

**CASE NO.**

**VOL. NO.**

**IN THE SUPREME COURT OF NOVA SCOTIA**

**BILLIE JO (LOVEMAN) MACDONALD,**

**APPLICANT**

**- and -**

**STEPHEN CARL LOVEMAN**

**RESPONDENT**

**Justice John D. Murphy**

**Pictou, Nova Scotia**

**S.P. No 1205-001563**

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**[Cite as MacDonald v. Loveman, 2002 NSSC 167]**

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**HEARD:** in Pictou, Nova Scotia, on February 8, 2002

**DECISION:** February 8, 2002, (Orally)

**SUBJECT:** Family Law, child Support, retroactive variation, evidence of income

**SUMMARY:** Applicant claimed Respondent father's income had increased, and sought variation of support for two children, including retroactive adjustment because Respondent's tax returns for previous years showed income exceeding amount which was basis of present support order.

**ISSUE:** Should level of child support be varied, respecting future payments and/or retroactively.

**RESULT:** Application dismissed.

**Evidence concerning Respondent's income was conflicting, and did not**

**establish on a balance of probabilities that it exceeded the amount upon which present Order was based.**

**Following MacDonald v. MacDonald 2001 NSSC 158, retroactive adjustments will not be made unless there are exceptional or extraordinary circumstances. Respondent's failure to provide income tax information to the Applicant annually does not amount to exceptional or extra-ordinary circumstances.**

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS COVER SHEET.**