Date Corrigendum Filed: August 6, 2024
Date: 2024 08 01
Docket: S-1-FM 2023 000 142

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN:

MICHAEL JONATHAN SADLER

Applicant

-and-

RACHELLE LOUISA VIOLA TANGUAY

Respondent

Corrected: A corrigendum was issued on August 6, 2024; the corrections have been made to the text and the corrigendum is appended to these Reasons for Decision.

Application to vary child support pursuant to the *Interjurisdictional Support Orders Act*, SNWT 2002, c 19 and the *Children's Law Act,* SNWT 1997, c 14.

Heard at Yellowknife: April 18, 2024

Written Reasons filed: August 1, 2024

REASONS FOR DECISION OF THE

HONOURABLE JUSTICE S.M. MacPHERSON

The Applicant: Self-represented

Counsel for the Respondent: Donald Large KC

Counsel for the Designated Authority: Thomas Wallwork

Date: 2024 08 01
Docket: S-1-FM-20023 000142

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN

MICHAEL JONATHAN SADLER

Applicant

-and-

RACHELLE LOUISA VIOLA TANGUAY

Respondent

REASONS FOR DECISION

OVERVIEW

[1] This is an application by Micheal Jonathan Sadler, the Applicant, for the following relief:

a. a variation of the amount of child support payable to Rachelle Louisa Viola Tanguay, the Respondent;

b. that arrears of child support be set at zero; and

c. that child support be terminated as the child is now over the age of majority.

[2] The application is made pursuant to the *Interjurisdictional Support Orders Act*, SNWT 2002, c 19 and the *Children's Law Act*, SNWT 1997, c 14. The application was filed October 25, 2023 by the Designated Authority and was served on the Respondent on October 30, 2023. Argument on the application was heard on April 18, 2024.

[3] For reasons that follow, the application is allowed in part.

FACTUAL CONTEXT

[4] The Applicant and the Respondent are the parents of one child, MS, born March 17, 2004. MS is currently 20 years old and is a full-time university student.

[5] On February 23, 2007, a consent order (the 2007 Order) was granted by this court in S-0001-FM 2006 000 165 (the Original Proceedings). The 2007 Order addressed issues of custody and child support. The Respondent (Applicant in the Original Proceedings) was granted primary residence of the child, and the Applicant (Respondent in the Original Proceedings) was directed to pay $190 per month for the support of the child based on an annual income of $21,000. The Applicant was also ordered to:

> (...) pay a proportionate share of reasonable section 7 special expenses, such as childcare expenses, within 30 days of receiving the invoice or receipt for such expenses; currently, the Respondent's [Applicant in this motion] share is agreed to be $228 per month.

[6] At the time the 2007 Order was made, the child was almost 3 years of age.

[7] The evidence is that the Applicant has had little to no contact with the child since the 2007 Order was made. The Applicant is now, and has been for an undetermined period, a resident of the province of Ontario. The Respondent has been a resident of Yellowknife, NT at all relevant times.

[8] The evidence is that maintenance enforcement officials either in the NWT or in Ontario have been enforcing child support at the rate of $190 per month plus an additional amount of $228 per month as section 7 expenses since 2007 for a total amount enforced monthly of $418. No distinction has been made with respect to the enforcement of child support and section 7 expenses. As of July 25, 2022, the Applicant owed arrears of $38,975.28.

POSITION OF THE PARTIES

[9] The Applicant makes three arguments. Firstly, he seeks a retroactive variation of child support. In support of that argument, he submits:

a. He did not live in the jurisdiction at the time the order was made;

b. That the 2007 Order was made based on income he was not earning;

c. That the child is now 18 (at the time of the commencement of his application) and may be independent, hence, the section 7 expense for day care is no longer payable; and

d. His income has varied over the years but generally has been less than the income upon which the 2007 order was based.

[10] Secondly, the Applicant also seeks to have his arrears vacated. He submits that if the 2007 order were varied, such as to reflect his income since 2007, and to eliminate the section 7 expenses, there would be no arrears and he would have overpaid support.

[11] Thirdly, the Applicant seeks to have support terminated based on the child's age and his assumption that the child may now be independent.

[12] The Respondent opposes the application. She advises that MS is still a child of the relationship as he is attending university full time. She also asserts that the Applicant was a resident of Yellowknife, NT when the order was made and that the order was made after mediation and with the Applicant's consent. She also notes that the Applicant's income has varied widely, including having income of over $50,000 during a year in which he was in bankruptcy status, and that he has failed to provide complete information as to why his income varies so widely or why he declared bankruptcy. She also deposes that the Applicant has not maintained any contact with her or the child since his move to Ontario and that she has maintained the same phone number throughout.

