

**IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)**

Citation: MacGillivray v. Ross, 2008 NSSC 339

Date: 20081118

Docket: 52187

Registry: Sydney, N.S.

Between:

Rita MacGillivray

Applicant

v.

Brent Ross

Respondent

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Judge: The Honourable Justice Theresa M. Forgeron

Heard: March 5th, March 31st and September 24,
2008, in Sydney, Nova Scotia

Oral Decision: November 14, 2008

Written Decision: November 18, 2008

Subject: Family Law

Issue: Imputation of Income - Health Needs of Parent and Burden of Proof; Lack of Disclosure; Reasonableness of Schedule III Employment Expenses; Under Reporting Income; Retroactive Child Support Claim

Result: Income of \$24,000 deemed to father. The father had not established a link between health needs and an inability to work. The father did not provide requisite proof of employment expenses. The father under-reported income and over-reported expenses. The father's income earning capacity exceeded \$9,000 per year as alleged by father. Retroactive maintenance of \$6,000 ordered payable over 60 months.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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