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COURT OF APPEAL FOR ONTARIO

**RE: SIDNEY LEON BOSSIN (Appellant) –and–
ELLEN BOSSIN (Respondent)**

BEFORE: CATZMAN, DOHERTY and LASKIN JJ.A.

**COUNSEL: Sidney L. Bossin
the appellant, in person**

**James D. Singer
for the respondent**

**HEARD AND
ENDORSED: December 11, 2003**

**On appeal from the judgment of Justice Faye E. McWatt of the Superior Court of
Justice dated February 24, 2003.**

APPEAL BOOK ENDORSEMENT

[1] The appellant entered into a separation agreement that specifically contemplated his retirement and the appropriate disposition of his retirement income as between him and the respondent. As McWatt J. recognized, once the agreement was incorporated into a judgment, in order to vary his spousal support obligation, the appellant was required to demonstrate a material change in circumstances. Having reviewed the extensive record before her, she found that there was no material change in circumstances, either in the appellant's financial situation or his health, that called for a change in his support obligation. Rather, she found that his financial difficulties were the product of his debts and his lifestyle. She further found that the respondent is, and continues to be, dependent on the appellant for support.

[2] McWatt J.'s findings are entitled to deference in this court, and we are not persuaded that she made any reversible error in making them. Accordingly, the appeal is

dismissed with costs, fixed in the amount of \$4,500, inclusive of disbursements and G.S.T.