LEGAL ANALYSIS

[13] A child support order may be varied pursuant to s 61(2) of the *Children's Law Act*:

> 61. (2) Where the court is satisfied that evidence not available on the previous hearing has become available or that a change in circumstances as provided for in the applicable guidelines has occurred since the making of an order of support or the disposition of another application for variation in respect of the same order, the court may
>
> (a) discharge, vary or suspend a term of the order, prospectively or retroactively;
>
> (b) relieve the respondent from the payment of part of or all the arrears or any interest due on the arrears; and

(c) make any other order under section 60 that the court considers appropriate.

[14] Subsection 61(2) is informed by s 14(a) of the *Child Support Guidelines*, R-138-98, enacted pursuant to s 85 of the *Children's Law Act* (the "*Guidelines*") which provides (in part):

> 14. For the purposes of subsection 61(2) of the Act, any one of the following constitutes a change in circumstances that gives rise to the making of a variation order in respect of a child support order:
>
> *(a)* where the amount of child support sought to be varied includes a determination made in accordance with the applicable table, any change in circumstances that would result in a different child support order or provision of the child support order;

Once a change in circumstances has been established, I must determine the effective date of the variation.

Has there been a change in circumstance?

[15] The Applicant filed his income tax returns demonstrating a significant variation in his annual income as follows:

Year	Income
2007	$13,060
2008	$15,250
2009	$8,096
2010	$9,021
2011	$9,419
2012	$10,0001
2013	$3,956
2014	$12,616
2015	$13,381
2016	$4,365

2017	$0
2018	$8,388
2019	$34,147
2020	$45,014
2021	$19,627 (post-bankruptcy)
2021	$37,050 (pre-bankruptcy)
2022	$45,600 (estimate as at September 2022)

[16] The Applicant asserts that he was not present in 2007 when the 2007 order was made, however, having reviewed the original court file, I note that the Applicant was personally served with notice of the Original Proceedings on December 18, 2006 in Yellowknife, NT. He was then personally served with a Notice of Withdrawal on January 24, 2007, again in Yellowknife. The Applicant and Respondent subsequently entered into an agreement addressing custody and child support (the 2007 Agreement). The 2007 Agreement was signed by both parties in Yellowknife, NT on February 22, 2007. Portions of the 2007 Agreement dealing with custody and support were replicated in the 2007 Order. As such, I do not accept that the Applicant was not in the jurisdiction and was unaware of the proceedings leading to the 2007 Order.

[17] Nor do I accept that the Applicant was not earning $21,000 at the time the 2007 Order was made. In the 2007 Agreement, the Applicant agreed that his income was $21,000. I also note that the Respondent, in her affidavit filed in the Original Proceedings, deposed to her belief that the Applicant earned approximately $1,000 per week when they were living together and that he earned income from several jobs. Following that, the parties entered into the 2007 Agreement with a considerably reduced income attributed to the Applicant. Presumably, this was done so because the parties had more current income than the Respondent's initial estimate. Furthermore, when the 2007 Order was made, the chambers justice was provided with a recent paystub from the Applicant showing income that would extrapolate out to approximately $20,000 per annum. That pay stub, coupled with the Applicant's admission of his income of $21,000 in the 2007 Agreement, persuades me that the 2007 Order accurately reflected the Applicant's income or, at a minimum, what he could earn.

[18] Notwithstanding the terms of the 2007 Order, the evidence establishes that the Applicant's income has varied over the years and until 2019, the Applicant did not earn the amount attributed to him in the 2007 order. The Respondent also conceded that the child was no longer in need of childcare, however, she did not provide detail as to when that expense ended. She made submissions to the effect that there were other section 7 expenses incurred by her, such as braces. However, she did not provide evidence on the amount of those expenses, presumably, in part, because of the passage of time.

[19] Given the changed income, and change in the need for childcare, the Applicant has established that there has been a change in circumstances as is contemplated in s 14 of the *Guidelines*. As such, I will review the 2007 Order and determine whether it should be retroactively varied.

Given the changed circumstances, should support be retroactively varied and, if so, from when?

[20] Although a paying parent may demonstrate that his or her income fell below the Guideline amount after the original order was made, relief is not automatic. There must be an assessment whether, in all the circumstances, it is reasonable to vary and, if so, a determination of when that variation should be effective.

