

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Kiss v. Skiba*, 2006 YKSC 18

Date: 20060131
Docket: S.C. No. 05-B0077
Registry: Whitehorse

IN THE MATTER OF THE *RECIPROCAL ENFORCEMENT OF
MAINTENANCE ORDERS ACT*, R.S.Y. 2002, c. 191

BETWEEN:

FERENCZ KISS

Applicant

AND:

ELAINE SKIBA

Respondent

Before: Mr. Justice L.F. Gower

Appearances:
Lenore Morris

For the Director of
Maintenance Enforcement
Appearing on her own behalf

Elaine Skiba

**MEMORANDUM OF JUDGMENT
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): I intend to vary the August 10th order, 2005, from Justice Hembroff in the Court of Queen's Bench of Alberta, such that Clause 2 will be re-worded to the effect that Ms. Skiba shall pay to Mr. Kiss the sum of \$100 per month for the support of the child, Katrina Rae Kiss, commencing on May 1, 2006, and continuing on the first day of each and every month thereafter.

[2] I would further make it a term of the variation order that if Ms. Skiba is earning an income by May 1, 2006, which, under the child support guidelines, would result in a child support order for one child in an amount greater than \$100 per month, then she shall pay that greater amount as indicated by the guidelines table.

[3] Further, if Ms. Skiba is still unemployed or has an income insufficient to pay child support of \$100 per month as of May 1, 2006, then she will be required to make an application in the Province of British Columbia, or wherever she may be residing at that time, to further vary this order.

[4] Finally, that Ms. Skiba shall provide to Mr. Kiss, by registered mail, as of May 1, 2006, a sworn affidavit which simply sets out the amount of her employment income as of that date. In other words, it would be roughly equivalent to what is in the financial statement that she filed with this court, but it would not include her monthly expenses or her assets and debts. It would simply be limited to one paragraph or so as sworn information as to her level of income as of that date.

[5] THE RESPONDENT: Your Honour, I just wanted to point out that in the evidence or Form C or -- her father's application has actually -- he spelled her name wrong. He spelled her name wrong and it has been spelled wrong in these documents. It is not Katerina, is Katrina, just for proper.

[6] THE COURT: Okay, thank you. So the correct spelling of the name is K-A-T --

[7] THE RESPONDENT: R-I-N-A.

[8] THE COURT: -- R-I-N-A.

[9] THE RESPONDENT: Correct.

[10] THE COURT: All right, thank you for that. I guess that should be a final term of the order that the spelling of the name of the child be amended accordingly. Does that help at all, Ms. Morris?

[11] MS. MORRIS Yes, it helps very much, thank you.

[12] THE COURT: Okay, any further questions from either side?

[13] MS. MORRIS Given that Ms. Skiba is leaving the Territory, I ask that the requirement for her signature be endorsed on the order be waived.

[14] THE COURT: Yes, it will be waived. Do you require Ms. Skiba to notify you once she is settled in British Columbia to give you her current address?

[15] MS. MORRIS Yes. We would normally send her a copy of the order, so if she could provide us with her address in British Columbia.

[16] THE COURT: Would you like that to be part of the order?

[17] MS. MORRIS Yes.

[18] THE COURT: All right. I think it is important that you maintain contact with Ms. Morris's office to let them know where you can be reached in British Columbia once you get settled there.

[19] THE RESPONDENT: Is there -- in the event that you can't get to me right away, Sean Kelly is my lawyer here and he'll know how to get paperwork to me, if that's appropriate?

[20] THE COURT: Okay, but I also want you to have the obligation to contact Ms. Morris to let her know where you are once you are situated.

[21] THE RESPONDENT: Right.

[22] THE COURT: In British Columbia.

[23] THE RESPONDENT: It could take a couple of weeks before I have got --

[24] THE COURT: That is understandable.

[25] THE RESPONDENT: Okay.

[26] THE COURT: Okay.

[27] MS. MORRIS Thank you.

[28] THE COURT: All right. If there is nothing further then we are adjourned.

GOWER J.