

**IN THE SUPREME COURT OF NOVA SCOTIA**

(Citation: Grant v. Grant, 2008 NSSC 147)

**Date:** 20080430

**Docket:** 1207-003114(055795)

**Registry:** Truro

**Between:**

Amy Melissa Grant

Applicant/Petitioner

v.

David Cox Grant

Respondent

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**DECISION**

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**Judge:** The Honourable Justice J. E. Scanlan

**Heard:** April 30, 2008, in Truro, Nova Scotia

**Counsel:** Michael Owen, Solicitor for the Applicant/Petitioner  
LouAnn Chiasson, Solicitor for the Respondent

**By the Court:**

[1] As I listened to the evidence, and referring to the totality of the evidence, I concluded one thing and that is, in terms of credibility, wherever there was any evidence to contradict Amy Grant, I do not believe her.

[2] David Grant testified, for example, there was firewood, lots of it at the house on January 23, 2008. I had indicated that he should not be going to the house because of the concerns that I had about the actions of Mrs. Amy Grant. He said, in addition to that, there was a substantial amount of small firewood delivered to the property, 14 to 16 inches or smaller stuff that was too small for them to sell because the Grant family is in the firewood business. He said there was lots of it at the house and it was good and dry because much of it was blow down from the Hurricane Juan. What does Mrs. Amy Grant do? She writes a letter dated January 28, 2008, to Ms. Chiasson, it looks like it was faxed.

I am not going to be lifting 100 lb logs of wood that are green & wet & will not burn. Thus, leaving me & the boys in a cold house. And I will not leave the children alone in the house while doing the wood outside 200 ft from the home. I am notifying the Supreme Court of NS of how ridiculous this is. What you and your client David Grant are doing to me & the children and then within 24 hours to the news media. This is a letter for you to notify David Grant (your client) to get heat back on in the outdoor wood doctor today, Mon, Jan 28<sup>th</sup>...

The date is cut off but I assume it says '08. Mrs. Grant is used to getting things she wants by threatening people with the most severe sanctions she can employ. That is to somehow expose them or ridicule them or whatever it takes to get her way. What happens? David Grant goes up and starts firing up the furnace again.

[3] David Grant was concerned because Mrs. Grant had applied for peace bonds in what he says were circumstances that simply did not justify it. He did not do the things that she complained of. He wants some assistance in getting the children returned to their mother on a repeated basis. What does she do? She gets her poison pen going so that nobody can help David Grant and/or his children have a meaningful relationship and to ensure that he is not caught in a web of deceit and lies and entrapment.

[4] There is a letter, dated March 19, 2008, exhibit #2, written to Environment Canada, Head Supervisor, Enforcement Officer, Atlantic Division, copied to the Deputy Minister of Environment, penned and signed by Amy Grant:

Advising you that your employee, Alison (Chang) Grant, is tramping around the community with my 2 young boys, in the midst of my divorce with my husband. I am notifying you, I am aware you are her employer, and she's on maternity leave. As such, she is still under the employment of you. I do not believe that

this is not in the best interest of the tax payer that this woman be running around and hold a position like this. That as of this letter it will stop, as I have notified the RCMP of several instances of this.

What was Mrs. Chang Grant's crime? She held Amy Grant's boy's hand and helped walk them to the house. What do you say in the letter? You ask the rhetorical question:

Is this who should be working for you? A woman who likes to touch and be around someone else's children, after being told not to touch my boys?

As I read that letter I was concerned that Mrs. Chang Grant was a paedophile, molesting your boys. If anybody else who did not understand you and your thinking would read it, they too would think the same thing. Why Mrs. Grant? Because you fully intended that is what they would think. It was a poison pen, period. It was no accident. Alison Chang Grant did not deserve it, your boys do not deserve it and David Grant does not deserve it.

[5] It did not end there. Mrs. Grant writes another letter in relation to Trevor Lawson. She even denied he is a friend. He speaks of the social events that they all attended together. He said in paragraph four of his affidavit that was sworn, April 22, 2008:

My wife and I have gone out to social functions with Ms. Grant, Mr. Grant and others. Both Mr. Grant and Ms. Grant have accompanied us on several occasions during the summer of 2007 (to the Stones Throw Restaurant).

