SUPREME COURT OF YUKON

Citation: *JAC v TA*, 2016 YKSC 19

Date: 20160310
S.C. No. 10-B0103
Registry: Whitehorse

Between:

J.A.C.

Plaintiff

And

T.A.

Defendant

Before Mr. Justice L. F. Gower

Appearances:
Celia J. Petter — Counsel for the Plaintiff
Malcolm E.J. Campbell — Counsel for the Defendant

REASONS FOR JUDGMENT

INTRODUCTION

[1] In this matter, the plaintiff mother applied on January 22, 2016, for permission to move to British Columbia with the child, B., who was born on February 12, 2011, and has just turned five. The mother has interim custody of B. pursuant to a consent order from March 2011, which was somewhat unusual in that it was silent on the issue of access by the defendant father. In any event, in April 2015, the father applied for joint custody of B. and interim specified access. That application resulted in a consent order allowing the father gradually increasing specified supervised access over a six-week period, following which there was to be a review. As a result of changes in the lawyers

representing him, that review has not yet happened and the father applied on February 29, 2016, for an order that the review take place.

FACTS

[2] This is a chambers application and the parties are each relying on affidavit evidence. There is a good deal of conflicting evidence in the affidavits and there has been no cross-examination of any of the deponents. Therefore, it is difficult, if not impossible, to make findings of fact on those contested points. However, a number of other facts are uncontested. Further, I feel I am able to make additional inferences in some areas sufficient to allow me to decide these cross-applications. If I fail to mention certain allegations which are contested or denied, it is not because I have ignored them, but rather because I feel I am unable to make a clear finding of fact in those areas.

Background

[3] The parties were in a relationship from approximately December 2008 to February 4, 2011. They never lived together and did not have any joint assets or debts.

[4] In June 2010, the mother became pregnant with B. In August 2010, she had an accident which required her to take some time off work and spend a good deal of time in bed. Because she was in a lot of pain, she refused to have a sexual relationship with the father, and this strained the already difficult relationship. By February 4, 2011, the mother ended the relationship. B. was born about a week later.

[5] Over the period from early February to early May 2011, the father left numerous telephone messages, some of which were quite lengthy, on the mother's answering service. In these messages, the father repeatedly told the mother that, unless the couple were able to resume their sexual relationship, he did not want to exercise any

access with B. He also said that he would wait until B. turned five and that he would pursue 50/50 time with her. The mother felt these messages were threatening and abusive and asked the RCMP to intervene.

[6] On March 3, 2011, she filed her statement of claim in this matter. In the statement of claim, the mother included under the paragraph regarding proposed care of the child that: the father would have supervised access for one to two hours per week at a time agreed upon between them; the mother was comfortable with the paternal grandmother or the paternal aunt supervising the access; and that the mother wished to move towards more generous access as the child grows older.

[7] On March 24, 2011, the parties entered into a consent order that granted interim custody to the mother and required the father to pay child support. The mother was represented by counsel at that time, however the father was not. There was no affidavit evidence provided in support of the order. Finally, as noted above, the order was silent on the father's access to the child.

[8] On May 12, 2011, the parties entered into a further consent order which mutually restrained each of them from attending at the other's residence and from any communication with the other.

[9] For the first two years of B.'s life, the father exercised no access to her. However, the mother did allow access by paternal grandparents, and I gather from time to time the father's married sister, but the mother personally supervised all such access. These visits occurred on roughly a monthly basis. The paternal grandmother deposed about this time in her first affidavit:

> We would regularly ask the [mother] if we could bring [B] to our house for an afternoon, but the [mother] always replied

> that [B] was too young and that the [mother] was not "comfortable with it". Even after [B] started full-time daycare, the [mother] would not let us take [B] for visits, even though I had installed a car seat in my van to allow us to transport [B].

Further, because of the mutual restraining order, it was difficult for the father to be present during the access by the paternal grandparents or the paternal aunt. This information is uncontradicted by the mother.

[10] The father deposed in his first affidavit that when he entered into the consent order granting the mother interim custody of B., he assumed that he would still have access, because this is what the mother had stated in her statement of claim. However, the father then deposed:

> Since [B] was born, every time that I have tried to have access to her, the [mother] and her family resisted my attempts.

