

## Appendix III

### SPOUSAL SUPPORT ADVISORY GUIDELINES CASE SUMMARIES BY PROVINCE [Updated to April 18, 2007]

[This update covers new cases decided since our last update, Carol Rogerson and Rollie Thompson, "The Advisory Guidelines 20 Months Later", October 5, 2006" that is found on the SSAG website at <http://www.law.utoronto.ca/faculty/rogerson/ssag.html> ]

#### ALBERTA

##### A. Appellate Decisions

none

##### B. The Without Child Support Formula

*Sawatzky v. Sawatzky*, [2007] A.J. No. 182, 2007 ABQB 103 (Graesser J.)

Married over 25 years, interim order

Wife teller, earns \$27,000

Husband heavy equipment operator, incorporated, income issues, "safe" estimate \$71,000

Guidelines range: \$1,375-\$1,833

Interim order for \$1,833, high end of range since low end estimate of husband's income

Retroactive spousal support from separation, April 2006, pay extra \$833/mo. for 18 mos.

*Moss v. Moss*, [2007] A.J. No. 181, 2007 ABQB 102 (Graesser J.)

Married 18 years, 3 children, 1996 order combined child and spousal support \$1,750/mo.

2005: child support ended, \$1,750 spousal support ordered

Husband then at Labatt's earning \$99,000, wife earning \$14,000 at seasonal H & R Block

Husband's income reduced, little overtime, health problems, now \$64,000

Guidelines range: \$1,156-\$1,542, mid-point \$1,325 ordered

Wife encouraged to seek full-time work, can earn up to \$40,000/yr., no loss of support

*Peterson v. Ardiel*, [2007] A.J. No. 151, 2007 ABQB 90 (Lee J.)

Together 15 years, wife daughter (18), natural father pays \$400/mo. child support

Husband oilfield consultant, pays child support of \$375/mo. for another child

Husband claims drop in oil business, but income imputed of \$200,000

Husband remarried to nurse (earns \$30,000)

Wife operates dog grooming business, earns \$21,500

Original order in husband's absence \$3,500/mo., reduced to \$1,250 pending hearing

Husband argued Guidelines for \$500/mo. (?)

Spousal support of \$2,500/mo., indefinite

(Guidelines range estimated: \$3,347-\$4,462)

*Mitrovic v. Mitrovic*, [2007] A.J. No. 69, 2007 ABQB 44 (Veit J.)

Married 30 years, 1 adult child 22, special needs, receives AISH \$1,000/mo.

Wife 55 (53 separation), could earn \$25,000, employed during marriage

Husband's business income \$125,000, no child support

Guidelines range: \$3,125-\$4,166, \$3,125/mo. ordered, indefinite

Low end as husband's employment expenses, equal division not fair

*Evans v. Evans*, [2006] A.J. No. 1391, 2006 ABQB 800 (Thomas J.)  
Married 28 years, 1 adult child, husband 55, wife 50 (48 separation)  
Husband Armed Forces firefighter until 1992, many relocations  
Husband retrained as licensed practical nurse 1992-93, while wife worked  
Husband can earn \$65-75,000, near high end  
Wife minimum wage employment, back problems, retraining in business course  
Wife thinks she might earn \$30,000, but court says \$18,000 in 2006-07  
Interim spousal support \$1,250/mo., final order \$1,250, review in 1 year  
Used Guidelines as “check” [but range \$1,725-\$2,166, if \$70,000 and \$18,000]

*Elezam v. Ireland*, [2006] A.J. No. 1374, 2006 ABPC 230 (Norheim Prov.Ct.J.)  
Together 6 years, ISO case, B.C. government initiated  
Wife in B.C., on social assistance \$920/mo., health problems  
Husband truck driver in Alta., earns \$37,400  
Range \$262-\$349, 3 to 6 years, \$262/mo. ordered for 3 years

[See also *Zolkowski v. Zolkowski*, [2006] A.J. No. 1297, 2006 ABQB 753 (Lee J.) under with child support formula; step-children, not clear which formula applies]

### **C. The With Child Support Formula**

*Rarog v. Rarog*, [2007] A.J. No. 195, 2007 ABQB 98 (McDonald J.)  
Married 13 years, 2 children 13 and 10 with wife  
2005 interim order: child support \$1,256, spousal support \$2,000/mo., husband \$96,724  
Husband’s 2006 income \$102,334  
Wife’s income \$14,900 plus business income \$9696, total \$24,596  
Spousal support varied down, husband says \$855, wife says \$1,500  
Spousal support reduced to \$1,100  
SSAG referred to as advisory only; actual range not given  
(Guidelines range estimated: \$1,026-\$1,716 or \$1,203-\$1,870, child support unclear]

*Wilm v. Wilm*, [2007] A.J. No. 109, 2007 ABQB 65 (Veit J.)  
Married 6 years, some prior cohabitation; children 11 and 7 with wife, husband 30, wife 31 (29 separation)  
Husband hockey player in Finland, drop in income, \$159,000  
Child support \$2,112/mo. (should be \$2215 if income \$159,000)  
Wife entitled to spousal support, at home, moved around  
Her plan 2-year assistant speech therapist program, to be assessed at trial  
Minimum wage income imputed until trial of \$21,000  
His high access costs, employment costs, mandatory pension deductions  
Low end of Guidelines range (40% INDI) ordered as interim spousal support  
(Guidelines range estimated without pension deduction based on husband income of \$159,000: \$2606 - \$3411)

*Barnett v. Barnett*, [2006] A.J. No. 1697, 2006 ABQB 920 (Marceau J.)  
Married 18 years, 2 children 22 and 15, husband 46, wife 40 (38 separation)  
No child support for older son, estranged, other sources of funds  
Husband oil pipeline consultant, deliberately reduced income, imputed \$120,000  
Child support \$1,056/mo. plus \$474 contribution for s. 7 expenses (of \$708)  
Wife at home, now works as labourer, earns \$23,000  
Guideline calculations provided for income of \$140,000, not used  
Crude net income calculations, spousal support of \$2,000/mo., indefinite  
(estimated Guidelines range: \$1,889-\$2,590/mo.)

*D.B.C. v. R.M.W.*, [2006] A.J. No. 1629, 2006 ABQB 905 (Topolniski J.)  
Married 13 years, 2 children 15 and 17, with wife  
Husband and wife left Calgary for Nelson B.C. for 6 years, lived on investments,

homeschooled children, \$80,000/yr.  
After separation, husband returned to Calgary investment work, earned \$213,553 in 2004  
2004 trial order: child support \$2,163, spousal support \$4,000/mo, review January 2008  
Husband earned \$773,471 in 2005, 2006 estimated over \$700,000  
Child support increased to \$6,716/mo.  
Wife various upgrading efforts unsuccessful, now 2 days/week in medical clinic  
Application to vary by wife, sought Guidelines \$16,381-\$32,596/mo.  
Husband's post-separation income increase, wife no contribution, not long traditional marriage, husband  
out of work force 6 years before  
Guidelines not applicable, income over \$350,000, no variation

*S.C.J. v. T.S.S.*, [2006] A.J. No. 1319, 2006 ABQB 777 (Lee J.)  
Together 5 years total, multiple separations, 2 children (11 and 4) with husband  
Wife 32 (29 separation), husband 36  
Wife earned \$20,958 from employment/EI previously  
Wife gambling addictions, residential treatment program just completed  
Wife could earn \$26,400, but \$20,958 used, husband earns \$65,000  
Custodial payor range: \$208 - \$276  
Husband paid off her debts, no child support paid, \$7,500 interim costs to wife  
No entitlement to spousal support  
(Range if child support \$325: \$212 - \$283; if no child support, \$176 - \$235)

*R.L.W. v. R.G.W.*, [2006] A.J. No. 1316, 2006 ABQB 770 (Verville J.)  
Married 14 years, wife 43 (38 separation), husband 44, 3 children (14, 13, 8) with wife  
Husband earns \$125,000 in petrochemical industry  
Wife works 80% (half-time before separation), biochemical technician, U of A  
Wife earns \$45,253, full-time income imputed \$56,565  
Child support \$2,301/mo., plus \$325/mo. for s. 7 expenses  
Wife no budget, Guidelines range mid-point stated to be \$1,000 - \$1,100  
Husband paid \$600/mo. not deductible for 2 years after separation  
No great career disadvantage, but wife more child care  
Spousal support \$500/mo., 4 more years  
(Actual range estimated after s. 7 expenses: \$342 - \$1,017)

*Zolkowski v. Zolkowski*, [2006] A.J. No. 1297, 2006 ABQB 753 (Lee J.)  
Married 4 years, wife has 13-year-old son, biological father unemployed  
In loco parentis issue, and child support, put over to trial  
Husband earns \$250,000 for drilling company, not including other sources  
Wife no income, working on farm  
Guidelines range if *with child support* formula: \$6,700 - \$7,800  
Wife seeks \$10,000/mo., husband offers \$2,000 plus house expenses  
Interim spousal support \$4,000 plus \$2,078 house expenses  
(If *without child support* formula: \$1,250 - \$1,666)

## BRITISH COLUMBIA

### A. Appellate Decisions

*Foster v. Foster*, [2007] B.C.J. No. 244, 2007 BCCA 83 (Prowse J.A.)  
Together 5 years, married 4, 1 child 5, wife 35, husband 49  
Wife from Peru, sponsored by husband, home during marriage  
Now working as chambermaid, income \$9,400 (incl. income assistance)  
Husband unemployed lawyer, buys and sells real estate, income imputed \$35,000  
Interim orders, recently \$219 child support, \$200/mo. spousal, not paid  
Trial: \$100,000 in property to wife (1/3 of assets), \$30,000 lump sum spousal support  
Child support \$326/mo.  
Appeal: assets reappportioned, wife's share reduced to \$40,400 (20%)  
Spousal support: wife's 3-year plan re college  
Guidelines range: \$141-\$352, maximum 15 years  
Appeal decision: \$400/mo, would leave wife with 52% of family NDI  
Converted to lump sum support of \$14,400  
Duration: 3 more years from trial to July 2009 (5 years total)  
10-year immigration sponsorship agreement runs to 2008

