

Borzellino v. Borzellino, 2007 CanLII 54273 (ON SC)

COURT FILE NO.: FC-07-765-00

DATE: December 11, 2007

SUPERIOR COURT OF JUSTICE - ONTARIO

RE: *Borzellino v. Borzellino*

BEFORE: The Hon. Mr. Justice J.R. McIsaac

COUNSEL: B. Hayes, for the applicant

L. Talbot, for the respondent

#### E N D O R S E M E N T

#### ACCESS

[1] The respondent seeks supervised access to his four children not having seen them since May of this year when he was arrested and detained on several criminal charges. He was released on bail in August of this year. One of the terms of that release requires that he abstain from communicating directly or indirectly with the applicant and “any other Crown witness” except through counsel. The Crown Attorney assigned to those charges has recently confirmed that the three older children remain Crown witnesses in that prosecution. I am satisfied that I can act upon this communication: see R14(19)(a). I am not prepared to make an order that would result in a contravention of this bail term that relates to the three older children. However, that term does not apply to the youngest child, Liam Diego Borzellino, born July 2, 2005. The respondent will be granted supervised access to this child for two consecutive hours every second Saturday beginning December 15, 2007. This access will occur in Brockville, Ontario under the auspices of the Leeds-Grenville Family and Children’s Services.

#### RECORDS

[2] The respondent also seeks various records relating to his children. I see no good reason why a parent should be deprived of this type of information relating to his children. Accordingly, the applicant will forthwith comply with items 3 and 5 in the respondent’s Notice of Motion dated November 30, 2007. In addition, the Leeds-Grenville Family and Children’s Services will forthwith comply with item 4 in that Notice of Motion.

#### COSTS

[3] Given the division of success herein, it would not appear that this is an appropriate case for costs. However, if either side is of a different view, an appointment can be obtained from the Trial Co-ordinator in Barrie.

McIsaac, J.

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