

1998 CarswellAlta 448, 216 A.R. 28, 175 W.A.C. 28

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Bott v. Nunemaker

Maria Pia Bott, Appellant (Applicant) and Darrell Nunemaker, Respondent (Respondent)

Alberta Court of Appeal

Hetherington, Conrad, O'Leary JJ.A.

Oral reasons: March 3, 1998

Docket: Calgary Appeal CA01-16554

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Counsel: *D.P. Castle*, for the Appellant (Applicant).

No one for the Respondent.

Subject: Family

Hetherington, J.A. (For the Court):

1 The Director of Parentage and Maintenance applied on behalf of Ms. Bott for an order directing Mr. Nunemaker to pay certain expenses. This application was made under s. 7 of the *Parentage and Maintenance Act*, S.A. c. P-0.7. The chambers judge who heard the application directed the payment of some expenses, and made a detailed order providing for access by Mr. Nunemaker to the child in question.

2 Ms. Bott appealed from the order made by the chambers judge to the extent that it provided for access by Mr. Nunemaker to the child. Her counsel argued that the chambers judge did not have jurisdiction to make an order as to access under the *Parentage and Maintenance Act*. In addition, she contended that the chambers judge erred in making such an order when no advance notice was given to Ms. Bott that access would be considered.

3 We are all of the view that both of these arguments have merit. We therefore allow this appeal and set aside the order of the chambers judge in so far as it relates to access.

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