

**Appendix British Columbia SSAG Decisions
(this is a complete list from January 2005 to June 2007)**

British Columbia

A. Appellate Decisions

Yemchuk v. Yemchuk, [2005] B.C.J. No. 1748, 2005 BCCA 406 (Prowse J.A.)

Married 35 years, one grown child, husband 63 at trial, wife 61.

Family assets divided equally, trial judge found no entitlement to spousal support

Entitlement found on appeal, both compensatory and non-compensatory grounds

Engineer husband retired early in 1997,

as wife transferred to Manitoba in federal government

No issue as to duration, as husband only claiming support until wife retired at 65

Husband 's income \$37,600, wife makes \$75,000

Guidelines range under *without child support* formula: \$1,190 to \$1,580

Guidelines "a useful tool to assist judges", "intended to reflect the current law"
citing *W. v. W.*

Extensive discussion of Guidelines issues, not evidence but part of counsels' submissions

Support fixed at \$1,100, to reflect wife's "expenses relating to employment (including clothing, transportation expenses and significant compulsory employee deductions)"

Tedham v. Tedham, [2005] B.C.J. No. 2186, 2005 BCCA 502 (Prowse J.A.)

Married 16 years, wife now 52 (47 at separation), husband now 47, traditional marriage

Two children, 20 and 21, "deemed independent", direct support from husband

Wife earns \$25,000 part-time retail, income imputed of \$30,000

Husband estimated to earn \$343,000 in computer software sales

Payment by husband of \$95,850 to reapportion property

Was paying \$1,589 child support and \$4,000 spousal to wife

Chambers judge ordered diminishing time-limited support for 3 more years: \$6,000/mo. year 1, \$4,000 year 2, \$2,000 year 3, then zero, to encourage self-sufficiency

No time limit, only partial compensation, indefinite order substituted, subject to review
if husband's medical condition (legal blindness) interferes with income

Amount fixed at \$6,000, Guidelines range stated as \$6,300 to \$8,500 for 8 to 16 years

Lower than range because of reapportionment order

(*Without child support* range: \$6,260-\$8,347, if incomes as stated)

[Custodial payor formula range (no child support from wife): \$4,712-\$6,283]

Kopelow v. Warkentin, [2005] B.C.J. No. 2412, 2005 BCCA 551 (Smith J.A.)

Married 12 years (plus one year cohab), 2 children 15 and 13, with wife

Wife earns \$30,000, now 55 (49 at separation), husband earns \$177,000

Wife challenging marriage agreement property division, 78 per cent to husband

Child support \$1,995, wife also entitled to spousal support

Range \$3,037-\$4,015, \$3,500/mo. ordered

With these support amounts, marriage agreement not unfair

Toth v. Kun, [2006] B.C.J. No. 739, 2006 BCCA 173 (Hall J.A.)

Married 10 years, no children, husband 64, wife 41

Interim support \$2,300/mo., varied to \$2,400 in April 2003

Wife health problems, but will recover, poor English

Husband earned \$70,000, but now retired, only \$42,000

At trial: support varied to \$1,500, indefinite

On appeal: too onerous, so time limited, step-down

\$1,200/mo. to Sept. 2006, then \$1,000/mo. to Sept. 2009, support paid 6 ½ years

Range \$525-\$700, 5 to 10 years [within global range on restructuring]

Redpath v. Redpath, [2006] B.C.J. No. 1550, 2006 BCCA 338 (Newbury J.A.)

Married 18 years, wife 41, division of assets issues

5 children 8 to 18, oldest with husband, next with wife, 3 shared

Husband earns \$260,000, bakery business, income issues, wife no income

Trial: child support \$4,000/mo., spousal support \$3,500/mo., review in 3 years

(4 child table amount \$4,296)

Advisory Guidelines may affect standard of appellate review

Guidelines range: \$4,542-\$5,510, not referred to by trial judge

Trial judge overemphasized self-sufficiency, amount "simply too low"

Spousal support of \$5,000/mo., review in 5 years as children young, wife needs training

R.S.M. v. M.S.M., [2006] B.C.J. No. 1756, 2006 BCCA 362 (Saunders J.A.)

Married 30 years; 2 grown children

Separation agreement in 2001 providing for spousal support of \$700/mo and division of assets (at time of agreement husband unemployed, having lost job earning \$65,000; wife earning \$23,700)

Wife tries to avoid agreement, claims greater share of assets and increased support

Husband now earning \$78,000 and wife \$36,000

Trial judge finds that agreement was not fairly negotiated (wife vulnerable and no proper legal advice) and that at time of formation it did not comply substantively with Divorce Act objectives; orders

spousal support of \$1,600/mo after considering SSAG range

(Guidelines range not stated, estimated at \$1312-\$1750)

Order upheld on appeal.

Re *Miglin* stage one, wife vulnerable but no substantive unfairness; but agreement fails *Miglin* stage 2-- agreement did not contemplate husband's future employment)

Stein v. Stein, [2006], B.C.J. No. 2020, 2006 BCCA 391 (Saunders J.A.)

