taunt me. On one occasion, he threatened to hit me, though he did not in the end assault me. I kept a diary of the difficulties that I encountered with the Respondent. A copy is attached hereto as Exhibit "B".

3. The three most difficult things to deal with from the Respondent were:

- (a) his failure to properly care for the children when they have been in his care;
- (b) his repeated removal of belongings from the home; and
- (c) and his refusal or inability to look after the home when he was in the home with the children.

FAILURE TO CARE FOR CHILDREN

4. Over the last several months, there have been numerous incidents in which the Respondent has failed to properly look after the children during his times with the children. On one occasion, the Respondent forgot to pick up the children at the sitter's. The sitter contacted me, and I made arrangements to have him pick up the children. On another occasion the Respondent asked for extra time with the children for the July long weekend, and then chose not to exercise it, stating he was feeling ill. On another occasion, he remained in the home with the children, when he was feeling ill, and slept through the afternoon, leaving the children unattended. That occurred on the weekend of October 1st. Following that visit, when I returned home on Sunday, October 2nd, I was informed by the children that the Respondent had been in bed all afternoon, and that my (then) seven year old daughter had been instructed by the Respondent to look after our five year old daughter, and that he forbade them from contacting their mother.

REMOVAL OF BELONGINGS:

5. Since the Consent was reached in June, the Respondent has been removing, and sometimes returning, then removing again, items on almost each occasion he has been in the home. This started on the weekend of June 25th and 26th, 1994. I immediately contacted my lawyer, who forwarded correspondence to the Respondent's solicitor dated June 28, 1994, attached hereto as Exhibit "C". My solicitor received a reply dated June 29, 1994, attached as Exhibit "D", making no mention of the items removed by the Respondent. The Respondent then removed my cookbooks, kitchen equipment that the Respondent has never ever used, my favourite music recordings and many other things. Accordingly, I instructed my solicitor to forward further correspondence to the Respondent's solicitor, which she did by her letter dated June 30, 1994, attached as Exhibit "E". This continued through the summer and the early fall. A copy of a list of belongings remaining outside of the home removed by the Respondent is attached as Exhibit "F".

6. The Respondent has never made any list of items he would like from the house, nor made any request for any particular item from the home. He has not made any proposal with respect to a division of contents in the home. Instead he has simply removed items without warning to me. For example, when I was on summer holidays with the children, I came home to find the bed missing. Accordingly, I took a number of photographs of the home, to demonstrate which items which were no longer there. I also took photographs of the remaining items in the home, some of which were subsequently removed by the Respondent. Attached hereto as Exhibit "G" is the series of photographs.

7. In addition to not knowing which items would still be there when I returned home from work each day, during the past four months, I have never been able to tell what food I had purchased would remain in the home on my return. While he is in the home with the children, the Respondent frequently removes food. Or, I will plan to make something, and find the utensil or equipment

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needed to make the item is no longer there.

8. Even more frustrating, is that the Respondent removed a number of items from the home, which clearly belonged to me, and not us jointly. For example, in June, 1994, the Respondent removed a Salvador Dali print that I purchased before our marriage. In addition, he stole the receipt that I had in my wallet, confirming my purchase of the print. He also removed my personal papers, and a series of Indian calendars given to me as a gift from my mother. He also removed items belonging to my mother, which were being stored in the home. Among these was an eleven piece place setting of Royal Dalton china. The Respondent is fully aware that the china did not belong to me or to him. Numerous other items which were smaller, and which were given to me as gifts or acquired by me before the marriage were removed.

