

IN THE SUPREME COURT OF NOVA SCOTIA
Citation: Coolen v. Coolen, 2005 NSSC 78

Date: 20050414
Docket: 1204-003456
Registry: Kentville

Between:

Robert Brian Coolen

Applicant

v.

Brenda Louise Coolen

Respondent

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Judge: The Honourable Justice Gregory Warner

Heard: March 3, 2005, in Kentville, N.S.

Subject: Family Law

Issues: Review spousal support for disabled wife.

Summary: At trial in December, 2003, wife claimed spousal support due to her disability (multiple sclerosis) for which she had received no medical treatment for many years. Court had awarded \$900.00 per month despite absence of any medical evidence and dispute by husband as to her condition, but subject to review in twelve months. On review the medical evidence was produced; it did not establish that the wife could not assist herself with part time work as a babysitter or day care worker (which she had done before). Wife had been found to be entitled to support based on long term marriage. Draft Advisory Spousal Support Guidelines referred to - husband's income was \$42,900 per year; the wife's pension was \$5,900.00 per year.

Result: The new medical evidence did not establish that the wife could not carry out part time work. Income of \$3,900.00 per year imputed to wife. Spousal support (indefinite) reduced from \$900.00 to \$750.00 per month.

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