

APPENDIX

NOVA SCOTIA SPOUSAL SUPPORT CASE APRIL 2007 TO NOVEMBER 2008 GUIDELINES AND NOT

A. Appeal Cases

Getson v. Hirtle, [2008] N.S.J. No. 373, 2008 NSCA 80 (Cromwell J.A.)
Spousal support suspended by Fam.Ct.J., factual findings re unemployment and income
Appeal dismissed

Wong v. Wong, [2008] N.S.J. No. 177, 2008 NSCA 43 (Hamilton J.A.)
Together 25 years (cohabited for 10), husband 59, wife 63, husband appealed
[See facts set out in trial decision by Stewart J. below, under *without child support* formula]
Matrimonial property (home and pension) divided equally, upheld on appeal
Indefinite spousal support of \$300/mo. ordered, upheld on appeal

Dowding v. Dowding, [2008] N.S.J. No. 128, 2008 NSCA 27 (Cromwell J.A.);
leave to appeal to SCC denied, [2008] S.C.C.A. No. 270
Claim for spousal support by disabled husband, various errors alleged
Quantum appeal dismissed on standard of review, no reference to SSAG
[Trial decision unreported, July 11, 2007, Tidman J.:
Married 19 years, 4 children, youngest 17 with mother
Husband 49, diabetes, legs amputated in 2004, CPP disability since 1998, \$9,945/yr.
Wife 46, employed full-time, base salary \$42,500/yr., earned \$55,426 in 2006
Matrimonial assets divided equally, wife to pay husband \$4,965, paid by rolling over RRSPs
Child support \$27 on tables, no child support payable
No contribution to s. 7 expenses, wife to pay for tutoring and horseback riding
Husband seeks \$800/mo., SSAG range stated as \$895-\$1,175/mo., reduced as no child support
Spousal support of \$350/mo., indefinite]
[SSAG *custodial payor* formula estimated: if wife \$55,426, no child support: \$857-\$1,143;
if wife \$42,500, no child support: \$602-\$803/mo.]

Snyder v. Pictou, [2008] N.S.J. No. 77, 2008 NSCA 19 (Fichaud J.A.)
Together 10 years, 2 children 10 and 11, with wife
Husband long-distance trucker, income issues, estimated at \$40,000, child support \$579/mo.
Wife home, stress problems, no income
Trial judge ordered 2 lump sum payments, totalling \$4,700, as 22 mos. retroactive spousal support,
but no ongoing support
Following Advisory Guidelines, indefinite order substituted, \$214/mo. based on trial amount
[Guidelines range \$424-\$621/mo.; if \$214 “net” to payor intended, then \$345/mo. “gross” required]

Kenny v. MacDougall, [2007] N.S.J. No. 516, 2007 NSCA 126 (Cromwell J.A.)
Trial judge deleted health coverage from corollary relief judgment, upheld
2001 divorce, minutes of settlement, spousal support no longer payable, intentions of parties

B. Cases Referring to the Advisory Guidelines

The *Without Child Support* Formula

Wagg v. Wagg, [2008] N.S.J. No. 492, 2008 NSSC 315 (Legere-Sers J.)
Married 17 years, husband 55, wife 49 (39 at separation)
2 children, 24 year old with father since 2001, 22 with mother
Husband in US, earned \$162,000 Cdn. in 2005, spousal support then \$1,070/mo., child support too
Disclosure problems, husband now earns \$235,000-\$316,000, remarried
Husband applies to terminate, paid spousal support since 1999
Wife employed after separation, \$25,000, then \$38,000, to lose job in Jan. 2009, CGA studies
Guidelines maximum duration of 17 years argued by wife
Amount increased pursuant to s. 15.3 Divorce Act
Increased Jan. 2009 to \$1,500/mo. for 1 year, , then \$1,200/mo. another year, then end
Burden on wife to support entitlement beyond Dec. 2010
(Range estimated using zero for wife & \$235,000: \$4,994-\$6,658; using \$162,000: \$3,442-\$4,590/mo.)

Shurson v. Shurson, [2008] N.S.J. No. 371, 2008 NSSC 264 (B. MacDonald J.)
Application to vary by husband, spousal support \$3,500/mo. ordered in July 2007
Husband seeks to reduce to \$500/mo., wife says \$2,500/mo.
Married 28 years, 3 adult children
Wife educational assistant, \$30-\$31,000/yr., husband earns \$117,000/yr.
SSAG limitations re variations noted, range \$2,719-\$3,580/mo.
If wife's income from divided pension considered, range \$1,908-\$2,595/mo.
but wife invested pension for growth, not income
Wife significant compensatory claim, home for years
Support of \$2,500/mo., indefinite

