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| ONTARIO  |
|  |  | Court File Number      |
| (Name of court)  | Form 43B: Affidavit for Binding Judicial Dispute Resolution Hearing |
| **at** |       |
|  | Court office address  |
| Applicant(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
|       |  |       |
| Respondent(s) |
| Full legal name & address for service — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |  | Lawyer’s name & address — street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any). |
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## **Instructions:**

* *Complete the applicable sections of this affidavit for the issues to be dealt with at the binding judicial dispute resolution hearing. This affidavit should not exceed 12 pages not including allowed attachments unless the judge approving or conducting your hearing orders otherwise.*
* *The following attachments noted in* ***bold*** *throughout the document must be attached if relevant to your case and are* ***not*** *included in the page count:*
	+ *A draft order setting out the orders you are asking the court to make.*
	+ *Written agreements, minutes of settlement and**relevant**court orders.*
	+ *Any offers to settle that have not been withdrawn.*
	+ *If your case involves a claim for support but not a property claim or a claim for exclusive possession of a matrimonial home, an updated Form 13 financial statement and an updated Form 13A certificate of financial disclosure.*
	+ *If your case involves a property claim or claim for exclusive possession of a matrimonial home (with or without a support claim), an updated Financial Statement Form 13.1, comparison of net family property statements Form 13C and a Form 13A certificate of financial disclosure.*
	+ *If your case involves parenting issues, updated Form 35.1 affidavit (decision-making responsibility, parenting time, contact) and if applicable a Form 35.1A (child protection information).*
	+ *Support calculations to help establish the amount and duration of support payments.*
	+ *Statement of Arrears from the Family Responsibility Office or Form 26: Statement of Money Owed.*
	+ *Receipts for past special or extraordinary expenses that you are asking the other party to pay back.*
	+ *Documents supporting disputed property issues, including any reports of an expert or other professional relating to those issues.*
	+ *Professional reports that are relevant to parenting issues.*
* *Any additional* ***exhibits****cannot total more than 10 pages.*
* If you have made an application for divorce and (i) you have paid the necessary fees, and (ii) the court has received a clearance certificate from the federal Central Registry of Divorce Proceedings, you can include a completed **Form 36: Affidavit for Divorce** with your materials and request a divorce order from the judge.

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| Part A: General Information |

1. My full legal name is:

2. I live in *(include municipality and province)*:

3. My evidence for the binding judicial dispute resolution hearing is set out below. I swear/affirm that these statements are true.

4. The other party and I *(check applicable boxes and* *provide applicable dates)*:

[ ]  started living together on

[ ]  married on

[ ]  separated on

[ ]  divorced on

[ ]  never lived together but were in a relationship from  to

5. The following issues have already been settled in this case:

*(List any issues that have been resolved by written agreement, minutes of settlement or court order. Attach any relevant* ***written agreements****,* ***minutes of settlement*** *and* ***court orders.****)*

6. I am asking the court for a final order for:

*(Only include claims that have been made in your application, answer, motion to change or response to motion to change, unless the judge approving the hearing has ordered otherwise.)*

[ ]  decision-making responsibility for the child(ren)

[ ]  parenting time with the child(ren)

[ ]  contact with the child(ren)

[ ]  support for the child(ren)

[ ]  support for myself

[ ]  equalization of our net family property or property that we own

[ ]  a divorce

[ ]  other:

7. I agree to the following orders that the other party has included in their draft order, if any:

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| Part B: Parenting Orders |

8. There is/are *(number)*  of child(ren) from our relationship, namely:

|  |  |  |  |
| --- | --- | --- | --- |
| **Legal Name** | **Birthdate** | **School/Grade** | **Now living with** |
|       |       |       |       |
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9. I ask that the court address the child(ren)’s special needs as follows:

*(Explain any child’s special needs and how they should be addressed in the parenting arrangements.)*

10. I want the court to read the attached **reports** from the Office of the Children’s Lawyer, school or other **professional** regarding the child(ren) *(complete if applicable)*:

11. My plan for the care and upbringing of the child(ren) is as follows:

* Decisions for the child(ren) (including education, medical care and religious upbringing) should be made as follows *(*c*heck the applicable box)*

[ ]  Jointly by me and *(name(s) of person(s))*

[ ]  By me regarding all decisions

[ ]  By me regarding only *(insert)*  decisions

[ ]  Other

* Parenting time arrangements for the children as follows*:*

* Other:

