

CANADA / JUDGMENT

## T.E.R. v. S.M.

2025 BCSC 1795

COURT

Supreme Court of British Columbia

DECIDED

20 August 2025

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2025 BCSC 1795 T.E.R. v. S.M.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

T.E.R. v. S.M.,

2025 BCSC 1795

Date: 20250820

Docket: E251750

Registry: Vancouver

Between:

T.E.R.

Claimant

And

S.M.

Respondent

Before: The Honourable Justice Elwood

Oral Reasons for Judgment

(In Chambers)

Counsel for the Claimant:

S.K. Rai

Counsel for the Respondent:

K. Browning

Place and Date of Hearing:

Vancouver, B.C.

August 15, 2025

Place and Date of Judgment:

Vancouver, B.C.

### August 20, 2025

- [1] THE COURT: The respondent mother in this family law case applies to set aside two orders: a protection order by Justice Sharma dated July 30, 2025; and an order of exclusive occupation of the family home by Sharma J., also dated July 30, 2025 (collectively, the "July 30 orders").
- [2] The July 30 orders are amended extensions of two without-notice orders by Associate Judge Krentz on July 8, 2025 (the "July 8 orders"). The July 8 orders prohibited the mother from having any direct or indirect contact with the father or the children, and prohibited the mother from attending at the former family home where the parties lived with the children up until July 8 of this year. The July 8 orders were to expire on July 30th, unless renewed by further order.
- [3] The parties appeared for cross-applications in Chambers on July 30 to terminate or extend the July 8 orders respectively. The father sought an adjournment of the application until August 15. Justice Sharma granted the adjournment and an extension of the July 8 orders with an exception that the mother was permitted to have audio/video parenting time with the children every other day for up to one hour. Justice Sharma did not address the merits of the without notice orders.
- [4] The mother now applies for the following orders:
- an order that the protection order be set aside or terminated or replaced with a conduct order;
  - an interim, without prejudice parenting order that the parties share parenting time with the children equally pursuant to a nesting arrangement at the family home, as well as some alternatives; and
  - an order that the order of exclusive occupancy be set aside.
- [5] The father argues that both without-notice orders should be continued and extended. In the alternative, he argues that the mother's parenting time should be supervised and limited to one hour per week in person, and one hour per day FaceTime, until the psychologist with whom the mother has recently begun counselling reports that she is able to safely parent the children.

- [6] The mother had also sought an order under s. 211 of the Family Law Act, S.B.C. 2011 c. 25 [FLA] that the parties jointly retain Dr. Ashley Heiner to prepare a full s. 211 report concerning the needs of the children, the views of the children, and the ability and willingness of the parties to satisfy the needs of the children. The father did not oppose this order, except as to the issue of who would pay for the up-front cost. I made an order concerning the report and its cost on August 15th.

## I. Background

- [7] The parties began living together in June 2011 and married in August 2012. There are two children of the marriage, both girls, now ages 10 and 11 years old.
- [8] The parties separated either in March 2021, according to the father, or January 2025, according to the mother, but continued to live under the same roof. The parties physically separated on July 8, 2025, when the police served the protection order and the mother left the home voluntarily.
- [9] During the relationship, the father was the income earner for the family. He travelled frequently for work in the [redacted for publication] industry. More recently, he moved into executive positions. He also recently earned a masters degree from [redacted for publication] University. He deposes that he was laid off from his job on July 28, 2025.
- [10] The mother is originally from [redacted for publication]. During the relationship, she was a stay-at-home mother and did not work outside the home.
- [11] The family lived in a large house in [redacted for publication].
- [12] On January 1, 2018, the parties entered into a marriage agreement dealing with all aspects of family property, child support, and spousal support. At the time, the father was earning \$250,000 per year and the mother was imputed to have an annual income of \$25,000. The marriage agreement provided that the family home, valued at that time at approximately \$2.5 million, would be retained by the father as his sole property, and that the mother would vacate the property within 90 days of the parties becoming separated.
- [13] The mother deposes that the children formed a strong bond with her during the relationship because she was always around and because she was primarily responsible for matters such as school pickups and drop-offs, extracurricular activities, parent-teacher conferences, and social events for the children, as well as cooking and cleaning, and general upkeep of the family home.
- [14] The father deposes that he was also an actively involved parent, especially in recent years.
- [15] Throughout their relationship, there were various sources of conflict between the parties, including politics, accusations of infidelity, relationships with extended family members, and general mutual distrust, as well as disagreement over disciplining the children.

