

NOVA SCOTIA COURT OF APPEAL
Citation: *Crosby v. Crosby*, 2003 NSCA 52

Date: 20030520
Docket: CA 186653
Registry: Halifax

Between:

Lawrence Gene Crosby

Appellant

v.

Linda Margaret Crosby

Respondent

Judge: Saunders, J.A.

Appeal Heard: May 15, 2003, in Halifax, Nova Scotia

Subject: Divorce. Distribution of matrimonial assets. Child of the marriage. Periodic or lump sum spousal support. Costs. Standard of appellate review.

Summary: Parties separated after 28 years of marriage and two children. Trial judge ordered an equal division of matrimonial assets valued at \$367,000. He also obliged the appellant to pay his former wife periodic spousal support of \$500 per month plus a lump sum of \$13,000. The trial judge found that the couple's daughter was still a child of the marriage entitled to on-going child support payable by the appellant.

The appellant's eleven grounds of appeal reduced to four main points. First, that the judge erred in his calculation, treatment and distribution of matrimonial assets including the proper valuation of RRSP's and other investments and failing to credit for occupancy rent such that what was purported to be an equal distribution was in fact an unequal division. Second, that the daughter no longer qualified as a child of the marriage. Third,

that the respondent was not entitled to any form of spousal support. Fourth, in not reserving on the question of costs until after the decision was rendered, as had been requested by the appellant.

Held: Appeal dismissed. Court unanimously of the view that the appellant had failed to discharge the heavy burden of raising any manifest error of fact or error of law that might be considered as determinative of any issue in 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.