

NOVA SCOTIA COURT OF APPEAL
Citation: *Burden v. Burden*, 2013 NSCA 30

Date: 20130304
Docket: CA 406453
Registry: Halifax

Between:

George Manuel Burden

Appellant

v.

Krista Lynne Burden

Respondent

Judge: The Honourable Justice David P.S. Farrar

Appeal Heard: January 17, 2013

Subject: **Family Law. Co-Habitation Agreement. Enforceability on Interim Applications. Interpretation of Income.**

Summary: The appellant appeals alleging that the motions judge erred in failing to give effect to a co-habitation agreement executed by the parties, in which the parties waived the right to seek spousal support, including interim support. He also argued the motions judge failed to conduct a proper analysis in determining whether the respondent had a need for spousal support.

Issue: Did the motions judge err as alleged by the appellant?

Held: Appeal dismissed with costs to the respondent of \$2,000.00. The motions judge properly took into consideration the Cohabitation Agreement in awarding interim spousal support to the respondent. He also properly considered the respondent's need for spousal

support. He found that the respondent had a reasonable chance of setting aside the waiver of support on the trial of the matter. He then considered the respondent's basic needs in awarding spousal support. In doing so he did not err.

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 13 pages.