

Date: 1998 03 03
Docket: CV 05965

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

LORETTA LOOK

Applicant

- and -

NORMAN VITTEKWA

Respondent

MEMORANDUM OF JUDGMENT

[1] The respondent seeks relief from a December 1995 Order of this Court requiring him to pay child support of \$800.00 per month for his two children.

[2] At the time of the original Order, the Court did not have any information regarding the respondent's actual income, only the applicant's then assertion in her affidavit that she believed the respondent was gainfully employed. In December 1995, the respondent resided in the Yukon Territory and did not respond to the original application for child support.

[3] On the present application, the respondent says that he was not working at the time of the original Order and had only \$1920.00 taxable income in 1996. He says he started working at a full-time job at \$13.00 per hour in July 1997. He seeks a reduction in the amount of Court-ordered child support and a cancellation of the accrued arrears under the December 1995 Order.

[4] The respondent's affidavit evidence is untested by any cross-examination. I will accept that he presently earns \$13.00 per hour and that his annual income is in the \$26,000-\$27,000 range with little or no overtime. The *Child Support Guidelines* figure for that level of income in the Yukon is \$400.00 per month for two children. The child support order will be varied to this amount.

[5] I turn to the arrears. The respondent in his affidavit asserts that in the time frame December 1995 to July 1997 he was on social assistance much of the time and was looking for work but could not find work. Yet he provides no information as to how he was supporting himself, or his new family. The respondent has failed to satisfy me that he had a total inability to make child support payments in the past. In the circumstances, I propose to reduce the arrears to a rough equivalent of the child support presently being ordered, and I hereby set this amount at \$8,000.00.

[6] An order will issue varying the child support amount to \$400.00 per month effective March 1, 1998, and reducing the arrears to \$8,000.00. The respondent shall pay an additional \$80.00 per month towards satisfaction of the arrears.

J.E. Richard,
J.S.C.

Dated at Yellowknife, NT, this
3rd day of March 1998

Counsel for the Applicant: James D. Brydon
Counsel for the Respondent: Steve T. Eichler

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MEMORANDUM OF JUDGMENT OF THE
HONOURABLE JUSTICE J.E. RICHARD
