

## YOUR STEP-BY-STEP GUIDE FOR A BINDING JDR HEARING

### STEP 1: HOW TO SCHEDULE A BINDING JDR HEARING (“JDR HEARING”)

- To be eligible to proceed to a JDR Hearing, you must have first completed a case conference and you must have the consent (agreement) of the other party or parties in your case. This process is only suitable for cases that can be complete in a hearing of less than three hours, with no witnesses other than the parties, and no need for cross-examination of the other party.
- You may request a JDR Hearing date at your case conference or after your case conference.

#### How to Request a JDR Hearing at Your Case Conference

- At the case conference, you and the other party can request that the next step in your proceeding be a JDR Hearing. The judge will decide if your case is appropriate and, if approved, make a note in the endorsement.
- You may schedule the date at the case conference through the Registrar by filing a Request and Consent Form (found **here**). You must be ready to proceed on your booked date, as adjournments are unlikely to be granted.
- If you are unsure if you will be proceeding to a JDR Hearing, or need some time to exchange disclosure and get ready, you may still request that the presiding judge indicate in the endorsement that your case is suitable for a JDR hearing and note the approval in the endorsement.

#### How to Request a Binding JDR Hearing After Your Case Conference

- If you did not obtain a JDR Hearing date at your case conference, you are able to request one after your case conference, provided that you have the consent of all parties in your case.
- If you already obtained the approval of the case conference judge, and you have an endorsement from the case conference judge allowing the case to proceed to a JDR Hearing, simply have each party in your case file their Request and Consent Form (found **here**) with the court filing office, and provide a copy of the judge’s endorsement from the case conference to the Trial Coordinator to schedule a date for the hearing.
- If you do not have an endorsement from your case conference judge allowing your case to proceed to a JDR Hearing, you can still request approval after your case conference, provided that you have the consent of all parties. You will need to submit a 14B Motion Form and Affidavit. Your Affidavit should include reasons why the parties wish to participate in JDR Hearing and enough information to allow a judge to decide if the case is appropriate for a JDR Hearing. The last endorsement (usually a case conference or motion) and both parties’ request and consent forms should also be attached. If approved, the parties

should send the judge's endorsement from the 14B motion to the trial coordinator to obtain a date for the hearing.

- A sample 14B motion form can be found **here**;
- A sample Affidavit in support of the 14B motion can be found **here**.
- A sample endorsement that the court will use to decide if your case is appropriate can be found **here**.

## **STEP 2: THE 2 DOCUMENTS TO FILE IN ADVANCE OF YOUR JDR HEARING**

1. **Affidavits**: This is meant to be a simple process and the judge will not have time allotted in their schedule to read lengthy material in advance. Each party must file an affidavit of no more than 10 pages that sets out the background and key facts in support of the order that they are seeking. Unless you and the other party agree to a different timeline, the applicant or moving party's affidavit must be served and filed at least 20 days before the hearing. The responding affidavit must be served and filed at least 10 days before the hearing. Any necessary reply affidavit must be served and filed at least 5 days before the hearing. Reply is only to address matters raised in the responding affidavit that have not yet been dealt with – it is not to raise new issues or evidence that could have been dealt with in the original affidavit.
2. The following documents may be attached to the affidavit and do not count towards the 10 page limit:
  - Children's Lawyer Reports: As these reports can be lengthy, it is helpful if you can indicate in your affidavit what sections of the report you are asking the judge to read in advance, or if you just want it available for you to refer to during the hearing.
  - Financial statements;
  - Comparative net family property statements, and
  - Support calculations
- You are encouraged to use the **Affidavit in Support of a Binding Judicial Dispute Resolution hearing** located **here**. You may amend it to delete information that does not apply to your case. Alternatively, you may use the Form 14A Affidavit (General). If Form 14A is used, be sure to provide the information that is sought in the Affidavit in Support of a Binding Judicial Dispute Resolution hearing, as applicable in the circumstances, so that the judge will understand what your case is about, what issues need to be dealt with in the JDR Hearing and what your proposals are about the outstanding issues.
3. **Draft Order**: You must file a draft order, in a format that can be edited by the presiding judge, containing all of the requested terms. This document can be used by the judge at the end of the hearing if the orders are granted. Standard clauses that may assist in the preparation of draft orders are located **here**. Samples of actual draft Orders are located **here** (for parties who

are married to each other or subject to previous orders made under the *Divorce Act*), or **here** (for parties who were not married to each other).

