

CANADA / JUDGMENT

C.G. v. D.M.G.

2025 BCSC 2480

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Supreme Court of British Columbia

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2025 BCSC 2480 C.G. v. D.M.G.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

C.G. v. D.M.G.,

2025 BCSC 2480

Date: 20251212

Docket: E91318

Registry: Nanaimo

Between:

C.G.

Claimant

And

D.M.G.

Respondent

Before: The Honourable Justice A. Ross

Reasons for Judgment

Counsel for the Claimant:

P. Dwyer

The Respondent, appearing in person:

D.G.

Place and Date of Trial/Hearing:

Nanaimo, B.C.

April 1-4 & 7-11, 2025

Place and Date of Judgment:

Nanaimo, B.C.

December 12, 2025

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Introduction

[1] I have anonymized these reasons in the interests of the children.

- [2] The main issues in this family trial relate to parenting time and responsibilities. The claimant, who is the father, argues that it is in the children's best interests for him to have all (or alternatively most) of the parenting time. He also seeks sole decision-making power. He seeks several ancillary orders. He argues that the respondent's mental health constitutes a detriment to the children.
- [3] The respondent, who is the mother, opposes all relief sought by the claimant. In her response, she seeks the opposite result (i.e., all parenting time).
- [4] The mother was self-represented at trial. During the trial, she alluded to her intention to re-open the financial aspects of the parties' separation agreement. To be clear, these reasons do not address any financial issues.
- [5] This trial proceeded before me at Nanaimo from April 1 to 11, 2025. At the close of the respondent's evidence, there was no further court time available. Rather than adjourn to set further dates, the claimant's counsel suggested that the parties could provide written submissions. After receiving the consent of the respondent, I agreed to the suggestion. I directed that the claimant's submission should be filed by April 25, 2025, and the respondent's should be filed by May 9, 2025. I received the claimant's written submission in late April, as expected. I did not receive the respondent's written submission.
- [6] On May 9, 2025, the claimant applied to re-open his case in the trial. I allowed new evidence regarding a driving suspension (alcohol-related) issued to the respondent. I also allowed the claimant to file an amended written submission.
- [7] On June 5, 2025, I received the claimant's amended submissions. I did not receive the respondent's. I issued a memo directing the respondent to file her submissions immediately. By mid-August 2025, the respondent's submissions had still not been filed. The claimant brought a further application for interim relief, pending the receipt of the respondent's submissions. On August 29, 2025, I granted the relief sought by the claimant: I ordered that the claimant have full parenting time and decision-making responsibilities until such time as I have released my final reasons from the trial.
- [8] As of the date of the release of these reasons, I have still not received the respondent's submissions. Based on the chronology described above, I have taken the unusual step of releasing these reasons despite not hearing the position of the respondent.

Issues and Orders Sought

- [9] Below, I address the following issues:
- a) Credibility
 - b) Concerns Raised by Each Party
 - c) Best Interests of the Children

[10] The claimant seeks the following orders:

- a) full parenting time to the claimant with generous and reasonable time to the respondent;
- b) all parenting responsibilities (which would be a continuation of the interim order);
- c) the children to continue to have regular counselling sessions, and a specific order that the respondent not discourage or impede such counselling;
- d) an order that the claimant is entitled to transport the children to extracurricular activities and counselling and that the respondent is not to attend at those activities;
- e) an order that the respondent not volunteer at the children's extracurricular activities during the claimant's parenting time;
- f) for the purpose of vacations, the respondent to get the children for two periods of seven days in any calendar year, those seven days not to be adjacent;
- g) that the parenting time during Christmas be divided on alternating year basis: in the first year with the claimant having the children from December 23 at noon until December 25 at noon and the respondent having the children from December 25 at noon to December 27 at noon;
- h) pursuant to Division 3 of the Family Law Act, S.B.C. 2011, c. 25 [FLA], that a parenting coordinator be reappointed with the costs being shared equally;
- i) pursuant to s. 222 of the FLA, mutual conduct orders (as described below); and
- j) costs.

