

ASK THE PROFESSIONAL

We work for you.



Susan S. Powell, B.A., LL.B.
Barrister & Solicitor

350 Rutherford Rd. South
Plaza II Suite 320
Brampton, Ontario, L6W 4N6

Telephone (905) 455-6677
Fax (905) 455-6724
E-mail ssplaw@on.aibn.com
www.susanspowell.com

The advice offered in this column is intended for informational purposes only. Use of this column is not intended to replace or substitute any professional, financial, medical, legal, or other professional advice.

Q

My wife and I separated and we will be negotiating a Separation Agreement. My wife is telling me that I have to prepare a Financial Statement to show my income and assets and debts. We know what each other earns and how much we each have in our bank accounts. Do I really have to do a Financial Statement?

A

One of the most common reasons cited for a party to try and set aside a Separation Agreement is the failure of the other party to make proper financial disclosure. Each party is required to complete a Financial Statement which you will swear is true when you sign it in the presence of a commissioner. Your Financial Statement sets out your assets and debts that you had as at the date of your marriage and the date of your separation as well as any gifts or inheritance you may have received from a third party during your marriage. Assets, for instance, not only include bank accounts but also RRSPs, pensions, other savings such as GICs, TFSA accounts, investments, your vehicle, jewellery, insurance policies, the value of a business, etc. Debts may include, for instance, a mortgage, line of credit, personal loans and credit card debt. You should provide the documentation to give evidence of the value of your asset or debt as at the date of your marriage and your date of separation.

In addition, you should attach to your Financial Statement your Notices of Assessment for the past 3 years, as well as your most recent pay statement. These documents are required to negotiate child support, the children's special/extraordinary expenses and spousal support.

Your negotiations to settle various monetary issues such as child support, contribution to the children's special/extraordinary expenses, spousal support and the division of your property will be based on your each providing full financial disclosure. Once you have such disclosure you can negotiate a settlement of the various issues.

If you fail to disclose a significant asset and reach an agreement based on the information disclosed, you are setting yourself up to have the Separation Agreement set aside in the future for lack of disclosure, if the other party learns of your failure to disclose the asset.

I have a reduced hourly rate for a consultation if you wish to discuss any family law issues with me.

NEWS

Concerned Residents Coalition seeks dollars to fight OMB battle ahead

By **Cynthia Gamble**
cgamble@theifp.ca

The Concerned Residents Coalition, opposing the Hidden Quarry proposal just outside Halton Hills, held a community meeting last week in the Acton Town Hall, making a pitch for donations to help cover its \$320,000 legal costs at the upcoming Ontario Municipal Board (OMB).

Acton resident Brad Fitzsimmons was first in line with \$1,000.

"This is a lifestyle decision for me," said Fitzsimmons at meeting in front of the approximately 80 CRC members and non-members who turned out to be updated on the Hidden Quarry proposal.

In 2013 James Dick Construction Ltd. applied to Guelph Eramosa Township for rezoning from agricultural to industrial/extractive on a property named Hidden Quarry, located on Hwy. 7 at Sixth Line Eramosa— just across the road from Halton Region. At the same time JDCL applied to the Ontario Ministry of Natural Resources for an aggregate licence. Last year, JDCL appealed both applications to the OMB.

Fitzsimmons and his young family had moved to Acton to enjoy the quality of life it offered. But the idea of 26 trucks/per hour/day for the next 20 years travelling past his home, doing damage to roads and buildings, keeps him up at night worrying.

CRC also showed a video, interviewing Acton's Staying Alive Fitness Centre owner Leanne Monaghan, who is also worried about the impact the truck traffic could have on her business and the safety of her clients and employees. The video is posted on CRC's website, www.hiddenquarry.ca

Acton businesswoman Dr. Dana Selby, also the Acton BIA chair, was a guest speaker at the meeting and explained the potential impact on downtown

businesses. People wishing more information can contact her through the Acton BIA, www.downtownacton.ca.

CRC has estimated that the total cost of the OMB prehearing (May 5-6) and full hearing (Sept. 27, four to seven weeks) would cost about \$420,000— which includes legal counsel (\$200,000) and six expert witnesses (\$200,000). The CRC has already raised \$100,000— including annual grants from Georgetown's Wastewise— bringing its total down to \$320,000. Without that money, the CRC would have to scale back on its expert testimony, which could hurt its case before the board.