### **STEP 3: ATTEND THE JDR HEARING**

- Once you have obtained the date for your JDR Hearing, you do not need to file any confirmation form. As long as you have filed all of your documents as set out above, and exchanged all necessary disclosure, you are ready for your hearing.
- This is your final hearing and should be treated as seriously as a trial and you must be ready to proceed on your scheduled date. As there are very limited dates available for JDR Hearings, adjournments are unlikely to be granted, unless there are very compelling circumstances.

**HOW TO REQUEST A BINDING JUDICIAL DISPUTE  
RESOLUTION (BINDING JDR) HEARING**  
(Request and Consent Form)

Court File Number:

**RE:** \_\_\_\_\_ v. \_\_\_\_\_  
Applicant Respondent

**REQUEST:**

I, \_\_\_\_\_, the Applicant/Respondent (*indicate appropriate party*),

- am requesting a Binding Judicial Dispute Resolution hearing
- or -
- agree to a request for a Binding Judicial Dispute Resolution hearing

**Part A: Resolved Issues**

*Check the issues that have already been resolved on a final basis (by court order, agreement or consent):*

- Parenting (including decision making, residential schedules or contact)
- Child Support
- Spousal Support
- Division of Property
- Other: \_\_\_\_\_

## Part B: Outstanding Issues

*Check the issues that must still be resolved and provide a brief description:*

- Parenting \_\_\_\_\_
- Child Support \_\_\_\_\_
- Spousal Support \_\_\_\_\_
- Division of Property \_\_\_\_\_
- Other \_\_\_\_\_

## Part C: Undertakings

In order to request a Binding Judicial Dispute Resolution hearing you must agree to the following:

- I will serve on the other party and file with the court an affidavit of no more than 10 pages at least 20 days before the hearing (for the Applicant or moving party) and at least 10 days before the hearing (for the Respondent or responding party). Where needed to respond to new information raised by the Respondent or responding party, the Applicant or moving party can file a reply affidavit of no more than 4 pages at least 5 days before the hearing.
- I understand that if I have not already done so, I will be asked at the beginning of the hearing to confirm under oath or affirmation that everything that is included in my affidavit and said at the hearing is true, as it may be relied upon by the judge when they make a final decision. I understand that it is an offence to make a false statement under oath or affirmation.
- This process is not appropriate where the parties want the judge to review more than a few cases. If I intend to refer to any caselaw during the hearing, I will provide the decisions with my affidavit, hyperlinked to CanLII.
- In addition to my affidavit, I will provide the other party with a comprehensive proposal to resolve each outstanding issue, in the form of a draft order, in a format that can be edited by the judge. Parties are encouraged to use the appropriate sections from the standard Minutes of Settlement to assist with the preparation of this document, which will be available on the Simcoe County Law Association website (<https://scla.ca>). Parties should not include in their draft orders relief that

has not been sought in the pleadings. The parties' proposals will be considered by the judge during the hearing and treated as Offers to Settle if either party requests costs from the other side at the end of the hearing (see Rules 18 and 24).

- I will keep my financial information up to date by ensuring that my Financial Statement and Net Family Property Statements comply with subrules 13(12)(14) and (15) of the *Family Law Rules*. This means I must immediately correct any errors. Where there are financial issues to be dealt with at the Binding JDR, at least 30 days before the hearing, I will also either (i) update my Financial and Net Family Property Statements or (ii) confirm in writing that there are no changes to previously filed Financial and Net Family Property Statements.
- I will complete all of my disclosure prior to my hearing and bring all my supporting documents, including the information that has been used to prepare my financial statement, to court. I understand that the court or the other party may wish to examine these documents and it may be held against me in the court's decision if I do not have them available at the hearing.
- I will promptly advise the Court if a settlement has been reached about any or all of the issues prior to the hearing date by contacting the Trial Coordinator.

