

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** *MacDonald v. Daley*, 2023 NSSC 224

**Date:** 20230630

**Docket:** *Hfx.* No. 1201-063601

**Registry:** Halifax

**Between:**

Sarah MacDonald

Applicant

v.

Robert Daley

Respondent

---

**LIBRARY HEADING**

---

**Judge:** The Honourable Justice Ingersoll

**Heard:** April 12, 2023, in Halifax, Nova Scotia

**Written Decision:** June 30, 2023

**Subject:** Family Law: variation, material change in circumstances income determination, imputation of income, special and extraordinary expenses (section 7 expenses), child support.

**Issues:** Father and spouse (who are both employed by the RCMP) agreed that Northern Benefits and Vacation Travel Assistance program funds formerly provided to the father would be paid instead to the spouse. Father argued that these benefits should not be included in his income as he no longer receives these benefits and in any event that these benefits should not be included in income for the determination of child support obligations. Mother argued that half of the Northern Benefits and the full amount of the Vacation Travel Assistance program funds should be imputed to the father and included in his income.

Mother alleged that overtime income which the father has historically earned but no longer earns should also be imputed to the father. The father submitted that no overtime income should be imputed to him as his decision to cease working overtime was reasonable.

Mother alleged that the father should contribute to several special and extraordinary expenses.

**Result:**

Material change in circumstances found. Income was imputed to the father in an amount equivalent to half of the Northern Benefits and Vacation Travel Assistance program funds received by the father's spouse. No overtime income was imputed to the father. Father was ordered to pay for some but not all special or extraordinary expenses sought by the mother.

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

**SUPREME COURT OF NOVA SCOTIA**  
**FAMILY DIVISION**

**Citation:** *MacDonald v. Daley*, 2023 NSSC 224

**Date:** 20230630

**Docket:** *SFH* No. 1201-063601

**Registry:** Halifax

**Between:**

Sarah MacDonald

Applicant

v.

Robert Daley

Respondent

**Judge:** The Honourable Justice Ingersoll

**Heard:** April 12, 2023, in Halifax, Nova Scotia

**Written Release:** June 30, 2023

**Counsel:** Judith Schoen, counsel for the Applicant  
Robert Daley, self-represented

**By the Court:**

**Introduction**

[1] Sarah MacDonald and Robert Daley are parents to Hannah who is 17. Ms. MacDonald and Mr. Daley were divorced in 2013. Hannah has lived with her mother since the parties separated.

[2] The Consent Corollary Relief Order issued in 2013 stipulated that as of March 1, 2013, Mr. Daley would pay child support based on his then current income based on the Nova Scotia table of the *Federal Child Support Guidelines*.

[3] Ms. MacDonald seeks an order, effective January 1, 2023, fixing Mr. Daley's 2023 income and based on that income stipulating Mr. Daley's table amount of child support and his required contribution toward Hannah's ongoing special and extraordinary expenses.

[4] The parties agree that Mr. Daley must pay child support and contribute to appropriate special and extraordinary expenses but disagree on the amounts of this support.

[5] To determine Mr. Daley's child support and special or extraordinary expense obligations I must first determine Mr. Daley's 2023 income.

[6] I will use Mr. Daley's 2023 income to fix his child support obligations as of January 1, 2023, as opposed to his 2022 income on the year behind basis as the parties have reached an agreement that Ms. MacDonald's retroactive claim for child support or special or extraordinary expenses have been satisfied to December 31, 2022. For this reason, I consider it appropriate to base Mr. Daley's 2023 child support obligation on the income he will earn in 2023.

### **Issues**

[7] This case requires that I address the following eight issues:

- a. Has a material change occurred which would permit consideration of changes to the Corollary Relief Order?
- b. What compensation does Mr. Daley receive from his employer?
- c. Are there compensation components not included in Mr. Daley's current compensation that were once included?
- d. Should any of those components be imputed as 2023 income to Mr. Daley for the purposes of determining his child support obligation?
- e. Does Mr. Daley incur any expenses that can be considered in fixing his child support obligations?

- f. Are there special circumstances which pursuant to the *Federal Child Support Guidelines* reduce Mr. Daley's child support obligations?
- g. What table amount of child support should Mr. Daley pay?
- h. To which special or extraordinary expenses should Mr. Daley contribute and in what amount?

**Issue #1: Has a material change occurred which would permit consideration of changes to the Corollary Relief Order?**

[8] Before I can consider whether the existing Consent Corollary Relief Order should be amended, I must be satisfied that a material change in circumstances has occurred since the Consent Corollary Relief Order was issued.

[9] Section 17 (1) of the *Divorce Act* R.S.C. 1985, c. 3 (the *Divorce Act*) empowers me to vary a support order. Section 17 (4) of the *Divorce Act* stipulates that I can only vary an order if I am satisfied that a change of circumstances, as provided for in the applicable guidelines, has occurred since the making of the child support order.

[10] Section 14 of the *Federal Child Support Guidelines* identify changes in circumstances which if present justify variation of a child support order which

include, but are not limited, to “any change in the condition, means, needs or other circumstances of either spouse”.

[11] In *Gordon v Goertz*, [1996] 2 SCR 27 the Supreme Court of Canada considered the degree of change required to meet the threshold test for variation. The Court held that the court, in considering whether a change has occurred, should consider whether the previous order might have been different had the circumstances now existing prevailed earlier (paragraph 12).

[12] Ms. MacDonald bears the burden of proving that there has been a change in the condition, means, needs or other circumstances of one or both of the parties since the Consent Corollary Relief Order was issued: *RP v. RC*, 2011 SCC 65 at paragraph 25. The change "must have some degree of continuity, and not merely be a temporary set of circumstances": *LMP v. LS*, 2011 SCC 64 at paragraph 35.

[13] The Consent Corollary Relief Order issued on April 24<sup>th</sup>, 2013, stipulates that Mr. Daley's 2013 income was \$110,000.00 and that Ms. MacDonald's income was \$16,849.95 and that Mr. Daley will pay child support of \$915.00 per month and contribute \$300.00 per month toward child care.

[14] Mr. Daley's income has increased significantly since 2013. Mr. Daley's income from all sources in 2019 was \$196,261, in 2020 \$212,109 in 2021

\$222,041 and in 2022, \$232,085. Mr. Daley now lives in the City of Iqaluit, Nunavut.

[15] Courts in this province have accepted that a change in a parent's income that affects the parent's ability to pay child support can satisfy the threshold requirement of a material change; *Foss v Foss*, [2011] NSJ No 149, *Croscup v Lewis*, [2021] NSJ No 14 and *Newell v. Upshaw-Oickle*, [2017] N.S.J. No. 346.

