

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES
IN THE MATTER OF:

G.P.

Applicant

-and-

B.L.

Respondent

This Decision has been anonymized to protect the identity of the parties. Publication of the full names of the parties is prohibited

Respondent's Application to revoke Emergency Protection Order
Heard at Yellowknife: November 27, 2025 and December 8, 2025
Written Reasons filed: December 11, 2025

**REASONS FOR JUDGMENT OF THE
HONOURABLE JUSTICE S.M. MacPHERSON**

Counsel for the Applicant: Self Represented

Counsel for the Respondent: Self Represented

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REASONS FOR JUDGMENT

OVERVIEW

[1] On October 28, 2025, the Applicant, G.P, applied for and was granted an emergency protection order. The order was granted by a designated Justice of the Peace. The order was against the Respondent, B.L. B.L. is the Applicant's mother. The emergency protection order provided that the Respondent is prohibited from having any contact with the Applicant and his children for a period of 90 days. The emergency protection order also provided that the Applicant would have exclusive possession of the residence owned by the Respondent and her common-law spouse.

[2] The Respondent applies to set aside the emergency protection order. While her application is framed as seeking to have the entire order set aside, it became evident at the hearing that the Respondent's primary focus is setting aside the provision relating to the Applicant having exclusive possession of her residence. The Applicant opposes the Respondent's application.

[3] For the reasons that follow, the Respondent's application is granted, in part, and the term with respect to the Applicant having exclusive possession of the Respondent's residence is set aside.

BACKGROUND

[4] The Applicant is the Respondent's adult son. He is the parent of four children, three of whom he reported were living with him at the time the emergency protection order was granted. The children's ages are 16 years old, 13 years old and 13 months old. At the time of this review hearing, the Applicant had the 16-year-old and the 13-month-old children in his care.

[5] The Respondent is the Applicant's mother and is 63 years of age. She and her common-law spouse reside approximately 35 kilometres outside of Yellowknife in a cabin which she and her common-law spouse built many years ago. Her common-law spouse does not continuously reside in this residence as he is employed outside of Yellowknife for extensive periods of time.

[6] On occasion, the Applicant and his children have lived with the Respondent and her common-law spouse. The duration and terms of this relationship were a contentious issue at the review hearing. It was the Applicant's evidence before the Justice of the Peace that he and his children had lived with the Respondent for approximately three years. In his affidavit submitted in opposition to the Respondent's application, he said that he had been living with the Respondent for one year. During evidence at the hearing, he agreed that he may have been wrong on some of the dates as there was a period when he and the children lived elsewhere in accommodation provided through a public agency. The Respondent's evidence was that the Applicant was a guest in her house, stayed there from time to time, and that he and the children were only living in her home since approximately April 2025.

[7] The Applicant also asserted that he was a tenant in the Respondent's residence and contributed financially to the maintenance of the residence. He stated that the Respondent had refused to provide him with a written lease agreement. The Respondent disputed that there was a landlord-tenant relationship and also disputed that he financially contributed to the household. She advised that she had let the

Applicant and the children stay with her over the spring and summer months but that there had been challenges with that arrangement including his desire to have the mother of his youngest child, whom the Respondent asserts abuses drugs, live with them in the home. From the Respondent's perspective, while the Applicant and the children were living in the residence, he was a guest.

[8] The evidence is that the relationship between the Applicant and the Respondent is a difficult one, characterized by significant conflict. Matters came to a head on October 28, 2025 when the Applicant, accompanied by his older children, picked the Respondent up from her workplace. He was driving the Respondent's vehicle. An argument ensued. On the Respondent's evidence, she was tired and frustrated because she felt that the Applicant had not done something which the Respondent had asked him to do.

[9] Both parties agree that they were arguing and that, in the course of the argument, the Respondent hit the Applicant. The Applicant describes it as three punches to the side of his face, occurring while he was driving. The Respondent admits becoming frustrated and to hitting the Applicant while he was driving. The evidence is that after the assault, the Applicant asks one of his teenage children in the back of the vehicle to video the events. The video shows one of the children holding the Respondent's arms. The Applicant is berating the Respondent, yelling at her and using considerable gendered profanity. The video depicts the Respondent yelling back at the Applicant and asking him to get out of the vehicle. The Respondent gets out of the vehicle, seeking to take over the driving and the Applicant drives off without her, calling the Royal Canadian Mounted Police as he does so.

[10] Later that day, the Applicant applied for and obtained an emergency protection order, in force for a period of 90 days. A term of the emergency protection order was that he would have exclusive possession of the residence owned by the Respondent.

