

CANADA
PROVINCE OF NOVA SCOTIA
2001

SFSND1206-3776

IN THE SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

BETWEEN:

ALLAN MacLENNAN

PETITIONER

- and -

COLLEEN MacLENNAN

RESPONDENT

D E C I S I O N

Cite as: MacLennan v. MacLennan, 2002 NSSF7

HEARD: Before the Honourable **Justice M. Clare MacLellan**, at Sydney, Nova Scotia, on April 11th, April 12th, and April 17th, 2001.

DECISION: September 14, 2001

COUNSEL: Theresa Forgeron, Counsel for Mr. MacLennan
Elaine Gibney, Counsel for Mrs. MacLennan

M.C. MacLellan, J:

Divorce granted based on evidence that the parties lived separate and apart since February 1997.

The parties married on February 1, 1980 and separated permanently in February 1997. At the time of the marriage Mr. MacLennan was twenty-two (22) years of age and Mrs. MacLennan was twenty (20) years of age. Mr. MacLennan acquired Grade XI and Mrs. MacLennan completed Grade XII; both had limited work experience at the time of the marriage.

The parties had two children, Allan Alexander MacLennan born [...] 1980 (twenty-one (21) years old) and Adam Joseph MacLennan born [...], 1986 (fifteen (15) years old).

By Court Order dated the 29th day of April, 1997, parties agreed as follows:

1. *The Order granted herein on 29 April 1997 and issued on 30 April 1997 is hereby amended and this Order is substituted therefore.*
2. The Applicant shall have custody of the children of the marriage, namely Allan Alexander MacLennan, born [...] 1980, and Adam Joseph MacLennan, born [...]1986.
3. The Respondent shall have reasonable access to the children on reasonable notice to the Applicant.
4. The Respondent shall pay to the Applicant for the support of the Applicant and the children the sum of One Thousand and Thirty Dollars (\$1,030.00) per month, said amount to be in installments of Five Hundred and Fifteen Dollars (\$515.00) each on the first (1st) and the fifteenth (15th) days of each month, said amount to be paid directly to the Applicant.
5. The Respondent shall maintain the payments on the matrimonial debts, the particulars of which with respect to: creditor, current outstanding balance and monthly payment are as follows:

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CREDITOR	BALANCE	MONTHLY PAYMENT
Visa	\$325.00	\$30.00
Canadian Tire	\$100.00	\$20.00
Sears	\$300.00	\$30.00
Schwartz	\$300.00	\$30.00
Toronto-Dominion Bank	\$9,600.00	\$386.00

6. The Respondent shall purchase the children's clothing after receiving notice of the children's reasonable requirements in this regard and he shall purchase same within one (1) week of receiving such notice.
7. The Applicant shall maintain the payments on the mortgage of the matrimonial home, pay the municipal property taxes on same and maintain the fire insurance on the home and its contents.
8. This Order shall be subject to review: (a) when the family debts are paid off, or (b) if the Respondent fails to comply with paragraph 5, hereof.

Access proceeded smoothly at first, however, began to deteriorate by December 1998. By the time of trial, the Petitioner had no contact with Adam; and Allen had removed himself from the Respondent's care.

The Petitioner now resides with a new partner who has two (2) children; he and she have had another child since cohabitation.

History

From 1980 onward the Petitioner has been working in the retail field; he started as a part-time clerk and now is a full-time store manager. Both parties agree he worked long hours to achieve his current position. Mr. MacLennan currently manages ninety-five (95) employees.

Neither party brought any sizeable assets into the marriage.

Mrs. MacLennan was not employed during the marriage. She commenced employment at a local garage after separation.

Mr. MacLennan recalls he had asked his wife to work or further her education during the marriage but she refused to co-operate. Mrs. MacLennan recalls her husband worked long hours and both were content to have her remain at home, raise the children and run the household. She viewed her life at home with her family to be a full one.

Mr. MacLennan confirms his wife had, prior to her first pregnancy, planned a career in Early Childhood Development at Holland College. She was not accepted the first time she applied. She became pregnant and did not apply in subsequent years.

Mr. MacLennan plans to marry when his divorce is finalized. His current partner does not work outside the home as their child Chelsea is one (1) year old. The plan is Ms. Burke will commence work in two-years time when Chelsea is three (3).

Mr. MacLennan views Adam as less dependent than Chelsea because he and Adam's mother have been separated for four (4) years.

