



## Article

### Family Law

November 2019

# Mother awarded costs after father tries (and fails) to play hardball

By Justyna A. Waxman

*Mackie v. Crowther* 2019 ONSC 6431, a well-reasoned recent decision of Justice Alex Pazaratz, is the most recent of a long line of family court decisions that enforce the idea that court orders are not suggestions, but orders to be obeyed. In this case, Justice Pazaratz sends a strong message to parents and lawyers alike that “hard-ball” tactics in parenting cases are not only ineffective in achieving the desired result, but will result in adverse cost consequences.

This case involved a dispute over a very simple issue – the parents’ attendance at their 9-year-old daughter’s two hockey tournaments. Given that the tournaments happened to fall on each of the parents’ respective weekends, it was surprising that this very narrow issue became the subject of litigation at all.

As it happened, the mother was forced to bring a motion enforcing the existing parenting order when the father sent an e-mail informing the mother that he intended to take the child to the second hockey tournament (which fell on the mother’s weekend). To make matters worse, the father’s lawyer then followed up with a letter to the mother’s lawyer confirming, in no uncertain terms, that it was his client’s intention to breach the terms of the existing parenting order by following through on this ill-advised plan.

It is noteworthy that the existing parenting order was based on terms that both parties had agreed to – and followed – for over four years.

*This article originally appeared on The Lawyer’s Daily. [Click here to read the complete article.](#)*

## Author

**Justyna A. Waxman**  
Associate

Justyna is an associate in our Family Law group.

**Tel:** 416 775 8828  
jwaxman@torkinmanes.com

The issues raised in this publication are for information purposes only. The comments contained in this document should not be relied upon to replace specific legal advice. Readers should contact professional advisors prior to acting on the basis of material contained herein.