*Narayan v. Narayan*, [2006] B.C.J. No. 3178, 2006 BCCA 561 (Prowse J.A.)  
Married 18 years, husband 45, wife 37, 4 children with wife: 18, 16, 15, 5  
Husband earns \$58,000 at Shaw Cable, wife earns \$28,000 part-time at drugstore  
Child support \$1,240/mo., but problems of non-payment  
Trial judge reappportioned home 100% to wife (\$300,000)  
Husband got RRSPs (balance after dissipation) and vehicle, 75/25 split over-all  
Reappportionment upheld, no spousal support  
(Guidelines range: zero to zero)

*MacEachern v. MacEachern*, [2006] B.C.J. No. 2917, 2006 BCCA 508 (Prowse J.A.)  
Married 24 years (26 years total), 1 adult child, husband 58, wife 55 (51 separation)  
Separation agreement 2002: \$3,500 net of tax spousal support, review clause  
Reappportionment of property, 56% to wife  
Trial judge ordered spousal support: \$1,000/mo. for 2 years, \$500/mo. 2 more years, end  
Husband earns \$114,600 with auctioneer  
Wife home, then interior design business, lost husband's contacts after separation  
Wife working retail sales, part-time \$9,100, full-time income imputed to \$14,700  
Guidelines range: \$3,123-\$4,164, \$3,100 ordered, indefinite, no review  
*Redpath* restated

### B. The Without Child Support Formula

*Kauwell v. Melnyk*, [2007] B.C.J. No. 712, 2007 BCSC 485 (Shabbits J.)  
Lived together 3 ¾ years, wife 50, husband 54, wife 3 children by previous marriage  
Wife barber, reflexologist, on social assistance when met, now earns \$12,000 helping seniors  
Husband welding inspection business and property investments, wife paid \$15,900 through company  
Husband's draw \$68,000, plus retained earnings  
Entitlement to spousal support based on need  
Range \$262-\$350, 22 to 45 months  
Support of \$350 for 42 months, maximum still modest amount  
No unjust enrichment re property

*W.(C.L.) v. R.(S.U.)*, 2007 CarswellBC 666, 2007 BCSC 453 (Shabbits J.)  
Lived together 6 ½ years, wife 45, husband 56, wife 2 children from previous marriage  
2004 separation agreement: lump sum spousal support of \$31,000, release  
Wife's workers compensation income \$15,000, husband \$67,000 retired engineer

Wife now working at animal hospital, earns \$18,800  
Agreement valid and enforceable, no unjust enrichment  
Wife missed 1-year limitation from end of relationship, so no spousal claims  
Even if not missed, lump sum within Guidelines global range  
Range \$5,070/yr. to \$6,760/yr., 3 years 3 mos. to 6 ½ years  
Global range \$16,477 to \$43,940, mid-point \$30,208

*Fuller v. Matthews*, [2007] B.C.J. No. 656, 2007 BCSC 444 (Arnold-Bailey J.)  
Lived together 30 months, wife 48, husband 50, wife 2 older children  
Husband mining engineer in Delta, earns \$340,000 in Peru and Canada  
Wife teacher in Courtenay, involved with husband in 2001, commuted  
Wife sells house in 2003, quits job in 2004, to live in Delta with husband  
Wife back teaching, earns \$93,704  
No unjust enrichment in short relationship  
Spousal support ranges: if 2 years, \$616-\$821; if 3 years, \$924-\$1,232, mid-point \$1,078  
Order for \$1,000/mo., for 27 months  
But also compensatory exception, based on actuarial evidence  
Loss of pay, Oct. 2005 to Feb. 2006: \$3,337 (but not lost salary when cohabiting)  
Loss of pension credits from employment interruption: \$12,700  
Total lump sum support of \$43,037

*Oyama v. Oyama*, 2007 CarswellBC 632, 2007 BCSC 428 (Neilson J.)  
Married 25 years, 3 adult children, husband 63, wife 57, separated 1996  
Equal division of assets, except 2/3 house reapportioned to wife (\$467,000)  
No retroactive spousal support because of reapportionment  
Husband has pension income \$55,000  
Wife earns \$20,000 in insurance business, could increase to \$30,000 in 2 years  
Range: \$1,094-\$1,458 indefinite  
Spousal support of \$300/mo., some concern for overlap with pension division  
For duration of 16 years, then discounted, contingencies, lump sum support of \$50,000

*Lloyd v. Lloyd*, [2007] B.C.J. No. 493, 2007 BCSC 349 (Groppe J.)  
Together 12 years (married 8), husband 61, wife 47, each two adult children  
Husband lawyer \$89,040  
Wife was legal assistant, then MLA assistant, now provincial political job, \$56,815  
Assets divided equally, including husband's law practice  
Wife's girls 17 and 19 in university, support from biological father  
No info on their finances, no entitlement  
Guidelines ranges: *with child support* formula \$292-\$1,024, 12 years  
*without child support* formula \$663-\$884, 6 to 12 years  
Wife argues loss of political job would return her to lower salary  
No disadvantage, no hardship after division of law practice  
No entitlement

*Lewis v. Lewis*, [2007] B.C.J. No. 561, 2007 BCSC 374 (Powers J.)  
Married 29 years, husband 68, wife 64, 65 in August 2007  
Separation agreement 1995: spousal support \$2,700/mo.  
New agreement 2000: reduced to \$2,500/mo. when husband made \$80,000  
Husband professional engineer, now retired, sold own company  
Husband's retirement income, including RRSP \$60-\$65,000  
Wife homemaker, now CPP \$14,400, new partner on disability pension \$10,460  
Guidelines range: at \$60,000, \$1,425-\$1,900; at \$65,000, \$1,581-\$2,108  
Spousal support ordered \$1,750, indefinite

*Kelly v. Kelly*, [2007] B.C.J. No. 324, 2007 BCSC 227 (Barrow J.)  
Together 17 years (married 12), wife 2 children of 1<sup>st</sup> marriage, now adults

Separated 1997, divorced 2001: interim spousal support \$2,000/mo.  
2001 order: \$2,000/mo. spousal support July 2001 to March 2003  
\$1,500 April 2003 to March 2004, \$1,000/mo. thereafter, no review  
Husband 47, remarried, earned \$70,000 in 2001, but \$182,152 in 2005  
Wife 56, CPP disability \$12,000, now remarried, earns \$6,000, total \$18,000  
Wife's remarriage a change in circumstances  
Order no longer compensatory after 9 years, now non-compensatory  
Wife's new husband retired, investment income \$32,000/yr., assets \$1.5 million  
Support to terminate November 2008, 19 more mos., over 10 years total  
Step-down order: \$750/mo. to December 2007, \$500 to Nov. 2008

*Scott v. Scott*, [2007] B.C.J. No. 336, 2007 BCSC 234 (Bruce J.)  
Together 23 years (married 20), husband 48, wife 53  
1 child of wife (28), 1 child of marriage (20), working, night courses, with husband  
Wife administrator at credit union, earns \$36,200  
Husband electrician supervisory, earns \$84,500  
Guidelines range: \$1,389-\$1,852  
Non-compensatory support, significant income disparity, \$1,600/mo. ordered  
Until wife reaches 65 (12 years), similar standard of living

*Owen v. Owen*, [2007] B.C.J. No. 326, 2007 BCSC 230 (Chamberlist J.)  
Married 37 years, husband 61, wife 57, 4 children, traditional marriage  
Wife labourer at stockyards and EI, \$24,650/yr.  
Husband truck driver, income reduced, \$50,000  
Support on compensatory and non-compensatory basis  
Guidelines range: \$781-\$1,041  
Husband claimed business expenses on road, \$1,250/mo., some recognition of expenses  
Spousal support \$750/mo., indefinite, no review

*Wang v. Poon*, [2007] B.C.J. No. 271, 2007 BCSC 194 (Humphries J.)  
Married 7 years (cohabited 6 years), still cohabiting at trial, husband 76, wife 47  
Husband retired professor, income \$50,000  
Met wife in China, sponsored to Canada, trained as hairdresser, income \$8,000  
Most not family assets, condo reapportioned 90% to husband  
No interim support order, 2 lump-sum payment \$2,500 and \$4,000  
Sponsorship agreement to October 2010, used to fix duration  
Amount \$850/mo. 2007-Feb. 2009; then \$600/mo. to Oct. 2010 (3 years, 8 mos.)  
"More generous and of longer duration" than Guidelines  
(Guidelines range estimated: \$368-\$490, for 3.5 to 7 years, global amount within range)

*Kirk v. Kirk*, [2007] B.C.J. No. 126, 2007 BCSC 67 (Arnold-Bailey J.)  
Married 30 years, 2 adult children, wife 63, husband 66, separated Dec. 1998  
Wife worked during marriage, now disabled, \$24,250  
Interim spousal support (Jan. 2005): \$7,000/mo., variation refused Sept. 2005  
Husband earned \$1,344,669 in 2005 (predicted earlier by him as \$237,000)  
Predicts \$215,518 in 2006  
Guidelines "range" for 2005 income: \$41,263-\$55,017/mo. (!)  
\$5,977-\$7,969/mo. if 2006 estimate, \$7,000/mo. within range, no interim variation

*Bramhill v. Dick*, [2007] B.C.J. No. 387, 2007 BCSC 262 (Chamberlist J.)  
Together 14 years, second relationship, no children  
Wife multiple sclerosis before cohabitation began, on social assistance in B.C.  
Wife moving to facility in Alta., income to be \$4,800  
Husband did not appear, self-employed mechanic, incorporated  
Tax returns and financial statements provided, underemployed, income imputed \$33,095  
Guidelines range: \$495-\$660; if wife zero income, \$579-\$772

Disability exception noted, interim spousal support \$772/mo. until house sold  
Duration: disability, long relationship, indefinite

*Fandrich v. Fandrich*, [2007] B.C.J. No. 40, 2007 BCSC 20 (Masuhara J.)  
Together 6 ½ years (5 ½ married), husband 67, wife 55 (52 separation)  
Husband owner and operator of helicopter co., earns \$200,000  
Wife Irish doctor, not qualified in Canada, now realtor, \$30,000 imputed  
Guidelines range: \$1,488-\$1,983, 3.5 to 7 years (\$62,500-\$166,500 taxable)  
Reapportionment of assets: 25% of Co. to wife, worth \$627,500  
Lump sum spousal support \$40,000

