



ONTARIO  
Ontario Superior Court of Justice, Family Court

(Name of Court)

at 33 King Street West, Oshawa ON L1H 1A1

(Court office address)

Court File Number  
835-05

Family Law Rules, O. Reg. 114/00

Form 25: Order (General)

Temporary

Final

**Applicant(s)**

(Full legal name & address for service: street, number, municipality, postal code telephone & fax numbers & e-mail address (if any).)

**Dolores Dukes**

Matrimonial Address

(Lawyer's name & address: street, number, municipality, postal code, telephone & fax numbers & e-mail address (if any).)

**R.J. Ford**  
**Salmers, Strike & Furlong**  
**Barristers & Solicitors**  
**55 William Street East, McLaughlin**  
**Square, P.O. Box 2096**  
**Oshawa, ON L1H 7V4**  
**Tel: (905) 723-1101**  
**Fax: (905) 723-1157**

**The Honourable**  
**Justice Bryant**

Judge (Print or type name)

December 1, 2005

Date of order

**Respondent(s)**

(Full legal name & address for service: street, number, municipality, postal code telephone & fax numbers & e-mail address (if any).)

**Michael @TMDILH and Dad**

My New Address

(Lawyer's name & address: street, number, municipality, postal code, telephone & fax numbers & e-mail address (if any).)

**Brian K. Evans**  
**Schilling, Evans**  
**Barristers & Solicitors**  
**330 Byron Street South**  
**Whitby, ON L1N 5S1**  
**Tel: (905) 668-3392**  
**Fax: (905) 668-0407**

The court heard a motion for exclusive possession brought by the Respondent Father and a motion to vary the terms of access brought by the Applicant Mother.

The following persons were in court (names of parties and lawyers in court):

the Applicant and her counsel, R.J. Ford, and the Respondent and his counsel, Brian K. Evans.

The court received evidence and heard submissions on behalf of both parties.

**THE COURT ORDERS THAT:**

1. The listing Agreement should list the matrimonial home for a reduced price of \$199,999.
2. The MLS listing Agreement shall be pursuant to Justice Hatton's Order.
3. The Respondent Father's motion is dismissed as it was premature.
4. There shall be a variation in access in accordance with the terms set out in the "Consent to Temporary Order" drafted by Mr. Ford and executed by Mr. Dad as follows:

Commencing November 25, 2005, the Respondent's access to the child of the marriage, namely  
Child born 2000 under sub-paragraphs 1(a) and (b) of the Order of

the Honourable Justice R. Clark dated July 21, 2005, is varied as follows:

- (a) every other weekend from Friday after school or 5 p.m. depending on whether or not Child is in school that day to Monday at 9:00 a.m. Respondent to pick-up the child directly from school at 3:40 p.m. during the Fridays when Child is at school, and from the McDonald's in Port Perry at 5 p.m. during the Fridays when Child is not in school. Respondent to return the child directly to school on Monday mornings; and,
- (b) every Wednesday from 3:40 p.m. to Thursday at 9:00 a.m. Respondent to pick-up Child directly from school and return her to McDonald's in Port Perry at 9:00 a.m. Thursday mornings.

Paragraph 3 of Justice Clark's order dated July 21, 2005 is hereby rescinded given the variation made in paragraph 1 herein.

- 5. There is no Order as to costs because of the lack of success by either party.
- 6. This matter is adjourned to Case Conference on December 14, 2005.

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Jan 13, 2006  
Date of signature



Signature of judge of clerk of the court