

SUPREME COURT OF NOVA SCOTIA
FAMILY DIVISION

Citation: *Abbott v. Abbott*, 2014 NSSC 229

Date: 2014-06-19

Docket: No. 1201-66344

Registry: Halifax

Between:

Warren Burton Abbott

Petitioner

v.

Angela Marie Abbott

Respondent

Judge: The Honourable Justice Deborah Gass

Heard: April 14, 17 & 25, 2014, in Halifax, Nova Scotia

**Written Costs
Submissions:** May 1 & 26, 2014

Counsel: Warren Burton Abbott, Petitioner
Tanya G. Nicholson, counsel for Respondent

By the Court:

[1] In this proceeding both parties claim costs against the other. The court has received written submissions supporting their respective positions.

[2] I do not propose to recite the oft cited case law and Civil Procedure Rules which are relevant to this phase of the proceedings.

[3] The main issue before the court was the claim by Mr. Abbott for one half of what he asserted was matrimonial debt.

[4] The court resolved that issue in favour of Ms. Abbott.

[5] The value of the matrimonial home was in issue, but no evidence to support a greater value than that put forward by Ms. Abbott with the supporting evidence she provided, was presented.

[6] A third issue was spousal support wherein Mr. Abbott sought a termination of his obligation. Although no termination date was ordered, the spousal support order was reduced by \$200.00.

[7] It is correct, as Mr. Abbott argues, that the issue of determining whether certain debts were matrimonial, is a reasonably justiciable issue and was therefore not a frivolous claim. Mr. Abbott himself incurred costs in this proceeding as well.

[8] However, Ms. Abbott was the substantially successful party, and as such is entitled to costs. Given all of the circumstances I find that costs of \$4,000.00 are in order. These costs, together with the previous costs order o \$200.00 (\$4,200.00) shall be deducted from the equity owed to Mr. Abbott from the property division.

Gass, J.