Mr. MacLennan agrees he has secured seniority and job security benefits. Mrs. MacLennan may have secured similar benefits, had she worked since the date of marriage.

Some parenting problems arose with Allan in 1999 and 2000; this resulted in Allan living with his father for three (3) months and ultimately acquired his own apartment in April 2000. Mr. MacLennan reduced his maintenance of one thousand and thirty dollars

(\$1,030.00) by three hundred and fifty dollars (\$350.00), until he was required to pay shortfall due to enforcement measures by M.E.P. Mr. MacLennan has since that time been unable to assist Allan with his living expenses. Mr. MacLennan agrees his past annual income was approximately sixty thousand dollars (\$60,000.00). His maintenance was set at one thousand and thirty dollars (\$1,030.00) per month to reflect his ongoing debt payment of four hundred and ninety dollars (\$490.00).

Mr. MacLennan agrees he receives a forty percent (40%) tax benefit as a result of his Support Order.

Mr. MacLennan advised he now enjoys a close relationship with Allan, but has a less meaningful relationship with Adam. He advised, despite his best efforts, he has been unable to secure a good rapport with Adam. Mr. MacLennan states he and Mrs. MacLennan are unable to parent together.

Mr. MacLennan would like Adam to have counselling. He has not discussed this concern with Mrs. MacLennan.

Mrs. MacLennan advised she took sons to therapy. She advised she told Mr. MacLennan as she undertook counselling for their sons and he was, according to her, not supportive.

Mrs. MacLennan confirms access began smoothly but declined after a problem with Allan and Mr. MacLennan re: a drinking under age incident.

Both sons live with Mrs. MacLennan now. Allan lived on his own for approximately

eight (8) months ago due to a disagreement between he and his mother on house rules. He works presently but plans to return to U.C.C.B. in the Fall. Mrs. MacLennan requires him to pay board of one hundred dollars (\$100.00) a month. She advised this money is kept for Allan do assist him with college expenses and to acquire a computer. Mrs. MacLennan has paid off past bills he acquired at U.C.C.B.

Mr. MacLennan earns four thousand five hundred, sixty-five dollars and seventeen cents (\$4,565.17) per month or fifty-four thousand seven hundred and eighty-two dollars per annum (\$54,782.00) for the past two years. He has also received bonus income for the past two (2) years. He is unsure if he will receive a bonus in 2001 but if he does, he will pay the Guideline amount or an income figure that includes the annual bonus. The bonus in the previous year was six thousand dollars (\$6,000.00) per annum. Mr. MacLennan's income is ten thousand dollars (\$10,000.00) more than in 1997 if the previous year's bonus remains constant.

Mr. MacLennan lives with his girlfriend five (5) nights out of seven (7) and with his mother the other two (2). He wishes to marry his new partner. As she is in subsidized housing they are unable to cohabit together on a full-time basis. He hopes to be able to rent a four-bedroom house/apartment to accommodate his new partner, her two (2) children and their child.

Mr. MacLennan's budget, Exhibit #2, is dated as it reflects a time when he had the responsibility of an apartment which was not the case at the time of trial.

Mr. MacLennan has a 1993 car and claims he needs a replacement vehicle. Exhibit #6 entered by agreement is a Motor Vehicle Appraisal Report which values the vehicle at one

thousand four hundred and fifty dollars (\$1,450.00) as of April 2001. There is no evidence as to the value of the car at the date of separation.

Mr. MacLennan wishes to remove Mrs. MacLennan from the health plan and add his new partner. He has no dental coverage but will pay one-half of Adam's or the dental expenses if he is informed of material aspects of the dental procedures. Mrs. MacLennan advises Adam requires braces to correct an overbite. Exhibit #13 estimates this procedure will cost two thousand seven hundred dollars (\$2,700.00).

Mr. MacLennan wishes to leave his life insurance to his new partner, his infant daughter and his son, Adam, in equal shares of one-third (1/3) each. He has not examined whether or not this division is possible but assumes the insurer can effect this beneficiary division.

Mrs. MacLennan wishes to remain on the life insurance policy until the children are self-sufficient.

