CV 05499

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

LYNN LAFORGE

Applicant

- and -

JOSEPH PANDEV

Respondent

Trial of claims for custody, access and child support.

REASONS FOR JUDGMENT OF THE HONOURABLE MADAM JUSTICE V.A. SCHULER

Heard at Yellowknife, Northwest Territories
on July 8, 9, & 10, 1996

Reasons filed: July 24, 1996

Counsel for the Applicant: Olivia Rebeiro

Counsel for the Respondent: Jill Murray

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REASONS FOR JUDGMENT

1 At the centre of this custody dispute is Jessie, the five year old daughter of the parties. Both parties agree that the mother, Ms. Laforge, should play a larger role in Jessie's life. The issue is how that should be accomplished. Ms. Laforge seeks joint custody with day to day care primarily with Mr. Pandev. Mr. Pandev opposes joint custody. He seeks sole custody, with specified access for Ms. Laforge. There is also a claim for child support by Ms. Laforge.

Background

2 Ms. Laforge and Mr. Pandev began living together in 1990. Jessie was born on July 10, 1991. After her birth, the relationship between the parties deteriorated for various reasons. Both parties had difficult emotional issues to cope with: Mr. Pandev, the death of his father in the Giant Yellowknife Mine bomb blast in September of 1992 and Ms. Laforge some issues from her childhood which led to depression and eventually hospitalization.

3 The parties separated in July of 1993. Jessie remained with Ms. Laforge and, after an initial period of no contact, saw her father daily.

4 In the fall of 1994, Ms. Laforge, according to her evidence, was experiencing difficulty in dealing with a boyfriend who had become obsessed with her and engaged in threatening behaviour. She had lost her job and was under a great deal of stress. She asked Mr. Pandev to take Jessie until she could get back on her feet. Jessie went to live with Mr. Pandev in September of 1994.

5 In approximately late October of 1994, Ms. Laforge began asking for Jessie to come back to live with her. Mr. Pandev refused. He testified that he felt that he was the better parent and could provide a more stable environment for the child. He had some concerns arising from the fact that the child appeared to be afraid of being left alone. There was no evidence as to why the child was afraid and I do not place any emphasis on that.

6 Jessie has lived with Mr. Pandev ever since then. Ms. Laforge has exercised access. The access was originally as agreed upon by the parties and then in January of 1995, an order was made by deGraves J. of this Court, specifying that Ms. Laforge was to have access every second weekend and every Wednesday overnight. The extent to which Ms. Laforge has exercised access and her commitment to it are matters of dispute.

7 The evidence I heard was mostly that of the parties themselves. Each also called one other witness. In Ms. Laforge's case, it was a friend, Deana Hein, and in Mr. Pandev's

case, his wife Lisa. There was little, and no independent, evidence about the child Jessie and how she is coping with this situation.

Custody

8 The main issue before me is the same as was before Bielby J. (although there in the context of an interim order) in ***Colwell v. Colwell*** **(1992), 38 R.F.L. (3d) 345 (Alta. Q.B.)**: whether this is an appropriate case for joint custody to be compelled by the court against the wishes of a parent.

In ***Colwell***, Bielby J. summarized the approach of the courts to joint custody as follows:

> Once, courts were hesitant to award joint custody except where both parents have agreed to it. That hesitancy, no doubt, arose from a concern that joint custody, meaning joint decision-making, was only effective if both parties were willing to participate in the process.
>
> That position has been modified. Courts now are prepared to impose joint custody unilaterally where one parent protests but where the evidence shows the parties have, in the past, been able to put aside their personal differences to make co-operative decisions about their children. Almost every case where joint custody has been ordered arises from a situation where the parties once agreed to joint custody and parented on that basis for some time before one of them applied to set aside or vary this arrangement.
>
> Therefore, where there is no history of effective joint decision-making, post-separation, the court must examine the evidence to decide if it reveals a couple with the maturity, self-control, ability, will, and communication skills to make proper joint decisions about their children. If it does not, it would not be in the best interests of the children to order joint custody.

