

IN THE SUPREME COURT OF NOVA SCOTIA  
(FAMILY DIVISION)

**Citation:** Verdun v. Dorrance, 2006 NSSC 305

**Date:** 20061011

**Docket::** 1201-059138

**Registry:** Halifax

**Between:**

Richard James Verdun

Petitioner

v.

Nicholas Ann Dorrance

Respondent

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

**Heard:** June 19, 2006 in Halifax, Nova Scotia

**Subject:** Second marriage; marriage contract; divorce; child support (*in loco parentis*); preservation of right to apply for spousal support; life insurance; inclusion of pre-cohabitation pension benefits and division of assets; post-separation expenditures on matrimonial home; disposition costs.

**Summary:** The Petitioner and Respondent entered into a second marriage. They cohabited for 14 years. Three children were brought into this union. Both parties are currently self-sufficient. The husband argued that the pre-cohabitation contributions to his pension plan ought to be excluded, as it was part of the negotiations during his first marriage. He argued he did not stand in place of a parent to his wife's child. The parties disagreed about post-separation expenditures to the matrimonial home and disbursements.

**Result:** Divorce granted; a finding that the husband stood *in loco parentis* to the mother's child; limited child support; no current spousal, preserves her right to apply in future; the division of assets includes the pre-cohabitation portion of the husband's military pension. The husband failed to prove a s. 13 *Matrimonial Property Act* unequal division. *Morash v. Morash*, 2004 NSCA 20, 221 N.S.R. (2d) 115, 40 C.C.P.B. 99, 48 R.F.L. (5th) 312 (C.A.), the *Matrimonial Property Act*, the *Pension Benefits Division Act* and extra provincial matrimonial property legislation considered.

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