

SUPREME COURT OF NOVA SCOTIA

(FAMILY DIVISION)

Citation: C. D. M. Z. v. R. E. H.- Z., 2013 NSSC 347

Date: 20131028

Docket: 1201-066542, SFHD-083189

Registry: Halifax

Between:

C. D. M. Z

Petitioner

v.

R. E. H.- Z.

Respondent

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Judge: The Honourable Justice Beryl A. MacDonald

Final Written Submissions: August 12, 2013 from the counsel for the Petitioner
August 26, 2013 from the counsel for the Respondent

Keywords: Family, Costs

Rules: *Civil Procedure Rule 77.03(1)*

Summary: Father was the successful party after a two day trial that previously involved a motion to consolidate, a motion for interim exclusive possession, primary parenting, and child support, and a motion for a custody/ access assessment with a psychological assessment of the Mother. The Mother failed to accept an offer to resolve the parenting plan that was more favorable than the plan ordered by the court. Several of her allegations against the Father were unproven. The Mother knew or should have known that those allegations had no merit. The Mother's unrealistic opinion about the value of the household contents and personal possessions contributed to delay and to the expense of the trial. The Father's legal fees and disbursements were \$29,000.00. The basic scale of Tariff A with the additional \$2,000.00 per day of trial would not provide a substantial contribution towards his legal expense. \$13,000.00 costs were awarded.

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