

WINNIPEG CENTRE

FD09-01-92671

BETWEEN:

LIONEL ANDRE BOUCHARD,

Petitioner,

- and -

LYNDA STAUB,

Respondent.

FD09-010-92674

AND BETWEEN:

LIONEL ANDRE BOUCHARD,

Petitioner,

- and -

ANDRE LIONEL BOUCHARD,

Respondent.

FD09-01-92675

AND BETWEEN:

LIONEL ANDRE BOUCHARD,

Petitioner,

- and -

CLAIRE DEANNA DEMERY,

Respondent.

TRANSCRIPT OF PROCEEDINGS before The Honourable Madam Justice MacPhail, held at the Law Courts Complex, 408 York Avenue, in the City of Winnipeg, Province of Manitoba, on the 3rd day of June, 2010.

APPEARANCES:

MR. L. BOUCHARD and MS. M. LEGARE, via teleconference

MR. K. LAND, for the respondents, A. Bouchard and C. Demery

MS. H. DIXON, for the respondent, L. Staub

JUNE 3, 2010

MR. LAND: My Lady, my name is Land, I appear on behalf of two of the respondents in this matter, the applicants in this particular application --

THE COURT: Yes.

MR. LAND: -- Claire Demery and Andy Bouchard. My learned friend, Ms. Dixon, appears on behalf of the third respondent, Linda Staub. We are all present this morning and willing to proceed.

It is my understanding that Mr. Bouchard, the applicant, is not here. His daughter, Marlene LeGare, is on the phone from British Columbia and she has also asked, a woman whose name I didn't record to attend and provide the court clerk a letter requesting an adjournment of the matter.

We haven't seen that letter, by the way.

THE COURT: Oh, you haven't?

MS. DIXON: No, we haven't.

MR. LAND: No.

THE COURT: Well, I will ask Madam Clerk to provide you with a copy of that order (sic), the copy of that order, Mr. Land. That's not an original letter, it's a faxed copy, I believe.

So, Ms. LeGare, can you hear me?

MS. LEGARE: Yes, I can.

THE COURT: All right. My name is Justice MacPhail and I did receive, and it was drawn to my attention, your earlier correspondence and perhaps Madam Clerk can provide me with the files. If you wouldn't mind.

THE CLERK: Okay.

THE COURT: So I've got them.

All right. So what is it that you're requesting because you were told that you would have to make the request and, and I want an explanation as to why your father is not present on this call. Or is he there with you?

MS. LEGARE: Yes, he is.

THE COURT: All right. Then he should be the one making the request, you're not his lawyer. So he will have to give the explanation as to what he is asking for today and why.

MS. LEGARE: All right. And if I may add, my father has two hearing aids, he has difficulty hearing with the, the speakers but I will put him on then. Did you understand what she said? Did you hear that properly?

THE COURT: What I need to know is what is he asking for, and I'm trying to speak loudly and clearly. His letter indicates that he wants the hearing postponed so I need to hear that request from him and I need to know why and then I may have some questions for him about that and then I will hear from counsel for the applicants to set aside the order.

MR. L. BOUCHARD: Hello.

THE COURT: Yes?

MR. L. BOUCHARD: This is Lionel here, calling. So I want to adjourn it for one day because I have an appointment with a doctor today, I mean for eye exam and for my -- for cataracts and so --

THE COURT: So --

MR. L. BOUCHARD: -- for medical attention anyways.

THE COURT: Mr. Bouchard, do you have an appointment to have a cataract operation today or is it an appointment with an eye doctor?

MR. L. BOUCHARD: An appointment with the eye doctor.

THE COURT: When was this appointment made?

MR. L. BOUCHARD: It was made awhile back, yeah.

THE COURT: It was made after the case conference?

MR. L. BOUCHARD: Yes.

THE COURT: And why did you make an appointment for a day when you knew that you had to be in court if you

wanted to be in court?

MR. L. BOUCHARD: We were waiting for a cancellation.

THE COURT: Yes. But why, when you knew that you were going to be in court, or if you wanted to be in court, you knew what the date was, why did you not contact the doctor's office and say no, I'm not available that day because I have court proceedings, in Manitoba.

MR. L. BOUCHARD: I've been waiting already for about three, four months.

THE COURT: But you said that this appointment was made some time ago.

MR. L. BOUCHARD: Yes.

