

**IN THE SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Crewe v. Crewe, 2008 NSSC 113

**Date:** 20080418

**Docket:** 1201-058924, SFHD-033944

**Registry:** Halifax

**Between:**

Thomas Gordon Crewe

Petitioner

v.

Lavada Leslie Crewe

Respondent

**Judge:** The Honourable Justice Beryl MacDonald

**Heard:** April 3, 2008, in Halifax, Nova Scotia

**Written Decision:** April 18, 2008

**Counsel:** Thomas Crewe, Self Represented  
Lavada Crewe, Self Represented

**By the Court:**

**BACKGROUND**

[2] Thomas Gordon Crewe and Lavada Leslie Crewe divorced on February 7, 2006. A Corollary Relief Judgment was issued on this same date. Their children Matthew Crewe born March 7, 1993 and Mitchell Crewe born September 30, 1994 remained in their joint custody with Ms. Crewe to have day to day care and Mr. Crewe reasonable access on reasonable notice.

[3] On August 17, 2006 Thomas Crewe signed a variation application in which he sought access with his children. His application alleged that Lavada Crewe refused to provide access and communication with the children. Ms. Crewe responded to that application and filed her response on September 10, 2006. In her response she sought an immediate change to the custodial and access provisions of the Corollary Relief Judgment.

[4] On September 27, 2006 a conciliator met with these parties. Ms. Crewe acknowledged she did not require the children to visit their father. She did so because she was concerned about their personal safety. The boys had expressed their concern about Mr. Crewe's medical condition and its effect on his driving, (Mr. Crewe had been diagnosed with Multiple Sclerosis since 1998). They also expressed their concern about his use of marijuana to treat his condition. In addition Mr. Crewe and Mitchell had an argument that also resulted in the boys' decision not to visit their father.

[5] Mr. Crewe sought to specify access with the children and requested that they be in his care two days per week at lunch time, two evenings per week from 3:30 p.m. until 7 p.m. and every Friday from 3:30 p.m. until Saturday at 1 p.m. He was prepared to agree that these access times should be arranged in accordance with the children's wishes. Ms. Crewe did not want access to be specified but to be arranged as and when the children requested to be with their father. In addition she wanted:

1. Mr. Crewe's access to take place in the presence of his mother;
2. A provision prohibiting Mr. Crewe from transporting the children at any time in his vehicle;

3. An assessment of the children's wishes in respect to access with their father;
4. The right to remove the children from the province of Nova Scotia for the purpose of traveling on her vacation for a period of 21 days or less without the written consent of Mr. Crewe. She was prepared to obligate herself to provide Mr. Crewe with written details of her travel plans including departure and return dates with contact information while she was outside of the province.

[6] No agreement was reached at conciliation.

[7] On October 31, 2006 Ms. Crewe amended her response to include her request for a review of the child support to be paid pursuant to the table amount of the child support guidelines.

[8] An organizational pretrial was held on November 27, 2006 before Justice Cody. Both parties were self - represented. The variation application was set for a one day trial and a two hour settlement conference.

[9] Justice Williams conducted a settlement conference on January 15, 2007. As a result of this conference the Corollary Relief Judgment was varied by consent with respect to the table amount of maintenance to be paid, the trial date was removed from the docket, an assessment by the IWK assessment clinic was agreed upon and the matter was adjourned to March 6, 2007 for continuation of the settlement conference before Justice Williams.

[10] On March 6, 2007 Ms. Crewe did not appear and she was contacted by the court. She indicated she mistakenly thought the settlement conference was for March 16, 2007. Justice Williams decided that the factors before the court were of considerable importance and because the assessment would not be available until the end of August 2007 he determined it appropriate to set the matter for a hearing to be held before September on the issue of what access, if any, would be exercised by Mr. Crewe until the assessment was completed and the report available. Because he was the Settlement Conference Justice this matter would not and could not be heard before him and it was scheduled on my docket for an

organizational pre-trial on March 16, 2007 with the trial to be held on April 3, 2007.

