

SUPREME COURT OF NOVA SCOTIA
(Family Division)

Citation: Irwin v. Irwin, 2018 NSSC 48

Date: 20180309
Docket: 1201-066753
Registry: Halifax

Between:

Gerald Scott Irwin

Petitioner

and

Kimberly Joan Irwin

Respondent

LIBRARY HEADING

Judge: The Honourable Associate Chief Justice Lawrence I. O'Neil

Hearing: November 29, 2017 and February 21, 2018, in Halifax, Nova Scotia

Issues: Should parts of the Respondent's affidavit be struck as required by Rule 39?, Rule 5? and Rule 59.

Summary: The Court struck some sentences and paragraphs as irrelevant. Other paragraphs were not struck because they were relevant and/or were evidence of the state of belief of Ms. Irwin.

Keywords: Relevance; hearsay.

Legislation: *Civil Procedure Rules*, Rule 39; Rule 5.17; and Rule 59.40

Cases Considered: *Moore v. Moore*, 2013 NSSC 175
Waverly (Village Commissioners v. Nova Scotia (Minister of Municipal Affairs)) [1993] N.S.J. 151
Halifax (Regional Municipality) v. Nova Scotia Union of Public and Private Employees, Local 13, 2009 N.S.J. 61, 2009 NSCA 18

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