

Caissie v. Tripp – 2026 NBKB 011

IN THE COURT OF KING’S BENCH OF NEW BRUNSWICK

FAMILY DIVISION

JUDICIAL DISTRICT OF MONCTON

FDM-211-2022

2026 NBKB 11 (CanLII)

BETWEEN:

LISE GERALDA CAISSIE,

Applicant,

– and –

MICHAEL DAVID TRIPP,

Respondent.

DECISION

BEFORE: Madam Justice Colette M. d’Entremont

AT: Moncton, New Brunswick

DATE OF HEARING: January 13, 2026

DATE OF DECISION: January 21, 2026

APPEARANCES: Mélanie Michaud, on behalf of the Applicant

Respondent did not appear

d'Entremont, J.

INTRODUCTION

- [1] The Applicant, Lise Caissie, seeks a division of marital property and debts accumulated during the marriage. She is also requesting an award of occupational rent and costs.
- [2] The Respondent did not file any pleadings, he did not file any financial statements, nor did he participate at the final hearing.

FACTS

- [3] The parties met in early 2012. They were married on August 2, 2015. There are no children of the marriage. They separated on February 18, 2022. The divorce was granted on January 13, 2026, at the within hearing.
- [4] When the parties met in 2012, Ms. Caissie was employed as an accountant with a local accounting firm. She had accumulated savings and RRSPs. As well, she owned a mortgage-free home located at 41 Irene Crescent, in Dieppe, New Brunswick. She had a professional corporation of which she was the sole director, officer and shareholder.
- [5] For his part, Mr. Tripp was a lawyer; however, he had just left his employment in Ontario and was living with his parents in Riverview. He owned nothing except an old motor vehicle.
- [6] In March of 2012, the parties commenced cohabiting at the 41 Irene Crescent property.
- [7] At the commencement of the relationship, Mr. Tripp started working for a mining company as an in-house corporate lawyer. He worked at this position from February of 2012 until the company went bankrupt in September of 2012, when he lost his position.

- [8] In June of 2012, Mr. Tripp filed a consumer proposal under the *Bankruptcy and Insolvency Act*. Ms. Caissie gave him \$10,000 so he could proceed with the consumer proposal.
- [9] After losing his job with the mining company, Mr. Tripp commenced working for a startup company. He was employed with this company until June of 2013.
- [10] By September of 2013, Mr. Tripp practiced law as a sole practitioner in Moncton, New Brunswick. By March of 2014, Organigram, a local marijuana growing company, hired Mr. Tripp as outside counsel.
- [11] At the time of the marriage in August of 2015, Ms. Caissie or her professional corporation held the following accounts, investments and debts:

	Personal	Professional corporation	RRSP	TFSA	Line of credit	Total
UNI personal bank account	\$62,784		\$5,551		\$14,221	\$54,114
UNI corporation bank account		\$51,184				\$51,184
Desjardins account	\$41,770		\$164,130			\$205,900
Aviso (formerly Credential)			\$94,882	\$38,261		\$133,143
Total investments before taxes	\$104,554	\$51,184	\$264,563	\$38,261	\$14,221	\$444,341
Minus adjustment for income taxes at 30%		\$15,355	\$79,369			\$94,724
Value of investments, net of income taxes	\$104,554	\$35,829	\$185,194	\$38,261	\$14,221	\$349,617

- [12] In 2017, Mr. Tripp accepted a full-time position with Organigram as Vice-President Legal Department.
- [13] Although Mr. Tripp had income coming in, Ms. Caissie testified she is the one who paid all household expenses, living expenses and travel expenses throughout the relationship.

- [14] During the summer of 2017, Ms. Caissie sold her house on Irene Crescent, and she bought a home at 345 Lavoie Street, in Dieppe. The proceeds from the sale of the Irene Crescent home of \$200,000 were used to buy the Lavoie property. The balance was financed with a mortgage from a financial institution. Title to the property was registered in her name only. Ms. Caissie paid the mortgage payments, the real property taxes and all other expenses relating to the house.
- [15] In July 2018, Ms. Caissie provided \$90,300 to Mr. Tripp so he could buy shares in Green Organic Dutchman (TGOD). These stocks were bought by Mr. Tripp's holding company, Anamnesis Incorporated. At all material times, Mr. Tripp was the sole shareholder, director and officer of the company.
- [16] In the same year, Mr. Tripp gave Ms. Caissie \$40,000 worth of shares in Organigram.
- [17] On April 1, 2019, Mr. Tripp lost his employment with Organigram. As part of his severance package, he was paid his full salary of about \$200,000 per year during the period of April of 2019 to March 2020. As well, the shares he held in Organigram and his stock options in the company were paid out. This turned out to be a very lucrative payout for Mr. Tripp. He had been offered the shares when they were worth a few pennies. Eventually, the Organigram shares were traded publicly meaning a significant increase in the value of the shares. As well, during the period in question the sale of marijuana was legalized.
- [18] On February 18, 2022, the couple separated as a result of major disagreements. Ms. Caissie moved out of the home with Mr. Tripp remaining in the house on Lavoie Street. After being asked to move out, Mr. Tripp refused to leave. Despite not being in the home, Ms. Caissie paid the expenses relating to the house including the mortgage, the electricity bill, the water bill, real property taxes, lawn mowing, and snow