The former matrimonial home is assessed at forty-three thousand two hundred dollars (\$43,200.00), encumbered by eleven thousand three hundred and forty-four dollars (\$11,344.00) as of the date of separation. Mrs. MacLennan has kept the mortgage up-to-date. Mr. MacLennan wants the house sold or his interest acquired by Mrs. MacLennan. Mr. MacLennan seeks retroactive and ongoing occupational rent.

Mrs. MacLennan wishes to retain the house. She advises the mortgage was paid off in January 2000. She believes she needs to retain the house as both children are now residing with her. Mrs. MacLennan believes she can only maintain her lifestyle if she continues to

receive spousal support.

Mrs. MacLennan has a health plan at work, but she has not joined the plan to date.

Mr. MacLennan does not agree re values placed on furniture and alleges there are items missing. Mr. MacLennan disputes Exhibit #18, an appraisal of eighteen hundred and fifty-five dollars (\$1,855.00) for furniture and appliances, as the appraisal is current; and he and Mrs. MacLennan separated four (4) years ago. Mr. MacLennan believes assets left in the home are worth eight thousand dollars (\$8,000.00) - a figure he has arrived at on his own.

Mr. MacLennan could not commit to purchasing furniture from Mrs. MacLennan for four thousand dollars (\$4,000.00). Mrs. MacLennan advised during evidence that an appropriate value for the furniture and appliances is two thousand three hundred and fifty-five dollars (\$2,355.00), not one thousand eight hundred and fifty-five dollars (\$1,855.00).

Mr. MacLennan's pension benefits are set out from his employer, Exhibit #8. All pension benefits are presented from date of registration, September 1987, to date of separation, February 1997 and are not in dispute.

Debts

Mr. MacLennan alleges debts are fourteen thousand dollars (\$14,000.00) which includes post-separation debts and a post-separation trip to Disneyland. A consolidation was effected to include the car loan and the parties negotiated a home improvement loan in 1995 for a total of nineteen thousand nine hundred and fifty-four dollars and eighty cents (\$19,954.80) due July 17, 2000. Mr. MacLennan believes the Bank of Nova Scotia loan in

the amount of fourteen thousand dollars (\$14,000.00) was owed at the date of separation. The Family Court Order and Counsel Brief refer to this amount as ten thousand six hundred and twenty-five dollars (\$10,625.00).

According to Exhibit #11 from the Toronto Dominion Bank, the matrimonial Visa, six (6) months after separation, was two thousand four hundred and eighty-eight dollars and seventy-nine cents (\$2,488.79).

Mrs. MacLennan's Employability

Mr. MacLennan feels Mrs. MacLennan is not working in her present position to her full potential. Mrs. MacLennan has not worked outside the household since she married. She and Mr. MacLennan became the parents of Allan shortly after the marriage.

Mrs. MacLennan advised she did not work during the marriage. After separation she secured a job in part due to help from a family friend. At first this position involved night shifts but now she works only day shifts. She started at an hourly rate of five dollars and sixty-five cents (\$5.65) per hour and now earns seven dollars and thirty cents (\$7.30) per hour. Currently she is in training to become a bookkeeper. Her gross annual income last year was fifteen thousand one hundred and thirty-nine dollars (\$15,139.00). She enjoyed her job and wishes to remain there. Although she has been employed as a cashier with this company since shortly after the parties separated, she does not feel the job is secure. She also receives C.T.C. and G.S.T. for a total of two thousand four hundred and fifty-one dollars (\$2,451.00) per annum.

Mrs. MacLennan has applied for better-paying positions but did not follow through with the employment process as she is comfortable with her current job and her employee is willing to provide instruction which could result in a new job with a modest increment.

ISSUES

The Respondent seeks:

- (1) Spousal support without a terminate date;
- (2) Child Support;
- (3) Extraordinary expenses [dental];
- (4) An uneven division of assets;
- (5) No change in life insurance or health care plan;
- (6) Access problems with Adam.

The Petitioner seeks:

- (1) Termination of spousal support;
- (2) Sale and equal division of matrimonial home;
- (3) Credit for money spent when Allan lived with the Respondent and when Allan lived on his own and received financial help from the Respondent;
- (4) Change of beneficiary on the life insurance policy;
- (5) Change of claimant on the health care plan;
- (6) Counselling for Adam; access problems with Adam;
- (7) Occupational rent;
- (8) Division of debts and personal belongings.

