

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Smith v. Smith, 2011 NSSC 269

Date: 20110623
Docket: 1201-64292
Registry: Halifax

Between:

Adam Richard Smith

Petitioner

v.

Katherine Helen Smith

Respondent

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Judge: The Honourable Justice Elizabeth Jollimore

Heard: June 22, 2011

Oral Decision: June 23, 2011

Written Decision: July 28, 2011

Summary: In divorce, mother sought to vary terms of comprehensive agreement relating to custody, child support and property division. Parenting and child support terms were varied, while terms of the agreement which related to property division, which were not unconscionable or unduly harsh, were not varied.

Key words: Family, *Divorce Act*, *Child Maintenance Guidelines*, *Maintenance and Custody Act*, *Matrimonial Property Act*, unequal division of assets, imputing income, business asset, child support - application to vary, separation agreement, section 7 expenses

Legislation: *Divorce Act*, R.S.C. 1985 (2nd Supp.), c. 3, sections 17(4), 17(5) & 17(6.1) *Federal Child Support Guidelines*, SOR/97-175, sections 9, 19(1)(e) & (f) *Maintenance and Custody Act*, R.N.S.N. 1989, c. 160, section 52

*Matrimonial Property Act, R.S.N.S. 1989, c. 275, sections 2(a), 4(1)(e),
13(d), (e) & 29*

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