STATE OF HOME AFTER RESPONDENT'S ATTENDANCES:

9. During the past four and one half months, on each occasion the Respondent has been in the home, he leaves the home in a horrendous state of disrepair. After he leaves around 9:00 p.m., I will have several hours of cleaning left to do, to pick up after him. He has only done his dishes twice in the past four and a half months, yet he eats in the home when he is there. He leaves garbage strewn around, and items he has been using, out all over the place. In addition, during the summer months, when I had several puppies in the home, the Respondent refused to pick up after the puppies. They were not yet house-trained, and created quite a mess. Each night, I would come home to find puppy urine and faeces crusted all over the floor, as the Respondent could not be bothered to clean up after the puppies. After I made a complaint about this through our lawyers, the Respondent made our daughter Khierstyn clean up the dog faeces while he was in the home. He also refused to feed and water them during the weekends he was in the home, making it necessary for me to make complicated arrangements to ensure that they were properly cared for. In addition, on one occasion, he locked the puppies' mother outside the house for several hours

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while the puppies were left inside, despite the fact that they were still nursing.

10. Attached as Exhibit "H" is a series of photographs taken on different dates between July and September, 1994 of the state the house was in following Bill's attendances to the home. On the last page are pictures of the home, after I have cleaned it.

RESPONDENT'S FAILURE TO MEET FINANCIAL OBLIGATIONS:

11. The Respondent still has not paid the support payments agreed upon in the Consent for the months of September, October, or November. In addition, he has frequently been behind in making the bill payments that he was obligated to pay pursuant to the Consent. Taxes on the home have been at least one month late for each payment. Although the list of bills that have not been paid varies from time to time, with some left outstanding for a few weeks, and others longer, at present the following bills remain outstanding:

- (a) Hydro - \$394.78 (due November 14/94)
- (b) Bell Canada - \$126.37 (accumulated long distance bill incurred by the Respondent)

This created substantial financial hardship for me, as in the fall, numerous expenses for the children came due, including dance class registration (\$600.00), school activity fee (\$40.00), the school's special meal days for Khierstyn (\$28.00), winter boots and dance slippers (\$182.00), two pairs of running shoes each (\$75.00), winter and school clothing (\$400.00), and school pictures (\$40.00). A series of receipts and cheques for children's expenses incurred by me in the last few months are attached as Exhibit "I".

CHANGES IN MY FINANCIAL SITUATION:

12. The Respondent's failure to pay support has been extremely stressful to me, as my position at work is temporary. In September, 1994, I was advised that the temporary position that I had, might not last very much longer, but that a request had been made by my supervisor for an extension. As a result, in September,

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I asked to be provided with confirmation as my employment status from the Human Resources representative at Mitel Corporation. In October, 1994, I was advised that my position would likely end very shortly. Thereafter I received a letter dated October 28, 1994, advising that my position would expire on November 11, 1994. Copies of both letters are attached as Exhibit "J".

13. My name remains on a list of people in the temporary pool at Mitel, and I hope to be recalled to work within the next few months. I have been asked as well to apply for another position in Mitel, as a sales representative. With my uncertain employment situation, it has been extremely nerve racking to me that the Respondent can simply choose not to pay the support to which he has agreed, and under which he is obligated to pay pursuant to a Court Order. Instead, the Respondent has advised my relatives, as well as the assessor conducting the custody assessment, that I was fired with two weeks' notice. This is extremely disconcerting to me. It is but one example of the Respondent's attempts to manipulate the way in which I am viewed, and our situation is viewed.

OTHER STRESSORS:

14. In October, 1994, the Respondent began to arrange to have relatives attend at the matrimonial home unexpectedly when I was in the home. For example, he arranged for two of his nephews to attend at the home to pick up a camcorder, which the Respondent had previously removed from the home. He also arranged for his mother and sister (who live in Brantford, Ontario) to drop by the home to visit with the children. I was not advised ahead of time on either occasion. This was very disturbing to me. Accordingly, I instructed my solicitor to forward correspondence to the Respondent's solicitor asking that the Respondent refrain from doing so. A copy of that letter, dated October 14, 1994 is attached as Exhibit "K". As a result of that letter, no further visits at the home were made.

15. Following the reaching of the Consent in June, I initially

believed for a few hours that this was a turning point in dealing with this matter, and that the Respondent and I would be able to co-operate to the degree necessary to resolve the outstanding matters, and to make arrangements for our children. I was proved wrong. Thereafter, on July 14, 1994, the Respondent forwarded correspondence to me suggesting that he wanted to step back and be more reasonable. A copy of that letter is attached hereto as Exhibit "L". However, except for those two brief forays into dealing with this matter in a reasonable fashion, the reverse has been true throughout.

