

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Fairfax v. Garland, 2009 NSSC 299

Date: 20090930

Docket: SFHMCA-25946

Registry: Halifax

Between:

Donald Edward Fairfax

Applicant

v.

Cheryl Lee Garland

Respondent

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Judge: The Honourable Justice Deborah Gass

Heard: September 30, 2009 in Halifax, Nova Scotia

Oral Decision: September 30, 2009

Written Decision: October 16, 2009

Summary: Child 6 ½, born after parties' relationship ended; child always in primary care of mother with Dad an active access parent. Mother lived in Stewiacke; child attended school in Truro; Dad lived in Dartmouth. No Order in place. Mother moved to Ontario with daughter and her two other children. Mother acknowledges Nova Scotia Court's jurisdiction.

Issue: Mobility. Interim application for return of child to Nova Scotia pending full hearing of custody application.

Result: Application for interim change in primary care denied; effects of removal of child from care of mother and her siblings outweigh the Court's concern about not condoning the unilateral actions of one parent. Matter set for hearing in Nova Scotia.

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