

**NOVA SCOTIA COURT OF APPEAL**

**Citation: Van der Linden v. Rhynold, 2007 NSCA 72**

**Date:** 20070613

**Docket:** CA 275596

**Registry:** Halifax

**Between:**

Andreas Julianus Van der Linden

Appellant

v.

Carol Christina Rhynold

Respondent

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**Judge:** The Honourable Justice Nancy Bateman

**Appeal Heard:** May 30, 2007

**Subject:** Variation of Maintenance

**Summary:** The mother applied to vary child support paid pursuant to a Corollary Relief Judgment. The court varied support to comply with the *Child Support Guidelines* Table Amount, imputing annual income to father in confusing financial circumstances. In addition, the judge ordered the father to set aside funds from capital for the child's future education and to contribute to that fund on a monthly basis.

**Issues:** The father appealed on the basis that the court, in these circumstances, had no jurisdiction to order an education fund in addition to the table amount of support.

**Result:** Appeal allowed. Without determining that circumstances can never arise where a payor of child support can be ordered to set aside an amount for future educational expenses, the judge erred in doing so on the facts as found here.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages.**