THE COURT: So you have no appointment scheduled, as of yet, for surgery on your eyes. Am I correct?

MR. L. BOUCHARD: That is what the doctor is going to decide today.

THE COURT: Okay. So you're looking at having this hearing postponed to another day so -- and if, and it's an if, and I have to hear from the lawyers involved, if I am prepared to grant that request, we'll deal with what the consequences are for this request in a moment. So just stay on the phone. So, Mr. Land?

MR. LAND: Yes, My Lady. The mere fact that this order exists is prejudicial to all our respective clients. It's been in place since October of 2009 and I think the, the, the applicants in these proceedings and the respondents have proceeded expeditiously. When we appeared before Justice Johnston on March 17th, 2010, at the case conference, it was made clear that we wanted this matter dealt with quickly and, therefore, he set it for a one day trial, he made provisions for the provision of additional material to be put before the trial judge in the form of the affidavits and the transcript, things that are not normally done so that this matter can be dealt with.

The most prejudicial aspect of this order is the

commentary of Magistrate Harvey, at page 18 of the transcript, where he (sic) implies that this order will allow Mr. Bouchard to go back to the -- his family homestead that's owned by my client, Andre Bouchard, and that the protection order will somehow allow him to do that and prevent my client from asserting his ownership rights in respect of that property. I think that's clearly wrong at law, I don't think the Act provides provisions to effectively give an order of exclusive occupancy to an individual where that issue of exclusive occupancy and the right to occupy property is currently before the civil division of the Court of Queen's Bench.

This is a familiar pattern, as well, My Lady. The two civil actions have been dormant since 2008. We are awaiting the affidavit as to documents in respect of the statement of claim and we are certainly awaiting opposing counsel, Mr. Smith, to get back to us in respect of setting the occupancy issue down for a hearing before the civil court. He has done neither. In fact, I have not heard from Mr. Smith since 2008. So the process of delay, the process of procrastination is certainly significant.

The other aspect of the matter, My Lady, that is somewhat disturbing is this matter was set for hearing on March 17th. Certainly I didn't hear Mr. Bouchard's -- sorry, March 17th, 2010.

MS. DIXON: Was the?

MR. LAND: Was the date of case conference.

THE COURT: So at the case conference --

MR. LAND: Yes.

THE COURT: -- the hearing was set. Yeah.

MR. LAND: Yes. He's had plenty of notice in respect of when it is and certainly a doctor's appointment, I would suggest, would not trump a court appearance where certainly my clients, as well as my learned friend's client, is being prejudiced by the existence of this order. And now the court will be prejudiced because the hearing judge will

have to re-read a significant amount of material, which I am sure you have already done.

THE COURT: Well, what I will do is seize myself of this matter, if I adjourn it, so that it will be before me, so that, that won't be an issue. Because there is a considerable amount of material.

MR. LAND: And you, you will also have noted, My Lady, the reference of Justice Johnston, in respect of relevancy of that material and that would be an issue, obviously, that would have to be addressed.

My concern, My Lady, is this is just simply following a pattern of, of expending my client's funds to come and fight a ghost. This gentleman is obviously in British Columbia, I have no idea why he needs a protection order in the first place, when he is a resident of British Columbia.

So I would ask that the application of the respondents be granted and that the protection order be set aside.

THE COURT: Yes, Ms. Dixon?

MS. DIXON: My Lady, this matter has been going on for over six months. We were supposed to be heard in court, Ms. LeGare was in court, in family division, on a couple of occasions or at least one occasion where she spoke with a colleague of my learned friend here. She knew this matter was coming forth, she knew it was going to case conference on the 17th of March. Last Friday she contacted me and said -- she contacted the court to say that it should be dismissed because her father had an eye appointment. The court -- I phoned the court because I was left a message that it had been dismissed. I contacted the court, the court said no, it had not been dismissed, that she was supposed to be asking for our permission. I did try to contact Ms. LeGare, I phoned her several times, did not reach her at any point but I did say we were not consenting until we had some reason to consent. We had no reason to

consent, no evidence before us.

This, this is a matter that is brought about to embarrass the family, which it has done, to simply make the family look ridiculous in front of the community, which it has done, and to simply annoy the clients.

All these clients are serious, these, these respondent -- applicant/respondents, as you would. Mr. Andre Bouchard, Claire Demery and Linda Staub have hired lawyers to get this dismissed, to have this removed, they don't want this blot on their record, as it were, and Ms. LeGare has nothing but, but delay, delay, delay. And unfortunately, our clients haven't had any contact with their father for over two years because he's been in BC.