Married 15 years, 2 children 13 and 9 with wife, husband 44, wife 39 (36 at separation)

Equal division of family assets

Trial: spousal support \$2,500/mo. for 3 ½ years

Guidelines range: \$3,920-\$4,883, interim support \$3,000 after-tax

Husband works in family business, earns \$207,433

Wife receives rent \$7,000/yr., educated as animator, looking for work, good prospects

Support ordered inadequate, increased to \$4,200/mo.

Duration: time limit unusual, too severe, review before termination

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

Reapportionment 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

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 reapportioned home 100% to wife (\$300,000)

Husband got RRSPs (balance after dissipation) and vehicle, 75/25 split over-all

Reapportionment upheld, no spousal support

(Guidelines range: zero to zero]

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 reapportioned, 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

B. The Without Child Support Formula

Bell v. Bell, [2007] B.C.J. No. 1105, 2007 BCSC 732 (Halfyard J.)
 Married 9 years, wife 59, husband 78, no children, 3rd marriage for wife, 2nd for husband
 Wife health problems, but part-time bookkeeping plus CPP disability, income imputed \$20,000
 Husband longshoreman, retired 1999, pension \$51,779
 Property divided, 100% of home equity reapportioned to wife (\$113,500), 62/38 split overall
 Range \$488-\$650, \$600 ordered for 3 years, then review with onus on wife to continue support

Shellito v. Bensimhon, [2007] B.C.J. No. 1081, 2007 BCSC 713 (Myers J.)
 Together 5-6 years (married 4), husband 35, wife 33, no children
 Wife serious migraines, worsened by stress, unable to work full-time, teacher's certificate
 Husband RCMP corporal, earns \$88,000 with overtime
 Property divided 50/50, despite short marriage, wife's need vs. premarital property
 Wife no work now, can work part-time in 4 mos., full-time in 3 years, \$18,000 imputed then
 Support non-compensatory, Guidelines maximum \$700/mo. for 3 to 6 years, "too low"
 Wife seeks \$1500-\$2000, interim support \$750/mo. for 12 mos.
 Support \$1800 for 4 mos., \$1500 for 18 mos., \$1200 for 18 mos., then end (52 mos. total)
 Brief reference to disability exception

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

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), 2nd marriage, husband 48, wife 47
 Husband pays child support of \$300/mo. for 2 17-year-olds from 1st 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 1st marriage 30 and 29, 1st 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 1/2 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

Stearnberg v. Stearnberg 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

R.S.R. v. S.M.R., [2006] B.C.J. No. 2109, 2006 BCSC 1404 (Martinson J.)
 Married 23 years, two grown children
 Both parties repartnered
 Wife part-time retail clerk during marriage; income \$21,400
 Husband's income \$67,074
 Husband paid \$900 per month spousal support for 9 months under interim separation agreement
 In divorce proceedings husband sought order dismissing wife's claim for spousal support on basis of no entitlement; wife not currently requesting spousal support because new partner has high income but wants to preserve entitlement to apply for support in future if new relationship ends
 Husband's claim dismissed; wife entitled to support on both compensatory and non-compensatory grounds; entitlement not lost because of new relationship;
 Court considers SSAG of some assistance even though they do not deal with entitlement: in absence of new relationship wife would have substantial claim to spousal support under SSAG(\$1,583.33 per month at mid-point of range)

Eng v. Eng, [2006] B.C.J. No. 2044, 2006 BCSC 1353 (Russell J.)
 Together 4 years (married 3 ½), husband 53, wife 45 (41 at separation)
 Family assets divided equally, except shareholder loan, reapportioned 100% to husband
 2 stepchildren 21 and 16, child support from biological father \$612/mo.
 Child support of \$1,000 paid for 5 years since separation, sufficient, no more
 Interim spousal support orders: \$7,000/mo. (2000), \$6,000 (2002), \$3,750 (2003)
 Husband earns \$165,000, wife \$10,800
 Guidelines range: \$784-\$1,045, 2-4 years
 Too low, wife's disability, husband's wealth, \$3,000/mo. plus private health insurance
 Duration: indefinite based on need, promises by husband
 Review when health care coverage reaches maximum

Reitsma v. Reitsma, [2006] B.C.J. No. 1743, 2006 BCSC 1135 (Maczko J.)
 Married 18 years; two grown children
 Wife homemaker and worked as book-keeper in husband's business during marriage; working 2 jobs post-separation earning \$30,000
 Husband mechanic runs auto-repair business; income in dispute; set at \$62,160 based on 3 year average
 SSAG range stated as \$723-\$964 for duration of 9 to 18 years
 Court chooses middle of range and awards spousal support of \$843.mo
 Duration: 13 years

Wilson v. McDougald, [2006] B.C.J. No. 1727, 2006 BCSC 1155 (Johnston J.)