*Main v. Main*, [2006] B.C.J. No. 3256, 2006 BCSC 1876 (Master Keighley)  
Married 36 years, 2 adult children, husband 59, wife 58  
Wife unemployed, ischemic disease, \$28,990 disability/CPP  
Husband millwright, earns \$89,000, wishes to retire (pension \$26,238)  
Interim support, Guidelines range: \$1,250-\$1,667/mo.  
Mid-point \$1,458 leaves husband with \$230 net more per month

*Williston v. Williston*, [2006] B.C.J. No. 3248, 2006 BCSC 1869 (Rogers J.)  
Together 7 years (married 6), 2<sup>nd</sup> marriage, husband 48, wife 47  
Husband pays child support of \$300/mo. for 2 17-year-olds from 1<sup>st</sup> marriage  
Wife permanently disabled throughout marriage, social assistance now \$856/mo.  
Husband earns \$66,000 as travelling salesman  
Interim support \$1,500/mo. since Dec. 2005, entitlement admitted  
Family property divided equally  
Guidelines range: \$578-\$770, 3 ½ to 7 years  
Disability exception recognized, upper end ordered \$800/mo.  
Duration: not permanent, given short relationship, 8 years (i.e. 7 more)

*Saugestad v. Saugestad*, [2006] B.C.J. No. 3206, 2006 BCSC 1839 (Russell J.)  
Wills variation case, together 12 years (married 11)  
2 children of 1<sup>st</sup> marriage 30 and 29, 1<sup>st</sup> wife deceased  
Husband shipbroker, wife realtor when met, assets of her own, 59 now  
Retirement incomes: husband \$107,000, wife \$63,500  
Entitled to support, Guidelines range: \$700-\$900/mo.  
Husband left \$900,000 to wife, \$50,000 more than notional division of assets  
Wife awarded life interest in condo, generates rental income, no amount specified  
Not required to pay back \$29,000 owing to estate

*Y.L. v. G.Q.*, [2006] B.C.J. No. 3087, 2006 BCSC 1774 (Shabbits J.)  
Married 9 years, 1 child 8 with husband  
Wife returned to China, mental illness, unable to work, no income  
Husband earns \$70,000 in business  
Fall 2004 interim lump sum \$9,000 (6 x \$1,500)  
Guidelines used, 1.75% x 8 years 9 ½ mos., \$900/mo., again interim  
[Custodial payor should have been used, range \$646-\$861]

*Munro v. Munro*, [2006] B.C.J. No. 3069, 2006 BCSC 1758 (Brine J.)  
Married 18 years, 2 adult children, husband 43, wife 54 (49 separation)  
Husband earns \$149,600 as criminal lawyer  
Wife bookkeeper for husband, earned \$36,000  
Now reflexologist/electrolysis, \$24,000 imputed, vs. \$7,800 earned, insufficient effort  
Interim: 2001-02, \$1,700/mo. for 21 mos., 2003 \$4,000 for 12 mos., 2004-06 \$2,500/mo.  
Guidelines range: \$2,826-\$3,768, but \$1,200/mo. ordered, indefinite  
Reapportionment: husband debt of \$50,000, wife assets of \$120,000  
Husband had custody of children after separation, no support from wife

Husband now remarried and 2 young children

*Tsurugida v. Romero*, [2006] B.C.J. No. 3067, 2006 BCSC 1754 (Kelleher J.)  
Married 21 years, 3 children 22, 20 and 18, husband 44, wife 47 (45 separation)  
Husband mining co. CEO/shareholder, earns \$283,000  
Wife earns \$48,000 investments, \$12,000 imputed minimum wage employment, \$60,000  
Property divided equally, shares in trust to fund children's education  
Interim spousal support \$8,800, then \$8,000/mo.  
Range stated as \$5,700 to \$7,600, \$6,800/mo. ordered, indefinite, no review

*E.K.G.D. v. L.W.P.*, [2006] B.C.J. No. 3002, 2006 BCSC 1721 (Dillon J.)  
Lived together 21 years, since wife was 18, wife 42, husband 51  
Wife reeducated, nurse (1991), earns \$63,000 gross, \$52,928 net  
Husband cargo surveyor, returned to university for B.Sc.  
Now disabled, receives \$36,000/yr. tax-free, depression  
Constructive trust, half of assets to wife  
Spousal support for husband, \$500/mo. for 2 years  
Range \$533-\$711, "netted down" as tax-free to husband

*Vanden Bos v. Vanden Bos*, [2006] B.C.J. No. 3003, 2006 BCSC 1722 (Master Baker)  
Married 28 years, 3 adult children, traditional marriage, wife 50 (48 separation)  
Husband truck driver, earns \$101,300, CCA issues  
Wife \$650/yr., bookkeeping for husband, at home, CPP disability appeal refused  
Range \$3,145-\$4,194, budgets considered  
Interim support \$4,300/mo., leaves each with \$3,300/mo. net  
Slightly out of Guidelines range, but no seriously in conflict

*Steernberg v. Steernberg Estate*, 2006 CarswellBC 2751, 2006 BCSC 1672  
(Martinson J.)  
Wills variation case, husband 74 at death, wife 52, together 7 years, married 5 1/2  
Under prenuptial agreement and will, wife gets 10% of estate, 5 children 18% each  
Entitlement to spousal support: wife quit job, moved to husband, caregiver in last years  
Entitled to some support, quantum would be determined under Guidelines  
Prenuptial agreement fair re property, but not for support  
Wife's share varied to 15%, 5 children 17% each

*Smith v. Smith*, [2006] B.C.J. No. 2920, 2006 BCSC 1655 (Pitfield J.)  
Married 26 years (28 total), 3 adult children, wife 54, husband 67 (64 separation)  
Wife teacher, home and part-time when children young, now near full-time, \$55,000  
Husband mechanic, ferry worker, health problems now, \$23,000 OAS/ CPP/pension  
House on Salt Spring Island reapportioned 2/3 to husband, \$200,000 vs. \$100,000  
Guidelines range: \$1,000-\$1,333  
Lump sum of \$25,000 ordered, consistent with Guidelines  
Present value of support if paid until wife 65: \$105,000-\$140,000  
Deduct 30 per cent for tax: \$70,000-\$93,000  
Less \$50,000 for reapportionment: \$20,000-\$43,000

*Crawford v. Crawford*, [2006] B.C.J. No. 2921, 2006 BCSC 1664 (Garson J.)  
Together 20 years (married 15), 2 adult children 24 and 21, employed, with mother  
Husband 56, wife 57 (48 separation), wife home until 1997  
1997 separation agreement: spousal support of \$1,100/mo. for 18 mos., then \$950  
To be reviewed when wife employed, wife employed Dec. 1997, but no application  
Wife in motor vehicle accident in 2000, not worked since  
Wife now CPP disability, rent and investment income: \$21,120  
Husband steel fabricator, laid off, work injury, can return to work, \$40,000 imputed  
Compensatory support, some reduction expected, income now close to when employed

Property reapportionment 62/38 to wife  
Guidelines range: \$472-\$629, order for \$400/mo.

*Beese v. Beese*, [2006] B.C.J. No. 2903, 2006 BCSC 1662 (Goepel J.)  
Together 7 years (3 married), no children, husband 48, wife 41 (35 separation)  
Husband earns \$52,495 as truckdriver, wife earns \$35,000 as clerk  
Compensation order \$175,000 for wife's use of personal injury settlement to pay  
off husband's business loans  
Guidelines range: \$175-\$233, 3 to 7 years  
Fully addressed by compensation order, no periodic support

*McAuley v. McAuley*, [2006] B.C.J. No. 2882, 2006 BCSC 1643 (Bruce J.)  
Married 20 years (plus 2 cohabitation), husband 44, wife 50 (48 separation)  
Children 19 and 22 (part-time student, working), not children of marriage  
Husband earns \$76,036 at Toyota, wife earns \$28,000 at career college  
Range \$1,320-\$1,760, support of \$1,600 compensatory, indefinite

*Boudreau v. Scaduto*, [2006] B.C.J. No. 2187, 2006 BCSC 1348 (Gill J.)  
Together 12 ½ months (11 married),  
Wife 2 children 12 and 15, \$2,400 U.S. child support from father  
Wife no income, moved from Maryland to B.C.  
Husband teacher, \$65,300, debts  
Interim spousal support, \$1,750/mo., then \$2,300 (Dec. 2005)  
Spousal support \$1,000/mo., 10 more months (23 total)  
Guidelines not argued, reference made to compensatory exception

### **C. The With Child Support Formula**

*E.(Y.J.) v. R.(Y.N.)*, 2007 CarswellBC 782, 2007 BCSC 509 (Boyd J.)  
Married 20 years (plus 2 years' cohabitation), both spouses 52, 2 children 19 and 16  
Wife home, husband chartered accountant in firm, earns \$602,400  
Wife needs time to requalify, no income until Jan. 2008, then \$35,000 part-time imputed  
Child support \$7,580 table amount, including private school and university tuition  
Older child's travel, living expenses at university to be paid by husband  
Spousal support range: \$14,055-\$16,511/mo. if wife no income, \$12,849-\$15,447 if \$35,000  
Mid-point ordered, \$15,128/mo., then \$14,148 from Jan. 2008

*Gagne v. Gagne*, 2007 CarswellBC 671, 2007 BCSC 438 (Boyd J.)  
Married 11 years, 1 child 14  
Husband in restaurant business, income issues, earns \$109,300  
Child support \$982/mo.  
Wife earns \$28,893 as special education assistant, seeks \$2,500/mo. spousal, indefinite  
Entitlement not compensatory, no disadvantage, employed throughout, secure job  
Assets reapportioned "very heavily weighted in her favour"  
Range \$1,321-\$1,930, mid-point \$1,625/mo., that amount ordered  
Spousal support to be paid until December 2007 (5 years total)