Now, he does want to come back to Manitoba, according to his affidavit, but obviously he has doctors, he has a life set up out there, he's thinking of having surgery out there. So you get a protection order just because you think you want to come back sometime? I don't believe that the, the Act allows, I think I want to come back and, therefore, I want a protection order in Manitoba and I think I might be threatened if I get there and, therefore, I want a protection order and I think I might have my property damaged but there was no evidence of any of those things in the transcripts or anywhere in his application.

We would like these matters dismissed and, of course, costs.

THE COURT: Okay, Mr. Bouchard?

MR. L. BOUCHARD: Yes.

THE COURT: Well, do you --

MR. L. BOUCHARD: Hello.

THE COURT: -- do you have any response?

MS. LEGARE: May I speak on his behalf? Mr. Bouchard has -- my dad has a life estate and these parties have signed documents stating their father could go back in June --

THE COURT: That has nothing to do with this

proceeding. This proceeding is a proceeding to set aside a protection order, the protection order that your father obtained against Mr. Bouchard, Ms. Staub and Ms. Demery. That's purely and simply what this hearing is about. And what I have to determine, in this hearing, is whether or not the order was appropriately made by Judicial Justice of the Peace Harvey. That's what I have to determine. And no protection order is going to give anyone a right of residency with respect to a particular residence that they may not have a clear right of residency, at law, to otherwise. That's not within the possibility of the relief that a justice of the peace can order. So what is being --

MS. LEGARE: Yes, Your Honour, if you'll note, my father has a legal life estate to the property.

THE COURT: No, I'm not prepared to -- that is not before me, who has a right to occupy what residence. What is before me is whether or not the protection order was appropriately granted. The concern I have is that you and your father, and I am assuming he is listening to this on speaker phone. Is he, Ms. LeGare?

MR. L. BOUCHARD: Pardon?

THE COURT: Mr. Bouchard, the concern I have is that you were present at the case conference when this trial date was set. You arranged for a medical appointment, not a surgical procedure, but a medical appointment to take place on a date when you knew that you had a court proceeding, in Manitoba, and I am assuming that this is an important process to you. If that's the case, I don't understand why you wouldn't have changed that appointment. And then you've subsequently sent letters to the court suggesting a hearing date in late 2010 or early 2011.

Now, what I need to know is what your response is to the arguments by Mr. Land and Ms. Dixon for this protection order set aside hearing to proceed today and why I shouldn't be allowing that to happen.

MS. LEGARE: Your Honour, the -- this was the

first available date, also my dad has been on a cancellation date because he was aware of the court date and none have come up so we felt to notify the court last week that this was happening. Because of the Olympics all the elective surgery were cancelled, so he has been on a waiting list. And that's the reason for this. He needs two operations. So we can't, we can't cancel it because it will be a four or five month wait to get to the next appointment to, to schedule the surgery.

THE COURT: When was this appointment made?

MS. LEGARE: This was made a couple of months back, we have been on a waiting list for a cancellation, for the first cancellation, and we haven't had any cancellations so --

THE COURT: When, when did you receive notice of the cancellation?

MS. LEGARE: There is no -- no, we were on a waiting list to get a different date.

THE COURT: When were you --

MS. LEGARE: None have come up as of last week so that's when we notified the court.

THE COURT: You were advised last week of the date?

MS. LEGARE: No, we've had the date for a considerable amount of time because this was the first available date, there is quite a backlog in BC because of the Olympics, all the elective surgery was cancelled as a result of the Olympics. This was the first available date given to my father and we have been on the cancellation list to see if he could get a different date. As of last week, no date was available so we then notified the court that this was the date that is set for him to go in to find out when he goes for surgery.

THE COURT: Okay.

MS. LEGARE: To cancel and re-schedule we, we phoned in the doctor's office, it would be a four to five

month wait. My father is 86, that's not, that's, that's not acceptable because then there's the, then there's the wait for the surgery after that.

THE COURT: Well, let me just tell you that if I grant your father's request for an adjournment I will be setting a specific date for this hearing to resume and your father, if he wishes to participate in that hearing, will have to be there that date. No excuses.

MS. LEGARE: Fine.