[11] An organizational pre-trial was held before me on March 16, 2007. On April 3, 2007 a hearing was held in this matter. At this hearing I determined it was in the best interest of these children to have specified contact with their father, with some restrictions on his driving and marijuana use, until the access assessment conducted by the IWK was completed and the matter returned to this court. The Varied Corollary Relief Judgment was issued dated April 3, 2007. One provision of that Judgment required Mr. Crewe to consider the wishes of his children in respect to changes in the access arrangements and their unwillingness at any time to be a passenger in his vehicle. The parties were to return for a pretrial conference to be held September 12, 2007 by which time it was expected the access report from the IWK assessment team would be available.

[12] On July 24, 2007 this court received a letter from Ms. Crewe requesting cancellation of the assessment to be conducted by the IWK assessment team. The situation between the children and their father had improved. The children were able to make informed decisions about access with their father and were able to deal with him directly about their willingness to be passengers in his vehicle. At that time Ms. Crewe also sought cancellation of the organizational pretrial to be held on September 12, 2007. Court staff contacted Mr. Crewe since his consent would also be required if the assessment was to be cancelled. Mr. Crewe was contacted on July 24, 2007. He informed court staff he agreed the assessment should be cancelled for the same reasons that had been expressed by Ms. Crewe. He confirmed this information in documents he provided to this court on September 7, 2007 in which he advised “the access assessment report has been canceled as agreed by both parties (Thomas and Lavinia)”. However he informed staff that he still expected a review in respect to the restrictions placed upon him by the terms of the Varied Corollary Relief Judgment dated April 3, 2007. As a result the organizational pretrial was held on September 12, 2007.

[13] At the organizational pretrial a one hour hearing date was set for November 5, 2007 and explicit instructions were given to each party in respect to the filing of his and her affidavits. These instructions required Mr. Crewe to file his affidavit and provide a copy to Ms. Crewe no later than three weeks before the hearing date which was on or before October 15, 2007. By October 25, 2007 Mr. Crewe had

not filed his affidavit and he was called by court staff reminding him of his obligation.

[14] Both parties appeared on November 5, 2007 and as a result of the late filing of documentation and a review of the allegations contained in that documentation I was not satisfied that the hearing could be held and completed in the one-hour that had been set. I was also concerned because much of Ms. Crewe's information came solely from the children. Mr. Crewe was accusing Ms. Crewe of "lying" about what the children were saying. I advised each party that it may be appropriate to request the preparation of a "Children's Wish Assessment". I ordered that the matter be set over for a further organizational pretrial to be held in November 26, 2007. I strongly recommended that each party seek legal counsel to be advised about the structure and purpose of a "Children's Wish Assessment".

[15] On November 26, 2007 at the pretrial conference I heard submissions from each of the parties in respect to the upcoming hearing and whether an independent "Children's Wish Assessment" should be conducted. Mr. Crewe requested that there be a full access assessment with a psychological component to be conducted by the IWK assessment team. He did not accept that his children expressed any concern about his medical condition, his marijuana use or his driving. Further if they did so he argued these were not independent statements but were created and promoted by Ms. Crewe in an attempt to alienate the children from him. Ms. Crewe was prepared to agree to a "Children's Wish Assessment" but not to a psychological component which she considered unnecessary and too costly. In addition there would be a further substantial delay to obtain this report. She was not objecting to access, in fact she informed the court that the present access arrangement was working well. She merely wished to keep the restrictions in place to ensure the children's safety. After hearing from each of the parties I was satisfied that the limited issues to be resolved did not require the more expensive and time consuming report that would be prepared by the IWK Assessment Team, but they did require an experienced individual to speak with the children and these parents about the children's wishes. I ordered the preparation of the "Children's Wish Assessment" and scheduled a further pretrial conference for February 27, 2008.