#### **Part D: Consent**

In order to have a Binding Judicial Dispute Resolution hearing you must also agree to the following:

- I have read the Practice Advisory and Notice to the Profession and understand the Binding Judicial Dispute Resolution process.
- I understand that I am waiving my right to have my case decided on a final basis at a trial. Instead, I am requesting that the judge take a less formal approach to determining the outstanding issues. I understand that the judge will be directly involved in asking questions during the hearing to obtain the necessary information relating to the issues in dispute.
- I understand that at my hearing, the judge is not bound by traditional rules of evidence and may receive and use any credible information that either party has submitted to the court that is relevant to the issues that are in dispute.
- I agree to waive any rights that I would otherwise have to (i) ensure the strict application of the traditional rules of evidence, and (ii) follow the traditional rules of

evidence regarding the examination in chief or cross examination of the parties or any witnesses.

- I agree and request that the same judge will preside over the resolution phase of the Binding JDR hearing and, if required, make the final decision regarding any issues that remain in dispute. The judge will therefore be aware of any proposals that I have made during the process.
- I specifically waive the provisions of Rule 24(17) and any right to object to the hearing because the presiding judge has assisted the parties with settlement discussions prior to making a decision. I understand that I will not be permitted to withdraw my consent after the Binding JDR hearing begins.
- I understand that the presiding judge will have the same authority as a judge would have at trial to make final orders about any questions of law or fact relating to the admission of evidence or the determination of the issues.
- I understand that the court may rely on reports prepared by independent professionals, including the Office of the Children’s Lawyer, provided the report has been disclosed at least 30 days prior to the hearing. I also understand that the professional will not have to attend the hearing, unless required by the judge, and the judge will determine the appropriate weight to be given to any such reports.
- I understand that, if the children are represented by a lawyer, that lawyer may provide information to the court directly at the hearing, without the children being present. This may include information about the children’s statements regarding their views and preferences. The judge at the hearing will have discretion to decide what, if any, weight should be given to this information.

## **Part E: Legal Advice**

**NOTE: YOU ARE STRONGLY ADVISED TO GET LEGAL ADVICE PRIOR TO COMPLETING THIS FORM.** *If you do not have your own lawyer, the Family Law Information Centre (FLIC) in Barrie (barrieflic@gmail.com) can provide you with a list of lawyers providing “Unbundled Legal Services” who you can consult at a reduced cost. Information about the process may be available by calling the numbers for Legal Aid below. If you qualify financially, you may be able to discuss your options with duty counsel at a case conference or with the Legal Aid Advice Lawyer available through the FLIC.*

Fill in the details of your legal advice and/or representation below:

- I am currently represented by (*Name of Lawyer*) \_\_\_\_\_.
  - The above-named lawyer will represent me at the hearing.
  - I will be represented by (*Name of Another Lawyer*) \_\_\_\_\_ at the hearing.
  - I will be representing myself at the hearing.
  
- I am not currently represented by a lawyer.
  - I have received advice in relation to this request and consent form and the Binding JDR process from (*Name of Lawyer*) \_\_\_\_\_; or,
  - While I have been advised to seek legal advice in relation to this request and consent, I have chosen not to do so.

**AND**

- I will be represented by (*Name of Lawyer*) \_\_\_\_\_ at the hearing; or,
- I will be representing myself at the hearing.

Signature: \_\_\_\_\_

Witness: \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

Name of Lawyer (if any): \_\_\_\_\_

Signature of Lawyer (if any): \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 2021

**Superior Court of Justice, Family Court**

(Name of Court)

at **75 Mulcaster Street, Barrie, Ontario, L4M 3P2**

(Court office address)

**Form 14B: Motion Form**

Name of parties:

Applicant: James Robert Gowan

Respondent: Anne Ardagh Gowan

Hearing date: To Be Determined Name of case management judge: The Hon.

This form is filed by:

applicant  respondent  other (Specify.)

