

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** *Evans v. Spicer*, 2014 NSSC 95

**Date:** 2014-03-19

**Docket:** No. 1201-062380

**Registry:** Halifax

**Between:**

Penelope Louise Evans

Applicant

v.

William Wylie Spicer

Respondent

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**Judge:** The Honourable Justice Carole A. Beaton

**Heard:** February 17, 2014 in Halifax, Nova Scotia

**Written Decision:** March 19, 2014

**Summary:** Four and a half years after divorce, the Applicant payee sought a review of spousal support requesting an increase commensurate with the *Spousal Support Advisory Guidelines*, to reflect the increase in the Respondent payor's income post-divorce.

The Respondent sought to continue the current support payment, but with a termination date four years hence.

**Issues:**

- (1) What, if any, is the appropriate amount of support payable by the Respondent to the Applicant and if support is payable should the SSAG calculation be applied?
- (2) What, if any, is the appropriate termination date for

payment of spousal support?

- Result:** Support remains payable pursuant to the terms of the Corollary Relief Judgement, without adjustment to the quantum. SSAG shall not be applied. Spousal support shall terminate when the Applicant turns 65.
- Keywords:** Corollary Relief Judgement; Divorce Act; Divorce Act-review; Divorce Act-spousal support; Family; Family-spousal support; Spousal Support Advisory Guidelines.
- Legislation:** *Divorce Act, R.S.C. 1985, c. 3;*  
*Schmidt v. Schmidt, 1999 BCCA 701*
- Cases:** *L.(R.) v. L. (N.), 2012 NBQB 123*  
*Leskun v. Leskun, [2006] 1 S.C.R. 920*  
*Bracklow v. Bracklow, [1999] 1 S.C.R. 420*  
*L.E.S. v.M.J.S., 2014 NSSC 34*  
*Fisher v. Fisher, 2008 ONCA 11*  
*Linton v. Linton, (1990), 1 O.R. (3d) 1. (C.A.)*  
*Rondeau v. Rondeau, 2011 NSCA 5*

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