

CANADA / JUDGMENT

S.E.P. v. A.C.M.

2025 BCSC 2627

COURT

Supreme Court of British Columbia

DECIDED

4 November 2025

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2025 BCSC 2627 S.E.P. v. A.C.M.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

S.E.P. v. A.C.M.,

2025 BCSC 2627

Date: 20251104

Docket: 144540

Registry: Kelowna

Between:

S.E.P.

Claimant

And

A.C.M.

Respondent

Before: Associate Judge Robertson

Oral Reasons for Judgment

In Chambers

Counsel for Claimant:

S. Specht

Counsel for Respondent:

G. LeClair

Place and Date of Trial/Hearing:

Kelowna, B.C.

November 4, 2025

Place and Date of Judgment:

Kelowna, B.C.

November 4, 2025

- [1] THE COURT: When I issued these oral reasons for judgment, I reserved the right to edit them as to grammar, background and citations should a transcript be ordered. I have made such edits, without affecting the substance or final disposition.
- [2] The application, insofar as I am prepared to consider it today, is for parenting and those matters directly related to parenting, whether sought in the primary or the cross application, or matters for which no Judicial Case Conference ("JCC") exemption is required.
- [3] There is a lack of clarity in respect of what was to be heard given the requirement for a JCC before any applications are brought, unless the application is subject to an exemption. Here, in the JCC exemption requisition that was submitted, the reason stated for it was "the order for parenting time is an urgent matter as the claimant is withholding reasonable parenting time".
- [4] I advised counsel at the outset that given that the exemption was granted for an urgent parenting order based on parenting being withheld, I was not going to entertain, nor did I have jurisdiction under the Supreme Court Family Rules, to hear any application over and above that unless otherwise exempted under the Rules, such as matters by consent and a s. 91 order under R. 7-1(3)(b) and (c).
- [5] The JCC is an important feature of family litigation. That matters are given the privilege of a private 90-minute hearing despite the scarcity of available court time illustrates the court's view as to its importance.
- [6] Further, there is reason that it is a required step before any applications are to be taken, namely to provide a cooling down period where the parties, instead of immediately running to court while emotions are still high, they can turn their minds as to how they will resolve matters going forward and, ideally, reframe their mindset to be one that court intervention is the last and not the first step in resolving their family disputes. There are numerous benefits to resolving family disputes without the court's intervention including the strain put on the parties and the family when matters are litigated rather than resolved amicably.

- [7] The exemptions exist as a recognition that there are some urgent matters that must be addressed before a JCC can be scheduled. Parenting applications are not automatically urgent and deserving of an exemption, however they are ones for which an exemption is often made given the importance of the children having some stability in what is generally a time of significant uncertainty for them, particularly if parenting time is being improperly withheld all together.
- [8] It is, however, not an invitation to throw everything but the kitchen sink into a notice of application once an exemption is granted.
- [9] The notice of application as subsequently filed contained some five and a half pages of relief being sought within 15 paragraphs. That was well beyond the scope that the exemption was given, the intention of the JCC requirement, and contrary to the Rules.
- [10] I will note that an exemption was sought for the cross-application concerning the s. 91 restraining order and the hear the child report and, notably, was rejected with the rejection stating that such matters should await the JCC. That was reconsidered and later approved, however, but only on the basis of it being a cross application such that it could be considered only in that context.
- [11] As such, as noted, I will only be considering parenting matters, for which the exemption was granted, the s. 91 order, and orders that are going by consent, including the hear the child report. Although there was some disagreement as to the scope of the report to be obtained, there is some urgency to have that report as part of the overall interim parenting schedule today, and in the future.