Spousal Support

The parties were married for seventeen (17) years. The husband worked outside the home. The wife took care of the home and children. I am satisfied this was the arrangement the parties agreed to during the years of cohabitation. Mr. MacLennan worked long hours and became successful in his career. His annual income is approximately sixty thousand dollars (\$60,000.00) per annum. He has seniority, job security and employment benefits.

Mrs. MacLennan returned to the work force post separation at age thirty-eight (38). She had no marketable skills. She has no security, no seniority, no pension plan. Her employment income is fifteen thousand dollars (\$15,000.00) per annum. This sum is supplemented now by the Child Tax Credit and the G.S.T. rebate.

Section 15.2(6) of the Divorce Act requires:

- (a) recognize any economic advantages or disadvantages to the spouses arising from the marriage or its breakdown;
- (b) apportion between the spouses any financial consequences arising from the care of any child of the marriage over and above any obligation for the support of any child of the marriage;
- (c) relieve any economic hardship of the spouses arising from the breakdown of the marriage; and
- (d) insofar as practicable, promote the economic self-sufficiency of each spouse within a reasonable period of time.

No one item in this list is to have priority over the other considerations. Justice Davison in Pierce v. Pierce, [2000] May 1201-5172 interprets Moge v. Moge (1992), 99 D.L.R. 456 (S.C.C.) 21:

The Moge case clearly directs the Court to consider all four (4) objectives in 15(6)

and self-sufficiency is only one (1) objective and enjoys no paramount change . In fact, its impact is modified by the words “insofar as practicable”. The purpose of spousal support is to relieve economic hardship that results from the marriage or it’s breakdown. Did the marriage or its breakdown impair or improve the wife’s economic prospects?

Similar comments are made by Justice Freeman in ***Read v. Read, [2000] N.S.C.A. 33.*** As well, Madam Justice McLaughlin of the Supreme Court of Canada in ***Bracklow*** clarified the law by concluding that the law recognizes three conceptual grounds for entitlement to spousal support: (1) compensatory; (2) contractual; (3) non-compensatory. The different models of marriage and their corresponding theories of spousal support were discussed in detail by the Court. Attention is drawn to Madame Justice McLaughlin’s comments at page 33, paragraphs 30 and 31:

[para 30] The mutual obligation theory of marriage and divorce, by contrast, posits marriage as a union that creates interdependencies that cannot be easily unraveled. These interdependencies in turn create expectations and obligations that the law recognizes and enforces....

[para 31] The mutual obligation view of marriage also serves certain policy ends and social values. First, it recognizes the reality that when people cohabit over a period of time in a family relationship, their affairs may become intermingled and impossible to disentangle neatly. When this happens, it is not unfair to ask the partners to continue to support each other (although perhaps not indefinitely). Second, it recognizes the artificiality of assuming that all separating couples can move cleanly from the mutual support status of marriage to the absolute independence status of single life, indicating the potential necessity to continue support, even after the marital “break”. Finally, it places the primary burden of support for a needy partner who cannot attain post-marital self-sufficiency on the partners to the relationship, rather than on the state, recognizing the potential injustice of foisting a helpless former partner onto the public assistance rolls.

Bracklow v. Bracklow, [1999] S.C.J. No. 14 at paragraph 57 states marriage, while it may not prove to be ““til death do us part”, it is a serious commitment, not to be undertaken

lightly. It involves the potential for lifelong obligations. There are no magical cut-off dates.

It is clear Mrs. MacLennan suffered economic hardship both as a result of staying home and caring for the home and as a result of the marriage breakdown.

Mrs. MacLennan is clearly entitled to ongoing spousal support. She has satisfied the Section 15 onus. The amount of support to be paid is six hundred and fifty dollars (\$650.00) per month.

Child Support

Child support for Adam is to be paid in the Guideline amount of four hundred and fifty-five dollars (\$455.00) per month, based on Mr. MacLennan's income of fifty-five thousand dollars (\$55,000.00) per year, **or** four hundred and ninety-five dollars (\$495.00) per month, based on Mr. MacLennan's income of sixty thousand dollars (\$60,000.00) per year.

If Allan is in university, maintenance will be paid for the two (2) children in the amount of seven hundred and forty-two dollars (\$742.00) per month, based on Mr. MacLennan's income of fifty-five thousand dollars (\$55,000.00) annually, **or** eight hundred and four dollars (\$804.00) per month, based on Mr. MacLennan's income of sixty thousand dollars (\$60,000.00) per year.