[11] The paternal grandmother deposed further about this time period in her third affidavit:

> … Certainly my son was unhappy about the end of his relationship with [the mother] and the loss of his daughter, but in those early years when I tried to facilitate visits between [B,] and my son, the [mother] would not agree to allowing [B.] to see her father. She would also not allow me or other members of my family to see [B.] on her own, but rather the visits had to be in the presence of the [mother]…

[12] The mother's position is that she has made every effort to attempt to provide meaningful access to the father "in a manner that is consistent with the best interests of our daughter". As for the lack of access during the first two years of B.'s life, she deposed in her second affidavit:

> During the early years of her life, [B.] didn't see her father at all. This is because the [father] took the position that unless I committed to resuming a sexual relationship with him, he

> would repudiate his relationship with his daughter, which he then did. It is for this reason that the March 2011 Consent Order contains no access provisions.

[13] In any event, when B. was around two, the father began showing up during the access visits by the paternal grandparents.

[14] In June 2014, the mother indicated through her counsel to the father that she wanted to relocate to British Columbia with B. She understood at that time that the father was interested in moving there himself if the move went ahead.

[15] In September 2014, the paternal grandmother wrote to the mother's counsel generally expressing her opposition to the move, but indicating a reluctant willingness to attempt to accommodate it. The move did not go ahead as planned.

[16] In the fall of 2014, the father retained counsel because he claimed he was having difficulty in having access with B. On November 27, 2014, the father made a request through his lawyer for access with B. every Monday and Tuesday from after daycare until 6 PM, and for four hours one day every weekend between 10 AM and 2 PM. The father deposed in his first affidavit that this request was rejected by the mother. This information is also uncontradicted by the mother.

[17] Ultimately, the parties agreed to the consent order for specified supervised access of April 22, 2015, which I referred to above.

[18] The father exercised all of the access opportunities set out in that order without incident. Pursuant to the terms of the consent order, the visits were to be supervised by either of the paternal grandparents or the father's sister. Following the end of the six-week lifespan of the order, the parties generally agreed that the father could continue to exercise supervised access, although these were limited to a few hours every Saturday.

As I understand it, this access continued until sometime in September 2015, although the father complained in his second affidavit that in some months he was limited to two or three visits per month.

[19] In late September 2015, the paternal grandmother left Whitehorse for Nanaimo, British Columbia, to help with an ailing son and the father's 89-year-old grandmother. After September 2015, the father's sister also became very ill and required surgery. As a result, two of the three people who had been approved as supervisors were unavailable and the father's access dropped off significantly in October through December 2015.

[20] The paternal grandfather has diabetes, cardiopulmonary obstruction disease, and some other illnesses.

[21] The maternal grandmother returned to Whitehorse in January 2016, and I gather that the father's access to B. has returned to what it was before the disruption due to these health issues.

The mother's reasons for moving

[22] The mother has been employed at one of the chartered banks in Whitehorse for almost 10 years and she says that she has an excellent relationship with her current employer. She is a senior financial services representative and earns an annual base salary of $57,300, not including bonuses. In 2014, with bonuses, her gross income was $64,407.

[23] In November 2015, the mother applied for a branch manager position at the bank's Armstrong, British Columbia, branch. She also applied for a position at the Kamloops branch. The Kamloops competition was removed from circulation and the

mother was unsuccessful in the Armstrong competition. On December 3, 2015, she was interviewed over the telephone by the bank's district vice president for the Okanagan. At the end of December 2015, the vice president indicated that he was willing to create a job competition for a financial services representative in the area. If successful in the competition, the vice president indicated he "may" be able to turn the position into a senior financial services representative. This would mean that the mother would earn the same salary she currently does in Whitehorse, and she would have an opportunity for a raise in six months' time.

[24] The mother says that there are greater possibilities of advancement in her banking career in the Okanagan, because there are more of her bank's branches there than in the Yukon. Ultimately, she hopes to secure a management position and improve her financial security.

[25] The mother also has a brother and sister who live in British Columbia. The brother lives 10 minutes outside of Kamloops and has two daughters who are close in age to B. B. speaks with them every week using Skype, FaceTime and the phone. The mother and B. also go on holiday trips together with the brother's family at least once a year. The mother's sister lives in Hope. The mother provided no information about her sister's relationship with B.

[26] The maternal grandmother has lived with the mother in Whitehorse since B.'s birth, and has been an alternate primary caregiver to B. If the mother is permitted to move with B. to British Columbia, the maternal grandmother will move with them.