Background

- [12] The parties were in a 23-year relationship. They were married on June 23, 2002, and separated in either April, 2025 or July, 2025 with there being some dispute as to the separation date which is not relevant for today's purposes.
- [13] There are three children of the marriage aged 10, 12, and 15 (the "Children").
- [14] The two younger children (the "Boys") have had parenting with the respondent since separation. The older child (the "Older Child"), however, has not been as open to parenting with her father expressing significant concerns in that respect.
- [15] The claimant is a trained lawyer who has not worked in that field since 2009 when she became pregnant with the parties' first child.
- [16] The respondent is a trained doctor working as a radiologist both for a hospital and as part of his own company (the "Company"). He is a 50% shareholder in the Company, with the other shareholder being an unrelated party. He also has a personal medical corporation (the "Personal Med Corp."), although shares in that company have also been issued to the claimant and the Children. The respondent, however, has the sole voting share block.

- [17] Very little assets are in the claimant's name. The primary wealth of the parties arises from the corporate interests and the hard work that no doubt the respondent put into developing his professional career, while the claimant maintained the home and provided support to the respondent for those efforts.
- [18] In terms of their assets, there are the two companies that obviously at this early stage have not been valued. I believe that no formal lists of documents have been exchanged as of yet. Neither party took issue with the fact that disclosure has been limited to date given how early we are on in the proceedings although some financial statements have been disclosed. Those financial statements indicate that there is approximately \$5.3 million in financial assets, the gross majority of which is in the name and control of the respondent.
- [19] There are also real estate holdings, namely the former family home as well as a vacation home at Silver Star. There is also the new home that has been purchased by the respondent since separation that is approximately under one kilometre from the former family home, although he appears to have purchased this without the consent of the claimant and without full disclosure as to what assets were used for its purchase, if any, although the majority of the purchase price was paid by way of a mortgage, however on its face it appears that approximately \$250,000 also was used the source for which has not yet been explained through disclosure to date.
- [20] The assets in the control of the respondent appear to be, in round numbers, valued around \$6 million, whereas the financial assets that are in the control of claimant, including her RRSPs, are valued under \$200,000.
- [21] That provides some context for the s. 91 asset restraining order being sought by the claimant with the respondent, in the cross application, seeking a mutual one, and one that is more tailored to the reality of the corporate structure and it being the shares that are the family asset.

Parenting Time

- [22] The claimant seeks an equal 2-2-5-5 parenting schedule for all of the Children. The proposed schedule does not delineate between the Boys and the Older Child, notwithstanding that there appears to be some acceptance by the respondent that the Older Child, as is often said, is old enough to "vote with their feet".
- [23] Overall, the evidence of both parties is replete with assumptions and finger pointing, perhaps more so on the respondent's side, as to why parenting time has not been equal since separation.
- [24] There is some suggestion, or perhaps more accurately described at this early stage as bare allegations, that stated wishes of the Children which have been deposed to by the claimant without any supporting evidence, so are not only hearsay, which may be admissible on this application, but are in many cases unattributed hearsay which is not. There appears to be a

message coming through from the Children that they want to limit their parenting time with their father, and in the case of the Older Child, are resistant and very close to the line of refusing to participate with parenting altogether. The refusal appears to already be in place with respect to overnight parenting.

