

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Belisle v. Belisle, 2013 NSSC 16

**Date:** 20130124  
**Docket:** 1201-065251  
**Registry:** Halifax

**Between:**

Alphonse David Belisle

**Petitioner**

and

Jacqueline Renee Belisle

**Respondent**

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**Judge:** The Honourable Associate Chief Justice Lawrence I. O’Neil

**Hearing:** September 4 & 5 and December 7, 2012

- Issues:**
1. Is the third party a bona fide holder of legal title to the “matrimonial home”? Are the third party and the husband joint owners of the property? Is the property a business asset?
  2. Is the wife’s interest, if any, in the home defeated by a trust declaration purportedly executed by the third party in favour of the husband?
  3. What interest, if any, does the wife have in the real property?

**Summary:** The husband and wife lived together for a number of years in a home that is held solely in the name of a third party. The third party says he and the husband bought the property as equal partners. The third party says the declaration of trust conferring the entire beneficial title on the husband was not executed by him. The wife alleged the third party acted as a trustee for the husband and that the husband is the “owner” of the entire property. She claims a one half interest in the entire property as a consequence. The husband says the property is a business asset, not a matrimonial asset and he only has a one half interest with the third party. He also argues his property business interest is held in trust for him and as property held in trust is not a matrimonial asset.

The Court concluded that Mr. DeBay purchased the property on behalf of Mr. Belisle and that Mr. DeBay held title to the property for Mr. Belisle.

The Court further held that the property is a matrimonial home and a matrimonial asset. It is not excepted as a matrimonial asset on the basis of it being a business asset or subject to a trust, because it is an asset used for the benefit of both spouses during their marriage. Ms. Belisle was found to have a one half interest in the matrimonial home. The Court rejected Ms. Belisle's claim for an unequal division of the property.

The Court denied Ms. Belisle's claim for spousal support and issued a divorce order.

**Keywords:** trust; matrimonial assets; business asset; matrimonial home; credibility; balance of probabilities

**Legislation:** *Matrimonial Property Act*, R.S.N.S., 1989, c.275

**Cases Considered:**

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