Date: 19981005 Docket: CA 146235

NOVA SCOTIA COURT OF APPEAL
Cite as: Pawlus v. Pawlus, 1998 NSCA 166

Chipman, Roscoe and Flinn, JJ.A.

BETWEEN:		)	
		)	
JANUSZ PAWLUS		)	Appellant appeared
		)	in person
	Appellant	)	
		)	
- and -		)	
		)	
TERESA PAWLUS		)	Respondent
		)	appeared in person
	Respondent	)	
		)	
		)	
		)	
		)	Appeal Heard:
		)	October 5, 1998
		)	
		)	
		)	Judgment Delivered:
		)	October 5, 1998

THE COURT: The appeal is dismissed without costs as per oral reasons for judgment of Roscoe, J.A.; Chipman and Flinn, JJ.A., concurring.

The reasons for judgment of the Court were delivered orally by:

ROSCOE, J.A.:

This is an appeal from a divorce order made by Justice Charles E. Haliburton of the Supreme Court, pursuant to s. 17 of the **Divorce Act**, R.S.C. 1985, c. D-3.4.

The Corollary Relief Judgment requires support for the two children, aged three and eleven, to be paid by the appellant in accordance with the Federal Child Support Guidelines, in the basic amount of $510.00, plus add-ons of $100.00 per month for child care expenses. In addition, for a period of seventeen months, the appellant must pay $61.11 for orthodontic expenses and arrears in monthly instalments of $54.00. The total payable is $725.11 per month from the appellant's gross monthly income at the time of the trial of $3,118.09.

The order provides very specific access including every second weekend and one evening per week upon prior notice.

The appellant submits that the trial judge erred by improperly understating his expenses, by assuming that he would have additional income, by accepting the evidence of the respondent as to the cost of the child care expenses and that he erred in making the access order.

Since the trial, the appellant has been laid off from his employment. An application for variation is scheduled to be heard on October 13, 1998.

The issue on the appeal is whether the trial judge erred in law or made a palpable or overriding error of fact in determining the access provisions and in applying the Federal Child Support Guidelines. In **Edwards v. Edwards** (1995), 133 N.S.R. (2d) 8 at

p. 20, this Court said:

> . . . This court is not a fact finding tribunal. That is the role of the trial judge. Ours, as has been said many times, is a more limited role. We are charged with the duty of reviewing the reasons of the trier of fact with a view of correcting errors of law and manifest errors of fact. The degree of deference accorded to the trial judge with respect to factual findings is probably no higher anywhere than it is in matters relating to family law . . .

We have reviewed the limited record provided to us and have considered the oral and written submissions the parties have made to the Court. In the circumstances, we are unable to say that Justice Haliburton committed an error in law. The changes in circumstances will be considered on the application to vary.

Accordingly, the appeal is dismissed without costs.

Roscoe, J.A.

Concurred in:

Chipman, J.A.

Flinn, J.A.