

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

Citation: *Poirier v. Poirier*, 2016 NSSC 336

Date: 20161209
Docket: 1201-068744
Registry: Halifax

Between:

Stephen Alfred Poirier

Petitioner

v.

Michelle Frances Poirier

Respondent

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Judge: Beryl MacDonald

Heard: September 9, 2016

Written Decision: December 9, 2016

Keywords: Family, Child and Spousal Support ongoing and retroactive,
Matrimonial Property and Debt, Separation Agreement

Legislation: Divorce Act, R.S. 1985, c 3; Matrimonial Property Act R.S.N.S.
1989, c.275

Summary: Father requested a Divorce, access with the parties' daughter,
payment of money owed to him in a Separation Agreement and
ongoing and retroactive spousal support. The Mother requested
custody, child support and an order relieving her from the payment

provisions of the Separation Agreement due to a breach of that agreement by the Father.

The parties' daughter was 17 years of age and living with the Mother in California. It was appropriate that the Mother have custody and the daughter have such contact with the Father as was agreeable to her. She was a dependent child and entitled to receive child support. After a 22 year marriage the Father had a non-compensatory claim for spousal support. The Mother had always been the higher income earner in the family. He was financially dependent upon her. A retroactive claim was calculated both for child and spousal support. The Father had not breached the terms of the parties' Separation Agreement. The Mother had not brought a motion to set aside the Separation Agreement and it was an enforceable agreement. The parties' matrimonial property and debt were to be divided as required in the Separation Agreement.

This Information Sheet Does Not Form Part Of The Court's Decision.

Quotes Must Be From The Decision, Not This Library Sheet.