Unmarried couple, 14 year cohabitation, second relationship for both

Wife on CPP disability when relationship began; homemaker during relationship; income \$7,600

Husband's income \$82,000; repartnered and supporting new partner and daughter

SSAG range: \$1302- \$1736

Wife argues for \$2,200/mo to meet expenses

Spousal support of \$1400/mo ordered; wife has option of supplementing disability pension by part-time earnings

Fogal v. Fogal, [2006] B.C.J. No. 1844, 2006 BCSC 1104 (Master Patterson)

9 year marriage; second marriage for both

Prenuptial agreement waiving spousal support

Wife applies for interim support

Wife employed as hairdresser before and during marriage, earning \$34,500

Husband's income \$134,000

No order for interim support given pre-nup; no significant change since agreement, and no desperate need

SSAG referred to as important factor to consider on quantum but not binding especially on interim

Wise v. Wise, [2006] B.C.J. No. 1413, 2006 BCSC 945 (S.C.)(MacKenzie J.)

Together 7.5 years (married 2.5), wife 51, husband 49, no children

No assets other than pensions

Wife developed MS in 1997, just before married, now receiving \$12,708 CPP

Interim spousal support \$1,000/mo. since 2002 (44 months)

Husband electrician, earns \$69,000

Pays \$425/mo. child support, for 4 more years

Cohabiting with unemployed social worker, earned \$50,000

Husband argues Guidelines range \$420-\$559 for 3 to 7 years

Guidelines rejected as too low, too short, \$489-\$562 stated as range

Some discussion of restructuring, disability exception

Spousal support of \$800/mo., for another 4 years

(Range \$563-\$751; after child support, \$483-\$644)

Davison v. Davison, [2006] B.C.J. No. 1195, 2006 BCSC 111 (S.C.)(Maczko J.)

Together 18 years (10 married), wife 61, husband 75, each 4 grown children

Equal division of house

Wife receives CPP \$3,780/yr., increased to \$12,780 for interest income

Husband receives pension income \$37,575

Range \$760-\$1,013, but spousal support of \$500/mo. ordered

(Range \$552-\$736 if wife's income is \$12,780)

Husband left with house expenses and mortgage to pay equalisation

Spousal support lower to maintain comparable standards of living (?)

A.G. v. C.G., [2006] B.C.J. No. 1157 (Prov. Ct.) (Baird Ellan Prof. Ct. J.)

26 year marriage; parties married in Peru, 2 grown children

Interim spousal support of \$1000/mo

Husband earns \$58,000; income imputed to be \$60,000; paying \$500 per month on mutual debt of \$50,000

and income tax debt of \$150 per month; willing to pay \$600 per month spousal

Wife, with limited English language skills and poor health, on social assistance; had worked full-time as

daycare worker ten years until injured in 2003; income \$6120 on social assistance but court imputes

income of \$9,000 based on part-time work at \$9/hr

SSAG range of \$1594 to \$2125 considered; spousal support set at \$1200/mo (i.e. below range) reflecting

husband's debt payments and wife's potential to increase earning capacity

Order gives wife 1/3 of husband's disposable income, husband 1/3, and 1/3 for debt.

Lust v. Lust, [2006] B.C.J. No. 886, 2006 BCSC 623 (B.C.S.C.)(Meiklem J.)

Married 27 years (plus some prior cohabitation), 4 adult children, wife 48 at separation

Husband earns \$54,307, logging

Wife returned to work, now employed on 1-year contract, \$21,575
 Spousal support of \$1,200/mo. ordered in 2005, now being reviewed
 Range \$1,029 to \$1,370, spousal support ordered at \$1,000/mo., indefinite, no review

Dunnigan v. Park, [2006] B.C.J. No. 987, 2006 BCSC 688 (B.C.S.C.)(Maczko J.)
 Married 25 years, 2 adult children, wife 52, husband 58, separated 2002
 Husband earns \$53,000, paying family debts
 Wife earns \$12,000, caring for her mother, receiving payment, husband says impute \$22,000
 Range: \$1,200 to \$1,600 (\$12,000), \$900 to \$1,200 (\$22,000)
 Spousal support of \$1,200 ordered, indefinite

T.M. v. R.M., [2006] B.C.J. No. 868, 2006 BCPC 161 (Tweedale Prov.Ct.J.)
 Together 11 years (married 7 ½), husband adopted mother's one child, now 20
 2002 separation agreement: \$650 spousal support plus child support, wife then 43
 Husband remarried, he earns \$95,765, new wife earns \$40,000, her 2 children
 Wife trained as hair stylist, hand injury, now retail sales, earns \$21,027
 Range \$1,028-\$1,370, 5.5 to 11 years
 Spousal support increased to \$1,000/mo., for another 4 years (total 8)

