

The reasons for judgment of the Court were delivered orally by :

HALLETT, J.A.:

This is an appeal from a decision of Haliburton J. varying support for the one child of the former spouses. The child is in the custody of his mother, the appellant. Under the terms of the separation agreement she receives \$500 per month from the respondent for the support of the child of the marriage. The variation order requires the respondent to make three payments of \$500 annually to pay for the specific needs of the child at Christmas, summer vacations and at the start of the school year. The appellant had sought and was refused an increase in the periodic support payment of \$500 per month.

We have reviewed Haliburton J.'s decision and the record. Justice Haliburton did not make a material error in principle; he did not misapprehend the evidence nor is the refusal to increase the monthly support clearly wrong. Therefore, there is no basis upon which this Court should interfere. (**Willick v. Willick** [1994] 3 S.C.R. 670)

Counsel for the respondent did not seek costs. The appeal is dismissed without costs.

Hallett J.A.

Concurred in:

Roscoe J.A.

Bateman J.A.

