

NOVA SCOTIA COURT OF APPEAL

Citation: *Fuller v Fuller*, 2006 NSCA 137

Date: 20061215
Docket: 269018
Registry: Halifax

Between:

Robbie D. Fuller

Appellant

v.

Eleanor T. Fuller

Respondent

Judge: The Honourable Justice Nancy Bateman

Appeal Heard: December 4, 2006

Subject: **Consent Orders after settlement conference**

Summary: Judge presided over three hour settlement conference on a variation of a corollary relief judgment. Issues were access and child support. The mother was represented by counsel. The father was self- represented. The parties thought they had reached agreement. Summary of terms put on record by the judge. Mother's counsel drafted proposed consent order. Father disagreed with contents. The judge reviewed proposed draft and father's objections and redrafted some terms without hearing from the parties. The father appealed on the basis that the wording of the Friday access provision was not what the parties had agreed to. That term was not summarized on the record.

Issue: Is this a consent judgment from which there is no appeal?

Result: The order issued in the face of disagreement between the parties on the settlement terms. Neither had consented to the form of order issued. The record did not resolve the dispute between

the parties. This was not a consent order. The judge erred in issuing the order absent consent, without a hearing. Matter remitted to the trial court.

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 7 pages.