12. The important facts supporting my proposed parenting orders are as follows: *(describe why your proposed parenting time, decision-making responsibility, contact, and/or communication orders are in the best interests of the child(ren). Summarize the important facts that the judge should know in support of your requested orders.)*

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| Part C: Support |

## **Income Information**

13. If child and/or spousal support is an issue, my current annual gross incomes is $

This income is confirmed on my recent: *(Select all boxes that apply)*

[ ]  Income tax return [ ]  T4 statement [ ]  paystub [ ]  other *(specify)*

14. To the best of my knowledge, the source(s) of the other party’s income is/are: *(Select all boxes that apply*.*)*

[ ]  employment income at *(employer’s name and address)*

[ ]  commissions, tips, overtime, bonuses, etc.

[ ]  self-employment as *(name or nature of respondent’s business)*

[ ]  other *(specify)*

15. I believe that the other party’s current annual income from all income sources is $  for the following

reasons: *(Give your reasons for believing the dollar amount set out*.*)*

## **Child Support**

***Note: the party requesting child support, special or extraordinary expenses and/or arrears must complete paragraphs 16-20.***

16. The existing arrangements for child support are:

*(If these arrangements are under an agreement or court order, provide details and date of order*.*)*

17. There is unpaid child support owing to me in the amount of $ , as of *(date)* , which is

[ ]  shown on the attached **Statement of Arrears** from the Family Responsibility Office; or,

[ ]  calculated as follows:

18. I am claiming support in the amount of $  per month for *(number)*  child(ren) starting on *(date)*  based on the payor’s annual income and our parenting schedule.

*(Provide the reasons for this request. If you have requested an amount that is different from the table amount under the Child Support Guidelines, explain why you are making this request.)*

## **Special or extraordinary expenses**

19. I am seeking a contribution to the following special or extraordinary expenses for the child(ren) pursuant to Section 7 of the *Child Support Guidelines.*

*(Include the amount of each expense, how often it is paid and your calculation of how the expense should be shared between the parties. If you are including a claim for past Section 7 expenses, attach the* ***receipts*** *to this Affidavit.)*

20. I am requesting additional orders relating to child support as set out in my draft order. *(Provide your reasons for these requests)*:

***Note: the party being requested to pay child support must complete paragraph 21.***

21. In response to the request for child support, Section 7 expenses and arrears *(check the applicable box)*:

[ ]  I agree with the amount of support being requested in paragraphs 16 to 20 above

[ ]  I do not agree with the amounts being requested. My calculation of the appropriate amount of child support, Section 7 expenses and/or arrears is:

*(Provide your calculations and explain the differences between you and the other party.)*

## **Spousal Support**

***Note: both parties must complete paragraphs 22-25 if spousal support is an issue.***

22. The existing arrangements for spousal support are:

*(Provide details including the date when spousal support payments began and how much has been paid. Attach any relevant* ***agreement*** *or* ***order*** *for spousal support.)*

23.There is unpaid spousal support in the amount of $ , as of *(date)* , which is

[ ]  shown on the attached **Statement of Arrears** from the Family Responsibility Office; and/or,

[ ]  calculated as follows:

24. I am requesting an order that spousal support payments be set at $  per month, beginning on *(date)*  and continuing until *(date/event)* .

25. The important facts supporting my position regarding spousal support are:

*(Include reasons for your entitlement to support and the amount and length of spousal support payments including (i) the recipient’s need for spousal support, (ii) the payor’s ability to pay spousal support, (iii) the parties' roles during the relationship and the impact of those roles on their ability to support themselves and (iv) information about the recipient’s efforts to seek employment or retrain, where appropriate.)*

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| Part D: Property Issues |

26. Attached is my most up-to-date **Form 13B:** **Net Family Property Statement** and **Form 13C: Comparison of Net Family Property Statement** that notes the specific disputed property issues, and my updated **Certificate of Financial Disclosure (Form 13A).**

27. The important facts supporting my position regarding the disputed property issues are as follows *(attach* ***documents that support your position****)*:

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| Part E: Other Issues |

28. The important facts about the other issues that the Court will be dealing with are:

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| Sworn/Affirmed before me at |  |  |  |  |
|  | (municipality) |  |  |  |
| in |       |  |  |  |
|  | (province, state, or country) |  |  |  |
| on |  |  |  |  |  | Signature(This form is to be signed in front of a lawyer, justice of the peace, notary public or commissioner for taking affidavits.) |
|  | (date) |  | Commissioner for taking affidavits(Type or print name below if signature is illegible.) |  |  |