

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION

Citation: *M.M. v. A.M.*, 2016 NSSC 57

Date: [2016-03-07]

Docket: 1217-000903

Registry: Port Hawkesbury

Between:

M. M.

Petitioner

v.

A. M.

Respondent

ADDENDUM (to 2015 NSSC 332)

Judge: The Honourable Justice Legere Sers

Heard: June 19, 2015, August 25, 2015, and August 26, 2015 in
Port Hawkesbury, Nova Scotia

Counsel: M. M., Self-Represented
Dianne Paquet for the Respondent

By the Court:

Erratum

[1] The Court has convened with the parties both in Court and by telephone conference on December 21, 2015, January 22, 2016, and February 8, 2016 in an effort to produce an order consented to as to form.

[2] The parties have identified two errors respecting the identification of assets.

[3] Counsel for the Respondent, Dianne Paquet and the Petitioner, on his own behalf, agree that paragraph 176, on page 20 of the Decision dated November 23, 2011 erred in listing the pensions which are the subject matter of this Decision.

[4] Both counsel and the Petitioner have reviewed the description set out below and advise and agree that the pensions which are the subject matter of this proceeding can be more accurately described as follows:

- a) The employment pension of A. M. earned while working with **Suncor**, held with Sun Life Financial #0873200324605 and the estimated commuted value as of December 31, 2014 is \$2,606;
- b) The defined benefit employment pension of M. M. earned while working with **Syncrude**, Reg #0313783 & Employee #86771 and the estimated commuted value is unknown;
- c) The supplementary retirement pension of M. M., held with SunLife Financial #023638671 learned while working with **Syncrude** and the estimated commuted value as of March 31, 2014 was \$11,667.90;
- d) The employment pension of M. M., held with Desjardins Insurance, Group #G004010 & Participation # 0103008 which he has been earning with **NuStar** and estimated commuted value as at January 27, 2014 was \$48,396.27.

[5] The parties also confirmed on the record that the Zodiac (page 24, paragraph 212) was included in the valuation of the boat and motor valued at \$1,250 (Page 25, paragraph 229) and therefore was double counted.

[6] The equalization chart at page 32 requires an adjustment by removal of the \$500 value attributed to the boat. The equalization chart below shall replace that provided on page 32.

[7] The Respondent's brief and equalization chart identified the Petitioner's refund for the relevant years at \$1,067 whereas the actual CRA refund to the Respondent for the 2013 and January 2014 (pro-rated) amounts to \$1,098. This adjustment has been made to the equalization chart in this Erratum.

[8] Post decision, the Respondent refiled her taxes and received a Notice of Re-assessment. She was therefore able to identify the amount she sought to be divided between the parties. Since the January, 2014 tax debt was minimal, she did not include this amount.

[9] The parties acknowledged receiving proof of the re-assessment reflecting the Respondent's tax obligation for 2013 and 2014 (during the period of co-habitation), minus penalties was found to be \$1,874 (rounded).

[10] Page 26, paragraph 232 of the Decision states as follows:

"If the Respondent's tax debt minus penalties continues to exist for the 2013 year after refiling of taxes, it shall be shared between the parties."

Additional Relief

[11] The Petitioner requests further relief as a result of the late filing of the refiled income tax results. He asks the Court to include a clause, that retains for the Petitioner, the right to share in any Suncor Stock plan, should one in future be discovered.

[12] I heard no evidence on this point. The Erratum was intended to correct errors made in calculations that either flow from evidence and findings of fact already made based on both parties testimony after full opportunity to be heard or to account for figures that were unavailable at the time of the hearing.

[13] This is not a review or an opportunity to raise further issues not raised in the Divorce proceeding. I decline to include such a clause, there being no evidentiary foundation before me.

[14] The revised division of assets is as follows:

	Assets	Petitioner	Respondent
Matrimonial home (net)	\$40,799	\$40,799	
Ford	\$14,000	\$14,000	
Bike	\$5,000		\$5,000
Motorhome	\$7,000		\$7,000
Boat	\$1,250		\$1,250
CRA refund	\$1,098	\$1,098	
TOTAL (rounded)	\$69,147	\$55,897	\$13,250
 Matrimonial Debts			
Fridge	\$804		\$804
2013 CRA Tax Liability	\$1,874		\$1,874
 Net Equity	\$66,469	\$55,897	\$10,572
Equalization	\$33,234	-\$22,663	\$22,663

Justice Legere Sers