

**ENDORSEMENT**  
**Robaczewski v. Larson, 2019 NSSC 180**

**June 4, 2019**

**Robaczewski v. Larson**  
**2015; Prothonotary's No. 1201-069072**

Appearances

- Diana M. Musgrave for Anna Robaczewski
- Kenzie MacKinnon, Q.C. for John Larson

*The parties were divorced following a 2.5-day trial. The primary issues were the characterization of certain assets, and the quantum of spousal support payable to Ms. Robaczewski. Each party claimed greater success than the other and sought costs.*

**Decision:**

Each party shall bear its own costs.

**Reasons:**

1. At the divorce, Ms. Robaczewski sought indefinite monthly support of \$2,000.00, and an equal division of the current value of Mr. Larson's home, three shareholders loans, and an apartment building. The equal division of all other property and Ms. Robaczewski's entitlement to spousal support were not disputed.
2. Mr. Larson was ordered to pay no support at this time.
3. The current value of Mr. Larson's home was excluded from division, but the other assets were equally divided. The division of shareholders loans left Ms. Robaczewski with approximately \$251,340.00. The value of an apartment building will be determined by its sale and will be divided equally.
4. The hearing required 2 ½ days.
5. Each party made a formal settlement offer. Neither achieved a result that was as good as or better than their own offer. Each achieved a result that was better than the offer the other party made.
6. Civil Procedure Rule 77.03(3) provides that "Costs of a proceeding follow the result". Costs are in my discretion. A decision not to award costs must be principled.

7. Civil Procedure Rule 77.02(1) states that I “may, at any time, make any order about costs as [I am] satisfied will do justice between the parties.”
8. Each party was significantly successful in one issue and unsuccessful in the other. The trial time was divided relatively equally between the two issues.
9. I am satisfied that it will do justice between the parties to have each pay its own costs.

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Elizabeth Jollimore, J.S.C.(F.D.)