

IN THE SUPREME COURT OF THE YUKON TERRITORY

Citation: *Musick v. Musick*, 2005 YKSC 24

Date: 20041109
Docket: S.C. 04-B0035
Registry: Whitehorse

IN THE MATTER OF THE *RECIPROCAL ENFORCEMENT
OF MAINTENANCE ORDERS ACT*, R.S.Y. 1986, c. 191 [AS WRITTEN];

BETWEEN:

PAUL WILLIAM MUSICK

Petitioner

AND:

KATHERINE LETA MUSICK

Respondent

Before: Mr. Justice L.F. Gower

Appearances:

No One

David Christie

Lana Wickstrom

For the Petitioner
For the Respondent
For the Director of
Maintenance Enforcement

**MEMORANDUM OF RULING
DELIVERED FROM THE BENCH**

[1] GOWER J. (Oral): Pursuant to s. 5(4) of the *Reciprocal Enforcement of Maintenance Orders Act*, R.S.Y. 2002, c. 191, I am prepared to vary the provisional order of May 31, 2004, by imputing to the respondent, Ms. Musick, an annual guideline

income of \$16,000, which I am advised will result in a child support payment for one child of \$120 per month.

[2] The next point is when that should start. I am advised by counsel that Ms. Musick was not served with the documentation to confirm the provisional order in the Yukon until on or about August 26. The Alberta provisional order purports to commence as of January 1, 2004. I have discretion under s. 5(5) of the *Reciprocal Enforcement of Maintenance Orders Act* to direct that the payment begin from a date not earlier than the date of the provisional order.

[3] I find given that the current financial circumstances of the respondent, as best we know them now, are that she has an income of approximately \$9,300 per year. That may go up before the end of the year, but I haven't heard anything concrete in that regard. She has agreed that her imputed income should be significantly higher than that to reflect her 2003 tax summary as well as her income from the 2002 and 2001 years.

[4] In all of the circumstances, I feel it is appropriate that the child support begin as of September 1st, 2004.

[5] I also make it a term of this order that the respondent provide her consent to her counsel to make an application on her behalf to Revenue Canada to obtain her tax summaries for the years 2002 and 2001, and to provide that information to counsel for the Director and to the claimant, Paul Musick, or his representative in Alberta. It may be that the Director is the appropriate person in Alberta to forward the documents to. I'll

leave that to counsel. But that that information be provided within a period of ninety days.

GOWER J.