

**MERCHANT  
LAW GROUP LLP**

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Ryan D. Tkachuk  
(403) 237-7777  
[rtkachuk@merchantlaw.com](mailto:rtkachuk@merchantlaw.com)

November 30, 2011

Court of Queen's Bench of Alberta  
601 - 5 Street SW  
Calgary, AB T2P 5P7

**Attention: The Honourable Justice J.T. McCarthy**

My Lord:

**Re: C. v. H.**  
**Our File No.:**  
**Court File No.: FL01-09549**  
**Last Heard: November 28, 2011 Court of Queen's Bench Calgary, Domestic Special.**

Please find enclosed two (2) proposed forms of the Interim Order from our last appearance before you. In this regard My Lord will note that one has Mr. Hendries arrears as stated in Court at \$10,394.00 and that the other has his arrears as \$2,720.00. In this regard, the error is the writers.

When I provided My Lord with my calculations in the Courtroom, I simply multiplied my clients October 1, 2010 child support payment of \$1,617.00 x 12 months and then subtracted what he had already paid to arrive at the stated \$10,394.00. I made these calculations in advance of your Order that there were no arrears payable for the child T

Once you had verbalized your Order, what I ought to have done was used my clients line 150 income from 2008 (\$147,826.00) for the first 9 months of M. C. 's arrears award for the 2009 year, and then; use my clients line 150 income from 2009 (\$113,750.00) for the last 3 months (after a June disclosure date) of same, then, minus one month's (\$1,291.00) child support obligation due to the children being in the care of Alberta Child and Family Services. As a result, my clients' monthly s.3 obligations for the relevant time period were substantially lower and further, his provided payments had a larger impacting force on the overall arrears. The repayment amount has not been altered. In regards to the foregoing, the calculations were completed as follows:

9mths (FCG income of \$147,800.00) x \$1,291.00 (FCG support for 1 child)	= \$11,619.00
3mths (FCG income of \$113,750.00) x \$1,003.00 (FCG support for 1 child)	= \$3,009.00
<b>Total Arrears for time in question</b>	<b>= \$14,628.00</b>
Subtract 1mth for apprehension at \$1,291.00 for total arrears	= <b>\$13,337.00</b>
Mr. Hendrie paid \$1,500 for 6 months and \$1,617 for one month	= <b>\$10,617.00</b>

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**Total amount owing after subtracting payments is**

**\$2,720.00**

Further, My Lord will also note that on the altered Interim Order, I have left a space blank for your Cost award. While I readily acknowledge that Costs fall entirely under your discretion, I do not purport to know the factors you considered when making same. Consequently, it is left blank, should my error have played a role in your consideration and should My Lord now wish to re-consider same, we are entirely at your discretion.

For ease and assistance I have also attached the relevant pages of the *Federal Child Support Guidelines*.

I apologize for my error. I fully understand the effect that this error will in all likelihood have on this extremely contentious and litigious file. Should My Lord endorse the altered Interim Order, I Undertake to advise Ms. C of the reason for changes to same in a cover letter that, if so desired, will also be provided to yourself. As is obvious, I will also report accordingly to my client.

I will be contacting the practice advisor to ascertain if my actions, upon which My Lord relied, are reportable to the Law Society of Alberta. Lastly and again, I remain most apologetic to My Lord for my failure in this regard.

If you have any questions, please do not hesitate to contact the writer directly. Should My Lord wish to speak to me in person, I can and will make myself available for same at a time of your choosing.

Yours truly,

**MERCHANT LAW GROUP LLP**

Per:

Ryan D. Tkachuk

RDT/ec

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COURT FILE NUMBER **FL01-09549**

COURT **Court of Queen's Bench of Alberta**

JUDICIAL CENTRE **CALGARY**

PLAINTIFF/APPLICANT **C.**

DEFENDANT/RESPONDENT **H.**

DOCUMENT **Interim Order**



ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT

Merchant Law Group LLP  
 #400, 2710 - 17 Ave SE  
 Calgary, AB T2A 0P6  
 Phone: (403) 237-7777  
 Fax: (403) 273-9411

File No.:  
 Attn: Ryan D. Tkachuk  
 Box 3

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DATE ON WHICH ORDER WAS PRONOUNCED: **November 28, 2011**

NAME OF JUDGE WHO MADE THIS ORDER: **Honourable Justice J.T. McCarthy**

LOCATION OF HEARING: **Calgary, Alberta**

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UPON THE APPLICATION of the Applicant/Plaintiff, AND UPON having heard representations of the Applicant/Plaintiff, unrepresented and Counsel for the Respondent/Defendant, namely Mr. Ryan D. Tkachuk;

AND UPON having read the Affidavit of the Applicant/Plaintiff, filed; AND UPON having read the Affidavit of the Respondent/Defendant, filed;

AND UPON THE COURT BEING ADVISED that the name and birth date of each child of the marriage or relationship is as follows:

- (a) T , born February 3, and
- (b) M , born 25,

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AND UPON the Plaintiff being found to have a guideline income of \$8,165.00 per annum;

AND UPON the Defendant being found to have a guideline income of \$104,125.00 per annum;

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**IT IS HEREBY ORDERED THAT:**

