

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

**Citation:** Hubley-Swider v. Swider, 2009 NSSC 106

**Date:** 20090402

**Docket:** 1201-062838

**Registry:** Halifax

**Between:**

Carolann Jean Hubley-Swider

Petitioner

v.

Mark Andrew Swider

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Elizabeth Jollimore

**Heard:** March 31, 2009 in Halifax, Nova Scotia

**Decision:** April 2, 2009

**Subject:** Matrimonial property, support variation

**Summary:** Father applied for interim exclusive possession of matrimonial home and to vary interim spousal and child support awards following mother's relocation with child from matrimonial home.

**Issues:** Did father meet the requirements of s. 11(4) of Matrimonial Property Act [other available shelter not adequate in the circumstances or order not in the best interests of the child]? Has threshold requirements of ss 17(4) and (4.1) of the Divorce Act been met?

**Result:** Father's applications dismissed. Mother awarded interim exclusive possession of home and ordered to maintain mortgage and operating costs.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.***

***QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***