THE COURT: So if an appointment is made, if he is offered surgery or offered another medical appointment on that date, he will have to say no, I am not available because I have a court proceeding. And I will also be hearing from counsel on the issue of costs for today's appearance because they obviously had to prepare for the hearing as if it was going to proceed.

MS. LEGARE: If --

THE COURT: So bearing that in mind, does your father still want an adjournment? And I need to hear from him.

MR. L. BOUCHARD: Yes.

THE COURT: Okay. Well, it is clear, to me, that both Mr. Bouchard and his daughter, Marlene LeGare, were clearly aware, from their participation in the case conference on March 17th, that the matter was set for hearing on today's date and notwithstanding that fact, they did not, when they received notice of the appointment for today's date with the eye specialist, they did not contact the doctor's office and request a different date which may or may not have been possible.

I think that it is important that Mr. Bouchard, who wants to be here, have the opportunity to be here at the hearing. I also recognize that the respondents, who are the applicants to set aside the protection order, would like to have this matter dealt with as soon as possible and would like to have a decision made with respect to their

applications. And these protection orders were granted some time ago, in October of 2009.

So I am prepared to grant the request for an adjournment on certain conditions. The first condition is that Mr. Bouchard is to get a letter from his eye doctor, confirming that he had an appointment on today's date and also confirming when that appointment was set. And Ms. Brinkworth is waving around the appointment notice which is not a letter from the doctor confirming. I want a letter, signed by the doctor, and I want that filed in court. And that is to be filed in court by the end of August, 2010. That's the first condition.

The next condition is that I am now going to ask Madam Clerk to contact the trial coordinator to determine when the day may be available -- and I would like to hear from counsel whether one day or two days would be required and obviously one day will be easier to schedule than two but you know ...

MS. DIXON: My Lady, you've already indicated you are willing to be seized of the matter, I believe you have already familiarized yourself with much of the material. I believe that if we stick to the issues this matter might be concluded in one day. Do you agree, Mr. Land?

MR. LAND: I agree, My Lady, the same discussion took place before Justice Johnston with respect of scheduling and we had agreed to put the material before the court in the hope that we could complete it in one day.

THE COURT: All right. Now, Madam Clerk, if you could phone Ms. Capack and maybe see if there is also an option for one and a half days, you know how we have the ...

MS. LEGARE: Your Honour, I'm not sure of the process but we would like the respondents examined.

THE COURT: No. You will do that in court when you come. And when I say you, I don't mean you --

MS. LEGARE: No, that's, that's --

THE COURT: -- that will mean your lawyer will do it for you or Mr. Bouchard will do it for you -- for himself. That's what will happen. That's the process, if -- in terms of a cross-examination. But there will be preliminary issues to be dealt with such as whether or not the requirements of the Act were met at the beginning. So those will be dealt with first and assuming there are no issues that would require the order to be set aside, on that basis, then the substantive evidence will be considered.

MS. LEGARE: Also, Your Honour, at the case conference --

THE COURT: Madam Clerk is on the phone so --

MS. LEGARE: Oh.

THE COURT: -- so just wait a moment, please.

THE CLERK: I'll just be one moment.

THE COURT: Okay. Yes, Ms. LeGare?

MS. LEGARE: Yes. At the case conference my father was to have been mailed out a notice of this hearing for today. He has received nothing official.

THE COURT: Well, that's because nobody has an address for him.

MS. LEGARE: Yes, we gave the address of Box 81, Elie ...

THE COURT: Well, you don't give --

(TELECONFERENCE CONNECTION DISCONNECTED)

THE COURT: Okay, she'll have to phone in.

THE CLERK: We're just going to wait for the party to, to call back, I cannot dial out through this.

THE COURT: Do either of you counsel have a cell phone?

MS. DIXON: Yes, I do.

THE COURT: In light of the fact that Madam Clerk can't phone in, and I'm not sure whether Ms. (sic) Bouchard and Ms. LeGare are intending to -- oh, maybe they are.

THE CLERK: Courtroom 317.

MS. LEGARE: Oh, I'm sorry, it appears we were disconnected.

THE COURT: All right. Yes.

THE CLERK: I have a trial date, My Lady.

THE COURT: Yes.

THE CLERK: September 16th and if it need be, the 17th in the afternoon.

THE COURT: Perfect. Okay, September 16th and 17th. Counsel, are you available those dates?

MR. LAND: Yes, My Lady.