removal. All in all, she paid \$30,500 for expenses relating to the Lavoie property from February 18, 2022 to October 2022, for a period of eight months. During the same period, she paid \$27,000 to rent an apartment for herself to live in.

[19] At the time of separation, February 18, 2022, Ms. Caissie or her professional corporation held the following savings accounts and investments:

	Personal	Professional corporation	RRSP	TFSA	Line of credit	Total
UNI personal bank account	\$17,230					\$17,230
UNI corporation bank account		\$174,644				\$174,644
BMO corporation investments		\$224,675				\$224,675
Desjardins account	\$107,862		\$535,345			\$643,207
Aviso (formerly Credential)		\$566,094	\$160,712	\$77,760		\$804,566
Total investments before taxes	\$125,092	\$965,413	\$696,057	\$77,760		\$1,864,322
Minus adjustment for income taxes at 30%		\$289,624	\$208,817			\$498,441
Fair value of investments, net of income taxes	\$125,092	\$675,789	\$487,240	\$77,760		\$1,365,881

[20] Around this time, Ms. Caissie owned a 2011 BMW X3 worth about \$8,000 and a 2005 Mercedes-Benz convertible SLK55 worth about \$22,500.

[21] The house on Lavoie Street was assessed at \$875,000 by a professional appraiser on June 13, 2022. The outstanding mortgage was \$257,682. Following the separation, Ms. Caissie paid all mortgage payments. As well, from 2022 to 2025, she paid \$39,893.63 in real property taxes relating to the Lavoie property.

[22] From the date of the separation to the fall of 2025, Ms. Caissie's investments increased by 48.12%.

[23] At the time of separation, Mr. Tripp, his wholly owned holding companies Anamnesis Incorporated and 8782750 Canada Corporation owned the following savings and investments:

Investments	Personal	Corporation (Anamnesis)	RRSP	TFSA	Total
Echelon account	\$232,340				\$232,340
CIBC Anamnesis holding company		\$2,008,915			\$2,008,915
CIBC personal account	\$1,053,091			\$95,974	\$1,149,065
CIBC Anamnesis account		\$180,000			\$180,000
BMO account	\$211,900				\$211,900
BMO account	\$473,605				\$473,605
Shares in fishing camp in Blackville (held by 8782750 Canada Corp.)	\$20,000				\$20,000
Total investments before taxes	\$1,990,936	\$2,188,905		\$95,974	\$4,275,825
Tax free dividend (CDA) declared in Anamnesis but not yet paid (prepared October 2021)	\$1,000,000	\$1,000,000			
Total investments before taxes	\$2,990,936	\$1,188,915		\$95,974	\$4,275,825
Minus: Income taxes at 30%		\$356,675			\$356,675
Value of investments net of taxes	\$2,990,936	\$832,240		\$95,974	\$3,919,150

[24] At this juncture, Mr. Tripp owned a 2022 Audi A7 worth approximately \$80,000 and a Vespa worth about \$2,000.

[25] Following the separation, Ms. Caissie filed an application and a number of motions requesting interim relief. Despite being ordered to do so, Mr. Tripp failed to file pleadings, financial statements or income tax returns. He also failed to appear at numerous court hearings. Ms. Caissie was granted exclusive possession of the marital home in October of 2022. At the hearing, Mr. Tripp was ordered to pay costs of \$5,000. At a subsequent hearing, he was ordered to pay costs of \$750. On June 5, 2023, Mr. Tripp

was found in contempt of court for failing to file financial statements. He was ordered to pay solicitor-client costs in favour of Ms. Caissie.

- [26] The whereabouts of Mr. Tripp are not known. In the summer of 2022, a copy of a flight itinerary showed he was flying to Ecuador. Although Ms. Caissie was under the impression Mr. Tripp had spent some time in Ecuador, she believed he was now living in Toronto, Ontario.

