



ONTARIO  
**Superior Court of Justice, Family Court**  
*(Name of Court)*

Court File Number  
835/05

at **33 King St. W., Oshawa, ON**  
*(Court office address)*

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**  
c/o her solicitor

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

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The Honourable  
Justice Rowsell

*Judge (Print or type name)*  
**February 26, 2009**  
*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 Dad @TMDILH**  
  
My Address

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

The court heard a summary judgment motion made by *(name of person or persons)*  
the applicant, Dolores Dukes.

The following persons were in court *(names of parties and lawyers in court)*  
the applicant, Dolores Dukes, and her lawyer, Jeffrey Robles. The respondent, Dad @TMDILH appeared, but left prior to the hearing of the motion.

The court received evidence and heard submissions on behalf of *(name or names)*  
the applicant, Dolores Dukes.

**THE COURT ORDERS THAT:**

I. The respondent, Dad @TMDILH, shall have access on a final basis with the child,  Child born  Date  on the following terms:

- a. Every other weekend from Friday at the time when the child's school is dismissed to Monday at the time when the child's school starts class.
- b. Whenever applicable, the following schedule of holiday access shall override the schedule of access in subparagraphs a) and b) above:
  - i. The respondent shall have access from December 25 at 12:00 noon to December 26 at 7:00 p.m.

- ii. The respondent shall have access from the Friday immediately preceding the March break at the time when the child's school is dismissed to the Wednesday of the March break at 12:00 noon.
  - iii. If Mother's Day falls on the respondent's access weekend, he shall have access the following weekend from Friday at the time when the child's school is dismissed to Monday at the time when the child's school starts class in place of the access visit on that weekend.
  - iv. If Father's Day does not fall on the respondent's access weekend, he shall have access during the Father's Day weekend from Friday at the time when the child's school is dismissed to Monday at the time when the child's school starts class in place of the access visit on the following weekend.
  - v. The parties shall each have one uninterrupted week with the child during the summer break. By May 1 of each year, the parties shall notify each other in writing of his or her choice of week through @TMDILH Mom. The applicant shall select first in even-numbered years and the respondent shall select first in odd-numbered years.
- c. The respondent shall pick-up and drop-off the child at school on days when the child is scheduled to be in school and from the McDonald's restaurant, 135 Kingston Road East, Ajax on days when the child is not scheduled to be in school. The only exceptions are on December 25 and 26 when the access exchanges shall take place at the Durham Regional Police Station in Pickering at Brock Road and Kingston Road in light of the fact that the McDonald's restaurant will be closed on those days.
- d. When the respondent is to pick up the child at the McDonald's restaurant, he shall make arrangements to have his mother, @TMDILH Mom, at the McDonald's restaurant no later than 10 minutes before the designated time as indicated in paragraph 1 above. He shall then leave. The applicant, Dolores Dukes, shall arrive at the designated time, bring the child to @TMDILH Mom and leave. The respondent shall then await a call on his cell phone from @TMDILH Mom informing him that Ms. Dukes has departed and return to the McDonald's restaurant no sooner than 10 minutes after the designated time. The access exchange on December 25 shall occur in the same manner except at the Durham Regional Police Station in Pickering.

- c. When the respondent is to drop off the child at the McDonald's restaurant, he shall make arrangements to have his mother, @TMDILH Mom at the McDonald's restaurant no later than 10 minutes before the designated time as indicated in paragraph 1 above. He shall then leave. Ms. Dukes, shall arrive at the designated time, wait for @TMDILH Mom to bring the child to her and leave. The respondent shall then await a call on his cell phone from @TMDILH Mom informing him that the applicant has departed and return to the McDonald's restaurant no sooner than 10 minutes after the designated time. The access exchange on December 26 shall occur in the same manner except at the Durham Regional Police Station in Pickering.
  - f. When the pick-up or drop-off is to take place at the child's school, the respondent himself shall pick up or drop off the child, as the case may be, and he shall not designate a third party to act on his behalf.
  - g. In the event that the child has an extra-curricular activity on a day that the respondent has access, he shall encourage the child's participation in the activity and ensure that she attends the activity. Ms. Dukes shall provide the respondent with a written schedule of the child's activities at least one week in advance through @TMDILH Mom
2. The respondent shall notify the applicant of any change of address or telephone number and provide her with the new address or telephone number no later than the next scheduled visit. This information shall be relayed in writing and delivered by @TMDILH Mom
3. In the event that the respondent is unable to care for the child during an access visit, he shall immediately arrange for @TMDILH Mom to notify the applicant who may opt to have the child returned to her care. In the event that the applicant is unavailable to care for the child, the respondent shall arrange for appropriate child care at his own expense.
4. The parties shall not contact each other directly except in cases of medical emergency involving the parties or the child. In all other cases, the parties shall communicate through @TMDILH Mom
5. The respondent shall ensure that, during his access visits, neither he nor anyone else present during the visits makes any denigrating or disparaging remarks about the applicant to or in the presence of the child.

6. The order of Justice Hatton dated May 25, 2006 shall remain in force until further order of the court for the purpose of retrieving and returning the child to the applicant, if the child is withheld by the respondent.
7. The applicant shall have her costs to be fixed at \$2,000 payable forthwith and enforceable by the Office of the Director of the Family Responsibility Office as an incident of support.
8. Unless the support order is withdrawn from the Office of the Director of the Family Responsibility Office, it shall be enforced by the Director and amounts owing under the Support Order shall be paid to the Director, who shall pay them to the person to whom they are owed.
9. THIS ORDER bears interest at the rate of 4.0 percent per year on any payment or payments in respect of which there is a default from the date of default.

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\_\_\_\_\_  
*Date of signature*

\_\_\_\_\_  
*Signature of judge or clerk of the court*