- [25] For his part, the respondent, argues that the cause of this reluctance falls solely on the claimant herself. The claimant points to that as being indicative of a greater concern; namely, what she describes as the respondent's own lack of self-awareness and accountability with respect to his own actions.
- [26] In this respect the claimant also refers to a history of mental health illness with respect to the respondent who has experienced depression and other anxiety-related issues in the past, although I do note that many of the examples are quite dated, for example occurring in 2013.
- [27] I also note that the respondent for his part states that he has worked hard on his mental health. Some of that includes reducing some of his work hours, which is also one of the reasons why he says he can parent now in a more active role. However, he also points to a lot of his mental health issues being caused by the claimant or, to use phrase it as his counsel did an "unhappy marriage".
- [28] The respondent is clearly high-functioning, has been able to work very hard and establish his businesses. However, insofar as the claimant alleges, the trade off of that functioning was that he was largely an uninvolved parent, in that he put his focus on creating and developing his career.
- [29] With the limited evidence before me at this early stage of the proceedings, it appears that this may have been what is not entirely an unusual family plan of sorts, in that the claimant and respondent agreed that the family would be best served by the claimant focusing her efforts on the home and the raising of the Children, and the respondent would focus his on building his career for the benefit of the family. Both of those are goals would be for the benefit of the family unit as a whole, rather than for either of the individual parties.
- [30] However, those decisions do come with consequences.
- [31] On the claimant's side it means that the claimant has now been out of the workforce for some 16 years, and finds herself in a financially vulnerable position. On the respondent's side, it means that he finds himself in the position where perhaps he has not fostered as much of a connection with the Children as the claimant, and as he might have hoped to have particularly now that there is a shifting of the foundation on which that family operates whereby the claimant can no longer rely on the respondent to be the sole breadwinner and the respondent can no longer rely on the claimant taking the lion's share of the parenting.

- [32] The parties don't disagree as to what the court must consider when ordering a parenting schedule. Such applications are governed by s. 37 of the Family Law Act, S.B.C. 2011, c. 25 governs, namely that the best interests of the Children must be considered, with a non exhaustive list of factors that can be considered in making the analysis of what is in the children's best interest.
- [33] Various cases can provide different results as to what the best interests of the children are. Ultimately any parenting decision is to be determined on the particular children and family dynamic of the parties on the application before the court.
- [34] In *C.T.H. v. C.H.H.*, 2018 BCSC 189, the court commented on the approach to be taken on interim parenting orders at this early stage as follows:
- [41] Section 216(1) of the FLA authorizes the court to make interim orders for relief. The primary purpose of interim orders in family law proceedings is to preserve the status quo: *Elliott v. Pollock*, 2015 BCSC 2121 at para. 19, citing *Kouznetsova v. Kouznetsov*, 2014 BCCA 160 at para. 44.
- [42] Interim orders provide short-term solutions until the best interests of the child can be fully canvassed at trial: *Fitzgibbon v. Fitzgibbon*, 2014 BCCA 403.
- [43] On an interim application concerning parenting arrangements, the court will take a cautious approach. As Justice Russell observed in *Fawcett v. Read*, 2016 BCSC 310 at para. 65, it may be appropriate to maintain the status quo when the best interests of the child are at stake, when there has been no s. 211 report, no oral testimony, and no opportunity to cross-examine to test credibility, particularly where there are material conflicts in the affidavit evidence.
- [44] Ultimately, because the court is concerned only with the best interests of the child, if an applicant demonstrates those interests would be better served by a different parenting arrangement pending trial, the court will make the appropriate order.
- [35] In *Bradley v. Bradley*, 2015 BCSC 1587, at para. 26, the court confirmed that an order "is not in the best interests of a child unless it protects, to the greatest extent possible, the child's physical, psychological and emotional safety, security and well-being".
- [36] To that end, as noted in *McMahon v. Stevens*, 2012 BCSC 185, given that even an interim application can have a significant impact on children's welfare, that the court must err on the side of caution to protect their interest:
26. In an interim application for an order that will have a significant impact on the children's welfare, the court must err on the side of caution to protect their best interests

