

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: S.L.K. v. M.M.H., 2009 NSSC 319

Date: 20091029

Docket: 1201-062387

Registry: Halifax

Between:

S.L.K.

Petitioner

v.

M.M.H.

Respondent

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Judge: The Honourable Justice Douglas C. Campbell

Heard: September 14, 15, 16, 2009; October 6 & 7, 2009 in Halifax, Nova Scotia

Final Written: October 29, 2009

Subject: Family Law, division of assets, valuation of retirement plan, spousal support, standing in the place of a parent

Summary: This was a 10.5 year third marriage for the wife and second marriage for the husband. The flow through shares were held not to be matrimonial assets and therefore not subject to division. The main asset issue related to the husband's retirement plan which was similar to but not a registered pension plan and it was not vested. The wife sought to divide its capitalized value using the so-called termination method. Because it was not vested, the court divided only that lump sum that would have been refunded if the husband had terminated employment on the separation date(the so-called literal termination method). Canada Revenue Agency debt was classified as matrimonial but not shareable until the appeal of the reassessment and other remedies are exhausted. Security ordered for the wife's share of the CRA debt if it should crystallize in the future.

Regarding the child, the husband was found not to stand in the place of the parent.

Regarding spousal support, \$7500 per month was ordered for a period of 8 months followed by \$5000 for 52 months whereupon the support would terminate.

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