

SUPREME COURT OF NOVA SCOTIA

Citation: *Tofflemire v Pike*, 2013 NSSC 235

Date: 2013-07-25

Docket: SFHMPAY-086431

Registry: Halifax

Between:

Andrew Jay Tofflemire

Applicant

v.

Wanda G. Pike

Respondent

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Judge: The Honourable Justice Elizabeth Jollimore

Heard: July 19, 2013 in Halifax, Nova Scotia

Written Decision: July 24, 2013

Keywords: child of the marriage, exclusive possession

Legislation: *Matrimonial Property Act*, R.S.N.S. 1989, c. 275, subsection 2(b); clause 11(1)(a), clause 11(4)(a), clause 11(4)(b)

Summary: Both spouses sought interim exclusive possession of matrimonial home. Husband did not demonstrate settled intention to treat wife's child as a child of the marriage (having regard to subsection 2(b) of the *Act*), so clause 11(4)(b) was not a basis for granting possession. Applications dismissed where neither spouse proved other provision for shelter in the circumstances was not adequate pursuant to clause 11(4)(a).

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