

**NOVA SCOTIA COURT OF APPEAL**  
**Citation: *Volcko v. Volcko*, 2015 NSCA 11**

**Date:** 20150203  
**Docket:** CA 425885  
**Registry:** Halifax

**Between:**

Susan Scheuermann Volcko

Appellant

v.

John B. Volcko

Respondent

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**Judge:** The Honourable Justice M. Jill Hamilton

**Appeal Heard:** November 12, 2014, in Halifax, Nova Scotia

**Subject:** Spousal and child support; Division of Property on Divorce; Business Assets under **Matrimonial Property Act**, R.S.N.S. 1989, c. 275 (“MPA”); Date of Separation

**Summary:** After a 16 year traditional marriage, the husband moved out of the matrimonial home. He bought a condominium to live in a few months later. The husband held valuable shares in his employer, purchased with personal loans and the return he received from his shares. His annual income was significant. The wife earned substantial income for the first eight years of the marriage before staying home with the children. She does not want to rejoin the workforce. The younger child is in university.

**Issues:** Did the judge err in (1) determining the date of separation; (2) characterizing the husband’s shares as business assets; (3) failing to consider ss. 18 and 13 of the **MPA**; (4) not finding

the husband's condominium to be a matrimonial asset; (5) refusing to order the husband to pay retroactive or ongoing child support to his wife; (6) not ordering ongoing spousal support in an amount greater than \$15,000 per month; (7) refusing to order retroactive spousal support; (8) dividing the household contents and (9) her award of costs.

**Result:**

The wife's appeal was dismissed except with respect to the amount of ongoing spousal support, which was increased from \$15,000 to \$20,000 per month. The husband's costs appeal was dismissed. No costs were awarded on appeal.

*This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 34 pages.*