

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

ERIN FREELAND BALLANTYNE

Petitioner

- and -

MICHAEL NARDONE

Respondent

MEMORANDUM OF JUDGMENT

[1] The Petitioner has applied for a divorce judgment without oral hearing on the basis of affidavit evidence.

[2] The Petition for Divorce contains a claim for a Divorce Judgment, joint custody of the child of the marriage, child support pursuant to the *Federal Child Support Guidelines* and equalization of the family property. The Respondent was served with the Petition and was represented by counsel for a period of time. The only materials filed by the Respondent relate to his retention of counsel and the Notice of Ceasing to Act by that counsel.

[3] The Petitioner now seeks a divorce judgment severing the corollary relief. The Memorandum to Judge indicates that the Petitioner is seeking a divorce at this time so that she can remarry in August 2013. The Respondent has indicated his consent to the divorce judgment and the severance of the corollary relief.

[4] The Affidavit of the Petitioner, sworn June 10, 2013, indicates that both parties have been making all major decisions about the child of the marriage together. The Petitioner has day to day care of the child and the Respondent, who now lives in Montreal, has frequent contact with the child.

[5] With respect to the arrangements for the support of the child, the Petitioner deposes that she and the Respondent have not agreed on how to address child support or extraordinary and special expenses yet. They are continuing to discuss this and the Respondent has paid child support in varying amounts and at varying times.

[6] Pursuant to s. 11(1)(b) of the *Divorce Act*, the court has a duty in a divorce proceeding:

to satisfy itself that reasonable arrangements have been made for the support of any children of the marriage, having regard to the applicable guidelines, and, if such arrangements have not been made, to stay the granting of the divorce until such arrangements are made;

[7] In this case, there are no support arrangements that have been agreed upon and the information regarding what support has been paid to date is vague. There is a Statement of Family Property filed by the Petitioner but no additional information has been provided about the Petitioner's or Respondent's financial situation which would satisfy the court that the child is being or can be adequately provided for.

[8] In order for the court to be satisfied as required by s. 11(1)(b), further affidavit evidence should be submitted. Accordingly, until such evidence is received, I stay the granting of the divorce. The grounds for the divorce, otherwise, have been established. It is the reasonable arrangements for support of the child of the marriage that must be addressed.

S.H. Smallwood
J.S.C.

Dated in Yellowknife, NT this
2nd day of July, 2013

Counsel for the Petitioner:
Respondent is self-represented.

Margo L. Nightingale

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MEMORANDUM OF JUDGMENT OF
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