[16] Both parties appeared on February 27, 2008. The "Children's Wish Assessment" had been completed. Mr. Crewe did not have a copy because he refused to pay for the report. Ms. Crewe had paid for the report and had expected,

as a result, that the matter could be concluded on the basis of the report. She requested that Mr. Crewe's application be dismissed but I did not do so. I ordered that the report be released to Mr. Crewe and scheduled the matter for a two hour hearing which occurred on April 3, 2008. I took note of the fact there were a number of affidavits and other material in the file since the commencement of this proceeding. I ordered that should Mr. Crewe intend to file any additional material he should do so by way of an affidavit filed no later than four weeks before the hearing date. Ms. Crewe was to file her response no later than two weeks before the hearing date. This hearing was originally scheduled for April 9, 2008 which meant that Mr. Crewe should have filed his affidavit on or before March 12, 2008. Mr. Crewe did not file his affidavit in this matter until March 28, 2008. By way of phone contact and follow up letter both parties were notified on March 17, 2008 that the hearing to be held on April 9, 2008 was re-scheduled to April 3, 2008 because the assessor was not available to give evidence on April 9, 2008.

### **ISSUES AT THE APRIL 3, 2008 HEARING**

[17] On April 3, 2008 the parties appeared before me, self-represented. Ms. Crewe requested a change to the Varied Corollary Relief Judgment dated

April 3, 2007. She asked that Mr. Crewe only be permitted to drive, with the children as passengers in his car, within the boundary of the Halifax Regional Municipality and when driving within that Municipality he drive only on those streets and highways for which the speed limit is under 80 kilometers per hour. She requested that the remaining provisions of the Varied Corollary Relief Judgment continue in effect and that she receive a cost award.

[18] Mr. Crewe requested that all restrictions on his transport of the children be removed including the provision restricting his marijuana use to eight hours prior to his driving with the children in his vehicle. He considered these restrictions to be discriminatory. He did not acknowledge that his sons' concerns about his ability to drive were independent expressions of their wishes. He suggested they merely mimicked their mother's concerns and suggested she has been "lying" and had attempted to alienate the children from him. He did not think it appropriate that Ms. Crewe should be permitted to obtain a passport for the children.

## **MEDICAL DISABILITY**

[19] In reaching my decision I cannot help but be aware of the impact multiple sclerosis has had on Mr. Crewe's life. Because of it he can no longer be employed in the workforce and his income is derived from disability pensions. I am satisfied the effect of his condition did contribute to the breakdown of this marriage. I recognize he is now faced with the prospect that this condition will slowly take away his mobility. Being able to drive in our society is a banner of freedom for many and to lose the right to drive wherever one wishes can be considered to be an attack on one's independence. However, my role in this proceeding is not to protect Mr. Crewe's independence. I must decide what is in the best interest of his adolescent children. Their best interest may require the imposition of restrictions on Mr. Crewe's driving.

## **USE OF MARIJUANA**

[20] Mr. Crewe, based upon the material he has provided to me, would have me conclude his medicinal use of marijuana presents no risk to his children. He does not smoke marijuana in their presence and so, he argues, they cannot be anxious about his use of this substance. He states that he would not smoke marijuana prior to driving when transporting his children. As a result he argues there is no requirement for a restriction upon his marijuana use in the Corollary Relief Judgment.

[21] Mr. Crewe was prescribed medical marijuana by his physician, Dr. Gibbon, in March 2006 at Mr. Crewe's request. In a letter from Dr. Gibbon dated February 15, 2007, attached as Exhibit "B" to Mr. Crewe affidavit sworn October 26, 2007, Dr. Gibbon states:

Mr. Crewe himself requested this prescription and provided research and data from Health Canada to support the request. All information regarding dosage, efficacy, safety, etc. can be obtained from Health Canada. As a physician, I cannot vouch for the long-term effectiveness of medical marijuana, nor am I convinced that the benefits outweigh the risks (especially if smoked). In terms of safety, I refer to Health Canada's warnings to users of marijuana, in relation to driving and operating machinery.

[22] In the material from Health Canada the following appears:

This authorization does not constitute an opinion from Health Canada on the safety, effectiveness, or quality of marijuana within the meaning given to those words under the *Food and Drugs Act* and the *Food and Drug Regulations*.....

