

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Eden v Eden

COUNSEL: V. Workman for Applicant, P. Lucas for Respondent

E N D O R S E M E N T -- COVID 19 PROTOCOL

[1] As a result of Covid 19 which has caused the suspension of regular Superior Court of Justice operations at this time, this matter was referred to me as triage judge.

[2] Electronic materials filed included the following: 14B Notice of Motion dated 29-3-20, affidavit of Applicant unsworn and undated, and 2 Superior Court of Justice decisions-Ribeiro v Wright and Chrisjohn v Hillier.

[3] This is a motion brought by the Applicant to vary the orders of Aug 9/19 and Jan 24/20.

[4] The Applicant also requests a police enforcement clause.

[5] Under the current orders, these parents exercised access on a rotating basis in and out of the matrimonial home, while the 2 children remained in the home.

[6] The Applicant now seeks access in his home.

[7] It is also noted that the current orders provided for a schedule of access up to and including March 31/20.

[8] This has been referred to me as triage judge to determine whether it is urgent in accordance with the covid 19 protocol.

[9] For the reasons which follow, I have determined this is not urgent.

[10] Under the protocol, urgency is defined as a situation where the safety of a child or parent is at risk. This is not the case here. Both children are safe.

[11] These are duelling parents who should set aside their differences and act in the children's best interests.

[12] Now is not the time to request a police enforcement clause which could potentially put the children at increased risk of exposure.

[13] During these times that are difficult and unprecedented, both should “stop the litigation” and move towards a resolution that is their children’s best interests.

[14] It is suggested in the materials filed that the Respondent cannot move out of the home since she no longer can go to her parents while the Applicant is in the home with the children.

[15] The Respondent has concerns that the Applicant has not followed Health Canada covid 19 recommendations by allowing the boys to go to the pet store to purchase a fish, and that he has exposed them to 3<sup>rd</sup> parties such as his elderly parents, also his friend who is a personal support worker and permitted the boys to have a sleepover. Some of this, the Applicant has admitted to in his affidavit.

[16] During this critical time, it is of paramount importance that parents be reasonable and make choices and decisions that are always in their children’s best interest. Some of the Applicant’s decisions have justifiably caused the Respondent legitimate concerns.

[17] Everyone MUST follow Health Canada safety protocols to keep these children safe and healthy. As long as this is done, and everyone is absolutely satisfied that this is now being done, perhaps these parents should consider following the same pattern of access as previously defined by the court. Perhaps they should also consider whether it is reasonable, at this time for access to commence in the home of the Applicant.

[18] To be sure, this is not an amendment of any order, but at this time, a reasonable suggestion to these parents to allow them to set aside their conflict and act in accordance with the best interest of their children.

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“Justice T. Maddalena”

DATE: March 30, 2020