

NOVA SCOTIA COURT OF APPEAL

Citation: *Blois v. Blois*, 2013 NSCA 130

Date: 20131115

Docket: CA 408553

Registry: Halifax

Between:

Stephen Wade Blois

Appellant

v.

Arden Memory Blois

Respondent

Judge: The Honourable Justice Hamilton

Appeal Heard: September 25, 2013

Subject: **Family Law, Validity of Separation Agreement**

Summary: After physically separating and then resuming cohabitation, the parties entered into a separation agreement and divided the matrimonial property pursuant to its terms. The agreement provided that it would remain in effect unless, with the mutual consent of both parties, the parties cohabited as husband and wife for a period of one year or more with reconciliation as the primary purpose. They continued cohabiting for three years until the husband moved out at the wife's request. The trial judge considered the subjective and objective evidence and found the wife did not cohabit for one year or more with reconciliation as the primary purpose, with the result that the agreement was valid and the property was properly divided pursuant to it.

Issue: Did the trial judge err?

Result: Appeal dismissed. The trial judge weighed both the

subjective and objective evidence before making his finding. He recognized the inconsistencies in the evidence of the parties in the unusual fact situation before him. It is not for this Court to re-weigh the evidence and retry the case.

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 6 pages.