

Cathy Michele LEISHMAN v. Duane Percy MacDONALD
CV2005000024

T-0001-

2005
NWTTTC 15

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES

IN THE MATTER OF:

Cathy Michele LEISHMAN

Applicant

and

Duane Percy MacDONALD

Respondent

REASONS FOR DECISION
of the
HONOURABLE JUDGE Bernadette SCHMALTZ

Heard at:

Yellowknife, NT
July 11 & 18, 2005

Counsel for the Applicant:

No one attending on behalf of the Applicant

Counsel for the Respondent:

Terry Nguyen
Peterson Stang Malakoe

IN THE TERRITORIAL COURT OF THE NORTHWEST TERRITORIES**IN THE MATTER OF:**

Cathy Michele LEISHMAN

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[1] Cathy Leishman, the Applicant, brought an Application to vary the amount of child support payable by Duane MacDonald, the Respondent, to an amount in accordance with the *Child Support Guidelines, N.W.T. Reg. 138-98*.

[2] My decision allowing the Variation Application was filed on July 19, 2005. At that time I did not have enough information before me to decide on the issue of retroactive support, and that issue was put over until October 31st, 2005 at 9:30 a.m. to allow each party to file further material and information specific to the issue. The matter was subsequently adjourned until November 28th, 2005. The Respondent filed a written argument and case law opposing an application for retroactive support; prior to the matter being heard on November 28th, 2005, the Applicant did not file any further material on the issue of retroactive support. I heard from the parties on November 28th, 2005, and reserved my decision.

[3] In the afternoon of November 28th, 2005, after this matter had been in Court that morning, Mr. Asmundson, representing the Government of the Northwest Territories Maintenance Enforcement, who appear on these matters to assist the court, brought to my attention a document that I understand has been filed in the Provincial Court of British Columbia. This document is a solemn declaration declared in the Matter of the *Interjurisdictional Support Orders Act*, S.N.W.T. 2004, c.19, between *Cathy Michele Leishman and Duane Percy MacDonald*, and states that the Applicant is not pursuing retroactive support from the Respondent up and until March 31, 2005.

[4] Being advised that the Applicant does not wish to pursue any claim she may have to retroactive support, I make no order with respect to the issue of retroactive support.

Bernadette Schmaltz
J.T.C.

Dated this 2nd day of December, 2005, at
the City of Yellowknife, Northwest Territories

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