9 That approach was adopted by Vertes J. of this court in ***O'Brien v. O'Brien*****, [1995] N.W.T.R. 73**.

10 I would also adopt the words of Bielby J. as to what circumstances ought not to suffice as reasons for making a joint custody order:

> It goes without saying that joint custody should never be ordered simply to make the non-residential parent "feel better" about the fact the children primarily reside elsewhere, or in the hope it will encourage prompt payment of child support, or to promote a tenuous contact between parent and child, or because it leaves both parents with the feeling they did not "lose" when the marriage ended. Those goals, while laudable, should never supersede the goal of effective parenting by the primary care-giver. To impose joint custody in a situation where co-operation, communication, and the ability to make the extra effort needed for it to work do not exist, would do just that. The image of joint custody with children dividing their time between two households, with their parents conferring over decisions, is appealing. However, the reality is not so simple. Even where both parents acknowledge their joint commitment to their children, the mechanics of joint decision-making may prove unworkable in the long run.

11 Of course, in the end, I must be guided by what is in the best interests of the child: ***K.K. v. G.L.* and *B.J.L.* (1985), 44 R.F.L. (2d) 113 (S.C.C.)**.]

12 There have clearly been problems in the history of the parties' dealings with each other with respect to Jessie since their separation. Although the evidence indicates that they were able to co-operate in making decisions before the separation, the question is whether they have a history of being able to do so since their relationship fell apart.

13 Both parties admit to communication problems. Ms. Laforge said at one point in her evidence that they had been fighting for so long that it was hard for her to recall some things. She said that she gets frustrated with Mr. Pandev when they speak on the telephone and that although she tries to work things out, they end up arguing and nothing gets solved. She said that for some time there has been alot of tension between her and Mr. Pandev and that their relationship has deteriorated in the last several months.

She stated, however, that she believes that they can discuss Jessie's future plans and make major decisions.

14 Mr. Pandev in his evidence described the relationship between himself and Ms. Laforge as adversarial when it came to Jessie. He feels that she automatically says no to things simply because he is making the suggestion. He gave as an example of this a suggestion he made that they change from Wednesday to Sunday access, which he said Ms. Laforge opposed. Mr. Pandev testified that he understands joint custody as a situation where both parties work towards the common goal of the best interests of the child. But, he says, this would be hard to do when the parties do not listen to each other. He described his relationship with Ms. Laforge as heated and antagonistic since his marriage to Lisa in February of 1996.

15 Both Ms. Laforge and Mr. Pandev tried, I thought, to be fair to each other in their evidence and both acknowledged their respective roles in the problems they have had in the past. But the issue is really whether they can communicate and co-operate when decisions have to be made.

16 There are a number of circumstances which illustrate the problems the parties have had in making decisions and communicating since their separation.

17 Pursuant to the order made by deGraves J. in January of 1995, Ms. Laforge was to have access to Jessie for two weekends every month from Friday at 5:00 p.m. to Sunday at 7:00 p.m. and overnight every Wednesday. Ms. Laforge said that at some

point, exactly when was not clear from the evidence, the Wednesday access was "taken away" because Mr. Pandev said that he was too tired after work to drop Jessie off at Ms. Laforge's home and had concerns about whether the Wednesday access would work once Jessie started school. Ms. Laforge was asked by Mr. Pandev's counsel about an arrangement whereby Ms. Laforge would have access every Sunday instead of every Wednesday. Ms. Laforge insisted that she had no idea that she was to have Jessie every Sunday instead of Wednesday and said that she was surprised when Mr. Pandev told her that Jessie was upset when she did not come for her one Sunday.

18 Mr. Pandev testified that he suggested the change from Wednesday to Sunday so as not to interrupt the week and establish a pattern for school. He said that Ms. Laforge was opposed to the change and that it took alot of fighting, arguing and stress on both their parts until the change was finally in place.

19 Having had the opportunity to hear and observe both parties on this subject, I accept that there was at least some discussion about the change to Sunday access. The fact that Ms. Laforge came away from whatever discussion did take place with, as she said, no idea that she was to have Sunday access, whereas Mr. Pandev came away thinking that after much dispute the change was in place, simply illustrates that there is a communication problem even on what would seem to be a fairly straightforward issue.

20 Ms. Laforge also testified at trial that she did not know whether Jessie would be going to school in the morning or afternoon in September of this year. When asked why she had not obtained that information, she said that Mr. Pandev had told her that if she

wanted that information she should get it herself. She said that she had not had time to do that because of being in a new job (which she started two weeks before the trial) and being busy. She said that she would get to it.

