

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Livingstone v. Livingstone, 2013 NSSC 309

Date: October 2, 2013

Docket: 1206-003386

Registry: Port Hawkesbury

Between:

Leon Alexander Livingstone

Applicant

v.

Margaret Doreen Livingstone

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: April 30, 2013 and August 30, 2013, in Port Ha, Nova Scotia

Subject: Application to terminate child and spousal support, to release the payor from obligations imposed to secure payment of support and forgiveness of arrears.

Issue: Retroactive termination date for child support and spousal support.

Summary: 24 and ½ year traditional marriage. Child support award took priority to spousal support. Father gave maintenance enforcement officers information about termination of child support obligations in 2004 while both children were still pursuing post secondary education. Without benefit of variation, enforcement of prospective child support prematurely terminated. One child finished a Masters Degree in September 10th 2007 and the other a Bachelor Degree in October 2008. Mother advised maintenance enforcement to terminate child support in May 2007. Spousal support arrears accumulated.

Father took early retirement at age 62. Mother retired due to health difficulties.

Result: Child support terminated as of date of the mother's instruction in May 2007 (prematurely for last child). Court unable on the evidence to determine whether the course of studies followed by the children were unreasonably prolonged.

Arrears of spousal support enforced and spousal support reduced given current income information. Provisions to secure payment continued.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.
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