

**FAMILY COURT OF NOVA SCOTIA**  
**Citation:** D.R.D. v. C.L.E., 2012 NSFC 13

**Date:** 20120613  
**Docket:** FYMCA-10521  
**Registry:** Yarmouth

**Between:**

D.R.D.

Plaintiff

v.

C.L.E.

Defendant

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**LIBRARY HEADING**

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**Judge:** The Honourable Judge John D. Comeau

**Heard:** Yarmouth, N.S., April 4, 2012 at Yarmouth, Nova Scotia

**Decision:** June 13, 2012

**Issues:** Change in circumstances, jurisdiction to vary child support retroactively and dealing with child support

**Summary:** The Applicant requested variation of child support to 2006 and supplied income tax returns that showed no income. Prior to this, he lost his job working for the City of Halifax. This firing was disputed until a decision of the Nova Scotia Court of Appeal confirmed the city has a right to discontinue his employment. Since his termination he has resided with his parents in a rural area of Nova Scotia. He has no trade and no driver's license. His employment in the past was a labourer and truck driver. He has no money to pay for the return of his license and upgrade his education. Because of these circumstances, he cannot return to work in Alberta where he was for 8 months.

**Result:** There is a change in circumstances (his income would result in a different table amount). The Applicant is not underemployed given his residence and the circumstances of lack of trade and education. The test in *Smith v.*

Helppi 2011 NSCA 65 (CanLII), 2011 NSCA 54 was applied.

Child support was recalculated retroactively to January 1, 2006, the period for which the Court had financial information.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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