

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** *MacLean v. MacLean*, 2017 NSSC 263

**Date:** 20171010

**Docket:** 1201-069737

**Registry:** Halifax

**Between:**

James Patrick MacLean

Petitioner

v.

Theresa Bernadette MacLean

Respondent

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**Judge:** Justice Beryl A. MacDonald

**Heard:** September 11 and 15, 2017

**Keywords:** Family, Divorce, Spousal Support, Imputing Income, Retirement Allowance.

**Legislation:** *The Divorce Act*, R.S.,1985, c.3 s. 15.2  
*Matrimonial Property Act*, R.S.N.S. 1989, c.275

**Summary:**

Husband commenced a Divorce proceeding in which Wife filed an Answer seeking spousal support and an equal share of Husband's retirement allowance. Husband stopped paying previously ordered spousal support when he voluntarily retired from his employment at the age of 57. He cashed out his pension entitlement and alleged his reduction in income indicated he had no ability to pay spousal support.

The Wife remained entitled to spousal support. The Husband's income was imputed based upon his previous employment income. The Wife was entitled to receive one-half of the Husband's retirement allowance.

***This Information Sheet Does Not Form Part Of The Court's Decision.***

***Quotes Must Be From The Decision, Not This Library Sheet***