[16] Mr. Daley's income is now consistently greater than his income earned at the time the Consent Corollary Relief Order was issued.

[17] Mr. Daley has unilaterally increased his child support payment to \$1,338.31 per month.

[18] Mr. Daley ceased contributing to Hannah's child care costs in 2016 (when Hannah was 10) and began contributing to the cost of Hannah's dance instruction which he continued until 2020 and has not thereafter recommenced.

[19] I am satisfied that the increase in Mr. Daley's income, his increased monthly child support payments, his cessation of contribution toward Hannah's child care expenses, his cessation of payment or contribution toward special or extraordinary expenses and his relocation to Iqaluit constitute material changes in circumstances which justify my review of the Consent Corollary Relief Order.



**Issue #2: What compensation does Mr. Daley receive from his employer?**

[20] Mr. Daley is a Sergeant in the RCMP. He deposed that his 2023 base salary will be \$123,509.00 but that his Line 150 income for 2023 will be \$135,985.46. Mr. Daley deposed that minus union dues his projected 2023 income for child support purposes will be \$134,120.42. (Mr. Daley's March 23, 2023, sworn Statement of Income indicates that his 2023 incomes will be (net of union dues) \$132,226.56.) As Mr. Daley has deposed that his salary in 2023 will be \$134,120.42 (after deduction of union dues) I will use that amount as the income he will receive from his employer in 2023.

[21] Mr. Daley says that his child support obligations should be determined based solely on his projected income of \$134,120.42.

**Issue #3: Are there compensation components not included in Mr. Daley's current compensation that were once included?**

[22] The parties agree that in the past Mr. Daley received the following three categories of compensation from the RCMP in addition to his regular salary:

- a. Northern Benefits,
- b. Vacation Travel Assistance (VTA), and

c. Overtime

[23] Mr. Daley will not receive these categories of compensations in 2023. Mr. Daley and his wife have agreed that she will receive the Northern Benefit and the VTA as of August of 2022. Mr. Daley will not incur overtime in 2023.

**Issue #4: Should any of those components be imputed as 2023 income to Mr. Daley for the purposes of determining his child support obligation?**

[24] Ms. MacDonald says that Mr. Daley has diverted income (Northern Benefits and the VTA) that he used to receive to his wife, which has lowered his 2023 income. Ms. MacDonald says that I should impute, as income to Mr. Daley, any income which Mr. Daley has diverted to his wife and which he will not receive in 2023. Ms. MacDonald also says that I should impute income to Mr. Daley on the basis that he is not working the overtime hours which he worked in the past and which he should still be working to maximize his ability to pay child support.

[25] Ms. MacDonald says that I should calculate Mr. Daley's child support obligations on his actual income combined with his imputed income from all categories.

[26] Mr. Daley says that there is no basis to impute any income to him for the purposes of calculating his child support obligations.

[27] Each of these three categories of compensation (Northern Benefits, the VTA and overtime) will be considered for the purposes of answering the following two questions:

- a. Could Mr. Daley have earned this category of compensation in 2023 and if so, why is Mr. Daley not receiving this category of compensation in 2023?
- b. Should this category of compensation be imputed as 2023 income to Mr. Daley for the purpose of calculating his child support obligation and if so, in what amount?

### **The Northern Benefit**

**Question 1: Could Mr. Daley have earned this category of compensation in 2023 and if so, why is Mr. Daley not receiving this category of compensation in 2023?**

[28] Mr. Daley is married to an RCMP officer with whom he has three children.

In 2022, Mr. Daley and his family transferred from Igloolik, Nunavut to the City of Iqaluit, Nunavut.

[29] Mr. Daley's wife took a three-year leave of absence while he worked in Igloolik, but she returned to work in August of 2022 with the RCMP when the family transferred to Iqaluit.

[30] In 2022 while stationed in Iqaluit and in the years that he was posted in Igloolik, Mr. Daley received allowances under the Federal government's Isolated Post Government Housing Directive. Mr. Daley qualified for these allowances because he was stationed in an "isolated post".

[31] Pursuant to the Directive, Mr. Daley received five separate allowances: the Environment Allowance (EA), the Living Cost Differential (LCD), the Fuel and Utilities Differential (F&UD), the Shelter Cost Differential (SCD) and the Vacation Travel Assistance (VTA).

[32] In this decision I will refer to the Environment Allowance (EA), the Living Cost Differential (LCD), the Fuel and Utilities Differential (F&UD), and the Shelter Cost Differential (SCD) collectively as the Northern Benefit. (I will address the VTA separately.)

[33] On cross examination Mr. Daley confirmed that he and his wife agreed that she would commence receiving the Northern Benefit as of August 2022. This transfer was a choice made by Mr. and Ms. Daley; the transfer of the Benefit from

him to her was not required by the RCMP. Mr. Daley testified that in a household with two RCMP officers only one officer could claim the Northern Benefit. The non-claiming spouse is considered a dependent for the purposes of the Northern Benefit.

[34] Mr. Daley testified that prior to his wife assuming the Northern Benefit in August of 2022, three components of his bi-weekly pay were in respect of the Northern Benefit and that these amounts totaled \$1,481.14. These three components in this aggregate amount were included in each pay received by Mr. Daley prior to August of 2022. These were taxable payments made to Mr. Daley.

[35] After his wife started receiving the Northern Benefit, Mr. Daley continued to receive a small amount in respect of the Northern Benefit. In 2022 as of August he received a Northern Benefit of \$202.09 per pay. This amount was included in his bi-weekly pay and was fully taxable.

[36] Mr. Daley testified that the Northern Benefit is not affected by the number of children that an RCMP officer lives within the isolated posting. There is a “single” and a “not single” Northern Benefit. Mr. Daley was, and Ms. Daley is currently paid the non-single Northern Benefit.

[37] Mr. Daley says that he earned \$25,467.04 in the Northern Benefit in 2022.

[38] Ms. Daley received \$1,571.25 per pay for these Benefits once she began receiving the Northern Benefit in 2022. (The Northern Benefits are recalculated every six months which accounts for the difference in the amount of the Northern Benefits.) In 2022, Ms. Daley received \$16,188.94 in Northern Benefits.

[39] The total, 2022 Northern Benefit paid to Mr. Daley and Ms. Daley (as of August of 2022) was \$41,655.98.

[40] Mr. Daley says that in 2021 (when the Northern Benefit was paid fully to him) he received \$35,733,94.

