

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

**Citation:** Shatz v. Margeson, 2009 NSSC 312

**Date:** 20091027

**Docket:** SFHMCA-056241

**Registry:** Halifax

**Between:**

Gayle Shatz

Applicant

v.

Robert Keith Margeson

Respondent

**Judge:**

The Honourable Justice Deborah Gass

**Heard:**

February 5 and May 13, 2008, in Halifax, Nova Scotia

**Counsel:**

Russell Quinlan, for the applicant

Terrance Sheppard, for the respondent

**By the Court:**

[1] I have considered the representations of counsel in the application(s) for costs.

[2] I am satisfied that costs can be considered in favour of, or against either party, under the pleadings in the original application of Ms. Shatz.

[3] I will not repeat the law or the rules governing costs, except to say that costs are in the discretion of the court. Where appropriate, costs can be awarded to the successful party.

[4] This was an issue of spousal support, where entitlement was an issue. Financial disclosure was problematic and the financial information was complex in determining the Respondent's income.

[5] The application was commenced in December, 2007. It was set for a half-day interim hearing on February 5, 2008. The matter was not completed and set over for continuation to May 13, 2008. In the interim the court suggested to counsel that because of the delay, it would be prudent to treat this as a "final" hearing. There was some reluctance to proceed in that fashion since the hearing was already underway. However, at the conclusion of the matter, following submissions in June, 2008, the court considered that the evidence presented and length of time involved since separation (2004) supported a "final" order rather than an interim order.

[6] In December, 2008, the court rendered its decision, granting spousal support in a declining amount for a fixed term.

[7] It was agreed that the issue of costs would be dealt with by way of written submissions.

[8] On May 27, 2009, the court received the Applicant's submissions on costs, followed by the Respondent's submissions on June 16, 2009. Thereafter an exchange of further correspondence occurred. Each party sought costs from the other.

[9] Each argues that they were the successful party.

[10] I conclude that success was mixed. While Ms. Shatz was successful on entitlement, the quantum was lower than what had ultimately been offered.

[11] Therefore, the parties shall bear their own costs.

J.