21 Mr. Pandev was not asked about this specific incident. Ms. Laforge's evidence gives rise to two areas of concern. One obviously is Mr. Pandev's lack of cooperation in providing her with the information, which indicates to me that the problems cannot all be attributed to Ms. Laforge. But I find Ms. Laforge's response surprising. She must have anticipated that she would be asked about her plans to take Jessie to and from school if she were to have the weekday access she is proposing. Information as to exactly when the child is to arrive at and leave from school would be important in order to make those plans. Ms. Laforge's failure to take the initiative in that regard causes me some concern. In order for joint custody to work, both parties have to be able and willing to take some initiative and responsibility.

22 Along with the communication problems, Mr. Pandev raises as a concern Ms. Laforge's inconsistent contact with Jessie. He made it clear that he wants Jessie and Ms. Laforge to have a close relationship. But, he says, Ms. Laforge does not always exercise access and does not always call to tell him that she will not be seeing the child.

23 Ms. Laforge admits that the exercise of her access to Jessie has not been consistent. She attributes this in part to transportation difficulties. She does not have a vehicle and does not always have the money for taxi fare. She also says that there have been occasions when she has had insufficient money to buy groceries on the weekends

when the child is to be with her. She testified that she calls Mr. Pandev when she is unable to exercise access to the child and that she did not think that she had ever failed to exercise access without calling to let Mr. Pandev know. She was not asked about any specific instances where she had cancelled without calling.

24 Ms. Laforge admitted that there were periods of time when her contact with Jessie was less than Mr. Pandev was prepared to accommodate and said that this was because she was trying to get her life together. For example, in the fall of 1994, three or four weeks went by without her attempting to see or contact Jessie.

25 Mr. Pandev testified that after the access order made by deGraves J. in January, 1995, Ms. Laforge sometimes would not exercise the access provided for and sometimes would not call to say that she was cancelling. He was not cross-examined about this.

26 Lisa Pandev has been living with Mr. Pandev since July of 1995. She testified that Ms. Laforge missed alot of access visits and sometimes did not call. She said that Jessie is old enough now to realize when her mother is supposed to come for her and is disappointed when she does not. She was asked in cross-examination whether she and Mr. Pandev have an answering machine at their home and she said that they do not. However, there was no evidence from Ms. Laforge that she had ever tried to call to cancel and been unable to contact the Pandevs so the lack of an answering machine does not really assist me.

27 I have considered the evidence on the issue of Ms. Laforge's failing to call to cancel. Ms. Laforge appeared to me to be somewhat uncertain when she testified that she did not think that she had ever not appeared for access visits without calling. I am satisfied that there have been instances when she did not call, although the frequency with which this has happened is not clear.

28 I do have some difficulty accepting Ms. Laforge's explanation for not always exercising access. Even on those occasions where she had insufficient money for groceries for a weekend visit, surely access could have been exercised in some other way, such as by visiting with the child or taking her out for an afternoon, rather than cancelling completely. Again, in my view, this goes to the issue of the initiative and responsibility required to make joint custody workable.

29 It does appear from the evidence that the parties have similar ideas and methods when it comes to disciplining Jessie, chores that she might be able to do, medical visits and scheduling matters such as bedtime. I agree with counsel for Ms. Laforge that those are the grounds for mutual decision making.

30 The reality is, however, that when they have had to make a major decision, in this case as to where Jessie would attend school, the parties have not been able to agree. Ms. Laforge in her evidence indicated that she would like Jessie to go to a school close to both parties so that she will be able to take her to school. Ms. Laforge lives in the downtown area of Yellowknife, while Mr. Pandev has just purchased a home in a suburban area which is a good distance from downtown. He testified that he wanted

Jessie to go to the Range Lake School which would be close to his home, but Ms. Laforge wanted her to go to the Mildred Hall School which is downtown. He said that he could not get agreement from Ms. Laforge. The child is enroled in the Range Lake School. It appears from Ms. Laforge's evidence that she does not accept this and would still like the child to go to a school closer to her.

31 Having considered all of the evidence, I am of the view that there is no history of effective joint decision-making since the parties' separation.

