

NOVA SCOTIA COURT OF APPEAL

Citation: *MacDonald v. MacDonald*, 2017 NSCA 34

Date: 20170503

Docket: CA 455485

Registry: Halifax

Between:

John Edward MacDonald

Appellant

v.

Melissa Elizabeth MacDonald

Respondent

Judge: The Honourable Justice Joel E. Fichaud

Appeal Heard: March 28, 2017, in Halifax, Nova Scotia

Subject: Spousal support under the *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), s. 15.2

Summary: The parties had lived together for almost 21 years, the last 14 as husband and wife. They have two adolescent children. Mr. MacDonald earns approximately \$107,000 annually and Mrs. MacDonald earns about \$57,000 from a full-time job. On the divorce, the judge ordered Mr. MacDonald to pay spousal support of \$500 monthly indefinitely.

Issues: Mr. MacDonald challenged the judge's rulings on entitlement, quantum and duration of spousal support.

Result: The Court of Appeal dismissed the appeal. The judge made no error in his determination that Ms. MacDonald was entitled to spousal support on compensatory and non-compensatory bases. The quantum was supported by the evidence, and was consistent with the Spousal Support Advisory Guidelines.

As to duration, an indefinite term does not mean that spousal

support is payable forever. The parties had a long-term relationship, and their circumstances supported the judge's conclusion that a reasonable culmination date for Ms. MacDonald's transition to self-sufficiency was not predictable at the date of trial. The judge's conclusion that the term be indefinite was an appropriate exercise of the judge's discretion.

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 11 pages.