You were a friend of Mr. Lawson and so was Mr. Grant. Mr. Trevor Lawson came before this Court, he did not give evidence because he worked for this corporation and was trying to befriend or slant the tables against Mrs. Grant because of his association with the corporation. He came to this Court and gave his evidence as forthright as he could. What did he speak of? Well he spoke of, not just what was in the affidavit, but he spoke of the letter that was attached to the affidavit. It was dated March 18, 2008, addressed to Frank Schenkels, Nigel Butler, Edward MacAulay and Donna Spracklin. Who were they? They were the partners of Mr. Lawson. Your letter says:

I am advising you that your Partner - Trevor Lawson, is tramping around the community, with my two young boys, in the midst of the divorce with my husband. ... I have notified the RCMP of the several instances of this.

Again I ask what was the crime? He held the hand of one of the young infant children as he walked them to the door. These are the same children that Ms. Grant said in her letter of January 28, 2008, she would not leave in the house

while she walked out to stoke the wood doctor. I suppose when David Grant is home caring for the children and the wood doctor has to be stoked he goes out and stokes it but no Mrs. Grant you cannot. The children cannot be left alone while she goes that 200 feet but she is expecting them to be dropped at the end of the driveway, walk up a laneway that is 200, 300 or 400 feet long, whatever the distance is, or even from the car that is parked two or three car lengths from the house. It is a crime for anybody, including their grandmother, to hold their hand and walk them to the door. It is no crime. The only crime in this and it is not a criminal thing, but it is a shame in this case that she has tried to blackmail, poison, and destroy, just about anybody she can who has worked with David in this situation.

[6] Mrs. Grant keeps shaking her head no. She better take some of this to heart because if there is anything endangering her ability to see these children and to share meaningfully in their life it is her actions and her actions alone. What she is doing is about as bad as I have ever seen. Much of it is being done in the presence of the children.

[7] I haven't finished with Mr. Lawson's letter yet, it too says:

Is this who you want working for you as a Partner? A man who likes to touch and be around someone else's children, after being told no touching my boys?

If there was ever a career ender for a young professional it is to have that kind of wording out without further explanation from the author. Being the mother of these two young boys she makes those spirulas allegations. What was his crime? He held her three year old son's hand as he walked him to the door, because his father did not dare walk to the door with him because of what she might say or do.

Am I upset? Definitely I am upset. What you are doing is totally, totally unacceptable. As I said, at the beginning, wherever anybody's evidence, in any way, contradicts yours I definitely believe them. No if's, and's, or but's.

[8] What do I do? I start with saying the only thing in this case that concerns me is the best interests of the children. I look, for example, to the situation where these two young boys were excited because they were going to their very first swimming lesson. Mrs. Grant came to Court and lied about where the cars were in the parking lot, saying that David Grant and his mother pulled directly in front of her, almost as though their only purpose was to confront her, to frighten her, to intimidate her. They did not even pull in front of you. They pulled into a vacant

parking lot on the opposite side of a divider, two or three car lengths away. They did not pull directly in front of you. They just happened to be in the lot. What was their crime? Two young boys, excited to go swimming for the first time in their lives and take a lesson, asked their dad to come along. What did they do? They went, dad and grandma. Mrs. Grant could not leave it and discuss it later. She went over yelling through the car window. They tried to look away, in the presence of the children again. They tried to look away, not engage her, not get in a fight. During the entire exchange before she left, she threatened him again with a peace bond, saying it was still available to her.

[9] As I said, there is a poison pen, there is a poison attitude, there is blackmail, there is just about everything she could do to destroy David Grant's relationship with his children even if that means she destroys their children at the same time. Mrs. Grant may have taken the parenting course and David Grant did not but I can tell you, she did not absorb much. The things that she is doing will scar these children forever if she does not stop it. Mrs. Grant is seeing a psychologist, she better see him early and often to figure out what is going on with her that she would do these types of things, potentially destroying two or three careers along the way just because she did not want them helping her husband or,



more importantly, helping her children in making sure they were safe getting into the house. It is totally unacceptable. Nor do I believe for a minute the reason she did not want these people accompanying their children into the house was because they were making snide remarks or derogatory comments about her. They were not saying a thing to her, not a word.