Banford v. Banford, [2006] B.C.J. No. 721, 2006 BCSC 543 (S.C.)(Powers J.)
 Married 23 years, 3 adult children (2 living with wife), wife 53 (46 at separation)
 Variation application, 2003 order \$1,375/mo., plus \$200/mo./child in university
 2003: husband earning \$67,500, wife student income \$9,800
 Husband now earns \$72,500 for Ministry of Forests, remarried, U.S. wife no income
 Wife got B.A., but then part-time employment, earns \$28,000
 Order varied to \$1,200/mo. considering original order, Guidelines as "cross-check"
 (Range \$1,280-\$1,706 indefinite)

Vazzaz v. Vazzaz, [2006] B.C.J. No. 625, 2006 BCSC 363 (S.C.)(Myers J.)
 Married 22 years, husband 44, wife 42, 2 children 22 and 18
 One child home with mother, retroactive child support only
 Reapportionment 60/40 to wife, so lower end of spousal support range
 Husband drafts person, earns \$54,000, wife no income, but \$15,000 imputed
 Range low to medium \$1,485-\$1,733, or \$1,073-\$1,251 if wife earns \$15,000
 Order for \$1,100, indefinite

Santoro v. Santoro, [2006] B.C.J. No. 453, 2006 BCSC 331 (S.C.)(Powers J.)
 Married 18 years, 3 children with wife, adults now (25, 24, 20)
 Wife 50 (39 at separation), husband 53
 Husband machinist, working in NWT, \$100,000
 Husband remarried, new wife not working, her 2 children (21/17)
 Wife disabled (back), agreed to lump sum support of \$20,000 and dismissal in 1994
 Now on CPP Disability \$8,600/year
Miglin analysis, 2nd stage, variation
 Guidelines of "limited use", range \$2,057-\$2,742, but prior agreement
 \$1,200 per month ordered, review in 2 years

Elias v. Elias, [2006] B.C.J. No. 146, 2006 BCSC 124 (S.C.)(Bennett J.)
 Married 24 years, wife 48 (47 separation), husband 50, 2 children out of home
 Husband claims spousal support
 Husband earns \$50,000 in construction, building own house, cash jobs, in-kind bonuses
 Wife earns \$87,000 as lab tech, blip in overtime, \$60,000 without overtime
 No entitlement to spousal support, no requirement of equalization under Guidelines
 (Range \$312 to \$416, indefinite)

Chepil v. Chepil, [2006] B.C.J. No. 15, 2006 BCSC 15 (S.C.)(Ehrcke J.)
 Married 24 ½ years, 3 grown children living with father, wife 46 (44 at separation), husband 52
 Husband earns \$63,000 as deputy sheriff, will retire at 57
 Wife retrained as radiographer, recently started job at \$55,000, student loans of \$16,000

2003 do-it-yourself agreement valid, wife waives pension and spousal support claims
Pension waiver not “unfair”, *Miglin* applied, wife seeks \$600/mo.
Advisory Guidelines considered, \$250/mo. for 3 years, to assist wife to pay off loans
(Range \$250-\$333, indefinite)

Ahn v. Ahn, [2005] B.C.J. No. 2742, 2005 BCSC 1745 (S.C.)(Master Taylor)
Together 14 months, married 8 months, husband 57, wife 46
Husband earns \$154,885, wife nothing
Wife left job in Washington State, earning \$47,000 U.S., unable to work in Canada
Husband wanted executive assistant and wife
Interim spousal support of \$3,500/mo. plus rent-free in house (husband pays \$2,200/mo.)
Wife relies upon “compensatory exception” in Guidelines

Matthews v. Matthews, [2005] B.C.J. No. 2666, 2005 BCSC 1692 (S.C.)(McCallum J.)
Together 9 years (married 8), no children of marriage, wife 40 (39 at separation, husband 44)
Wife earns \$17,000 in Victoria, one son of previous relationship
Husband moved to Switzerland, earns \$141,000 to \$166,000
Husband pays child support of \$1,450 for a previous child
Wife claims \$4,500 interim spousal support, to equalize incomes
Husband says \$1,400-\$1,800 based on Guidelines
Entitlement, based on need and possibly compensation (left to trial)
Quantum of interim support should bear some relationship to final order
Interim support of \$2,000/mo. ordered
(Range if husband’s prior child support deducted and \$166,000 income: \$1,328-\$1,770)
(Range without deduction, \$166,000: \$1,676-\$2,235)

Gosling v. Gosling, [2005] B.C.J. No. 2421, 2005 BCSC 1580 (S.C.)(Williams J.)
Married 14 years, 2 children 24 and 22, with mother, not “children of marriage”
Separation in June 1992, wife 39 then (52 now), relationship continued after separation
Property reapportioned, home 72/28 to wife, husband’s pension 30% to wife
No retroactive spousal or child support, previous agreements
Wife earns \$31,090, husband earned \$86,262 in 2003 (2004 unusually high)
Guidelines mentioned, spousal support of \$1,000/mo., indefinite
(Range by Divorcemate: \$966-\$1,287)

