

**NOVA SCOTIA COURT OF APPEAL**

*Haines v. Haines*, 2013 NSCA 63

**Date:** 20130516  
**Docket:** CA 393502  
**Registry:** Halifax

**Between:**

Daniel Francis Haines

Appellant

v.

Lisa Lynn Haines

Respondent

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**Judge:** The Honourable Justice David P.S. Farrar

**Appeal Heard:** April 11, 2013

**Subject:** **Family Law. Mobility. Material Change in Circumstances. Custody and Access.**

**Summary:** The appellant appeals alleging that the judge erred in giving the respondent the right to move and relocate the couple's child from Nova Scotia to Ontario. The respondent had applied to vary access so that she could move to Ontario and reside with her parents.

**Issues:** Did the judge err in determining that there had been a material change in circumstances that allowed him to reconsider the custody arrangement?

**Held:**

Appeal dismissed without costs. The move to Ontario was a material change in risk. Once that threshold had been crossed it was open to the trial judge to review the custody arrangement. He properly considered the existing access arrangement and the maximization of contact between the child and both parents.

**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 8 pages.**