

IN THE SUPREME COURT OF NOVA SCOTIA

(FAMILY DIVISION)

Citation: Murphy v. Murphy, 2015 NSSC 357

Date: 2015-12-15

Docket: 1201-066283 (SFHD-081492)

Registry: Halifax

Between:

Carolyn Clare Murphy

Petitioner

v.

Bruce James Murphy

Respondent

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Judge: The Honourable Justice Leslie J. Dellapinna

Heard: October 2 and 14, 2015 in Halifax, Nova Scotia

Subject: Divorce, division of matrimonial assets and debts, section 18 of the *Matrimonial Property Act*, child support, prospective and retroactive.

Summary: The parties separated after approximately 21 years of marriage. They had two daughters one of whom was still dependent on the parties for support on the date of trial. The children remained living with the Respondent/husband in the matrimonial home after the parties separated. Although the Petitioner/wife did contribute to the support of the children after the parties separated, her contribution was less than what would ordinarily be expected under the *Child Support Guidelines*. As of the date of trial she was unemployed.

Issues:

1. What would be the appropriate division of assets and debts between the parties?
2. Whether the Petitioner/wife was entitled to any compensation pursuant to section 18 of the *Matrimonial Property Act* for her contribution to the Respondent/husband's business during their marriage?

3. Should the Petitioner/wife pay to the Respondent/husband retroactive child support?

4. What amount of child support, if any, should the Petitioner/wife pay to the Respondent on a prospective basis?

Result:

For the most part the matrimonial assets and debts were divided equally between the parties. The Respondent/husband was to be responsible for the municipal taxes and house insurance premiums that accrued after the parties separated.

The Petitioner/wife was entitled to compensation for her contribution to the Respondent's/husband's business during their marriage. \$2,000.00 was awarded pursuant to section 18 of the *Matrimonial Property Act*.

The Petitioner/wife was required to pay retroactive child support (table amount) in the sum of \$23,123.86 for the period April 2011 to and including June 2015. The Petitioner/wife was given credit for the contribution that she made to the support of the children on a voluntary basis. No further retroactive contribution was ordered pursuant to section 7 of the *Guidelines*. In that regard the Petitioner/wife had met her obligations.

No child support was ordered on a prospective basis because the Petitioner/wife had no income. The Court concluded that she was not intentionally unemployed. She was ordered to make reasonable and diligent efforts to obtain employment as soon as possible and upon obtaining employment to advise the Respondent/husband immediately including the particulars of her compensation.

The Court was prepared to hear the parties on the issue of costs.

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