

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

**Citation:** Muise v. Fox, 2011 NSSC 258

**Date:** 20110630  
**Docket:** SFH MCA 075135  
**Registry:** Halifax

**Between:**

Margaret Elizabeth Muise

Applicant

v.

Leonard Walter Fox

Respondent

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**Judge:** The Honourable Justice Elizabeth Jollimore

**Heard:** June 21, 2011

**Summary:** Mother applied for interim spousal and child maintenance. Two children lived in shared parenting arrangement. Father's request to calculate the mother's income to include CCTB and HST was dismissed. Mother sought interim spousal maintenance at the "high" range from the Spousal Support Advisory Guidelines.

**Key words:** family, interim child and spousal maintenance, shared parenting, Spousal Support Advisory Guidelines

**Legislation:** *Divorce Act*, R.S.C. 1985 (2<sup>nd</sup> Supp.), c. 3  
*Federal Child Support Guidelines*, SOR/97-175, s. 9  
*Income Tax Act*, R.S.C. 1985 (5<sup>th</sup> Supp.), c. 1, sections 122.6, 122.61(1.1)  
*Maintenance and Custody Act*, R.S.N.S. 1989, c. 160, sections 3(2), 3A(1), 3A(2), 9  
*Child Maintenance Guidelines*, N.S. Reg. 53/98, section 16

**Result:** Interim child maintenance of \$900.00 awarded. Father to pay sports costs in addition. Interim spousal maintenance of \$300.00 awarded.

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