Although Allan is over twenty-one (21), if he is in a recognized learning institution he is entitled to support. I have heard little re Allan's needs and so will utilize the Guideline amounts for two (2) children without variation as allowed for in Guideline 2(b). If Allan is not in university, child maintenance will be paid for Adam only in the amount stated above.

The Court acknowledges that child support takes priority over spousal support, however, Mr. MacLennan has income of fifty-five to sixty thousand dollars (\$55-60,000.00) annually. His current partner opts not to work. He is supporting his partner's two (2) children. He will need to restructure his new family if he is to fulfil his obligation to his sons and former wife.

Mrs. MacLennan had to deal with problems with her children, rely on her family for transportation and babysitting. She also has been responsible to keep the house in good repair and pay the mortgage. The first year she worked in 1997 she earned four thousand eight hundred and seventy-seven dollars (\$4,877.00). In 2000 she earned fifteen thousand dollars (\$15,000.00). She continued to care for her sons excluding Allan for a period and to work to enhance her job skills in her current position.

Despite her low income she has managed to help Allan with college debts and to acquire a computer.

Add-ons

Adam's orthodontic expenses are to be shared by the parties according to their respective incomes as set forth in Federal Guidelines 7(1) and 7(2).

Matrimonial Home

Mrs. MacLennan wishes to remain in the house until Adam has completed high school. This would constitute an uneven division of least one matrimonial asset.

Mrs. MacLennan advises she has had problems with both sons as a result of the separation and what the children were told as to the reason for separation. Both parties

followed the advice of a counselor, however, this advice impacted negatively on the children, especially Adam. Allan hopes to return to University. His parents both hope he does. It appears this year, Mrs. MacLennan has achieved a tranquillity in her home not present in other years.

An examination of Section 13 of the *Matrimonial Property Act*, items 13(f), (g) and particular, 13(h), are relevant:

13 Upon an application pursuant to Section 12, the court may make a division of matrimonial assets that is not equal or may make a division of property that is not a matrimonial asset, where the court is satisfied that the division of matrimonial assets in equal shares would be unfair or unconscionable taking into account the following factors:

- (f) the effect of the assumption by one spouse of any housekeeping, child care or other domestic responsibilities for the family on the ability of the other spouse to acquire, manage, maintain, operate or improve a business asset;
- (g) the contribution by one spouse to the education or career potential of the other spouse;
- (h) the needs of a child who has not attained the age of majority.

The mortgage for the property was paid off in January, 2000. The mortgage was paid in part by Mrs. MacLennan's income and Mr. MacLennan's support, which he received a forty percent (40%) tax consideration.

I find the reasoning in *Sampson v. Sampson*, [1999] N.S.J. 379 N.S.C.A. 136 C.A. 5500 to be compelling to the concerns in this case:

In *Sampson* the Nova Scotia Court of Appeal did not accept the husband's suggestion that there must be evidence that a child would suffer an adverse affect if required to move. At paragraph 14, the Court of Appeal held:

14. The appellant says that in order to support an unequal division based upon the needs of the child, there must be evidence that a child would suffer an adverse effect if required to move and the judge must determine that no other division of assets would satisfy the Court's desire to allow the child to remain in the matrimonial home. I do not accept the appellant's suggestion that in every case it is necessary for the custodial parent to present evidence of harm to the child should a move occur or to affirmatively demonstrate that other provision for shelter is not adequate. Whether such evidence is necessary will depend upon the circumstances of each case. The matrimonial home here was the only home that Darcy has known. It is near her school and all of her friends are in the neighborhood. It is reasonable to infer that Darcy would benefit from remaining in the home, if financially feasible. The preservation of stability to the extent possible for children after divorce is always desirable. It is a modest home with a mortgage payment of \$300 monthly. Taxes, heat, insurance and power added about another \$300 to the monthly cost. The postponement period is relatively short, five years, and sufficient to see Darcy through completion of high school. This, in my view, and obviously in the trial judge's view, is a reasonable horizon.

To cause the family to move now would be unfair and unconscionable. This is the only home Adam knows. He has no relationship with his father. I am unwilling to upset this family, especially now when, as stated, they are finally experiencing some positive living and tranquility. This development does not seem to be a consideration for Mr. MacLennan. I order the matrimonial home to remain a joint asset to be sold when Adam turns nineteen (19).