ISSUES

- [27] The issues in this matter include the following:
- (a) How should the marital assets and marital debts be divided?
 - (b) Is Ms. Caissie entitled to an award of occupational rent against Mr. Tripp?
 - (c) Should the clerk of the court be authorized to sign documents on behalf of Mr. Tripp?
 - (d) Is Ms. Caissie entitled to an award of costs?

Division of Marital Debts and Assets

- [28] Generally, upon separation, each married person is entitled to an equal share of the marital property acquired while the spouses cohabited. As well, upon the breakdown of the marriage, each spouse is responsible for an equal share of the marital debts (see sections 2 and 3 of the *Marital Property Act*, 2012, R.S.N.B., chap. 107).
- [29] Marital property includes family assets, meaning property, whether acquired before or after the marriage, owned by one spouse or both, and ordinarily used for shelter, transportation, or for household, educational, recreational, social or aesthetic purposes by both spouses or the children. Such includes the marital home, money in an account and shares in a corporation (section 1 of the *MPA*). Marital property does not include a

business asset. However, the term “business asset” means an asset which has as its purpose the generation of income in an entrepreneurial sense (see *Clarke v. Clarke* [1990] 2 SCR 795).

- [30] Where the marital property to be divided includes a family asset that was acquired by one spouse before the marriage, the court may, if satisfied that it would be unfair and unreasonable to the owner to include that asset in the division of marital property, exclude the asset from the division of marital property (see section 6 of the *MPA*).
- [31] The court may make a division of marital property resulting in shares that are not equal if the division of the marital property in equal shares would be inequitable having regard to six criteria. These factors include any agreement other than a domestic contract, the duration of the period of cohabitation under the marriage, the duration of the period during which the spouses have lived separate and apart, the date when the property was acquired, the extent to which the property was acquired by inheritance or gift, or any other circumstances relating to the acquisition, disposition, preservation, maintenance, or improvement of the property (see section 7 of the *MPA*). In this matter, it would be inequitable to include the investments and savings held by Ms. Caissie prior to the date of marriage in the division of marital assets as these are easily traceable, they were not commingled and were not used for housing, transportation, educational, recreational, social or aesthetic purposes during the marriage.
- [32] In *Hebb v. Hebb*, NSCA (1991) 103 NSR (2d) 147, the court had to determine if a holding company was a business asset. Whether it was a business asset or a matrimonial asset depended on the intention of the parties. If the intended use of the funds is to provide a nest egg or security in retirement, the asset is not considered to be primarily used or held in connection with a commercial business, investment or other income-

producing or profit-producing purpose. A business asset is one which is used for relatively immediate gain and not one that is held for future security like a pension or an RRSP. Investments used to obtain income from surplus capital may be held for purposes which take them out of the business classification and allow them to fall back into the category of matrimonial assets.

[33] In *MacElwain v. MacElwain* (2006) 294 N.B.R. (2d) 111, it was decided that a professional corporation held by a physician was not a business asset. The purpose of the corporation was to defer income taxes. After the payment of family-related expenses, the surplus capital was simply invested in the corporation to be used by the family in the future. The investments held by the professional corporation were nothing more than assets derived from earnings exceeding the family's immediate need. They were not business assets and were subject to equal division.

[34] In *Milton v. Milton*, 2008 NBCA 87, the court held that a physician's professional corporation was not used principally in the course of business since there was no entrepreneurial aspects to it as it was used to defer the payment of income taxes like the use of a Registered Retirement Savings Plan. Having regard to the intention, the retained earnings were used for shelter, transportation or for household, educational, recreational, social or aesthetic purposes by the family during cohabitation. Consequently, the professional corporation was a family asset and, therefore, marital property subject to equal division.

[35] In the within matter, the funds held by the professional corporation and the holding corporation are marital assets, as they were used to invest surplus funds earned by the parties, which funds were set aside for future needs. There was no entrepreneurial aspect to these corporations.

[36] In the context of a division of marital property, taxable assets should be discounted for income tax purposes and then divided equally between the

parties. The notional discount rate commonly used by judges is 30% (see paragraphs 54 and 55 of *M.R. v. J.R.*, 2018 NBCA 12).

[37] In the within matter, adjustments for income taxes have been taken into account for RRSPs and investments held by corporations.

[38] Also, in *M.R. v. J.R.*, *supra*, at paragraph 54, the Court of Appeal decided there is no entitlement to post-separation increases in values of severance and pension benefits calculated as of the date of separation, other than *per diem* interest. As such, Ms. Caissie’s claim that the investments held by Mr. Tripp at separation should be increased by approximately 40% as this was her gain on her investments following separation is denied.