[11] Since then, the Applicant has alleged that the Respondent breached the order on at least one occasion.

[12] A hearing on the Respondent's application was held on November 27, 2025 and December 8, 2025. I had the benefit of hearing directly from the Applicant and the Respondent. In addition, I heard from the Respondent's common-law spouse and from one of the Respondent's children (being siblings of the Applicant).

[13] Both parties advise that they wish the RCMP to lay criminal charges for assault against the other. While I have evidence of the assault against the Applicant, the Respondent did not adduce evidence of an assault by the Applicant on her. Nor

is that information necessary for me to arrive at a decision on the review hearing. To my knowledge, the matter is under investigation and no charges have been laid.

[14] Since the emergency protection order was granted, the Respondent has had to stay elsewhere. She advises that she is “couch surfing” and does not have a stable place in which to live apart from her home.

[15] The Applicant advises that he has applied for transitional and other types of social housing but that he has not yet been successful in obtaining alternate accommodation.

LEGAL FRAMEWORK

[16] The parameters for issuing an emergency protection order are set out at section Subsections 4(1) and (2) of the *Protection Against Family Violence Act*, SNWT 2003 c 24:

4. (1) On an application that can be made *ex parte*, a designated justice may make an emergency protection order if he or she is satisfied on a balance of probabilities that
 - (a) family violence has occurred; and
 - (b) by reason of seriousness or urgency, the order should be made without delay to ensure the protection of the person who is at risk of harm or the property that is at risk of damage.
- (2) In determining whether an emergency protection order should be made, the designated justice shall consider, but is not limited to considering, the following factors:
 - (a) the nature of the family violence;
 - (b) the history of family violence by the respondent towards the applicant or other person at risk of harm;
 - (c) the existence of immediate danger to persons or property;
 - (d) the best interests of the applicant and any child of the applicant or any child who is in the care of the applicant
 - (...)

[17] “Family violence” is defined broadly as including:

1. (2) In this Act "family violence" means any of the following acts or omissions committed against an applicant, any child of the applicant or any child who is in the care of the applicant:
 - (a) an intentional or reckless act or omission that causes bodily harm or damage to property;
 - (b) an intentional, reckless or threatened act or omission that
 - (i) causes the applicant to fear for his or her safety,

- (ii) causes the applicant to fear for the safety of any child of the applicant or any child who is in the care of the applicant, or
- (iii) causes any child of the applicant or any child who is in the care of the applicant to fear for his or her safety;
- (c) sexual abuse;
- (d) forcible confinement;
- (e) psychological abuse, emotional abuse or financial abuse that causes harm or the fear of harm to the applicant, any child of the applicant or any child who is in the care of the applicant.

[18] Once the designated Justice of the Peace has decided that an emergency protection order is appropriate, the Justice of the Peace may include a variety of terms, including a provision granting the applicant exclusive possession of a residence: s 4(3)(b) of the *Act*.

[19] Emergency protection orders are almost always granted on an *ex parte* basis; that is, based on the evidence only of the person applying for the emergency protection order, without notice to the other party. The reason for this is that the orders are designed to address emergency situations where immediate relief is required in order to prevent future harm.

[20] Because they are granted based only on the evidence of the person applying for the order, the *Act* requires that these orders be reviewed by a justice of this Court, in chambers, to determine whether a hearing should be held on notice to all the parties: s 5 of the *Act*. This allows for the perspective of all parties to be heard and, if appropriate, for the order to be varied or revoked.

[21] The *Act* provides that a person affected by an emergency protection order may apply to revoke or vary the emergency protection order: s 9(1) of the *Act*. When this occurs, as is the case here, a review hearing is held.

ISSUES

[22] This review hearing raises the following issues:

- i) Should the emergency protection order be revoked as initially sought by the Respondent?
- ii) Alternatively, should the emergency protection order be varied to remove the term granting the Applicant exclusive possession of the home?

ANALYSIS

General comments regarding evidence in emergency protection order hearings

[23] Before I address the specific issues raised by this application, I want to address the evidence led at the initial hearing before the Justice of the Peace and then at the review hearing. Much of the evidence dealt with the challenging historical relationship between the Applicant and the Respondent. Historical context can be useful in placing incidents of violence in context, however, in this case, the historical context was not helpful. It was clear from the evidence before the Justice of the Peace and at the review hearing that the Applicant had a troubled relationship with his mother, the Respondent. One of his siblings sided with him in describing her own troubling historical relationship. It is clear from all the evidence that the Respondent disapproved of some of the life choices made by the Applicant. In particular, the Respondent was troubled by the Applicant's continued relationship with the mother of his youngest child who appears to have had some challenges with illegal drug use. Having said that, the bulk of the evidence adduced did not assist in determining the main issues which were (a) did family violence occur and (b) if so, is an order necessary to prevent its continuation.

