

SUPREME COURT OF NOVA SCOTIA (FAMILY DIVISION)

Citation: *Gunter v. Gunter*, 2017 NSSC 357

ENDORSEMENT

Jason Gunter v. Audrey Gunter
SFHMCA-028839
November 22, 2017

Mr. Gunter seeks to vary the child support ordered in the parties' September 2017 Consent Variation Order.

Decision:

The variation application is dismissed: no material change in circumstances has been shown to have occurred since the Consent Variation Order was granted in September 2017.

Reasons:

1. Before I can consider an application to vary a child support order: *Gordon v. Goertz*, 1996 CanLII 191 (S.C.C.) at para 13. The requirements are:
 - (a) there must be a change in the children's condition, means, needs or circumstances or the ability of the parents to meet the children's needs;
 - (b) the change must materially affect the children; and
 - (c) the change was either not foreseen or could not have been reasonably contemplated by the judge who made the initial order.
2. The burden of proving the material change rests on the person asking for the order to be changed: Mr. Gunter.
3. If there has been no material change proven, I do not have jurisdiction to vary the order.
4. Mr. Gunter has failed to prove there is a material change in circumstances which has occurred since the Consent Variation Order was negotiated in July 2017 and the Order was granted in September 2017.

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