[11] As noted, the respondent opposes all relief sought by the claimant. In her amended response to family claim, she seeks the opposite result, namely that she should have the children 100% of the time.

Legal Framework

[12] In my exploration of the issues below, my sole consideration is to determine what result would be in the best interests of the children. I approach the inquiry from a child-centred perspective.

[13] In assessing the best interests, I am applying the considerations set out in the FLA, s. 37(2) specifically:

- (a) the child's health and emotional well-being;
- (b) the child's views, unless it would be inappropriate to consider them;
- (c) the nature and strength of the relationships between the child and significant persons in the child's life;

- (d) the history of the child's care;
 - (e) the child's need for stability, given the child's age and stage of development;
 - (f) the ability of each person who is a guardian or seeks guardianship of the child, or who has or seeks parental responsibilities, parenting time or contact with the child, to exercise his or her responsibilities;
 - (g) the impact of any family violence on the child's safety, security or well-being, whether the family violence is directed toward the child or another family member;
 - (h) whether the actions of a person responsible for family violence indicate that the person may be impaired in the person's ability to care for the child and meet the child's needs;
 - (i) the appropriateness of an arrangement that would require the child's guardians to cooperate on issues affecting the child, including whether requiring cooperation would increase any risks to the safety, security or well-being of the child or other family members;
 - (j) any civil or criminal proceeding relevant to the child's safety, security or well-being.
- [14] I am entitled to consider a person's conduct only if it substantially affects the best interests of the children (s. 37(4)).

Background Facts

- [15] The parties were married on September 1, 2007. They have two children, born May 2012 (age 13) (the "son") and May 2015 (age 10) (the "daughter"). The parties separated on June 1, 2016.
- [16] With the assistance of counsel, the parties executed a separation agreement on March 1, 2020.
- [17] This action was commenced on July 14, 2020. The claimant only sought a divorce. The parties were divorced on August 28, 2020.
- [18] The separation agreement continued in force, and the parties were able to co-parent despite some issues arising. The parties shared parenting 50-50 on a week-on, week-off basis. They also shared decision-making responsibilities. In the interim, the father remarried.

Credibility, Reliability, and Collateral Witnesses

- [19] Each side challenges the credibility of the other.
- [20] The respondent challenges the claimant's credibility. The main force of her submissions relates to individual incidents which are described differently by the parties.
- [21] I find the claimant to be a credible and reliable witness. He gave his testimony, both in direct and cross-examination, in a fair and balanced manner. His descriptions of events accorded with the collateral evidence and with common sense.
- [22] That was not the case for the respondent's testimony.

[23] I do not find the respondent to be a credible or reliable witness. I discuss the section 211 report below. One line in that report stands out:

She presents a somebody who has a "fragile ego" which makes it difficult for her to accept criticism or feedback. In disagreements she has a tendency to distort reality to defend her ego.

[24] I find that to be an accurate description of the respondent's testimony at trial.

[25] I address below several concerns that were raised by the claimant regarding the respondent's behaviour. Those events involve elements of credibility assessment. However, for current purposes, one incident will illustrate my findings on the respondent's credibility.

[26] Both parties described an event that occurred at a soccer practice for the daughter's team. The respondent was an assistant coach for that team. The claimant brought the son to the field to watch the practice. It was the son's birthday.

a) The claimant described a confrontation between the respondent and the son at the field. The claimant described the event as awkward and embarrassing, ultimately leading to the claimant leaving the field with the son.

b) The respondent described the event as a calm encounter between herself and her son.

[27] My finding on credibility relating to this incident is determined by external factors. Specifically, it is not disputed that, in the week after this incident, the soccer league asked the respondent to resign as assistant coach.

[28] Common sense tells me that the league would not seek the respondent's resignation unless there was a confrontation that was disruptive to the team. That result bolsters the claimant's overall credibility and weakens the respondent's.

[29] In the grand scheme of things, this is a minor event. However, I consider it objective evidence of the credibility of both parties.