[39] Considering I have decided the investments and savings acquired by Ms. Caissie prior to the date of the marriage are to be excluded from the division of marital property, the following table reflects the value of the investments, savings and RRSPs owned by the parties at the date of separation (February 2022) which are subject to equal division:

	Personal	Corporations	RRSP	TFSA	Line of credit	Total
Ms. Caissie’s financial assets at date of separation	\$125,092	\$675,789	\$487,240	\$77,760		\$1,365,881
Ms. Caissie’s assets before marriage	\$104,554	\$35,829	\$185,194	\$38,261	(\$14,221)	\$349,617
Ms. Caissie’s assets subject to equal distribution	\$20,538	\$639,960	\$302,046	\$39,499	(\$14,221)	\$1,016,264
Mr. Tripp’s assets at date of separation	\$2,990,936	\$832,240		\$95,974		\$3,919,150
Total investments acquired during marriage						\$4,935,414
50% of these assets						\$2,467,708
Amount owing to Ms. Caissie						\$1,451,444

[40] As such, Mr. Tripp shall pay an equalization payment of \$1,451,444 in favour of Ms. Caissie representing her share of the division of the investments and savings acquired by the parties during the marriage.

Marital Home and Motor Vehicles

[41] Regarding the marital home on Lavoie Street, it was acquired by Ms. Caissie, who solely paid the initial deposit of \$200,000, which amount represented the proceeds of sale from the previous home she owned.

[42] The home was appraised by an independent appraiser on June 13, 2022, for \$875,000. Such appraisal will be used for the value as it represents the true value of the home. The outstanding mortgage as of the date of separation was \$257,682.

[43] Ms. Caissie paid real property taxes of \$39,894 relating to the marital home following the separation. Relying on *S.A.H. v. K.A.M.*, 2022 NBCA 17, both spouses are equally responsible for real property taxes following separation unless there is a party required to pay occupational rent.

[44] Ms. Caissie is requesting the sum of \$200,000 paid as a deposit be deducted from the value of the marital home. Relying on sections 6 and 7 of the *MPA*, I conclude that it would be unfair and unequitable to include this amount in the value of the marital home for the purposes of division as these funds represent the proceeds of sale of her previous home, which she had solely owned before the couple cohabited. Another reason why the deposit is excluded is because this is a marriage of only seven years. As well, the parties were older when they married, with both having a career, and there were no children of the relationship.

[45] As such, the following table represents the division of the marital home and the motor vehicles:

	Ms. Caissie	Mr. Tripp
Asset		
Marital home	\$675,000	
BMW	\$10,000	
Mercedes	\$22,500	
Audi A7		\$80,000
Vespa		\$2,000
Total assets	\$707,500	\$82,000
Debts		
Mortgage	\$257,682	Nil
Real property taxes	\$39,894	Nil
Total debts	\$297,576	Nil
Equity	\$409,924	\$82,000
Combined equity	\$491,924	
½ of equity	\$245,962	
Equalization payment	\$163,962	

[46] Consequently, Ms. Caissie shall pay Mr. Tripp \$163,962 as his share of the division of the house and motor vehicles. This amount will be set off against the equalization payment Mr. Tripp has been ordered to pay Ms. Caissie.

Occupational Rent

[47] Following the separation in February of 2022, up to mid-fall of 2022, Mr. Tripp had exclusive possession of the marital home. During this period, Ms. Caissie paid the mortgage, real property taxes, electricity, water and sewer, lawn mowing fees, snow removal expenses, and the Bell account. In all, she paid \$30,500 in household expenses for a house which was being lived in by Mr. Tripp. As the real property taxes paid following the separation were dealt with in the calculations relating to the division of the

marital home, I will exclude \$6,000, representing the taxes paid during this timeframe.

[48] During the said period, Ms. Caissie rented her own apartment and paid \$27,000 in rent.

[49] Ms. Caissie is requesting an award of occupational rent to be paid by Mr. Tripp, as he occupied the marital home at no cost.

[50] A court may direct a spouse who has exclusive possession of the marital home to pay periodic payments to the other spouse (see paragraph 23(1)(c) of the *MPA*).

[51] The decision of *Thurrott v. Thurrott*, 2011 NBQB 125, at paragraph 111, provides helpful comments when deciding a claim of occupational rent. Awarding occupational rent is a discretionary remedy and some factors to be considered include: the duration of the occupancy, the expenses of the occupant, the cost of the accommodation incurred by the non-occupying owner, the incomes and other financial resources of the parties, whether the occupying party is caring for children, and whether the non-occupying owner left voluntarily.