*Upton v. Fasoli*, 2007 CarswellBC 765, 2007 BCSC 414 (Shabbits J.)  
Married 11 years, 2 children, 18 with husband, 16 shared 50/50  
Separated 1999, 2000 agreement, then 2003 order:  
Husband chiropractor, then earning \$90,000, wife \$18,000, child support \$923  
Spousal support \$1,500/mo. 2001-02, \$1,000 2002-04, \$500/mo. 2004-05, end June 2005  
Husband applies to vary child support, wife applies on review to continue spousal  
Registrar's report recommends increased child support, \$500 spousal for 2 more years to 2007  
Husband then cancer, disability income not taxable, \$82,500 grossed-up  
Wife's imputed income \$28,000

Child support: \$760(1)-\$441(2)=\$319 by husband  
Spousal support continued at \$500/mo. for 2 more years (8 years plus total)  
Amount affected by original order, so Guidelines not affect, but not deductible for husband now  
Trial judge states spousal support not to continue past child 18 under Guidelines  
(But error, here length of marriage, so could be another 3 years to maximum)

*Franciosi v. Franciosi*, [2007] B.C.J. No. 544, 2007 BCSC 368 (Goepel J.)  
Married 15 years, 3 children 15, 12 and 9 with wife  
Husband bricklayer, own co., income issues, \$100,000  
Husband's new partner nurse  
Wife home, then part-time bus driver, \$22,500, new partner \$30,000  
Child support \$1,650/mo.  
Entitled to spousal support, compensatory and non-compensatory  
Guidelines range: \$864-\$1,683, interim support \$1,250/mo.  
Spousal support \$1,500/mo. to end of 2017 (15 years)

*Salmond v. Salmond*, [2007] B.C.J. No. 388, 2007 BCSC 264 (Sigurdson J.)  
Together 7 years (married 4), 1 child 4, husband and wife in 30's  
Wife bookkeeper, earns \$38,000  
Husband contractor, gas fields, income issues, earns \$106,250  
Property divided equally, child support \$957/mo.  
Entitlement compensatory, indefinite, review 6 mos. after child in Gr. 1 (Sept/09)  
Husband offers \$800, wife seeks \$1,250, court orders \$1,000/mo  
Short marriage, wife young  
(Guidelines range estimated: \$1,070-\$1,774)

*Landrigan v. Bloomer*, [2007] B.C.J. No. 367, 2007 BCSC 254 (Boyd J.)  
Married 19 years, 2 children 7 and 12, with wife, husband 51, wife 50  
2006 order: spousal support \$1,200/mo., review 8 mos. later, wife disability  
Wife's condition deteriorated, cause still unknown, could be temporary  
Entitlement continues, not indefinite support, review Oct. 2007  
House reapportioned 65/35 to wife, she buys out his share  
Husband earns \$67,000, wife no income  
Wife says range \$992-\$1,270, continue \$1,200/mo.  
Husband says house sold, reduce support  
Child support \$1,010/mo., plus \$200/mo. s. 7 expenses  
Spousal support reduced to \$1,000/mo., due to reapportionment, capital gain on house

*J.W.J.McC. v. T.E.R.*, [2007] B.C.J. No. 358, 2007 BCSC 252 (Sinclair Prowse J.)  
Married 19 years, traditional, 3 children: 21, 20, 17, husband 46, wife 47 (41 sep.)  
2001 separation agreement: husband \$400,000/yr. as lawyer, property 66/34 to wife  
Child support \$5,409/mo. plus \$10,000/yr; spousal support \$2,841/mo. plus \$10,000/yr.  
Husband remarried, husband's new wife lawyer, now home, 2 children  
Wife remarried, new husband businessman  
Wife runs photography business, income stated \$6,000/yr., \$30,000/yr. imputed  
Wife still entitled, compensatory, children and helped husband through law school  
Range calculated using ceiling of \$350,000 for husband  
Guidelines range: \$6,098-\$7,595, high end chosen since husband earns more than ceiling  
Amount adjusted down for wife's income from assets, reapportionment, to \$3,772/mo.  
Indefinite, review when wife 60 in 2020 (14 years), likely terminated then

*D.L.T. v. D.T.B.*, [2007] B.C.J. No. 303, 2007 BCSC 210 (Rogers J.)  
Together 12 years (married 11), child 10 with wife, husband 48, wife 50 (48 separation)  
Equal division of property  
Wife worked as substitute teacher and tutot, one-year contract \$50,000  
Husband helicopter business, now selling avionics, commission sales, \$50,000

Child support \$465/mo, plus s. 7 expenses (no amount specified)  
Guidelines range zero to zero, spousal support dismissed, liberty to reapply if change

*Reggelsen v. Reggelsen*, [2007] B.C.J. No. 332, 2007 BCSC 219 (Halfyard J.)  
Married 16 years, children 17, 14 and 13 with husband, husband 45, wife 52  
Interim spousal support \$1,350/mo.  
Husband engineer with B.C. Ferries, earns \$87,000  
Wife no income, income of \$10,000 imputed, less than full-time, minimum wage  
Child support \$67/mo. by wife  
Spousal support \$1,400/mo., indefinite  
(Guidelines range estimated: wife no income, \$1,070-\$1,427; if \$10,000, \$890-\$1,187)

*Frouws v. Frouws*, [2007] B.C.J. No. 282, 2007 BCSC 195 (Preston J.)  
Married 18 years, husband 47, wife 42 (35 separation), 3 children with father  
Children 22, 20 and 15, all with problems, one on street, one part-time work and studies,  
15-yr-old psychiatric problems, mother now sharing time week about  
Husband pharmacy manager in Kelowna, earns \$117,000  
Wife part-time, residential care centre, earns \$18,000, income imputed \$30,000  
Guidelines less help in “these unique circumstances”, wife repartnered  
Wife seeks spousal support after 7 years separation  
No child support paid by her, wife cohabiting throughout, home split 50/50  
Husband paid debts of \$15,000, wife wrongly received retro child tax benefit  
Child support in split/shared custody, 2 vs. 1 set-off, husband pays \$492/mo.  
No spousal support  
(Guidelines range estimated: split custody range \$1,696-\$2,330)  
(Custodial payor range: \$1,346-\$1,794)

*J.W.L.S. v. J.L.S.*, [2007] B.C.J. No. 247, 2007 BCSC 174 (Edwards J.)  
Married 2 years, child 2 with wife, husband 39, wife 38  
Husband earns \$74,000  
Wife art director in film industry, earned \$70,000 at peak, now home  
Wife’s rental income \$7,200/yr.  
Interim support August 2006: \$400 child support, \$1,800 spousal support  
Child support \$689  
Guidelines range: \$1,128-\$1,642  
Spousal support order \$1,642/mo., for 11 months (18 months total)

*R.E. v. D.E.*, [2007] B.C.J. No. 226, 2007 BCSC 168 (Slade J.)  
Together 16 years (married 11), children 16, 14 and 12 with wife, husband 43, wife 42  
Husband plumber with company, works on side, income \$61,500  
Wife in federal government, maternity/unpaid leaves for children  
Wife working part-time \$27,000, full-time income imputed \$46,000  
No economic disadvantage, day care addresses ongoing disadvantage  
Child support \$1,214/mo., plus \$600/mo. for day care  
Guidelines range zero to zero, whether wife full or part-time, no entitlement

*Silliphant v. Drever*, [2007] B.C.J. No. 186, 2007 BCSC 153 (Joyce J.)  
Married 21 years, children 22 and 19 with wife, husband 47, wife 43 (39 separation)  
Husband earns \$71,620  
Child support, older child employed part-time, 1 child amount (\$668), plus ½ difference to 2 child amount  
(\$1,075), for \$872/mo.  
2003 agreement: spousal support \$300/mo., for one year ending June 2004  
Final agreement, Miglin applied, insufficient  
Wife can earn \$30,000, husband not pay full shot of her B.B.A.  
Wife quit full-time job 5 years after separation  
Guidelines range calculated: 1 child, \$411-\$940; 2 children, \$137-\$726

Spousal support of \$600/mo. ordered, indefinite

*Wettlaufer v. Wettlaufer*, [2007] B.C.J. No. 168, 2007 BCSC 137 (Master Baker)  
Together 10 years (married 8), 2 children 8 and 4, husband 39, wife 36  
Wife homemaker, cohabiting with doctor, he assisted with home purchase  
Husband excavating business, income issues, \$70,000  
Child support \$1,053  
Guidelines range: \$1,044-\$1,333, interim spousal support of \$1,000/mo.  
Careful budget analysis, especially wife's expenses, amount leaves both similarly short

*Fisher v. Fisher*, [2007] B.C.J. No. 52, 2007 BCSC 39 (Ehrcke J.)  
Together 14 years (married 6), wife 44, husband 46  
2 boys 19, attending community college, in loco parentis  
Husband earns \$78,000 as construction supervisor  
Wife personal care worker, health problems, 20 hrs/wk, \$15,000  
Interim child support \$1,285, interim spousal \$910/mo.  
Child support \$1,160/mo., children pay s. 7 expenses  
Guidelines range: \$1,238-\$1,614, \$1,400 ordered, indefinite

*D.R.M. v. R.B.M.*, [2006] B.C.J. No. 3299, 2006 CarswellBC 3177 (Martinson J.)  
Appeal from Master, Guidelines apply to interim support determination  
Together 13 years (6 married), 3 children 11, 7 and 5, wife homemaker  
Husband earns \$750,000  
Master ordered: \$6,000/mo. child support, \$8,500/mo. spousal  
Needs and means used, Guidelines rejected at interim stage  
Child support appeal allowed, no reason to depart from table, \$12,028/mo.  
Spousal support appeal dismissed, income above \$350,000  
Discretionary decision, not clearly wrong  
[Guidelines range at \$350,000, for comparison: \$6,820-\$8,229]

*C.E.A.P. v. P.E.P.*, [2006] B.C.J. No. 3295, 2006 BCSC 1913 (Rogers J.)  
Together 21 years (12 married), wife and husband 44, 4 children 13, 10, 8, 6 with wife  
Husband driver for Greyhound, earns \$56,927, child support \$1,342/mo.  
Wife on disability pension, bipolar disorder, \$9,479  
Guidelines range: 0 to 0, entitlement, but dismissal, liberty to apply if change