The motion is made:

with the consent of all persons affected  with notice to all persons affected-unopposed  
 with notice to all persons affected – opposition expected  without notice

**NOTICE TO PERSON MAKING THIS MOTION:** *If this is a motion to change past and future support payments under an order that has been assigned to a government agency, you must also serve this Notice on that agency. If you do not, the agency can ask the court to set aside any order that you may get in this motion and can ask for court costs against you.*

Order that you want the court to make:

1. An Order that the following issues be determined on a final basis by way of a Binding Judicial Dispute Resolution Hearing:
  - a. Child and spousal support arrears payable by the Applicant Father to the Respondent Mother from date of separation (May 1, 2018) to December 30, 2020;
  - b. The summer holiday schedule for the children;
  - c. The parties’ respective contributions to the children’s extra-curricular activities of bowling and dance.
2. An Order that a date be provided by the Trial Coordinator for the Binding Judicial Dispute Resolution Hearing on the above-noted issues.

Laws and rules on which you are relying: (Give name of statute and section numbers; name of regulation and section numbers; and rule numbers.)

1. The Notice to the Family Law Bar and Family Litigants – Simcoe and Muskoka; and
2. The Practice Advisory Concerning the Superior Court of Justice’s Binding Judicial Dispute Resolution Pilot Projects (Effective May 14, 2021).

I want the court to deal with this motion:

by relying only on written material.  in a hearing at which affected persons may attend personally.  
 by conference telephone call (An appointment for such a call must be arranged in advance; see rule 14 of the Family Law Rules.)

At this motion, I am relying on the following material:

- Tabs/pages N/A of the continuing record
- The consent and request forms signed by both parties.
  - The affidavit of James Gowan attached.

Pages \_\_\_\_\_ of the transcript of the evidence of *(name of person)*  
dated \_\_\_\_\_

*(Relevant parts of transcript must be highlighted.)*

**This party's lawyer** *(Give lawyer's name, firm, telephone & fax number & e-mail address. If no lawyer, give party's name, and address for service, telephone and fax number & e-mail address.)*

**James Robert Gowan**  
**338 Sunnidale Road**  
**Barrie, Ontario**  
**L4M 4S4**  
**Tel: (705) 309-5555**

**Other party's lawyer** *(Give lawyer's name, firm, telephone & fax number & e-mail address. If no lawyer, give party's name, an address for service, telephone and fax number & e-mail address.)*

**Anne Ardagh Gowan**  
**338 Sunnidale Road**  
**Barrie, Ontario**  
**L4M 4S4**  
**Tel: (705) 728-9991**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date of signature*

**Superior Court of Justice, Family Court***(Name of Court)***at 75 Mulcaster Street, Barrie, Ontario, L4M 3P2***(Court office address)***Form 14A: Affidavit (General)  
dated June 1, 2021****Applicant(s)***Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***James Robert Gowan  
338 Sunnidale Road  
Barrie, Ontario  
L4M 4S4  
Tel: (705) 309-5555***Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***Respondent(s)***Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***Anne Ardagh Gowan  
338 Sunnidale Road  
Barrie, Ontario  
L4M 4S4  
Tel: (705) 728-9991***Lawyer's name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any).***My name is***(Full legal name)***James Robert Gowan****I live in***(municipality and province)***Barrie, Province of Ontario****and I swear/affirm that the following is true:**

*Set out the statements of fact in consecutively numbered paragraphs. Where possible, each numbered paragraph should consist of one complete sentence and be limited to a particular statement of fact. If you learned a fact from someone else, you must give that person's name and state that you believe that fact to be true.*

- I am the Applicant in this proceeding and as such I have personal knowledge of the facts set out in this affidavit. Where I have learned information from third parties, I have identified the source and believe it to be true unless I state otherwise.
- I have prepared this Affidavit in support of my 14B motion to have the remaining outstanding issues in this proceeding resolved by way of a Binding Judicial Dispute Resolution Hearing ("JDR Hearing"). This motion is on consent of the Respondent, Anne Ardagh Gowan ("Anne").
- In further support of this motion, Anne and I have each completed separate Request and Consent Forms, which are attached hereto as **Exhibit "A"**, confirming that we each understand this process and agree to use this process to reach a final disposition of the remaining issues in our case.
- By way of background, Anne and I were married on January 1, 1999, and separated on May 1, 2018. There are two children of the marriage, namely, Oliver James Gowan, born July 2, 2011, and Grace Luanna Gowan, born August 4, 2008.