27. A shared parenting regime must not only respect the schedules and wishes of the parents but it must also respect the needs of the children. Where the children are unhappy with their schedule, for legitimate reasons, it will ultimately break down and lead to conflict between the spouses. An interim order, particularly one that will be in place during an evaluation by Dr. Korpach, should not build in stressors that will lead to conflict among the children and their parents.
- [37] The court in *B.A.S. v. S.R.S.*, 2015 BCSC 878, made various comments which are particularly applicable to the case before the court:
- [26] I am not convinced on a balance of probabilities that the children are being alienated from the claimant, but I do find the evidence demonstrates the children's relationship with their mother is fragile. This makes the determination of parenting for the son especially difficult. He is entering his teenage years and, while he is not yet at an age where he should dictate the time he spends with each parent, forcing an arrangement that he is not happy with may backfire and create more difficulty. Counsel for the respondent suggested it is a reasonable inference I can draw from all of the evidence before me about the son's wishes that this will, in fact, happen.
- [27] I am troubled by the paucity of helpful evidence from the claimant. Her approach to the application is to challenge the respondent's motivations in an effort to undermine the request, rather than providing reasons why the schedule should not be altered. For someone concerned about alienation, there was a surprising dearth of what concrete, pro-active actions the claimant is taking to help foster a better relationship with her children.
- [28] The mother's evidence was silent on what the children do when they spend time with her. While there does not have to be an "activity" to justify the children spending time with her, in the face of her children wanting to be involved in extra-curricular activities and spend time with friends (perfectly normal desires for children their age), she relies on casting aspersions on the father's motives rather than assessing her children's wishes. A reasonable conclusion is that she places all blame for the difficult relationship she has with her children on others. Even if that was true (and I specifically do not make that finding), a parent invested in the best interests of her children would not focus on that at the expense of her children's needs. Focussing on the best interests of her children, even when she believes the respondent is the root cause of difficulties, requires her to take the high road and put her children first. She has given me no evidence that she has or is willing to do so. Her obstinacy is disappointing and, I find, one of the reasons she has a difficult relationship with her children.
- [38] Here the respondent is using the specific terminology of "alienation", and at this early stage it would be hard if not impossible to make such a finding. Rather, the respondent submits that he is concerned that the wishes of the Children are not the "true wishes" of the Children and ones associated with his parenting, as opposed to other issues that may be arising. For example, and this may not be entirely uncommon, the impact or the influence on the

children wanting to ensure that the mother is happy given this stressful transitional period. In short, the respondent believes that the Children may be saying things they may think the claimant wants to hear. In the case with the Older Child, he argues that there may also be a self interest in that she may want to ensure that her social commitments and relationships with her friends are given priority over a relationship with her father, something that wouldn't necessarily be unusual for a 15-year-old girl.

- [39] In specifically referencing the wishes of the Children the claimant specifically referred to court to *G.(B.J.) v. G.(D.L.)*, 2010 YKSC 44, a decision which is obviously not of this court, however the comments as to the importance of understanding the Children's wishes are of some note:
- [19] Most children are not informed about their parent's separation, how the separation will affect them, or given a chance to ask questions. The majority of children have a parenting plan imposed on them without any discussion. They are not asked for suggestions regarding living arrangements or subsequent changes in the schedule.
- [20] Yet, most children are clear. They want to be involved and heard in some way in matters that affect them. They think that being heard leads to better outcomes. They understand the difference between providing input and making decisions. They prefer voluntary input and want the right not to be heard. Many wish they could talk with family members rather than professionals.
- [21] Obtaining information of all sorts from children, including younger children, on a wide range of topics relevant to the dispute, can lead to better decisions for children that have a greater chance of working successfully. They have important information to offer about such things as schedules, including time spent with each parent, that work for them, extra-curricular activities and lessons, vacations, schools, and exchanges between their two homes and how these work best. They can also speak about what their life is like from their point of view, including the impact of the separation on them as well as the impact of the conduct of their parents.
- [22] Receiving children's input early in the process, and throughout as appropriate, can reduce conflict by focusing or refocusing matters on the children and what is important to them. It can reduce the intensity and duration of the conflict and enhance conciliation between parents so that they can communicate more effectively for the benefit of their child. When children are actively involved in problem solving and given recognition that their ideas are important and are being heard, they are empowered and their confidence and self esteem grow. They feel that they have been treated with dignity. In addition, children's participation in the decision making process correlates positively with their ability to adapt to a newly reconfigured family.

