

**CASE NO.**

**VOL. NO.**

**PAGE**

THOMAS GORDON READ

KAREN ANNE READ

- and -

(Appellant)

(Respondent)

CA 156378

Halifax, N.S.

**FREEMAN, J.A.  
(Orally)**

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[Cite as: Read v. Read 2000 NSCA 33]

**APPEAL HEARD:** February 17, 2000

**JUDGMENT DELIVERED:** February 17, 2000

**WRITTEN RELEASE OF ORAL:** February 23, 2000

**SUBJECT:** Spousal Maintenance; Variation Order.

**SUMMARY:** The respondent wife was awarded spousal support of \$1,700 based on the husband's \$80,000 annual income when they were divorced in 1994 after a 28 year marriage. The husband accepted a number of employment related transfers during the marriage and the wife, to accommodate them, resigned her position each time to the detriment of her own career. Immediately before the marriage break-up, she resigned from a secure job in Moncton in anticipation of following her husband to Sydney, N.S. She was unable to find secure employment and sold life insurance, netting an income in which she ran a \$500 monthly deficit. The husband remarried and went into business for himself as a franchisee of the insurance company he worked for. This resulted in a significant increase in his income. He appealed from a variation order increasing spousal support to \$2,500 a month and the transfer of life insurance to the respondent.

**ISSUES:** In the absence of significant change in the wife's income, was the increase in the husband's income a material change of circumstances justifying variation of the support order?

**RESULT:** The appeal was dismissed. The wife's economic plight was a result of the marriage and similar in principle to that of the wife in **Moge v. Moge** (1992), 99 D.L.R. (4<sup>th</sup>) 456 (S.C.C.). The husband's increased income was a material change of circumstances as described in

**Willick v. Willick**, [1994] 3 S.C.R. 670 and the previous order did not provide the wife with reasonable support as contemplated by **Mosher v. Mosher** (1999), 177 N.S.R. (2d) 236 (S.C.).

**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 6 pages.**