32 The fact that Mr. Pandev opposes joint custody is not determinative. I do, however, consider it as one factor to be taken into account, to be given more or less emphasis depending on the reasons expressed for the opposition to joint custody. It did not appear to me that Mr. Pandev was opposing joint custody out of personal animosity to Ms. Laforge. Mr. Pandev's reasons, as I understand them from his evidence, are the lack of communication between the parties and the difficulty that poses for effective joint decision-making. As I have indicated, both parties acknowledged that there are problems in that regard.

33 Both parties agree that Ms. Laforge should have input into decisions about Jessie and access to information about her. In my view, that can be accomplished by way of a detailed access order.

34 To summarize, I am not persuaded that this is a case where joint custody will work at this time. The evidence does not satisfy me that these two parents are able to

communicate and compromise to the extent necessary for effective and proper decision-making. Whether this will change in the future is in their hands. At this time, I can only set the rules within which they will have to act. I do that with a view to minimizing as much as possible any disruption to Jessie resulting from her parents' difficulties.

35 Mr. Pandev will, therefore, have sole custody of Jessie. Ms. Laforge will have access as set out at the end of these reasons.

Child support

36 Ms. Laforge is requesting child support of $200.00 per month. She asks for this money to help with access until she can get back on her feet, by which I understand her to mean until she comes to grips with her financial situation. She does not pay any child support to Mr. Pandev.

37 Mr. Pandev's income is approximately $80,000.00 per year inclusive of overtime. His wife is also employed full-time. They have recently purchased a home with a yard for Jessie to play in.

38 Ms. Laforge was somewhat uncertain in testifying about her finances. She was not able to say what her 1995 income was other than that it was not very much. She received a refund from Revenue Canada a few months ago but could not remember what the amount was. She testified that she used it to catch up on bills.

39 Ms. Laforge is presently employed as a casual in secretarial positions for the Territorial Government. She testified that prior to her current job, she worked for three weeks with the Workers' Compensation Board and for two weeks prior to that for the Power Corporation. She also had four weeks work for the Department of Education prior to that. It was not clear when these jobs were or what time elapsed between them. Usually, she said, two to three weeks pass between jobs.

40 Her current position with the Department of Public Works and Services commenced in late June for a two month term. It pays $15.24 per hour for a 35 hour week, thus approximately $530.00 gross per week.

41 Ms. Laforge testified that the longest she has been unemployed since separating from Mr. Pandev is a month and a half. She attributed her financial difficulties to a delay in getting paid because when she starts a new job, there is a three week wait before she gets a cheque. After that initial wait, she is paid regularly. She said that this makes it difficult to budget her money, so that she sometimes has no money for groceries, taxi fare or other items for Jessie's visits. Mr. Pandev has purchased a bicycle and a bed which are kept for Jessie at Ms. Laforge's home.

42 As to expenses, Ms. Laforge testified that she is in subsidized housing and pays monthly rent ranging from a minimum of $92.00 to 25 percent of her income. The only regular monthly bills she referred to were cable ($60.00) and telephone ($10.00 to $24.00). She spends approximately $100.00 per month on toiletries. She spends something in excess of $150.00 per month for cigarettes. When questioned by Mr.

Pandev's lawyer about this, Ms. Laforge was very defensive and indicated that she would give up smoking.

43 In terms of debts, Revenue Canada is claiming $2000.00 from her for taxes, but she believes that they have made a mistake and is looking into the matter.

44 Counsel for Ms. Laforge relies on ***Willick v. Willick*** **(1994), 6 R.F.L. (4th) 161 (S.C.C.)** and ***Levesque v. Levesque*****, [1994] 8 W.W.R. 589 (Alta. C.A.)** in support of her claim for child support.

45 In ***Willick***, the Supreme Court of Canada was dealing with an application for variation of a support order. The majority decision of Sopinka J. referred with approval to decisions which have recognized that, as much as is possible, the children of a marriage which has broken down should be sheltered from the economic consequences of divorce. The minority judgment of L'Heureux-Dube J., concurring in the result, is referred to for the general principle that "The needs of children should reflect, to the extent practicable, the standard of living enjoyed during cohabitation" (at p. 196). I note, however, that in the same passage where the latter quotation is found, one finds the following:

> ... it has also generally been acknowledged that children's needs ought to be given priority over those of parents when determining support ... and that payors must put child-care payments before car payments, high mortgage payments, entertainment, tobacco, alcohol, recreation, vacation, savings, and debts ... . (at p. 195).

46 In ***Levesque***, the Alberta Court of Appeal, in discussing how to assess the needs of a child in the context of an application for child support, stated as follows:

> Unless parties are impoverished, the minimalist approach is not appropriate. The goal for the children should be a standard of living commensurate with the incomes of their parents. (at p. 596)

47 In ***Levesque***, the Court also reviewed, in the context of applications for support, the factors that are relevant to requests for adjustment of support on the ground of poverty. The Court said that "The parent who invokes poverty as a reason to adjust an award should be prepared to make the fullest disclosure, and show how there is no unavoidable expense" (at p. 605).

48 In both ***Willick*** and ***Levesque***, the issue was the ability of a non-custodial parent to pay child support to the custodial parent. Here we have the opposite situation. Ms. Laforge says that she needs child support in order to make her access visits possible. Mr. Pandev is both the custodial parent and the one bearing the costs of the child's support. It must be remembered that he also bears the non-direct costs or consequences of being the custodial parent. That there are such costs and consequences was recognized by L'Heureux-Dube J. in ***Moge v. Moge*, [1993] 1 W.W.R. 481 (S.C.C.)** at p. 518:

> If childcare responsibilities continue past the dissolution of the marriage, the existing disadvantages continue, only to be exacerbated by the need to accommodate and integrate those demands with the requirements of paid employment. In that regard, I adopt without reservation the words of Bowman J. in ***Brockie v Brockie* (1987), 5 R.F.L. (3d) 440, 46 Man. R. (2d) 33, affirmed (1987), 8 R.F.L. (3d) 302 (C.A.), at pp. 447-48 [R.F.L.]:**
>
> > It must be recognized that there are numerous financial consequences accruing to a custodial parent, arising from the care of a child, which are not reflected in the direct costs of support of that child. To be a custodial parent involves adoption of a lifestyle which, in ensuring the welfare and defelopment of the child, places many limitations and burdens upon that parent. A single person can live in any part of the city, can frequently share accomodation with relatives or friends, can live in a high-rise downtown or a house in the suburbs, can do shift work, can devote spare time as well as normal work days to the development of a career, can attend night school, and in general can live as and where he or she finds convenient. A custodial parent, on the other hand, seldom finds friends or

> relatives who are anxious to share accommodation, must search long and carefully for accommodation suited to the needs of the young child, including play space, closeness to daycare, schools and recreational facilities, if finances do not permit ownership of a motor vehicle, then closeness to public transportation and shopping facilities is important. A custodial parent is seldom free to accept shift work, is restricted in any overtime work by the daycare arrangements available, and must be prepared to give priority to the needs of a sick child over the demands of an employer. After a full day's work, the custodial parent faces a full range of homemaking responsibilites including cooking, cleaning and laundry, as well as the demands of the child himself for the parent's attention. Few indeed are the custodial parents with strength and endurance to meet all of these demands and still find time for night courses, career improvement or even a modest social life. The financial consequences of all of these limitations and demands arising from the custody of the child are in addition to the direct costs of raising the child, and are, I believe, the factors to which the court is to give consideration under subs. (7)(b).

49 Ms. Laforge clearly has an obligation to contribute to the support of the child. According to the evidence I heard, she currently has income which exceeds her expenses. She has the ability to contribute. Mr. Pandev, however, is not asking that she pay child support, just that she cover the costs of exercising access.

50 Where a custodial parent seeks child support from an access parent, it may be appropriate in determining the quantum of that support to ensure that the access parent who is conscientious about exercising access have sufficient funds available to make visits by the children enjoyable. See, for example, ***Weaver v. Tate*** **(1989), 24 R.F.L. (3d) 266 (Ont. H.C.J.), affd. (1990), 28 R.F.L. (3d) 188 (C.A.)**.

51 In the situation just described, it may be appropriate to reduce the amount of support payable by the access parent in order to leave him or her with sufficient funds for access. Or, it may be appropriate to include access costs as part of the costs attributable to the child in doing the ***Levesque*** calculation for child support.

52 But the question in this case is whether it is appropriate to go so far as to order that the access parent not only pay no support but receive support from the custodial parent.

53 In my view, such an order would be appropriate only in exceptional circumstances and on very clear evidence as to a lack of ability on the part of the access parent to contribute. It might, for example, be appropriate where the child has special needs which require expenditures beyond the means of the access parent but within the means of the custodial parent.

