

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

**Citation:** MacDonald v. MacDonald, 2009 NSSC 263

**Date:** 20090807  
**Docket:** 1201-062450  
**Registry:** Halifax

**Between:**

TRACEY LEE DUNCAN MacDONALD

Applicant

v.

HEATHER JAN MacDONALD

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Moira C. Legere Sers

**Heard:** August 7, 2009, in Halifax, Nova Scotia

**Written Decision:** September 3, 2009  
*(Oral decision rendered on August 7, 2009)*

**Counsel:** Tracey Lee Duncan MacDonald, self-represented  
Tammy Wohler, counsel for Heather Jan MacDonald

**Subject:** Application for variation of a settlement agreement.

**Summary:** Parties entered into a consent joint custody arrangement where residence was fundamental to making the agreement work. Mother moved due to financial issues and to advance other goals making agreement difficult to follow. After application to vary by father and before hearing, mother relocated closer to father improving opportunity to make agreement workable.

**Result:** Application for change in custody denied. Directions to parties and matter referred back for settlement to address changes.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
QUOTES MUST BE FROM THE DECISION, NOT THIS LIBRARY SHEET.***