

SUPREME COURT OF NOVA SCOTIA
Citation: Lewis v. Lewis, 2004 NSSC 251

Date: 20041124
Docket: S.P. 1205-002238
Registry: Pictou

Between:

Sylvia Maureen Lewis

Petitioner

v.

Michael Miller Lewis

Respondent

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Judge: The Honourable Justice C. Richard Coughlan

Heard: September 13, 14 and 20, 2004 in Pictou, Nova Scotia
and November 24, 2004 in Halifax, Nova Scotia

Decision: November 24, 2004 (Orally)

Subject: Family Law - Marital Property - Division of Matrimonial
Property - Divorce - Spousal Support

Summary: The parties were married for less than four years. At the time of marriage both were employed by the Canadian Armed Forces. The wife transferred from Halifax to Montreal where the husband was a part time student at University while employed with the Forces. While on maternity leave, the wife was offered a termination package. She left the Military and stayed home while the husband became a full time student. The parties returned to Nova Scotia and separated. The wife obtained part time employment with the Armed Forces, which she eventually gave up as the Forces wished her to take courses which required her to leave home for periods of time. She felt she

could not leave the children. The main matrimonial assets were the parties' respective pensions and the wife's severance package.

Issue: Would an equal division of the matrimonial assets be unfair or unconscionable?

Is the wife entitled to spousal maintenance?

Result: Considering the facts of this case and the factors set out in s. 13 of the *Matrimonial Property Act*, it would be unfair and unconscionable to have an equal division of the parties' pensions and the severance package.

The wife shall receive spousal support in the amount of \$1,000.00 per month for a period of two years.

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