M.K.M. v. T.L.M., [2005] B.C.J. No. 1956, 2005 BCSC 1040 (S.C.)(McCallum J.)
Interim support, married 8 years (plus cohabitation), no children
Husband 47, some medical problems, no income
Wife earns \$54,000, range stated to be \$888-\$1184
Carr cited, \$1,200 ordered, “at higher end”, encouraged to seek employment

Pearce v. Pearce, [2005] B.C.J. No. 1757, 2005 BCSC 1153 (B.C.S.C.)(Dohm J.)
Married 30 years, 4 grown children, wife homemaker, 50 at separation
Husband makes \$101,000, wife earns \$25,000 from own business
Variation, \$500 ordered previously, on assumption husband paying \$405,000 debt
Range \$2,375-\$3,166, used as “cross-check”
\$2,000 ordered monthly, plus \$65,000 retroactive lump sum

Proctor v. Proctor, [2005] B.C.J. No. 1585, 2005 BCSC 1063 (B.C.S.C.)(Wilson J.)
Married over 20 years (?), 1 child not “of marriage” in 4 mos., wife 49 at separation
Equal division of family assets, husband doctor makes \$247,000
Wife no income, and no efforts
Range \$6,175-\$8,233 (stated to be \$7,103-\$9,470, higher than existing awards)
Much discussion of “income equalization”
\$5,000 ordered, indefinite, review in 3 years

C. The With Child Support Formula

Toews v. Toews, [2007] B.C.J. No. 1146, 2007 BCSC 746 (Crawford J.)

Married 20 years, 3 children 25, 24 and 20, husband and wife both 45
 Youngest child with wife, in college
 Husband helicopter pilot, many moves, including Macau, dismissed 2006
 Husband new aviation safety business, tax low, income averaged from past 3 years \$125,000
 Wife nurse's aide, home, new business manufacturing screens, income \$50,000
 Child support \$650/mo., husband pays university/college expenses, son worked all of 2006
 Range \$1022-\$1867, order for \$1440/mo., for 5 years, then review
 Retroactive child support to 2004, retro spousal support to 2005

Wong v. Smith, [2007] B.C.J. No. 1055, 2007 CarswellBC 1091, 2007 BCSC 701 (Powers J.)
 Married 6 years, husband 49, wife 39, child 5 with wife
 Husband in various businesses in B.C. and Australia, no tax returns, did not attend at trial
 Husband's income imputed \$75,000, wife earns \$41,500
 Child support \$698 plus \$252 for child care (60%), i.e. \$950/mo.
 Range \$49-\$613, 14 years maximum, lower end here
 Reapportionment of property, 90/10 on house (\$267,000 equity)
 Husband's share of property \$38,000, wife's request for \$20,000 lump sum granted

G.(L.D.B.) v. G.(K.L.), 2007 CarswellBC 1028, 2007 BCPC 134 (Hicks Prov.J.)
 Together 21 years (married 17), 3 children 18, 17 and 13 with wife, husband 49, wife 46
 Wife earns \$29,000 in multiple retail jobs
 Husband works construction, earns \$89,000 including overtime, partner earns \$50,000
 Child support \$1,677/mo.
 Past section 7 expenses allocated: grad expenses, hockey, dental
 No spousal paid since separation over 5 years earlier
 Range \$576-\$1,110, reflective of budget evidence, wife seeks mid-point \$852/mo.
 Court orders \$600/mo., indefinite
 Lower as children now teenagers and opportunities for wife to improve skills

Thorimbert v. Thorimbert, [2007] B.C.J. No. 851, 2007 BCSC 94 (McEwan J.)
 Together 14 years (10 married), husband 48, wife 44, 2 older children (24, 23)
 Child 14, shared custody
 Wife health problems, fibromyalgia, depression, no income
 2002 agreement/subsequent 2004 interim order: \$1,800/mo. child and spousal support
 Husband tradesman at Cominco, earns \$65,978 3-year average with overtime
 Child support \$618-0=\$618, plus \$250/mo. for all s. 7 expenses
 Range \$732-\$976
 Spousal support of \$900/mo. for 12 mos., then \$600/mo. for 8 mos. (6 years total)
 Doubts re degree of disability, no application for CPP disability either

Vargas v. Berryman, [2007] B.C.J. No. 694, 2007 BCSC 470 (Stromberg-Stein J.)
 Married 11 years, 2 children 11 and 8, wife 36, husband 32
 Husband air traffic controller, earns \$102,665 on sick leave, \$118,000 on return to work
 Wife from Cost Rica, limited English, intentionally unemployed, \$20,800 imputed
 Child support: \$1,472 - \$315 = \$1,157/mo.
 Husband paid house expenses and support for 1 ½ years since separation
 Husband offers spousal support \$1,500 for 5 years, then \$1,000 for 5 years more
 Wife seeks \$2,000/mo. for 10 years, diminishing
 Shared custody range \$1,360-\$2,490
 Spousal support ordered \$1,800/mo. for 10 years, no review