- [16] The mother deposes that the father was insensitive toward her grief after her father died in 2015 and after her mother died during the COVID pandemic when she could not return to be with her parents or attend their funerals.
- [17] While it seems that there was always conflict in the relationship, the level and seriousness of that conflict escalated this year and occasionally involved the children.
- [18] On January 18, 2025, the father overheard the mother saying various things to one of the children which he recorded on his phone. Those statements included things like "he is a piece of shit", "he is a big loser", "he is the worst person on the planet", "he is a jealous piece of shit", "he is a dipshit", "stupid fuck", "jealous old person", "he was at his girlfriend's house yesterday", and "he's fucking crazy and unkind."
- [19] I excluded the surreptitious recording by the father because, in my view, the practice of parents recording one another should be discouraged by the court, and the prejudicial effect of the recording outweighed its probative value. However, there is no denying the mother said these things about the father to their daughter, as deposed to in the father's affidavit. While the statements lack context, there is, in my respectful view, no excuse for speaking to a young girl in this way about her father. It was inappropriate and it was no doubt upsetting for the child.
- [20] On January 24, 2025, the parties got into a lengthy argument while the father was preparing to leave on a business trip. Again, the father recorded the conversation surreptitiously on the phone. The father deposes that the mother said things like "fuck off", "you always want to fuck me in the ass", "you're so gross", "you are a bitch", "you are a racist piece of shit", and "you are an unkind motherfucker."
- [21] Again, I excluded the video for the reasons discussed. However, again, there is no denying the mother said these things deposed to by the father.
- [22] The father deposes that the statements were in the presence of the children, which I cannot confirm, because the children cannot be seen or heard on the video.
- [23] On February 26th, the parties got into another argument which the father again recorded. I admitted this particular video into evidence. Both parties filmed this encounter. Both children are present during the altercation and can be seen in the video. The mother appears to be furious about something. She is so angry that it is difficult to understand what she is saying.
- [24] The father is also angry, but he attempts to de-escalate the situation and eventually ends the argument by leaving the house. Both girls can be seen in the video crying, one of them appears to be distraught. One of the girls dialled 911 and handed the phone to her mother.
- [25] On April 27, 2025, the parties got into yet another argument in which the mother used very strong language. The father also recorded this conversation. I excluded the recording.

- [26] Later in the day on April 27, 2025, the mother discovered that the father had put an AirTag tracker on her vehicle. She confronted the father about what she perceived to be an invasion of her privacy. The father deposes that the mother threw the AirTag at him and, when he attempted to explain that he put it on the vehicle in case it was stolen, she began to yell and scream at him. The children were home at the time, although it is not clear whether they witnessed the altercation.
- [27] The father called his parents and they called the [redacted for publication] Police Department to do a wellness check on him. On April 28, 2025, the father attended the [redacted for publication] Police Department to report concerns regarding an increasingly volatile and stressful domestic situation.
- [28] On June 10, 2025, the father recorded a conversation between the mother and one of the children occurring in a different room in which the child can be heard saying to her mother, "Why are you always hurting me for no reason," and "stop hitting me." On June 12th, the father recorded himself asking the child about the incident he overheard on June 10. I admitted both videos into evidence.
- [29] On the June 12th recording, the child was initially reluctant to answer her father's questions. He said he wanted to ensure that she was safe. She said she was safe. After a few more questions, the child said that her mother hit her three times on the head. The disclosure appears to have been uncoached by the father.
- [30] At some point, the Ministry of Children and Family Development ("MCFD") became involved. According to a letter from a social worker dated August 13, 2025, the social worker completed an investigation and determined that the children were not in need of protection and closed the file.
- [31] Through counsel, the parties have agreed to a number of standard conduct orders, including that neither party shall use any profanities in front of the children or within earshot of the children, and neither party shall use any form of physical discipline towards the child. Also with the assistance of counsel, the parties have agreed to equally share the cost of Our Family Wizard, through which they have been communicating.
- [32] Further, the parties have agreed to immediately commence a three-counsellor arrangement, such that: the mother will attend regular counselling with Salley-Ann Ross, the programming of which will be determined at Ms. Ross's discretion; the parties shall enrol the children in regular counselling with Christy Lowey; and the father shall enrol and attend at regular counselling with a counsellor of his choosing who is not the mother's therapist.
- [33] The mother has begun the counselling sessions. As of the date of this application, she had attended five sessions with Ms. Ross.