*Rapley v. Rapley*, [2006] B.C.J. No. 3213, 2006 BCSC 1854 (Bruce J.)  
Married 11 years, 2 children 17 and 14, split custody, both spouses age 44  
2001 separation agreement: husband grain farmer in Sask. pay \$150,000 re farm  
child support for 2, spousal support \$500/mo. to Dec. 2010  
Wife homemaker, from Hong Kong, limited English, moved to B.C. after separation  
Only \$70,000 paid on farm  
Interim orders: Nov. 2005, child support for 1 \$448  
March 2006, child support \$350, spousal support \$1,150, plus \$10,000 advance  
Husband earning \$56,200, wife no income, child support \$481/mo.  
Balance of \$80,000 on farm to be paid, spousal support \$500/mo, another 4 years  
Miglin considered, application to vary then if inadequate, youngest child 18 by then  
[Guidelines range, split custody: \$999-\$1,244]

*MacCarthy v. MacCarthy*, [2006] B.C.J. No. 3082, 2006 BCSC 1765 (Rice J.)  
Married 22 years, 3 children 19, 16, 13, with wife, husband 46, wife 45 (44 separation)  
Property divided, reapportioned 60/40 to wife, gifts from her father and disadvantage  
Wife qualified as realtor, homemaker in past, income imputed at \$10,000  
Husband logger, company, reduction in hours worked okay, \$110,000  
Child support \$1,578 (2), spousal support range \$1,578-\$2,341

Spousal support of \$2,000/mo., indefinite, no review

*Galloway v. Galloway*, 2006 CarswellBC 2758, 2006 BCSC 1677 (Macaulay J.)

Married 21 years, 2 children 21 and 18, students

Husband 59, veterinarian, earns \$235,000

Wife 52 (50 separation), started as vet, retrained as family doctor, earns \$96,000

Property division 50/50, husband's co. reapportioned 65/35 in his favour

Shared custody, no child support stated, family trust for s. 7 expenses

Spousal support: wife's choice to change careers, supported by husband

Wife working 3 ½ days per week, limits on practice by College, due to depression

Range stated by wife \$3,505-\$5,013 if husband \$275,000 and wife \$80,000

Spousal support of \$4,000/mo., to end when husband retires at 65, i.e. 6 years

[If shared custody, child support \$1,705, Guidelines range: \$1,921-\$3,335]

*L.D.D. v. G.C.D.*, [2006] B.C.J. No. 2636, 2006 BCSC 1499 (Silverman J.)

Married 14 years (plus 3 years cohabitation), husband 45, wife 41 (38 separation)

3 children – 7, 7, 6, with wife

Wife no income, return to school in 2-year course for teacher's aide

Little employment effort, in subsidized housing

Husband earns \$49,800 as engineering assistant, paid debts of \$10,000

Child support \$990, plus 100% s. 7 expenses including any day care

Interim spousal support \$500/mo., Guidelines range \$904 - \$1,284 says wife (incorrect)

Wife suggests \$635 spousal support, if husband's net income split 50/50 (incorrect)

Spousal support \$635/mo., for 2 years, \$500/mo. for 6 mos., \$300/mo. for 6 mos.

Total 6 years (3 years interim)

(Estimated actual range, no s. 7 expenses: \$364 - \$579)

*Kim v. Kim*, [2006] B.C.J. No. 2663, 2006 BCSC 1330 (MacKenzie J.)

Married 15 years, 2 children 16 and 13, with wife, wife 43, husband 45

Husband real estate agent, income issues, disclosure, deductions

Income estimated at \$90,000, conservative

Child support \$1,317, plus s. 7 expenses of \$7,000/yr., 83% by husband

Wife no income, Korean, language and health issues, interim spousal support \$1,300/mo.

Wife training as esthetician, 4 mos. to go, might earn \$15-\$16,000/yr.

Guidelines range: \$1,300 - \$1,687, *Redpath* applied

Spousal support \$1,300, indefinite, review in 5 years

[See also *Lloyd v. Lloyd*, [2007] B.C.J. No. 493, 2007 BCSC 349 (Gropper J.), listed under *without child support* formula; step-children, both formulas discussed]

[See also *Y.L. v. G.Q.*, [2006] B.C.J. No. 3087, 2006 BCSC 1774 (Shabbits J.), listed under *without child support* formula, should have been custodial payor formula]

## **MANITOBA**

**A. Appellate Decisions**  
none

**B. The Without Child Support Formula**  
none

**C. The With Child Support Formula**

*Stuart v. Multan*, [2006] M.J. No. 418, 2006 MBQB 238 (Allen J.)  
Unmarried couple; together 11 years, 2 children 13 and 10, husband 45, wife 42  
Wife earns \$46,000, husband earned \$110,000 until terminated March 2006  
Husband now makes \$61,440, severance package ends Nov. 2006  
Husband substantial time, but not 40%, child support \$860/mo.  
S. 7 expenses: camps and transportation, \$155/mo., 57% by husband  
Spousal support: no economic disadvantage, non-compensatory  
Retroactive support after separation, would have ended Nov. 2006, 3 years total  
Court would have made transition longer, amount lower, here more generous  
Guidelines argued, but not used, as obligation ended now  
2003 (3 mos) \$1,000/mo.; 2004, \$1,350; 2005, \$750; 2006, \$1,350  
[all amounts near middle of Guidelines range]

## NEW BRUNSWICK

### A. Appellate Decisions

*Carrier v. Carrier*, 2007 CarswellNB 155, 2007 NBCA 23 (Larlee J.A.)  
Married 21 years, 1 adult child  
1996 separation agreement: wife waived spousal support  
Equalization payment \$500/mo. for 3 years  
Husband then earned \$50,000, wife earned \$15,910  
Now husband earns \$30,680 non-taxable workers compensation [\$41,400 grossed up]  
Wife on social assistance, earns \$1,800  
Trial judge set aside separation agreement, ordered \$700/mo. spousal support  
*Miglin* analysis: wife vulnerable in 1996, terms “appalling”  
Order for \$700/mo. upheld, “preferable” if Guidelines had been used  
Wife accepted amount, husband did not address quantum on appeal  
(Range estimated: \$1,040-\$1,386, indefinite)

### B. The Without Child Support Formula

*Eastwood v. Eastwood*, 2006 CarswellNB 655, 2006 NBQB 413 (Clendening J.)  
Married 25 years, wife 51, husband 48, no children  
Interim interim support \$500/mo., then interim support \$775 (June 2006)  
Husband insurance appraiser, moved to Toronto, earns \$60,000  
Wife earns \$30,773, incomes similar until 2002 then his increased  
Wife requesting \$900/mo. based on Guidelines [range \$911-\$1,216]  
But both worked, no hardship, equal assets, wife self-sufficient  
No entitlement and hence Guidelines no application, arrears to be paid

*Corney v. Corney*, [2006] N.B.J. No. 484, 2006 NBQB 384 (d’Entremont J.)  
Married 21 years, second marriage, no children, children of previous relationships  
Husband 55, wife 60 (58 separation)  
Wife custodian, earns minimum wage \$18,000, worked throughout marriage  
Husband truck driver, earns \$40,000, new partner (\$18-\$20,000)  
Range \$578-\$770, support of \$600/mo., indefinite

*Fournier v. Fournier*, [2006] N.B.J. No. 443, 2006 NBQB 357 (Wooder J.)  
Together 10.5 years (8 married), second marriage, wife 48 (45 separation), husband 49  
Wife CPP disability, workers comp (\$13,680 not taxed, grossed up) \$27,792  
Marital property divided, both spouses repartnered, no details re partners  
Husband earns \$81,095 as mechanical engineer  
Guidelines range: \$700 - \$933, 5.25 to 10.5 years  
Interim spousal support \$1,200, paid for 2 ½ years (above range, reflected in duration)  
Non-compensatory support, \$815/mo., for 5 more years

*Walsh v. Walsh*, [2006] N.B.J. No. 441, 2006 NBQB 338 (Wooder J.)  
Married 29 years, 3 children (28, 25, 23), wife 50 (48 separation), husband 52  
Youngest child (23) with husband, kidney transplant in 1997, finished school  
Husband at Canada Post, \$48,026, wife convenience store clerk, \$13,817  
No request for child support, no obligation as no evidence re disability and abilities  
*Without child support* formula used, range: \$1,069 - \$1,425  
Lower end, \$1,070/mo., indefinite

*Trewin v. Trewin*, [2006] N.B.J. No. 421, 2006 NBQB 341 (Bell J.)  
Married 28 years, wife 52, husband 53, 1 child (30), special needs  
Husband RCMP officer, 25 years, retired, then N.B. government, now on disability  
Wife health problems too, 7 relocations in RCMP, interim support \$1,700/mo.

