

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

**Citation:** *Power v. Power*, 2015 NSSC 234

**Date:** 2015 - 08 - 11

**Docket:** 1201-059120; SFH-D 035445

**Registry:** Halifax

**Between:**

**Joseph Patrick Power**

Petitioner

v.

**Angela Rose Power**

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Elizabeth Jollimore

**Heard:** September 25, 2014, and April 8, 2015 in Halifax, Nova Scotia

**Summary:** Payor applied to vary child support and for forgiveness of arrears or a moratorium on their collection. Income had been imputed at previous variation hearing. Payor did not prove that it was no longer appropriate to impute income or that the amount of income imputed was no longer appropriate. Payor failed to offer evidence supporting claims under the *Maintenance Enforcement Act*.

**Key words:** Family, child support, imputing income, application to vary, retroactive variation

**Legislation:** *Civil Procedure Rule* 59.11(1), 59.22(1)  
*Divorce Act*, R.S.C. 1985 (2nd Supp.), c. 3, subsection 17(4)  
*Federal Child Support Guidelines*, SOR/97-175, subsection 14(a), clause 19(1)(d), clause 19(1)(f), clause 19(1)(g), clause 19(1)(h) , subsection 21(1)  
*Maintenance Enforcement Act*, S.N.S. 1994-5, c. 6, section 15, section 46

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