

<u>CASE NO.</u>	<u>VOL. NO.</u>	<u>PAGE</u>
KENNETH ROGER COTTREAU (Appellant)	- and -	SHIRLEY EILEEN POTHIER (Respondent)
CA 179511	Halifax, N.S.	BATEMAN, J.A.

[Cite as: *Cottreau v. Pothier*, 2002 NSCA 150]

APPEAL HEARD: November 28, 2002

JUDGMENT DELIVERED: November 28, 2002

WRITTEN RELEASE OF ORAL: December 2, 2002

SUBJECT: Spousal Support

SUMMARY: Wife in traditional long term marriage granted support of \$2600 monthly in August of 1999. Former husband applied to terminate support on account of former spouse's failure to make sufficient efforts to contribute to her own support. Order granted in September 2000 to terminate in September of 2001 "unless upon application she is able to show otherwise to the Court". Wife was enrolled in an Office Technology training program at time of termination order. Anticipated finding employment upon completion. Former wife applied in September of 2001 to vary support to remove termination date and continue maintenance in a reduced amount. Continuous employment had not been obtained and wife in receipt of Employment Insurance. Judge removed termination and order continued support in a reduced amount. Husband appealed.

ISSUES:

1. Did the judge err in holding that the intervening order entitled the wife to a review hearing, thereby not needing to demonstrate a material change in circumstances?
2. Did the judge err in her alternative finding that, if required, the wife had demonstrated a material change in circumstances.

RESULT: Appeal dismissed. No error on the part of the judge in finding a material change in circumstances in that self-sufficiency had not materialized.

<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 4 pages.</p>
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