YANUSH + ABUSOW LLP
FAMILY LAW

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TIPS ON PREPARING YOUR RESPONSE TO NOTICE TO DISCLOSE

If you are to abide by only two rules when preparing your Response to Notice to Disclose, or generally responding to our requests for disclosure, they should be:

1. Make sure that your documents are well organized in accordance with the Notice to Disclose; and
2. Explain any additional documents that you are providing.

NOTE additional fees are incurred for organizing the disclosure, therefore, it is in your best interest to provide well organized documents.

It is preferred that you provide your disclosure electronically in PDF format and in chronological order. This saves time and costs. Disclosure may be provided via Clio Client Portal. Please title the documents in accordance with the Notice to Disclose. For example:

1. 2022 Income Tax and Benefit Return

2. 2022 Notice of Assessment

10. BMO Checking Account No. XXXX Statements from YYYY-MM-DD to YYYY-MM-DD

Here are some other tips to keep in mind when providing your disclosure:

1. <u>Respond To Every Bullet</u>

Please indicate the status of each item. For example:

- The item is completed;
- The item does not apply to you;
- The item applies and you are working on getting the disclosure;
- The other party has the disclosure we are looking for; or
- You are not sure what the question is asking.

Should you require further explanation, please do not hesitate to contact us.

2. **<u>Tell Us What You Are Providing and Why?</u>**

- Do not provide any disclosure without an explanation about what you are providing. Otherwise, we will have to call you and ask about anything that we do not understand;
- If you are only providing us with half of the bank statements we are asking for, let us know where the remaining ones are and if/when you expect to provide them; and
- If you have additional disclosure that we have not asked for, but you believe is relevant, tell us the reason why it is relevant. Please provide any additional documents separately and apart from the requested disclosure documents.

3. <u>Answer the Question Asked</u>

- Make sure that you are providing the requested disclosure. If the Notice to Disclose asks for a Tax Return, make sure that you provide the Tax Return. Tax Return Summaries are not sufficient.
- If you do not have the document, tell us what steps you are taking to obtain another copy, AND when you expect to have the copy to us.

4. <u>Do Not Provide Originals</u>

- There are a number of reasons not to provide originals:
    - We may want to discuss the disclosure by phone, in which case we both need copies;

- At a later date we may ask you to provide another copy of a document, as it is quicker than us going through the file; and
- If it is not relevant, if we have the original we will have to send it back to you, or you will have to come pick it up. If we have a copy, we can just destroy it.

Therefore, it is usually best if you do not provide us with the original documents. The exceptions to this rule is

- Your Marriage Certificate

The Marriage Certificates need to be filed at the Courthouse, which is why the original is required.

5. <u>Provide the Complete Document</u>

- Please provide the whole document. We understand that it may be the case that only two pages of the document end up being relevant (this is often the case with tax returns). We still need to be able to see the whole return.
- Consider if we were on the other side of the file, we would want to make sure that we saw the complete document, so that we could ensure there no assets or income which were being hidden.
- When providing statements, please ensure that the following information is clearly indicated:

  - Name(s) attached the account;
  - Account number(s);
  - Banking/Financial institution;
  - Statement Dates (starting/ending);
  - Date and dollar amount of transactions; and
  - Balance in the account.

If you have online banking, often you can download a PDF version of your bank statement which shows all of this information.

- Do NOT send print-offs of summaries of your banking history from the bank website. These are insufficient since they usually do not show the owners of the account or what type of account it is (savings, chequing etc.).

6. <u>Do Not Write on the Documents</u>

- Remember, we send your Response to Notice to Disclose to the opposing counsel. Do not write anything on the documents that you would not want them to see. This includes highlighting.
- If we want to see a highlighted copy (for instance his vs. her visa expenses on a joint VISA), we will specifically ask you to do so.

If still have any questions, please feel free to contact Sierra's assistant, Zinnia, by phone: (403)255-1064, ext 204, or by e-mail: atanacio@yalawyers.com. Keep in mind that we bill in 0.1 hour increments; it is much more efficient if you group all of your questions together.

Yours very truly,

Sierra Yanush
Yanush + Abusow LLP
SPY/spy
Enclosures

DOCUMENT CHECKLIST – Notice to Disclose

1. A copy of every personal income tax return you have filed for each of the 3 most recent taxation years.
2. A copy of every notice of assessment and reassessment issued to you for each of the 3 most recent taxation years, or a copy of the Canada Customs and Revenue Agency printout of your last 3 years' income tax returns.
3. If you are an employee, a copy of each of your 3 most recent statements of earnings indicating your total earnings paid in the year to date, including overtime, or where such a statement is not provided by your employer, a letter from your employer setting out that information, including your rate of annual salary or remuneration.
4. If you receive income from employment insurance, social assistance, a pension, workers compensation, disability payments, dividends or any other source, the most recent statement of income indicating the total amount of income from the applicable source during the current year, or if such a statement is not provided, a letter from the appropriate authority stating the required information.
5. If you are a student, a statement indicating the total amount of student funding you have received during the current academic year, including loans, grants, bursaries, scholarships, and living allowances.
6. If you are self-employed:

    - Particulars or copies of every cheque issued to you during the last 6 weeks from any business or corporation in which you have an interest, or to which you have rendered a service;
    - The financial statements of your business or professional practice for the 3 most recent taxation years; and
    - A Statement showing the breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with whom you do not deal at arm's length, for the 3 most recent taxation years.

7. If you are a partner in a partnership, confirmation of your income and draw from, and capital in, the partnership for its 3 most recent taxation years.
8. If you have a 1% or more interest in a privately held corporation:

    - The financial statements of the corporation and its subsidiaries for its 3 most recent taxation years, and
    - A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to yourself, or to persons or corporations with

whom the corporation, and every related corporation, does not deal at arm's length for the corporation's 3 most recent taxations years.

9. A detailed list of any special or extraordinary expenses claimed (where child support is an issue) as well as copies of receipts or other documentation providing the amount of those expenses, namely
    - Child care costs
    - Health care and extended medical and dental insurance premiums attributed to the child
    - Uninsured health care and dental expense
    - Extraordinary educational expenses
    - Post secondary educational expenses
    - Extraordinary extracurricular expenses.
10. If you are a beneficiary under a trust, a copy of the trust settlement agreement and copies of the trust's 3 most recent financial statements.
11. Copies of all bank account statements and cancelled cheques solely or jointly in your name for the past 6 months.
12. Copies of credit card statements for all credit cards solely or jointly in your name for the last 6 months.
13. Your monthly budget of expenses (where spousal or adult interdependent partner support is an issue).
14. A sworn itemized list of your income, assets and liabilities.
15. Copies of the most recent statement for all RRSPs, pensions, term deposit certificates, guaranteed investment certificates, stock accounts and other investments in your name or in which you have an interest. 7
16. A list of any exemptions claimed (where the action involves the division of matrimonial property).