

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Abbott v. Marr, 2005 NSSC 173

Date: 050622

Docket: SFSNMCA 32006

Registry: Halifax

Between:

Annie Abbott

Applicant

v.

John Marr

Respondent

D E C I S I O N

Judge: The Honourable Justice Suzanne M. Hood

Heard: February 22, 2005 in Sydney, Nova Scotia

Written Decision: June 22, 2005

Counsel: **Alan Stanwick** for the Applicant
Mary Frances Roach MacDonald for the Respondent

By the Court:

[1] The issue of access remains. Ms. Abbott sought to have access terminated or, in the alternative, supervised. I denied both applications at the hearing.

[2] Mr. Stanwick submits on Ms. Abbott's behalf the following:

1. Initially, Mr. Marr would have access every second Saturday from 1 - 5 p.m. The access would be exercised in the Sydney area. The access would be one-on-one in that only Mr. Mar and Miranda would be present during access visits;
2. Following a period of several months, Mr. Marr would have access every Saturday from 1 - 5 p.m. under the same conditions as set out in 1 above;
3. At least 6 months should elapse before overnight access should occur;

[3] Ms. Roach MacDonald submits on behalf of the father, Mr. Marr:

It is therefore proposed that Mr. Marr arrange to pick up the child at Tim Horton's at the Sydney Shopping Centre on Friday after school at 4 o'clock p.m. and take her by bus to Glace Bay and return her on the 7 o'clock bus on Saturday evening to the same location. She would arrive at that location between 7:45 and 8 o'clock.

[4] I conclude that access should occur every second weekend at Mr. Marr's home. For the first four (4) visits, access will be from 10:00 a.m. Saturday morning until the 7:00 p.m. Saturday evening bus arrives back in Sydney.

[5] Ms. Abbott will deliver the child to the Tim Horton's at the Sydney Shopping Centre in time for Mr. Marr and Miranda to catch the 10:00 a.m. bus. Mr. Marr will return the child to the Tim Horton's upon the arrival of the bus in Sydney.

[6] After four (4) such access visits, Mr. Marr shall have overnight access at his home as he proposes, as set out above.

[7] Mr. Marr shall have telephone access with Miranda each Wednesday evening. Mr. Marr shall make the call and Ms. Abbott shall facilitate a speaking

to her father. Ms. Abbott and Mr. Marr shall have no conversation with each other at that time.

[8] Furthermore, Ms. Abbott shall not discourage Miranda from access visits or telephone access. She is not to say anything disparaging about Miranda's father or his family.

[9] In making this decision, it is my view that an artificial setting such as the YM/YWCA or a visit only in Sydney is not in the child's best interests. It is, in my view, a more natural environment for the visit to occur in the father's home where his wife, his other child and stepchildren reside.

Hood, J.