

FAMILY COURT OF NOVA SCOTIA

Citation: S.R.C. v. D.C., 2013 NSFC 21

Date: 20131030

Docket: FCMCA No. 085166

Registry: Yarmouth

Between:

S.R.C.

Applicant

v.

D.C.

Respondent

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Judge: The Honourable Judge John D. Comeau, JFC

Heard: October 3, 2013 at Comeauville, Nova Scotia

Summary: **Separation Agreement / Child and Spousal Support Variation**

Result: The parties have a Separation Agreement registered in the court. At the time of entering into the Agreement the Respondent mother was unemployed. She has since become employed. There are two children of the marriage and each has primary care of one. The Applicant father is a contractor with a 50% share in a company set up for this purpose. The Applicant arbitrarily reduced child and spousal support when the Respondent became employed. The Applicant asks to have spousal support terminated and table child support.

The Applicant's annual income was determined to be \$44,585.14 after the Court considered the profit and loss statement of the Applicant's company and dividends and income received therefrom. Table amount of child support

was ordered payable as a set off considering the Respondent's annual income was \$25,072.37 (see *Contino v. Leonilli – Contino* [2005] 3 SCR 217)

Following a consideration of *Miglin v. Miglin* 2003 SCC 24 (CanLII) and *Moge v. Moge* 1992 CanLII 25 (SCC) the Court varied the Agreement (now a F.C. court order) to order spousal support of \$500.00 indefinitely. This award was made considering section 4 and 5 of the *Maintenance and Custody Act* and the spousal support advisory guidelines.

THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.