

SUPREME COURT OF NOVA SCOTIA
Citation: *Frame v. Mancinelli*, 2014 NSSC 461

Date: 20140214
Docket: Hfx No. 420169
Registry: Halifax

Between:

Deena Georgina Alice Frame

Applicant

v.

Joseph S. Mancinelli, Carmen Principato, Douglas Serroul, Luigi Carrozzi, Manuel Bastos, Jack Oliveira and Cosmo Mannella, Trustees of the Labourers' Pension Fund of Central and Eastern Canada, David Logan and Lisa Logan

Respondents

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Judge: The Honourable Justice Suzanne M. Hood

Heard: February 11, 2014 in Halifax, Nova Scotia

Oral Decision: February 14, 2014

Written Release of Oral Decision: April 8, 2015

Subject: Pre-retirement death benefit; Section 5 of *Pensions Benefit Act*, R.S., c. 340

Summary: There was a conflict between the wording of the *Act* and the Ontario pension plan of which deceased was a member.

Issues: (1) to whom should death benefit be paid;
(2) interpretation of Section 5 of *Act*.

Result: Death benefit payable to spouse from whom deceased was separated but not divorced.

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