

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Bethune v. Bethune, 2015 NSSC 95

Date: 2015 March 27

Docket: 1201-0639117

Registry: Halifax

Between:

Drew Bethune

Applicant

v.

Kathleen Bethune

Respondents

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Judge: The Honourable Justice Carole A. Beaton

Date of Hearing: January 20, 21 and 23, 2015

Date of Decision: March 27, 2015

Issues: Division of assets:

- (a) should certain assets/ debts be included in the pool available for division?
- (b) what is the appropriate valuation of certain assets and debts?
- (c) what is the appropriate method of disposition of the matrimonial home?
- (d) is an unequal division of assets appropriate?

Spousal support:

- (a) is the Wife entitled to support?
- (b) what is the appropriate calculation of the Husband's income?
- (c) what is the appropriate quantum and duration, if any, of spousal support?

Summary: Following a twenty year marriage and nine year separation the parties disagreed as to whether certain assets were available for division and if so what method or approach should be used to value them. The parties also disagreed about entitlement, quantum and duration of spousal support.

- Result:**
- 1. (a) Certain assets should be included in the pool available for division (fact specific).
 - (b) Certain assets should be valued pursuant to the evidence available to support the Wife's values and others pursuant to the evidence available to support the Husband's values (fact specific).
 - (c) The Court ordered the matrimonial home to be sold but deferred to the Husband's election, should he choose, to postpone the sale to a later date to accommodate the Wife.
 - (d) An unequal division of assets is not appropriate; the matrimonial assets are to be equally divided.
 - 2. (a) The Wife is entitled to support on both a compensatory and non-compensatory basis.
 - (b) The Husband's annual income for purposes of calculation of spousal support is set at \$365,000.00.
 - (c) Spousal support shall be paid at the rate of \$11,000.00 per month effective February 1, 2015 for an indefinite period.

Keywords: Corollary Relief Judgement; Divorce Act; Family-unequal division of assets; Family-spousal support; Matrimonial Property Act; Matrimonial Property Act-division of property..

Legislation: Matrimonial Property Act; s. 12; 13
Spousal Support Advisory Guidelines
Federal Child Support Guidelines; SOR 97-175
Divorce Act; s.15.2 (4), (6)

Caselaw: Simmons v. Simmons, 2001 N.S.J. No. 276
Bracklow v. Bracklow (1999) 1 S.C.R. 420
Moge v. Moge (1992) 3 S.C.R. 813
Chutter v. Chutter 2008 BCCA 507
Hamilton v. Hamilton 2010 NSSC 198
Lu v. Sun, 2005 NSCA 112

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