dated June 1, 2020

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5. Anne and I are both T4 employees and do not have any additional sources of income. My income as a political advisor and Anne's income as a finance analyst are not in dispute. We have exchanged updated sworn financial statements, along with income disclosure including our last three years of Notices of Assessments and recent paystubs.
6. The Application in this matter was issued on September 1, 2020. The outstanding issues initially included child support, a parenting plan for Oliver and Grace (including decision-making authority and parenting time), contributions to section 7 expenses for the children, and equalization of net family property.
7. On April 1, 2021, Anne and I attended a case conference before Madam Justice Jain. After receiving input at the case conference, Anne and I were able to resolve all issues on a final basis, with the exception of the following issues:
  - a. Child support arrears payable by myself to Anne from the date of separation (May 1, 2018) to December 30, 2020;
  - b. The summer holiday schedule for the children;
  - c. Our respective contributions to the children's extra-curricular activities of bowling and dance.
8. The endorsement of Justice Jain from the case conference is attached as **Exhibit "B"** and the Final Order resolving all other issues is attached as **Exhibit "C"**.
9. Following the case conference there were several items of disclosure that remained outstanding. All disclosure has now been produced and there is no disclosure or other information required to be produced.
10. The only witnesses for the hearing will be me and Anne. We would like to explain our evidence to a judge and discuss the outstanding issues with them to get input. However, if we cannot agree, we would like that judge to simply make a decision for us, based on what they have heard. Neither of us see any advantage in attending additional court dates or participating in a trial, as the judge at a trial would hear the same evidence as the judge at the JDR conference. There are no significant credibility issues that would require cross-examination or render this matter unsuitable for a JDR Hearing.
11. I further believe that the outstanding issues can be resolved in a hearing of 2-3 hours.
12. Both Anne and I have had an opportunity to seek legal advice about the outstanding issues and the JDR process.
13. I make this Affidavit and bring this motion, with Anne's consent, to obtain an Order for the remaining issues in this proceeding to be disposed of by way of a JDR Hearing. If permission is granted, I will contact the trial coordinator to schedule a date.

dated June 1, 2020

Sworn/Affirmed before me at:  
the City of Barrie

*(municipality)*

in Province of Ontario

*(province, state or country)*

on June 1, 2020

*(date)*

\_\_\_\_\_  
*Commissioner for taking affidavits  
(Type or print name below if signature illegible.)*

\_\_\_\_\_  
*Signature  
(This form to be signed in front of a lawyer,  
justice of the peace, notary public or commissioner  
for taking affidavits.)*

**Parties Names:**

**Court File Number:**

**BINDING JUDICIAL DISPUTE RESOLUTION ENDORSEMENT**

This endorsement relates to a  Case conference held \_\_\_\_\_  
 14B filed \_\_\_\_\_

Order to go as follows:

This matter  Is approved for a Binding JDR Hearing  
 Is not approved for a Binding JDR Hearing

REASONS:

**YES**

**NO**

Parties have received or been recommended to obtain Legal Advice

Both parties are requesting Binding JDR

No witnesses other than the parties

Final hearing can be completed in less than 3 hours

Issues are appropriate to address at JDR (specify):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Documents to be filed including date for filing  
- Consent and Waiver Forms for both parties (if not yet filed)

- Affidavits to be filed by:  
Applicant \_\_\_\_\_  
Respondent \_\_\_\_\_  
Reply \_\_\_\_\_

Attachments to the parties' affidavits (that will not form part of the page limits for the documents as set out in the regional Notice to the Profession) may include a Children's Lawyer Report, child and/or spousal support calculations, financial statements and comparative NFP statements.

Any documents that will be submitted as evidence must be disclosed to the other party in advance and brought to the hearing but do not need to be filed with the Court in advance.