[27] The mother also has a 19-year-old son, K., from another relationship who, of course, is B.'s half-brother. B. grew up with K. until he left for Vancouver to begin his

post-secondary education. K. has since returned to the Yukon and enrolled at Yukon College. If the move is permitted, K. has indicated that he will attempt to find an apprenticeship in the same region as the mother.

[28] The mother also hopes to purchase a more spacious home in British Columbia than the one she has in Whitehorse.

[29] Since B. will be starting kindergarten this fall, the mother also feels this is the best time to relocate her before she begins her schooling.

B.'s relationship with her paternal extended family

[30] As noted above, the father had no relationship with B. for the first two years of her life. However, he began to have visitation when B. was around two years of age, during periods of access by the paternal grandparents. Then, in the fall of 2014, the father retained counsel for the purpose of obtaining more regular access. That has been taking place since April 2015, with the exception of a drop off from October through December because two of the three supervisors were unavailable. The father feels he has a healthy and loving relationship with B.

[31] The father has been paying child support regularly since the consent order of March 24, 2011. Although the mother has complained that the amount of that child support has decreased along with the father's income over the years, she has made no suggestion that the father is intentionally under-employed.

[32] The mother appears to have had a relatively good relationship with the paternal grandmother and claims to have been in regular communication with her since B.'s birth for the purpose of encouraging the father to have access.

[33] The paternal grandmother feels that the father has had happy and successful access visits with B. and that there is no longer any reason for that access to be supervised. There is some corroboration for this opinion in the video evidence attached to the father's second affidavit.

[34] There does not appear to be any dispute that the paternal grandparents, who have had regular access with B. since her birth, have a close and healthy connection with her. The same can likely be said of B.'s relationship with her paternal married aunt, who has also acted as an access supervisor.

LAW

[35] The leading case on mobility is *Gordon v. Goertz*, [1996] 2 S.C.R. 27, which set out the following principles:

> 1. The only issue is what is in the best interests of the child, having regard to all the relevant circumstances relating to the child's needs and the respective ability of the parents to satisfy them.
>
> 2. The rights and interests of the parents, except as they impact the best interests of the child, are irrelevant.
>
> 3. There is no legal presumption in favour of the custodial parent, although that parent's views are entitled to great respect.
>
> 4. Each case turns on its own unique circumstances.
>
> 5. The Court should consider, among other things:
>
> > a. the existing custody arrangement and the relationship between the child and the custodial parent;
> >
> > b. the existing access arrangement and the relationship between the child and the access parent;

> c. the desirability of maximizing contact between the child and both parents;
>
> d. the views of the child, if applicable;
>
> e. the custodial parent's reason for moving, only in the exceptional case where it is relevant to that parent's ability to meet the needs of the child;
>
> f. the disruption to the child if there is a change in custody; and
>
> g. the disruption to the child if there is a move away from the child's family, schools and community.

ANALYSIS

Mother's relationship with B

[36] There is no question that the mother has been B.'s primary caregiver for her entire five-year-old life, along with the maternal grandmother. The relationship between B. and her mother appears to be loving and close. However, for the following reasons, I have a concern that the mother may be somewhat overprotective of B.

[37] First, the mother claims in her third affidavit that B. was extremely ill as a baby and, as a result, she adopted the approach of using a "family bed" for B. "because of her health issues". B. is now five years old and she is still sleeping in the same bed as the mother. The mother seems to recognize that this is a problem, because she is looking forward to the move as a means of weaning B. out of her need to fall asleep with either her mother or grandmother. The mother has provided no particulars of the nature of this illness or any corroborating evidence on this sleeping issue.

[38] Whatever the illness was, it was not apparent to the paternal grandmother. During her access visits when B. was young, she noticed nothing more than the usual illnesses that babies and infants get as well as some allergies. Here, I agree with the

paternal grandmother that having a child sleep in the same bed as a parent is a choice made by the parent.

[39] In my view, this suggests a tendency towards overprotectiveness.

[40] Second, while I can understand the reasons behind the mother's insistence that the father's access to B. be supervised, at least in the early years, there would seem to be no reason for the mother to have insisted on personally supervising the access B. had with her paternal grandparents and aunt in the early years, especially after B. began attending daycare. Again, this suggests to me a tendency towards overprotectiveness.

