

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Cottreau v. Cottreau, 2004 NSSC 217

Date: 20040715

Docket: 1201-52776

Registry: Halifax

Between:

Shirley Cottreau (Pothier)

Applicant

v.

Kenneth Cottreau

Respondent

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Judge: The Honourable Justice Allan P. Boudreau

Heard: July 15, 2004, in Yarmouth, Nova Scotia

Oral Decision: July 15, 2004, 2004

Subject: Divorce, Variation of Spousal Support

Issues: Threshold test for variation - Employment of payor spouse terminated for poor judgment in scallop fishery.

Summary: This is an application by Mr. Cottreau to terminate spousal support on the basis that he has now lost his long term employment with Comeau Seafood's as an offshore scallop boat captain. There is no question that he has lost that employment as is confirmed by the affidavit of Mr. Cottreau dated June 21, 2004 with the attached letter from his former employer, Comeau Seafood's Limited. The letter of termination of employment confirms the reasons why this took place and sites poor judgment on the part of Mr. Cottreau for not paying closer attention to the boundary lines in the scallop fishery. That may be a calculated risk that some fishermen take but in this case it certainly did not pay off for Mr. Cottreau. But in the circumstances one has to accept that the employment is terminated and the income stream that was there to pay the spousal support has also been terminated.

Result: Spousal Support Terminated.

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