[41] Based on Ms. Daley's first pay stub in 2023 it appears that her 2023 Northern Benefit payment will be \$40,852.50.

[42] Section 16 of the Federal Child Support Guidelines stipulates that income is to be determined using the sources of income set out under the heading "Total income" in the T1 General form issued by the Canada Revenue Agency.

[43] The Northern Benefit was annually included in Mr. Daley's line 150 income (Total income) on his income tax return. Mr. Daley paid tax on the Northern Benefit he received each year.

[44] Justice Sherr in *Watson v. Watson* 2017 ONCJ 24 concluded that taxable allowances paid to a Power Line Technician who worked in Fort MacMurray should be considered income for the purposes of calculating child support. Justice Sherr held that “[t]he guidelines do not provide for a reduction of income based on taxable allowances received. The court will not adjust the father’s income for these allowances.” (Paragraph 40).

[45] I accept that, effective August of 2022, Mr. Daley, and his wife agreed that she would thereafter receive, from the RCMP, taxable income in the form of the Northern Benefit, which taxable income Mr. Daley had thereto received and but for that agreement Mr. Daley would have continued to receive in 2023. If Mr. Daley had received that taxable income in 2023 it would have formed part of his compensation upon which his child support obligations would be calculated.

**Question #2: Should this category of compensation be imputed as 2023 income to Mr. Daley for the purpose of calculating his child support obligation and if so in what amount?**

[46] Ms. MacDonald says that I should impute to Mr. Daley half of the amount of the Northern Benefit paid to Ms. Daley as that amount should have been paid to

Mr. Daley in 2023 and included in his income for the purposes of the calculation of child support.

[47] The *Federal Child Support Guidelines* permit me to impute income. The Guidelines provide a non-exhaustive list of circumstances in which I can input income including but not limited to under employment, tax exemption and income diversion. Subsection 19(1) of the Guidelines stipulates that if I impute income, I am to impute an amount that I consider appropriate in the circumstances.

[48] Justice Forgeron in *Dalton v Clements*, 2016 NSSC 38 reviewed the legal principles to be applied when considering a request to impute income to a payor parent.

22 In *Parsons v. Parsons*, 2012 NSSC 239, this court stated the principles that apply to the imputation of income pursuant to s. 19(1)(a) at paras 32 and 33, as follows:

32 Section 19 of the Guidelines provides the court with the discretion to impute income in specified circumstances. The following principles are distilled from case law:

a. The discretionary authority found in s.19 must be exercised judicially, and in accordance with rules of reasons and justice, not arbitrarily. A rational and solid evidentiary foundation, grounded in fairness and reasonableness, must be shown before a court can impute income: *Coadic v. Coadic*, 2005 NSSC 291 (N.S. S.C.).

b. The goal of imputation is to arrive at a fair estimate of income, not to arbitrarily punish the payor: *Staples v. Callender*, 2010 NSCA 49 (N.S. C.A.).

c. The burden of establishing that income should be imputed rests upon the party making the claim, however, the



evidentiary burden shifts if the payor asserts that his/her income has been reduced or his/her income earning capacity is compromised by ill health: *MacDonald v. MacDonald*, 2010 NSCA 34 (N.S. C.A.); *MacGillivray v. Ross*, 2008 NSSC 339 (N.S. S.C.).

d. The court is not restricted to actual income earned, but rather, may look to income earning capacity, having regard to subjective factors such as the payor's age, health, education, skills, employment history, and other relevant factors. The court must also look to objective factors in determining what is reasonable and fair in the circumstances: *Smith v. Helppi*, 2011 NSCA 65 (N.S. C.A.); *Van Gool v. Van Gool* (1998), 113 B.C.A.C. 200 (B.C. C.A.); *Hanson v. Hanson*, [1999] B.C.J. No. 2532 (B.C. S.C.); *Saunders-Roberts v. Roberts*, 2002 NWTSC 11 (N.W.T. S.C.); and *Duffy v. Duffy*, 2009 NLCA 48 (N.L. C.A.).

e. A party's decision to remain in an unremunerative employment situation, may entitle a court to impute income where the party has a greater income earning capacity. A party cannot avoid support obligations by a self-induced reduction in income: *Duffy v. Duffy*, *supra*; and *Marshall v. Marshall* (2007), 2008 NSSC 11 (N.S. S.C.).

[49] Ms. MacDonald bears the onus to establish evidentiary basis for such a finding (*Coadic v. Coadic* 2005 NSSC 291 at paragraph 12).

[50] If Ms. MacDonald presents the evidentiary basis suggesting that a prima facie case for imputation of income exists the onus shifts to Mr. Daley to defend the income position, he is taking. (*Horbas v. Horbas* 2020 MBCA 34)

[51] In his written submission Mr. Daley submitted that the transfer of the Northern Benefit was appropriate for several reasons including but not limited to:

- a. His income was higher than his wife's income,

- b. The transfer of the Benefit kept both of their earnings below the \$155,625.00 Federal tax rate of 29%,
- c. The Benefit allows Ms. Daley to support her children, and
- d. Any Canadian family in the same situation would opt to do the same.

[52] The income which Mr. Daley diverted to his wife reduced the amount of child support which he would have to pay.

[53] Justice Lynch in *Power v Power*, 2013 NSSC 99 determined on the evidence before the court that it was appropriate to impute income to Mr. Power in part because “There is evidence that income which has been diverted to Mr. Power's current spouse would affect the level of child support.” In *Tobia-White v White*, 2006 NSSC 397 Justice Lynch imputed income to the payor parent and held “When I look at Dr. White's income tax in his statement of professional activities, I do see some cases where money is diverted that would be otherwise included in his income and would affect the child support amount.”

[54] I find that Mr. Daley has diverted income to his wife and thereby has reduced his 2023 income which could, if not reversed, affect the amount of child support he must pay.

[55] Mr. Daley's explanation for diverting the Northern Benefit to his wife was in part motivated to reduce his income for income tax purposes. The reduction in income reduces Mr. Daley's income tax burden and reduces his child support obligation.

[56] Ms. MacDonald is not asking that I impute the entire Northern Benefit to Mr. Daley but rather half of the Northern Benefit.

[57] I accept that the Northern Benefit Mr. Daley received prior to August of 2022 and that Ms. Daley received thereafter was paid in that amount in part because they are married. Because the evidence establishes that the amount of the benefit is increased because Mr. Daley is married, I am prepared to apportion the benefit equally between Mr. Daley and his spouse who is also an RCMP member.

[58] I accept that it is appropriate in this case to impute half of the Northern Benefit that Ms. Daley will receive in 2023 to Mr. Daley and include that amount in his income for the purposes of calculating his child support obligation.