[41] Finally, while the mother's concern about the father's controlling and emotionally abusive behaviour before and immediately after the separation may well have been justified, there is no evidence that there has been any continuation of concerning conduct by the father since that time. The father has now been in a new relationship with another partner for about a year. Further, there is also evidence that the father has been rather scrupulous about avoiding contact with the mother when she has tried to communicate with him, in order to avoid a potential breach of the mutual restraining order. [1] There is no evidence that the father has ever breached that order. Finally, there is evidence that the father has been careful to avoid finding himself in a situation where he could be accused of having unsupervised access with B.[2]

[42] Even if it can be said that the mother had a justified apprehension about the father's conduct when the consent access order was made on April 22, 2015, it is

[1] Father's first affidavit, para.16.
[2] Paternal grandmother's third affidavit, paras.9 and 12.

difficult for me to understand why the mother has continued to require supervised access to date.

Father's relationship with B.

[43] The relationship between B. and the father was non-existent for the first two years of B.'s life. This was extremely unfortunate as it deprived the two of an important opportunity for attachment over that time. Frankly, I agree with the mother's counsel that the father's statements in his numerous voicemail messages left with the mother in early 2011, that he had decided to have no contact with B. because of his anger over the mother leaving him, can only be described as petulant, immature and incomprehensible. The father, at least for a time, completely lost sight of the legal reality that the child's access to her parents is her right and not that of either parent.

[44] Having said that, it would appear that even if the father at some point changed his mind and decided to exercise access, doing so would have been very difficult because of the mutual restraining order and the mother's insistence that she personally supervise the access by the paternal grandparents and aunt.

[45] In any event, it is clear that the father's interest in developing a relationship with B. returned at least by the time she was about two years of age. Further, when he was unable to get the quantity and quality of access to which he felt he was entitled, he retained counsel and ultimately obtained the consent order for specified access in April 2015.

[46] In global terms, it has only been over the last year approximately that the father has been exercising regular and constructive access with B. However, the access

appears to be going well and the father seems to be effectively establishing a healthy and loving relationship with his daughter.[3]

[47] The mother complains that the father has unrealistic expectations of becoming a 50/50 parent with B., given the relatively little amount of time that he has spent with her to date. In this regard, the mother relies upon the father's notice of application filed April 2, 2015, in which he sought joint custody and specified access time, which is essentially amounted to almost 50% of B.'s available time, including overnights. While that is true as far as it goes, that is not in fact what the father ended up settling for. Rather, the consent order for specified access of April 22, 2015, starts with relatively modest amounts of time, i.e. five hours of supervised access on a weekend day and on one week night from the end of day care to 6 PM for the first three weeks. For the next three weeks, the father's time is increased to five hours of supervised access on a weekend day and two weeknights from the end of day care until 6 PM. Finally, the condition that there would be a review of the order in six weeks is consistent with the father's expressed intention to gradually increase his access.

[48] The mother also raised a concern potentially relating to the father's parenting capacity. This had to do with some hair pulling behaviour, which the mother noticed B. to be exhibiting towards the end of May 2015, as well as acting increasingly shy, anxious and tearful. The mother suspects that this was likely due to the increased access to the father resulting from the consent order of April 22, 2015. By mid-September 2015, the mother states that B.'s hair pulling and regressive behaviours

[3] Father's second affidavit, exhibit C; paternal grandmother's second affidavit, para.6, and third affidavit, para. 3.

ceased, coincidentally when the frequency of the father's access began to drop off.[4] The father responded to this concern by stating that when B. was having access with him and his family, she did not demonstrate any of these behaviours and appeared to be happy and relaxed.[5] The paternal grandmother deposed that the mother told her that the hair pulling was because of B.'s access visits, and that she was going to have B. seen by a child psychologist.[6]

[49] On this point, I agree with father's counsel that if the matter was of significant concern to the mother, then one would reasonably expect that she would have had B. examined by an appropriate professional. Since there is no information before the court about that, it appears this was not done, which would seem to undermine the potential seriousness of the concern. In any event, there is no objective evidence before me as to what the cause of this behaviour might have been and I am not prepared to draw an adverse inference from it against the father.

