

**SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

BETWEEN:

[REDACTED]

Applicant

and

[REDACTED]

Respondent

CONFERENCE MEMORANDUM
(November 5, 2020)

PRESENT: [REDACTED] Self-represented
[REDACTED] Self-represented

Pursuant to Rule 26.05 (3) this memorandum has the same force and effect as an order.

1. On September 24, 2020 the parties were before the Court for a review, and on November 5, 2020 for a pre-trial conference.
2. The parties lived together between June 2014 and December 2017. They have two children together, [REDACTED] born [REDACTED] 2015, and [REDACTED] born [REDACTED] 2017.

History of the proceeding in Bridgewater Nova Scotia

3. [REDACTED] initiated court proceedings in Bridgewater, Nova Scotia.
4. [REDACTED] filed an Application in December 2017 seeking to address custody and parenting arrangements, parenting time, contact time, and interaction, and to prevent relocation of the children with Ms. [REDACTED]. Mr. [REDACTED] requested the children reside with him when he was off work. At that time Mr. [REDACTED] was working twelve-hour shifts ("2 on, 2 off, 3 on, 2 off, 2 on 3 off repeat").
5. [REDACTED] filed a Response to Application seeking to address custody and parenting arrangement, and child support payable from January 1, 2018.
6. The following Interim Orders were issued at Bridgewater, Nova Scotia:
 - a. On April 10, 2018, an Interim Non-Prejudicial Consent Order was granted (issued same day), providing [REDACTED] with supervised parenting time at

██████████ in Bridgewater. The matter was adjourned without day pending follow through at ██████████ in Bridgewater Nova Scotia;

b. On June 5, 2018, a Consent Interim Order (Relocation and Interim Child Support) was granted (issued August 9, 2018) allowing Ms. ██████████ to relocate from Bridgewater Nova Scotia to Halifax Nova Scotia with the children. Mr. ██████████ was ordered to pay interim child support in the amount of \$767.80 per month beginning June 1, 2018.

i. On June 5, 2018, a separate order, a further Interim Non-Prejudicial Consent Order, was granted (also issued August 9, 2018) for Mr. ██████████ to have parenting time at ██████████ in Halifax Nova Scotia.

7. On March 29, 2019 correspondence was received from ██████████ indicating in part as follows:

a. An intake appointment was initially scheduled with Ms. ██████████ on August 24, 2018, re-scheduled to August 25, 2018, then September 9, 2018, and finally September 20, 2018, and the intake process was not completed until October 19, 2018 when Ms. ██████████ completed her paperwork.

b. Eleven visits were scheduled, and four visits canceled by Ms. ██████████. Mr. Collins requested make up visits but Ms. ██████████ reported concerns regarding safety and stalking, and she asked to consult with her counsel.

Further Orders granted in Bridgewater Nova Scotia

8. On April 23, 2019, a Consent Order (Transfer of File), was granted (issued at Bridgewater, Nova Scotia on November 26, 2019), transferring Court File No. FBWPSA ██████████ from the Family Court for the Province of Nova Scotia in Bridgewater, Nova Scotia to the Supreme Court of Nova Scotia (Family Division) in Halifax, Nova Scotia.

a. On April 23, 2019, (issued at Bridgewater Nova Scotia on November 26, 2019), the parties consented to Mr. ██████████ continuing to have supervised access with the children at ██████████.

Transfer of file to Supreme Court Family Division in Halifax Nova Scotia

9. On August 7, 2020, the parties first appeared before me. I confirmed the matter had been transferred to this jurisdiction, and the Order granted in April 23, 2019 (issued November 26, 2019) must be followed, and if not, the issue of Mr. ██████████ parenting time needed to be addressed.

