

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: Webb v. Webb, 2012 NSSC 122

Date: 20120328

Docket: SFHP078097; SFHMCA075308

Registry: Halifax

Between:

Eleanor Webb

Applicant

v.

Mary Elizabeth Webb
and Carmelita Arnet Robertson

Respondents

And:

Mary Elizabeth Webb

Applicant

v.

Carmelita Arnet Robertson

Respondent

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Judge: The Honourable Justice Moira C. Legere Sers

Heard: February 13, 14 and 15, 2012 in Halifax, Nova Scotia

Subject: Two applications:

1. *Partition Act* Application between applicant and her daughter and daughter's partner. Applicant seeking an order for sale with unequal division of equity to effect a reimbursement of the applicant's investments of \$171,905 together with repayment of a \$24,00 loan and a 1/3 interest in the remaining equity.

2. *Maintenance and Custody Act* application between the partners in a

registered domestic partnership. Custody, access, spousal support, division of property and debts.

Issue: Unjust enrichment / *quantum meruit*
Shared custody, entitlement to spousal support, division of property and debts.

Summary: The child's grandmother and his parents jointly purchased a property and lived together. The grandmother invested significant funds exceeding \$171,905 in the purchase and maintenance of the property. She also contribute at least 1/3 of the ongoing monthly expenditures. Her expectation was to live in the home with her daughter and family until she required more significant institutional care.

Upon dissolution of the relationship, the above noted issues surfaced.

Result: Grandmother to receive her initial investments after ordinary disposition costs deducted along with outstanding mortgage. Remaining equity to be divided into 3 with the grandmother receiving her 1/3 share.

The matrimonial debts then were to be paid resulting in a deficiency.

Joint custody with a shared parent schedule, child support determined, no spousal support ordered.

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