

McCain food heiress says TSO boss married her to redeem his reputation

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Hamilton Spectator | Mar 15, 2016

RIGHTS AFTER A RELATIONSHIP ENDS

DIVORCE

When a marriage ends, the person with the lower net worth is entitled to an equalization payment.

"The person who has more pays half the difference to the one who has less," says Andrew Feldstein, principal at Feldstein Family Law Group in Toronto. Gifts and inheritances are exceptions, he adds. For a marriage of less than five years, a person may argue "unconscionable" to equalize net family property.

COMMON LAW SPLIT

If a couple has been living together for three years or more, or "has a relationship of some permanence" and a child together, and the relationship ends, they are not entitled to an equalization payment but file a claim for spousal support, Feldstein says.

But a judge has a lot of discretion: If a man and woman lived together for 20 years, Feldstein says, and his net worth is \$10 million and hers is zero, and they raised two children together, "the wife is going to end up with something probably pretty close to an equalization payment," Feldstein says.

ANNULMENT

An annulment is rare in Canada and granted under limited grounds. A person whose marriage is annulled is not entitled to the same compensation as someone who is divorced, and it would be very difficult to make the same claims as common law couples who have split. "An annulment, if you're successful, says the marriage never happened," says Feldstein. "That voids your rights."

Toronto Symphony Orchestra president Jeff Melanson is being portrayed by estranged wife Eleanor McCain as a ruthless leader who "tricked" her into marriage because he wanted her money and an escape route from sexual harassment accusations at the Banff Centre.

McCain, 46, is the daughter of Wallace McCain, the late billionaire co-founder of McCain Foods Limited. In her 34-page application for annulment, she describes Melanson, once considered Canada's cultural "turnaround king," as a remorseless manipulator who "ruled with an iron hand," fired employees unjustly, boozed during business hours and at business functions, launched then abandoned "grandiose" projects, and provided jobs for his romantic partners.

None of the claims have been proven in court. McCain declined to comment through her lawyer, while in a statement on Twitter Melanson called the allegations "inaccurate and undignified" and "untrue and hurtful."

McCain has applied for an annulment, not a divorce, so that she may "treat the marriage ... as if it never existed," the document says.

That's a crucial distinction, especially given the financial stakes for McCain: an annulment could affect any financial settlement or division of property at stake in the divorce.

Melanson said on Twitter that "the claims against me are inaccurate and undignified. I am saddened that Ms. McCain has chosen to say such things and in this way, but even more disappointed as these statements are untrue and hurtful to myself and my loved ones. My lawyers will reply through the appropriate channels."

"It makes complete sense why they're doing it because there's so much money at stake," said Toronto family law specialist Steven Benmor, who isn't involved in the case. "If they can get the annulment, it saves the McCain family a lot of money."

Benmor calls the strategy a "reach," because annulments are typically granted due to lack of capacity — for instance, when one of the wedded was too young or mentally unfit — or because one person entered the union under duress or based on fraudulent grounds.

"They'll try to argue fraud," he predicted.

And arguing fraud on the grounds of misrepresenting character or personality could be difficult.



Eleanor McCain is shown here with Jeff Melanson in a Facebook photo.

"That's a tough test, to me," said Daniel Simard, an associate lawyer at Shulman Law Firm who is not involved in the case, either.

McCain's claim does attempt to detail Melanson's alleged history of dishonesty and manipulation.

According to her application, his "aggressive courtship" began with a coffee date on Dec. 16, 2013. Following that, her claim says, he showered her with texts declaring his "undying love," and brought up marriage three weeks into dating.

During one of their first phone conversations, McCain's claim contends, Melanson endeared himself to her by mentioning that he had enjoyed a close relationship with her father, Wallace, and that he had always spoke fondly of her. It was only later, McCain's document alleges, that she learned Melanson was not close to her father and "was actually terrified of meeting or dealing with" him.

Her court document also states: "Eleanor learned post breakup that Jeff stated during his marriage to her that fundraising at his new position as president of the TSO would be easy because of his connection to the McCain family."

