

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Pilotte v. Pilotte, 2013 NSSC 24

Date: 20130118

Docket: 1201-065704, SFHD-077949

Registry: Halifax

Between:

Kirsten Jo-Anne Pilotte

Applicant/Petitioner

v.

Joseph Hilaire Julien Joël Pilotte

Respondent

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Judge: The Honourable Justice Beryl MacDonald

Heard: December 3 and 4, 2012

Keywords: Family, Corollary Relief Order, Parenting Plan, Imputing Income, Child Support, Spousal Support, Retroactive Child Support, Retroactive Spousal Support, Division of Matrimonial Property

Legislation: *Federal Child Support Guidelines*, s. 7
Federal Child Support Guidelines, s. 9
Matrimonial Property Act, R.S.N.S. 1989, c.275

Summary: In a Divorce proceeding the parents could not agree about: cancellation of the Father's insurance policy on the Mother's life, who was to claim the children as dependents on Income Tax Returns, the division of matrimonial property and debt, the parenting plan for holidays and special events, the Father's annual income, child support prospective and retroactive, spousal support prospective and retroactive.

The Father was to remove insurance on the Mother's life. The parties were not ordered to redo income tax returns for 2010 or 2011 but were to file their 2012 return in compliance with benefits each may claim in a shared parenting arrangement. Property and debts were divided. A holiday and

special event schedule was set out. No income was imputed to the Father but there was to be a review of his income status in six months. No retroactive child or spousal support was ordered. Section 7 expenses for medical expenses were unproven; the expense for private school was unreasonable given the parents incomes, the expenses for extracurricular activities were not proven to be necessary. Prospective table guideline child support was based on the set off. The Mother no longer had a non-compensable entitlement to spousal support but she retained a compensable entitlement. Payment of spousal support was suspended because of the Father's inability to pay but this was to be reviewed in six months.

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