There has only been limited research into the safety of marijuana. The use of marijuana carries with it a number of potential health risks including impaired immune system, interaction with other drugs, dysphoria, depleted energy, impaired short term memory, drug dependence and lung damage (smoked form).....

The use of marijuana may have an effect on your motor skills. Consequently, you should not operate a motor vehicle,..... while under the effects of marijuana....

.....you should not expose others to any effects related to the inhalation of secondary smoke while you are using the controlled substance....

[23] Mr. Crewe did provide a document “Cannabis and Multiple Sclerosis” attached as Exhibit “D” to his affidavit sworn October 26, 2007. However the document does not indicate its pedigree. Whether it has come from a credible source is unknown and as a result I give it little weight. I assign more value to the information provided by Health Canada.

[24] In his affidavit sworn October 26, 2007, Mr. Crewe states he is “...authorized to consume up to three grams of dried marijuana per day.” He provides no supporting information to support this statement. He states he consumes, on average, less than one gram per day.

[25] I am satisfied Mr. Crewe uses marijuana daily in smoked form. I am satisfied that he is convinced his abilities are improved by the use of this drug. I am satisfied he will continue to use this drug and that he does not understand why others are concerned about his use of marijuana. He testified that he uses marijuana “three to four times a day after dinner - at night - not during the day - except occasionally on



Saturday but never when the boys are in his care”. He has tried to use vaporized marijuana but finds it unsatisfactory. It does not alleviate his symptoms as effectively as does the smoked form. If he does not need to drive his children he admitted he would, two to three hours before driving, take a “couple of puffs” of marijuana to alleviate his leg spasms. He only uses marijuana at night when he knows he must drive his children. Mr. Crewe requests that I accept his evidence about his use of marijuana and that I decide his use constitutes no risk to his children. However his own evidence raises questions about that drug use and whether he has been open and frank with this court about that use.

[26] In his letter, by way of a brief, to this court dated March 4, 2007 Mr. Crewe stated:

I continue to use marijuana with therapeutic benefits but I have reduced my consumption and I have not renewed my prescription/registration. All consumption is done discreetly at night. I do not drive impaired by marijuana. I do not drive within two hours of consuming marijuana.

[27] In his letter, by way of a brief, to this court dated September 7, 2007 Mr. Crewe states:

As a long-term treatment, marijuana helps alleviate my leg spasms caused by multiple sclerosis. This does not hinder, but improves my ability to drive safely.

[28] Therefore, it appears, except when he must drive his children, he will likely use marijuana or at the very least take “a couple of puffs” of marijuana two or three hours before driving because to do so improves his ability to drive safely. If he doesn’t use this marijuana before driving then perhaps he drives less safely? Also he must have renewed his prescription to use marijuana because he admits to present use. This suggests he may have been trying to mislead the court in March 2007. I do not know how many grams he does smoke in a day but I am satisfied from his description that he smokes more than one gram. I find it unlikely that smoking marijuana more than 8 hours before driving would provide him the benefits he seeks from this drug and the logical conclusion may be that if he believes he needs it he will smoke it. The question is what amount, if any, will provide the benefit without the side effects of dysphoria, depleted energy, impaired

short term memory, drug dependence. This I do not know. The evidence before me does not answer this question. In evaluating the safety risk to his children I consider it in their best interest that I be cautious.

### **ABILITY TO DRIVE SAFELY**

[29] Mr. Crewe's driving ability is evaluated yearly. It may be evaluated at other times at his request or upon a request by his physician. In the Driving Evaluation Report prepared by Capital Health Occupational Therapy Services dated February 27, 2008 attached as Exhibit "A" to Mr. Crewe's affidavit sworn March 28, 2008 the following appears:

"As well the client has hypertension and an anginal condition.... He has undergone an angioplasty within the last year. He does report a decline in his lower extremity function over the last year."

[30] In a similar report dated March 2, 2007, attached as Exhibit "A" to Mr. Crewe's affidavit sworn October 26, 2007, the assessors noted:

"Mr. Crewe acknowledges that his gait and balance have been affected by his medical condition however he does not feel this compromises his driving safety and client does not anticipate any difficulties driving."

