

C.A. No. 122524

NOVA SCOTIA COURT OF APPEAL

Cite as: Cameron v. Cameron, 1996 NSCA 86
Freeman, Matthews, and Bateman, JJ.A.

BETWEEN:

Linda Sylvia Cameron)	Sally B. Faught
)	for the Appellant
Appellant)	
)	
- and -)	
)	
George Bruce Cameron)	Michael I. King
)	for the Respondent
Respondent)	
)	
)	
)	Appeal Heard:
)	March 27, 1996
)	
)	
)	Judgment Delivered:
)	March 27, 1996
)	

THE COURT: Appeal dismissed per oral reasons for judgment of Freeman, J.A.;
Matthews and Bateman, JJ.A., concurring.

Reasons for Judgment of the Court were delivered orally by:

Freeman, J.A.

This is an appeal by the wife from a judgment corollary to a Divorce Judgment by the Supreme Court of Nova Scotia dividing the assets and liabilities equally between the parties and awarding her spousal support in the amount of \$1,850 per month.

Despite a high income during the nineteen-year marriage flowing from the respondent's dental practice and the wife's employment outside the home, the assets remaining to each party following the division totalled less than \$53,000, and that was subject to a contingent liability of \$14,000 to each party, resulting from an investment in a tax shelter. The parties have nominal joint custody of the two children, born in 1976 and 1978, both of whom benefitted from private schooling and who are now of university age. Dr. Cameron accepted sole responsibility for their continuing maintenance and education.

In a thorough and thoughtful judgment, Justice Goodfellow determined that the income earned and debts incurred during the period preceding the separation were for the benefit of the family as a whole and that assets and liabilities should be equally apportioned between the husband and the wife. While this resulted technically in an unequal division of the assets, the result was entirely fair.

The trial judge remarked that following the sale of the home property, the parties would be left with about \$75,000 each which the wife, who had left her employment about the time of the separation, could invest to provide income. This was an unfortunate slip in arithmetic upon which nothing turned, although the appellant was understandably dismayed by it. Income from her assets was not factored into the spousal support awarded to the wife, which appears to have been calculated at the limit of the

husband's ability to pay.

The respondent has cited a number of cases, including **Edwards v. Edwards** (1995), 133 N.S.R. (2d) 8 and **Mosher v. Mosher** (1995), 140 N.S.R. (2d) 40 in support of the deference this Court should pay in matrimonial matters to the decision of trial judge who has not exhibited a "glaring misconception" of the facts nor made a "manifest error in the application of the law". We have carefully reviewed the evidence, the grounds of appeal, and the submissions of counsel. In our opinion, the trial judge did not misconstrue the facts or err in law, but rather exercised his discretion following well-established principles.

Accordingly, the appeal is dismissed with costs which we fix at \$1,500 plus disbursements.

Freeman, J.A.

Concurred in:

Matthews, J.A.

Bateman, J.A.