1. The child T is no longer a child of the marriage as defined by *The Divorce Act*.
2. The Respondent does not have any arrears; ongoing s.3 or related s.7 expenses payable to the Applicant for the child T
3. The Respondent is in arrears regarding the child M for both s.3 child support and related s.7 expenses in the amount of \$10,394.00.
4. Commencing December 1, 2011 and continuing on the first day of every month thereafter the Respondent shall pay to the Applicant the sum of \$915.00 for ongoing s.3 child support for the child Maison
5. Commencing December 1, 2011 and continuing on the first day of every month thereafter the Respondent shall pay to the Applicant the sum of \$100.00 for any and all related s.7 expenses for the child Maison
6. Commencing December 1, 2011 and continuing on the first day of every month thereafter until such time as the arrears as listed in Term 3 of this Interim Order are paid in full, the Respondent shall pay to the Applicant the sum of \$700.00
7. Costs are awarded against the Applicant in the sum of \$5,000.00.
8. The \$5,000.00 Cost award as found at Term 7 of this Interim Order are to be set off directly against the arrears amount as found at Term 3 of this Interim Order and treated as a payment against same.
9. The parties to this litigation shall, as soon as is reasonably possible; instruct and give their accountants permission to speak directly to each other regarding either parties economic disclosure documents.
10. The amount owing under this Order shall be paid to the Director of Maintenance Enforcement ("MEP") at 7<sup>th</sup> Floor North, 10365 -97<sup>th</sup> Street Edmonton, Alberta T5J 3W7 (Telephone - (780) 422-5555), (website [www.albertamep.gov.ab.ca](http://www.albertamep.gov.ab.ca)) and shall be enforced by MEP upon the creditor (recipient of support) or debtor (payor of the support) registering with MEP. Such enforcement shall continue until the party who registered gives MEP a notice in writing withdrawing the registration pursuant to Section 9 of the *Maintenance Enforcement Act*.
11. Each party shall provide the other party with a complete copy of his or her income tax return and any notices of assessment and reassessment issued to him or her by the Canada Customs and Revenue Agency on an annual basis, on or before June 30, of each year, as long there is a child of the marriage as defined by the *Divorce Act* (Canada). In the event that a party has not filed an income tax return for the previous year, he or she shall provide the other party with copies of his or her T4, T4A and all other relevant tax slips and statements disclosing any and all sources of income, including self-employment income.
12. Either party is at liberty to apply to the Court for further relief but only after they have complied with Term 9 of this Interim Order and the accountants have had an opportunity to speak to each other.

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13. Rule 9.4(2)(c) of the *Alberta Rules of Court* is hereby invoked.

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Justice of the Court of Queen's Bench of Alberta

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**COURT FILE NUMBER** FL01-09549

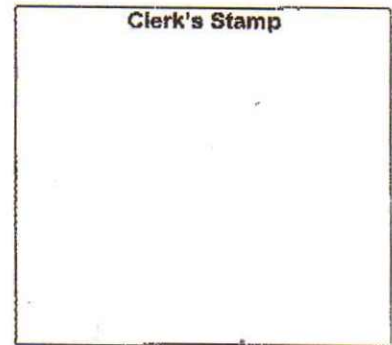
**COURT** Court of Queen's Bench of Alberta

**JUDICIAL CENTRE** CALGARY

**PLAINTIFF/APPLICANT** C

**DEFENDANT/RESPONDENT** H

**DOCUMENT** Interim Order



**ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT**

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 #400, 2710 -- 17 Ave SE  
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UPON THE APPLICATION of the Applicant/Plaintiff, AND UPON having heard representations of the Applicant/Plaintiff, unrepresented and Counsel for the Respondent/Defendant, namely Mr. Ryan D. Tkachuk;

AND UPON having read the Affidavit of the Applicant/Plaintiff, filed; AND UPON having read the Affidavit of the Respondent/Defendant, filed;

AND UPON THE COURT BEING ADVISED that the name and birth date of each child of the marriage or relationship is as follows:

- (a) T \_\_\_\_\_ born February 3, \_\_\_\_\_ and
- (b) M \_\_\_\_\_ , born September 25, \_\_\_\_\_

AND UPON the Plaintiff being found to have a guideline income of \$8,165.00 per annum;

AND UPON the Defendant being found to have a guideline income of \$104,125.00 per annum;

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**IT IS HEREBY ORDERED THAT:**

1. The child T is no longer a child of the marriage as defined by *The Divorce Act*.
2. The Respondent does not have any arrears; ongoing s.3 or related s.7 expenses payable to the Applicant for the child T
3. The Respondent is in arrears regarding the child M. for both s.3 child support and related s.7 expenses in the amount of \$2,720.00.
4. Commencing December 1, 2011 and continuing on the first day of every month thereafter the Respondent shall pay to the Applicant the sum of \$915.00 for ongoing s.3 child support for the child M.
5. Commencing December 1, 2011 and continuing on the first day of every month thereafter the Respondent shall pay to the Applicant the sum of \$100.00 for any and all related s.7 expenses for the child M C
6. Commencing December 1, 2011 and continuing on the first day of every month thereafter until such time as the arrears as listed in Term 3 of this Interim Order are paid in full, the Respondent shall pay to the Applicant the sum of \$700.00
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8. The \$\_\_\_\_\_ Cost award as found at Term 7 of this Interim Order are to be set off directly against the arrears amount as found at Term 3 of this Interim Order and treated as a payment against same.
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12. Either party is at liberty to apply to the Court for further relief but only after they have complied with Term 9 of this Interim Order and the accountants have had an opportunity to speak to each other.

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13. Rule 9.4(2)(c) of the *Alberta Rules of Court* is hereby invoked.

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Justice of the Court of Queen's Bench of Alberta

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