B.D.F. v. R.V.F., [2008] N.S.J. No. 339, 2008 NSSC 236 (B. MacDonald J.)
Married 31 years, 2 adult children, husband 60, wife 64 (61 at separation)
Husband employed with Halifax Regional Fire Service, earns \$66,549/yr.
Wife took early retirement in 1998, \$34,243/yr. pension
Matrimonial property equally divided, wife's unequal claim rejected
Wife worked throughout marriage, no compensatory disadvantage (?)
Non-compensatory support, husband argues \$500/mo. based on budgets
SSAG range \$1,014-\$1,216/mo., range checked vs. budgets
Preference for merger over time, partnership, support of \$1,000/mo., indefinite

L.(J.W.) v. M.(C.B.), 2008 NSSC 215 (B. MacDonald J.)
Married 20 years, no children, wife 3 teenage children when married, husband 65, wife 70
Matrimonial assets divided equally, wife gets house, cottage, etc., wife to pay husband \$299,205
Husband keeps business assets, wife shareholder and employee of publishing business
Wife paid \$35,000/yr., continuing after 2002 separation until 2006
Wife awarded 35% of value of companies, plus Toronto property, husband to pay wife \$507,900
Final net payment, husband to wife, of \$208,694
Wife entitled to non-compensatory spousal support, not a traditional marriage
Wife receives pension income of \$25,400 from CPP, RRIF, OAS, plus \$12,000 imputed interest on
equalization payment, total income \$37,400
Husband earns \$70,000 from businesses, cohabiting, assets could produce greater income
SSAG range \$815-\$1,087/mo., \$800/mo. ordered, indefinite
Husband's net disposable income stated to be "only marginally higher" at \$815/mo.
[At \$815/mo., wife left with 46% of NDI, \$500/mo. less than husband]

Paul v. Paul, 2008 CarswellNS 197, 2008 NSSC 124 (Wilson J.)
Married 34 years, 5 adult children, husband 58, wife 60
Husband teacher and principal, on reserve, earns \$59,000 non-taxable
Wife no income, worked in various clerical jobs, ran convenience store on reserve, now closed
Husband lives with family and girlfriend
Wife lives in matrimonial home on reserve, son, daughter, son-in-law, their 2 children
Wife seeks one-half of his net income as spousal support, estimated at \$2,478/mo.
Guidelines range calculated on net income, as \$1,844-\$2,458/mo., tax issues raised
Support of \$1,731/mo. ordered, less than minimum
Husband's employment expenses, wife's children should contribute, wife can work part-time
Non-deductibility a factor, duration to be indefinite
[Non-taxable exception would apply, also 50% net income cap at \$2,345/mo.]

Nelson v. Weber, [2008] N.S.J. No. 205, 2008 NSSC 116 (McDougall J.)
Married 25 years, separation 1999, 2 children now independent
Wife full-time homemaker after second child
Divorce 2000; husband earning \$43,680 and wife \$14,560; 1 child still dependent
Court order for \$374/mo child support, plus s. 7 and \$400/mo spousal
Husband additional training and works extensive overtime to increase earnings (50-55 hrs/wk)
2007, child support ended, wife applies for upward variation
Husband's income \$71,641 and cohabiting with new partner earning \$17,323
Wife's income \$28,000
Wife presents SSAG range [calculated as \$1364-\$1783] and seeks increase to \$1,600/mo [midpoint]
Court orders \$1000 per month, no finding re husband's income
Husband cannot be expected to continue to work extra overtime because of age and health
[If husband's income \$60,000, then range \$989-\$1,333/mo.]

Wong v. Wong, 2007 NSSC 266 (Stewart J.)
Together 25 years (married 15), husband 60, wife 63, no children
Husband papermaker, now retired, pension and municipal councillor, new partner (employed)
Husband's pension \$35,232/yr., all accumulated during relationship, divided at source, half each
Wife hairdresser, various jobs, caring for husband's parents and her own mother
Assets divided equally, matrimonial home sold
Wife seeks upper end of SSAG range, claiming \$1,406-\$1,875/mo., husband says \$1,155/mo.
Interim support \$1,000/mo. for 10 months, wife unlikely to earn more income, CPP to come
Husband's councillor income \$13,846/yr (\$4,615 not taxable) [grossed up \$16,131/yr.]
Spousal support of \$300/mo., inclusive of \$155/mo. health insurance
[Guidelines range estimated as \$504-\$682/mo. if pensions and gross-up; if *Boston* applied,
i.e. husband's non-grossed-up councillor income and wife's investment income, range \$361-\$446/mo.]