[30] In assessing the respondent's credibility, I also note the general theme of her defence. During the trial, she argued that the claimant had an ulterior motive for seeking primary parenting: to avoid paying child support. However, it appears that the respondent was not aware of the terms of the parties' separation agreement. In effect, the agreement requires the claimant to pay the respondent \$100,000 per year in combined spousal and child support. The agreement specifically provides that if child support ceases to be paid, the claimant is still required to pay \$100,000 a year, but that amount is shifted to spousal support. Further, spousal support is payable until 2034. Hence, there would be little financial advantage to the claimant to reordering the parenting schedule.

[31] Each party also called one collateral witness. The claimant called Mr. Craig Neville, K.C., who had been appointed as the parenting coordinator. I deal with his evidence below. It was clear that he had a difficult relationship with the respondent. I find him to be a credible, reliable, and insightful witness.

- [32] The respondent called her father, Mr. C. In his direct evidence, Mr. C testified that he has good relationship with his daughter (the respondent) and with the children. He praised the children as being bright and talented. He credited both the parties as excellent parents. He testified that the respondent's house was in good order, and he described her as a good parent who does everything in her power to protect her children.
- [33] The positive picture that Mr. C painted in his direct evidence was significantly tarnished in cross-examination. He was presented with a letter that he wrote to his daughter in July 2021. The letter threatened legal action against the respondent if the respondent did not agree to allow Mr. and Mrs. C to see their grandchildren. Nothing came of the dispute, and the family reconciled. However, I accept the claimant's submission that Mr. C's testimony was designed to protect the grandparents' ability to see their grandchildren. I approach his testimony from that perspective. Further, I understand his perspective.
- [34] With those findings regarding credibility in mind, I now address the main issue in this trial, that being the concerns raised over the ability of the opposite party to parent in the best interests of the children.

The Respondent's Concerns about the Claimant

- [35] The respondent, in her testimony, raised the following concerns about the claimant's ability to properly parent the children:
- a) withholding medications,
 - b) withholding food at school, and
 - c) dangerous activities at the claimant's new home.
- [36] Upon full examination, I find that each of these concerns is without merit.
- [37] First, the respondent raised concerns regarding the claimant's refusal to take one of the children to the doctor when she was exhibiting certain symptoms. I heard both parties testify about the condition of the child. In my opinion, the claimant's decisions were reasonable given his observations at the time. He followed the medical advice of a doctor who had actually seen the child. The respondent's concern was unfounded.
- [38] The respondent's second concern arose while the younger child was in kindergarten (some five years ago). The respondent tendered as evidence, a note from the teacher requesting that that the daughter's lunch should be more substantial. The respondent relies upon this note as evidence that the claimant refuses to properly feed his children.
- [39] The claimant testified that he received the note and made bigger lunches for his daughter. This is certainly not a concern that, in my opinion, would go to the ability of the claimant to parent in the best interests of the child.

- [40] The respondent's third concern relates to the property where the claimant resides with his new wife. I understand that the property borders on a river. The respondent alleges that it is dangerous for the children to attend at the river without adult supervision. She alleges that the claimant encourages the children to attend at the river without supervision and offers rewards if they do so.
- [41] I am not in a position to find whether the river shore is a dangerous area. However, I take it as a given that no parent wants their child to be in a dangerous situation, risking death by drowning. Hence, I do not consider this to be evidence that the claimant is a poor parent.

