

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

JANE BEATRICE DOE

PLAINTIFF

AND:

JOHN LUTHOR DOE

DEFENDANT

OUTLINE

Part 3

Basis for opposing relief:

1. The Plaintiff does not oppose the Defendant's applications for a Declaration pursuant to s. 57 of the *Family Relations Act*, and a financial restraining Order pursuant to s. 67 of the act.
2. The parties separated on December 1st, 2002, after an 8 year relationship, when the Defendant kicked the Plaintiff out of the family home. The family home is registered in the names of both parties as joint tenants.
3. Since being evicted from the family home, the Plaintiff has lost her job and has lived with her parents at 123 Queen Street, imposing a significant and unfair burden on them. The Plaintiff is being allowed to stay in a small, cramped room in her parents' basement, as they have no other spare bedrooms.
4. The Defendant has remained living in the comfort of the family home, which is large and has a spare room such that each of the parties could remain in the family home and occupy separate bedrooms.
5. The Defendant has failed to show that the continued presence of the Plaintiff in the family home is so intolerable as to make it impossible for the parties to live under the same roof.
6. The Defendant has failed to show that the balance of convenience favours him remaining in the family home rather than the Plaintiff.

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7. It would be unfair to allow the Defendant the exclusive occupancy of the family home and the expense of the Plaintiff and the discomfort of her parents when there is sufficient room in the parties' home to accommodate them both.

Dated: April 12th, 2003

Jane Doe

JANE BEATRICE DOE
The Plaintiff