

CASE NO.

VOL. NO.

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Cite as: Connolly v. Connolly, 1999 NSCA 173

MARY DOROTHEA BARBARA
CONNOLLY

- and -

PAUL RONALD CONNOLLY

Appellant

Respondent

C.A. No. 149384

Halifax

ROSCOE, J.A.

APPEAL HEARD:

December 8, 1998

JUDGMENT DELIVERED:

January 7, 1999

SUBJECT:

Family Law, Matrimonial Property Act, Division of Pension

SUMMARY:

The parties separated after an eight year marriage. Ten years later, on an application for division of matrimonial assets, the trial judge ordered an unequal division by allowing the husband to have the benefit of all of the pension contributions made by him during the sixteen years prior to the cohabitation. Only the contributions made during cohabitation were to be divided equally. The pension was the only significant asset.

ISSUE:

Did the trial judge err in making the unequal division in the circumstances ?

RESULT:

Appeal dismissed. Referred to **Dort v. Dort** (1994), 130 N.S.R. (2d) 108; **Adie v. Adie** (1994), 134 N.S.R. (2d) 60; and **Frost v. Frost** (1996), 154 N.S.R. 341. There was no error of fact or law requiring interference of the Appeal Court.

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