

IN THE SUPREME COURT OF NOVA SCOTIA  
(FAMILY DIVISION)  
**Citation:** Phillips-Curwin v. Curwin, 2008 NSSC 198

**Date:** 20080623  
**Docket:** 1201-061567  
**Registry:** Halifax

**Between:**

Jennifer Phillips-Curwin

Petitioner

v.

Peter Curwin

Respondent

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**Justice:** Leslie J. Dellapinna, J.

**Subject:** Divorce, division of assets and debts, child support and spousal support.

**Summary:** The parties lived in a common-law relationship for approximately five and half years, separated for two years, reconciled and were married and then separated for the final time approximately six years after that. They have two children now twelve and six years of age. The husband earned approximately \$156,000.00 in 2007. The wife had experience as a restaurant assistant manager but quit her job after the parties separated. The wife sought a division of assets that would allow her to keep the matrimonial home and assume responsibility for the payments on the mortgage as well as her car loan and a joint line of credit. She wanted to keep the home so that she could operate a home-based catering business. She felt it would take two to three years to determine whether such

a business was viable and if not she would then return to university on a full-time basis. She also sought the mid-point proposed by the *Spousal Support Advisory Guidelines* in addition to the table amount of child support.

**Issues:** The division of assets and debts including whether the matrimonial home should be sold, child support and spousal support.

**Result:** An equal division of matrimonial assets and debts was ordered including the sale of the matrimonial home. The proceeds from the sale would be applied to pay off the mortgage and to pay down other debts. The wife's proposal was found not to be practical. The husband would have remained liable for the mortgage and the joint line of credit. In addition to limiting his ability to obtain further credit the wife's plan would have left him overexposed in the event that she failed to meet her monthly debt payments.

It was decided that using the husband's previous year's income was the fairest way of determining his current income for the purpose of fixing child and spousal support. The table amount of child support was ordered. The spousal support suggested by the *Spousal Support Advisory Guidelines* was found to be excessive as it would have resulted in the wife receiving far more support than she needed and it would have exceeded the husband's ability to pay.

**This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet.**