- [40] There is, however, a distinct difference between hearing the children's views and having the children involved in the decision making process. The apt phrase used by claimant's counsel is that the Children have a voice, not a choice.
- [41] Here it's clear that there are some important dynamics at play in terms of what the Children are experiencing. They are all at ages, albeit with the 10 year old being on the lower end, of what the court considers an appropriate age for voices to be heard. I agree that their voices should be heard.
- [42] There are some troubling aspects of the evidence from the claimant in this respect; namely that the evidence contains multiple broad assertions which I would not hesitate to say may be influenced by a long family history, which is not a criticism, but a reality of human nature. We tend to perceive the present based on the past. And while the historical factors are one of the many features or circumstances set out in s. 37 of the Family Law Act in determining the best interests of the child, the court must be cautious that time is not static. People change. And as is inevitable with a breakdown of a family unit, circumstances change such that roles do have to adapt.
- [43] The fact that one parent focussed his time on building up his profession and career, likely as part of the overall family goal, should not be held against him in terms of a parenting schedule now that that joint family venture has changed, and is no longer being pursued by both parties together.
- [44] That being said, I am concerned with a lack of evidentiary basis to establish that a jump to an equal parenting plan of 2-2-5-5 is in the best interests of the Children given what seems to be some admitted reluctance by them, particularly for overnight parenting. There are also a lot of moving parts with this family. The respondent has recently moved into a new home. He has managed to furnish it, which is an issue with respect to some of the expenditures that are occurring which goes into the s. 91 order that I will address later. But he does seem to be taking overt steps setting up a home that will be the Children's home as well.
- [45] In the vacuum of the evidence that is before the court, however, I don't think that it's appropriate to go to that equal parenting regime given the concerns raised by the Children, particularly the ones in the evidence that are not unattributed hearsay, although it would have been preferable to have had some corroboration given that third parties may have been present when they were made. I also share the respondent's concerns that some of the comments may illustrate a discussion between the claimant and the Children that could indicate that improper conversations may have taken place in terms of discussion these legal matters with them, which I hope is inaccurate.
- [46] Nonetheless, given the fragility of the respondent's relationship with the Children, as I see it, I agree that caution ought to be exercised.
- [47] I am not prepared to make an order for equal parenting at this time.

- [48] There was some discussion between the parties and myself during submissions to the effect that if I did not go straight to an equal parenting scheduled, what alternative schedule would logistically work for this family, which is currently operating on an "ad hoc" schedule, generally Mondays and Tuesdays after school, and Fridays after school with every second Friday being overnight, although notably that was every Friday overnight in the summer, and that only changed when school started to be on an alternating Friday basis.
- [49] The response of claimant's counsel was that it was not necessary to put a formal schedule in place and that, from the claimant's perspective the ad hoc schedule is working.
- [50] However, it is notable that there are complaints from the claimant in that the respondent sometimes seeks to change it. It cannot be ad hoc, but also used inflexibly against the other party.
- [51] I agree with one of the comments that the claimant made in one of her affidavits, although I am paraphrasing, as to the harmful effects of uncertainty and chaos when it comes to parenting.
- [52] A more formal parenting plan by court order will create structure for the Children, and the parties and, in that respect, is in their best interests as it will remove a source of conflict.
- [53] If it is clear between both the claimant and the respondent what the schedule is, then it will be difficult for either of them to depart from it except in appropriate circumstances, such as emergencies.
- [54] The order I make in respect of parenting then is on an interim and without prejudice basis, the respondent shall have parenting of the Children every Monday, Tuesday, and Friday from after school, or if school is not in session, starting at 4:00 p.m. until 8:00 p.m. and on Friday from after school, or 4:00 p.m. if school is not in session until Saturday at 6:00 p.m., and such other and further times as the parties may agree, or by further court order.

NOTE: At the end of giving reasons, an issue was raised as to timing given one of the children's violin classes on Friday. I varied the Friday schedule to be from 4:30 p.m. and after violin classes, until Saturday at 6:30 p.m. to accommodate violin.