Marital debts exceed assets, wife pays husband \$7,218, pensions divided  
Wife imputed income of \$6,000, husband receives \$45,800 (incl. grossed-up benefits)  
Range: \$1,244 - \$1,658  
Maximum \$1,650 ordered, indefinite, to equalize living standards

**C. The With Child Support Formula**

*Saunders v. Saunders*, 2007 CarswellNB 163, [2007] N.B.J. No. 120, 2007 NBQB 133 (d'Entremont J.)  
Married 8 years, 2 children 6 and 4, wife at home, 4 moves in 8 years  
Husband engineer in Armed Forces, earns \$90,971, new partner (\$10,000) and 1 child, to Ottawa  
Wife to B.C., working on college and education degree, 5 year plan, 3 more years, no income  
Interim support: \$600 child, \$500 spousal, wife seeks 5 years of spousal support  
Child support \$1,292 (Ont.), plus child care expenses of \$324/mo, husband pays \$259/mo.  
No undue hardship for debts or access expenses  
Economic disadvantage, spousal range \$1,058-\$1,545  
Order for \$1,058, indefinite, review in April 2009

*R.R. v. N.R.*, [2007] N.B.J. No. 3, 2007 NBQB 7 (d'Entremont J.)  
Married 6 years, 2 children 10 and 7  
2003 order: child support \$643, spousal \$600/mo.  
Husband's business declined, income dropped from \$48,000 to \$37,640  
Child support reduced to \$546/mo.  
Wife retrained, job with government, income increased from \$8,580 to \$30,838  
S. 7 child care expenses: \$8,160/yr., net \$3,918, husband pays 55%, \$180/mo.  
Guidelines range: 0 to 0, no entitlement, self-sufficient  
Support paid 6 years, length of marriage

*J.A.M. v. D.L.M.*, [2006] N.B.J. No. 453, 2006 NBQB 359 (d'Entremont J.)  
Married 6 ½ years, 2 children 7 and 4 with wife  
Interim order: imputed \$70,000 to husband, child support \$898, spousal \$1,000/mo.  
Husband superintendent of rental properties, minor shareholder, parents' corporation  
Wife obtained work, 2 part-time jobs, around children's schedules, \$19,000  
Property divided, husband's income determined as \$42,683  
Child support \$611, plus husband to pay \$948 for \$1,185 child care paid  
Both parents paid extracurricular expenses, husband \$877, wife \$152  
Wife seeks \$1,000/mo., for 4 years (15 months paid already)  
Guidelines range: 0 to 0, husband says no support  
Short marriage, wife young, educated, employed, no entitlement

## **NEWFOUNDLAND AND LABRADOR**

### **A. Appellate Decisions**

none

### **B. The Without Child Support Formula**

*Vanderlans v. Vanderlans*, 2007 CarswellNfld 119, [2007] N.J. No. 121, 2007 NLUFC 8 (Dunn J.)

Married 25 years, adult children now 30 and 25

2001 consent order: \$2,000/mo. combined child and spousal support deductible  
plus \$200 “additional” spousal support to December 2005

2002 consent order: \$2,000 plus now \$400

Provisional order 2005 from N.S.: extended support another 5 years, at \$1,600/mo.

Guidelines range: \$1,533-\$2,044

Husband RCMP officer, retired at 55 in 2005, pension \$31,000

N.S. court imputed \$60,000

Wife health problems, now 55, paid board by husband’s mother

*Miglin* analysis: stage 1 okay, no change at stage 2

No evidence on *Boston* double dipping issues

Provisional order not confirmed

### **C. The With Child Support Formula**

*Stamp v. Stamp*, [2006] N.J. No. 324, 2006 NLUFC 43 (Cook J.)

Married 25 years, 2 children, 1 adult (25), 1 16 with husband

No child support, no s. 7 contribution, wife no income

April 2006 consent interim order: \$1,050/mo., wife then WCB \$14,000

WCB ends Dec. 2006, wife graduates as teacher, looking for work

Husband earns \$62,500, interim support increased to \$1,950/mo., “within parameters”

[Custodial payor range: \$1,613-\$2,150]

## **NORTHWEST TERRITORIES**

**A. Appellate Decisions**  
none

**B. The *Without Child Support* Formula**

*Gross v. Gross*, 2006 CarswellNWT 80, 2006 NWTSC 66 (Charbonneau J.)

Married 6 years, separated 2000

Husband's child of previous relationship, 9 when married, now 21

Wife immigrant from Moldova, pianist and music teacher, moved to NWT

Now suffering from schizophrenia, treatment, at best part-time employment

Wife on social assistance, property divided equally, seeks \$2,500/mo. support

Husband earns \$83,758; argues SSAG and says range \$400-\$500/mo

Non-compensatory support, indefinite given illness

Guidelines not helpful, "unique" case, \$900/mo. ordered

[Range \$628-\$837, no reference to disability exception]

**C. The *With Child Support* Formula**  
none

## NOVA SCOTIA

### A. Appellate Decisions

none

### B. The Without Child Support Formula

*Shurson v. Shurson*, 2007 CarswellNS 142, [2007] N.S.J. No. 129, 2007 NSSC 101 (Legere-Sers J.)  
Married 28 years, 3 children, youngest (22) in university, father pays her \$925/mo.  
Husband 53, wife 50 (47 at separation), husband armed forces  
Spousal support of \$2,500/mo. paid 2004-2006  
Guidelines support indefinite support, but subject to review when pension divided  
Wife earns \$22,747 working 80% part-time, income imputed of \$25,000, even \$30,000  
Husband earned \$160,000 in 2006 (\$140,000 other years), work and pension, repartnered  
Spousal support of \$3,500/mo. ordered  
(Range estimated: \$3,391-\$4,521 if \$160,000 and child support considered)

*Adams v. French*, 2007 CarswellNS 97 (S.C.), [2007] N.S.J. No. 91, 2007 NSSC 57 (Wilson J.)  
Married 4 years (cohabited 4 ½), 2<sup>nd</sup> marriage, each adult children  
Unequal division of matrimonial assets, husband keeps premarital RRSPs, 66% of house  
Husband chartered accountant, earned \$68,600 in 2005  
Wife in photography business, then real estate broker, earned \$23,900 in 2005  
No compensatory support, as wife established career during marriage  
Range: \$250-\$330/mo., 2 to 4 years (global range: \$6,000-\$17,820)  
Lump sum spousal support of \$7,500 ordered

*Horne v. Horne*, [2007] N.S.J. No. 78, 2007 NSSC 61 (Legere-Sers J.)  
Married 25 years, husband 48, wife 49, 2 adult children, traditional marriage  
Husband CN Rail, earns \$78,800, but on disability for part of 2006  
Wife part-time with Liquor Commission, part-time grocery store, \$22,000  
Interim spousal support of \$1,500, Guidelines considered, “under” Guidelines  
(Guidelines range estimated: \$1,775-\$2,366)

*C.E.H. v. D.W.S.*, [2007] N.S.J. No. 7, 2007 NSFC 1 (Comeau C.J.F.C.)  
Together 15 years (3 married), no children  
Husband earns \$59,061 for municipality, wife employment insurance \$4,785  
Both involved in losing property rental business, wife as manager  
2004 consent order: \$1,200/mo. indefinite, review 2 years later  
Agreement so Advisory Guidelines not used, \$1,200 continued  
Guidelines would reduce amount (?) [but range \$1,018-\$1,357 estimated]

*Coady v. Coady*, [2006] N.S.J. No. 530, 2007 NSSC 394 (Williams J.)  
Married 21 ½ years, husband 61, wife 57, 2 adult children, separated 1993  
Husband mayor in 1993, earning \$92,000, part tax-free  
Wife no income, depression, stayed in matrimonial home, delayed payment to husband  
Spousal support \$3,500/mo. agreed in 1993, reduced in two stages to \$3,158 in 1997  
Husband unilaterally reduced to \$1,083/mo. later in 1997  
Interim without prejudice variations, to \$2,000/mo. in 2003, to \$1,000/mo. in 2005  
Husband now receiving only pension, \$28,236, remarried, new wife \$27,600  
Wife receives pension and rent, \$13,158/yr., daughter lives with her rent-free  
Guidelines “of limited utility here”, retroactive spousal support  
1998: \$1,900/mo. (estimated range: \$1,586-\$2,114)  
1999: \$1,900 (range: \$1,662-\$2,216)  
2000: \$1,900 (range: \$1,701-\$2,268)  
2001: \$2,000 (range: \$1,886-\$2,515)  
2002: \$2,000 (range: \$1,833-\$2,444)

2003: \$1,900 (range: \$2,021-\$2,695)  
2004: \$1,600 (range: \$2,135-\$2,847)  
2005: \$1,200 (range: \$989-\$1,305)  
2006: \$650 (range: \$405-\$540), indefinite

Equalization payment from wife offset against retroactive support

*Pentz v. Cutcliffe*, [2006] N.S.J. No. 544, 2006 NSFC 49 (J. Campbell J.)  
Together 18 years, wife 58, husband 46, no children  
Husband letter carrier, earns \$48,000  
Wife earns \$8,000 as personal care worker  
Wife seeks indefinite support, husband says maximum 6 years  
Range: \$900-\$1,200, 9 to 18 years  
Non-compensatory support, for 4 years at \$990/mo.

### **C. The With Child Support Formula**

*Vanderlinden v. Vanderlinden*, [2007] N.S.J. No. 107, 2007 NSSC 80 (Campbell J.)  
Together 7 years (married 5), 1 child 6  
Husband ex-military, pension, \$60,000  
Wife student loan debt \$16,000, going to CompuCollege, tuition \$15,850  
Wife no income  
Child support \$523 (\$450 before)  
As self-reps, negotiate agreement August 2005 using Guidelines:  
Spousal support at \$1,100/mo. for 65 months, \$71,400  
Wife accepted \$600/mo. for 3 years, husband assumed all debts  
Then \$13,800 left to pay, at \$115/mo. afterwards  
Miglin/property: not substantial compliance, unfair re debts  
Husband relieved of wife's student loan payments and \$13,800 support  
Continue \$600/mo. to August 2008, wife graduates April 2007  
Criticisms of *without child support* formula, but this *with child support* formula  
(Guidelines range estimated: *with child support* formula, \$1,153-\$1,460 after May 2006)  
(Range before May 2006, child support \$450, spousal \$1,049-\$1,313, mid-point \$1,176)

*Horvath v. Horvath*, [2007] N.S.J. No. 90, 2007 NSSC 70 (Wilson J.)  
Married 8 years, 2 children 11 and 8, with wife, husband 35, wife 40  
Wife unemployed, limited income as casual teacher's aide  
Husband electrician earns \$53,540, in bankruptcy  
Child support \$763  
Spousal support entitlement, Guidelines range \$664-\$903/mo.  
Support of \$650/mo., indefinite, as wife some ability to earn

*J.E.M. v. L.G.M.*, [2007] N.S.J. No. 69, 2007 NSSC 52 (B. MacDonald J.)  
Married 18 years, children 14 and 12 with wife  
Husband works for federal government, earns \$56,694  
Wife income from investments \$3,460/yr.  
Child support \$796, plus all s. 7 expenses, equal division of property  
Husband offers \$450 based on Guidelines (using higher income for wife)  
Guidelines range: \$499-\$763, order for \$550/mo.