## II. Analysis

## A. Protection Order

- [34] The father obtained the original protection order without notice to the mother. I must now consider the need for a protection order de novo. In doing so, I must consider the evidence of both parties and the circumstances that have occurred since the original order was made: *Martinuik v. Martinuik*, 2001 BCSC 424 at paras. 9 and 14.
- [35] Section 183 of the FLA authorizes the court to make an order against a family member for the protection of another family member if the court determines that family violence is likely to occur and the other family member is at-risk family member.
- [36] The definition of family violence in the FLA is broad and includes physical, psychological, or emotional abuse of another family member or, in the case of a child, direct or indirect exposure to family violence.
- [37] Section 184 of the FLA sets out the risk factors that the court must consider. These include any history of family violence and whether the family violence is repetitive or escalating.
- [38] The family violence in this case was, as of July 8, 2025, repetitive and escalating. The relationship between the parties was toxic and dysfunctional. Recent arguments, in particular those I have reviewed on January 27, February 6, and April 27 were marred by foul, abusive, and demeaning language by the mother.
- [39] I recognize that these arguments and the recordings admitted into evidence are just snapshots of a complex and disintegrating relationship. Evidence of this nature can be misleading, especially on an interim application without the broader context. However, the level of hostility displayed by the mother and the remarkable language that she used repeatedly amounts, in my view, to family violence. Her conduct in the presence of the children during the argument on February 6 was frankly disturbing.
- [40] In addition, there is reliable evidence of an incident of physical violence on June 10, when the mother hit one of the children three times on the head. She may not have hit the child hard. She may have been frustrated by the child. However, any level of physical violence against a child is a cause for concern, especially if it reflects an anger management problem for the parent.
- [41] The hitting on June 10 is much more current and therefore more concerning than the mother's allegation that the father choked one of the children about six years ago, or her allegation that at some point he suggested the parties should spank the children.
- [42] The risk of family violence by the mother is greatly reduced now that the parties are physically separated. The primary cause of her anger appears to have been the relationship with the father and the physical proximity between the parties living under the same roof, which has now come to an end.

- [43] It is notable that the children have not been resistant to seeing their mother on video since the incidents discussed above. The video parenting has, by all indications, gone well. In one of the conversations, the children volunteered that it would be better if they could see their mother in person. The children have performed demonstrations of their affection for their mother in view of home security cameras to which they knew she had access on her smartphone.
- [44] When assessing the risk of further family violence in this case, it should also be noted that the father did not intervene when he overheard the mother speaking inappropriately to one of the children or when he heard one of the children ask her mother not to hit her. Instead, he recorded the conversations on his phone without interrupting them. I doubt that he would have done so if he genuinely feared for the child's safety.
- [45] The father makes various allegations in his affidavits about the mother's mental health. The mother recognizes that she needs to address her anger management and her use of inappropriate language, especially with the children. However, she denies any mental illness that would put the children at risk.
- [46] I find allegations of mental illness unhelpful on these kinds of applications. Affidavit evidence of conditions like depression, anxiety, and suicidal ideation are unnecessarily hurtful, invasive, and stigmatising. People with depression and anxiety can be excellent parents, provided they receive appropriate treatment.
- [47] Generally speaking, disputed issues around a parent's mental health and her ability to care for her children should be advanced by way of proper expert evidence and decided at a trial. The exception is mental health problems associated with a risk of family violence: s. 184(1) (e). The father's evidence on this application does not rise to that exceptional level.
- [48] The father's without notice application for a protection order was an appropriate cautionary step before serving the notice of family claim in a potentially volatile situation. But six weeks have now passed. The protection order has served its purposes. The parties are physically separated and communicating productively through Our Family Wizard. With the assistance of counsel, they have agreed on conduct orders, counselling, and a s. 211 report. The mother says she is committed to intensive therapy to learn more appropriate communication skills when provoked.
- [49] I find that neither the father nor the children are any longer at-risk family members. The physical, psychological, and emotional well-being of the children can be protected through conduct orders and an appropriate parenting order.
- [50] For these reasons, the protection order dated July 30, 2025, is set aside.

