

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Stailing v. Stailing, 2011 NSSC 501

Date: 20110704

Docket: 1201-064876

Registry: Halifax

Between:

Valeria Darlene Stailing

Applicant

v.

Robert Bruce Stailing

Respondent

LIBRARY HEADING

Judge: The Honourable Justice Deborah Gass

Heard: June 9 & 13, 2011 in Halifax, Nova Scotia

Written Decision: February 1, 2012

Summary: Parties entered into a Cohabitation Agreement when they began living together. They subsequently married. Petitioner seeks divorce and terms of the Cohabitation Agreement to apply. Respondent seeks to have Agreement set aside.

Issue: Status of Cohabitation Agreement

Result: Cohabitation Agreement is vitiated by the subsequent marriage. The terms of the Agreement were specifically intended to cover only cohabitation and not marriage. Additionally, even if it were valid, the provisions, particularly for spousal support, were so unfair as to be unconscionable. Cohabitation Agreement set aside.

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