

CITATION: Saperia v. Vlasiu, 2020 ONSC 1963

COURT FILE NO.: FS-20-015049

DATE: 20200330

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

ADAM JARED SAPERIA

Applicant

– and –

JENNIFER ANNE VLASIU

Respondent

)
)
) *Kenneth A. Cole and Meaghan O'Connor*
) lawyers for the applicant
)
)
)
) Self-represented and acting in person
)
)
)

HEARD: March 30, 2020

ENDORSEMENT

DIAMOND J.:

[1] By Endorsement dated March 25, 2020 of Justice Hood, I was designated to conduct a telephone hearing with the parties to address the respondent’s motion seeking various allegedly urgent relief. In accordance with the Chief Justice’s Notice to the Profession dated March 15, 2020 (“the Notice”), Justice Hood reviewed the respondent’s motion materials and found that the respondent’s specific request for interim child support presumptively fit the “urgency requirement” as set out in the Notice. Justice Hood declined to table the balance of the relief sought by the respondent in her proposed motion.

[2] Having now reviewed the respondent’s motion materials and conducted the telephone hearing with the parties this morning, in the absence of any responding materials from the applicant, I am not in a position today to assess whether the respondent’s request for interim child support does indeed fit the “urgency requirement” as set out in the Notice.

[3] The applicant acknowledges that he is the biological father of the parties’ son (and should be listed on the birth certificate), and that he has an obligation to pay child support. However, the applicant takes the position that since he is currently paying over \$6,000.00 per month in expenses associated with the family home (owned by the parties as tenants in common with an undivided 50% interest each), the applicant’s monthly contributions towards the respondent’s share of those expenses is allegedly higher than the table amount of any child

support obligation. Thus, the applicant submits that his current monthly payments ought to stand in lieu of child support.

[4] In response, the respondent submits that the largest component of the applicant's monthly payments consists of a mortgage payment for the family home (in which the respondent and the parties' son currently reside), and that since she fully paid for her share of the property's acquisition cost (including an alleged substantive monetary gift from the applicant), the mortgage payment is in fact the applicant's sole and full responsibility, and child support is due and owing.

[5] In my view, and consistent with the directives in the Notice, the parties must deliver further materials to support their respective positions as set out above. Upon reviewing those additional materials, I will be in a much better position to determine both whether this matter is indeed urgent and whether child support is owing, as both findings are interconnected and to be decided on the same evidentiary record.

[6] I thus make the following interim Order:

- a) As per the terms of Justice Hood's Endorsement dated March 25, 2020, this Endorsement is an Order of the Court enforceable by law from the moment it is released.
- b) The applicant shall serve and file his responding motion materials by 4:00 pm on Friday, April 3, 2020.
- c) The respondent shall serve and file any reply motion materials by 4:00 pm on Friday, April 10, 2020.
- d) The respondent's motion is adjourned to a telephone hearing before me on Wednesday April 15, 2020 at 10:00 am. The Family Scheduling Office will provide the parties with the call-in particulars. If I am able to decide the motion on the written record prior to the telephone hearing, the Family Scheduling Office will advise the parties accordingly.
- e) Costs of today are reserved to me as the presiding judge on April 15, 2020.

A handwritten signature in black ink, appearing to be 'J. Hood', is located at the bottom right of the page.

Diamond J.

Released: March 30, 2020

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