## B. Supervised Parenting

- [51] Section 37 of the FLA requires that in making an order with respect to parenting arrangements, the court must consider only the best interests of the child. Section 37(2) mandates that, in determining the best interests of a child, certain specific factors must be considered. Section 37(3) stipulates that an order is not in the best interests of the child unless it protects, to the greatest extent possible, the child's physical, psychological, and emotional safety, security, and well-being.
- [52] One of the options available to the court is an order requiring that a parent's parenting time be supervised. In *F.K. v. M.K.*, 2010 BCSC 563, Justice Griffin accepted the statement by an Ontario judge in *V.S.J. v. L.J.G.*, [2004] O.T.C. 460, that an order for supervised parenting "requires evidence of exceptional circumstances as it is just one step away from a complete termination of the parent-child relationship".
- [53] Exceptional circumstances warranting a supervision requirement include violence, uncontrollable anger, or irrational hostility that presents a risk to a child's safety and well-being: *F.K.* at paras. 147 and 156.
- [54] In *F.K.*, Griffin J. found that an interim period of supervision would serve the dual purposes of protecting the child from harm and providing the father in that case, against whom there was evidence of family violence, an opportunity to demonstrate that he was capable of providing a safe and appropriate environment for the child. Justice Griffin said the following, in words that are instructive in the present case:
- [157] I consider it important that the child have contact with the plaintiff to establish a bond but that this should be limited and gradual. The plaintiff should be allowed time to obtain counselling so that he can manage and reduce his general anger problems, find a way to lessen his open and active hostility with the defendant mother and her family, and develop parenting skills. An order providing that the plaintiff's access be supervised, subject to a period of review with the [general] goal of moving to unsupervised access, is in the best interests of the child. Supervised access will protect the child from harm, but also assist the plaintiff in giving him the time and the opportunity to take the necessary steps to become capable of providing a safe and appropriate environment for the child.
- [55] In this case, the children have been exposed to toxic and damaging conflict. Although both parents may have contributed to the conflict, the outward displays of hostility and inappropriate language were by the mother. At least one of the children was also exposed to at least one incident of recent physical violence by the mother.
- [56] In my view, it is in the best interests of the children that they be reintroduced to in-person parenting time with their mother gradually. The mother should continue her therapy so that she can manage and reduce her anger problems, find a way to lessen her hostility toward the father, and develop co-parenting skills.

- [57] For the reasons I will explain more fully in a moment, I will order a staged progression of parenting time for the mother: beginning with three hours, three days per week of supervised parenting time after school; then progressing to unsupervised parenting time on an expanded daytime schedule; then unsupervised overnight parenting time with the children, still residing primarily with the father, but spending one-third of the time with their mother; and finally equal parenting time.
- [58] I would not make the decisions when to move from one stage to the next dependent on any report from the mother's therapist. Bringing the therapist into the assessment would undermine the therapeutic relationship with the mother.
- [59] I would also not make the move from one stage to the next subject to an agreement by the parties or a review by the court. Repeated interim reviews would run the risk of protracted litigation and heightened conflict between the parties.
- [60] As explained by the Court of Appeal in *Fitzgibbon v. Fitzgibbon*, 2014 BCCA 403, interim orders are primarily designed to maintain the status quo and provide short-term solutions until issues regarding the best interests of the children can be fully canvassed at trial. *Fitzgibbon* also holds that disputed issues of fact and whether there is an ongoing need for supervision are best resolved at trial and not by repeated interim applications: para. 22.
- [61] In this case, the objective should be to return to the status quo of equal parenting time as soon as is consistent with the physical, psychological, and emotional safety, security, and well-being of the children. The interim order should also provide predictability and stability for the children.
- [62] Accordingly, I will order that the parties progress in three-month intervals, subject to review only if there is a material change in circumstances.

### C. Best Interests of the Children

- [63] I will now explain my decision more fully with reference to the considerations of the best interests of the children listed in s. 37(2) of the FLA.
1. The children's health and emotional well-being
- [64] Although not requiring a protection order, the evidence of the mother's behaviours is relevant to the appropriate interim parenting arrangements. I am concerned that, if she is granted immediate unsupervised parenting time, the mother will not fully address the issues she acknowledges need to be addressed, and may relapse into unhealthy conduct which will be harmful to the emotional well-being of the children.
- [65] On the other hand, a lengthy period of supervision would risk undermining and weakening the relationship between the children and their mother at an important time in their young lives.

[66] The staged progression I have proposed is intended to preserve this relationship while allowing the mother time to improve her communication skills and establish a healthier relationship with the father as a coparent after separation, before progressing to unsupervised and eventually equal parenting time.

