

SUPREME COURT OF NOVA SCOTIA

Citation: Cunningham v. Cunningham, 2012 NSSC 91

Date: 20120302

Docket: 1202-001904 (073766)

Registry: Amherst

Between:

Michael Anthony Cunningham

Petitioner

v.

Nancy Kathleen Cunningham

Respondent

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Judge: The Honourable Justice Cindy A. Bourgeois

Heard: December 20 and 21, 2011, in Amherst, Nova Scotia

Written

Decision: March 2, 2012

- Issues:**
- (1) Divorce;
 - (2) Matrimonial property division;
 - (3) Shared custody sought;
 - (4) Child support, including considerations of imputing income and retroactive award;
 - (5) Spousal support.

Summary: Divorce granted. Certain assets excluded from division as clearly “business assets”. Request for unequal division denied. Shared parenting arrangement ordered notwithstanding one parent alleging communication difficulties. Court found it was not that parent who was the source of the difficulties, which would be lessened by a shared parenting regime.

Income imputed to self-employed father. Review date permitted given mother's employment status at the time of trial. Child support set, but not on a straight "set-off" basis.

Retroactive child support ordered. No spousal support.

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