

**IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES**

*IN THE MATTER OF THE INTERJURISDICTIONAL SUPPORT ORDERS ACT,*  
S.N.W.T. 2002, c.19

BETWEEN:

WAYNE GERRIT PIDBOROCHYNSKI

Applicant

- and -

FRANCE YVONNE BERNIER

Respondent

**MEMORANDUM OF JUDGMENT**

[1] The Applicant father applies to have child support arrears reduced or rescinded.

[2] The application is made pursuant to the provisions of the *Interjurisdictional Support Orders Act*, Part 3, Division 2. The father lives in Edmonton, Alberta; the mother and children live in the Northwest Territories.

[3] The mother and one of the children attended in Court in answer to the father's application. They oppose the application.

[4] The original child support order issued out of this Court on Court file CV 06809. An interim child support order of March 7, 1997 required the father to pay \$1,000.00 per month for the support of the five children. A trial of the action was held in October 1999. At the conclusion of the trial, income was imputed to the father in the amount of \$39,100.00, in the absence of credible evidence as to the father's actual income. The father was ordered to pay child support in the amount of \$1,000.00 per month for the support of the five children. At the time of trial, the children's ages ranged from 9 to 16. At trial the father had sought rescission of the child support arrears under the interim child support order. That application was denied.

[5] There is no evidence that, since 1997, the father has ever made any payments of child support voluntarily. Those limited payments received by the mother over the years are apparently the result of enforcement proceedings by the office of the Maintenance Enforcement program in Alberta. Thus, the father has allowed the arrears to accumulate to the point that the arrears now exceed \$58,000.

[6] The statement of child support arrears provided by the Maintenance Enforcement office indicates that the monthly obligation of \$1,000.00 per month ceased to be added to the outstanding arrears in March 2009, presumably because that is the date when the youngest child attained the age of 19. At that time, the outstanding arrears were at \$58,651.57, and have not increased since that time.

[7] The mother alleges that the father has, over many years, hidden the details of his actual income from Canada Revenue Agency and Maintenance Enforcement Officials.

[8] The father's application is deficient, and, on its face, without merit, e.g.:

- no income tax returns are provided, or other credible evidence of actual income or ability to pay, for those periods during which the child support arrears accrued.
- no information is given about his employment or self-employment during the last 13 years when he was failing to meet his child support obligations.

- no information is given as to his assets, past or present.
- no information is given as to how he sustained himself in those years when he claims he had no income whatsoever.
- no explanation is given as to what voluntary payments he made, if any, and if he did not, why not.

[9] For these reasons, I refuse to make a support variation order, pursuant to s.32 of the *Interjurisdictional Support Orders Act*.

[10] I direct the Clerk to prepare a Formal Order, and to provide the Order and a copy of these reasons to the designated authority for action pursuant to s.34 of the Act.

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

Dated this 25 day of February 2011.

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BY THE  
HONOURABLE JUSTICE J. E. RICHARD

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