

CITATION: Scion v. White, 2020 ONSC 1915

COURT FILE NO.: 657/17

DATE: 2020-03-30

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: Ioana Milita Sion, Applicant

AND:

Jeffrey Philip White, Respondent

BEFORE: The Honourable Mr. Justice A. Pazaratz

COUNSEL: Self-Represented Applicant

Self-Represented Respondent

HEARD: March 30, 2020 – No Appearances - Triage Endorsement

ENDORSEMENT

- [1] **AS A RESULT OF COVID-19** which has caused the suspension of regular Superior Court of Justice operations at this time, as set out in the Notice to the Profession dated March 24, 2020, this matter was referred to me as Triage Judge, for a determination as to how the file is to proceed. See the Notice to the Profession dated March 24, 2020 available at <https://www.ontariocourts.ca/scj/covid-19-suspension-fam/>
- [2] Electronic materials were filed through the Courthouse email address: Hamilton.Family.Superior.Court@ontario.ca. Upon the resumption of court operations all materials will be duly filed in the physical record at the courthouse.
- [3] The context here is important:
- a. On March 24, 2020 I issued a Triage endorsement which basically allowed the father's access requests to proceed as potentially urgent, but his financial and property issues were deemed not to be urgent and were not permitted to proceed.
 - b. Notwithstanding that endorsement, the father brought a further emergency motion on financial issues. In my March 27, 2020 Triage endorsement, I re-stated the court's concern about the history of both of these parties abusing the court process. I again confirmed that the financial and property issues are not urgent, and they will not be heard. I endorsed that the Respondent may not bring any further motions on property or financial issues without leave of the court. I imposed further restrictions that any such request may not be submitted within 60 days of having received a denial from the Trial Judge.

- c. By separate endorsement dated March 27, 2020, Justice Brown dealt with the access issue following a teleconference with the parties. Justice Brown denied the Respondent's request that this issue proceed on an emergency basis. Justice Brown stated at paragraph 15:

There is an existing order for access which the applicant states she is prepared to continue and the respondent has not given sufficient evidence to establish why the existing order should now be varied on an urgent or emergency basis.

- [4] Notwithstanding those recent and clear endorsements, the Respondent father has today filed yet another emergency motion seeking to deal with both access and financial issues.
- [5] I am not permitting the Respondent to proceed with any aspect of his motions:
- a. With respect to financial issues, I have already determined that they will not proceed on an emergency basis. The Respondent's March 30, 2020 request is in direct contravention of my March 27, 2020 endorsement which specified that the Respondent may not even seek leave to address financial issues for 60 days following the March 27, 2020 denial. And the materials filed today are far in excess of the two page limit set out in my March 27, 2020 endorsement (that's a total of two pages, with no additional attachments, exhibits, etc.).
 - b. With respect to the access issue, it could only potentially be urgent if there was a complete denial of access. But as Justice Brown noted in her March 27, 2020 endorsement, there is no denial. The Applicant has undertaken that the existing pattern of two hour weekly supervised visits will continue. There is no reason these visits can't take place in an open setting such as a park (parks are open although some playground facilities may be closed). Obviously, there are going to be practical issues which arise in making the access arrangements successful from the child's perspective. If it's raining, either a sheltered location will have to be found (which may be more difficult in COVID-19 circumstances) or perhaps the visit will have to be rescheduled for a time or adjacent day when the weather is more favourable. These are common sense details which people acting in good faith should easily be able to resolve without taxpayers funding a Judge's involvement.
- [6] We are rapidly approaching the stage where one or both of these parties may come to be identified as vexatious litigants. The consequences of such a determination would be quite harsh. For the moment, both parties should be aware that if they keep bringing inappropriate urgent motions, we may simply have no choice but to ignore them.
- [7] I would again urge both parties to use some common sense and stop abusing extremely limited judicial resources.

Pazaratz J.

Date: March 30, 2020