

IN THE SUPREME COURT OF NOVA SCOTIA

Citation: Borgal v. Fleet, 2014 NSSC 16

Date: 2014 01 24

Docket: SFHMCA-085964

Registry: Halifax

Between:

Christopher Borgal

Applicant

v.

Nicole Fleet

Respondent

Judge: Leslie J. Dellapinna, J.

Subject: Custody, access and child maintenance.

Summary: The parties lived in a common-law relationship for approximately five years separating in April 2013. They had a son who was almost four years of age when they separated. The mother moved to Alberta to live with a man who she had met one or at most two weeks prior to the date of the parties' separation.

The father applied for joint custody and primary care. Several months later the mother filed a Response also seeking joint custody and primary care. She also sought child maintenance.

Issues: (a) What parenting arrangement would be in the best interest of the child?

(b) What child maintenance, if any, should the father be ordered to pay?

Result:

Joint custody was ordered with the father having final say in the event that the parties could not agree on major decisions. The father was also granted primary care of the child with specified parenting time to the mother. No child maintenance was ordered.

The father's plan of care offered the child more stability and less disruption than the plan of the mother.

After comparing the financial circumstances of both households and considering that the mother was unable to pay any child maintenance to the father (which hadn't been requested) the mother was to be responsible for any costs associated with her parenting time.

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet.