

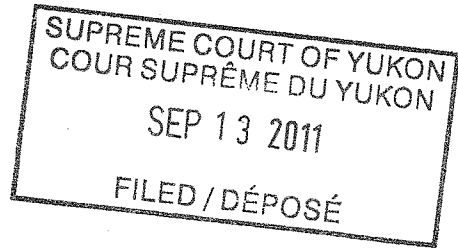
**SUPREME COURT OF YUKON**

Citation: *B.L. v. M.L.*, 2011 YKSC 67

Date: 20110830  
Docket S.C. No.: 10-B0003  
Registry: Whitehorse

BETWEEN:

**B.L.**



Plaintiff

AND:

**M.L.**

Defendant

Before: Mr. Justice L.F. Gower

Appearances:

B.L.  
Malcolm Campbell

Appearing on her own behalf  
Counsel for the Defendant

**REASONS FOR JUDGMENT  
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): The parties have elected to have this matter dealt with in ordinary Chambers and, accordingly, there are time constraints on the length of the hearing and, similarly, on the extent to which I can go into my reasoning in making the decision I am about to make.

[2] I will say for the record that I am familiar with the history of this matter having rendered reasons for judgment on August 2, 2010, in a situation where there were cross-applications for interim-custody of the child, T., who was then six and a half years old. At that time, I made some remarks about my concerns that the mother, M.L., had an element of unmanageability in her lifestyle. Since then, I have received additional

affidavit material from the grandmother, B.L., which, consistent with what happened before, is vehemently disagreed with by the mother. There continues to be ongoing conflict between the parties, which is extremely unfortunate. However, I am persuaded by the information provided by the grandmother that there continues to be an element of unmanageability in the mother's lifestyle. Accordingly, the best interests of both children would be served by their continuing to reside primarily with the grandmother, who can offer them a safe and stable home, at least for the time being.

[3] The grandmother has indicated, and I accept this submission as genuine, that eventually she would like the children to be returned to the mother, but she wants her to demonstrate some consistency in terms of her visitation of the children and some consistency and stability in her overall lifestyle. The grandmother wants to feel confident that the children's best interests will be served by residing with their mother on a long-term basis.

[4] I would strongly encourage the mother to do whatever she can to assist in demonstrating to the grandmother that she has the children's best interests at heart. One of the ways in which she can do that would be by taking some kind of a life skills or a parenting course to assist her in acquiring the skills that she seems to lack on the surface. I say on the surface, because there has been no trial, there has been no cross-examination on affidavits, and it is difficult for me in these interim circumstances to make clear findings of credibility, and so on. But, I have to do the best I can with what I have, and I am primarily to be guided by what is in the best interests of the children.

[5] Having said that, the first thing I am going to do is make a recommendation that a child's lawyer be appointed for the child, T. The second thing I am going to do is grant, as sought, interim-interim joint custody of the child, C., to the grandmother and the mother, with the primary residence of C. to be with the grandmother. The mother shall have interim-interim generous and reasonable access to C., as can be agreed upon between the parties.

[6] With respect to the child, T., in the meantime, until we hear from the lawyer whom I expect to be appointed for T., I am going to order interim-interim custody and primary residence of T. in favour of the grandmother. The specified access which I ordered on August 2, 2010, in paragraph 3, will be vacated and the mother will have generous and reasonable access to T., as can be agreed upon between the parties.

[7] The access orders for both children are all interim-interim, so all of this is intended to be interim-interim, and I will set a date for a review of this situation. Hopefully, by that time, we will have some results from the children's lawyer regarding T. My intention would be to put this over. Mr. Campbell, are you available October 4th?

[8] MR. CAMPBELL: Yes.

[9] THE COURT: I will put this over to October 4th at 10:00 a.m. to be spoken to. In the meantime, again on an interim-interim basis, I direct that the grandmother shall receive the Child Tax Credit for C., as she is presently receiving for the child, T. and the mother shall sign all necessary documentation to authorize that to take place forthwith.

[10] Now, Mr. Campbell, I am going to ask you to draft the order. I will dispense with the grandmother's signature approving the form of the order, but I direct that it will come up to me for review before it is issued. Do you have any questions, Mr. Campbell, with respect to the drafting of that order?

[11] MR. CAMPBELL: No. No, My Lord.

[12] THE COURT: B.L., do you have any questions?

[13] THE PLAINTIFF: No, I don't, sir.

[14] THE COURT: All right. Thank you.

GOWER J. 