

NOVA SCOTIA COURT OF APPEAL
Citation: Betlem v. Tzagarakis , 2003 NSCA 141

Date: 20031208
Docket: CA 202904
Registry: Halifax

Between:

Mary-Alice Betlem

Appellant

v.

Peter R. Tzagarakis

Respondent

JUDGE: Cromwell, J.A.

APPEAL HEARD: December 8, 2003

JUDGMENT DELIVERED: December 8, 2003

WRITTEN JUDGMENT: December 10, 2003

SUBJECT: Divorce - corollary relief - determination of past spousal support

SUMMARY: At trial, it was agreed that there should be no order for future spousal support, but the parties asked the court to determine what the appropriate level of support should have been in the period from separation to trial and to set an appropriate termination date. The judge did so and the appellant appealed arguing that the judge had failed to take into account her need and the respondent's

ability to pay, had failed to take into account child care arrangements and had unduly limited her counsel's cross-examination of the respondent at trial.

ISSUE: Did the judge err in principle, significantly misapprehend the evidence or make an award that was clearly wrong?

RESULT: Appeal dismissed. The judge took relevant considerations into account, did not misapprehend the evidence and his award could not be said to be clearly wrong.

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 3 pages.