

SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)

Citation: Khoury v. Khoury, 2018 NSSC 58

ENDORSEMENT

Denise Fern Anne Khoury v. Antoun Sadallah Khoury
1201-068946; SFH-D97620

March 19, 2018

Antoun Khoury, self-represented

Mr. Khoury seeks to vary a Consent Variation Order granted in August 2017, which ordered him to pay monthly spousal support of \$600.00 and stated the spousal support “shall not be varied by either party regardless of any change in either parties’ [sic] circumstances”.

Decision:

The variation application is dismissed: Mr. Khoury has shown no basis for varying the terms of the Consent Variation Order.

Reasons:

1. The parties agreed to a Consent Variation Order which fixed the amount of spousal support Mr. Khoury was to pay to his former wife, and provided that once he met the obligation to pay monthly spousal support of \$600.00 until September 1, 2022, he would have no further obligation to pay her any spousal support: his obligation would terminate absolutely.
2. The parties’ Order said that “spousal support shall be a fixed amount and shall not be varied by either party regardless of any change in either parties’ circumstances”.
3. Mr. Khoury says he would like to vary the Order until he gets a job and pays some bills.
4. Mr. Khoury is asking that I vary the Order based on changes to his circumstances.
5. The burden of proving the Order should be varied rests on the person asking for the order to be changed: Mr. Khoury.
6. Since the parties agreed that the Order could not be changed, *even if there was a change in circumstances*, changes to Mr. Khoury’s employment or debt situation (if they arose after August 2017, which has not been shown) would not permit me to vary the Order.

7. Each party was represented by counsel when they consented to this Order.
8. Mr. Khoury does not impugn the validity of the Order, the circumstances of its negotiation or its substantial compliance with the objectives of the *Divorce Act: Miglin*, 2003 SCC 24.
9. Mr. Khoury has failed to offer any reason for varying the terms of the parties' Consent Variation Order of August 2017.
10. Mr. Khoury's application is dismissed. An Order dismissing his application is enclosed.

Elizabeth Jollimore, J.S.C.(F.D.)