

**NOVA SCOTIA COURT OF APPEAL**  
**Citation: *Saunders v. Saunders*, 2011 NSCA 81**

**Date:** 20110914  
**Docket:** CA 341628  
**Registry:** Halifax

**Between:**

David Stephen Saunders

Appellant

v.

Jan Susan Saunders

Respondent

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**Judge:** The Honourable Justice David P.S. Farrar

**Appeal Heard:** June 15, 2011

**Subject:** **Family Law, Spousal Support - Imputing Income - Division of Assets**

**Summary:** The appellant appeals alleging that the trial judge erred:

- (i) by using an exchange rate of approximately 14% to convert the appellant's income from American dollars to Canadian;
- (ii) in ordering spousal support in the amount of \$9,100 per month for an indefinite period of time;
- (iii) in dividing the funds held in the limited liability company known as CanAm LLC equally between the parties.

**Issue:** Did the trial judge err in the manner alleged by the appellant?

**Held:** Appeal allowed in part. The trial judge did not err in using an exchange rate of approximately 14% to convert the appellant's

income from American dollars to Canadian. However, he erred by failing to include a provision in the order to allow for a review of the exchange rate on a periodic basis. Further, the trial judge erred in awarding spousal support in the amount of \$9,100. The award was in excess of what was reasonable having regard to the circumstances of the parties. Finally, the trial judge did not err in dividing the assets of CanAm LLC equally between the parties.

As success was divided, costs were not awarded to either party.

**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 18 pages.**