

SUPREME COURT OF NOVA SCOTIA
(FAMILY DIVISION)

Citation: *MacLeod v. MacLeod*, 2017 NSSC 237

Date: 2017-09-06

Docket: *SFSNMCA* No. 1206-5360

Registry: Sydney

Between:

Colin MacLeod

Applicant

v.

Elizabeth MacLeod

Respondent

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Judge: The Honourable Justice Lee Anne MacLeod-Archer

Heard: August 14, 2017 in Sydney, Nova Scotia

Written Decision: September 6, 2017

Subject: Spousal Support; Material Change in Circumstances;
Retirement; Imputation of income; Health Plan Coverage

Summary: Mr. MacLeod sought to terminate his ongoing spousal support obligation based on his retirement.

The court found that his decision to retire at age 60 was not a material change justifying variation of his spousal support obligations.

Even if the court had found his decision to retire at age 60 amounted to a material change, the court would have imputed income to him based on minimum wage plus all his available pension income. The former wife needed and was entitled to continued support and Mr. MacLeod can and should pay. The court declined to set a termination date as there were too many variables and not enough information.

Clause requiring support in lieu of health coverage enforced.

Issues:

1. Has there been a change in the condition, means, needs or other of circumstances of either party?
2. If there has been such a change, how does that impact Mr. MacLeod's spousal support obligation?
3. Should clause 4 of the CRO be enforced?

Result:

The application to reduce or terminate support is dismissed. Mr. MacLeod will pay additional support of \$150.00 per month as required under clause 4 of the CRO.

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