



ONTARIO

Superior Court of Justice

(Name of Court)

Court File Number
FS-10-70111-00

at **7755 Hurontario Street, Brampton, Ontario L6W 4T6**

(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).

Bird
[Redacted]

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

Shawn M. Philbert
Barrister and Solicitor, Notary Public
4257 Sherwoodtowne Blvd., Main Floor
Mississauga, Ontario L4Z 1Y5

Tel: (905) 270-0073 ext. 223

Fax: (905) 270-6462

shawn@smplaw.ca

The Honourable
Mr. Justice Daley

Judge (Print or type name)

September 29, 2011

Date of order

Respondent(s)

Full legal name & address for service: street, number, municipality, postal code telephone & fax numbers & e-mail address (if any).

Bird
c/o Linda Joe

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

Linda Joe
Barrister and Solicitor
165 Cross Avenue, Suite 301
Oakville, Ontario L6J 0A9

Tel: (905) 901-0277

Fax: (905) 901-0278

The court heard motions made by (name of person or persons)

both parties

The following persons were in court (names of parties and lawyers in court)

[Redacted] Bird, Applicant;
Shawn M. Philbert, Solicitor for the Applicant;
[Redacted] Bird, Respondent; and
Linda Joe, Solicitor for the Respondent

The court received evidence and heard submissions on behalf of (name or names)

the parties

THE COURT ORDERS THAT:

1. On consent, the Respondent is granted leave to bring his motion on short service.
2. On consent, the following portions of the Applicant's affidavit dated August 26, 2011 are struck out:
 - (a) paragraph 22; and
 - (b) in Exhibit "P", the sentence: "This position is even shared by Madam Justice Van Melle at our last appearance for the settlement conference of this matter."
3. The Respondent's motion to withdraw his admission as to the value of the matrimonial home is dismissed.
4. The Respondent's motion to question the Applicant on her Affidavit and NFP both dated August 26, 2011 is dismissed.
5. The Respondent's motion seeking the sale of the matrimonial home is adjourned to a date to be set.

6. The relief sought in paragraphs 5 and 6 of the Applicant's Notice of Motion is adjourned.
7. The relief claimed in paragraph 7 of the Applicant's Notice of Motion is withdrawn.
8. In accordance with the parties' agreement, the following personal property shall be returned to the Respondent:
 - (a) map of Ireland and the frame;
 - (b) painting easel;
 - (c) contents of nightstand in the master bedroom, including mini-cassette tapes and player and Irish driving license;
 - (d) large tile coffee table in the basement;
 - (e) chess board and pieces (under the bed in the bedroom);
 - (f) didgeridoo;
 - (g) one ladder;
 - (h) telescope and att.
 - (i) books in front of room;
 - (j) Boleek China from Respondent's sister and figurines gifted to Respondent (wizards); and
 - (k) four car tires for Honda Fit in the garden shed.
9. Counsel for the Applicant shall deliver costs submissions of no longer than 2 pages plus costs outline within 10 days followed by a similar submission on behalf of the Respondent. No reply submissions are to be delivered.

Put a line through any blank space left on this page.

February 24 / 12
Date of signature

[Handwritten Signature]
Signature of judge or clerk of the court
N.S. MAH/PAJ