[21] There are two components to the Applicant's application to vary child support. Firstly, he seeks to vary his base child support of $190 per month. retroactive to 2007. Pursuant to s 4(2) of the *Guidelines*, this support is based on the Applicant's income. Secondly, he seeks a variation of what is commonly referred to as section 7 expenses. Section 7 of the *Federal Child Support Guidelines* (SOR/97-175), enacted pursuant to the *Divorce Act*, permits the Court to order payment of special or extraordinary expenses. These provisions are replicated in s 9 of the *Guidelines* for the Northwest Territories. For ease of reference, I will refer to these expenses as section 7 expenses. The Applicant seeks to vary this component of the 2007 Order, being $228 per month, because he surmises (and the Respondent admits) that the child no longer needs childcare.

[22] The two types of child support engage different inquiries. The focus for base support is the Applicant's income. The focus for section 7 expenses must include an assessment of the necessity of the expense in relation to the child's best interests and the reasonableness of the expense in relation to the means of the parents and those of the child and to the parents' spending pattern prior to separation: *Guidelines*, s 9.

[23] *Colucci v. Colucci*, 2021 SCC 24 [*Colucci*] sets forth the principles to apply when dealing with a retroactive variation of child support. While *Colucci* was decided in the context of a support order made under the *Divorce Act*, the principles are equally applicable to orders made under provincial or territorial legislation.

[24] In *Colucci*, the court held that once an applicant establishes a material change in circumstances, a presumption is triggered that support will be varied back to a certain date, being the date of effective notice, up to three years before the date of formal notice. This presumption is triggered as soon as the past material change in circumstance is established: *Colucci*, para 71.

[25] Once the presumption of a retroactive variation is triggered, the issue then becomes whether the court should depart from the presumptive date of retroactivity to achieve a fair result: *Colucci*, para 71.

[26] This raises the issue of when the applicant gave effective notice. Per Martin J in *Colucci*:

> A payor seeking a retroactive decrease has the informational advantage. The presumptive date of retroactivity must encourage payors to communicate with recipients on an ongoing basis and move with reasonable dispatch to formalize a decrease through a court order or change to a pre-existing agreement. The timing and extent of disclosure will be a critical consideration in ascertaining whether and when effective notice has been given and determining whether to depart from the presumptive date of retroactivity.

Colucci, at para 87.

[27] The Applicant deposes to having "asked the mother several times to agree to a change but she has been unresponsive". He also deposes "emails and text messages to the mother that have been unresponsive" and that he spoke to the Respondent "around 2015" about child support. He does not attach the emails or text messages, nor does he provide any further detail about his communications, such as dates or whether he provided the Respondent with updated income information.

[28] The Respondent notes in her materials that she has the same phone number as when the parties were together.

[29] Given the lack of evidence with respect to when and what the Applicant communicated to the Respondent, I cannot find that the Applicant gave the Respondent effective notice of his desire for a variation of child support prior to providing her with formal notice when she was served with notice of these proceedings on October 30, 2023.

[30] However, that does not end the inquiry. As *Colucci* noted, where no effective notice was given before proceedings commenced, the start date of the variation will generally be the date of formal notice, however, this result is not automatic: *Colucci*, para 95. The court must determine whether applying the presumptive date of support would be unfair given the facts of the case. Disclosure of income remains a relevant factor.

[31] In determining whether to depart from the presumptive date of retroactivity, Martin J. notes that the court may rely on the four factors set out in *DBS v SRG*, 2006 SCC 37: *Colluci*, para 96.

[32] The first *DBS* factor is whether the payor has an understandable reasons for the delay in seeking relief. Here, the Applicant asserts that he has not had financial means to seek assistance of a lawyer, that the forms have been difficult to navigate and that he has been struggling emotionally since the order was made. The Applicant has filed medical evidence confirming that he was diagnosed in 1995 with attention deficit disorder with hyperactivity and was provided with medication for these disorders. However, the Applicant has failed to relate that dated diagnosis to his current challenge in bringing forward an application earlier. He also submits that he was, in March 2024, referred to a psychologist or psychotherapist for depression but has not provided further detail as to the impact that this has had on his ability to bring forward these proceedings. I find that this is not an understandable reason for the delay.

