

NOVA SCOTIA COURT OF APPEAL
Citation: *MacEachen v. Minnikin*, 2015 NSCA 81

Date: 20150828
Docket: CA 429953
Registry: Halifax

Between:

Catherine Frances MacEachen

Appellant

v.

Paula Marie Eileen Minnikin

Respondent

Judge: The Honourable Justice Elizabeth Van den Eynden

Appeal Heard: April 13, 2015, in Halifax, Nova Scotia

Subject: Unjust enrichment claim and interpretation of provisions of separation agreement respecting survivor pension benefits

Summary: This appeal involves a dispute over the receipt of survivor pension benefits. The appellant was married to the late Mr. Minnikin. She was his third wife. The respondent was his second wife and following his death she began receiving his survivor pension benefits. The appellant claimed she was entitled to these benefits under the terms of the separation agreement between her late husband and the respondent and under principles of unjust enrichment. Justice Williams of the Supreme Court of Nova Scotia dismissed Ms. MacEachen's claim. She appealed to the court of appeal.

Issues:

- (1) Did the application judge err in his interpretation and application of the provisions of the separation agreement?
- (2) Did the application judge err in concluding there was no unjust enrichment?

Result: Appeal dismissed

This information sheet does not form part of the court's judgment. Quotes must be from the judgment, not this cover sheet. The full court judgment consists of 16 pages.