54 In this case, there are no exceptional circumstances and I am not satisfied on the evidence that Ms. Laforge lacks the ability to contribute support to the extent of the child's access visits. She indicated in her testimony that the real problem is budgeting her money because of the delay in getting paid when a new job is started. I am satisfied that she can overcome those budgetary difficulties with some effort and if she considers what other options may exist in terms of taking on part time work or reduction of her expenses to assist her in this regard.

55 I must also, however, bear in mind that access is the right of the child. Mr. Pandev agrees that Ms. Laforge should play a greater role in Jessie's life. It is Jessie who will suffer if her relationship with her mother is not fostered simply because of her mother's financial difficulties or her inability to resolve them.

56 In the circumstances, I am going to make Mr. Pandev responsible for transportation so that Jessie can visit with her mother. This means that he will bear any cost involved, for example on occasions when he is unable to transport Jessie himself and a taxi is required.

The Order

57 The order I make is as follows:

1. Mr. Pandev shall have custody of Jessie;

2. Ms. Laforge shall have reasonable access to Jessie, as the parties may agree, including:

   a) from Friday at 5:00 p.m. to Monday at 8:00 a.m. in alternate weeks;

   b) for the months of October to April inclusive in every year, every Sunday from 9:00 a.m. to 7:00 p.m.;

   c) for the entire Christmas school holiday alternating from year to year commencing in 1996;

   d) for the entire spring school break alternating from year to year commencing in 1998;

   e) for the last two weeks of August, 1996;

   f) commencing in 1997, for one month during each school summer break, alternating between the months of July and August, commencing in 1997 with the month of July;

   g) on the child's birthday in all odd numbered years;

   h) on Mother's Day in each year;

3. in the case of weekend access and any access for a period of longer than a weekend, Ms. Laforge shall give at least 48 hours' notice to Mr. Pandev of her intention to exercise such access. Such notice shall be given by telephone or in writing to Mr. Pandev at his residence. If Ms. Laforge fails to give such notice, she shall not be entitled to access during that particular weekend or period unless Mr. Pandev agrees;

4. Mr. Pandev shall provide for transportation for the child to and from the residence of Ms. Laforge at the commencement and end of each access visit unless otherwise agreed upon by the parties;

5. both Ms. Laforge and Mr. Pandev shall be entitled to reasonable telephone access to the child when the child is with the other parent;

6. both Ms. Laforge and Mr. Pandev shall keep each other informed, upon request, as to the whereabouts of the child;

7. both Ms. Laforge and Mr. Pandev shall consult with one another with respect to the education, health, recreational activities and religious training of the child and shall endeavour to come to a joint agreement upon decisions affecting those matters and the welfare of the child. In the event that Ms. Laforge and Mr. Pandev cannot reach agreement on any decision affecting the aforesaid matters, the decision of Mr. Pandev shall prevail;

8. there shall be full disclosure of information between Ms. Laforge and Mr. Pandev on matters involving the education, health, recreational activities and religious training of the child;

9. Ms. Laforge's claim for child support is dismissed.

Costs

58 Counsel made submissions as to costs at trial. During argument as to what the terms of access should be, counsel for Mr. Pandev made reference to an Offer to Settle filed with the Court on July 5, 1996. I have not referred to that Offer to Settle in coming to my decision with respect to the merits of the application. On the issue of costs, I note that the Offer to Settle was not filed until July 5, just three days prior to trial and therefore the costs consequences in Rule 201 do not apply.

59 Although costs normally follow the event, I am concerned that an award of costs against Ms. Laforge will only make it more difficult for her to resolve her financial situation. It may affect the exercise of her access to Jessie. If that happens, Jessie will suffer. I prefer to encourage Ms. Laforge to get her finances under control and concentrate her efforts on Jessie. Although Mr. Pandev no doubt faces substantial costs as a result of this trial, of the two parties, he is in the better position to pay them. The parties will therefore bear their own costs.

60 If counsel agree that any "fine-tuning" is required for purposes of the access order, they may file a joint submission within 30 days of the date these Reasons for Judgment are filed.

V.A. Schuler

J.S.C.

Dated at Yellowknife, Northwest Territories
this 24th day of July, 1996

Counsel for the Applicant: Olivia Rebeiro

Counsel for the Respondent: Jill Murray

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