

Child and Family Services Act cannot operate to stay a proceeding under the *Divorce Act*: see *D.D. v. H.D.*, 2015 ONCA 409.

[3] But in seeking directions, the father did not really take a position about what should happen next. He did not specifically ask to proceed with this case. In any event, in light of their conduct in the prior proceedings, the parents are not going to be allowed to litigate two parallel proceedings that have different purposes, albeit overlapping facts in common. The parties are going to proceed in the child protection court, where the parenting issues between them now belong.

[4] This Court can stay a proceeding under section 106 of the *Courts of Justice Act*. The Court may also order that one case proceed after the other.

[5] I made an order staying this proceeding on December 1, 2023. Through oversight my order was overbroad. I stayed the entire proceeding. I did not intend to stay any of the financial claims before the Court.

[6] Therefore any claims for parenting orders only are stayed pending further Order of this Court.

Justice Alex Finlayson

Released: December 5, 2023

CITATION: A.M.S. v D.M. 2023 ONSC 6862
COURT FILE NO.: FC-19-1692
DATE: 20231205

ONTARIO
SUPERIOR COURT OF JUSTICE

BETWEEN:

A.M.S.

Applicant Mother

– and –

D.M.

Respondent Father

REASONS FOR DECISION

Justice Alex Finlayson

Released: December 5, 2023