[31] The assessors in the 2007 and 2008 reports concluded there were no observed deficiencies in his driving. However, in each report the following appears:

Please note, the results and recommendations included in this report are based on the client's performance during the period of the evaluation and should not be relied on as absolute predictors of future performance. The conclusions reached and the recommendations made are based, in part, upon the medical information available at the time this report was written.

[32] In addition each report reviewed the medications Mr. Crewe informed them he was taking. In the 2007 report the following appears :

Client reported he is taking the following medications. It is the physician's responsibility to determine any impact the following prescription medications will have on driving.

[33] In the 2008 report the following appears:

Client reported he is taking the following medications. It was explained to the client that some medications could impact his driving ability. Please note it is the physician's responsibility to determine any impact the client's current medications will have on driving.

[34] Most of the drugs reported to be used by Mr. Crewe had significant side effects and words such as the following appear, "may cause dizziness, drowsiness, tiredness, weakness, trembling, shaking, light-headedness, blurred vision, caution should be use before driving"

[35] In neither assessment does Mr. Crewe's use of marijuana appear. He suggests this is an error because the report was "cut and pieced" and he orally informed the assessors about his use of marijuana. Mr Crewe testified that the drugs he uses do not cause him the side effects mentioned in the reports.

[36] The most recent assessment report indicates that he has sufficient strength in his legs to stop his vehicle in an appropriate time frame. However, the assessment was conducted "in a residential area of the city to best reflect this client's typical driving patterns" (February 27, 2008 Report ) As a result I do not know whether a lengthy drive on highways where the traffic exceeds 80 km per hour would result in the discovery of deficiencies due to leg fatigue, requirement to take medications while driving, or other cause. I do accept that the latest report suggests he is able to drive safely in the city.

[37] I have viewed Mr. Crewe's loss of mobility caused by his tragic affliction with multiple sclerosis and that loss is obvious to anyone observing him. It certainly would be obvious to his children. At the time he was denied access with his children during the spring and summer of 2006, Matthew was 13 years of age and Mitchell was 12. Mr. Crewe does not accept that his sons had and still have concerns about his driving ability and his use of marijuana.

## **THE ASSESSMENT**

[38] Elizabeth Simms, M.A. is the assessor who prepared the “Children’s Wish Assessment” as ordered by this court. She received her Masters in Family and Marriage Therapy from the University of Ottawa in 1990. She has been in a private practice as a Family Therapist since that time. She has been on the panel of persons qualified to provide assessment services to courts in Nova Scotia for at least the past 5 years. In this time she has prepared 10 to 15 “Children’s Wish Assessments” all of which have been accepted without question about her qualification to prepare these reports. I determined that she did have the training, skill, and experience to prepare the assessment requested.

[39] In her report entered as Exhibit “1” in this proceeding entitled “Children’s Wishes Regarding Access Report”, Ms. Simms clearly states that both boys enjoy their time with their father and benefit from their relationship with him. However, they do have reservations about his ability to drive. Matthew informed her:

It’s the unknown with MS and marijuana. I’m probably comfortable in the city but there is a slow deterioration. There is no way to know if we are safe. It’s a horrible feeling.

[40] Mitchell’s response was similar:

It’s the overall picture I’m not comfortable about. It’s his judgment that adds to all the anxiety with the marijuana. It’s a trust issue. He forgets things, gets frustrated.

[41] When Ms. Simms asked both boys about possible solutions to their discomfort with their father’s driving, both boys insisted they didn’t want their mother, “.... caught in the middle”. They were prepared to accept the responsibility to make their own decisions about when to drive with their father.

[42] The assessor was required, by the Order for assessment, to form and report on her opinion about the independence of the children’s wishes as expressed. In answer to this question Ms. Simms commented on page 8 of her report:

I found Matthew and Mitchell Crewe to be adjusted and sensible teenagers. Both children were able to sustain strong eye contact and

spoke confidently and independently about their feelings and opinions. It was evident to me that these young teenagers have had time to think through their own perspectives resulting from their experiences over the past three and half years since their parents separation..... Both boys express the fact that they value their relationship with their father and desire to continue the existing parent schedule....

