

SUPREME COURT OF YUKON

Citation: *EWM v LDG*, 2015 YKSC 58

Date: 20151113
S.C. No.: 06-B0080
Registry: Whitehorse

BETWEEN:

E.W.M.

PLAINTIFF

AND

L.D.G.

DEFENDANT

Before the Honourable Mr. Justice L.F. Gower

Appearances:
E.W.M.
Norah Mooney
Debbie P. Hoffman

Appearing on his own behalf
Counsel for the Defendant
Children's Lawyer

RULING

[1] GOWER J. (Oral): In my decision of July 10, 2015, I made a few observations, one of which was that the father's position on the week-on/week-off schedule was tainted by his animosity towards the mother and his apparent determination to do everything possible to frustrate her relatively recent attempt to play any kind of a parenting role in the lives of the children.

[2] I also indicated that this appeared to be an affidavit war, which I hoped the parties were capable of stopping for the sake of the children. However, that affidavit

war continues. The father seems to feel that he knows what is best and what the children really want, despite their clear instructions to the children's lawyer.

[3] Also, the father has been warned through his counsel on previous occasions about not filing last-minute material. That was the reason that I made a direction at the last review that he file his material and deliver it to the lawyers on the other side by November 6, which he did. And then, in response to the mother's Notice of Application of November 9, he filed yet another affidavit, Affidavit #14, today, which is quite lengthy, single-spaced typing, and goes on for some 19 paragraphs. That makes it very difficult for me to even read the material before the hearing, let alone giving the mother an opportunity to respond.

[4] In both of the father's affidavits there are repeated references to the mother's drug dealer friends. There are repeated references to the mother lying. There are repeated references to the mother being drunk, although most of those are based on nothing more than rumour and innuendo. There is a suggestion that she needs to be monitored by a social worker when she has the children with her. There are allegations of child neglect. He says that, "Communication with the defendant is what it is. I could use improvement, but I do not like getting threats from her friends. I feel that my rights are being violated." There is no backup to these repeated allegations of threats from what he says are the "drug dealer friends".

[5] The father appears to have no intention to try and improve the level of communication, even though years ago he took both levels of the Parenting After Separation workshops, and I have ordered that he retake both of those workshops again.

[6] He made a complaint that the child advocate is not doing her job right. He made an application for me to recuse myself because he does not feel I am doing my job right. There is general disrespect for the court process.

[7] In the father's most recent affidavit we see the same theme continuing on: more allegations of the mother having drug dealer friends; more unsubstantiated and uncorroborated allegations of her being drunk; more statements suggesting that he knows best what the children want, despite the clear and consistent instructions that they have been giving to the child advocate.

[8] Mr. M., there is a mean-spiritedness in your material. There is vindictiveness in your material. It seems like every opportunity that you can, you want to poke a stick in Ms. G.'s eye. That has to stop. That mean-spiritedness, that oppositional behaviour, that vindictiveness is going to spill over onto the children. It cannot possibly be in their best interests for you to be fighting every step of the way in trying to sabotage Ms. G.'s relationship with the children. It cannot be in their best interests. That is what they teach you in those Parenting After Separation workshops.

[9] You have to get over this. You have to get over what happened in 2010, when she went away for a few years, and you have to act as if you can talk to each other in a polite, business-like manner. You do not have to like her, but you have to be able to get along with her in a polite, civil, business-like manner for the sake of the children. That is what this is all about. This vindictiveness, this mean-spiritedness cannot continue. It is starting to hurt the children. I think what Ms. Hoffman said about Z. is the best example of that. That has to stop.

[10] I agree with Ms. Hoffman that between the two of you, Ms. G. has the more flexible approach. She is the one who is prepared to make the compromises. I commented about that in my July decision and I see it again and again.

[11] I am prepared to grant the order for those reasons. I will dispense with Mr. M.'s signature. I will direct the clerk to send the order up to me for review before it is issued.

[12] Thank you.

GOWER J.