

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
P.I. M.	- and -	R.M.
(Appellant)		(Respondent)
CA 174897	Halifax, N.S.	CROMWELL, J.A. (Orally)

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[Cite as: **P.I.M. v. R.M., 2002 NSCA 26**]

APPEAL HEARD: February 15, 2002

JUDGMENT DELIVERED: February 15, 2002

WRITTEN RELEASE OF ORAL: February 18, 2002

SUBJECT: **Child Maintenance - Maintenance and Custody Act, R.S.N.S. 1989, c. 160 - Variation**

SUMMARY: The appellant applied to the Supreme Court of Nova Scotia (Family Division) to vary a Family Court consent order which had been issued in October, 1985. The order provided for certain payments which were to be in full and final settlement of the respondent's child support obligations. The appellant and respondent agreed to submit to the Court for a determination the issue of whether the consent order issued by the Family Court was subject to review and variation. A judge of the Family Division answered the question in the negative and the appellant appealed.

ISSUES: Was the consent order subject to variation?

RESULT: Appeal allowed. The outcome of the appeal was governed by **MacKay v. Bucher** (2001), 196 N.S.R. (2d) 293; N.S.J. No. 326 (Q.L.) which held that there is no finality to child maintenance orders made under the **Family Maintenance Act** or its successor the **Maintenance and Custody Act**.

<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 1 page.</p>
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