[59] I have calculated Ms. Daley's 2023 Northern Benefit to be \$40,852.50. I will impute half of that amount, \$20,426.25 to Mr. Daley for the purposes of determining his 2023 child support obligation. This amount does not need to be grossed up as it was subject to tax withholding at source.

## **VTA**

**Question #1 Could Mr. Daley have earned this category of compensation in 2023 and if so, why is Mr. Daley not receiving this category of compensation in 2023?**

[60] As noted, Mr. Daley is entitled to Vacation Travel Assistance (VTA) because he is a member of the RCMP stationed in an isolated post (Iqaluit). Mr. Daley's posting in Iqaluit entitles him to two VTA payments per year.

[61] The VTA is not a benefit offered in respect of work-related travel. Rather the VTA compensates Mr. Daley for his family's non-work-related travel costs to and from an isolated post. The VTA allowance paid to Mr. Daley did not necessarily compensate him for his actual travel costs.

[62] The VTA paid to Mr. Daley is taxable income and was included annually in his line 10100 income (and as a result in his line 15000 income) on his tax returns. The VTA paid to Mr. Daley is included in his T4 Statement of Remuneration Paid in Box 32. The compensation in that Box is described as "Travel in prescribed zone". The second page of Mr. Daley's 2022 T4 indicates that the amount set out in Box 32 should not be reported on his income tax return as it is already included in his Box 14 (Line 10100) income.

[63] Although the VTA paid to Mr. Daley is included in his income he is permitted to deduct from his income an amount calculated each year and entitled “Northern residents deductions”. This deduction is the aggregate of the two separate deductions. These are a “deduction for travel benefits” (as calculated on Form T2222) and a “residency deduction” (also as calculated on Form T2222). The deduction for travel benefits, in part, offsets some or all the VTA paid to Mr. Daley and included in his income.

[64] Form T2222 indicates that the income set out on Box 32 is taxable income.

[65] The Northern residents deduction reduces Mr. Daley’s taxable income and thereby reduces his tax payable. Mr. Daley’s net income or disposable income is increased because of the Northern residents deduction.

[66] Mr. Daley received VTA in 2019, 2020, 2021 and 2022 and claimed the VTA related deduction from income each year.

[67] Mr. Daley’s wife started claiming the VTA as of August of 2022. Ms. Daley’s 2022 T4 Statement of Remuneration Paid does not disclose a 2022 “Travel in prescribed zone” payment to Ms. Daley in 2022.

[68] Mr. Daley’s Income Tax returns and his T4 Statements disclose the following particulars concerning his non-work-related travel and his VTA claims.

Year	Non-work-related travel payment to Mr. Daley included in line 10100 income (Form T2222 and Box 32 on T4)	Actual travel expense incurred by Mr. Daley	Permitted travel allowance to be deducted from Line 15000 income as per Form T2222	Residency reduction to be deducted from Line 15000 income as per Form T2222	Permitted travel allowance to be deducted and Residency reduction combined and together referred to as “Northern residents reduction” and deducted from Line 15000 income
<b><u>2019</u></b>	\$21,504.00 *	\$21,739.36	\$21,504.00	\$5,544.00	\$27,048.00
<b><u>2020</u></b>	\$37,343.25 **	\$52,342.89	\$25,695.00	\$8,052.00	\$33,747.00
<b><u>2021</u></b>	Not provided	Not provided	Not provided	Not provided	\$14,384.90***
<b><u>2022</u></b>	\$14,538.30 ****	Not provided	Not provided	Not provided	Not provided

\* Mr. Daley’s affidavit evidence established this amount as his 2019 VTA allowance which is consistent with his 2019 Form T2222, Mr. Daley’s 2019 income tax return (form T2222) indicated that his family of five traveled to New Brunswick once that year.

\*\* Mr. Daley’s affidavit evidence established this amount as his 2020 VTA allowance which is consistent with his 2020 Form T2222. Mr. Daley’s 2020 income tax return (form T2222) indicated that his family of five traveled to New Brunswick twice that year.

\*\*\* Mr. Daley's affidavit evidence established that his 2021 VTA allowance was \$21,764.40 (there is no other evidence (no 2021 Form T2222 or 2021 T4) as to the actual 2021 VTA paid to Mr. Daley). Mr. Daley's 2021 Income Tax Return indicates his 2021 Northern residents deduction was \$14,384.90.

\*\*\*\* Mr. Daley's affidavit evidence established this amount as his 2022 VTA allowance which is consistent with his 2022 T4 Statement.

[69] Mr. Daley tendered his 2021 Income tax return but did not tender his 2021 T2222 form which would disclose his 2021 VTA, the cost of his families' non-work-related travel, the associated permitted travel allowance, and the amount of the Residency deduction. He did not tender his 2021 T4 Statement of Remuneration Paid nor he tender his 2021 Notice of Assessment.

[70] Mr. Daley did not tender his 2022 income tax return. He did tender his 2022 T4 Statement of Remuneration Paid. The second page of the T4 Statement indicates that Box 32 of that document is in respect of "Travel in a prescribed zone". Mr. Daley's T4 slip indicates that his Box 32 amount was \$14,538.00.

[71] Mr. Daley did not tender his 2019, 2020, 2021, or 2022 non-work-related travel expenses.

[72] Mr. Daley did not tender evidence to establish the increased cost of no-work related travel from Iqaluit to his preferred destination as compared to traveling to that destination from another non-isolated post in Canada.

[73] I do not have any evidence regarding the duration or purpose of Mr. Daley's family's non-work-related travel in any year.

[74] I do not have evidence that Mr. Daley's non-work-related 2019, 2020, 2021, 2022 and year to date travel expenses would not have been incurred if Mr. Daley and his family were posted to another location in Western Canada that did not constitute an isolated post.

[75] The VTA paid to Mr. Daley in any year may not be equal to the amount that Form T2222 indicates may be deducted from income in any given year.

[76] I find that the VTA paid to Mr. Daley was income which should be considered in determining his annual child support obligations. I find this for the following reasons:

- a. The VTA received by Mr. Daley does not involve work-related travel costs reimbursed by the RCMP but rather compensation for non-work-related travel.



- b. The VTA is not a “living out” allowance paid to defray an employee’s work-related travel and living costs when they are required to work away from home. (see *Webster v. Webster* 2014 BCSC 730)
- c. The VTA paid to Mr. Daley is taxable income and is reported in his line 10100 employment income and therefore included in his line 15000 total income in the T1 General Form. The *Federal Child Support Guidelines* direct that I am to determine Mr. Daley’s annual income for the purposes of determining his child support obligations using the sources of income set out under the heading “Total income” in the T1 General Form. The VTA is income is included in Mr. Daley’s total income which must be used in the calculation of Mr. Daley’s child support.

