

**NOVA SCOTIA COURT OF APPEAL**

Cite as: Parsons v. Guevremont, 1999 NSCA 97  
**Freeman, Hart and Bateman, JJ.A.**

**BETWEEN:**

|                           |   |                     |
|---------------------------|---|---------------------|
| BRIAN LEONARD PARSONS     | ) | (In Person)         |
|                           | ) | appellant           |
|                           | ) |                     |
| - and -                   | ) |                     |
|                           | ) |                     |
|                           | ) |                     |
| DIANNE GISELLE GUEVREMONT | ) | Angus E. Schurman   |
|                           | ) | for the respondent  |
| Respondent                | ) |                     |
|                           | ) |                     |
|                           | ) |                     |
|                           | ) | Appeal Heard:       |
|                           | ) | June 16, 1999       |
|                           | ) |                     |
|                           | ) | Judgment Delivered: |
|                           | ) | June 16, 1999       |
|                           | ) |                     |
|                           | ) |                     |

**THE COURT:** Appeal dismissed, per reasons for judgment given orally by Freeman, J.A.; Hart and Bateman, JJ.A., concurring.

**Freeman, J.A.:**

[1] This is an appeal from the dismissal by Justice Hamilton of the Supreme Court of Nova Scotia of an application by the appellant Brian Parsons for interim spousal support in variation of an interim order of the Court of Queens Bench of Alberta, which had been confirmed by Justice Hamilton in 1997.

[2] The parties were married in Ontario in 1991 and separated while living in Alberta in June of 1997. Mr. Parsons has not worked outside the home since January, 1992, when the first of their two children was born. He had been the primary care giver until the separation. The interim order gives custody to the wife, Dianne Guevremont, who is a hotel executive earning about \$60,000 a year.

[3] The order required Ms. Guevremont to pay interim spousal support of \$1,000.00 per month from August 1, 1997, until February 1, 1998 unless Mr. Parsons found employment or became entitled to a disability pension in the meantime. Since November 1997 Mr. Parsons has been receiving a disability pension under the Canada Pension Plan, now in the amount of \$812.00 a month.

[4] Ms. Guevremont's statement of income and expenses, which includes a substantial amount for day care, indicates she is accumulating a monthly deficit. It is not clear how she could pay spousal support without hardship to the children.

[5] Justice Hamilton found no evidence of a material change in circumstances since the 1997 order, a prerequisite for ordering variation. Mr. Parsons is representing himself and his submissions contain evidentiary material not before the trial judge and therefore not properly before us. Even if that could be considered, evidence of a material change is not apparent.

[6] This Court has repeatedly expressed its reluctance to interfere with a discretionary order at the interlocutory level in the absence of error. We have not been satisfied that Justice Hamilton erred. The appeal is dismissed with costs which we fix at \$500.00 plus disbursements.

Freeman, J.A.

Concurred in:

Hart, J.A.

Bateman, J.A.