- a. On August 7, 2020, the Court granted a further Interim Order for the Supervised Access and Exchange Program at [REDACTED], as an interim measure pending a hearing of the matter if the parties could not come to a resolution.
 - b. The Court directed [REDACTED] to follow through with the necessary steps to have supervised access re-started at [REDACTED] including attending all scheduled meetings and transporting the child for supervised access.
 - c. The matter was adjourned to September 24, 2020 at 2:30 p.m. for a Review.
10. On September 24, 2020 Ms. [REDACTED] advised the Court she had not followed through with the Order granted on August 7, 2020 further authorizing parenting time for Mr. [REDACTED] through [REDACTED].
- a. Options for addressing non-compliance to court ordered parenting at [REDACTED] [REDACTED] were discussed, including the possibility of an application for finding of contempt and / or an application pursuant to section 40 of the *Parenting and Support Act*.
 - b. Direction was given to schedule a conference / pre-trial, and a half day interim hearing to address the issue of Mr. [REDACTED] parenting time. A Pre-trial was scheduled for November 5, 2020, and an Interim hearing was scheduled for November 27, 2020.
11. On November 5, 2020, the parties appeared before me for a pre-trial.
- a. Mr. [REDACTED] advised the Court he had filed his applications.
 - b. The Application for finding of Contempt and Application pursuant to section 40 of the *Parenting and Support Act* were not in the Court file in advance of the pre-trial on November 5, 2020.
 - i. The documents were located after the pre-trial was held. On October 8, 2020 Mr. [REDACTED] filed an application for finding of contempt, and an application to address parenting time pursuant to section 40 of the *Parenting and Support Act*.
12. The Court asked for Ms. [REDACTED] position and she stated she would not respond to any questions, and that she required to have everything in writing. Ms. [REDACTED] advised that she did not consent to "this jurisdiction". With respect to Ms. [REDACTED] position regarding the jurisdiction of the Court. The Court directed the parties' attention to the case of *Meads v. Meads*, 2012 ABQB 571.

13. The Court confirmed the Nova Scotia Supreme Court (Family Division), did have jurisdiction over this matter and an interim hearing would take place on November 27, 2020 as previously scheduled.
14. Filing deadlines were confirmed. The Court confirmed the matter could go ahead in Ms. [REDACTED] absence if she chose not to participate.
15. The issue of denial of Mr. [REDACTED] parenting time will be dealt with at a hearing on November 27, 2020 from 10:00 am – 12:30 pm.
16. The applicable legislation is the *Parenting and Support Act*. ***Both parties must review the relevant legislation, paying particular attention to sections 18 and 40 of the Parenting and Support Act.***
17. The following filing deadlines were given to the parties:
 1. Mr. [REDACTED] is to file his affidavit in support of his application by **November 2, 2020**.
 2. Ms. [REDACTED] is to file her affidavit in response by **November 16, 2020**.
 3. Mr. [REDACTED] may file a reply affidavit no later than **November 20, 2020**.
 4. Both parties are to file their briefs no later than **November 23, 2020**.
18. **The parties are reminded that any material they file with the Court must also be provided to the other party at the same time.** Delivered to them on or about the same date. All forms are available on the court's website www.courts.ns.ca.
19. Note that if filing deadlines are not met, some or all of the following may occur at the discretion of the Court:
 - a. the application or pleadings may be struck;
 - b. the trial may be adjourned;
 - c. costs may be awarded to the other party;
 - d. the trial may proceed without consideration of material not filed or filed late;
 - e. or adverse findings may be made against the person who does not file required information; or
 - f. such other remedy as the Court may direct at that time.
20. If court time is booked and is no longer needed, please put this in writing and fax it to the attention of "Scheduling" at 424-0562 or send it to Scheduling, The Supreme Court of Nova Scotia (Family Division), 3380 Devonshire Ave, Halifax, Nova Scotia, B3K 5R5, as soon as possible so this time may be made available to others.

21. Take note of the Family Division's policy on filing case material, available at the Family Law Information Centre. The Civil Procedure Rules and Forms are available at the Family Law Information Centre and online. You may wish to obtain further information about the court process at www.nsfamilylaw.ca.
22. The parties are not required to have legal counsel, but they are encouraged to get legal advice.
23. The parties may qualify for Legal Aid, contact information for the Legal Aid offices can be found at www.nslegalaid.ca/contact.php or contact the Halifax office at 902-420-3450, or the Dartmouth office at 902-420-7921.
24. To contact the Halifax Summary Advice Counsel, Paul Stordy, who is located in the lower level of the courthouse, phone 902-424-5616..
25. For information about the Legal Information Society's Lawyer Referral Service visit www.legalinfo.org or call 902-455-3135 (or toll-free at 1-800-665-9779).
26. If you believe there are any errors and omissions to this memorandum, please contact Diane Spafford immediately at 902-424-3990.

ISSUED at Halifax, Nova Scotia, on the day of , 2020.

C. Cormier, J.

CGC/ds

cc: (via e-mail)

 (via e-mail)