

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
SHAWNA KATHLEEN MacKAY (Appellant)	- and -	CHRISTIAN WERNER BUCHER (Respondent)
CA 169790	Halifax, N.S.	BATEMAN, J.A.

[Cite as: MacKay v. Bucher, 2001 NSCA 120]

APPEAL HEARD: June 1st, 2001

JUDGMENT DELIVERED: August 30th, 2001

SUBJECT: Variation of lump sum child support.

SUMMARY: Mother of 11 year old applied, in British Columbia, to vary a consent order for lump sum child support to substitute periodic **Guideline** maintenance. The Order was made in Nova Scotia pursuant to the **Family Maintenance Act**, R.S.N.S. 1989, c. 160 at the time of the child's birth. The parents were not married nor did they live together. The order was provisionally varied by the B.C. Provincial Court to comply with the **Guidelines**. Nova Scotia Court declined to confirm the provisional order in respect of the basic Table amount of maintenance and remitted it to British Columbia for further evidence on s. 7 expenses. Mother appealed.

ISSUES: Is the implementation of the **Guidelines** a sufficient event to trigger variation of a pre-**Guideline, Family Maintenance Act**, maintenance order?

RESULT: The judge erred in requiring a material change in circumstances in addition to the implementation of the **Guidelines**. Section 14(c) of the Provincial **Guidelines** provides that their coming into force is a change in circumstances that gives rise to the variation of child maintenance. Maintenance varied to conform with basic Table amount. Matter remitted for further evidence on s. 7 expenses.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 21 pages.</p>