The couple married privately on April 26, 2014, followed by a public ceremony on Nov. 22.

Two months later, on Jan. 27, 2015, Melanson "abruptly" ended the marriage via email and, McCain's filing reads, hasn't spoken to her or her adolescent daughter since.

According to McCain's application, it wasn't the first time Melanson "manipulated and used people by pretending they were his 'best friend' or the 'love of his life,' " then "discarded them with no remorse."



Eleanor McCain and Jeff Melanson (FACEBOOK)

Among the claims in McCain's filing: Melanson never disclosed to McCain that he cheated on his previous wife; Melanson frequented Ashley Madison during that marriage under the user name "Sarastro2012," a reference to Mozart's The Magic Flute; and Melanson hid mental-health issues and "excessive" drinking habits from McCain.

Melanson's ex-wife Jennifer Snowdon denied the claims about their marriage in McCain's document.

"There was no infidelity in our marriage," she told the Star Monday night, calling Melanson "a good person" and a "kind and generous man."

He's a flawed human being. He's not perfect. But I think this is horrible what's happening to him, and I think Eleanor is sad and hurt and angry. But he doesn't deserve being trashed like this in the press," she said.

"Jeff and I got married very young. We grew apart. We separated amicably. We are doing our best to coparent our children together the best that we can."

Berl Schiff, a longtime friend of Melanson's and former publisher of The Walrus, believes McCain's claims are untrue.

"He's a remarkably confident and successful arts administrator," said Schiff.

Melanson has held a series of senior roles at cultural institutions across Canada. He served as dean of the community school at the Royal Conservatory of Music from 2001 until 2006, when he left for an executive position at the National Ballet School. He joined the Banff Centre with a splash in 2012 for an appointment many figured would last 10 years or more.

Instead, Melanson resigned in April 2014, the same month he married McCain, to take up his post with the Toronto Symphony Orchestra. According to McCain's document, sexual harassment accusations drove Melanson from the Banff Centre.

The filing states that upon becoming president in January 2012 and while still married, he immediately created a position for a woman and pursued her "relentlessly." Once they "consummated their relationship" during a Banff Centre trip to Australia in October, McCain's document alleges, he broke off the relationship, and by the following September, she was terminated. When the woman subsequently announced her intention to sue, Melanson "felt that his days (there) were numbered."

"He was looking for a way out of Banff," reads McCain's claim.

McCain's petition further accuses Melanson of an affair with a married woman and the sexual harassment of a third woman while at the Banff Centre, and alleges that he initiated inappropriate relationships with two women during his stint at the National Ballet School.

"Firstly, we can confirm that no formal complaints were made to The Banff Centre on the issue of sexual harassment," a statement from the Banff Centre reads. "Secondly, as mentioned in the Globe, there was a settlement that was reached with a former employee that was to the satisfaction of both parties."

"These allegations are concerning and troubling, as they are not reflective of the values and standards we aspire to set at the Banff Centre," said Banff Centre president Janice Price. "We take these allegations seriously and should these allegations be found to be true we will investigate further."

McCain's filing also takes aim at Melanson's workplace manner, alleging that he took credit for other people's accomplishments, shifted blame and maintained a "cold and callous" demeanour.

Her petition further claims that he fired at least 11 employees at the Banff Centre "without remorse or guilt," including: a woman who was days from a health leave, was subsequently diagnosed with ALS, and can no longer speak or eat; and Dutch conductor Henk Guittart, who was fired by Melanson, McCain's claim alleges, even though the two men hadn't interacted much and Guittart had just shifted his family from Europe. "Three years ago I could have used support, but I have moved on," Guittart told the Star via email, but declined to comment further.

McCain "never would have married (Melanson) had she known these facts," her application alleges.

"Eleanor now believes that Jeff pursued her and pushed to marry her so quickly because he thought that marrying her and being associated with her family would help redeem him from his scandalous behaviour in Banff," reads McCain's document.

With files from May Warren

Torstar News Service