There are three parties at the OMB opposing JDCL's proposal: CRC, Guelph-Eramosa Township and Halton Region (on behalf of Halton Hills and Milton). There are also 75 participants signed up to make statements to the OMB.

"This is not NIMBYism," said Doug Tripp, president of CRC, which has more than 1,000 members. "I cannot conceive of conditions that make this proposal acceptable. It is fundamentally flawed."

Tripp said there are sound technical reasons and compelling scientific arguments related to issues such as water resources, underground blasting, truck traffic, culture heritage and archaeology, noise and blast vibration, impact on local agriculture, economic impact on Halton and Guelph-Eramosa residents, and planning compliance.

"Our main focus is on the additional gravel truck traffic that is going to occur in downtown Acton, and Guelph St. in Georgetown and Norval," said Halton Hills Mayor Rick Bonnette.

"Being as Highway 7 has a provincial interest, that is why I met with the Minister of Transportation on Jan. 20, offering to partner on a bypass study for Acton and also discussed the bypass for Norval."

THE UNDISPUTED CHAMPION OF TRUCKS.

ONLY AT FORD.

LEASE THE 2016 F-150 XLT SUPERCREW 4X4 5.0L WITH TRAILER TOW PACKAGE INCLUDED

\$199 EVERY 2 WEEKS **0.99% APR*** **36 MONTHS** **\$2,895 DOWN**

OFFER INCLUDES \$1,800 IN FREIGHT AND AIR TAX

ELIGIBLE COSTCO MEMBERS RECEIVE **\$1,000** TOWARDS MOST NEW 2015/16 VEHICLES**



- MILITARY-GRADE ALUMINUM ALLOY BODY AND BED¹
- BEST-IN-CLASS MAXIMUM PAYLOAD²



On hey, you're looking for the legal, right? Take a look; here it is: Vehicles may be shown with optional equipment. Dealer may sell or lease for less. Limited time offers. Offers only valid at participating dealers. Retail offers may be cancelled or changed at any time without notice. See your Ford Dealer for complete details or call the Ford Customer Relationship Centre at 1-800-565-3673. For factory orders, a customer may either take advantage of eligible ranchable Ford retail customer promotional incentives/offers available at the time of vehicle factory order or time of vehicle delivery, but not both or combinations thereof. Retail incentives not combinable with any CPA/GPC or Daily Rental incentives, the Commercial Uplift Program or the Commercial Fleet Incentive Program (CFIP). Until May 2, 2016, lease a new 2016 F-150 Supercrew 4x4 Axi Trail with Trailer Tow Package up to \$550 (includes up to \$200 off MSRP and up to \$350 off monthly payments) on credit or debit. Costco members receive \$1,000 off MSRP. 2016 F-150 Supercrew 4x4 Axi Trail MSRP \$32,499. **\$1,000 off MSRP on new 2016 F-150 Supercrew 4x4 Axi Trail with Trailer Tow Package. Offer good through 12/31/16. Limit one offer per household. See your Ford Dealer for details. MSRP includes freight, air tax, \$3,750 deducted including freight and air tax charges of \$1,800 at 0.99% APR for up to 36 months with an optional buyout of \$23,801. monthly payment is \$431 (the sum of twelve (12) monthly payments divided by 26 periods gives payee a bi-weekly payment of \$198.92, total lease obligation is \$18,411, interest cost of lease is \$918.92, fuel fill charge of up to \$120 and all applicable taxes, and PPSA but exclude administration and registration fees of up to \$799, license, and insurance. All prices are based on Manufacturer's Suggested Retail Price. Some conditions and mileage restriction of 60,000 km for 36 months applies. Excess kilometrage charges are 16¢ per km, plus applicable taxes. Excess kilometrage charges subject to change, see your local dealer for details. *Offer only valid from March 1, 2016 to May 2, 2016 (the "Offer Period"), to resident Canadians with an eligible Costco membership on or before February 29, 2016. Receive \$1,000 towards the purchase or lease of a new and available 2015/2016 Ford models (excluding Fiesta, Focus, C-MAX, 50th Anniversary Edition Mustang, Shelby GT350 Mustang, Shelby GT350R Mustang, Ford F-150 Regular Cab 4x2 and Super Duty truck, and all 2015 and 2016 models included in the offer) from the participating Ford Dealer for Costco members only. The offer is limited to one offer per household. For more information, visit www.ford.com. ©2016 Ford Motor Company of Canada, Limited. All rights reserved.

