

**IN THE SUPREME COURT OF THE YUKON TERRITORY**

BETWEEN:

KATHERINE ANNE ELISE STAPLETON

PETITIONER

AND:

RONALD JAMES MOORE

RESPONDENT

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**REASONS FOR JUDGMENT OF  
MR. JUSTICE VEALE**

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**INTRODUCTION**

[1] Mr. Moore has applied for a variation of the order of Mr. Justice Czutrin dated December 16, 1997. Justice Czutrin's order was based upon the consent of the parties. This is not a case of a father shirking his financial responsibilities for his children. Rather, it is an unfortunate intervention by the Family Responsibility Office of Ontario in the form of a garnishee where it was not required.

**FACTS**

[2] I find the following facts:

1. Mr. Moore and Ms. Stapleton were married on September 8, 1979.

2. There are two children of the marriage:  
Bradley Michael James Moore, born July 24, 1980, now 21  
Kristen Heather Anne Moore, born February 22, 1982, now almost 20.
3. Mr. Moore and Ms. Stapleton were divorced on March 11, 1991.
4. The parties entered into a Separation Agreement dated October 18, 1988 in which Mr. Moore agreed to pay \$200.00 per month for a total of \$400.00 per month for the children who were in the custody of Ms. Stapleton.
5. The parties reached a variation agreement in April 1997, increasing the child support to \$339.50 per month per child for a total of \$679.00 per month.
6. This agreement formed the basis of Justice Czutrin's variation order of December 16, 1997, where he ordered the child support agreed upon.
7. There were no arrears until July 2000 when Mr. Moore lost his job. He did not obtain employment until June 2001 when he was hired by Arctic Power and Communications System Ltd. for an annual wage of \$42,239.70 for 2001.
8. Mr. Moore made an arrangement with Ms. Stapleton to pay \$320.00 per month to Kristen who was attending school in Welland, Ontario.
9. No support was paid beyond this amount until February 2001, when Mr. Moore was able to pay an additional \$359.00 per month to Ms. Stapleton while the sum of \$320.00 per month was paid to Kristen.

10. As a result of being unable to communicate with the Family Responsibility Office to work out a payment arrangement, Mr. Moore's employer was garnisheed for \$679.00 per month in November 2001 continuing to date.
11. In the meantime, Bradley completed university and was employed as of September 2001. Kristen will be completed in April 2003.
12. Page 2 of Exhibit B to Mr. Moore's affidavit filed January 18, 2002, sets out the calculation of arrears in the amount of \$1,168.00. This figure no doubt differs from the calculation of the Family Responsibility Office.

## **DECISION**

[3] By the time this provisional order reaches Ontario, the arrears should have been paid. Mr. Moore would prefer to pay the child support directly to Kristen. I do not know whether that is feasible and it would require the consent of Ms. Stapleton.

[4] In any event, I make the following provisional order:

1. that the arrears of \$1,168.00 be paid to the Family Responsibility Office;
2. that the garnishment be terminated;
3. that Mr. Moore pay \$363.00 per month for Kristen commencing March 1, 2002.

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Veale J.

Counsel for the Petitioner

Unrepresented

Counsel for the Respondent

Unrepresented