As noted, Justice Sherr in *Watson v. Watson, supra* held that “The guidelines do not provide for a reduction of income based on taxable allowances received.” (Paragraph 40).

- d. I accept that, effective August of 2022, Mr. Daley, and his wife agreed that she would thereafter receive, from the RCMP, taxable income in the form of the VTA, which taxable income Mr. Daley had thereto received and but for that agreement Mr. Daley would have continued

to receive in 2023. If Mr. Daley had received that taxable income in 2023 it would have formed part of his compensation upon which his child support obligations would be calculated.

[77] The VTA paid to Mr. Daley was not subject to source withholdings but is included in his annual income on his T4 statements. As the VTA is paid without tax withholding it must be grossed up for tax.

**Question #2: Should this category of compensation be imputed as 2023 income to Mr. Daley for the purpose of calculating his child support obligation and if so, in what amount?**

[78] Ms. MacDonald says that I should impute, as income in 2023 to Mr. Daley, a VTA amount (grossed up for taxes) notwithstanding the fact that as of August of 2022 Mr. and Ms. Daley agreed that Ms. Daley would receive the entire VTA payment.

[79] Mr. Daley says that the VTA paid to him should be excluded from income.

[80] Ms. MacDonald has discharged the burden of establishing that income should be imputed to Mr. Daley. Mr. Daley has not satisfied me that the VTA income which had been paid to him up to and including 2022 should not be imputed to him.

[81] I now must determine what amount should be imputed to Mr. Daley.

[82] Mr. Daley received a 2022 VTA payment in the amount of \$14,538.30. That amount was not subject to tax withholding. Ms. MacDonald urges a 27.4% gross up; \$14,538.30 grossed up for taxes equates to \$20,025.21.

[83] The evidence establishes that Ms. Daley will receive all VTAs going forward, and that Mr. Daley will not receive any VTA as income going forward. I have not been provided any evidence as to Mr. and Ms. Daley's travel plans for 2023. I have evidence that the Daley family traveled in each year and that Mr. Daley received the VTA in varying amount each year since 2019. The Daley family was stationed in Iqaluit in early 2022. I do not have any evidence that they intend to transfer out of Iqaluit prior to the end of 2023. It is appropriate for me to conclude that the Daley family will travel away from Iqaluit in 2023 and that Ms. Daley will receive a VTA payment in 2023 and that it will likely be in at least the same amount as the 2022 VTA payment received by Mr. Daley in respect of travel to and from Iqaluit. I find that it is reasonable to conclude that Ms. Daley will receive VTA income in 2023 in the amount of \$14,538.30 which when grossed up for taxes equates to \$20,025.21.

[84] The VTA that was paid to Mr. Daley and is now paid to Ms. Daley is paid in respect of travel for the Daley family – two adults and three children. As both Mr. Daley and Ms. Daley work for the RCMP, are both stationed in Iqaluit, and both could be paid the VTA I find that it is appropriate to evenly apportion the value of the VTA between Mr. and Ms. Daley.

[85] I conclude then that it is appropriate for me to impute to Mr. Daley as income in 2023 VTA income in the amount of \$10,012.61.

### **Overtime**

**Question 1: Could Mr. Daley have earned this category of compensation in 2023 and if so, why is Mr. Daley not receiving this category of compensation in 2023?**

[86] Ms. MacDonald says that Mr. Daley has in the past regularly worked overtime but has ceased working overtime. Ms. MacDonald says that Mr. Daley's choice to stop working overtime represents an intentional act to reduce his income and thereby reduce his child support obligations.

[87] Mr. Daley's income earned by working overtime hours is not segregated in the evidence. I do not have evidence of how much income Mr. Daley earned in any year based solely on overtime hours worked.

[88] Mr. Daley's affidavit evidence establishes that his income from employment (excluding all allowances, retroactive pay and moving allowances) was as follows 2019 - \$153,169; 2020 - \$140,500; 2021 - \$164,543. Mr. Daley deposed that his 2022 base salary as Sergeant was \$123, 509.

[89] I can infer from the forgoing evidence that Mr. Daley earned approximately \$20,000 to \$40,000 by working overtime in 2019, 2020 and 2021.

[90] Based on the limited evidence before me, I am unable to conclude how much if any overtime Mr. Daley worked in 2022.

[91] Mr. Daley says that his decision to stop working overtime is reasonable considering the following facts:

- a. He has been promoted to Sergeant and is now stationed in Iqaluit.
- b. There is less overtime opportunities for him as Sergeant in Iqaluit.
- c. His wife has gone back to full time work and has a result he is less available to work overtime.

[92] I accept that a reduction in Mr. Daley's overtime is reasonable for the following reasons: he has moved to Iqaluit and been promoted to the position of Sergeant which position has less overtime opportunities, his wife has returned to

full time work thereby reducing the burden on him to maximize his income, and he and his wife have three small children making it difficult for both working parents to be heavily engaged with overtime work.

[93] I am satisfied that Mr. Daley will not earn income based on overtime hours in 2023 and I am satisfied that his explanation for not earning income from working overtime is reasonable. Because I am satisfied that Mr. Daley will reasonably not earn income from working overtime hours in 2023, I will not impute any income to him in respect of over time hours worked in the past and not worked in 2023.

### **Mr. Daley's 2023 Income**

[94] I find that Mr. Daley's 2023 income for the purposes of calculating his 2023 child support obligations will be comprised of the following components: Base salary of \$134,120.42, imputed Northern Benefit of \$20,426.25 and imputed VTA income of \$10,012.61 for total income of \$164,559.28.

**ISSUE #5: Does Mr. Daley incur expenses that should be considered in fixing his child support obligations?**

[95] Mr. Daley says that the Northern Benefit and the VTA should not be considered income for the purposes of calculating his child support obligations because of the additional costs he and his family incur because:

- a. the National Joint Council in paying the Northern Benefit has recognized that the costs of good and services, fuel and utilities and shelter in an isolated post (such as Iqaluit) are 15% higher than in Nova Scotia.
- b. the VTA is paid in respect of trips that are necessary due to exposure of month of complete darkness, harsh weather limiting access to the outdoors, living in isolation and the impact that this has on mental well being are also required for physical well being due to a lack of proper medical care.