Disclosure is complete or will be exchanged as follows (include timelines):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Draft orders to be provided by:

Applicant \_\_\_\_\_  
Respondent \_\_\_\_\_

Hearing scheduled for (date) \_\_\_\_\_

Date to be obtained from TC

Parties must have a stable camera and audio connection as well as a private secure setting throughout the entire hearing.

Both parties will affirm the truth of their evidence  
 Applicant  Respondent wishes to swear to truth of their evidence – advised to have their Holy Book available at the beginning of the hearing.

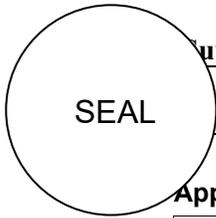
In the current circumstances of the COVID-19 reduction in court services, this endorsement is effective immediately without the need for a formal court order.

Additional directions or judge's notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Justice

\_\_\_\_\_  
Date



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

Court File Number

Mulcaster Street, Barrie, Ontario, L4M 3P2  
(Court office address)

Form 25: Order (general)  
 Temporary  
 Final

**Applicant(s)**

<i>(Full legal name &amp; address for service: street, number, municipality, postal code telephone &amp; fax numbers &amp; e-mail address (if any)).</i> <b>James Robert Gowan</b> <b>338 Sunnidale Road</b> <b>Barrie, Ontario</b> <b>L4M 4S4</b> <b>Tel: (705) 309-5555</b>	<i>Lawyer's name &amp; address: street, number, municipality, postal code, telephone &amp; fax numbers &amp; e-mail address (if any).</i>
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**Respondent(s)**

<i>Judge (Print or type name)</i>	<i>Full legal name &amp; address for service: street, number, municipality, postal code telephone &amp; fax numbers &amp; e-mail address (if any).</i> <b>Anne Ardagh Gowan</b> <b>338 Sunnidale Road</b> <b>Barrie, Ontario</b> <b>L4M 4S4</b> <b>Tel: (705) 728-9991</b>	<i>Lawyer's name &amp; address: street, number, municipality, postal code, telephone &amp; fax numbers &amp; e-mail address (if any).</i>
<i>Date of order</i>		

This order is made pursuant to provincial legislation only.

The court heard an application/motion made by *(name of person or persons)*

The Applicant, James Robert Gowan

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

The Applicant, James Robert Gowan, and the Respondent, Anne Ardagh Gowan.

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

The Applicant, James Robert Gowan, and the Respondent , Anne Ardagh Gowan.

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

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

**Parenting Plan**

1. The children, Oliver James Gowan born July 2, 2011 and Grace Luanna Gowan born August 4, 2008, shall live with both parties equally on an alternating week basis with the exchanges happening on Fridays after school (or 3:30 p.m. Fridays if a non-school day).
2. The parties shall equally share and alternate all holidays as arranged in advance between them, with consideration given to their work schedules and holiday traditions. The parties shall use their best efforts to mutually agree on the details of this no later than January 15 of each year, but if no agreement can be reached the parties shall refer this matter to the court for a judicial determination.
3. Major decisions about the health, education and general welfare of the children shall be made by the parties jointly, but in the event of disagreement the parties may seek a decision from the court.
4. Both parties shall have reasonable telephone contact with the children while they are in the care of the other party.
5. Both parties shall permit the children to contact the other parent by telephone during their parenting time if the child expresses the wish to do so.

6. Both parties may attend the children's activities with their respective families, and neither parent shall interfere with the other parent having some time with the children at the event.
7. Both parties shall have the right to consult with and obtain information directly from the children's teachers, doctors or other professionals about the health, education and general welfare of the children.
8. The parties shall keep each other informed as to their residential address and telephone number, and notify the other whenever this information changes.
9. Both parties shall notify the other in writing as soon as is reasonably possible in the event that one or more of the children is sick, injured, hospitalized or requires any form of medication and/or treatment.
10. Both parties shall keep each other informed about any significant issues relating to the children that arise during their time with the children.
11. Neither party shall speak negatively about the other party in the children's presence, and both shall make their best efforts to prevent all third parties from doing so as well. Furthermore, neither party shall discuss this court case or other adult issues involving the parties with the children.
12. Neither party shall smoke, vape or otherwise consume tobacco and/or cannabis in a vehicle, small room or other confined area when the children are with them, and both shall make their best efforts to prevent the children from being exposed to second hand smoke from third parties.
13. Neither party shall take the children outside of the Province of Ontario without the written consent of the other party, which shall not be unreasonably withheld.