16. As a result of the above, the situation at the matrimonial home has been unbearable. I have been under extreme stress, and as a result, continue under the care of my psychiatrist, Dr. Smith. I have continued to take tranquilizers prescribed to me by Dr. Smith, to assist me in dealing with this situation. Earlier this fall, however, I was shocked to discover that I had become addicted to the tranquilizers. I immediately sought the advice of Dr. Smith, in reducing my reliance on the tranquilizers, and am now in the process of reducing my usage, as is set out in Dr. Smith's report dated November 21, 1994, a copy of which is attached as Exhibit "M".

17. I understand that the Respondent will be asking for an Order for interim custody when this matter is dealt with on November 25, 1994. I also understand that the assessor in this matter, Dr. McLean at the Family Court Clinic, has made a recommendation that the Respondent be granted custody of the children. A copy of the said report is attached hereto as Exhibit "N". I am nonetheless asking that the Court not make that Order on the 25th of November, for the following reasons:

- (a) The children have been placed in an emotionally difficult state in recent months, and they need stability now more than ever. To transfer the care and responsibility of the children to the Respondent at this point in time would be extremely disruptive for them. They have had a very difficult time over

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the last few months as a result of separation of the Respondent and I. They have also had to deal with the Respondent removing possessions from the home, and with an incredible amount of stress as a result of hostile comments from the Respondent, in their presence.

- (b) I strongly believe I am the most able to continue to provide a stable home environment for the children. I have been looking after the children's needs throughout the marriage, and for the past several months. Although the Respondent has seen the children every second evening and every second weekend for the past four and one half months, I have been the one who has continued to look after their health and medical appointments, child care arrangements, clothing purchases, and other basic necessities such as in ensuring that they have proper meals and enough sleep, which the Respondent does not. He has utilized his time with the children by removing items from the home, sleeping while the children are there, or watching television with them.
- (c) I have been in the home with the children on a full time basis since November 11, as well since the change in my employment status at Mitel, referred to above. While it is my intention to return to work as soon as another position becomes available, in the short run, I am home and available to continue to look after the children's needs.

18. In reviewing the assessment report of Dr. McLean with my solicitor, numerous concerns have been raised. I wish to have the opportunity to have the assessor cross-examined on various points in the report. I am concerned about both the conclusions reached by Dr. McLean, and some of the factual contentions set out in the Report. These include:

- (a) Dr. McLean's conclusion that I have an addictive personality. I acknowledge that I have been taking prescription tranquilizers, as set out above. Earlier this fall, when I



discovered I was addicted to them, I was horrified, and took immediate steps to deal with this issue through Dr. Smith. There is no mention of this in the report, although I specifically advised Dr. McLean of this. I plan to continue my program of reducing reliance on tranquilizers, and strongly believe that an Order in this Court reducing the level of harassment I receive from the Respondent, will greatly reduce my stress levels, and therefore also the reason for which I began to take tranquilizers in the first place. In the event that I am not able on my own to eliminate my use of these prescription drugs, I remain fully prepared to attend for any treatment necessary to enable me to.

- (b) Dr. McLean's factual contention that my mother also was an addictive personality. To the best of my knowledge, he has had no opportunity to meet with or assess my mother. My mother advises me that she was at one time addicted to prescription valium. At the time, she was over-taxed, as she was teaching full-time, going to university, running a farm, and essentially raising four children on her own. My mother voluntarily admitted herself for treatment, and to the best of my knowledge that is the only involvement with addictive substances that she has had.
- (c) Based upon the Respondent's indications, Dr. McLean describes my daughter, Hilary as having suffered from delayed development, with respect to walking. This is inaccurate, as she was walking shortly after one year. Attached as Exhibit "O" are a series of photographs of Hilary at various ages, showing her progressing from creeping, to walking, by the age of one, and continuing to walk and play up to the age of 2 1/2.
- (d) The inference is made in the report that I am unconcerned about the sexual behaviour being demonstrated by my children, and in particular, by Khierstyn. Nothing could be further