- [55] The Friday will not be on a rotating basis. It will be every Friday.
- [56] With respect to the Older Child, I will add that her participation in this schedule, however, will be subject to her wishes.
- [57] One of the reasons I'm making this order ties into the next topic, the s. 211/hear the child report.

S. 211/Hear the Child Report

- [58] It is imperative in this case that the Children's voices be formalized to some extent and put before the court. The question before this court given the cross-application is its scope, namely whether a full s. 211 analysis is required to be done or whether a more limited hear the child report should be prepared.
- [59] The claimant argues that the less intrusive hear the child may be more beneficial for a couple of reasons; one, it will be faster and more inexpensive but also because it will be, as I said, less intrusive to the Children who are already experiencing some trauma from the family breakdown.
- [60] The respondent seeks a full s. 211 report given his concerns as to the level of influence by the claimant, whether that be unconscious or overt, which may be influencing the Children's views. I'll admit that, given the submissions made, that I am surprised that the claimant herself is not seeking the more fulsome s. 211 report as she raises concerns about the ability of the respondent to parent given the mental health concerns and the concern that there is some lack of accountability by the respondent in terms of his involvement with the Children.
- [61] A full s. 211 report is appropriate in this case so that all of these issues can be addressed. Such a report should assist the court and the parties in developing a parenting schedule that best serves the Children and, as appropriate, in a manner that takes into account their voices.
- [62] I make the order as sought in para. 7 of the respondent's notice of application, namely that there be a s. 211 assessment concerning the needs of the children and the ability and willingness of the parties to satisfy those needs. I will add, however, that it is to include the views of the children.
- [63] In terms of the s. 211, the proposed assessor was Dr. Elterman, although that was proposed during submissions so counsel for the claimant really didn't have an opportunity to consider whether that was the best assessor for this family.
- [64] As such, I also order that the parties each exchange the names of two assessors with their cost estimate and time estimate within 14 days of today's date, although I really hope it would be faster than that. I just don't want to tie your hands in case the assessors don't respond quickly.
- [65] If the parties are unable to select from their exchanged lists, would you prefer to send me written submissions or have liberty to seek further directions?
- [66] CNSL S. SPECHT: Further directions -- well, I just don't want to bog down your schedule.

- [67] THE COURT: I was thinking that you could each write a letter with your submissions on the proposed assessor and why they are the appropriate one, and then I will provide further directions or, direct you to seek time before me, whatever you think is more easy for you. I'm not going out of town any time soon, so my schedule is not the impediment.
- [68] CNSL G. LeCLAIR: Perhaps leave to appear before you virtually on that issue?
- [69] THE COURT: Okay. If the parties are unable to agree on the assessor, they have leave to seek further directions of the court with liberty to seek time before me. However, I'm not seized, and should it be more convenient, the parties can appear before any presider. If they seek time before me, it will be by virtual MS Teams, which you can arrange through a request to re-appear before me if you wish.
- [70] CNSL S. SPECHT: Just on the issue of costs, there was the offer of the respondent to pay in the first instance.
- [71] THE COURT: Oh, yes. Sorry, yes. For the s. 211 report, the costs will be paid by the respondent in the first instance without prejudice to further allocation on a final accounting.

S. 91 Asset Restraining Order

- [72] Turning then to the s. 91 asset restraining order.
- [73] It is unclear why the respondent felt that it was necessary to seek a s. 91 order against the claimant when he clearly has full control over the lion's share of the family's assets. On its own, I likely would not grant the order as it seems clear that a claim for property division could not be defeated or adversely affected by the claimant's disposal of all of the property in her control, even if she were to dispose of it.
- [74] Nonetheless, the claimant seems to take no issue with it by virtue of her cross application being on a reciprocal basis.
- [75] As such, I make the order for the s. 91 asset restraining order on the terms set out in Schedule A to the claimant's notice of application.
- [76] There was some discussion during submission about the scope with which the restraining order addresses and interferes potentially with the corporate holdings. However, in my view, para. 2 properly addresses that the family assets are not the corporate assets, but the shares held by the respondent, and appropriately restricts the respondent's use of shares and control of the companies in his capacity as director and shareholder with the order then being limited to matters outside ordinary course of business and matters that would devalue either his shares or the assets themselves.
- [77] The one change will be to para. 2(c), the words "except in the ordinary course of business" are to be added specifically, and the typographical error in paragraph 3 is to be corrected to say, "Subject to paragraph 4."