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

### **Child Support**

14. Commencing on July 1, 2021, and on the first day of each month thereafter until further order of the court, the Applicant shall pay to the Respondent child support of \$915 per month and the Respondent shall pay to the Applicant child support of \$597 per month, resulting in a "set off" child support payment from the Applicant to the Respondent of \$318 per month.
15. The above-noted award of child support is in accordance with the Child Support Guidelines in that the annual gross income of the Applicant is \$60,000 and the annual gross income of the Respondent is \$40,000 and the children reside in a shared-residency arrangement.
16. The Applicant earns 60% of the parties' combined incomes and the Respondent earns 40% of the parties' combined incomes. The Applicant shall be responsible for 60% of the children's special and extraordinary expenses and the Respondent shall be responsible for 40%. This shall be done by having the party who incurred the expense provide proof of what s/he paid for s. 7 expense, and the other party reimbursing his or her proportionate share and not later than 30 days after receiving proof of what was paid.
17. The following are appropriate section 7 expenses:
  - a. Daycare;
  - b. One week of summer camp per child;
  - c. All health, medical and dental expenses that exceed either party's benefits plan; and,
  - d. Education expenses.
18. Each party shall maintain medical and dental coverage for the children mentioned above that is available through his/her work. This obligation shall remain in place so long as these benefits remain available to the party and the children are eligible for child support.
19. For as long as child support is payable, the parties must provide disclosure to the other party each year,

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within 30 days of the anniversary date of this order, in accordance with section 24.1 of the Child Support Guidelines, including a copy of their income tax return and Notice of Assessment for the prior year.

**Property**

- 20. All contents of the matrimonial home have been divided.
- 21. Within 30 days of the date of this Order, the Applicant shall pay to the Respondent the sum of \$20,000 in satisfaction of all claims for an equalization of net family property.
- 22. There shall be no further equalization of net family property.

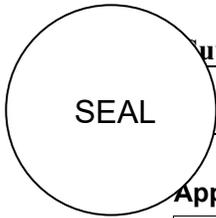
~~**THIS COURT ORDERS THAT**~~ *(specify legislation, where applicable):*

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

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\_\_\_\_\_  
*Date of signature*

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*Signature of judge or clerk of the court*



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

Court File Number

Mulcaster Street, Barrie, Ontario, L4M 3P2  
(Court office address)

Form 25: Order (general)  
 Temporary  
 Final

**Applicant(s)**

<i>(Full legal name &amp; address for service: street, number, municipality, postal code telephone &amp; fax numbers &amp; e-mail address (if any)).</i> <b>James Robert Gowan</b> <b>338 Sunnidale Road</b> <b>Barrie, Ontario</b> <b>L4M 4S4</b> <b>Tel: (705) 309-5555</b>	<i>Lawyer's name &amp; address: street, number, municipality, postal code, telephone &amp; fax numbers &amp; e-mail address (if any).</i>
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**Respondent(s)**

<i>Judge (Print or type name)</i>	<i>Full legal name &amp; address for service: street, number, municipality, postal code telephone &amp; fax numbers &amp; e-mail address (if any).</i> <b>Anne Ardagh Gowan</b> <b>338 Sunnidale Road</b> <b>Barrie, Ontario</b> <b>L4M 4S4</b> <b>Tel: (705) 728-9991</b>	<i>Lawyer's name &amp; address: street, number, municipality, postal code, telephone &amp; fax numbers &amp; e-mail address (if any).</i>
<i>Date of order</i>		

This order is made pursuant to provincial legislation only.

The court heard an application/motion made by *(name of person or persons)*

The Applicant, James Robert Gowan

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

The Applicant, James Robert Gowan, and the Respondent, Anne Ardagh Gowan.

