

**SUPERIOR COURT OF JUSTICE - ONTARIO**

**RE:** L-A.F., Applicant

**AND:**

K.V.S., Respondent

**BEFORE:** The Honourable Mr. Justice A. Pazaratz

**COUNSEL:** Applicant not in attendance

Self-Represented Respondent

**HEARD:** March 30, 2020 – Triage Endorsement

**ENDORSEMENT**

- [1] **AS A RESULT OF COVID-19** which has caused the suspension of regular Superior Court of Justice operations at this time, as set out in the Notice to the Profession dated March 24, 2020, **this matter was referred to me as Triage Judge**, for a determination as to how the file is to proceed. See the Notice to the Profession dated March 24, 2020 available at <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>
- [2] Electronic materials were filed through the Courthouse email address: [Hamilton.Family.Superior.Court@ontario.ca](mailto:Hamilton.Family.Superior.Court@ontario.ca). Upon the resumption of court operations all materials will be duly filed in the physical record at the courthouse.
- [3] The self-represented father has brought a 14B motion without notice to the mother, seeking to deal with certain issues on an urgent basis.
- [4] The issues:
- a. Pursuant to a final order of Justice Lafrenière dated January 23, 2017, the parties have joint custody of their now ten year old son L.F. The mother has primary residence. The father has significant timesharing, including three overnights in each two week period. Both parties reside in Hamilton.
  - b. The father says he has received information that the mother has listed her house in Hamilton for sale, and that she intends to relocate with the child to Pembroke, Ontario.

- c. The father objects to the mother's proposed relocation of the child, arguing that it is not in the best interests of the L.F. and that it will significantly impact on timesharing and the father-child relationship. He proposes a transfer of custody if the mother wishes to relocate.
- d. Of more immediate concern, the father objects to the child continuing to reside in the mother's house, if the property is going to be marketed for sale. He is concerned about prospective purchasers coming into the house (and likely into the child's room) to view the premises. He worries that having multiple strangers coming into the residence is inconsistent with the "social isolation" safety precautions strongly recommended in this COVID-19 era.

- [5] In the circumstances, I find that the issues raised by the father are potentially urgent. This is a preliminary determination, without prejudice to either party on the ultimate hearing of the motion.
- [6] The father has not yet served his materials on the mother. He is to arrange for service of all of his materials and a copy of this endorsement on the mother immediately (by the end of today, if possible).
- [7] Each party may serve documents by e-mail. Documents (with proof of service) are to be filed with the court electronically.
- [8] The mother shall be permitted until Thursday April 2, 2020 at 12:00 noon to serve and file (electronically) any responding materials.
- [9] The matter will be scheduled to be dealt with by a Judge on Friday April 3, 2020.
  - a. The Judge will likely conduct a hearing by teleconference involving all parties. In that event, the parties will be advised by the court as to the time of the teleconference. The parties should make themselves available to participate in a teleconference on April 3, 2020 (or such other date as may be determined by the court).
  - b. However, after reviewing the file, the Judge may determine that it is more appropriate to deal with the matter based solely on the written materials, without a teleconference. In that event, the parties will be forwarded a copy of the Judge's written decision.
  - c. The Judge dealing with the matter will make a formal determination as to whether any of the issues are urgent, and then make any necessary orders.
- [10] Any self-represented party should obtain legal advice as quickly as possible, and in any event before any hearing by teleconference.
- [11] The Court has been advised that legal information may be available to individuals who qualify, through the Law Society of Ontario at the following phone numbers: Toll-free: 1-

800-268-7568; General: 416-947-3310. If the parties qualify, they may also wish to contact the Client Service Centre of Legal Aid Ontario at 1-800-668-8258.

- [12] Given the fact that the father has raised concerns which impact on the immediate safety and well-being of the child, I am satisfied that a very short-term, temporary, without prejudice order is appropriate without notice to the mother.
- [13] On a temporary-temporary without prejudice basis, pending further order:
- a. The mother shall not relocate the ordinary residence of the child L.F. outside of the City of Hamilton.
  - b. The mother shall not allow strangers into her residence for purposes of marketing the home for sale.

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Pazaratz J.

**Date:** March 30, 2020