Conduct Orders

[78] As the parties agree to the conduct orders being sought, and given that they appear to be appropriate, I make the orders at paras. 12 and 13 of the respondent's notice of application, but do so on a mutual basis.

[79] All other relief in the notices of application are adjourned generally.

Costs

[80] The parties may make submission on costs

[Costs Submissions]

[81] THE COURT: I order that costs shall be in the cause. There was a consent order that was sent over, a pretty extensive one, in August of 2025 that perhaps could have addressed some of these issues.

Conclusion and Summary of Orders Made:

[82] To summarize the orders made:

- a) On an interim and without prejudice basis, the respondent shall have parenting of the Children every Monday, Tuesday, and Friday from after school, or if school is not in session, starting at 4:00 p.m. until 8:00 p.m. and on Friday from after school and violin classes, or 4:30 p.m. if school and violin classes are not in session until Saturday at 6:30 p.m., and such other and further times as the parties may agree or by further court order. With respect to the Older Child, her participation in this schedule will be subject to her wishes.
- b) The order as sought in para. 7 of the respondent's notice of application is granted, namely that there be a s. 211 assessment concerning the needs of the Children and the ability and willingness of the parties to satisfy those needs, however added to the relief sought is that it will address the views of the Children.
- c) If the parties are unable to agree on the s. 211 assessor, they have leave to seek further directions of the court as to the appointment. The parties have liberty to set any such application for further direction before me, however, I'm not seized. If the matter proceeds before me, the parties have leave to do so virtually, by MS Teams. Such appearance can be arranged through the request to re-appear process.
- d) The costs of the s. 211 assessment are to be paid by the respondent in the first instance, without prejudice to further allocation on a final accounting.
- e) The s. 91 asset restraining order is sought on the terms set out in Schedule A to the claimant's notice of application, with the following changes:
- f) in para. 2(c), the words "except in the ordinary course of business" are to be added; and
- g) the typographical error in paragraph 3 is to be corrected to say, "Subject to paragraph 4."

- h) The conduct orders at paras. 12 and 13 of the respondent's notice of application are granted as sought, but on a mutual basis.
- i) Costs shall be in the cause.
- [83] I will also add, although this does not necessarily need to be in the terms of the order itself but you may include it if you think it more helpful, if there are some tweaks, or minor amendments, to the order that are needed for context and functionality, recognizing that sometimes you walk out of the courtroom and realize you missed something, if the parties consent to the alteration and both sign indicating as much, and you direct the court via a cover letter when the order is submitted as to those changes, you have leave to make such amendments.
- [84] I will also conclude by saying that it is my hope that the parties work towards an increased schedule.
- [85] I do agree with the stated ultimate goal as expressed by respondent's counsel: if all things are equal and there is a healthy and functional parenting regime with both parents exercising parenting on a schedule that is as close to equal as possible, the Children will be given the best opportunity to thrive. And when I say equal basis, I don't mean that just on a time. I mean it as to quality and efforts in terms of all elements of parenting, the good, the bad, the mundane actions of daily living/chores, and the fun. It is ideal if both parents take on an equal role in all respects. I encourage the parties to continue to have discussions and work towards that goal.
- [86] CNSL S. SPECHT: We thank the court and madam clerk for staying late for this.
- [87] THE COURT: Thank you.

"Associate Judge Robertson"

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