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

Swallow v. De Lara, [2006] B.C.J. No. 2060, 2006 BCSC 1366 (Master McCallum)
 Married 11 years, 1 child 15, shared equally
 Husband comedian/writer, income fluctuates, from \$686,000 to \$97,500 (2006)
 2002 separation agreement: 12% of company gross income for support
 Minimum \$5,000/mo. child and spousal support, maximum spousal \$5,000, child \$3,500
 Interim child support reduced to \$885/mo.
 Section 7 for independent school \$11,000/yr., all by husband
 Wife earns \$5,000/yr.
 Guidelines range: \$2,091-\$2,696, \$2,400 interim support ordered
 Roughly equalizes net disposable incomes, father higher net worth

J.K.S. v. H.G.S., [2006] B.C.J. No. 2051, 2006 BCSC 1356 (Satanove J.)
 Married 10 years (plus 1 cohab), husband 62, wife 51 (44 at separation)
 1 child 16, primarily with wife, bulimia problems
 Family assets divided equally, except 70% orthodontic practice to husband
 Husband earns \$477,206, to retire at 70
 Child support, table amount \$3,854, reduced by wife's table \$326 (\$35,000 imputed)
 \$3,528 ordered, plus s. 7 expenses by husband of \$3,000/mo.
 Wife flight attendant, retired 2005
 Guidelines maximum \$6,500/mo.
 Stepdown order: \$13,750/mo. for 3 years, \$11,000 for 2 years, \$8,000 for 2 years, end

Ladd v. Ladd, [2006] B.C.J. No. 1930, 2006 BCSC 1280 (Master Taylor)
 Married 15 years, 2 children 14 and 10, shared custody
 Wife self-employed mortgage broker, messy financial records, no tax filed since 2001
 Her income \$182,234
 Husband self-employed carpenter, works 35 hrs/wk, personal choice, underemployed
 His income \$42,000
 Interim child support: set-off \$2,036 - \$592 = \$1,444, then \$1,814 (May 2006)
 Guidelines range: \$2,612-\$3,607
 Interim spousal support of \$2,616/mo. to husband, he pays mortgage \$1,100/mo.

Purewal v. Purewal, [2006] B.C.J. No. 1899, 2006 BCSC 1259 (Ralph J.)
 Married 10 years, 1 child 5 with wife, wife 39
 Wife works in bank \$19,430
 2003 order of \$460 child support and \$1000 spousal (based on imputed income to husband of \$54,000)
 Husband applies to vary
 Husband taxi driver, injuries, workers comp, no licence, attributed \$43,700
 Child support \$405, spousal support \$250/mo.
 Guidelines range presented by wife based on her income of \$18,000: 0-\$269 (court adjusts downward because her income slightly higher, actual range based on wife's income of \$19,430: 0 - \$234)

Parker v. Vik, [2006] B.C.J. No. 1794, 2006 BCSC 1193 (Satanove J.)
 Together 22 years (married 18), 4 boys: 10, 12, 14, 17, with wife
 Interim child support \$2,195, spousal \$2,500 (January 2005)
 Husband then earning \$147,000, now \$67,000
 Husband's income potential, imputed \$80,000
 Child support \$1,835
 Wife only \$3,600/yr.
 Guidelines range presented by wife : \$1,063-\$1,694
 (range based on husband income of \$80,000: \$365-\$690)

Husband willing to pay \$1000/mo
 Spousal support of \$1,000 ordered, “lower” than range
 Indefinite, no review, *Leskun*
 Spousal support of \$1,000 ordered, “lower” than range
 Indefinite, no review, *Leskun*

M.P. v. S.F., [2006] B.C.J. No. 1434, 2006 BCPC 289 (Tweeddale Prov.Ct.J.)
 Together 14 years, 2 children 13 and 8 with mother, wife 44, husband 48
 Interim child support \$710/mo., increased to \$904/mo. in May
 Husband truck driver earns \$59,789
 Wife unemployed, worked as nanny/homemaker, half-time income imputed \$8,320
 Spousal support \$300/mo., review in September 2007, suspended for 6 months
 Husband assumed debts, paying \$400/mo. to bankruptcy trustee for 6 months
 (Chequemate used, range estimated \$366-\$658)

Snowden v. Snowden, [2006] B.C.J. No. 1187 (B.C.S.C.) (Scarth J.)
 Married 6 years, together 7; 2 children (4 and 1 ½) with wife
 Equal division of assets
 Husband’s income \$24,000; child support \$378 as of May 1
 Wife not employed
 Advisory Guidelines range stated as \$209-\$349 [actually \$147 to \$284 based on May 1 changes to CSG];
 wife seeks \$600 per month
 Court orders \$100 per month given husband’s limited income and inability to pay even limited amount
 suggested by Guidelines
 No reference to “floor” and discretion between payor incomes of \$20,000 to \$30,000

