

**IN THE SUPREME COURT OF NOVA SCOTIA**

**Citation:** M.J.H. v. B.E.N., 2008 NSSC 298

**Date:** 20081009

**Docket:** SARD 041160

**Registry:** Annapolis Royal

**Between:** M.J.H. Applicant (Petitioner)  
v.  
B.E.N. Respondent (Respondent)

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Glen G. McDougall  
**Heard:** September 23, 2008 in Annapolis Royal, Nova Scotia  
**Subject:** Vary provisions of a Corollary Relief Judgment

**Summary:** The parties were divorced in 1994. Since then there has been a total of 17 applications to vary including the present one before the Court. The Applicant seeks to vary child support for her one remaining dependent child. She also seeks an Order requiring the Respondent to contribute towards the special or extraordinary expenses of post-secondary education. He attends an out-of-Province school and is expected to return home to visit on occasion and to work during the summer break.

**Issue:** (1) What amount of child support should be ordered?  
(2) What contribution, if any, should the Respondent be required to make towards the cost of the dependent child's post-secondary education?

**Result:** Based on the Respondent's estimated 2008 total income of \$31,000.00, child support was ordered at 50% of the **Guideline** amount for the period when the dependent child was away attending school. Assuming he returns to his mother's home during the summer break, monthly child support is to be increased to the full **Guideline** amount during the period from May to August inclusive. If he returns to complete the second year of the 2-year program, child support will once again be reduced to 50% of the **Guideline** amount.

In addition to monthly child support the Respondent was ordered to pay his pro rata share (40%) of half the total education costs estimated to be \$16,715.00 for the current academic year. The Respondent's share amounts to \$3,343.00. He was ordered to pay this amount by way of additional monthly instalments of \$417.88 paid directly to the student over an 8-month period coinciding with the school year. No costs were awarded to either party.

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