

NOVA SCOTIA COURT OF APPEAL

Citation: *Leigh v. Milne*, 2010 NSCA 36

Date: 20100428

Docket: CA 316833

Registry: Halifax

Between:

Gillian Mary Leigh

Appellant

v.

Robert Stephen Milne

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: March 18, 2010

Subject: Divorce and Corollary Relief

Summary: Ms. Leigh appeals from various aspects of a Corollary Relief Judgment as well as the timing of the granting of the Divorce. A self-represented litigant, Ms. Leigh commenced Divorce proceedings in February 2003. Her husband, Mr. Milne, ignored the proceedings. Ms. Leigh took all reasonable steps to move the matter through the courts but without success. Finally, in mid-2005 she hired counsel. By that time Mr. Milne was represented by Nova Scotia Legal Aid. The parties reached a comprehensive agreement on all issues reflecting a 60/40 division in Ms. Leigh's favour. The terms were read into court in September 2005 and the divorce and name change granted. Mr. Milne refused to sign the Minutes of Settlement. Meanwhile he was occupying the matrimonial home and permitting it to deteriorate. After many court appearances, Ms. Leigh, who was again self-represented, was able to make only limited progress. Ultimately she again hired counsel at significant expense and a full hearing on corollary relief ensued in the fall of 2006, with the court again granting the divorce and name change. The assets were generally divided equally with some concessions to Ms. Leigh.

Issues: Ms. Leigh, self-represented on appeal, raised numerous issues of process and substance.

Result: Appeal allowed in part with costs to Ms. Leigh. Only limited relief was available as the real property had been sold and divided in accordance with the Judgment on appeal. Very fact specific.

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 28 pages.