## NOVA SCOTIA COURT OF APPEAL Cite as: Pleasant v. Amirault, 1995 NSCA 203

## Hallett, Roscoe and Bateman, JJ.A.

## **BETWEEN:**

KATHY ELAINE PLEASANT	Appellant	) Martin J. Pink, Q.C. ) for the Appellant
- and - RALPH MARTIN AMIRAULT	)	) S. Clifford Hood, Q.C. for the Respondent
TO LET IT WITHCH VALVING TO ET	Respondent	) Appeal Heard: ) November 15, 1995
		) Judgment Delivered: ) November 15, 1995
		) ) )
		) ) )

THE COURT: Appeal dismissed per oral reasons for judgment of Hallett, J.A.; Roscoe and Bateman, JJ.A. concurring.

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.

## NOVA SCOTIA COURT OF APPEAL

<b>BET</b>	<u>WEEN</u> :	

KATHY ELAINE PLE	EASANT		
- and - FOR BY:	Appellant	) )	R E A S O N S
RALPH MARTIN AM	IIRAULT Respondent	)	Hallett, J.A. (Orally)
		)	