

**SUPREME COURT OF NOVA SCOTIA**  
**(Family Division)**

Citation: Fedortchouk v. Boubnov, 2013 NSSC 277

**Date:** 20130808  
**Docket:** 1201-065948  
**Registry:** Halifax

**Between:**

Iana Fedortchouk

Applicant

and

Pavel Boubnov

Respondent

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

**Hearing:** July 29, 30, 31 and August 1, 2, 6, 7 and 8, 2013

**Issues:** The issue for the Court's consideration is whether relocation of the children for the period August 2013 - June 2014 should be permitted.

**Summary:** The parties have four (4) children. The Applicant and the Respondent each had primary care of one child and equally shared parenting of the middle two children. The Applicant sought to take the youngest child and the middle children with her for the duration of her sabbatical year outside Canada. The Court ruled that the middle two children should remain in Halifax. The parties agreed that the youngest, a three year old, should be with the Applicant. The need for stability for the middle children was the determining factor.

**Keywords:** mobility; best interests; continuity; stability

**Legislation:** *Divorce Act*, RSC 1985, c 3 (2nd Supp)  
*Maintenance and Custody Act*, R.S.N.S. 1989, c.160

**Cases Considered:** *Mo v. Ma* [2012] N.S.J. 239  
*Foley v. Foley* [1993] N.S.J. 347  
*Gordon v. Goertz* [1996] S.C.J. 52

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