[10] As I said the only thing that concerns me here is the best interest of the children. I am fully convinced that something has to change and it has to change immediately so that Mr. David Grant is not subjected to ongoing blackmail, threats and harassment. So those people around him who are the extended family for Mr. Grant are not subjected to this direct or indirect type of threats or blackmail. So that these children are not exposed to the confrontation that is ongoing. So that when Mr. Grant or his mother do something as innocuous or innocent as going to a swimming lesson when invited by the children, so that type of confrontation does not continue. Something has to change. I am satisfied that Mrs. Grant cannot be left in control of these children saying who can be with them, when they can be with them, whether they hold their hand when they walk up the step. Her judgment to-date has been pathetic in that regard.

[11] These are very, very strong words I am using. I do not know that I have ever said anything in this way to anybody in my fifteen years on the bench because I have never had to. I have never had somebody who witnessed people offering to help a family adjust during a divorce where they just went out and tried to destroy those people.

[12] Candace Ross, another fine example. Mrs. Grant talks about her leaving diapers unchanged for an entire day while she left the children with her for two weeks or a month. Mr. Grant says he did not see that. The conversation did not occur. Mrs. Grant tried to destroy Candace Ross and her reputation in terms of care giving for the children. Ms. Ross says, I changed the diapers and changed them on a regular basis. Sometimes the children were wet or soiled but not because I did not change them all day. It just happened to be that is just what happens with kids that are in the process of potty training or still in diapers. She says when they were wet or when they were soiled she changed them. Mrs. Grant is shaking her head again, I am telling you what I find. I accept the evidence of Candace Ross. She did not do what Mrs. Grant said and the care that she gave the children was appropriate.

[13] In addition, I am satisfied that Mr. Grant was a very active parent in terms of parenting with these children throughout their entire lives. Yes, in terms of the farm there are times when he has to work 10 and 12 hour days. He says it is not all the time. It is when the farm demands it. He says that is not every day. It is from time to time and it is sporadic. In addition, there is the work that Mrs. Grant did on the farm. I accept the evidence of both Mr. David Grant and Mr. Grant, Sr. Mrs. Grant did almost nothing in relation to the farm. Donald Grant said, perhaps an hour and a half, at most, over all the years that he knew Mrs. Grant. Donald Grant says, in relation to the fax machine, Mrs. Grant talks about how onerous that was when she would get faxes for the farm all the time coming to her house and David Grant says that five, maybe six, in the entire time they were married. He said other than that it was a personal fax machine in the house. I believe him. Like I said, when it comes to issues of credibility Mrs. Grant has none. I accept the evidence of David Grant and I accept the evidence of Donald Grant.

[14] In spite of everything Mrs. Grant has done, everything she has done, we still hear David Grant's mother come to Court and say, yes Mrs. Grant is a good mother. I want to repeat, Mrs. Grant is her own worst enemy. The things she has been doing to people who have been trying to help her are totally unacceptable.

She is destroying the relationship she has with her children and she is impacting the extent to which she will be entitled to give care to these children down the road if things do not change drastically. It was one small success that she was able to go to the fun fair at the elementary school where both Mrs. Grant and David Grant were present. He said yes, it was fun but he wanted to make it clear as well, this was not a matter where they were going around hand in hand or shoulder to shoulder with the children enjoying all the activities together. He said Mrs. Grant was working at the fun fair and he took the children. Seven-thirty comes and he gives the children to Mrs. Grant and leaves. The degree of success was measured only to the extent that they were able to stay in the same building together without Mrs. Grant confronting those who were around Mr. Grant or happened to be around him or may have held the hand or touched the head of their children as they spoke to them or greeted them. She did not accuse them of anything nor did she threaten Mr. Grant with a peace bond. That is about the limit of the success. In other words, it was a success but very small. Mrs. Grant you are going to have to repeat that early and often for me to recognize there is any change.

[15] In terms of circumstances as well one of the status quos is these children remain in the same house they were in during the marriage. There was some

sharing of parenting responsibilities in the home. David Grant has co-parented basically since the separation. What do I do in terms of the best interests of the children? I start by saying that David Grant cannot continue to pay all of the expenses in that home and have a reasonable life for himself and the children to the extent that he has been paying. He has been paying way more than this Court would ever have ordered. If I order a reduction in the payments the simple fact is Mrs. Grant is out of the house. She is showing a deficit. She cannot afford to stay there, in spite of the fact she is out buying land and making future plans. I am not sure what her plans are. She did not enunciate why she bought a \$19,000.00 or \$18,000.00 lot in the middle of a divorce when she had no money. She is saying she cannot afford it and she utilized a line of credit to do it. I do not know who or how she is going to pay that line of credit. It just does not make sense. She explained that she was going to buy or rent a house in West Gore or East Gore. That is her plan down the road. Again, it does not add up in terms of the money and it does not make sense in terms of the plans as they affect the children right now. When Mr. Grant was asked as to whether or not he was paying the \$100.00 per month for taxes, he said I am doing the best I can with that tax bill.

