

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION

Citation: *Crowell v. Symonds*, 2022 NSSC 291

Date: 20221014

Docket: SFHPSA-123164

Registry: Halifax

Between:

Andrea Lynn Crowell

Applicant

v.

Darien Evan Symonds

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Elizabeth Jollimore

Summary: Application to vary filed two months after contested hearing completed was dismissed in the absence of proof of a material change in circumstances.

Key words: Family, Child support, Table amount, Variation, Material change in circumstances

Legislation: *Parenting and Support Act*, R.S.N.S. 1989, c. 160

THIS INFORMATION SHEET DOESN'T FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.

CROWELL v. SYMONDS
2022 NSSC 291
ENDORSEMENT

October 14, 2022

Andrea Crowell v. Darien Symonds
SFH PSA 123164

Mr. Symonds seeks to vary the child support ordered in the parties' July 7, 2022 Order.

Decision:

The variation application is dismissed: no material change in circumstances has been shown to have occurred since the Order was granted following the contested hearing on July 6, 2022

Reasons:

1. Before I can consider a variation application, I must be satisfied that there has been a change of circumstances that has occurred since the making of the last order: *Parenting and Support Act*, R.S.N.S. 1989, c. 160, section 37.
2. The Order sought to be varied was granted on July 7, 2022 following a contested hearing on July 6, 2022. At the time of the contested hearing, it was known that Mr. Symonds would be returning to school to complete his training. This fact is stated in the Order's recitals.
3. Mr. Symonds' arrears of child support were fixed and their repayment was suspended until the earlier of his completion of his education or December 1, 2023. Mr. Symonds has offered no evidence to show a change in circumstances relevant to this aspect of the Order.
4. The burden of proving the change of circumstances rests on the person asking for the order to be changed: Mr. Symonds.
5. If there has been no material change proven, I do not have jurisdiction to vary the order.
6. Mr. Symonds filed his variation application on September 7, 2022 - 2 months after the Order was granted. He has failed to prove there is a material change

in circumstances which has occurred since the Order was granted. The circumstances referred to in his affidavit were all known at the time the Order was granted.

7. I dismiss Mr. Symonds' variation application.

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