

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *Lanteigne-Mullen v. Mullen*, 2014 NSSC 151

Date: 20140424

Docket: No. 1201-067205

Registry: Halifax

Between:

LIETTE LANTEIGNE-MULLEN

Petitioner

v.

KEVIN ROY MULLEN

Respondent

Judge: The Honourable Justice Deborah Gass

Written Costs Submissions: September 3 & 18, 2013

Counsel: Angela A. Walker, for the Petitioner
Scott Wesley Lytle, for the Respondent

By the Court:

[1] The Respondent, Kevin Mullen, seeks costs at the conclusion of Divorce proceedings in which custody and mobility were central issues.

[2] The Respondent was mainly successful in the issues regarding parenting, particularly regarding maintaining their primary residence and the rejection of the mother's claim to move the children. The result was not significantly different from that which he proposed.

[3] Mobility cases are difficult to resolve and a reality for today's society. It is a reasonably justiciable issue.

[4] The detailed parenting arrangements and the financial result which the court ultimately ordered would constitute mixed success. While the respective financial circumstances of the parties is not determinative, it is a consideration for the court in exercising its discretion in these matters. In my view an order for costs, given all the circumstances, would be counter-productive and not in the interests of the children and the overall ability of this family to move forward.

[5] I therefore order that the parties bear their own costs.

Gass, J.