

**SUPREME COURT OF NOVA SCOTIA**  
**FAMILY DIVISION**

**Citation:** *Charapovich v. Charapovich*, 2022 NSSC 384

**Date:** 20220722

**Docket:** Proth. No. 1201- 07353; SFH-D-122606

**Registry:** Halifax

**Between:**

Hanna Charapovich

Petitioner

v.

Vitali Charapovich

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Elizabeth Jollimore

**Heard:** May 25, 2022 and July 18, 2022 in Halifax, Nova Scotia

**Summary:** Motion for interim parenting time, decision-making responsibility, child and spousal support.

**Key words:** Family, Child support, Table amount, Disclosure, Imputing income, Spousal support, Decision-making responsibility, Parenting time

**Legislation:** *Divorce Act*, R.C.S. 1985, c. 3 (2<sup>nd</sup> supp.), subsection 15.3(1), subsection 15.3(2)  
*Federal Child Support Guidelines*, SOR 97/175, clause 19(1)(f)

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DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS  
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Heard” May 25, 2022, and July 18, 2022, in Halifax, Nova Scotia

Written Release: January 31, 2023

Counsel: Pavel Boubnov for Hanna Charapovich  
Vitali Charapovich, self-represented

**By the Court:**

**Introduction**

[1] Turning to the decision for today, there were a couple of things that the parties did agree on that I don't need to decide. The parties agreed that, on an interim basis, Ms. Charapovich will not move the children more than one hour outside the Halifax Regional Municipality, so I impose that term on her. I also impose that term on Mr. Charapovich.

[2] Each party will have the right to request and obtain information about the children directly for the children's care providers, their teachers, doctors and dentists.

[3] In emergency situations each parent may consent to emergency treatment before they consult with the other parent.

[4] Turning to the general issue of decision-making, usually there are not significant decisions to be made on an interim basis. However, here I've been given an example of at least one significant decision - dental surgery - where the parents could not agree. And I've also been made aware that Mr. Charapovich insists that his wife communicates with him in writing and in English.

[5] These circumstances are not conducive to shared decision-making, and it's not appropriate for Mr. Charapovich to be the main decision-maker because in the past he has excluded her and has restricted communications.

[6] So, on an interim basis, I order that Ms. Charapovich have final decision-making authority. She can make final decisions but only after she consults with Mr. Charapovich. If she consults with him and they do not agree, then she will have the authority to make the final decision. If she consults with him and they agree, then obviously they have shared in making the final decision.

[7] I need to determine the children's parenting time with each parent before I determine child support because the parenting arrangement will dictate child support arrangements, and I need to determine child support before I can determine

spousal support: *Divorce Act*, R.S.C. 1985, c. 3 (2<sup>nd</sup> Supp.), subsection 15.3(1). So, that's the order in which I take these final issues.

[8] The children have had frequent time with their father when he's been in Nova Scotia. During the two years of the global pandemic, quarantine requirements and Mr. Charapovich's travel requirements have meant that the children have spent more time with their mother, and Mr. Charapovich's circumstances have further changed given that he has brought his new partner and her three children to Canada. This is a significant change for the Charapovich children who now have stepsiblings and a stepmother.

[9] To maintain stability for the Charapovich children, I determine that their primary base should be with their mother. In her environment they are the sole focus as children.

[10] For Mr. Charapovich, I order that the children spend alternate weekends with their father starting next weekend from Friday at three o'clock until Sunday at five o'clock. During the week – the weekdays when he has no following weekend parenting time, he will have the children with him from Tuesday after school until Thursday morning at 9:00 a.m. He will have one-half of the Easter break from Thursday at 6:00 until Saturday at 6:00 in 2023. He will have one-half of the Christmas break in 2022, and he will have two full weeks with the children, seven days each, in August of 2022. This arrangement is one of generous parenting time, but not of shared parenting.

[11] This means that Mr. Charapovich will pay child support based on section 3 of the *Federal Child Support Guidelines*, SOR-97/175.

[12] He's provided me with a Statement of Expenses which shows that his monthly expenses are more than \$9,000 before tax. His monthly expenses, he estimates at \$9,181. In order to pay that much for monthly expenses, he would need to earn a before tax annual income of \$171,000.

[13] Mr. Charapovich has not demonstrated that he has unmanageable debt with the expenses of almost \$9,200 each month. The evidence I received at the hearing, and again I am specific that I have not referred to the recently filed documents, is that his company grossed \$330,000 in the past year. There is no evidence of the necessity of the expenses which reduced this gross income. I am satisfied that his

lifestyle demonstrates access to income and his gross earnings can sustain an annual income of \$100,000. I impute an income of \$100,000 to him having regard to clause 19(1)(f) of the *Federal Child Support Guidelines*.

[14] And I note that, particularly in the context of the delayed financial disclosure, Ms. Charapovich filed her interim motion for child support and spousal support on July 15, 2021, essentially over a year ago, and so during the period of time, certainly, that Mr. Charapovich had counsel, and on February 17 of this year, he's had plenty of opportunity to gather his financial materials together and to understand the need to promptly disclose them.

[15] Based on an annual income of \$100,000, I order Mr. Charapovich to pay monthly child support of \$1,383 and I order that this start on June 1, 2022, recognizing that this child support application was scheduled to be heard and essentially concluded on May 25<sup>th</sup>.

[16] As I said, I need to determine child support before I determine spousal support: *Divorce Act*, R.S.C. 1985, c. 3 (2<sup>nd</sup> Supp), subsection 15.3(1). On an interim basis I believe that Ms. Charapovich is entitled to spousal support, but I recognize that I have ordered him to pay child support of \$1,383 per month. My interim decision, of course, does not predetermine whether she is entitled to spousal support on a longer term.

[17] When I look at the amount of spousal support I would order, I have imputed an income to Mr. Charapovich of \$100,000, and I have evidence of Ms. Charapovich's income of \$48,000 a year.

[18] Once child support is paid, the parents' incomes are skewed and by that I mean that after tax and after child support, Mr. Charapovich has an annual income of about \$54,500, and Ms. Charapovich's annual income is favourable given that she has tax-free child support of approximately \$15,000 each year in addition to her \$48,000 annual earnings.

[19] I find that Mr. Charapovich, with these child support payments, cannot afford to pay more, so I order that there be no spousal support on an interim basis: *Divorce Act*, R.S.C. 1985, c. 3 (2<sup>nd</sup> Supp.), subsection 15.3(2).

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**Elizabeth Jollimore, J.S.C. (F.D.)**

**Halifax, Nova Scotia**