Christensen v. Christensen, [2006] B.C.J. No. 930, 2006 BCSC 647 (S.C.)(Master Keighley)
 Married 25 years, daughter 19 in college living with husband, no child support by wife
 Daughter 26 employed, 21-month-old child, living with wife
 Wife earns \$37,389 in Costco photo lab, husband earns \$87,860 in sales
 No interim spousal support, submissions under Advisory Guidelines “considered”
 [Range under custodial payor formula: \$1,055-\$1,406 assuming zero child support]
 Successful appeal of interim decision, unreported, *Leask J.*, June 15, 2006, interim support of \$700/mo
 ordered; less than SSAG because husband paying joint line of credit of \$250/mo

M.R.M. v. I.M.M., [2006] B.C.J. No. 1034, 2006 BCSC 568 (S.C.)(Joyce J.)
 Married 28 years, 1 child 16 with husband
 Wife earns \$39,819, child support \$342 plus \$68 for Catholic school fees
 Husband earns \$63,000
 Range \$600 to \$800, equalize standards of living, \$700/mo., indefinite

McGuckin v. McGuckin, [2006] B.C.J. No. 859, 2006 BCSC 582 (S.C.)
 (Master Keighley)
 Married 22 years, wife 55 (53 at separation), husband 49, 1 child 16 with wife
 Husband Canada Post supervisor, earns \$54,000
 Wife accountant/business, motor vehicle accident, income reduced, \$16,250
 Child support \$469, interim spousal support \$700/mo, within Guidelines range
 (Range estimated at \$316-\$779)

S.R. v. N.R., [2006] B.C.J. No. 627, 2006 BCSC 412 (S.C.)(Metzger J.)
 Married 11 years, both 40, 1 child 11
 Reapportionment of condominium 100% to wife
 Husband engineering business, income \$95,000
 Child support \$729, interim spousal support was \$1,500/mo.
 Wife doing Ph.D., one more year, 18 months time limited spousal support
 \$2,500 per month, considered Advisory Guidelines, leaves each with 50% NDI
 Wife working in 2006, likely earning \$32,400, seeks \$1,000/mo. spousal support
 Wife says range \$562-\$1,311, husband says \$399-\$857, \$750 ordered

R.L.G. v. R.G.G., [2006] B.C.J. No. 466, 2006 BCSC 348 (S.C.)(Silverman J.)

Married 21 years (25 years together), 3 children 20, 18 and 14
 Youngest child with wife, other 2 in college/university
 Child support \$1,314 (3) plus 70% of \$8,000 university expenses
 Husband federal civil servant \$78,236
 Property divided, house reapportioned 60/40 to wife
 Wife earned \$34,500 in 2004, 2005 health problems, surgery
 Wife working in 2006, likely earning \$32,400, seeks \$1,000/mo. spousal support
 Wife says range \$562-\$1,311, husband says \$399-\$857, \$750 ordered

DeCamillis v. DeCamillis, [2006] B.C.J. No. 2959, 2005 BCSC 1826 (S.C.)(Master Donaldson)

Married 23 years, 3 children 10, 19 and 13, with wife, child support \$2,507/mo.
 Husband earns \$172,000, wife no income, \$30,000 imputed
 Range \$2,627-\$3,441, interim spousal support \$3,250

Marr v. Marr, [2006] B.C.J. No. 339, 2006 BCSC 254 (S.C.)(Kelleher J.)

Married 8 years, 2 children 8 and 4, shared custody
 Husband earns \$197,500
 Child support agreed, 2/3 of table amount \$1,466
 Wife living with new partner, no income
 Interim spousal \$6,650/mo., husband's income reduced by 47% since
 Husband proposes \$3,525, range \$4,541-\$5,458, order for low end, \$4,700

A.T. v. C.T., [2006] B.C.J. No. 309, 2006 BCSC 240 (S.C.)(Sinclair Prowse J.)

Married 22 years (plus one year cohabitation), husband and wife 43 (41 at separation)
 3 children: 22, 20, 14, 2 youngest with wife
 Husband Armed Forces, earns \$63,948
 Child support \$846 (2) for 7 mos., then \$527 (1)
 Wife taking residential care course for 7 mos. at community college
 Spousal support indefinite, review in 4 years when last child finishes high school
 Wife earns \$12,480 part-time, then \$27,967 full-time after course finished
 Range calculated by "arithmetic", uses "difference" in net incomes
 Order for \$604, then \$378/mo.
 (Range for full-time: \$624-\$1,030 (2 children, part-time); \$321-\$813 (1, full-time))

Lawrence v. Lawrence, [2006] B.C.J. No. 210, 2006 BCSC 167 (S.C.)(Ross J.)