I believe that the difficulties between the boys and their father, including their discomfort with driving result from an accumulation of personality and communication problems. I do not believe that these problems have been negatively influenced or magnified by their mother's opinions or actions.

[43] The assessor did recommend that Mr. Crewe's current annual driving tests be extended to a semi- annual schedule which specifically evaluates his highway driving. Having made this statement she comments on page 9:

Despite the anticipated reassurance of these tests, it is critical that, Tom appreciate the overwhelming feeling of vulnerability experienced by others who effectively surrender control to another who appears disabled behind the wheel of a car. It is human nature for the children to be reluctant and these feelings need to be respected. It is imperative to note that both young teenagers have expressed the desire to make their own decisions regarding their personal safety. Therefore, I recommend that, with the assistance of counseling, Matthew and Mitchell be encouraged to make their own decision at any given time as to whether or not they drive with their father. It is critical that Tom respect and support the boys decisions, as their comfort depends largely on the level of safety, trust and rapport they share with their father.

[44] The children have expressed reasonable concerns about their father's use of marijuana and its possible effect on his driving. I am satisfied they have developed this concern on their own as a result of their direct observation of their father. It is possible their reaction has been heightened by their mother's reaction to their information but this an understandable family dynamic and is not an indication of her attempt to "alienate" the children from their father. Ms. Crewe wanted to protect her children from potential harm. I am not satisfied that Mr. Crewe's use of marijuana is benign and without potential risk for his children. I am not satisfied he

is able to drive safely on routes that permit speeds of over 80km per hour if the drive is lengthy. I am not satisfied it is in the best interest of Matthew and Mitchell to ignore these risks or to place the entire responsibility for monitoring their safety on their young shoulders.

[45] Mr. Crewe does not consider it appropriate that his good judgement should be questioned by the imposition of restrictions in respect to his driving with the children. While I understand his outrage, the best interest of his children requires a recognition of their concern in written form.

[46] The information provided during this hearing satisfies me that Mr. Crewe did take into account and accept responsibility for some of the circumstances that resulted in the failure of the children to visit with him in the spring and summer of 2006. He admits he had a conflict with his 12-year-old son Mitchell in July of 2006 and recognized that he had hurt his feelings and insulted him. Mr. Crewe has worked very hard on this aspect of his relationship with his children and everyone reports that their relationship is now positive, warm ,and loving. It was in recognition of this reality that Ms. Crewe was prepared to consent to continuing the access terms of the Varied Corollary Relief Judgment I granted which reinstated Mr. Crewe's contact with his children although he did not consent to the conditions I imposed.

[47] I am satisfied that concerns relating to Mr. Crewe's medical condition and his use of marijuana can be managed to some extent if the children continue to have, as they do in the present varied Corollary Relief Judgment, the right to decide whether or not they will at any given time be driven by their father. However, that right is more easily exercised within the confines of the Halifax Regional Municipality than it is to transportation to places outside of the Municipality. In the Municipality they can merely refuse to drive with their father and make their way home by buses, by walking, or by calling their mother. Returning from a trip outside of the Municipality would require a request that their mother transport them or a requirement that they stay where they are until their father was sufficiently recovered to drive safely. I find that this would be too much responsibility to put upon these adolescents and I find it to be in their best interest that there be restrictions on their father's driving while they are passengers in his vehicle.

[48] Ms. Crewe has requested a cost award. She is the successful party in this proceeding. Restrictions have been imposed upon Mr. Crewe. Costs are in the discretion of the Court but they generally are awarded to the successful party. The amount of a cost award should “represent a substantial contribution towards the parties’ reasonable expenses in presenting or defending the proceeding, but should not amount to a complete indemnity” (*Landymore v. Hardy, 1992 CarswellNS 90*). In *Kaye v. Campbell (1984), 65 N.S.R. (2d) 173 (NSCA)* it was held that the ability of a party to pay a cost award is a factor that can be considered.

