

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Vogt v. Abbott, 2007 NSSC 285

Date: 20071012

Docket: SFHMCA-047590

Registry: Halifax

Between:

Tamara Vogt

Applicant

v.

Corey Abbott

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: April 13 and July 4, 2007, in Halifax, Nova Scotia

Subject: Application for retroactive and prospective child support and s. 7 expenses. Undue hardship application.

Summary: The parties have one child between them. The father has not provided support since the child's birth in January, 2005. Each party has other children. The father was previously employed, subsequently laid off and now self-employed. The father provided inadequate disclosure with insufficient verification.

Issue: Has undue hardship been established?

Result: Undue hardship was not established. The father is critically underemployed. The child is entitled to retroactive child support and a contribution to child care expenses from January, 2005, to date. The court imputed income. Arrears were fixed and judgement entered. Prospective child support based on the imputed income was awarded.

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