

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Woodford v. Horne*, 2015 NSSC 208

Date: 20150716

Docket: Halifax No. 1201-057613

Registry: Halifax

Between:

Gail Carolyn Woodford

Applicant

v.

Barry David Horne

Respondent

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Judge: The Honourable Justice Mona M. Lynch

Heard: June 24, 2015 in Halifax, Nova Scotia

Subject: Divorce Act; Family; Child Support; application to vary; adult children; income over \$150,000; non-recurring payment; imputation of income; s.7 expenses

Summary: The parents entered into an agreement as to how the father's income would be calculated. Father received a one-time payment in 2013 which he did not want included in income. Father's position was that he should not share in s.7 expenses due to the high amount of table child support.

Issues:

- (1) Calculation of father's income?
- (2) Should either parent have income imputed?
- (3) Is the Table amount inappropriate s. 3(2) and 4 of *Guidelines*?
- (4) Are private school fees, tutoring and driver's education extraordinary expenses?
- (5) What is the appropriate sharing of s. 7 and how much should the adult child contribute to university expenses?

Result:

While there was a change in circumstances, the agreed method for calculation for the father's income was still fair and reasonable. The Table amount of child support was not inappropriate. Non-recurring amount included in income as per the agreement made by the parties. Income not imputed because of mother's less than full-time employment or for the father's dividend income. Tutoring and driver's education not extraordinary. University and private schools.7 expenses to be shared proportionately by parents. Child to contribute \$2,000.

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