Married 19 years, husband 42, wife 41 (40 separation)
 4 children, 19, 19, 17, 15, with husband
 Wife in Winnipeg with her parents, receiving \$8,890/yr. social assistance
 Husband earns \$57,876 as manager of early childhood centre
 Property divided, but home and substantial debts to husband
 Custodial payor range, \$836-\$1,115, 9.5 to 19 years
 Wife's social assistance not to be included in her income
 Compensatory claim after traditional marriage, wife with health problems, unemployed
 Mid-point of range, \$975/mo., review in 2 years as to wife's self-sufficiency efforts
 No reduction for debts, as considered in property division

Gibb v. Gibb, [2005] B.C.J. No. 2730, 2005 BCSC 1738 (S.C.)(Scarth J.)

Together 18 years (married 13), 4 children age 7 to 18, with wife, wife 37
 Husband works in family company, minority shareholder, earns \$152,542
 Farm losses deducted at interim stage, bonuses to be issue at trial
 Child support \$2,683/mo., no undue hardship from debt
 Range \$2,124 to \$2,943, interim support of \$2,000 ordered
 Husband paying \$5,100 per month to purchase shares (debt exception?)

Phillips v. Phillips, [2005] B.C.J. No. 2495, 2005 BCSC 1614 (S.C.)(Scarth J.)

Together 24 years (married 7), 2 children 16 and 13, with wife
 Master ordered interim child support \$750, spousal support \$500, spousal appealed
 Wife earns \$25,000, claims husband earns \$68,589

Husband claims on appeal that earns only \$50,000
 Husband's income fixed at \$60,000, Advisory Guidelines range stated as \$213-\$721
 Interim spousal support reduced to \$300
 (Range at \$60,000: \$29-\$543)

Wegner v. Wegner, [2005] B.C.J. No. 2290, 2005 CarswellBC 2488, 2005 BCSC 1497 and [2005] B.C. J. No. 2020, 2005 CarswellBC 2195, 2005 BCSC 1294 (Metzger J.)

Married 20 years, 2 children 18 and 16 (plus 1 independent), wife 47 (45 separation)
 Husband 49, earns \$111,502 as business executive
 Wife self-employed writer, earns \$7,500, could earn \$12,000
 Child support \$1,336
 Spousal support range \$2,103 to \$2,627, \$2,300 ordered, indefinite

J.S.G. v. A.G.G., [2005] B.C.J. No. 2228, 2005 BCSC 1457 (B.C.S.C.)(Gray J.)

Together 16 years (married 13), wife 49 at separation, 2 children
 Husband earns \$106,000, cohabiting, wife earns \$29,000 as care aide (casual)
 Reapportionment of equity in matrimonial home to wife, \$49,000
 Child support \$1,282
 Range \$1,400-\$2,050 indefinite
 Compensatory claim, but reduced for reapportionment
 Support of \$1,700 mid-range, indefinite

Stieda-Everitt v. Everitt, [2005] B.C.J. No. 1556, 2005 BCSC 1034 (B.C.S.C.)(Ehrcke J.)

Married 19 years, 3 children with wife
 Proceeds of sale of matrimonial home reapportioned 55/45 to wife
 Husband earned \$68,590, now working part-time for \$37,700 and pursuing pilot's licence
 Wife earns \$6,000 as substitute teacher
 Full income imputed to husband, child support \$1,182
 Range: \$606-\$919, \$650 ordered, indefinite, review in 24 months (wife sought lower end)

Hewko v. Hewko, [2005] B.C.J. No. 1416, 2005 BCSC 904 (B.C.S.C.)(Curtis J.)

Married 21 years, children 21 and 15, with wife, wife 43 at separation
 1999 settlement: child support \$1,300, spousal \$3,000 and \$24,000 lump sum
 Husband health problems, working part-time, earns \$58,164 (\$108,000 before)
 Wife many health problems, university and teacher's degree not reasonable plan, no income
 Child support reduced to \$795
 Guidelines "in the range of \$1,400/month" (Range by Divorcemate: \$1,049-\$1,287)
 Spousal support of \$2,000 ordered, reviewed in 18 months and \$25,000 then imputed to wife

W. v. W., [2005] B.C.J. No. 1481, 2005 BCSC 1010 (B.C.S.C.)(Martinson J.)

Together 24 years (22 married), both in 40's, professionals, 2 children with mother
 Husband makes \$125,000, wife makes \$56,728
 Child support \$1,470
 Range \$745-\$1,585, spousal support of \$1,500 ordered, indefinite
 Extensive discussion of Guidelines, "consistent with the law in British Columbia"

M.S. v. W.S., [2005] B.C.J. No. 1447, 2005 BCSC 939 (B.C.S.C.)(Romilly J.)

Together 15 years (married 12), wife 36 at separation
 2 children, 12 and 8, younger with learning disability and in private school
 Equal division of family assets
 Child support \$2,286 plus 80/20 split of s. 7 expenses (\$25,694/year)
 Husband makes \$207,432 in family business
 Wife returned to film school, paid by husband, could earn \$30-\$40,000 as animator
 Guidelines "not law", spousal support of \$2,500 ordered
 (Range by Divorcemate: \$3,941-\$4,897 if wife no income, \$3,432-\$4,539 if \$30,000)

[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]