

<u>CASE NO.</u>	<u>VOLUME</u>	<u>PAGE</u>
MARIO JOSEPH ALBERT ROSS (Appellant)	MARIETTE ALICE MATHIEU (ROSS) - and -	(Respondent)
C.A. No. 167298	Halifax, N.S.	Glube, C.J.N.S. (orally)

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[Cite as: Ross v. Mathieu (Ross) 2001 NSCA 85]

APPEAL HEARD: May 16, 2001

JUDGMENT DELIVERED: May 16, 2001

WRITTEN RELEASE OF ORAL: May 17, 2001

SUBJECT: **CHILD SUPPORT GUIDELINES - UNDUE HARDSHIP**

SUMMARY: The appellant father was awarded custody of three children by the Chambers judge. The mother lives in Quebec and was not present at the hearing. She sent in a financial statement and claimed undue hardship based on high access costs without any financial information on those costs. During the hearing the judge indicated the disparity in incomes showed undue hardship and awarded a much reduced maintenance than the Quebec table provides.

ISSUE: Was he in error in finding undue hardship without reasons and without finding a circumstance under 10(2) of the **Guidelines** of undue hardship before examining the disparity of income?

RESULT: The Chambers judge was in error when he failed to follow the two-step process and of first finding undue hardship and then comparing the standards of living of the two households. Followed **Gaetz v. Gaetz** [2000] N.S.J. No. 131 and ordered the Quebec table amount..

<p><b>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 4 pages.</b></p>
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