2. The children's views

[67] The children are, in my view, old enough to consider their views. However, it is more appropriate for those views to be canvassed by Dr. Heiner through the process of preparing the s. 211 report, rather than the evidence on this application.

3. Relationship between the children and significant persons in their lives

[68] The most significant people in the lives of the children are clearly their parents. This militates in favour of regular and predictable parenting time with both parents and the objective of equal parenting time before trial.

4. History of child care

[69] The mother was the primary caregiver for the children during the relationship. The father was also actively involved and shared a number of parenting tasks as his work schedule permitted. However, the mother was primarily responsible for the children's academics, extracurricular activities, social lives, and healthcare. This militates in favour of keeping the mother as an active presence in their lives as much as possible.

5. The children's need for stability

[70] There is no question that the children need more stability. The current situation is unpredictable and no doubt upsetting for them. A staged progression to equal parenting time will promote stability for the children.

6. Ability of the guardians to exercise parenting responsibilities

[71] Both parents appear capable of exercising parenting responsibilities. Their affidavits demonstrate that they are both capable of being loving and responsible parents. However, as stated, the mother must address her anger management and use of inappropriate language around the children before she resumes in-person parenting time.

7. Impact of family violence

[72] As discussed, the relationship was marred by a high level of conflict and inappropriate language, primarily by the mother. While her anger may have been aimed at the father, I am instructed by s. 37(1)(g) to assess the impact of it on the safety, security, and well-being of the children, regardless of whether it was directed at them.

[73] I take judicial notice of the well-known causal relationship between exposure to family conflict and harm to children that manifests as they become teens and young adults, regardless of the best intentions of their parents.

[74] The mother's anger may have been situational. The impact of her behaviour on the children will hopefully wane with time and the physical separation of the parents. However, the history of family violence cannot be ignored in determining the appropriate parenting arrangements in the best interests of the children.

8. Whether actions of a person responsible for family violence impairs their ability to care for the children and meet the children's needs

[75] The mother deposes that she is committed to responsible parenting. I accept her evidence that she is addressing the issues that arose during the relationship. However, her ability to care for the children as an equal coparent is currently untested in light of her past conduct. A graduated return to equal parenting time will give her an opportunity to demonstrate that she can comply with the conduct orders and put the best interests of the children ahead of her own needs and frustrations.

9. Ability of the guardians to cooperate

[76] I am concerned about the ability of the parties in this case to cooperate on parenting arrangements. Even without face-to-face contact, coparenting requires productive communications in which both parents feel safe to express their concerns and aspirations for the children.

[77] I trust that communications between the parties will improve over time. I see evidence in their affidavits that both parties are capable of successful parenting after separation, but it will require time and hard work. It will also require a clear and certain schedule that reduces the potential for further conflict.

[78] I will return to the details of the proposed schedule for a staged progression of parenting time at the conclusion of these reasons for judgment.

[79] First, I will address the without notice order granting the father exclusive occupancy of the family home because it is relevant to the parenting arrangements.

#### D. Exclusive Occupation of the Family Home

[80] The test for exclusive occupancy of a family home is well known:

- a) whether it is a practical impossibility for both parties to remain in the home; and
- b) whether the applicant has shown that he or she would be the preferred occupant on a balance of probabilities.

Ferguson v. Ferguson, 2014 BCSC 216.

[81] Generally speaking, the court's primary consideration in deciding whether to order exclusive occupation is the best interests of the children as guided by s. 37(2) of the FLA: Hohmann v. Hohmann, 2024 BCSC 100 at para. 13.