[16] I am satisfied on this interim application that David Grant should be entitled to return to the matrimonial home. This is April 30<sup>th</sup>, Mr. Grant will be able to move back into the house on May 24<sup>th</sup>. That will give Mrs. Grant a couple of weeks to find alternative accommodations for herself so that Mr. Grant will be able to move back into the house at that time. He will have primary care of the children in the home. There will be very generous access afforded to Mrs. Grant. That does not mean the children are with her every night and every weekend but it is going to be generous. I warn Mrs. Grant if there is any more foolishness going on where people are not allowed to hold the children's hand as they walk to the house wherever you live, in West Gore or East Gore or anywhere else, where they are not causing any harm to the children, it is going to affect how much access you have. If it keeps getting worse or continues and she attempts to destroy the lives of those people who are trying to help her and her children it may impact on her ability to see the children at all. If there continues to be confrontations in front of the children, such as what we saw at the pool, again it may well impact her access to the children. In saying that, there was no need for her to do that and there was especially no need for her to do it in the presence of the children. I hope Mr. Grant will invite Mrs. Grant to share in those types of activities or let her know when they are on so that she can come and see them. If Mrs. Grant continues to

confront Mr. Grant at those types of activities and threatens him and makes problems and false accusations then I can understand Mr. Grant stopping with the invitations. I would suggest very strongly that Mr. Grant, for the next while, continue to have somebody with him when he is in the presence of Mrs. Grant. I am satisfied that she has made many false accusations in the past against Mr. Grant. Certainly those letters that she wrote in relation to Mr. Lawson and Allison Grant were false and intended to do as much damage as they could. I am concerned. Mr. Grant should try and make sure he has somebody with him as a witness, if nothing else. Mrs. Grant it better stop. Like I said, she is her own worst enemy here.

[17] One of the problems I have with this file, as I do with many, many files, we saw Mr. Owen on behalf of Mrs. Grant asking for suit money saying, look she really cannot afford to litigate this case. There is just about nobody that can afford to litigate cases with counsel anymore. I am saying that as a prelude to asking whether or not they can work out a reasonable access arrangement. If Mr. Owen's client can put a proposal to Mr. Grant in terms of what he is saying about reasonable access fine. If Ms. Chiasson can just deliver it to Mr. Grant and see what he thinks about it without lawyers spending an awful lot of time fighting

about one hour here or one day there or whatever. People cannot afford that anymore. This couple cannot afford it anymore. Most higher middle income people cannot afford lawyers anymore. I am looking at the reams of paper here. The environment cannot afford it anymore, we are killing too many trees. It is all done at a ridiculous expense to the clients. Try and be reasonable and get to a reasonable position very, very quickly. If you cannot, come back and the Court will try and help you. You should not have to come back though.

[18] The amazing thing about this is that you are both people who were good enough to parent these children jointly up until September of 2007. All of a sudden it is destroy the other side at all cost coming from Mrs. Grant, and destroy everybody around him. All I am saying is get back to where both parents were able to parent these children before very, very quickly. It is an interim order. That does not mean it is going to stay the same way forever. It will get worse if Mrs. Grant does not change her ways.

[19] In terms of child maintenance Mr. Grant has generously offered that while Mrs. Grant is re-establishing he does not want child maintenance. That is admirable of him. I am satisfied he can afford to meet the needs of the children in



the short term, perhaps even with the help of his family. Certainly they have been helping out with the wood in the past and will probably help in other ways with child care arrangements, etc., in the future. I am satisfied the children will be adequately cared for without direct contribution from Mrs. Grant for the reasonable interim period.

