

ONTARIO COURT (GENERAL DIVISION)

THE HONOURABLE)
MR. JUSTICE CHADWICK)

WEDNESDAY, THE 30TH DAY
OF NOVEMBER, 1994

BETWEEN:

CATHERINE L.E. ROSS

Petitioner
(Wife)

- and -

WILLIAM THOMAS ROSS

Respondent
(Husband)

*Approved as amended
as to form and content
Hamilton / Appellate / Callan
sols for Respondent
Jan 21/95*

ORDER

THIS MOTION made by the Petitioner for an Order permitting the Petitioner to amend her Petition for Divorce to seek an Order requiring the sale of the matrimonial home, an Order citing the Respondent in contempt of the interim Order of Mr. Justice Sirois dated September 28, 1994, an Interim Order for the return of personal property located at the residence of the Respondent, an Order abridging the time for service of the within motion, and her costs of the within motion on a solicitor and client basis, were heard this day at the Court House, 161 Elgin Street, Ottawa, Ontario;

ON READING the Notice of Motion of the Petitioner, the Notice of Cross-Motion of the Respondent, the Affidavits of the Petitioner sworn the 21st day of November, 1994, the Affidavit of Lisa Kennedy sworn the 21st day of November, 1994, the Affidavit of Marlon Kennedy sworn the 21st day of November, 1994, the Affidavit of

Nancy Campbell sworn the 21st day of November, 1994, the Affidavit of Kathy Sainthill sworn the 18th day of November, 1994, the Affidavit of Kathy Nehei sworn the 21st day of November, 1994, the Affidavit of Carol Taylor-Kardas sworn the 21st day of November, 1994, the Affidavit of the Respondent sworn the 24th day of November, 1994, the Affidavit of Gary Browne sworn the 14th day of October, 1994, the Affidavit of Dianna Drynan sworn the 21st day of October, 1994, and the Financial Statements of the parties, filed;

1. THIS COURT ORDERS that the Respondent pay to the Petitioner the sum of \$700.00 per month per child, for the total payment of \$1,400.00 per month, as interim child support.
2. THIS COURT FURTHER ORDERS that the Respondent pay to the Petitioner the sum of \$100.00 per month as interim spousal support *commencing December 1st, 1994.*
3. THIS COURT FURTHER ORDERS that if there is a material change in the Petitioner's financial situation, a further motion may be brought before the Court to reconsider the above support order.
4. THIS COURT FURTHER ORDERS that the arrears of support payments of the Order of Mr. Justice Sirois, dated September 28, 1994, be paid in full by January 31, 1995. If arrears are not paid by this time, the Respondent's further pleadings will be struck out.
5. THIS COURT FURTHER ORDERS that the Respondent shall have interim access as follows:
 - (a) every second weekend from Friday evening at 5:00 p.m. until Monday morning at 8:00 a.m., commencing December 16th, 1994;

- (b) each and every Thursday evening from 5:00 p.m. until Friday at 8:00 a.m., except where the visit falls upon the Respondent's regular access weekend, in which case, the children will be returned following their weekend visit;
- (c) Christmas access to be arranged between the parties; and
- (d) the children shall be picked up and dropped off at the residence of the Petitioner.

6. THIS COURT ORDERS that the Christmas access schedule shall be as follows:

- (a) The Respondent shall have the children from December 23rd at 5:00 p.m. until December 25th, 1994 at 12:00 p.m.;
- (b) The Petitioner shall have the children from December 25th, 1994 at 12:00 p.m. until January 1st, 1995 at 12:00 p.m.;
- (c) The Respondent shall have the children from January 1st, 1995 at 12:00 p.m. until January 4th, 1995 at 7:00 p.m.;
- (d) The Petitioner shall have the children from January 4th, 1995 at 7:00 p.m. until January 8th, 1995; and
- (e) The Respondent's regular weekend access is to recommence January 13th, 1995.

7. THIS COURT FURTHER ORDERS that all items of personal property are to be resolved by the parties.

8. THIS COURT FURTHER ORDERS that if the trial in the within action cannot be heard in the spring of 1995, a further motion

may be brought in respect of interim custody of the children of the marriage, once cross-examinations in this matter are complete.

9. THIS COURT FURTHER ORDERS that the parties herein be restrained from molesting, annoying, or harassing one another.
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CATHERINE L. E. ROSS
Petitioner

- and -

WILLIAM THOMAS ROSS
Respondent

Court File No. 48783/94

ONTARIO COURT (GENERAL DIVISION)

Proceeding commenced at Ottawa

INTERIM ORDER

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