

Date: 20020930  
Docket: 1203-001528

IN THE SUPREME COURT OF NOVA SCOTIA  
[Cite as: **Westhaver v. Westhaver, 2002 NSSC 220**]

BETWEEN:

TERRANCE EARL WESTHAVER

PETITIONER

- and -

HEATHER LYNN WESTHAVER

RESPONDENT

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**LIBRARY SHEET**

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HEARD BEFORE: The Honourable Justice Margaret J. Stewart at  
Liverpool, N.S.

DATES HEARD: May 24, 2002. (Last brief filed June 11, 2002.)

DECISION DATE: September 30, 2002.

SUBJECT: Divorce; Spousal; Amount and Duration.

SUMMARY: After 11.7 years of cohabiting the parties agreed their  
marriage had ended just days before Ms. Westhaver  
was involved in a single car motor vehicle accident

on April 5, 1995 which effected her vision and caused her brain injury. The issue of her functioning ability not clearly addressed at trial as directed. She continued to qualify for Canada Pension Plan disability benefits. The parties lived under the same roof for three years before wife physically separated in June of 1998. Mr. Westhaver was financially responsible for her for seven years at the time of trial. Ms. Westhaver was not able to account for her lack of funds/assets. Although each case is to stand on its own, other than being married for 4.3 years longer than the Bracklows, a number of parallels exist between the two cases.

**RESULT:**

Husband ordered to pay \$800.00 per month until December 2002 at which time his support obligation would terminate. Parties to bear their own costs.

**THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION. QUOTES MUST BE FROM THE DECISION, NOT FROM THIS COVER SHEET. DECISION CONSISTS OF 28 PAGES**