[20] In addition, Mrs. Grant is asking the Court under s.18 of the **Maintenance Guidelines** to order disclosure of the corporate information. Since Mr. Grant is not paying child maintenance it is not income driven on his part so it is not ordered under that provision. The next provision that applies in relation to whether or not I should order disclosure of corporate records and documents for both A & D Grant Farm Holdings Ltd. and for Grant Holdings 1983 Limited is under the **Matrimonial Property Act**. Mr. Owen strenuously argued and ably argued the fact that if they are matrimonial assets it will be important to know the value in order to make a division. Also it is important, he says, to know the value so you can determine whether they are matrimonial assets. So it was somewhat of a circular argument in that one.

[21] I have a number of concerns. One of the concerns I have is that if I were to so order I would be doing so without a specific notice to the other shareholders of the corporations whereby they are entitled to get notice. Whether it is ordered to be disclosed pursuant to some implied undertaking not to disclose the information or not, Mr. Owen is still asking for an order that directly affects their right to privacy in terms of their information.

[22] This is a case where David Grant himself really does not understand the share structure in these corporations. He leaves it with his father. His father says he does not really understand it. He leaves it with the lawyers and the accountants and they tell him it is the best thing to do for everybody. I can only surmise that it is probably a means by which David Grant and his brother can somehow, through time and effort down the road, acquire the farm itself, which is one of the larger farms here in Nova Scotia.

[23] I accept the evidence of David Grant and his father that in terms of contribution to the asset, through work at least, Amy Grant did nothing or practically nothing. She may have worked on the farm for an hour and a half in all the time that she was married to David Grant. She may have delivered five or six

faxes from the house to the farm in those five or six years. That is certainly not enough to acquire an interest in the property. If it is a matrimonial asset I suppose, lumped in with all of the other assets that David Grant might own or have an interest in, then I suppose there might be a division that way. I am not satisfied, based on the evidence before me so far, that it is anything other than a business asset. That does not preclude a full and proper application whereby Mrs. Grant can somehow show that it is anything other than a business asset. The evidence is that David Grant just came to be a shareholder in Grant Holdings 1983 Ltd. in February, 2007. The share certificate is dated February 15, 2007. The A & D Grant Farm Holdings Ltd. came into existence on April 5, 2006, just a few short months prior to the separation which the parties put at September 1, 2007.

[24] A minimum would have to be specific notice to all the other shareholders that Mrs. Grant is seeking to have all the information that she is asking for turned over to them, before I would order that it be disclosed. Secondly, the information before me so far would indicate that it is a business asset to which she did not contribute. It is a means by which Mr. Grant will through his efforts down the road have a means to acquire the farm property or the farm corporation through his labours down the road.

[25] Since Mr. Grant is not paying child maintenance what he earns is not relevant to the issue of child maintenance. On the issue of spousal maintenance he presently is earning \$45,000.00 per year. I accept the evidence of both David and Donald Grant in this regard and that is the arrangement that is made between David Grant and the two farm corporations does not entitle him to any more of a cash draw than the \$45,000.00 per year. That is in his affidavit and his statement of income. Whether he is acquiring capital or not over “x” number of years is irrelevant to how much money he has available to him to pay support in terms of spousal support. As I compare the two incomes of the petitioner and the respondent and consider all the other evidence in terms of the work that was performed by the parties, the types of work they did, etc., during the marriage, the consequences of the break down of the marriage, all those things that I would consider on a final determination as to spousal support, the preliminary indications are that Mr. Grant cannot afford to pay any spousal maintenance because of the obligations he has assumed through the marriage and the child care responsibilities he is going to have. Mrs. Grant with her \$750.00 bi-weekly through EI can in fact afford to support herself, granted not in the matrimonial home, but that is not where she intends to live and pursuant to my order is not where she will be living.

Having said that, David Grant is going to pay those expenses that he had been paying all along up until the time that Mrs. Grant moves out. He will continue to heat it, pay the electricity, pay the mortgage, etc. up until the weekend of May 24<sup>th</sup>.

[26] It is important to understand this is on an interim basis. These are interim applications. The order that I have made in relation to A & D Grant Farms and Grant Farms Ltd. is as much on the fact there is no notice to the other shareholders as anything else. If you want to bring that back before the Court on some other day that is fine. I think you should weigh it very carefully in terms of the other comments that I have made as well.

[27] Suit costs, Mr. Grant is in no position to pay suit costs. He is no better off than she is. In fact if she wants to sell the \$18,000.00 or \$19,000.00 lot that she bought, I am sure she will have enough money to pay an interim retainer for Mr. Owen.

J.