

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
THERESA ELSIE CORSANO (Appellant)	- and -	JOSEPH FREDERICK SIMMS (Respondent)
CA 178304	Halifax, N.S.	BATEMAN, J.A.

[Cite as: **Corsano v. Simms, 2002 NSCA 125**]

APPEAL HEARD: October 8, 2002

JUDGMENT DELIVERED: October 17, 2002

SUBJECT: Variation of maintenance.

SUMMARY: Mother applied to vary child support so as to: (1) harmonize with the **Guidelines**; and (2) fix a contribution from the father to university expenses. No serious dispute on harmonization - principal issue was the contribution to university expenses pursuant to s. 7 of the Guidelines. Father had funded a university savings plan which provided \$3000 in the first year and lesser amounts thereafter. Judge found that no additional contribution from the father was required in these circumstances. He was not satisfied that attendance at university away from either parent's home was "reasonable". The order was made effective the date of the son's commencement of university, which preceded the hearing and decision dates but was a date after the application had been initiated. Parties not represented by counsel at trial.

ISSUE: Should the father's s.7 contribution be increased? Should the order for the **Guideline** amount have been made effective the date of the application?

RESULT: Appeal dismissed. In the particular circumstances of this case, the judge did not err. Fact specific.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 7 pages.</p>
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