[50] The mother also deposed in her third affidavit that she was subjected to serious psychological and emotional abuse, in addition to sexual violence, by the father before obtaining the mutual restraining order. The mother also deposed that the father has done nothing to demonstrate that his propensity for such abusive conduct "will not extend to his daughter".[7] The father strenuously denies that he was sexually violent towards the mother. The father acknowledges that he and the mother did not have an "amicable end to our relationship", but denies that he was the sole source of the

[4] Mother's third affidavit, paras. 43 -51.
[5] Father's third affidavit, para.18.
[6] Paternal grandmother's third affidavit, paras. 10 and 11.
[7] Paras. 27 and 28.

problems. The father also strenuously denies that he has ever been, or ever will be psychologically, emotionally or sexually abusive towards B.[8]

[51] I agree with the father's counsel here that, whatever bad behaviour the father may have exhibited in the past, it appears that much of that occurred before B. was even born, and does not appear to have continued beyond early May 2011, which is almost 5 years ago. Therefore, it is difficult to see how this issue continues to be relevant today. More importantly however, there is no objective evidence that the father has behaved in a similar fashion towards B. Accordingly, the mother's worries here appear to be unfounded, consistent with my concerns stated above that she seems to have a tendency to be overprotective of B.

[52] In *D.B.J. v. L.A.J.,* 2005 YKSC 65, ("*D.B.J.*"), I denied the mother moving with the 21-month old child from Whitehorse to Vancouver. One of the factors was the father's relationship to the child. Although the father had a history of problematic, sporadic and irregular access in the past, in the two to three weeks prior to the hearing, he had demonstrated the kind of consistent, regular and stable interest, which the mother had always desired.

[53] In some ways *D.B.J.* is similar to the case at bar. Here, the mother has repeatedly stated that she has made every attempt to provide meaningful access to the father in a manner that is consistent with B.'s best interests. She complains that the father has only made inconsistent efforts at building a relationship with B. She also complains that the father does not seem to understand the need for gradually increasing access, so that B. can adjust to her new relationship with her father. However, it would appear that this is exactly what the father has been attempting to do over the past year.

[8] Father's second affidavit, para. 21; father's third affidavit, para. 9 and 10.

Therefore, in my view, allowing the move would likely serve to undermine the apparently healthy attachment resulting from those efforts.

Maximum contact principle

[54] The desirability of maximizing contact between the child and both parents, while not a paramount factor, is an important factor in this case.

Views of the child

[55] There is no evidence of the views of the child about the prospective move.

Mother's reasons for moving

[56] The mother's reasons for moving are only relevant in the exceptional case where they relate to her ability to meet the child's needs. In some ways, this case is similar to the position of the mother in *D.B.J.*, cited above, at para. 25. In that case, I noted that the mother's argument in favour of the move sounded more like it focused on her interests and her right to relocate for the purposes of pursuing employment in her field, than it did about the best interests of the child. Further, even if it can be said that over the long term, better employment terms may ultimately work in favour of the child's best interests, in the immediate term, the mother's reason for moving is unlikely to have any significant benefit for the child: see *S.C.M. v. M.G.P.*, 2014 YKSC, at para. 32.

[57] Further, the mother's plans at the moment are still pretty sketchy. There is no evidence that she has confirmed employment as of yet. There is also no clarity about which community she will be living in. This will have a direct impact on how close she is to either her brother or sister in terms of driving time, and consequently how often she is likely to visit with them. There is also no clarity about the accommodation she expects to be living in or how long it may take her to purchase a house.

[58] In her third affidavit, the mother even suggests that if she ends up relocating to either Kamloops, where her brother lives, or Hope, where her sister lives, she "will further rely on combining and sharing resources with these family members for a period of time in order to reduce her costs and save for the purchase of the house".[9] If this means moving in with them and sharing accommodation, then the mother has provided no particulars as to what those shared accommodations might look like or for how long such sharing may be necessary. Further, if shared accommodations do arise, this could result in a decrease in the quality of life for B. for an unknown period of time.

[59] Further, the mother places a lot of importance on the fact that the move is likely to increase her financial security. She deposed in her third affidavit that she would "want to negotiate a starting salary" which is between $7,700 and $10,700 per year higher than her current base salary. However, she has no guarantee that she will be successful in these negotiations.

[60] The mother also seems to ignore the fact that she can negotiate for a higher salary and a better position in Whitehorse. She claims to have an excellent relationship with her current employer. Further, if indeed she seeks a managerial position and none are available within her current bank, there is no reason why she couldn't seek such positions with one of the other chartered banks in Whitehorse.

[61] While the mother's reasons for moving are not improper, they primarily relate to her personal needs*: Falvai v. Falvai*, 2008 BCCA 503, at para. 38.