The Claimant's Concerns

- [42] As noted, the issues at trial were limited to those regarding parenting time and decision-making. The claimant raises several episodes which, in his opinion, indicate a significant concern regarding the best interests of the children. He submits that these episodes indicate that the children would be better off primarily in his care:
- a) The Respondent's Subsequent Marriage
 - b) Christmas 2022
 - c) Christmas 2023
 - d) The Children's Counselling
 - e) The Parenting Coordinator
 - f) Gymnastics
 - g) Personality Traits

The Respondent's Subsequent Relationship and Separation

- [43] As noted above, the parties filed their separation agreement on March 1, 2020. That date immediately preceded the restrictions imposed by the Covid-19 pandemic.
- [44] The parties cooperated during the parenting exchanges in the first part of the pandemic. The claimant's concerns heightened in December 2020.
- [45] At some point in late 2020, the respondent advised the claimant that she had been online dating a man named "Christophe". He was a French national. She also advised that Christophe would be coming out to either stay, or live, with her starting mid-December 2020.
- [46] The claimant's first concern related to the ability for Christophe to comply with the 14-day quarantine requirement that was in place at the time.

- [47] Christophe arrived in Canada in December 2020. He also ended up living with the respondent at her house (although only briefly). On March 9, 2021, the respondent advised claimant by email that she would be marrying Christophe the next day.
- [48] In the same email, the respondent posed the prospect of the children taking Christophe's last name jointly with the claimant's. Nothing ever came of that suggestion.
- [49] On March 27, 2021, Christophe returned to France. The respondent indicated to the claimant that the relationship was over.
- [50] Thereafter, the respondent immediately tried to reconcile with Christophe. As of April 5, 2021, she advised the claimant that she was making plans for a trip to Europe with the children. Those plans were put on hold as of April 17, 2021.
- [51] The respondent then attempted to rekindle the relationship. Christophe returned to Parksville on July 4, 2021. He left again, for the last time, on August 1, 2021.
- [52] In emails exchanged in September 2021, the respondent advised the claimant that Christophe had been abusive towards her. For obvious reasons this information caused the claimant significant concern. The children had been exposed to Christophe in a parental role.
- [53] In her testimony, the respondent gave conflicting evidence about Christophe's interaction with the children. Although she had stated that he was good with the children, she later stated that he never really adjusted to the time zone in Parksville and he spent most of the days sleeping. I do not accept her evidence in this regard.
- [54] I find that the respondent's relationship with Christophe indicates poor judgment in her role as parent to the two children.

Section 211 Report, September 6, 2022

- [55] In August 2020, the claimant became concerned about the mental health of the respondent. In late September or early October 2021, the claimant sought the respondent's consent to the creation of a report pursuant to s. 211 of the FLA. He received no response from the respondent. As a result, he filed an amended notice of family claim, seeking such a report. At a judicial case conference on May 31, 2022, Associate Judge Dick ordered the commission of a section 211 evaluation.
- [56] That report was prepared by Dr. Ellie Bolgar and issued on September 6, 2022.
- [57] Dr. Bolgar's report is 58 pages long. I will not attempt to summarize it here. However, I note that it makes no recommendations regarding the claimant. As to the respondent, it states page 52:

Although Ms. [G] seems to manage trauma related symptoms relatively well, mainly through exercise, she has a tendency towards self-sabotage when emotionally stimulated. She needs to learn to manage her emotional responses. It would be beneficial for her to attend group therapy at the DBT Centre in North Vancouver, through Dr. Debbie Leung. DBT skills will assist in this area, as will the work of family law expert Bill Eddy through parent coaches. Ms. [G] needs to resolve her own pain from the breakdown of her marriage and support [the children's] relationship with their father. It is important that Ms. [G] work with the therapist to understand attachment theory and family system approach.

[58] As to parenting, the report recommended:

- a) continuation of 50/50 parenting time;
- b) counselling for the children;
- c) a parenting coach; and
- d) that the respondent attend a specific form of therapy.

[59] I note that the respondent accepts, and relies on, certain portions of the s. 211 report but alleges that other portions were based on incorrect information provided by the claimant or others.

[60] The main things that I take from the s. 211 report, and the events following are that:

- a) Dr. Bolgar recommended that the respondent take a certain kind of therapy, and the respondent has refused to take that recommended therapy.
- b) Dr. Bolgar also recommended that the children undergo counselling, and the respondent has blocked any such counselling.