After Adam's nineteenth (19) birthday, Mrs. MacLennan can purchase Mr. MacLennan's interest at a current appraisal value [not provided] less notional real estate commission and legal fees.

In short, I grant an uneven division of the matrimonial home for all the reasons given. I do find it would be unconscionable to hold otherwise.

Life Insurance Policy

Mrs. MacLennan is to remain the beneficiary under this policy until both sons complete their education or attain the age of twenty-four (24), whichever occurs first.

Health Plan

Mrs. MacLennan can obtain her own health coverage from her employment. Mr. MacLennan's coverage will continue for six (6) months to allow Mrs. MacLennan to secure this benefit from her employer.

Pension

The parties have agreed to the form of division of pension which Mr. MacLennan accrued during the marriage.

Petitioner Issues

For reasons given, decisions on issues 1, 2, 4, and 5 of the Respondent's issues will not be reproduced. The remaining issues are:

- (3) Credit for money spent on Allan when he lived with the father and in his own apartment;
- (6) Counselling for Adam;
- (7) Occupational rent;
- (8) Division of debts and personal belongings.

Issue 3 - Credit for money spent on Allan when he lived with the father and in his own apartment

Allan lived with his father for three (3) months and then had his own apartment for five (5) months. I find both parents assisted Allan was in his own apartment. When Allan lived with his father, Mr. MacLennan reduced the maintenance by three hundred and fifty dollars (\$350.00) for the three (3) months he cared for Allan. Allan left the home as he did not want to follow house rules. Many of his mother's expenses remain fixed despite his absence. I credit Mr. MacLennan with two hundred dollars (\$200.00) per month for the three (3) months, for a total of six hundred dollars

(\$600.00).

Issue 6 - Counselling for Adam

All parties agree Adam needs counselling. He has almost no relationship with his father. I accept both parents have been passive in their access practices. Mr. MacLennan does not seem to appreciate the devastating effect matrimonial breakups have on children. His focus is solely to set up his new family in appropriate accommodations.

Adam seemed reluctant on his own volition to see his father. Mrs. MacLennan must encourage this and Mr. MacLennan must make plans in advance to do age-appropriate activities with Adam. Both parties agree Adam could benefit from counselling so no Order is necessary. Mr. MacLennan's health plan will cover this expense.

Issue 8 - Occupational Rent and Debts

The Family Court Order appears the most reliable source of reference to calculate matrimonial debt which I find to be ten thousand six hundred and twenty-five dollars (\$10,625.00). The mortgage at date of separation was eleven thousand three hundred and forty-four dollars and ninety cents (\$11,344.90). The husband paid the loan and the wife paid the mortgage.

The husband agreed at trial he was required to pay less maintenance because he assumed responsibility for the debts. Clause (8) of that Order confirms this arrangement.

Mrs. MacLennan took care of the mortgage in part due to maintenance received from Mr. MacLennan. She also maintained the property and paid the taxes.

I find these bills are close enough to cancel each other out without further consideration.

My review of case law, particularly Gibson v. Montgomery (1999), 177 N.S.R. 255 and Stoodley v. Stoodley (1997), 172 N.S.R. 101 confirm occupational rent is not a frequently used

remedy. In this case, Mrs. MacLennan does not have the means to raise one (1) or two (2) sons and work for fifteen thousand dollars (\$15,000.00) per year and pay rent. Furthermore, she is responsible to maintain the asset until it is sold. There will be no adjustment for occupational rent. Mr. MacLennan has not assisted in maintaining the matrimonial home for the past three and one-half (3 ½) years, except indirectly through spousal and child support.

The division of assets are now as follows:

MR. MACLENNAN - CAR	MRS. MACLENNAN - FURNITURE
\$1,450.00 divided by 2 = \$725.00	\$2,355.00 divided by 2 = \$1,177.50

Mrs. MacLennan owes Mr. MacLennan four hundred and fifty-two dollars and fifty cents (\$452.50) + six hundred dollars (\$600.00) maintenance adjustment for a total of one thousand fifty-two dollars (\$1,052.00) to be paid over five (5) months.

Point of Practice: It is not appropriate to serve a Divorce Petition on a party at the work place. This should only be done if the party is evading service. Sufficient to say, it would do little to enhance an alternate dispute resolution if this is the manner in which proceedings start.

No Order for costs.

M.C. MacLellan, J.