[49] Success at trial is reason enough to justify a cost award. Ms. Crewe as a self-represented party does not have the expense of legal counsel. However, she has lost considerable time from her work because of these proceedings. Mr. Crewe’s late filing of his documents in contravention of explicit instructions must also be censured. In one instance it contributed to the rescheduling of a hearing. His explanation for late filing is that the notice at the filing desk said “ All documents must be filed by noon (12:00) the day before the Court Date”. This notice is for those who have not had a judicial direction in respect to filing dates. Mr. Crew is not entitled to ignore judicial direction. I am satisfied Mr. Crewe can pay a cost award. I award Ms. Crewe costs in the amount of \$800.00.

[50] Because it is desirable to have one order to reflect custody and access provisions there will be a Varied Corollary Relief Judgment issued in this proceeding that will contain a consolidation of the terms about custody and access contained in previous Judgments and those I am ordering as a result of the hearing before me on April 3, 2008. The provisions of this Varied Corollary Relief Judgment shall be:

1. Thomas Gordon Crewe and Lavada Leslie Crewe shall have joint custody of Matthew Ross Crewe, born March 7, 1993 and Mitchell Thomas Crewe, born September 30, 1994. with Lavada Leslie Crewe having day to day care and control.
2. In exercising his opportunity to have his children in his care pursuant to the terms of this order, Thomas Crewe shall consider the wishes of his children if they or one of them requests a change to the date and length of time for access or if they or one of them is unwilling at any time to be a passenger in his vehicle.

3. Matthew and Mitchell are to be in the care of Thomas Crewe
  - (a) every Tuesday and Thursday evening from after school until they are returned to the home of Lavada Crewe on or before 8 p.m.
  - (b) every Friday evening from after school until they are returned to the home of Lavada Crewe on or before 1 p.m. on Saturday afternoon.
  - (c) at such other reasonable times as shall have been agreed upon by the parties and each is to recognize reasonable requests by the other for additional time or a change in time.
4. When the children are to be in a vehicle driven by Mr. Crewe, he shall only drive within the confines of the Halifax Regional Municipality. Mr. Crewe may take the children outside the confines of the Halifax Regional Municipality but when doing so must have other persons drive his or another vehicle or he must use public transportation.
5. Mr. Crewe shall provide Ms. Crewe with a copy of his annual "Driving Evaluation" conducted by Capital Health Occupational Therapy Services on or before March 30 of each year
6. Each parent when traveling outside the Halifax Regional Municipality with the children for more than a day, shall inform the other of his or her departure and return dates and, in the event of a trip lasting more than four days, an itinerary with a contact telephone number or an address for the children.
7. Matthew and Mitchell are to be in the care of Thomas Crewe for a period of five consecutive days each summer. The days chosen by Mr. Crewe shall not conflict with Ms. Crewe's summer vacation. Ms. Crewe shall inform Mr. Crewe about the dates of her summer vacation on or before June 1<sup>st</sup> in each year. Mr. Crewe shall inform Mr. Crewe about the dates for his consecutive days on or before June 30 in every year.



8. Thomas Crewe shall not use marijuana for medicinal or any purpose for at least an 8 hour period prior to a time when he intends to transport his children in his vehicle.
9. Thomas Crewe and Lavada Crewe shall have the right to remove the children from the Province of Nova Scotia and from Canada for the purpose of vacationing and the children's passports shall be made available to the vacationing parent for this purpose. Each parent shall inform the other of departure and return dates and provide an itinerary with a contact telephone number or an address for the children.
10. Lavada Crewe shall have the right, to apply for and receive passports for the children. If Mr. Crewe's consent is required he shall provide that consent and sign any required documents for that purpose.
11. Thomas Crewe shall pay costs in the amount of \$800.00 to Lavada Crewe.

The Varied Corollary Relief Judgement dated January 18, 2007, which orders payment of child support shall remain in full force and effect.

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Beryl MacDonald, J.