MS. DIXON: I will make myself available.

THE COURT: And does she know whether I have anything that morning, on the 17th?

THE CLERK: She's just going to check.

THE COURT: Because if she can hold 10:00 on that morning, that would be good.

THE CLERK: Instead of at 2:00?

THE COURT: Well, the 16th and then the Friday morning.

Okay, never mind. That's okay, we'll take the 16th, 17th.

THE CLERK: Okay. You have nothing scheduled on September 17th at 10:00.

THE COURT: Ask her if she can hold from the 10:00 till noon slot for me that day and not book anything because we may need it for this.

THE CLERK: Okay. Is this the p.m., as well, though?

THE COURT: Yeah.

THE CLERK: That's confirmed then, Ms. Capack will set those dates.

THE COURT: Yes.

THE CLERK: Those dates are set, My Lady.

THE COURT: Okay, thank you.

So the hearing will be adjourned to September 16

and 17 of 2010 to commence at nine o'clock in the morning, each of those days and that's Thursday, September 16th and Thursday, September -- pardon me, Friday, September 17th.

THE CLERK: At 9:00 My Lady, sorry?

THE COURT: At ten o'clock in the morning, the usual time. And you have that written down, Ms. LeGare and Ms. (sic) Bouchard?

MS. LEGARE: Yes. And the address for service, again, is Box 81, Elie, Manitoba as we noted at the case conference.

THE COURT: And you -- I am going to ask one of the counsel to prepare an order with the terms of the adjournment in it and I am also going to order that it will be sent, a copy of it will be sent to Mr. Bouchard at Box 81, Elie, Manitoba. And your friend, Ms. Brinkworth, is here. Are you prepared to have a copy of it sent to your address? And could you give me your address please, ma'am?

MS. BRINKWORTH: 436 --

THE COURT: Yes.

MS. BRINKWORTH: -- Grassie Boulevard.

THE COURT: And what's your postal code?

THE CLERK: Stand up, please.

MS. BRINKWORTH: R3W 1S5.

THE COURT: So a copy will be mailed to Mr. Bouchard at Box 81, Elie, Manitoba once the order is signed, as well as sent to him in care of Angie Brinkworth, at 436 Grassie Boulevard, Winnipeg, R3W 1S5. And Ms. Brinkworth is present in court and has indicated that she would be willing to receive that document and forward it on to Mr. Bouchard. Is that correct?

MS. BRINKWORTH: Yes.

THE COURT: Okay. Now, in terms of costs? Now, there is two options, you can request it now or you can request it as --

MS. DIXON: Forthwith.

MR. LAND: We would like to request the costs in respect to

the adjournment forthwith and in any event of the cause. This was a matter where the applicant to the protection order had knowledge of his medical appointment far in advance of today and if he provided the information perhaps my learned friend and I could have saved a whole lot of preparation to deal with this matter today. They chose not to and, in fact, only made it known as of Friday, attempting to adjourn it without our notice or without any input from us. My client will have significant throw away costs in that I will have to obviously, in September, re-prepare, as will my learned friend.

We are concerned, as well, that Mr. Bouchard appears to be a resident of BC if he is having surgery in BC and, therefore, an order of costs against him may have to be sought on the security basis, as well as any costs we're able to obtain from him the court today, but certainly the throw away costs in respect of this matter are significant.

THE COURT: And your request -- do you have a specific dollar amount --

MR. LAND: I, I would be requesting --

THE COURT: -- because that way Mr. Bouchard --

MR. LAND: Yes, I would be requesting a thousand dollars.

THE COURT: And that's for your two clients.

MR. LAND: My two clients, yes.

THE COURT: Yes. Ms. Dixon.

MS. DIXON: I would be requesting a similar amount. I have spent exactly the same amount of time on preparing this and, in fact, we've spent considerable time trying to find the clients for service, we've had a great deal of time trying to prepare for this. We have, both Mr. Land and I, have talked many times on the phone about this matter and as we have with all the applicant respondents.

I would be asking for costs, similarly.

THE COURT: Now, Mr. Bouchard, you have heard that the lawyers are requesting a thousand dollars each, in the way

of costs for this adjournment. Can I hear your position, please?

MR. L. BOUCHARD: But I, I say that I have to pay you a thousand dollars, you say?

