

Date: 19980901
Docket: D100049
Registry: Vancouver

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

D [REDACTED] Y [REDACTED]

PETITIONER

AND:

M [REDACTED] Y [REDACTED]

RESPONDENT

CORRIGENDUM TO

REASONS FOR JUDGMENT

OF THE

HONOURABLE MR. JUSTICE OPPAL

(IN CHAMBERS)

Counsel for the Petitioner: Robert D. Brajovic

Counsel for the Respondent: Angela E. Thiele

Place and Date of Hearing: Vancouver, B.C.
July 3, 1998

[1] Counsel for the petitioner has asked that I provide a corrigendum to my reasons of July 16, 1998. It appears that his concern is that I misapprehended his argument on his cross application regarding retroactive maintenance. Upon further reading counsel's argument and upon further reflection, it may well be that the reasons could have been more comprehensive. However, that has absolutely no bearing at all on my decision that the cross application ought to be dismissed. The cross-application was fully argued. With respect, I thought I made it clear that there simply is no merit to this argument. While there may some discrepancies in some of the income and expense figures provided at the first hearing, as opposed to those provided here, I do not think that the discrepancies are material.

[2] I might add that this case clearly ought to have been settled. The petitioner, after having received legal advice, entered into an agreement that could not be clearer in its terms. Yet the argument that was heard here on the application to vary on behalf of the petitioner was simply a re-arguing of the issue.

"W.T. OPPAL J."