

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Penney v. Tufts*, 2014 NSSC 411

Date: 20141031

Docket: Halifax No. SFHMCA-070941

Registry: Halifax

Between:

Jason Penney

Applicant

v.

Angela Tufts

Respondent

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Judge: The Honourable Justice Mona M. Lynch

Heard: October 31, 2014 in Halifax, Nova Scotia

Written Release: November 18, 2014

Subject: Variation of Child Maintenance under the MCA; Recusal

Summary: A month after the hearing on child maintenance and a week after the order was issued, the father sought to vary the child maintenance paid.

Issues: 1.Should the judge that heard the original hearing recuse?
2.Is there a change in circumstances since the making of the prior order?

Result: No reasonable apprehension of bias shown; recusal denied. No change in circumstances, application dismissed. Filing the financial information that was available at the time of the original hearing does not constitute a change in

circumstances. Providing details of a long standing injury does not show a change in circumstances. Variation hearing is not a re-hearing or an appeal.

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