

Date: 19991124

Docket No: C.A. 156818

NOVA SCOTIA COURT OF APPEAL

Glube, C.J.N.S.; Hallett and Pugsley, JJ.A.

[Cite as: Beals v. Smith, 1999 NSCA 148]

BETWEEN:

DENISE BEALS

)

Lola Gilmer

)

for the Appellant

Appellant

)

- and -

)

Ronald Lacey

)

for the Respondent

ARLINGTON POPUIS SMITH

)

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Respondent

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Appeal Heard:

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November 24, 1999

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Judgment Delivered:

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November 24, 1999

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THE COURT: Appeal allowed without costs, per oral reasons for judgment of Glube, C.J.N.S.; Hallett and Pugsley, JJ.A.

BY THE COURT:

[1] We are satisfied the trial judge erred in finding that there was a material change in circumstances between the date of the consent order on October 2, 1998 and the date of the hearing of the application to vary on May 20, 1999.

[2] Accordingly, the appeal is allowed without costs.

Constance R. Glube, C.J.N.S.

J. Doane Hallett, J.A.

Ronald N. Pugsley, J.A.