[33] The second *DBS* factor is the payor's conduct. Has the payor engaged in blameworthy conduct? In this regard, Martin, J. in *Colucci* notes as follows:

> The court may also consider whether the payor made voluntary payments against the arrears, continued to pay in accordance with their ability to pay, cooperated with enforcement agencies, and showed a willingness to support the child rather than evading child support obligations (see *DiFrancesco v. Couto* (2001), 2001 CanLII 8613 (ON CA), 56 O.R. (3d) 363 (C.A.), at para. 25). It should go without saying that a person who is subject to a child support order must "comply with the order until it is no longer in effect", and this principle is now expressly enshrined in the *Divorce Act* "[f]or greater certainty" (s. 7.5). Genuine efforts to continue paying as much as the payor can will show good faith and a willingness to support the child.

Colucci at para103.

[34] On the facts here, payments made towards child support were the product of enforcement efforts. The evidence reveals that when an enforcement file was opened in Ontario in 2011, $9,603 in arrears had already accumulated with enforcement in the Northwest Territories – an amount equal to almost 2 years of support. From January 2011 to June 2013, no child support payments were made. In recent years, when the Applicant's income was greater and payments were made, the affidavit of

Angelita Nabong, an employee with the Director of Family Responsibility Office in Ontario, reveals that these payments were made as the result of enforcement attempts and do not appear to have been voluntarily made.

[35] The third *DBS* factor is the circumstances of the child. I have very little information as to the circumstances of the child except that he is in full-time attendance at a university outside of the Northwest Territories. I can infer that there would be costs associated with this attendance.

[36] The fourth *DBS* factor is hardship to the payor if the period of retroactivity is not lengthened beyond the presumptive date. Hardship must be assessed not only from the perspective of the payor but also from the perspective of the recipient parent and child. There is an onus on the payor to "establish real facts" supporting a finding of hardship: *Colucci*, paragraph 107. The Applicant has not provided any evidence to demonstrate genuine hardship.

[37] Therefore, in summary, the normal presumption is that, without effective notice, the date to vary support would be formal notice. However, I may also take into consideration the *DBS* factors and the circumstances of the case in arriving at a decision as to the date for a retroactive variation. On the Applicant's evidence, his income has varied significantly over the years. Those variations are not explained by the Applicant. The evidence does indicate that the Applicant's income appears to be increasing in recent years. In September 2022, that Applicant estimates his 2022 income to be $45,600. This amount is reasonably consistent with his 2020 and 2021 pre-bankruptcy income and with a pattern of his income steadily increasing. I find that were I to apply the presumptive date of the date of formal notice, being October 30, 2023, the Applicant would then benefit from his non-disclosure of his increased income in recent years. Had the Applicant earlier disclosed to the Respondent his increased income, that likely would have resulted in a request for increased child support. I also acknowledge the fact that for many years, the Applicant's income was less than that attributed to him in 2007, although I also note his lack of income is largely unexplained. Parents have a joint obligation to support their children and the lack of explanation of why the Applicant was unable to earn more than he reported is concerning. I also acknowledge that the Applicant declared bankruptcy in 2021, suggesting that his financial circumstances as of 2021 were challenging.

[38] In the circumstances, bearing in mind all of the facts of this case, the most equitable approach is to set the date for the variation of the Applicant's base child support to be January 1, 2022. This period is post-bankruptcy, when the Applicant was cleared of his other debts and discharged from bankruptcy. This date is also

close in time to when the Applicant initiated the court documents necessary to bring this matter before the Court. In the Applicant's affidavit of September 22, 2022, he estimated his 2022 income to be $45,600. I will use this amount for ongoing support.

[39] This results in a child support payment of $423 per month, effective January 1, 2022.

Should the portion of the 2007 Order dealing with section 7 expenses be varied?

[40] The Applicant's request for a variation of his section 7 expenses raises different issues. When the 2007 Order was made, the child was 3 years old and in full time attendance at day care. Thus, the 2007 Order directed that the Applicant pay $228 as his contribution to childcare. Additionally, the 2007 Order provided that receipts were to be given by the Respondent to the Applicant in order to base an obligation to pay section 7 expenses. I have no evidence of receipts being provided. The only evidence I have is that maintenance enforcement continued to enforce the full amount of the 2007 Order, including both components of child support.

[41] The child is now in full time attendance at university and the Respondent admits that childcare expenses are no longer being incurred. I do not have any evidence as to when those expenses would have stopped. However, over the years, other section 7 expenses such as braces, mentioned orally in argument, and post-secondary education costs, may have been incurred by the Respondent. I have no detail as to these potential section 7 expenses.