[96] I am not satisfied that I have evidence on which I can conclude that it would be appropriate in this case to exclude a portion of the Northern Benefit or the VTA from Mr. Daley's income because:

[97] I do not have evidence to establish that Mr. Daley's actual incurred expenses are significantly higher than the costs he would incur if he were in Nova Scotia.

For example:

- a. Mr. Daley attached several photographs of food and personal items which show the price of those items. I do not have evidence of when those photographs were taken, or the extent to which the items photographed are consumed in the Daley household.
- b. Mr. Daley deposed that he incurs shipping costs to obtain food and personal items but did not tender any evidence regarding shipping costs that would not be incurred if he lived in Nova Scotia.
- c. Mr. Daley's statement of expenses indicates that his family of five plus a live in child care provider have a monthly food and toiletries budget of \$3,500.00. By way of comparison Ms. MacDonald's monthly food and toiletries budget for herself and the parties' daughter is \$790.00. When averaged per person Mr. Daley's family's food and toiletries budget is not remarkably higher than Ms. MacDonald's.
- d. Mr. Daley's monthly budget is \$12, 643.84. Of this amount \$3,150.00 per month is spent on child care. Ms. MacDonald does not incur child care costs. Mr. Daley's family have two vehicles the payment of which constitute \$900.00 of the monthly budget. Ms. MacDonald was gifted a 2013 car and as a result has no monthly car payment. Mr.



Daley's family estimates \$1,700 per month toward the cost of holidays. Ms. MacDonald budgets \$350.00 per month for holiday expenses. When the childcare costs, vehicle payments, and holiday costs are removed from parties' monthly budget Mr. Daley's budget for six people (including the live in child care provider) is \$6893.84. Ms. MacDonald's budget for two people is \$5,581.91.

- e. Justice S.B. Sherr of the Ontario Court of Justice in *Watson v Watson*, [2017] OJ No 686, 2017 ONCJ 24\_ rejected a father's claim that his income should be reduced because he incurs additional living expenses working in Fort McMurray at paragraph 48 (e):
- i. The father claimed that he has additional monthly expenses because he lives in Fort McMurray. The Court of Appeal recognized that residents of Fort McMurray have higher costs of living in *Calver, supra*. I was prepared to take these additional costs into consideration if the father had provided any evidence supporting this. However, with the exception of the travel costs considered above, the only evidence that the father was able to provide of higher costs was where he had to travel to Edmonton for hernia surgery in 2014, because there was no specialist in Fort McMurray. **6** The father provided no other evidence that his living expenses are higher in Fort McMurray than they would be in Toronto.
  - ii. The father claimed that food costs are higher in Fort McMurray, but he deposed in his financial statement that he is only paying \$500 per month for groceries -- comparable to Toronto. He claimed that his water, hydro and gas costs are higher in Fort McMurray, but a review of the actual expenses claimed in his financial statement are comparable to those he would incur if he was living in Toronto.

[98] Both Mr. and Ms. Daley are entitled to claim a Residency deduction from their incomes on their annual tax returns. In 2019 Mr. Daley's Residency deduction was \$5,544.00. In 2020 his Residency deduction was \$8,052.00. These reductions from income will reduce Mr. and Ms. Daley's tax payable each year thereby increasing their disposable income which in turn would free up more money to address increased costs.

[99] Ms. MacDonald's statement of income indicates that her 2023 income is \$27,684.96. Mr. Daley and his wife both work for the RCMP with a combined 2023 income in the range of \$250,000.00.

[100] The payment of the Northern Benefit and the VTA is an inducement for Mr. Daley to serve in an isolated post.

Exhibit 7, entitled "National Joint Council" in respect of the Federal government's Isolated Post Government Housing Directive notes that the purpose of the directive "is to facilitate the recruitment and retention of staff delivering government programs in isolated locations. Its provisions are designed to assist in offsetting some of the higher costs and to recognize the inherent disadvantages associated with living and working in isolated posts."

Justice Leblanc in the Newfoundland Supreme Court Trial Division decision of *Hiscock v Hiscock*, [2014] NJ No 175, 2014 NLTD(F) 14, 350 Nfld & PEIR 214 concluded that payments received by the father as an inducement for out of country service and as compensation for hardship, risk and separation should be included in the father's income for the purposes of calculating his child support obligations:

35 .... the allowances received by the Husband in this case should not be excluded from consideration of his child support obligation merely because they were paid as an inducement for out-of-country service as well as compensation for hardship, risk and separation. In that regard, Sandomirsky, J. chose to follow the reasoning in *Andrews v. Andrews*, [2000] O.T.C. 753, [2000] O.J. No. 4060 (Sup. Ct. J.), citing the more recent decisions from the Supreme Court of Canada, including *D.B.S. v. S.R.G.; L.J.W. v. T.A.R.; Henry v. Henry; Hiemstra v. Hiemstra*, 2006 SCC 37, 270 D.L.R. (4th) 297, recognizing the fundamental principle regarding the obligation of parents to support their children. The judge went on to state that he was "satisfied that the inclusion of foreign service premiums, hardship allowances, risk allowances and hardship allowance bonuses should be included and imputed as income to the payor parent for child support purposes and the proper application of the *Guidelines*.". He went on to find that this ensures that the children share the benefits and emoluments from which the allowances are paid.

36 Such reasoning also accords with the rationale in cases decided in this Province regarding tax free allowances, including *Mathusz v. Carew*, 2011 NLTD(F) 28, 310 Nfld. & P.E.I.R. 100. There, Butler, J. found non-taxable allowances associated with the father's military service in Afghanistan should be included for the purposes of calculating support. The income was actually a military disability pension as well as a hardship allowance and risk combat allowance.

37 As such, I find that the allowances received by the Husband in 2013 should be included as income and grossed-up in calculating any support obligation for the year 2013 that he would have had. This is not an allowance compensating for job-related travel and living allowance payments such as described in the recent case of *Calver v. Calver*, 2014 ABCA 63, 42 R.F.L. (7th) 25.

[101] The travel in respect of which the VTA is paid is necessary (according to Mr. Daley) for Mr. Daley and his family's emotional and physical well being. This is not a basis on which taxable payments made to a party should be reduced or excluded from income.

[102] Mr. Daley and now Ms. Daley deduct from their income a deduction for travel benefits (calculated in Form T2222) which significantly reduces tax payable by the spouse claiming the VTA income.

[103] I am not satisfied that the amounts I have imputed to Mr. Daley with respect to either the Northern Benefit or the VTA should be further reduced.

**ISSUE # 6: Are there special circumstances which pursuant to *Federal Child Support Guidelines* reduce Mr. Daley's child support obligations?**

[104] I have determined that Mr. Daley's income for the purposes of determining his child support obligations are more than \$150,000.00.