[52] In this case, Ms. Caissie left the home rather quickly with some of her clothing. By the time of the separation, she was afraid of Mr. Tripp. Afterward, she asked Mr. Tripp to leave the home as she was the registered owner of the house and she was paying all household expenses. However, Mr. Tripp refused to leave the residence until he was ordered to move out by this Court in the fall of 2022. Despite not being in the house, Ms. Caissie continued to pay the mortgage, household expenses and utility bills to preserve the asset.

[53] As far as income and assets are concerned, both parties have considerable investments and revenues. After the separation, Mr. Tripp did not carry out repairs or renovations to the house. Quite the opposite,

the home was in a sad state when Ms. Caissie finally returned to the house. More importantly, during this period, Ms. Caissie paid \$27,000 in rent for her own premises to live in.

- [54] Taking into consideration the facts, Ms. Caissie is entitled to an award of occupational rent. In my view, she is entitled to have the household expenses she paid reimbursed to her as Mr. Tripp was in occupation of the marital home. Consequently, Mr. Tripp shall pay \$24,500 to Ms. Caissie as an award of occupational rent.

Costs

- [55] Relying on Rule 59 of the *Rules of Court*, Ms. Caissie is requesting an award of costs in her favour. In *M.R. v. J.R.*, 2018 NBCA 12, paragraph 36, the Court of Appeal found it was an error for a court to not order costs when a party refused to disclose their financial situation. Relying on *Roberts v. Roberts*, 2015 ONCA 450, the Court stresses the most basic obligation in family law is the duty to disclose financial information, which duty is immediate and ongoing. Failure to disclose prevents the action from progressing, causes delays and is to the disadvantage of the opposing party. It generally implies unnecessary judicial time and stalling of the final hearing. The duty to disclose one's financial information is automatic. The most common sanction for not disclosing it is to award costs.
- [56] The hearing of the within matter lasted one day. The issues included a division of marital assets and marital debts, and a request for occupational rent.
- [57] Ms. Caissie was successful in her claim given she was awarded the sum of \$1,287,482 as a result of the division of the marital property and \$24,500 as a result of an award of occupational rent.

[58] This matter was not a complicated matter and should have settled several years ago had Mr. Tripp participated in the process and disclosed his financial information. His conduct unnecessarily lengthened these proceedings.

[59] The determination of costs is at the discretion of the trial judge. Given the success of Ms. Caissie and lack of participation by Mr. Tripp, she is entitled to an award of costs of \$14,000. This amount is in addition to the \$5,700 costs award granted in Ms. Caissie's favour as a result of previous motions and the solicitor-client award of costs which was granted following the finding of contempt of court against Mr. Tripp by Justice Roy. I have quantified the solicitor-client costs awarded at \$12,965 based on the solicitor's bill of costs and disbursements.

[60] All in all, Mr. Tripp shall pay costs of \$32,665 in favour of Ms. Caissie.

Clerk signing for Mr. Tripp

[61] Given Mr. Tripp's pattern of behaviour of not participating in the court hearing, not disclosing his finances and having previously been found in contempt of court for failing to obey court orders, the clerk of the Court of King's Bench, judicial district of Moncton or Saint John, shall sign documents on his behalf, should he refuse or fail to sign documents required to be signed to give effect to these reasons (see section 37 of the *Judicature Act*, R.S.N.B., c. J.2).

DISPOSITION

[62] For the above reasons, I order as follows:

- (a) Mr. Tripp shall convey his rights to the marital home located at 345 Lavoie Street, Dieppe, New Brunswick, in favour of Ms. Caissie.
- (b) The charts found at paragraphs 39 and 45 constitute the division of marital debts and marital property between the parties.

- (c) Mr. Tripp shall pay an equalization payment of \$1,287,482 in favour of Ms. Caissie.
- (d) Mr. Tripp shall pay occupational rent of \$24,500 in favour of Ms. Caissie.
- (e) Mr. Tripp shall pay costs of \$32,665, which amount includes costs of \$5,700 previously awarded against him, solicitor-client costs quantified in the amount of \$12,965 as a result of a previous contempt hearing, and costs in the within matter.
- (f) The clerk of the Court of King’s Bench of New Brunswick is authorized to sign documents on behalf of Mr. Tripp to give effect to these reasons, and more specifically, to transfer assets or funds to Ms. Caissie in the amount awarded in these reasons.

DATED at Moncton, N.B., this 21st day of January 2026.

Colette M. d’Entremont
Justice of the Court of King’s Bench
of New Brunswick