THE COURT: They are asking me to order that you pay each of the lawyers a thousand dollars in costs because of the lateness of your adjournment request and the fact that the matter -- your appointment means that, because I granted your adjournment request, they had prepared and were ready to proceed today and they now have to take steps, in September, to prepare all over again and their, their clients will incur significant costs as a result of that. So they are each seeking \$1,000 and what's your response to that?

MR. L. BOUCHARD: I'm, I'm on a fixed income so I have a small pension only -- I have no money right now so ...

I'm on a fixed income, I'm, I'm a poor pensioner and only (inaudible).

THE COURT: Okay.

MR. L. BOUCHARD: Okay, so I have no money right now.

THE COURT: Well, how are you going to get here if you don't have any money?

MR. L. BOUCHARD: I'll have to figure out something.

THE COURT: Well, yes, you will and you're going to have -- you were supposed to be here today and you're not and that's what the costs requests relates to, the fact that the three applicants are here, their lawyers are here, and they had to put in a considerable amount of time preparing for a hearing which is now not proceeding today because you have requested an adjournment and why should they have to pay the costs of that? That's their position.

Anything further you want to say or not, Mr. Bouchard?

MR. L. BOUCHARD: I've haven't got much ...

THE COURT: Pardon me?

MR. L. BOUCHARD: Can't. I can't afford anyway so

...

THE COURT: Well, I'm satisfied that an order of costs would be appropriate. I am not taking into account the time that may have been spent trying to serve individuals, that's something that can be dealt with ultimately at the final hearing of this matter. I am dealing solely with the costs in relation to this adjournment and I am prepared to order costs in favour of -- and I'm going to split it up -- in favour of Mr. Bouchard in the amount of \$400, payable forthwith. In favour of Ms. Demery, the other client of Mr. Land, in the amount of \$400, payable forthwith. And in favour of Linda Staub, client of Heather Dixon, \$700 costs, payable forthwith and in any event of the cause.

So that is a total, Mr. Bouchard, of \$1500, \$400 to Andre Bouchard, \$400 to Claire Demery, because they are represented by the same lawyer, and \$700 to Linda Staub. And payable forthwith means that you are to forthwith or right away make that payment. You will receive a copy of the orders, they will actually have to be three separate orders because there is three separate pockets dealing with that issue. But the matter is adjourned until September 16th --

MR. L. BOUCHARD: I need time to pay for it.

THE COURT: Well, you're going to have to make arrangements to pay for it, sir. You are the one who requested the adjournment, had you made arrangements to be here on today's date, this would not have been an issue. The only reason that these costs, these particular costs are being requested, is because you did not come to the hearing that was scheduled when you were present and set down for a date and you are the one who indicated you were unable to attend. So I am accommodating your request for it to be

adjourned, there was prejudice to the individuals who are seeking to have the protection order set aside, there are costs that they have incurred and that they are going to have to incur again when the hearing takes place and that's why costs are being ordered against you.

All right? So the hearing is adjourned then to September 16th and 17th in this courtroom and a copy of the order will be drafted for each of the pockets and forwarded on to Mr. Bouchard at the address in Elie, as well as in care of Mrs. Brinkworth.

MS. DIXON: My Lady, may I have the conditions that -- could you repeat the conditions, please, to make sure I've got everything?

THE COURT: The, the other condition, the one condition, really --

MS. DIXON: Thank you.

THE COURT: -- is that he is to file, in the court of Queen's Bench, a copy of -- or actually, a letter from his eye doctor, confirming the fact that he had a medical appointment with the doctor today and confirming when that appointment was set.

And that is --

MS. DIXON: By the end of August.

THE COURT: And that is to be filed no later than the end of August, and the order should contain perhaps the address and the suit number so that there is no possible confusion as to where it's supposed to go.

MS. DIXON: Thank you.

THE COURT: Okay. So we will see all of you again in September.

MR. LAND: Yeah.

MS. DIXON: Thank you, My Lady.

MR. LAND: Thank you.

THE CLERK: All rise.

(PROCEEDINGS ADJOURNED TO SEPTEMBER 16, 2010)

CERTIFICATE OF TRANSCRIPT

I hereby certify the foregoing pages of printed matter, numbered 1 to 19, are a true and accurate transcript of the proceedings, subject to revisions made by The Honourable Madam Justice MacPhail.

PAMELA S. PESCIPELLI
COURT TRANSCRIBER

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**THE QUEEN'S BENCH
FAMILY DIVISION**