[105] The *Federal Child Support Guidelines* address the calculation of child support when a payor parent's income exceeds \$150,000.00.

[106] Section 4 of the *Federal Child Support Guidelines* states as follows:

**Incomes over \$150,000**

**4** Where the income of the spouse against whom a child support order is sought is over \$150,000, the amount of a child support order is

- **(a)** the amount determined under section 3; or
- **(b)** if the court considers that amount to be inappropriate,
  - **(i)** in respect of the first \$150,000 of the spouse's income, the amount set out in the applicable table for the number of children under the age of majority to whom the order relates;

- **(ii)** in respect of the balance of the spouse's income, the amount that the court considers appropriate, having regard to the condition, means, needs and other circumstances of the children who are entitled to support and the financial ability of each spouse to contribute to the support of the children; and
- **(iii)** the amount, if any, determined under section 7.

[107] I must determine if the condition, means, needs and other circumstances of the parties justify ordering child support in an amount other than what the *Child Support Guidelines* indicates should be paid by Mr. Daley.

[108] I have concluded that there are no circumstances which would justify me varying the amount of child support which the *Child Support Guidelines* indicates should be paid by Mr. Daley.

[109] My reasons for not reducing the amount of the Northern Benefit or VTA imputed to Mr. Daley apply here and support my conclusion that a reduction in the child support which would otherwise be payable is warranted.

[110] In addition to the forgoing reasons, I must also consider the financial ability of each spouse to contribute to the support of their child. Ms. MacDonald's statement of income indicates that her 2023 income is \$27, 684.96. Mr. Daley and his wife both work for the RCMP with a combined 2023 income in the range of \$250,000.00. Mr. MacDonald has limited financial ability to contribute to

Hannah's support as compared to Mr. Daley's considerable financial ability to contribute to Hannah's support.

**ISSUE #7: What table amount of child support should Mr. Daley pay?**

[111] The *Federal Child Support Guidelines* applicable for Nunavut direct that Mr. Daley's 2023 child support payment is set at \$1,539.30 per month.

**ISSUE #8: To which special or extraordinary expenses should Mr. Daley contribute and in what amount?**

[112] Ms. MacDonald seeks an order requiring Mr. Daley to contribute on a pro rata basis to the following special and extraordinary expenses:

<b>Details of Each Expense</b>	<b>Total Amount of Expense</b>
Scotia Juniors Competitive Volleyball	\$202.55 (\$2,430.64 per year)
YMCA Student Membership	\$42.25 (\$507 annually)
Brigadoon Pediatric Medical Camp and Leadership Camp	\$83.33 (\$1,750.00) Subject to subsidy (\$500.00 per camp)
Saint Mary's Volleyball	\$19.17 (\$230.00 per year)
Acuity Counselling	\$379.00 per month
Clayton Orthodontics	\$270.00 per month for 18 months (\$6,585.00)
Dr. A. Torres Optometrist	\$10.00
Canada Games Swim Instructor	\$18.21 (\$218.50 per year)
Young Drivers of Canada Course	\$1,217.85

[113] Section 7 of the *Federal Child Support Guidelines* permits me to make an order that a parent pay all or a portion of special or extraordinary expenses. Section 7 states as follows:

- **Special or extraordinary expenses**
  - 7 (1) In a child support order the court may, on either spouse's request, provide for an amount to cover all or any portion of the following expenses, which expenses may be estimated, taking into account the necessity of the expense in relation to the child's best interests and the reasonableness of the expense in relation to the means of the spouses and those of the child and to the family's spending pattern prior to the separation:
    - (a) child care expenses incurred as a result of the employment, illness, disability or education or training for employment of the spouse who has the majority of parenting time;
    - (b) that portion of the medical and dental insurance premiums attributable to the child;
    - (c) health-related expenses that exceed insurance reimbursement by at least \$100 annually, including orthodontic treatment, professional counselling provided by a psychologist, social worker, psychiatrist or any other person, physiotherapy, occupational therapy, speech therapy and prescription drugs, hearing aids, glasses and contact lenses;
    - (d) extraordinary expenses for primary or secondary school education or for any other educational programs that meet the child's particular needs;
    - (e) expenses for post-secondary education; and
    - (f) extraordinary expenses for extracurricular activities.

#### **Definition of “extraordinary expenses”**

(1.1) For the purposes of paragraphs (1)(d) and (f), the term *extraordinary expenses* means

- (a) expenses that exceed those that the spouse requesting an amount for the extraordinary expenses can reasonably cover, taking into account that spouse's income and the amount that the spouse would receive under the applicable table or, where the court has determined that the table amount is inappropriate, the amount that the court has otherwise determined is appropriate; or
- (b) where paragraph (a) is not applicable, expenses that the court considers are extraordinary taking into account
  - (i) the amount of the expense in relation to the income of the spouse requesting the amount, including the amount that the spouse would receive under the applicable table or, where the court has determined that the table amount is inappropriate, the amount that the court has otherwise determined is appropriate,

- (ii) the nature and number of the educational programs and extracurricular activities,
- (iii) any special needs and talents of the child or children,
- (iv) the overall cost of the programs and activities, and
- (v) any other similar factor that the court considers relevant.

[114] Justice Berliner in *Davis v. Davis* [2022] N.S.J. 214 noted that there is a distinction between special and extraordinary expenses but noted that both expenses must be both reasonable and necessary. Justice Berliner referred with approval to the British Columbia Court of Appeal decision of *Bodine-Shah v. Shah*, 2014 BCCA 191 in which the court held:

[66] Special expenses listed in ss. 7(1)(a)-(c) and (e) are distinct from extraordinary expenses referred to in ss. 7(1)(d) and (f). Special expenses are defined as relating to child care, medical or dental insurance premiums, health-related costs, and post-secondary education. They must be found to be reasonable and necessary. Extraordinary expenses are not defined. Their extraordinariness is determined in the context of the combined income of the spouses, as well as other considerations, including the nature and amount of the individual expense, the nature and number of the activities, any special needs or talents of the child, and the overall cost of the activities. They also must be found to be reasonable and necessary. Relevant considerations for the tests of necessity and reasonableness include whether the expenses are necessary in relation to the child's best interests, and reasonable having regard to the means of the spouses, the child, and to the family's spending pattern prior to separation.

### **Special Expenses**

[115] I will first address special expenses claimed by Ms. MacDonald.



