

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** Houston v. Houston, 2007 NSSC 277

**Date:** Decision Date 20070924

**Docket:** SYD-052564

**Registry:** Yarmouth

**Between:**

Robert Donald Houston

Applicant/Petitioner

v.

Sharon Rosa Houston

Respondent/Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Glen G. McDougall

**Heard:** September 6, 2007, in Yarmouth, Nova Scotia

**Subject:** Interim Application to vary child support and to set parental contribution towards their dependent child's costs of post-secondary education.

**Summary:** The parties' sole dependent child enrolled in a two-year parental post-secondary training program. He had to take an apartment nearer the community college which was located approximately 2 to 2 ½ - hours drive from the home where he had lived with his mother. It was expected that he would come home most weekends and during school breaks. He was also expected to return home to live with his mother during the four month summer holidays. He arranged a student loan which should cover somewhere between fifty and fifty-five percent of his schooling costs. The applicant father sought to eliminate child support payments to the respondent mother or to at least have them reduced to reflect his current income. His current income is lower than when the monthly support payments were last set in accordance with the Child Support Guidelines. His decrease in income resulted from business losses for two new business ventures begun the previous year.

**Issue:** Has there been a sufficient change in circumstances to warrant a variation in child support? What income amount should be used to: (i) determine child support under the Guidelines; and, (ii) the proportionate contribution that should be made towards the cost of the dependent child's education?

**Result:**

The applicant has a legal obligation to provide financial support to his dependent child while he pursues further education and eventual self-sufficiency. The Court, without discouraging the applicant from pursuing other business opportunities, has decided to impute income to the applicant based on his earnings before deduction of business losses. Forty percent of the applicable Guideline amount shall continue to be paid to the respondent during the approximately eight months the dependent child is in full-time attendance at school. Provided he returns home to work during the summer holidays, the monthly payments will be the full amount according to the Guidelines. The applicant shall also pay fifty percent of the education costs not covered by the dependent child's student loan in two equal instalments of \$1,500.00 payable on or before October 31, 2007 and January 31, 2008. Unless there is a significant change in the income of either of the two parties this same formula shall be used to calculate child support and parental contribution towards education costs during the 2008/09 school year. All child support will cease once the dependent child completes his education program at which time it is presumed that he will be financially self-sufficient.

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