[24] At the review hearing, both the Applicant and the Respondent filed affidavits of family members, which purported to take sides in this dispute, and which focused on historical matters of little direct significance to the issue before me at this review hearing.

[25] The Applicant led evidence with respect to alleged childhood incidents of trauma and abuse by the Respondent and the Respondent's partner when he was a child many years ago. He stated that the Respondent herself was a residential school survivor and had her own challenges arising from that experience. He asserted that evidence was important to put in context her sometimes erratic behaviour around he and the children as illustrated by the events of October 28, 2025.

[26] While s 4(2)(a) of the *Act* requires a justice of the peace to consider the history of family violence when deciding whether to grant an EPO, in my view, very general historical information should generally be approached with some caution, recognizing that the evidence is only from one party and that people may have different perceptions of historical events. The weight to be placed on general and vague allegations of historical abuse must be carefully assessed. There is a significant difference in an applicant asserting, for example, that their spouse has been convicted of domestic assault on specific occasions in the past than is the case where an applicant asserts a history of generalized but non-specific abuse and historical grievances.

[27] At times, it appeared that this particular review hearing was being used as a tool through which family members could air disputes about their relationship and take sides in this family feud. As well as not being helpful to the specific issues before the court, the evidence was harmful to the prospect of any ongoing relationship between family members. That is truly unfortunate and the damage from this process may take some time for this family to heal, if ever.

Should the EPO be revoked?

[28] While the parties disagreed about much at the review hearing, the one fact which is undisputed is that the Respondent did hit the Applicant while he was driving the vehicle. Even more concerning, this occurred while there were children in the vehicle. While she may have been tired by her day and provoked by the verbal tirade directed towards her by the Applicant, her action constituted family violence.

[29] The Respondent initially applied to revoke the emergency protection order in its entirety. At the review hearing, her position was modified as she indicated that her real focus was to be able to return to her residence. Recognizing the troubling relationship she had with the Applicant, the Respondent agreed to have the emergency protection order continue as it relates to her being prohibited from having contact with the Applicant or the children in his care.

[30] As such, given the existence of family violence, and the obviously volatile and dysfunctional relationship between the parties, I am satisfied that the provision of the emergency protection order prohibiting the Respondent from having contact with the Applicant and the children in his care should continue.

Should the EPO be varied to remove the term granting the Applicant exclusive possession of the residence?

[31] There is no question that the Justice of the Peace had the authority under the *Act* to grant an exclusive possession order to the Applicant, notwithstanding that the Applicant does not have a legal, or arguably equitable, interest in the residence. That remedy is authorized by s 4(3)(b) of the *Act*. However, in a situation such as this, where the person being granted exclusive possession is not in a spousal relationship, and the effect of the order is to oust the legal owner from their residence, the issue is raised as to what principles should guide the decision to grant an exclusive possession order.

[32] At the review hearing, the Applicant attempted to assert that he did have a legal right to be in the residence. He submitted evidence to the effect that he considered himself to be a tenant in the residence by virtue of his financial

contributions to the home. While he said he had no written agreement, he asserted that there was a verbal tenancy agreement. He relied on a text sent prior to the events leading to this review hearing, in which he has asked the Respondent to give him a notice of eviction if she wished him gone from the residence because a notice of eviction would assist him in moving up the list in terms of obtaining social housing.

[33] The Respondent's position was that she took her son and his children into her home from time to time when he was homeless, but she was clear that he was not a tenant and that he did not have any legal interest in the property.

[34] Before the Justice of the Peace, the Applicant deposed that he had lived at the Respondent's home for three years. At the review hearing, the evidence with respect to how long the Applicant had lived with the children changed. While he initially returned to live the Respondent in 2022, the evidence at the review hearing established that he had moved out for considerable periods of time when he was in other relationships or had access to other resources, such as housing funded through Jordan's Principle.

[35] I am not satisfied that the Applicant had any legal or equitable interest in the property. I do not accept that there was a tenancy agreement. Rather, I accept that the evidence is consistent with a parent trying to assist their adult child when that adult child was having difficulties.

