

# COURT OF APPEAL FOR ONTARIO

CITATION: Taimish v. Al-Kadhimi, 2023 ONCA 661

DATE: 20231006

DOCKET: COA-23-CV-0174

Doherty, Brown and George JJ.A.

BETWEEN

Rafa Taimish

Applicant (Appellant)

and

Zaid Al-Kadhimi

Respondent (Respondent in Appeal)

Michael J. Stangarone and Momal Mansoor, for the appellant

James D. Singer, for the respondent

Heard and released orally: October 5, 2023

On appeal from the order of Justice Andrea Himel of the Superior Court of Justice, dated January 13, 2023.

## REASONS FOR DECISION

[1] In 2016, the appellant, mother, commenced an application under the *Family Law Act*, R.S.O. 1990, c. F.3 seeking parenting orders and retroactive and ongoing child support. She also sought an order with respect to certain s. 7 expenses.

[2] In 2011, the parties had agreed to a divorce judgment in the state of Michigan. That judgment contained parenting and child support orders.

[3] The motion judge dismissed the application for child support and s. 7 expenses in the face of the outstanding Michigan order.

[4] We are not persuaded the motion judge misstated the applicable legal principles. Nor are we satisfied that the motion judge committed any error in principle, or arrived at an unreasonable result in the exercise of her discretion.

[5] Specifically, we are satisfied that it was open to the motion judge to conclude “that aside from child support, there is little, if anything, in dispute”. The absence of any meaningful dispute with respect to any terms of the parenting order was properly taken into account by the motion judge in the exercise of her discretion.

[6] **The appeal is dismissed.**

[7] Costs to respondent in the amount of \$20,000, inclusive of disbursement and any relevant taxes, payable within 30 days.

“Doherty J.A.”  
“David Brown J.A.”  
“J. George J.A.”