

**SUPREME COURT OF NOVA SCOTIA**  
**(Family Division)**

Citation: Cole v. Dixon, 2014 NSSC 348

**Date:** 20140919  
**Docket:** 1201-064590  
**Registry:** Halifax

**Between:**

Kimberlie Heather Cole

Applicant

and

William John Dixon

Respondent

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**LIBRARY HEADING**

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- Judge:** The Honourable Associate Chief Justice Lawrence I. O'Neil
- Hearing:** August 20 and September 4, 2014 in Halifax, Nova Scotia
- Issues:** Relocation and primary care of the parties' eight and thirteen year old children
- Summary:** The Court held the best interests of the children required that the children be with their father in Nova Scotia, not relocated to Southern Ontario with their mother. If the mother chose to remain in Nova Scotia, the parenting plan would be shared parenting on a week about basis. Currently, the allocation of parenting time approximates a 60:40 split in favour of the mother, Ms. Cole. The Court held the best opportunity for the children to have a stable life was in Halifax and the father was more capable of fostering a relationship between the children and their mother than was the reverse. Relocation to Ontario would result in the loss of the children's relationship with their father and both extended families in Nova Scotia.
- Keywords:** Relocation; Mobility; Custody; Access; Best Interests
- Legislation:** *Divorce Act*, RSC 1985, c.3 (2<sup>nd</sup> Supp.)
- Cases Considered:** *Fedortchouk v. Boubnov*, 2013 NSSC 277  
*Gordon v. Goertz*, [1996] S.C.J. 52  
*Myer v. Lyle*, 2014 NSSC 233

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