

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: *Reynold v. Van der Linden*, 2006 NSSC 260

Date: 20060830
Docket: 1201-000496
Registry: Antigonish

Between:

Carol Christina Reynold (formerly Van der Linden)

Applicant

and

Andreas Julian us Van der Linden

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Walter R.E. Goodfellow

Heard: January 10, 2006, in Antigonish, Nova Scotia followed by Case Management with Conference Hearing August 17, 2006 for final determination.

Written Decision: August 30, 2006

Subject: Divorce, Variation and deeming of child support.

Summary: Application to vary child support of \$200 taxable to non-taxable guideline filed May 15, 2005 with hearing scheduled for January 2006. On application evidence of dairy farm operation necessitated deeming income at \$33,000 on interim basis with Court at request of counsel to case manage the file to ensure full disclosure and to reduce delay. Several case management conferences. Mr. Van der Linden sold his dairy quota. Further interim orders granted including freezing net funds except for secured creditors. Mr. Van der Linden's independent spirit paid unsecured creditors, purchased farm equipment, paid debts said to be owed to parents, etc. leaving \$324,000 with his solicitor. Income in future to be from raising heifers, farm labour, selling hay and investment income plus possible income from disposal of Scotsburn patronage scheme.

Issues: (1.) Level of child support?

- (2.) Should there be a lump sum prepayment of child support of child now 14 to age 21?
- (3.) Should there be a payment of lump sum into education fund by the father to match the fund established by the mother which now has approximately \$23,000?
- (4.) Costs.

Result:

- (1.) Even with direction for full disclosure and likelihood of Mr. Van der Linden to be required to pay solicitor and client costs if he fails to do so, some deeming will be necessary and for the balance of 2006 total annualized income rate deemed \$36,000 and commencing 2007 deemed \$42,000 with new Guideline amounts to be paid accordingly.
- (2.) No basis for ordering such relief nor do circumstances warrant securing such as in Snyder v. Snyder (1995), 146 N.S.R. 249.
- (3.) Appropriate father, having disposed of major asset at least match mother's educational funding for their daughter. Ordered to pay \$12,000 into fund immediately and over next three years to reach and maintain the level of the mother's plan.
- (4.) Difficulties in disclosure, etc., Ms. Rhynold should be given some relief in costs. Party and party costs taxed in her favour at \$1,400 plus disbursements.

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