[62] As stated in *Gordon v.Goertz*, at para. 49 the, the focus must be on the best interests of the child, "not the interests and rights of the parents".

[9] Mother's third affidavit, para. 9.

[63] Although the mother's views, as the custodial parent, are entitled to great respect, there is no legal presumption in her favour that the move should be permitted.

[64] If I do not permit the mother to move with the child, the mother will still have a senior position with her employer/bank in Whitehorse, where she earns roughly the same salary that she might expect to earn immediately upon commencing similar employment in British Columbia. The mother also has an established three-bedroom home in Whitehorse, with fenced-in yard, in a subdivision close to the Canada Games Centre and the Whitehorse and Mount McIntyre trail networks. If, as the mother suggests in her third affidavit, arranging for B. to have her own bedroom is a priority in order to address her sleeping difficulties, I would expect that could be arranged within the mother's current home. I also note that the mother has approximately $56,000 in equity in the home, so if an upgrade to a larger home was required to accommodate the mother, the grandmother, B. and her stepbrother, then that would also seem to be an achievable outcome. Finally, if the move by both the mother and B. is not permitted, B. will continue to have the benefit of her relationship with the maternal grandmother, and her 19-year-old stepbrother, who currently resides in Whitehorse.

[65] In summary, I am not persuaded that the mother's reasons for moving relate sufficiently to an improvement of her ability to meet B.'s needs to make this a decisive factor.

Disruption to the child if there is a change in custody

[66] There is no prospect of a change in custody on this application, so the concern about disruption to the child arising from that is a non-issue.

Disruption to the child on removal from Whitehorse

[67] Because B. is not yet attending kindergarten, there is no issue arising from her being removed from the school with which she is familiar. However, there may be a degree of disruption as a result of removing her from the day care with which she is familiar. There may also be a degree of disruption from moving from the community which she has grown up in her entire life. For example, I am thinking here of the repeated references in the evidence to the child spending time at the Canada Games Centre, which is presumably a place she is quite familiar with. There would likely also be a disruption as a result of leaving home in which she has grown up in for the last five years, and moving to as yet unknown accommodations, potentially shared in close quarters with other family members. Finally, and most importantly, I am concerned about the disruption to B. arising from a move away from her father, paternal grandparents and paternal aunt and uncle. It is probably fair for the mother's counsel to suggest that the father's bond with B. is not as deep and rich as it might well have been had the father made more of an effort to have access with B. during the first two years of her life. However, there is no suggestion by the mother that B. does not have a deep and rich bond with her paternal grandparents and aunt. In my view, the potential advantages to B. from a move to an as yet unknown community in British Columbia, where her mother has yet to secure new employment, do not outweigh the potential disruption to B.'s relationship with her father and her father's family in Whitehorse. Finally on this point, I note that B. also has some First Nations blood from her father's side and it is important that she has the opportunity to get to know her extended family and to learn about her First Nations heritage.

CONCLUSION

[68] Having regard to all of the relevant circumstances relating to B.'s needs and the respective ability of the parents to satisfy them, in my view it is in her best interests that she should remain in Whitehorse. The mother's application for permission to move to British Columbia with the child is denied.

[69] At the hearing of this matter, the father's counsel agreed that the application for a review of the access resulting from the consent order of April 22, 2015, should probably be argued in more depth following this decision on the mobility question. Therefore, I grant no relief in that regard and I urge the parties to negotiate a further access agreement. In the event that cannot be done, the father can ask for his application to be rescheduled.

[70] During these anticipated negotiations, I would strongly urge the parties to consider whether there continues to be a need for a mutual restraining order. In my view, this has been highly problematic for them for a significant period of time, as it impacts the fluidity of drop-offs and pickups during access exchanges.

[71] Further, I gather the mother has indicated a willingness to reconsider whether supervision continues to be necessary. I am pleased to hear that and I would urge her to drop that condition.

[72] I note the mother has taken one parenting after separation workshop entitled "For the Sake of the Children" as of January 12, 2016. As I understand it, this is one of three such workshops which are currently freely available through the Yukon Government. This Court has a Practice Direction making the attendance at the above titled workshop mandatory for families in Whitehorse. However, it has been my practice to additionally

require the parties in a family law proceeding to take all levels of the workshops presently available. Accordingly, I make that direction in this case and I expect that it will be complied with as soon as reasonably possible.

[73] Costs may be spoken to, if necessary.

GOWER J.