Events of December 2022

[61] As noted, the s. 211 report was released September 2022. It recommended counselling for the children at the Nanaimo Counselling Centre ("NCC"). That centre had a waiting list, and the children were not accepted until January 2023.

[62] The claimant testified that his concerns regarding the respondent's mental health increased in late December 2022:

- a) On December 27, 2022, the respondent emailed NCC and indicated that, due to a medical condition, she was unable to care for the children. In that email she noted that the claimant had agreed to care for the children while she was ill.
- b) On December 28, 2022, the respondent emailed the claimant and requested that they have a meeting to discuss estate planning. The inference was that her life was in peril.

- c) On December 30, 2022, the respondent texted the claimant indicating that she had been at the hospital overnight and that she wanted the children returned to her so that she would not be alone if "something happened".
 - d) The claimant returned the children to the respondent's care on January 1, 2023.
- [63] The claimant also recounted a telephone conversation with the respondent during this period in late December 2022 wherein she was incoherent. The respondent, for her part, acknowledges the fact that she may have been incoherent in late December 2022. She blames any lack of coherency on a medical condition which caused her to lose a substantial amount of blood. She says she was anemic. She also said that after attending at the hospital, her condition immediately improved.
- [64] However, the respondent's next interaction would suggest otherwise.

Children's Counselling, January 2023

- [65] The parties had gone through the intake process for the children to attend counselling at NCC. The respondent took the children to their first counselling session on January 3, 2023. There was a dispute regarding the understanding of the respondent as to her participation in the children's counselling. (She believed that she should attend the session. The counsellors did not.) That dispute led the respondent to terminate the services of NCC on January 3, 2023. In the course of her testimony, the respondent described her interaction with NCC as being calm and polite.
- [66] I did not hear evidence from anyone at NCC, but an email was tendered. The email is from the clinical director and is addressed to the claimant. The email is obviously hearsay. I take nothing from the email except the fact that, based on their interaction with the respondent on January 3, 2023, the staff at NCC felt that there was a child protection concern. Later in the same week, they reported their concerns to the Ministry of Child and Family Development.
- [67] The dispute between the respondent and NCC was the first in a series of concerning conflicts between the respondent and entities that were dealing with the children. The respondent reported NCC to the professional body, BC Association of Clinical Counsellors ("BCACC"), in the Spring of 2023.

Parenting Coordinator

- [68] Prompted by the concerns that developed in the previous week, the claimant filed an ex parte application for interim sole custody of the children. That order was granted on January 5, 2023, although it was not filed until January 11, 2023.

- [69] Due to ongoing conflict between the parties, the claimant applied for and obtained an order for the appointment of a parenting coordinator. Mr. Craig Neville, K.C., was appointed as of August 2023. I accept that Mr. Neville is a senior member of the bar and one of the founding members of the BC Parenting Coordinators Roster Society. The claimant called Mr. Neville to testify. The respondent cross-examined him.
- [70] As of August 2023, the parenting schedule was "seven on/seven off". Mr. Neville testified that, soon after he came on board, the respondent sent him an email with an attachment. The attachment was a handwritten letter, purportedly penned by the two children. It stated, "I would like to see my mum more. Can we book a 3-4-4-3 schedule." The letter went on to request that Mr. Neville help the daughter to attend gymnastics classes everyday. Mr. Neville testified that, in his experience as a parenting coordinator, he viewed the letter as "quite unusual". I infer that the respondent was involving the children in the dispute over parenting time and decision-making.
- [71] It was evident that the respondent and Mr. Neville were in conflict. Ultimately, the respondent reported Mr. Neville to the Law Society in 2024. I am not aware of any negative finding against him. I am not aware of any legitimate ground for complaint against him.
- [72] The dispute between Mr. Neville and the respondent continued past the termination of his retainer. Mr. Neville was circumspect in his testimony, but ultimately critical of the respondent for not allowing the children to attend counselling. His belief, speaking as an experienced family law counsel and parenting coordinator, is that the children's views can be expressed to the counsellor and that this can assist both parents.
- [73] In cross-examination, the respondent put to Mr. Neville that there would be two ways of finding out the views of the child; the first being a counsellor's report, and the second being a review of the achievements of the child. In a somewhat animated response, Mr. Neville replied:

Or you could, you could have the children working long term with a professional counsellor who had been recommended by the psychologist preparing this section 211 report and is ideally suited to provide input parents and the parenting coordinator about stressors, anxieties, desire for change that that child in a trusting relationship with psychologist has come to lean on. But that hasn't been the case here, and the children have been deprived of that resource.

