

CASE NO.

Cite as: Bell v. Bell, 1998 NSCA 213

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THANE ARTHUR BELL

- and -

CAROLE JEAN BELL

Appellant

Respondent

C.A. No. 148510

Halifax

CROMWELL, J.A.

APPEAL HEARD:

December 1, 1998

JUDGMENT DELIVERED:

December 1, 1998

WRITTEN RELEASE OF ORAL:

December 3, 1998

SUBJECT:**DIVORCE - COROLLARY RELIEF - SPOUSAL SUPPORT****SUMMARY:**

The parties had been married for almost 30 years prior to their separation in 1996. The respondent wife had worked either full-time or part-time through a good deal of the marriage and had been the primary caregiver for the three children. The appellant husband had been the primary breadwinner. At the time of the divorce and corollary relief hearing, the children were no longer children of the marriage for the purposes of child support. The appellant's income in 1998 was approximately \$66,500.00 and the respondent's \$37,000.00. The trial judge awarded \$800.00 per month in spousal support to be paid indefinitely. The appellant appealed.

ISSUE:

Had the trial judge made a material error, significantly misapprehended the evidence or made an error in principle?

RESULT:

The appeal is dismissed. In essence, the appellant argued that the respondent had suffered no economic disadvantage as a result of the marriage and had not established need. The trial judge found there was need and there was no basis to interfere with that decision on appeal. With respect to the question of economic disadvantage, both the **Divorce Act** and the Supreme Court of Canada's decision in **Moge** make it clear that all four of the objectives set out in s. 15.2(6) should be considered along with the mandatory factors set out in s. 15.2(4). It had not been shown that the trial judge had made any error in law or fact that would permit appellate intervention in her decision to award \$800.00 per month spousal support.

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