

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: MacLean v. MacLean, 2009 NSSC 216

Date: 20090708

Docket: 1201-062187, SFHD-055668

Registry: Halifax

Between:

Alexa Danielle Maclean

Applicant

v.

Gordon Murray MacLean

Respondent

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Judge: The Honourable Justice Beryl MacDonald

Heard: March 5 & May 8, 2009, in Halifax, Nova Scotia

Counsel: William Leahey, for the applicant
Richard Bureau, for the respondent

Subject: Family Law, Custody/Access, Validity of Separation Agreement, Retroactive and ongoing child support and spousal support, Matrimonial Property and Debt

Summary: Parties separated in 2006 after Husband moved to Alberta to seek employment. At the time of separation the children were very young. He requested block access with them in Alberta. The Husband's annual income varied and he requested no retroactive award be made against him. He also requested income be imputed to the wife who was not working and appeared to provide free services at her present partner's place of business. In

2007 the parties had signed a separation agreement drafted by the wife. Neither had consulted with legal counsel about this agreement. The Husband requested it be set aside and that there be an equal division of property and debt.

Issues: Validity of the Separation Agreement, calculation of income, access plan, division of property and debt, child and spousal support

Result: The Separation Agreement was set aside. The Husband's plan of access was unrealistic and he was directed to provide a parenting plan outlining how he would be reintroduced to his children. No income was imputed to the Wife nor was additional income imputed to the Husband. Retroactive and ongoing child and spousal support was ordered. Matrimonial property and debt were equally divided.

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