

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *J. T. v. T. K.*, 2018 NSSC 42

Date: 2018-03-15

Docket: No. SFHMCA-099777

Registry: Halifax

Between:

J. T.

Applicant

v.

T. K.

Respondent

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Judge: The Honourable Justice Carole A. Beaton

Heard: February 20, 2018 in Halifax, Nova Scotia

Written Decision: March 15, 2018

Subject/Key Words: Access; Application; Child Maintenance Guidelines; Costs; Family; Family-access to children; Family-child support; Family-imputing income; Family-parenting time; *Parenting and Support Act*.

Summary: The Father sought parenting time with his child. The Mother was opposed to the Application on the basis the Father's criminal record and unorthodox world views justified no contact or only supervised contact. The Mother sought custody and child support. The Court had limited evidence from the Respondent, incomplete evidence from the Applicant, and limited submissions from either party.

Issues:

1. Should the Respondent's claim for custody succeed?
2. Should the Applicant be denied parenting time?
3. If the answer to the second question is no, should the Applicant's parenting time be supervised?
4. What, if any, schedule for the Applicant's parenting time is appropriate?
5. Is child support payable?

6. Are costs payable?

- Legislation:** *Parenting and Support Act*; R.S.N.S. 1989, c. 160, s. 18 (6); (8)
Provincial Child Support Guidelines, O.I.C. 2017-143, N.S. Reg. 83-2017
Civil Procedure Rule 77
- Cases:** *Doncaster v. Field*, 2014 NSCA 39
D.S. v. R.T.S., 2017 NSSC 155
Young v. Young, [1993] 4 S.C.R. 3
McIntosh v. St. Georges, 2015 NSSC 114
MacDonald v. Pink, 2011 NSSC 421
D.B.S. v. S.R.G., 2006 SCC 37
- Texts:** Payne, J. & Payne, M.; *Child Support Guidelines in Canada, 2012*; (Toronto: Irwin Law Inc., 2012) at 213-214.
- Result:**
1. Parenting time granted as not found to be contrary to best interests of child.
 2. Parenting time did not need to be supervised.
 3. Parenting time according to a transitional schedule.
 4. Child support payable based on imputed income.
 5. Each party to bear their own costs; each party shall pay costs to the Court.

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