

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** *Kyte v. Clarke*, 2014 NSSC 133

**Date:**20140716  
**Docket:** 1206-4363  
**Registry:** Sydney

**Between:**

Sheila Kyte

Petitioner

v.

Richard Clarke

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice M. Clare MacLellan

**Heard:** September 24, 2012; October 11, 2012; May 8, 2013; and January 29, 2014, in Sydney, Nova Scotia

**Submissions Closed:** July 8, 2013

**Oral Decision:** January 29, 2014

**Written Decision:** July 16, 2014

**Subject:** Family Law

**Summary:** Respondent refused to disclose net rental income and number of rental units. Guideline 19 imputation of rental income made. Child support arrears set to date of Respondent's refusal to disclose. Applicant's s. 7 child support for university was inflated. Applicant's treatment of R.E.S.P. was altered to credit each parent with 50/50 credit.

**Issues:** Imputation, Rental Property Income, Non-Disclosure delay, Self-Represented, Costs

**Result:** Respondent ordered to pay retroactive s. 3 child support back to date of his refusal to disclose as required by Consent Order. University budget and R.E.S.P. allocations are corrected. Respondent not required to pay an additional s. 7 for university but required to pay proportionate share of cost of Driver's Education.

***HIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***