

The reasons for judgment of the Court were delivered orally by:

CLARKE, C.J.N.S.:

The appellant appeals from an order dated October 20, 1993, of Justice Scanlan of the Supreme Court. He approved, and thereby implemented, the recommendations made by Judge Dyer of the Family Court of Nova Scotia in a decision dated September 10, 1993.

Judge Dyer, after hearing evidence and submissions, varied, retroactively, an existing corollary relief judgment by requiring the appellant, effective July 1, 1993, to pay the respondent maintenance at the rate of \$100.00 per month toward the care and keeping of their two children, Jacob, born May 15, 1985 and Jillian, born July 9, 1988. He provided a formula by which the maintenance would be increased if the appellant's gross monthly income from all sources became larger. Also, he suspended the collection of arrears pending further order of the court.

The appellant contends the hearing in the Family Court was procedurally unfair and that Judge Dyer failed to properly consider the appellant's ability to pay.

After reviewing and considering the record and transcript of the hearing, the reasons given by Judge Dyer and the submissions of counsel on behalf of the appellant and the respondent on her own behalf, we have concluded that there are no reviewable errors in law which should be disturbed, reversed or varied by this court.

The appellant has made an application to admit fresh evidence. We are satisfied this application principally relates to the dissatisfaction of the appellant concerning the manner by which he perceives he was represented by his former counsel at the hearing before Judge Dyer. None of these complaints, in our opinion, fall into the category of fresh evidence as that term is known in law. These matters are not ones to be considered in this forum.

We dismiss the appeal. We order that each party bear its own costs.

C.J.N.S.

Concurred in:

Hart, J.A.

Jones, J.A.