

**NOVA SCOTIA COURT OF APPEAL**  
**Citation: *Hatchard v. Hatchard*, 2003 NSCA 100**

**Date:** 20030926

**Docket:** CA 189268

**Registry:** Halifax

**Between:**

Patricia Hatchard, also known as Judy Hatchard

Appellant

v.

Dale St. Clair Hatchard

Respondent

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**JUDGE:** Hamilton, J.A.

**APPEAL HEARD:** September 24, 2003

**JUDGMENT DELIVERED:** September 26, 2003

**SUBJECT:** **Matrimonial law, criteria for determining when a common law relationship exists.**

**SUMMARY:** The trial judge terminated the spousal support payable by Mr. Hatchard to Ms. Hatchard pursuant to a clause in their separation agreement that provided for termination of spousal support if Ms. Hatchard entered into a common law relationship or remarried. In determining that Ms. Hatchard and Mr. Rafuse had a common law relationship, the trial judge noted that they looked together for a house for Mr. Rafuse to buy, they lived in the house he bought on different floors, Ms. Hatchard paid "rent" to Mr. Rafuse monthly, they vacationed together and went to social functions together. He also noted Ms. Hatchard failed to tell Mr. Hatchard of her change of address. The trial judge found the landlord tenant relationship between Ms. Hatchard and Mr. Rafuse was a facade.

**ISSUES:** Did the trial judge err in concluding that Ms. Hatchard was in a common law relationship with Mr. Rafuse?

**RESULT:** Appeal dismissed. The trial judge did not make a palpable and overriding error in concluding Ms. Hatchard was in a common law relationship. There was evidence before the trial judge on which he could reach this conclusion. He was in the best position to judge the credibility of the parties and his conclusion that the arrangements between Ms. Hatchard and Mr. Rafuse were a facade should not be interfered with.

<p>This information sheet does not form part of the court's decision. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 5 pages</p>
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