

NOVA SCOTIA COURT OF APPEAL
Citation: *Kenny v MacDougall*, 2007 NSCA 126

Date: 20071212
Docket: CA 280038
Registry: Halifax

Between:

Norah Marie Kenny

Appellant

v.

David William MacDougall

Respondent

Judge: The Honourable Justice Thomas Cromwell (Orally)

Appeal Heard: December 12, 2007

Written Release: December 13, 2007

Subject: Corollary Relief Judgment – Variation – Health Insurance

Summary: The parties were divorced in 2001. Provisions of the parties' Minutes of Settlement were incorporated into the corollary relief judgment including an open-ended provision for spousal support payable by the respondent and an obligation to maintain the appellant on the respondent's health insurance while the plan permitted it. The respondent remarried and the appellant had a new partner. The parties agreed that the spousal support obligation had come to an end, but disagreed about whether the health insurance obligation should continue. A judge of the Supreme Court varied the corollary relief judgment by deleting the health insurance obligation and the appellant appealed.

Issue: Did the judge err in deciding that it was not consistent with the

parties' intentions or the purposes of the support obligations under the **Divorce Act** for the health coverage obligation to continue after the other spousal support obligations had come to an end?

Result: Appeal dismissed. The appellant in effect challenged the judge's application of the relevant legal principles to the facts. Applying the "palpable and overriding" error standard of review, the judge made no reviewable error in reaching the conclusion he did.

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 3 pages.