Because the message has been quite clear from you given your non-engagement, with the counsellor and your refusal to take the kids to counselling sessions, which creates an obvious message for the kids that you're not supportive. That environment that's been created is not in my view in the best interests of the kids who need that outside resource to provide each of you with objective third-party input that one or the other of you may not want to hear but your parenting coordinator will.

- [74] I accept three things that arise from Mr. Neville's testimony:

- a) The respondent deprived her children of an opportunity to attend counselling which, in Mr. Neville's opinion, would have been beneficial for the children.
- b) The respondent fell into an adversarial relationship with Mr. Neville. I find that Mr. Neville was not responsible for the deterioration in that relationship.
- c) As noted, the respondent ultimately reported Mr. Neville to the Law Society. I consider that step to be one of the baseless complaints lodged by the respondent.

Gymnastics

- [75] The parties' daughter participated in gymnastics. The respondent wanted her to train at a competitive gym located in Nanaimo. The claimant wanted her to train at a less competitive gym located in Parksville, closer to both parties' homes.
- [76] At some point, the respondent made allegations that someone at the Parksville gym had been involved in "inappropriate" sexual activity at the gym. I infer that the respondent's motive for making these allegations was to create evidence that would contraindicate the daughter's participation at the Parksville gym. By doing so, the respondent would get her wish and the daughter would train in Nanaimo.
- [77] Ultimately, the respondent threatened to sue, and then threatened to pursue criminal charges against the Parksville gymnastic coach. The respondent's allegations created obvious friction with the owner of the Parksville gym. Since 2023, the daughter has continued to train at the Parksville gym. The respondent is banned from attending on the gym property.
- [78] I find this to be another example of the respondent being unable to maintain relationships that benefit her children.

Personality Traits

- [79] The claimant presented evidence suggesting that the respondent had certain personality traits which would be detrimental to the children. To be clear, no expert evidence was tendered from a qualified psychologist or psychiatrist. As a result, I take nothing from the claimant's testimony nor from the comments of the professionals who have interacted with the respondent.
- [80] However, I find the following events to be illustrative of the respondent's personality;
 - a) She reported the parenting coordinator to the Law Society. I could discern no basis for that complaint.
 - b) After the initial (aborted) visit, she reported the children's clinical counsellor to her governing body, the BCACC. I could discern no basis for that complaint.

- c) In 2024, she threatened to sue, and then threatened to pursue criminal charges, against the daughter's gymnastic coach. I could discern no basis for that complaint.
- [81] I note, there is no documentary evidence that the complaints to the Law Society or the BCACC were ever made. However, the respondent testified at trial that each of those individuals were under active investigation. Hence, it is either true, or she lied about it during her testimony.
- [82] Finally, I find the respondent's conduct during the trial to be relevant to my consideration of the parenting issues. I find:
- a) Her conduct during the trial at best confrontational and at worst unhinged.
 - b) She appeared intoxicated more than one occasion.
 - c) While I do not expect polished cross-examination from self-represented litigant, I do expect rational and relevant areas of questioning. The respondent rarely met that standard.
 - d) During her own testimony, she had great difficulty answering questions in cross-examination with anything that approached honesty. I return to the comments of Dr. Bulgar in the s. 211 report that "In disagreements she has a tendency to distort reality to defend her ego." That statement describes my perception of her testimony in cross-examination.
- [83] As I noted above, I have no medical or other expert evidence regarding the respondent having any mental or psychological diagnosis. This case might be significantly different if there had been evidence of a diagnosis combined with evidence of a reasonable treatment plan that the respondent was committed to following. None of that was tendered in evidence. Instead, I was presented with troubling evidence regarding the respondent's combative and obstreperous nature, combined with her propensity to get into high conflict battles with the claimant and others, including the children.
- [84] I accept the claimant's submission that, over the past five years, he has taken steps to retain a variety of third-party professionals who have the expertise to assist the parties and the children. I further accept that the respondent has actively tried to sabotage any relationship between those professionals and the children. The most egregious examples of that are to do with counselling for the children, medical decision-making, and issues related to school attendance.
- [85] In my opinion, the evidence has been clear, having regular parenting time with the respondent is not in the best interests of the children.

