

**SUPREME COURT OF NOVA SCOTIA**  
**(FAMILY DIVISION)**

**Citation:** Gagnon v. Gagnon, 2011 NSSC 486

**Date:** 20111230

**Docket:** 1201-064264, SFHD-068425

**Registry:** Halifax

**Between:**

Lori-Ann Marlin Gagnon

Applicant/Petitioner

v.

Robert Ronald Gagnon

Respondent

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**LIBRARY HEADING**

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**Judge:** The Honourable Justice Beryl MacDonald

**Heard:** November 7, 8, 9 and 10, 2011, in Halifax, Nova Scotia

**Written Decision:** December 30, 2011

**Keywords:** Family Law, Divorce Act, Shared parenting, Federal child support guidelines, Spousal support, Division of matrimonial property

**Legislation:** *The Divorce Act*, R.S. , 1985, c.3  
*Federal Child Support Guidelines*, s. 9  
*Matrimonial Property Act* , R.S.N.S. 1989, c. 275, s.13

**Summary:** Although the parents were in conflict shared parenting was appropriate, with a review date, to determine whether the conflict had been minimized. If custody and primary care were granted to the Mother, she would have no reason to develop a better relationship with the Father and the likely result would be steady alienation of the children from the Father.

Section 9 of the *Federal Child Support Guidelines* was considered and the set off was appropriate.

Almost ½ of the Father's pension benefits were earned before the parties marriage. That marriage lasted 9 years. Two children were born of the relationship. The Mother worked during most of the marriage and was now 37 years old. She had secure employment, was not financially dependent upon the Father, and was accumulating her own pension. No division was made of the premarital pension benefits.

***THIS INFORMATION SHEET DOES NOT FORM PART OF THE COURT'S DECISION.  
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