*Kays v. Kays*, [2007] N.S.J. No. 1, 2007 CarswellNS 2 (Legere Sers J.)  
Together 2 years and 3 months, (married 15 mos.), 1 child 5, mother's 16-year-old  
Husband retired from Armed Forces 2003, now engineering co., earns \$95,226  
Dec. 2002 consent order: child support \$950, spousal \$1,150, plus \$1,500 house expenses  
Corollary relief judgment 2005: child support \$680, spousal \$1,519  
Wife 34 (31 separation), teacher in England, returning there  
Wants to do 4 ½ year nursing degree, but no serious employment effort

Child support \$803/mo., husband also pays \$700/mo. for another child  
Counsel criticized for no Guidelines calculations  
Spousal support \$1,519/mo. for 5 mos., \$1,000 for 7 mos., then end, 5 yrs paid total  
[Estimated range if wife no income: \$1,604-\$2,074; if \$20,000 imputed, \$795-\$1,394]

*McIntyre v. McIntyre*, [2006] N.S.J. No. 529, 2006 NSSC 380 (Warner J.)  
Interim support, 3 children, 5, 3 and 1, oldest autistic  
Husband earns \$75,500, wife earns \$30,000 as self-employed chiropractor (imputed)  
Child support \$1,371/mo.  
S. 7 expenses: \$866/mo. child care, \$362/mo. special diet, husband pays \$450, wife \$189  
Guidelines range: 0 to \$384; at zero, 44% INDI to wife, 62% cash flow  
Wife's budget no deficit, only low income imputed, zero interim spousal support

*H.P. v. D.P.*, [2006] N.S.J. No. 511, 2006 CarswellNS 560 (Levy Fam.Ct.J.)  
Married over 15 years, 2 children 15 and 11, with wife  
Husband earns \$24,459 at building supply store, wife \$14,712 in retail  
Child support \$362/mo., tax advantages to spousal support over s. 7 expenses  
Spousal support \$175/mo., even though Guidelines range: 0 to 0  
Support for 18 months until divorce and sale of home

## **NUNAVUT**

**A. Appellate Decisions**  
none

**B. The *Without Child Support* Formula**  
none

**C. The *With Child Support* Formula**

*H.T. v. C.T.*, [2006] Nu.J. No. 21, 2006 NUCJ 19 (Johnson J.)

Application to vary child and spousal support, reduction in income

Interim child and spousal support: \$4,250

Recipient wife disabled, husband lost contract, lower income, consumer proposal re debts

Husband's net income \$1,400 after payment of support

Husband has common law spouse and 2 children

Child support \$1,173

Guidelines range: \$968 - \$1,607 (incomes not stated)

Spousal support reduced to \$2,577, total \$3,750 support

## ONTARIO

**A. Appellate Decisions**  
none

**B. The Without Child Support Formula**

*Rezel v. Rezel*, [2007] O.J. No. 1460 (S.C.J.)(Harvison Young J.)  
Married 5 years, second marriage, wife 61, husband early 60's  
Both computer analysts, earning \$100,000 at separation in 1998  
Wife loses job in 2004, seeks spousal support  
Husband uses Guidelines to argue that duration ended, delay  
Short marriage, no merger of economic lives, wife not serious about return to work  
No entitlement

*Jones v. Wilson*, [2007] O.J. No. 896, 2007 ONCJ 93 (Thibideau J.)  
Together 6 ½ years, wife 55  
Cohabited more than 3 years in marital relationship, despite husband's arguments  
Husband earns \$50,000 as long-haul truck driver  
Wife earns \$15,000 as cleaner, teenage son  
Guidelines ranges provided for different periods of cohabitation  
Range: \$306-\$408 for 3 to 6 years, spousal support ordered \$350/mo. for 3 years

*Lewis v. Lewis*, [2007] O.J. No. 742 (S.C.J.)(Aitken J.)  
Married 29 years, husband 50, wife 47, 3 children 30, 29 and 22  
Net family property calculated and split  
Wife worked part-time and full-time at nursing home, now full-time clerk/receptionist  
Wife earns \$35,188, new partner  
Husband worked at AECL as fireman, wrongfully dismissed, settlement, \$60,600 (2 yrs. salary)  
Husband operates fencing business, earns \$32,000/yr., i.e. \$92,600 to Dec. 2006  
Range: \$1,811-\$2,415  
Equal partnership, long marriage, equal incomes  
Wife only requested \$2,000/mo., less than equalization  
Interim spousal support: \$2,000/mo. to Dec. 2006  
Nothing from Jan. 2007 when husband's income just from fencing, revisit at trial

*Serra v. Serra*, [2007] O.J. No. 446 (S.C.J.)(Herman J.)  
Together 26 years (married 24), husband 62, wife 56 (50 separation)  
1 child of wife's 1<sup>st</sup> marriage, plus 1 of this marriage, both adults  
Wife worked early years, then home since 1983, no income  
Interim support \$12,500/mo., December 2002 on  
Husband owns marine and textile businesses, decline since separation  
Net family property \$10 million, equal division means \$3.3 million payment plus condo  
Husband salary imputed at \$250,000  
Wife limited skills, but self-sufficiency includes generating income from assets  
Her income imputed at \$43,000/yr.  
Spousal support \$10,000/mo., until transfer of husband's condo interest, then \$7,500/mo.  
Indefinite, but no support while husband pays equalization instalments Sept/07 to Sept/11  
(Guidelines range estimated: \$7,812-\$10,416, wife no income; \$6,469-\$8,625 if \$43,000)

*Colquhoun v. Colquhoun*, [2007] O.J. No. 9, 2007 CarswellOnt 18 (Whalen J.)  
Married 20 years, husband 54, wife 49 (41 separation), no children  
Husband's job ended 2004, running common law wife's Molly Maid business and rentals  
Income imputed of \$50,000  
Wife personal care worker and rentals, imputed income \$20,800  
Interim support \$1,000/mo., 2 years paid

Guidelines range: \$730-\$973, indefinite  
Final order \$1,000/mo., leaves husband 52.6% net income, wife 47.4%

*Lopez v. Tarnocai*, [2006] O.J. No. 5318 (S.C.J.)(Herman J.)  
Together 5 years, both from Mexico  
Wife medical doctor, but visitor, working as exotic dancer, \$14,400/yr.  
Husband geologists, earning \$100,000 (\$208,751 in 2005)  
Interim spousal support of \$1,000/mo. ordered  
Considered Guidelines, NDIs, different results  
(Guidelines range \$537-\$716/mo., 2.5-5 years, restructured \$1,084-\$1,432, 1-2.5 years)

*Friend v. Paul*, [2006] O.J. No. 5315 (S.C.J.)(Herman J.)  
Married 17 years, 4 children, one now at university  
1994 order for \$1,500/mo. interim interim child and spousal support, never varied  
Last child finishing university in April 2007  
Husband earns \$64,604, wife earns \$41,000  
Child support, budget, \$244 rent plus \$250 expenses, total \$496/mo.  
Wife seeks \$500/mo. spousal support, 13 years since separation, still entitled  
Spousal support of \$300/mo. to April 2007, over 50% NDI  
After April 2007, \$500/mo. (Guidelines range: \$502-\$669)

*Soper v. Soper*, 2006 CarswellOnt 7496 (Matheson J.)  
Together 24 years (married 20), 1 adult child 23  
Husband at Inco, earns \$83,862, wife day care worker \$15,205  
Interim support \$1,000/mo. (Sept. 2003), \$1,500/mo. (June 2006)  
Guidelines considered, support \$1,800/mo., indefinite  
[Range \$2,060-\$2,746, but if only 20 years used, \$1,716-\$2,288]

*Fournier v. Burton*, [2006] O.J. No. 4084, 2006 CarswellOnt 6201 (S.C.J.)(Smith J.)  
Married 20 years, wife 44 (39 separation), 2001 consent order: \$1,200/mo., indefinite  
Husband applies to vary to terminate or time limit  
Wife took courses for Grade 12, community college, but ill with cancer/depression  
Change in circumstances, not making \$20,000 5 years later, unlike expected  
Husband's income unchanged, \$53,100 (estimated as not stated)  
Guidelines range: \$1,488 - \$1,770, higher than order  
Order continued, review in 4 years

*Lehtomaa v. Lehtomaa*, [2006] O.J. No. 4130 (S.C.J.)(Shaw J.)  
Married 40 years, husband 73, wife 65 (63 separation)  
Guidelines range: \$442 - \$590, wife seeks income equalization, \$500 spousal support  
Equal lifestyles, not incomes, use means and needs  
Husband significant medical issues: loss of arm, hip replacement, cancer, cataracts  
Uses scooter, his needs greater  
Husband's income \$2,828/mo. (OAS, CPP, pension, workers comp)  
Wife's income \$1,648 (OAS, CPP, pension)  
Interim spousal support: \$100/mo. to equalize [disability exception?]

*Kerr v. Magnan*, [2006] O.J. No. 4127 (S.C.J.)(Platana J.)  
Married 39 years, wife retired (June/06), husband already retired  
No spousal support in 2004 divorce  
Guidelines not of assistance where low incomes, needs and means used  
Husband's "net": \$2,450/mo., wife's "net": \$1,329/mo.  
[Grossed up \$38,500 vs. \$19,000, range \$409-\$812]  
Interim spousal support \$300/mo.

*Hance v. Carbone*, 2006 CarswellOnt 7063 (Ont.S.C.J.) (Staysbyn J.)

listed under *with child support* formula; should actually have been *without child support* formula

### C. The With Child Support Formula

*Yeates v. Yeates*, 2007 CarswellOnt 2107 (S.C.J.)(Greer J.)

Married 15 years, husband and wife 48, 3 children 17, 14 and 11, with wife

Child 17 has cerebral palsy/epilepsy and child 14 autism

Wife home with little respite, access issues

Husband accountant with CRA, earns \$108,872

Child support \$1,964

Section 7 expenses: wife gets \$16,500/yr. subsidies for special needs, list “unattainable”

Husband to pay \$1,300/mo. for expenses

Interim spousal support \$2,500/mo., wife seeks permanent spousal support of \$3,500, can’t work

Husband argues Guidelines, *Andrews*, maximum 60/40 NDI split

Order for \$2,500 indefinite, well above Guidelines range (estimated \$848-\$1,233)

(Special needs exception?)