[42] In these circumstances, it would seem to be unfair to rely on the presumptive formal notice date or even the January 1, 2022, date as the appropriate date for a variation of the section 7 expenses. The child was 3 years old when the 2007 Order was made. Given that the Respondent was employed when the 2007 Order was made, it is likely that she remained employed, and that the child would have required full-time childcare for a further two or three years. In September 2009, the child would have been able to attend kindergarten but may have still required after-school childcare for some years thereafter. In addition, it is likely there would have been different section 7 expenses relating to raising the child. Given the lack of evidence on this point, I cannot determine how to best treat the section 7 component of the 2007 Order.

[43] As such, the most equitable approach is to stay enforcement of the section 7 component of the 2007 Order, for any amounts accumulated after September 1st, 2009, being the date that the child would have been eligible for kindergarten.

[44] I direct that the Respondent file what evidence she can of any section 7 expenses incurred by her from September 1, 2009, to today's date, within 90 days of the release of this Reasons for Decision. Additionally, the Respondent shall provide evidence of her income from 2009 to today's date to allow for a consideration of the apportionment of those section 7 expenses.

[45] The Applicant will have 30 days thereafter to respond to the Respondent's material and to also provide current income information.

Should the arrears to forgiven?

[46] The Applicant has sought an order that all arrears be forgiven. As stated in previous decisions of this Court, there are two important factors to consider when deciding whether to order rescission or reduction of arrears of child support payments: a) the payor's ability/inability to pay during the time period that the arrears accumulated, and b) the payor's present ability/inability to pay the arrears. See *Edji v Grandjambe*, 2004 NWTSC 11 and *Gon v Lafferty*, 2016 NWTSC 53.

[47] On this application, there is an onus on the Applicant to satisfy the Court that it is right and just to grant him relief from the arrears that have accumulated since 2007. This onus was stated by Hetherington JA in *Haisman v Haisman*, 1994 ABCA 249 at para 27:

> "... in the absence of some special circumstance, a judge should not vary or rescind an order for the payment of child support so as to reduce or eliminate arrears unless he or she is satisfied on a balance of probabilities that the former spouse or judgment debtor cannot then pay, and will not at any time in the future be able to pay, the arrears."

[48] This strict approach is reinforced in *Colucci*. As Martin, J notes:

> While we speak of rescinding arrears, the wording of s. 17 of the *Divorce Act* makes clear that what it authorizes is rescission of the underlying court order or a term of the order which gave rise to the unmet obligations. Thus a claim to cancel arrears asks the court to set aside an existing and accurate court order, replace it with another, and forgive what is otherwise a legally enforceable debt. That child support should not attract more leniency than other debts is reinforced by the range of maintenance enforcement regimes which exist across the country to enforce compliance with child support obligations. Governments in each province and territory have established administrative Maintenance Enforcement Programs ("MEPs") (such as Ontario's FRO) to administer child support orders and help ensure children receive the support owed to them under court orders, including by taking enforcement action such as garnishing wages and suspending drivers' licenses (see, e.g., *Family Responsibility and Support Arrears Enforcement Act*, 1996, S.O. 1996, c. 31). Further, child support arrears are not released by an order of discharge under the *Bankruptcy and Insolvency Act*, R.S.C. 1985, c. B-3, s. 178(1)(c); these debts are prioritized even where providing a clean slate is a competing policy consideration (see *Brown*, at para. 42; *St-Jules v. St-Jules*, 2012 NSCA 97, 321 N.S.R. (2d) 133, at para. 50). Thus, s. 17 of the *Divorce Act* is not to be used to reduce or vacate arrears too readily, as this would undermine the recognition and enforcement of serious legal obligations.

Colucci at para 139.

[49] The Applicant has provided no explanation for his inability to earn income during the period in question nor has he provided information as to his current inability to pay the arrears accumulated. I decline to forgive accumulated arrears.

Should the Applicant's support be terminated because of the child being the age of majority?

[50] In his application materials, the Applicant sought to terminate his support if the child is independent. MS turned 19, being the age of majority in the Northwest Territories, on March 17, 2023.

[51] The *Children's Law Act*, s 57, defines child as including a person over the age of majority but who is unable to withdraw from a parent's care because of the reasonable pursuit of education. There is evidence that MS is in full time attendance at university, therefore, may be an adult child entitled to support.