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

The Applicant, James Robert Gowan, and the Respondent , Anne Ardagh Gowan.

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

**Parenting Plan**

1. The children, Oliver James Gowan born July 2, 2011 and Grace Luanna Gowan born August 4, 2008, shall live with both parties equally on an alternating week basis with the exchanges happening on Fridays after school (or 3:30 p.m. Fridays if a non-school day).
2. The parties shall equally share and alternate all holidays as arranged in advance between them, with consideration given to their work schedules and holiday traditions. The parties shall use their best efforts to mutually agree on the details of this no later than January 15 of each year, but if no agreement can be reached the parties shall refer this matter to the court for a judicial determination.
3. Major decisions about the health, education and general welfare of the children shall be made by the parties jointly, but in the event of disagreement the parties may seek a decision from the court.
4. Both parties shall have reasonable telephone contact with the children while they are in the care of the other party.
5. Both parties shall permit the children to contact the other parent by telephone during their parenting time if the child expresses the wish to do so.
6. Both parties may attend the children's activities with their respective families, and neither parent shall interfere with the other parent having some time with the children at the event.
7. Both parties shall have the right to consult with and obtain information directly from the children's teachers, doctors or other professionals about the health, education and general welfare of the children.

8. The parties shall keep each other informed as to their residential address and telephone number, and notify the other whenever this information changes.
9. Both parties shall notify the other in writing as soon as is reasonably possible in the event that one or more of the children is sick, injured, hospitalized or requires any form of medication and/or treatment.
10. Both parties shall keep each other informed about any significant issues relating to the children that arise during their time with the children.
11. Neither party shall speak negatively about the other party in the children's presence, and both shall make their best efforts to prevent all third parties from doing so as well. Furthermore, neither party shall discuss this court case or other adult issues involving the parties with the children.
12. Neither party shall smoke, vape or otherwise consume tobacco and/or cannabis in a vehicle, small room or other confined area when the children are with them, and both shall make their best efforts to prevent the children from being exposed to second hand smoke from third parties.
13. Neither party shall take the children outside of the Province of Ontario without the written consent of the other party, which shall not be unreasonably withheld.

### **Child Support**

14. Commencing on July 1, 2021, and on the first day of each month thereafter until further order of the court, the Applicant shall pay to the Respondent child support of \$915 per month and the Respondent shall pay to the Applicant child support of \$597 per month, resulting in a "set off" child support payment from the Applicant to the Respondent of \$318 per month.
15. The above-noted award of child support is in accordance with the Child Support Guidelines in that the annual gross income of the Applicant is \$60,000 and the annual gross income of the Respondent is \$40,000 and the children reside in a shared-residency arrangement.
16. The Applicant earns 60% of the parties' combined incomes and the Respondent earns 40% of the parties' combined incomes. The Applicant shall be responsible for 60% of the children's special and extraordinary expenses and the Respondent shall be responsible for 40%. This shall be done by having the party who incurred the expense provide proof of what s/he paid for s. 7 expense, and the other party reimbursing his or her proportionate share and not later than 30 days after receiving proof of what was paid.
17. The following are appropriate section 7 expenses:
  - a. Daycare;
  - b. One week of summer camp per child;
  - c. All health, medical and dental expenses that exceed either party's benefits plan; and,
  - d. Education expenses.
18. Each party shall maintain medical and dental coverage for the children mentioned above that is available through his/her work. This obligation shall remain in place so long as these benefits remain available to the party and the children are eligible for child support.
19. For as long as child support is payable, the parties must provide disclosure to the other party each year, within 30 days of the anniversary date of this order, in accordance with section 24.1 of the Child Support Guidelines, including a copy of their income tax return and Notice of Assessment for the prior year.

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

*(if not applicable, cross out this line)*

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

- 20. All contents of the matrimonial home have been divided.
- 21. Within 30 days of the date of this Order, the Applicant shall pay to the Respondent the sum of \$20,000 in satisfaction of all claims for an equalization of net family property.
- 22. There shall be no further equalization of net family property.

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

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

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*Date of signature*

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*Signature of judge or clerk of the court*