from the truth. Rather, I have said I do not believe it is serious because when I first raised the issue with professionals, I was asked whether I believed my husband was abusing the children sexually. I do not believe this to be possible. Accordingly, my advice that I do not consider these behaviours serious relates specifically to my belief that there is no need to protect the children from an abuser in their lives. I do however, believe that Khierstyn in particular, requires counselling, and in fact, have made contact with various health care professionals, to seek assessment, and if necessary counselling, with respect to this issue.

- (e) The suggestion has been made that I am less capable of disciplining the children. I have always believed strongly in providing the children with ongoing input into their behaviour as well as disciplining them when the need arises. For example, at the suggestion of Dr. DeCorte, I started a regular daily "task" meeting with the children, in which their behaviour was monitored, and the children were rewarded when they behaved well. Weekly "task sheets" were prepared, and I met with them each evening to go over it. Tasks initially included specific items such as "not fighting with your sister", but have been changed to include different items over time, depending on which behaviours are most in need of being improved. The Respondent initially supported this. However, since July, 1994, he has let it fall by the wayside, and has not done this with the children when he is with them.
- (f) Dr. McLean raises a concern about the possibility that the Respondent will not be able to see what positive role I can play in the children's lives, but does not deal with this at all in the conclusions.
- (g) Dr. McLean reports his conclusion that the Respondent has a general negative colouring in his perceptions of females.

Although both of our children are girls, Dr, McLean fails to deal at all with how this might affect his caring for the children.

- (h) Dr. McLean does not deal at all with the impact of harsh disciplinary measures on children, which have in the past been utilized by the Respondent. This concerns me greatly.
- (i) Dr. McLean dealt only briefly with the children's wishes as to which parent they would like to live with, and suggests that there is no preferential bonding between the children and the Respondent and I. I strongly believe that it is essential for this to be explored more deeply, as the children have both repeatedly told me that they want to live with me. Recently, my daughter Khierstyn, wrote that she "loved her mom", on a school project, a copy of which is attached as Exhibit "P". I strongly believe that this is an indication of a closer bond with me than her father.
- (j) Although Dr. McLean notes that the Respondent's personality tests showed invalied results, demonstrating defensiveness, no mention is made of the impact this might have had on the assessment report, and the recounting of events by the Respondent in the assessment process.
- (k) Dr. McLean incorrectly states that I consumed a very large portion of alcohol. When I was asked how much, I indicated I did not know, not that I agreed that I was drinking the ridiculous amounts suggested by the Respondent, as is set out in my last Affidavit.

19. Almost everyone that I know is shocked by the possibility that I may not be granted custody of Khierstyn and Hilary. Several people have sworn Affidavits regarding my parenting abilities. Several other people offered to prepare statements on my behalf, and those statements are attached, as set out below:

- |                      |             |
|----------------------|-------------|
| (a) Laura Harris     | Exhibit "Q" |
| (b) Anita Cox        | Exhibit "R" |
| (c) Victoria Ruitter | Exhibit "S" |
| (d) Bernie Wilson    | Exhibit "T" |

20. I propose to continue to care for the children in the matrimonial home, so as to disrupt them as little as possible. However, in doing so, I specifically ask the Court to restrain the Respondent from attending at the home, to ensure that the difficulties I have encountered over the past four and one half months cannot continue.

21. I have however, made arrangements to rent a part of a friend's home in the same school catchment area as the matrimonial home in the event that my request for exclusive possession of the home is not granted. This will cost \$800.00 per month, and my move date can be flexible. I would, however, prefer to remain in the home for the foreseeable future, in order that the children may have a stable environment.

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

*Catherine Rose*

CATHERINE ROSS

*[Handwritten Signature]*

A Commissioner for taking affidavits, etc