

NOVA SCOTIA COURT OF APPEAL

Citation: *Smith v. Helppi*, 2011 NSCA 65

Date: 20110712

Docket: CA 337900

Registry: Halifax

Between:

Jamie Rene Smith

Appellant

v.

Arla Stephanie Helppi

Respondent

Judge:

The Honourable Justice Linda Lee Oland

Appeal Heard:

May 19, 2011, in Halifax, Nova Scotia

Subject:

Reduction of Child Maintenance Payments - Imputed Income - Reduction or Forgiveness of Arrears - *Maintenance and Custody Act*, R.S.N.S. 1989, c. 160, ss. 37 and 10 - *Child Maintenance Guidelines*, ss. 14 and 19

Summary:

His employment situation having changed, the appellant sought a reduction in his child maintenance payments previously ordered, and a reduction of the arrears for the period he was unemployed. The judge imputed income, reduced the monthly payments, and refused to waive the arrears.

Issue:

Whether the judge erred in principle or significantly misapprehended the evidence.

Result:

Appeal denied. The record did not establish that the accumulation of arrears resulted from excessive court delay. There was no error in principle or serious misapprehension of the evidence regarding the appellant's employment history, finances or otherwise which would support judicial interference with the judge's decision to impute income. In the circumstances, nor did he err in not reducing or forgiving the arrears.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 9 pages.