Discussion and Orders

[86] In my opinion, it is in the best interests of the children that they spend the majority of the parenting time their father. As noted above, on August 29, 2025, I granted the interim order that the claimant have full parenting time and full decision-making responsibilities until such time as I have released the final reasons from the trial. Since that time, there has been no effort by the respondent to either file her written submissions, nor to vary my parenting order.

[87] With that said, I also accept that it will be important for the children to continue a strong relationship with her mother. I accept the claimant's statement that he intends to provide generous parenting time to the respondent.

[88] It follows that I find that full decision-making power should be granted to the claimant.

[89] In my opinion, it is beyond doubt that the best interests of the children are served by the children having regular counselling. I am also concerned that the respondent has discouraged or impeded counselling in the past. I order her not to do so in the future.

[90] The claimant seeks the reappointment of the parenting coordinator. The respondent opposes this order. She points back to the significant amount billed by Mr. Neville. She says that it is simply an item that she cannot afford.

[91] There is obviously a delicate balance to be achieved by the appointment of a parenting coordinator. The parenting coordinator, to some extent, takes the place of the court: The idea being to lower the legal expenses caused by attending a chambers on multiple occasions.

[92] Given that I have granted full decision-making power to the claimant, it is my hope that the parenting coordinator will no longer be required. However, should issues arise, I think it appropriate to grant to the claimant decision-making power on whether to retain a parenting coordinator. If that occurs, the cost should be split between the parties evenly.

[93] With those thoughts in mind, I grant the following orders:

- a) The claimant is to have all parenting time with the children, with the proviso that the claimant will provide generous and reasonable time to the respondent including:
 - i. the respondent will get the children for two periods of seven consecutive days in each calendar year, those seven days not to be adjacent, and will not touch on Christmas;
 - ii. the parenting time during Christmas will be divided on alternating year basis, in the first year having the claimant have the children from December 23 at noon until December 25 at noon and the respondent having the children from December 25 at noon to December 27 at noon;
- b) the claimant shall have all parenting responsibilities pursuant to s. 40(3)(a) of the FLA, including all decision-making power for the children;

- c) it follows that the claimant can make decisions regarding whether the children continue to have regular counselling sessions;
- d) the claimant is entitled to transport the children to extracurricular activities and to counselling sessions, and that the respondent is not to attend at those activities without the claimant's consent;
- e) the respondent is not to volunteer at the children's extracurricular activities;
- f) if the claimant deems it necessary, then I order, pursuant to Division 3 of the FLA, that a parenting coordinator be reappointed with the costs being shared equally between the parties;
- g) pursuant to s. 222 of the FLA, mutual conduct orders as described below:
 - i. The parties will:
 - (1) put the best interests of the children before their own interests;
 - (2) encourage the children to have a good relationship with the other parent and speak to the children about the other parent and that parent's partner in a positive and respectful manner;
 - (3) make a real effort to maintain polite, respectful communications with each other, refraining from any negative or hostile criticism, communication or argument in front of the child(ren);
 - (4) not discourage or impede the children attending counselling chosen by the claimant.

Costs

[94] I did not hear submissions on costs. Unless there are agreements or offers of which I am not aware, the claimant is entitled to his costs.

"A. Ross J."

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