- [82] The parties agree that it is a practical impossibility for them to both remain in the family home. It would not be in the best interests of the children for them to continue to live under the same roof.
- [83] The father relies on the marriage agreement, which he argues makes him the rightful owner of the former family home and requires the mother to vacate the property.
- [84] In her response to the notice of family claim, the mother pleads that the marriage agreement should be set aside or varied because it is unfair.
- [85] The FLA allows the court to vary the terms of a marriage agreement concerning property division if the agreement would be unfair, having regard to the factors listed in s. 65(1). The legal framework for this analysis was set out by the Supreme Court of Canada in *Hartshorne v. Hartshorne*, 2004 SCC 22. The court first calculates the entitlements of each party under the agreement and from other sources. The court then considers the s. 65(1) factors and determines whether the agreement operates unfairly. At a second stage, the court must consider the parties' personal and financial circumstances and whether the agreement accurately contemplated the circumstances the parties find themselves in at separation.
- [86] The availability of entitlements such as spousal support and child support are considered when assessing the overall fairness of the agreement in its operation: see *Bradley v. Callahan*, 2025 BCCA 69 at para. 54.
- [87] It is not possible on this application to conduct a meaningful analysis under s. 65(1) of the FLA, at an early stage of the proceedings, prior to financial disclosure by the father. However, based on the length of the marriage, the likely increase in the value of the family home, and the cap on spousal support, I find that the mother has raised a *prima facie* case that the marriage agreement operates unfairly in light of the s. 65(1) factors.
- [88] Notably, the father has not paid the lump sum spousal support of \$50,000 under the marriage agreement. He has also not paid any child support, although the children of course have not been in the mother's care.
- [89] In my view, the father's claim to exclusive occupation of the family home based on the marriage agreement must yield to the best interests of the children for the purposes of an interim parenting arrangement.
- [90] I am told that the mother is currently renting modest Airbnb accommodations. I am also told that the parties looked at separate accommodations for her before they separated but could not come to any agreement.
- [91] Unless the parties reach an agreement, it will be challenging for the mother to live in [redacted for publication]. That is even assuming the father pays the lump sum spousal support and begins to pay child support based on the marriage agreement.

- [92] The children are established in the family home and in their community. It would be disruptive for them if they were required to travel back and forth between residences, especially during the school year. As discussed, these children require stability.
- [93] Initially, the children could spend their mother's parenting time outdoors with her in a public space in [redacted for publication]. However, as winter approaches and the weather changes, this will be less and less enjoyable for them. By the time her overnight parenting time begins, the mother will require appropriate home accommodations for two preteen girls.
- [94] In my view, the appropriate interim order is that, beginning with the second stage of the parenting order, that is daytime unsupervised parenting time, the mother may attend at the former family home to spend her parenting time with the children, and the father will vacate the family home during the mother's parenting time. This nesting-type arrangement will continue for the duration of the second and third stages of the mother's parenting time.
- [95] Prior to the beginning of the fourth stage, that is equal parenting time, the parties will review the use of the former family home in light of their financial disclosure, spousal and child support, and any agreements on interim property distribution. If the parties cannot reach an agreement on the shared use of the former family home, the father may renew his application for exclusive occupation at that time.

### III. Conclusion

- [96] I will make the following orders.
- [97] The protection order and the order of exclusive occupation dated July 30, 2025, are set aside.
- [98] Commencing August 26, 2025, the mother will have supervised parenting time with the children on Tuesdays, Thursdays, and Saturdays, from 4:00 p.m. to 7:00 p.m. The exchanges will take place in a public place to be agreed upon by the parties.
- [99] Counsel will confer on an appropriate supervisor. If the parties cannot agree on a family friend or volunteer from the community, they will retain a professional supervisor. The father will pay the cost of the supervisor on a without prejudice basis.
- [100] Commencing November 26, 2025, the mother will have unsupervised parenting time on Tuesdays, Thursdays, and Saturdays, from 11:00 a.m., or after school, to 7:00 p.m. at the former family home. The father will vacate the home during the mother's parenting time.
- [101] Commencing February 26, 2026, the mother will have unsupervised overnight parenting time with the children. The children will continue to reside primarily with the father. The mother will have parenting time for approximately one-third of the time, based on a schedule to be agreed upon between the parties. The mother may exercise her parenting time at the family home. The father will vacate the home during the mother's parenting time.

- [102] Commencing May 26, 2026, the parties will share parenting time with the children equally on a schedule to be agreed upon between the parties.
- [103] Prior to the beginning of the equal parenting time, the parties will review the use of the former family home in light of their financial disclosure, spousal and child support, and any agreements on interim property distribution. If the parties do not reach an agreement on a shared use of the home, the father may renew his application for exclusive occupation at that time.
- [104] Throughout this schedule, on the days that they do not have parenting time, the parties may have video-call parenting time with the children for up to one hour per day.
- [105] The mother must not attend within 100 metres of the former family home, except for her parenting time, or as invited by the father, or in case of an emergency involving one of the children.
- [106] Conversely, the father must not attend within 100 metres of the mother's home, except for exchanges for his parenting time, or as invited by the mother, or in case of an emergency involving one of the children.
- [107] The parties will bear their own costs of these applications.
- [108] Thank you, counsel.
- "Elwood J."

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