[36] Even if the Applicant were a tenant in the Respondent's home, the review hearing under the *Act* is not a hearing to determine legal entitlements as between a tenant and a landlord. Those matters are governed by the *Residential Tenancies Act*, RSNWT 1988, c R-5.

[37] Even if the Applicant does not have a legal or equitable interest in the residence, the *Act* is clear that it was open to the Justice of the Peace to make an exclusive possession order. That is not in dispute. What is in dispute is whether, on these facts, given these circumstances, an exclusive possession order is necessary to protect the Applicant and the children in his care.

[38] At the review hearing, the evidence of the Applicant was that he was trying to look for a place to live but that he currently had no other housing options. As a result, he felt it was necessary that he have exclusive possession of the residence. While he asserted that his application for an emergency protection order was because of the violent incident in the vehicle, he denied that his position on continuing the order was motivated by being able to continue to reside in the residence. I do not accept his evidence in that regard. I had the benefit of reviewing a number of text

messages between the parties prior to the issuance of the emergency protection order. The issue of his continued residence in the home was clearly a contentious one between the parties. The Respondent had asked him to leave on several occasions as she did not approve of his behaviour. Indeed, before the Justice of the Peace, the Applicant testified that “she’s constantly trying to get rid of us and doesn’t want us around” and that “she makes us feel like an inconvenience”. The Applicant pointed to these requests as being examples of the Respondent’s abusive behaviour towards him, however, these requests may also be viewed as the Applicant exercising control over who she wished to have in her home, a home which she had owned and occupied for 19 years with her spouse.

[39] The case of *Siwiec v Hlewka*, 2005 ABQB 684 speaks to the issue of recognizing the significant impact of emergency protection orders and the importance of assessing the evidence carefully. As was noted by Slatter J (as he was then) at paras 17 to 18:

[17] Protection orders constitute a restraint on the liberty of the respondent, and they should be regarded as an extraordinary remedy. They are intended to protect claimants from family violence, an objective that was considered so pressing that it was felt to justify granting restraints on the liberty of third parties on an *ex parte* basis. As this case well illustrates, in some instances the respondent can be driven from his or her home with virtually no notice, and with no opportunity to respond to the allegations made.

[18] Unfortunately, over time it appears that the extraordinary nature of the remedy provided for in the *Act* has been forgotten. In some instances protection orders are handed out as if they were routine business. Of particular concern is that protection orders are now being used for collateral purposes. Protection orders were designed to protect claimants from family violence. They were never intended as a backdoor, *ex parte* way of obtaining custody of children, or exclusive possession of matrimonial premises, or possession of matrimonial chattels. That may well be an incidental effect of many protection orders, but that should not be their primary purpose.

[40] I endorse wholeheartedly Slatter J’s sentiments. While I accept that the initial impetus to obtain an emergency protection order was the act of violence on October 28, 2025, the request to have it continue, with the term as to exclusive possession remaining in force, is clearly because the Applicant, and his children, will have difficulties obtaining housing elsewhere. Those difficulties were evident well before he obtained an exclusive possession order. While I am sympathetic to his circumstances, difficulties obtaining alternate housing is a collateral purpose. The exclusive possession term is not required in order to achieve the *Act*’s main purpose which is the prevention of further family violence between the Applicant and the Respondent. I am satisfied that the Respondent is genuinely remorseful about the events of October 28, 2025. Further, continuing the term which prohibits contact

will ensure that no further violence occurs. It is not necessary that the Applicant have exclusive possession of the Respondent's property to achieve that objective.

[41] While the Applicant may view this result as unduly harsh, given the admitted act of family violence which did occur on October 28, 2025, I also note that while the Applicant and his children have been housed in the two months since this order was issued, the Respondent herself has been homeless and, in her words, "couch surfing" at friends' places. She advises that the place in which she is staying is expecting visitors over the Christmas season and that she has no other housing options. She also advises that she continues to make all the payments on the residence, including the mortgage, and as such, she has no funds with which to obtain alternate housing. The issuance of this *ex parte* exclusive possession order has had a significant impact on her life since October 28, 2025.

CONCLUSION

[42] I vary the emergency protection order granted on October 28, 2025 to remove the term granting the Applicant exclusive possession of the residence. In order to give the Applicant time to arrange his personal affairs, I make my order effective December 18, 2025.

S.M. MacPherson
J.S.C.

Dated in Yellowknife, NT this
11th day of December 2025

The Applicant: Self-represented

The Respondent: Self-represented

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