[52] Section 4(2) of the *Guidelines* provides that where a child is over the age of majority, the amount of child support may be the amount set out in the *Guidelines* as if the child were a minor (the table amount) or, if that method is inappropriate, the amount that the court considers appropriate, having regard to the condition, means, needs and other circumstances of the child or children and the financial ability of each parent to contribute to the support of the child or children.

[53] I have no evidence as to factors such as the reasonableness of the MS's program of education, the cost of his attendance at university and whether MS can contribute to those educational expenses. There is also no evidence of the Respondent's income.

[54] Based on the material before me, I am unable to determine the appropriate amount of child support for MS once he turned 19 years of age.

[55] In order to determine the Applicant's ongoing support obligation, I will require the Respondent to provide information as to MS's attendance at university, including whether he has any loans, grants or scholarships, and whether he resides with her when he is not in attendance at university. I will also require the Respondent's income information. All of this will assist in determining the Applicant's child support obligation once MS turned 19.

[56] I have contemplated whether I should stay enforcement of the Applicant's base child support amount of $423 per month as of March 17, 2023, being the date MS turned 19, however, given the amount of the arrears, the likelihood that there will be some ongoing support obligation, and the desirability of resolving the issue

of ongoing support in a timely manner, I decline to do so. It is my hope that the parties will act quickly to provide the necessary information so that this issue can be determined on a final basis.

CONCLUSION

[57] The Applicant's application is allowed in part, as follows:

a. The Applicant's base child support obligation of $190 per month is varied, effective January 1, 2022, so as to require the Applicant to pay to the Respondent $423 per month;

b. Enforcement of the portion of the 2007 Order relating to childcare expenses of $228 which have accumulated since September 1, 2009 is stayed pending receipt of further evidence;

c. The Respondent shall file evidence of her section 7 expenses incurred since September 1, 2009, and her income during that same period, within 90 days of this decision;

d. The Respondent shall file evidence as to the cost of MS's attendance at university; any loans, grants or scholarships received by him as well as any contribution he is able to make to his education; and any other relevant information as to MS's condition, needs, means or other circumstances, within 90 days of this decision;

d. The Applicant shall file any responding affidavit material within 30 days after receipt of the Respondent's material; and

e. The Applicant's application to forgive arrears is denied.

[57] If either party wishes to make oral argument prior to my deciding the issue of how to address section 7 expenses and the issue of ongoing support, they may approach the registry to obtain a court date. If neither party requests oral argument within 10 days after the Applicant files his material, I will decide the issue based on the written material.

"S.M. MacPherson"
S.M. MacPherson
JSC

Dated in Yellowknife, NT this
1st day of August, 2024

Applicant:	Self-represented
Counsel for the Respondent:	Donald Large, KC
Counsel for the Designated Authority:	Thomas Wallwork

Corrigendum of the Reasons for Decision Of

The Honourable Justice S.M. MacPherson

1. An error occurred at paragraph 12 where it read:
   "…still a child of the marriage…"
   It has been corrected to read "…still a child of the **relationship**…"

2. An error occurred at paragraph 12 where it read:
   "She also despose …"
   It has been corrected to read "She also **deposes** …"

3. An error occurred at paragraph 31 where it read:
   "… may rely on **upon** the four…"
   It has been corrected to read "…may rely on the four…"

4. An error occurred at paragraph 32 where it read:
   "I find that these are not understandable reasons for the delay."
   It has been corrected to read "I find that **this is not an understandable reason** for the delay."

5. An error occurred at paragraph 38 where it read:
   "…approach is to **the** set the date for…"
   It has been corrected to read "…approach is to set the date for…"

6. An error occurred at paragraph 42 where it read:
   "…it would seem to unfair to rely…"
   It has been corrected to read "…it would seem to **be** unfair to rely…"

7. An error occurred at paragraph 56 where it read:
   "…I decline **not** to do so."
   It has been corrected to read "…I decline to do so."

8. The citation has been amended to read:
   Sadler v Tanguay, 2024 NWTSC 31.cor1

   (The changes to the text of the document are highlighted and underlined)

S-1-FM-2023 000142

IN THE SUPREME COURT OF THE NORTHWEST TERRITORIES

BETWEEN

MICHAEL JONATHAN SADLER

Applicant

-and-

RACHELLE LOUISA VIOLA TANGUAY

Respondent

Corrected: A corrigendum was issued on August 6, 2024; the corrections have been made to the text and the corrigendum is appended to these Reasons for Decision.

REASONS FOR DECISION OF THE HONOURABLE JUSTICE S.M. MacPHERSON