[116] Three expenses claimed by Ms. MacDonald, Acuity Counseling, Clayton Orthodontics, and the Optometrist expense are all special expenses and fall within Section 7 (1) (c) of the Guidelines. I am satisfied that these expenses are reasonable and necessary. Mr. Daley is ordered to pay his pro rata share of these expenses. I assume that some of these expenses will be covered by Mr. Daley's health and dental coverage.

[117] With respect to the Brigadoon Pediatric Medical "Braveheart" Camp the evidence establishes that this camp is for children with congenital heart defects and that Hannah, who has such a condition, has attended this camp since she was nine. Mr. Daley has contributed to the cost of this camp in the past. Although Ms. MacDonald's Statement of Special or Extraordinary Expenses indicates that the cost of this camp is \$1,750, due to Ms. McDonald's financial circumstances it appears that a payment of \$500 will be sufficient to permit Hannah to attend the program. This is a health-related special expense which is both reasonable and necessary. I order that Mr. Daley again contribute to the cost of this camp on a pro rata basis.

[118] Ms. MacDonald asks that Mr. Daley contribute to the cost of Hannah's driver education program. Justice Forgeron in *Wolfson v. Wolfson* [2021] N.S. J. 358 held that driver's education is ordinarily included as S. 7 special expenses. I

order Mr. Daley to contribute to the cost of the driver's education on a pro rata basis.

### **Extraordinary expenses**

[119] The balance of the expenses claimed by Ms. MacDonald are not special expenses. As a result, I must determine whether they constitute extraordinary expenses.

[120] In reviewing these expenses, I am mindful of the fact that Ms. MacDonald receives a CPP Disability pension and receives income from tutoring and that she just completed work as a research assistant and writer on a Memorial University research project. Ms. MacDonald does not have any medical coverage.

[121] Ms. MacDonald also wants Hannah to attend a Leadership Camp at Brigadoon this summer and wants Mr. Daley to contribute to the \$500 cost of this camp. Mr. Daley says that this camp is not necessary, and that Hannah should put her lifeguarding skills to use and thereby build her resume. Mr. Daley is only obliged to contribute to this expense if I find that this Camp is an extraordinary expense. The cost of this camp is reasonable when the cost of the camp is considered in isolation and when considered having regard to the incomes of the parties and of Mr. Daley in particular. The camp itself sounds like a positive camp

for a young woman but I am not convinced that the Leadership Camp is necessary. I will not order Mr. Daley to contribute to the cost of this camp. In any event, I find that the table amount of child support that I will order is sufficient to cover the cost of this camp.

[122] Ms. MacDonald says that Mr. Daley should contribute to the cost of the Scotia Junior Competitive Volleyball and to a volleyball camp at Saint Mary's University in August of 2023. The evidence establishes that exercise while good for all persons, is especially important for Hannah given her complex medical condition. I accept that these two extraordinary expenses are reasonable and necessary. This is an extraordinary expense to which Mr. Daley should contribute. In reaching this conclusion I find that the cost of the activities are reasonable in relation to the incomes of parties, and that the extraordinariness of the activities are demonstrated given the special needs of the child, the child's athletic interest and ability and the nature of the activity. Mr. Daley is ordered to pay his pro rata share of these expenses.

[123] I find that the cost of a YMCA membership is a reasonable and necessary extraordinary expense when the circumstances of this child and her parents are considered. Mr. Daley is ordered to pay his pro rata share of this expense.

[124] Hannah took a Swim instructor course at the Canada Games Center at a cost of \$218.50. I consider this reasonable expense to also be a necessary expense. Mr. Daley acknowledges that Hannah has lifeguarding skills. Furthering this skill set for her health and future employment opportunities affirms the reasonableness and necessity and extraordinariness of this expense. As a result, I order Mr. Daley to contribute to the cost of this activity on a pro rata basis.

[125] With respect to the parties' pro rata contribution to special or extraordinary expenses Mr. Daley says that I should impute income to Ms. MacDonald thereby increasing her pro rata share of Hannah's special or extraordinary expenses. Mr. Daley says that Ms. MacDonald is underemployed given her level of education and that she is intentionally keeping her income low by not pursuing a spousal support claim from her estranged husband.

[126] I am not prepared to find that Ms. MacDonald is intentionally unemployed. Ms. MacDonald qualified for and now receives a CPP disability pension. She earns a small amount of income in addition that her pension income. I do not have evidence regarding Ms. MacDonald's physical capacity and as a result am unable to agree with Mr. Daley that Ms. MacDonald can and should be working on a more regular basis and thereby generating a greater income than she currently is realizing.

[127] I also reject Mr. Daley's assertion that Ms. MacDonald is keeping her income low by not pursuing a spousal support claim against her husband. On cross examination when asked about whether she had received spousal support from her husband, Ms. MacDonald testified that she would be taking her husband through the judicial process. Given Ms. MacDonald's evidence I cannot conclude that she is not pursuing a claim for spousal support or that I should impute income to her simply because she is not yet in receipt of that form of support.

[128] I am not prepared to impute income to Ms. MacDonald for the purposes of fixing her pro rata contribution to Hannah's special or extraordinary expenses.

[129] I find that Ms. MacDonald's 2023 income is \$27,684.96 and that Mr. Daley's 2023 income is \$164,559.28. Accordingly, Mr. Daley has pay 86% of Hannah's special or extraordinary expenses and Ms. MacDonald will pay 14% of those expenses.

### **Disposition**

[130] I order that Mr. Daley pay child support in the amount of \$1,539.30 commencing January 1, 2023, and that he pay his pro-rata share of Hannah's special or extraordinary expenses as found in this decision.

[131] The parties must exchange their income tax returns and Notices of Assessment prior to June 30th of each year.

[132] Mr. Daley shall annually disclose on or before June 30th Ms. Daley's prior year's Income tax return including her T2222E form and the associated Notice of Assessment. Mr. Daley must also produce Ms. Daley's last pay statement for the prior year and her first four pay statements of the current year which will particularize the amount of the Northern Benefit (as defined herein) paid to Ms. Daley in the prior year and the Northern Benefit she will receive in the current year. This disclosure obligation shall apply annually going forward for as long as Hannah is a child of the marriage.

[133] I also order Ms. MacDonald to disclose annually on or before June 30th, 2023, any employment or contractor applications she had submitted in the prior year and any employment agreements or contractor agreements she had entered into over the prior year.

[134] I also order Ms. MacDonald to disclose any change in her disability status within sixty days.

[135] I will ask that Ms. Schoen prepare the order.

[136] The parties shall provide their written positions regarding costs within one month of this decision.

---

Daniel W. Ingersoll, J.