*Fell v. Fell*, [2007] O.J. No. 1011, 2007 CarswellOnt 1604 (S.C.J.)(Linhares de Sousa J.)

Married 12 years, 3 children 12, 9 and 4

Shared custody, equal time, interim for 18 mos., continued

Wife part-time nurse, \$43-44,000, secondary earner in marriage

Would earn \$70-80,000 if full-time

Husband pilot in Armed Forces, earns \$95-96,000

Child support set-off: \$1,762 - \$816 = \$946/mo.

Interim spousal support \$400/mo.

Wife can keep working part-time until youngest in full-time school, given history

Mid-point of Guidelines range leaves consistent standard of living, \$450/mo.

(Guidelines range estimated: \$99-\$784, mid-point \$444)

Review when full-time school, wife’s income expected to be \$70,000 then

*Ansara v. Ansara*, [2007] O.J. No. 783 (S.C.J.)(Del Frate J.)

Married 17 years, 1 child 8, with wife

Husband lawyer and director, community legal clinic, \$106,000

Wife deputy town clerk, earns \$49,143

Child support \$924 interim

Guidelines range: \$642-\$1,435, \$1,000/mo. interim spousal support ordered

*Martin v. Martin*, [2007] O.J. No. 467 (S.C.J.)(Linhares de Sousa J.)

Married 9 years, children 13 and 8

Property divided 75/25 to wife, husband’s debts to wife reduces payment to zero

Husband alcohol and cocaine problems, now working for Dell, \$36,000

Child support \$518, 27% of s. 7 expenses (\$165/mo.)

Husband seeks spousal support, wife earns \$90,000

Husband claims \$300-\$400/mo for 3 years, based on Guidelines

Entitlement, lump sum of \$15,000 for disadvantage from marriage breakdown

(Guidelines range estimated, custodial payor: \$414-\$552, 4.5 to 9 years)

(Lump sum awarded, after tax adjustment, at low end of global range)

*Vynnk v. Baisa*, [2007] O.J. No. 274 (S.C.J.)(Klowak J.)

Married 10 years, husband 39, wife 33, 1 child aged 3 with wife

Husband critical care nurse, paid through own company, earns \$87,000

Child support \$774

Wife earns \$39,000

Compensatory basis: wife waitressed, two jobs, to put husband through school,

Delayed her own education, now likely to return to school

Periodic spousal support \$2,000/mo. for 5 years, 61% NDI

Increased for education, not adequately addressed by Guidelines  
Plus lump sum support \$75,000 [all within global range at Guidelines maximum]

*Skirten v. Lengyel*, [2007] O.J. No. 679 (S.C.J.)(Platana J.)  
Unmarried couple, together 5 years, 1 child 3, with wife  
Husband labourer, earns \$24,960, wife earns \$16,682  
Child support \$224/mo.  
Guidelines range: zero to zero  
Husband not appearing, owns house and motorcycle, wife seeks \$112/mo.  
Court looks at household standard of living comparison  
“Notwithstanding Guidelines”, husband should pay something, \$50/mo.

*Davies v. Davies*, [2007] O.J. No. 388 (S.C.J.)(Herman J.)  
Married 11 years, 2 children 9 and 6, with wife  
Husband Environment Canada scientist, earns \$66,388  
Wife earns \$32,000  
Child support \$992/mo. plus child care  
Wife home 7 years, til last in school (2004)  
Mid-point of Guidelines range is zero, leaves wife with 56% NDI (range: zero to \$247)  
No interim spousal support

*Johal v. Johal*, [2006] O.J. No. 5264 (S.C.J.)(Hambly J.)  
Married 12 years, 3 children 10, 9 and 5, interim interim custody with wife  
2005 incomes used: husband police officer earns \$81,071, cohabiting, new home  
Wife labourer, earns \$33,015  
Interim child support \$1,528/mo., plus \$280 s. 7 expenses contribution  
Spousal support: Guidelines range zero to \$333 says husband  
Interim spousal support \$100/mo., leaves wife with 60%+ NDI

*Humphrey v. Humphrey*, 2006 CarswellOnt 8251 (S.C.J.)(G.P. Smith J.)  
Married 17 years, 3 children 20, 18 and 18, husband 48, wife 47 (45 separation)  
All with wife, oldest employed part-time, part-time university  
Husband in family business, income issues, \$60,000  
Wife homemaker, small home-based business, no interim sale of home  
Child support \$902 (2 only), Guidelines range: \$1,083-\$1,361  
Interim spousal support ordered \$1,300/mo.

*Smylie v. Smylie*, [2006] O.J. No. 4716 (Ont.S.C.J.)(Shaw J.)  
Together 27 years (married 22), 3 children 20, 17, 8, with wife, both 46 years old  
Husband lumber yard manager in Timmins, earns \$34,762  
Child support \$517 (2), s. 7 child care expenses \$46/mo. by husband  
Property: wife keeps home, pays equalization of \$40,326 to husband  
Wife 2 part-time jobs, nurses registry and KFC, earns \$16,296  
Wife home until 2004 separation, traditional marriage  
Husband cohabiting, new partner makes \$40,000  
Range: 0 - \$89, spousal support of \$200/mo., 60% NDI to wife

*Ghahrai v. Mohammed*, [2006] O.J. No. 4651 (Ont.S.C.J.)(Fragomeni J.)  
Married 9 years  
2004 settlement: \$1,000/mo. for 18 mos., 26 mos. paid interim, plus \$6,000 lump sum  
Wife applies to vary and seeks interim, support stopped April 2006, s. 17(10) applies  
Wife wants to complete B.Sc. Nursing, 4 more years, \$14,000 OSAP loan  
Husband earns \$80,000, has 2 (?) children, \$700/mo. day care  
Husband says Guidelines range \$692-\$922, 4 ½ to 9 years, paid \$50,000 (\$692x6 yrs.)  
Application dismissed

*Verbey v. Verutis*, [2006] O.J. No. 4267 (S.C.J.)(Turnbull J.)  
Married 18 years, 2 children 13 and 8  
Custody issues, interim equal shared custody  
Husband engineer, earns \$109,000  
Wife primary school teacher, disability, no benefits, no income  
Child support not stated (estimated as \$1,514/mo.)  
Guidelines range: \$1,880-\$2,483  
Interim spousal support \$1,800/mo.

*Hance v. Carbone*, 2006 CarswellOnt 7063 (Ont.S.C.J.) (Stayshyn J.)  
Married 17 ½ years, husband 46, wife 43 (36 separation)  
4 children: 24, 22, 22, 20, traditional marriage  
1999 separation agreement: total support of \$1,083, \$611 child, \$472 spousal  
Spousal support for 6 years only  
Wife working part-time at Walmart, \$13,500, husband earns \$38,500  
Guidelines range stated to be \$367-\$582, *with child support* formula  
Spousal support of \$472/mo. ordered, 15 years  
But no child support, no proof children of marriage  
[*Without child support* formula range: \$547-\$729]

## SASKATCHEWAN

### A. Appellate Decisions

none

### B. The Without Child Support Formula

*Kirk v. Hackl*, [2007] S.J. No. 87, 2007 SKQB 82 (Wilkinson J.)

Cohabited 44 months, both husband and wife have alcohol and health issues

Wife functionally blind, non-compensatory basis for support, disability exception

Husband earns \$69,384 in family business

Wife imputed rental income \$5,040, few details of her past income or disability income

Interim spousal support \$1,000/mo., economic dependency

(Guidelines range estimated: \$322-\$429)

*Rezansoff v. Rezansoff*, [2007] S.J. No. 37, 2007 SKQB 32 (Sandomirsky J.)

Married 6 years, second marriage, no children, wife 60, husband 67

Interim spousal support: \$1,200/mo. for 16 mos.

2004 trial: \$1,100/mo., review in 2 years

Husband seeks termination on review, husband now receives \$47,708 in pensions

Wife receives \$6,024 pension, unemployable, health problems

Guidelines range: \$625-\$833, 3 to 6 years, husband paid \$13,014 more than maximum

Non-compensatory support, 6 more months, \$625/mo., 4 years total duration

### C. The With Child Support Formula

*Aalbers v. Aalbers*, [2006] S.J. No. 757, 2006 SKQB 530 (Sandomirsky J.)

Married 17 years, 5 children 16, 15, 12 (Downs syndrome), 8 and 6, with wife

Wife homemaker, husband earns \$115,312 as hog and grain farmer

Income of husband: \$19,025 tax return, plus \$96,285 via s. 18 from numbered co.

Interim child support \$2,741/mo.

No interim spousal support: wife's income \$50,556 with child support and child benefits

Wife lives in family home, husband pays taxes and utilities, use of family van

Guidelines no help where entitlement not yet established

[Guidelines range estimated as \$688-\$1,083]

*Brossart v. Brossart*, [2006] S.J. No. 637, 2006 SKQB 455 (Wilson J.)

Married 18 years, 2 children 15 and 13

Husband quit farming, earns \$55,200, no net income from farm rental

Child support \$771/mo., husband pays \$70/mo. extracurricular expenses (75%)

Wife earns \$18,500, wife says Guidelines range \$99 - \$534 if husband earns \$61,700

Judge estimates range with ChildView: \$149 - \$298

Interim spousal support \$300/mo. (husband had paid \$280/mo. interim)

## **YUKON TERRITORY**

**A. Appellate Decisions**  
none

**B. The *Without Child Support* Formula**  
None

**C. The *With Child Support* Formula**

*Holmes v. Matkovich*, 2007 CarswellYukon 11, 2007 YKSC 11 (Veale J.)

Together 18 years (married 6), 1 child 16, with wife, wife 48, husband 45

Husband failed to disclose, pleadings struck, uncontested hearing

Spouses built up hay farm since 1994

Wife many health problems, receives income from trust fund, \$44,000 in 2006

Husband operates farm, prospecting, gold mining, heavy equipment rental, incorporated co.

Income issues, estimated at \$211,000

Child support \$1,555, farm 100% to wife on property division

Range: \$3,753-\$5,013

Self-sufficiency not practicable, not high end as farm to wife, some equality in living standards

Order for \$4,000/mo., indefinite