

CANADA / JUDGMENT

Caverley v. Caverley

2001 BCSC 145

COURT

Supreme Court of British Columbia

DECIDED

23 January 2001

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2001BCSC0145

Citation: Caverley v. Caverley Date:

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2001 BCSC 145 Docket:

D083114

Registry: Vancouver

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

VIJAY CAVERLEY
(NKA ANITA STARR)
PLAINTIFF

AND:

BRIAN JAMES CAVERLEY
DEFENDANT

REASONS FOR JUDGMENT OF THE HONOURABLE MR. JUSTICE HARVEY The Plaintiff:

Appearing in person The Defendant: Appearing in person Date and Place of Hearing: January 22,
2001 Vancouver, B.C.

[1] The plaintiff applies for an order increasing the amount of child support for the support of Neil Caverley, born October 31, 1984 from \$200 to \$323 per month based upon the Federal Child Support Guidelines related to gross income of \$37,528 and for special or extraordinary expenses in the sum of \$3,509 pursuant to section 7 of the said guidelines.

[2] I will deal firstly with the application to vary the child support.

- [3] The short answer to this question is that in my view the plaintiff has miscalculated the annual gross income of the defendant for the year 2000. The materials available make projection for the balance of the year necessary. In my view, the appropriate projection brings the gross income to something in the vicinity of \$32,600 and \$32,700. Taking the \$32,700 amount as the appropriate amount, the increase in the amount of child support for the said child should be from \$200 to \$288.
- [4] I turn next to the claim for special or extraordinary expenses. The situation here is more complex for a number of reasons including, inter alia, the fact that the plaintiff removed the child from protection afforded by the defendant's health plan and believes there to be a necessity for medical expenses as well as extraordinary expenses for secondary school education in the form of tutoring to meet the child's particular needs.
- [5] Upon consideration of the evidence presently available, I am not satisfied the plaintiff has demonstrated a basis upon which special or extraordinary expenses should be ordered either in the amount claimed or an amount approaching that amount. Apart from the position of the defendant, husband, that the child has been removed inappropriately from coverage under his plan, there is, in my view, insufficient evidence to support at this time a number of the expenses claimed.
- [6] First, there is no medical evidence to support certain of the health-related expenses.
- [7] Second, I am not satisfied what was referred to during the course of the hearing as the tutoring expense should be in the amount of \$200 monthly or an amount approaching that amount. Further, the said expenses are projected in futuro which is something that may require further consideration from time to time as to the necessity for and the amount of the expense.
- [8] At this point in time, it is my view the expenses which should be awarded under section 7 consist of: Summer school expenses past two years \$400 An allowance towards tutoring for the balance of the current school year end-ing in June 2001 400
- [9] In the result, at this time the total of the amount for child support, including an allowance for special or extraordinary expenses should be \$288 plus the sum of \$800 paid within 30 days of the entry of this order.
- [10] I make no order for costs. "R.B. Harvey, J." The Honourable Mr. Justice R.B. Harvey

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