Cooper v. Cooper, [2007] N.S.J. No., 332, 2007 NSSC 239 (Warner J.)
Married 26 years, traditional marriage, many moves as husband in military
3 adult children, separated 1998
Husband receives military pension and works as engineer
Wife operates money-losing llama farm, spousal support ended in 2006
2000 separation agreement: wife received net assets of \$200,000, husband net debt of \$37,000
Equal split of military pension, spousal support of \$2,500/mo. for 6 years (2 ½ years paid since separation)
Miglin applied, as no corollary relief judgment, negotiations unimpeachable
Compliance on stage 1: reference to SSAG, wife failed to seek self-sufficiency, continued hobby farm
Fixed-term support in return for unequal division and wife wanted llama farm
[2000 range: husband's income \$91,000, wife's \$10,000, range \$2,531-\$3,375, indefinite]
Objectives met on stage 1, also reverses for husband considered on stage 2, no spousal support

The With Child Support Formula

Burchill v. Savoie, [2008] N.S.J. No. 472, 2008 NSSC 307, 2008 CarswellNS 581 (O'Neil J.)
Together 10 years (married 9), 2 children 9 and 6, wife 43, husband 46, separated 2005
Wife doctor, 2003 move from Vancouver to Halifax for radiology residency
Husband left high tech job, earning \$85,000, agree to stay home with children at least 2 years
Husband primary caregiver, primary care since separation, primary care to continue
Husband took B.Ed. 2006-2008, looking for job as teacher, will earn \$43,000 if employed
Wife moved to part-time resident status in Aug. 2006, to improve position on custody/support,
not for other reasons alleged
Income imputed for underemployment, full-time income \$65,000/yr.,
in 2010 when finishes program, will earn \$400,000/yr.
Wife paid \$2,600/mo. combines support from Dec. 2005, then \$1,400/mo. from June 2006,
then only child support of \$455/mo. from Sept. 2006
Child support \$917/mo., and retro child support
Spousal support on compensatory, contract and non-compensatory grounds
Duration indefinite, amount \$980/mo. based upon SSAG formula for his zero income,
reduce to \$100/mo. if teaching job
Also lump sum compensatory spousal support of \$300,000, for retro support, past loss,
long-term losses in earning capacity and his contribution to her career
[SSAG range for \$65,000 and zero: \$870-\$1,151/mo.; if he makes \$43,000, then range 0 to 0]

Michaud v. Kuszelewski, [2008] N.S.J. No. 404, 2008 NSSC 276 (O'Neil J.)
Common law, cohabited 7 years, separated 1998, 2 children 18 and 16
1998 interim order: child support \$800/mo., spousal support \$1,200/mo.
Husband unemployed after separation, wife supportive
Husband employed with Nfld. Legal Aid in 2006, earns \$81,475/yr.
Child support \$1,100/mo. by consent, retro child support back to June 2007
Wife earns \$21,823/yr.
Compensatory spousal support: wife moved to N.S. for his career, care of children,
support of husband to get back on feet after separation
Also non-compensatory basis for support
Range \$770-\$1,337/mo., order for \$900/mo., indefinite
If time limit, would be 7 years (2 ½ paid by way of retro spousal support)

Kelloway v. Kelloway, [2008] N.S.J. No. 365, 2008 NSSC 261 (B. MacDonald J.)
Married 18 years, 1 child with husband, community college, no child support sought, wife 42
Nov. 2007 order for spousal support of \$1,000/mo.
Wife worked through marriage, unemployed previously, now housekeeper, earns \$27,000/yr.
Husband in Armed Forces, earns \$71,472/yr.
SSAG range, custodial payor \$815-\$1,087/mo., but \$626-\$898/mo. if no child support
Still a compensatory claim, \$600/mo. ordered, for 6 more years (8 years total, vs. 9 to 18)

Phillips-Curwin v. Curwin, [2008] N.S.J. No. 267, 2008 CarswellNS 328, 2008 NSSC 198 (Dellapinna J.)
Together 14 years (married 6), 2 children 12 and 6, with wife, husband 43, wife 34
Matrimonial home to be sold, matrimonial assets divided equally
Husband sales rep. for pharmaceutical company, paid by salary, commissions and benefits
Fluctuating income, \$156,074/yr.
Child support \$1,981/mo.
Wife worked part-time as assistant manager at restaurant, earned \$15,100 in 2006
Quit job, child care problems, pay problems, proposes home-based catering business, no income
Wife seeks \$3,683/mo. based on SSAG mid-point if wife no income
Order for \$2,000/mo., indefinite, but self-sufficiency possible in 4 years, left to variation
[If wife no income, range \$2,992-\$3,825/mo.; if \$15,100, range \$2,578-\$3,394/mo.]
[If wife full-time income \$25,000, range \$2,236-\$3,095/mo.]

Mumford v. Mumford, [2008] N.S.J. No. 138, 2008 NSSC 82 (O'Neil J.)

Married 16 years, 1 child 14, with husband

2005 interim order: no child support by wife, spousal support \$600/mo. by husband

Wife mental health issues, since birth of child

Wife receives LTD benefits (\$5,544/yr) and CPP Disability (\$9,840/yr), \$15,393/yr.

Husband changed to new car dealership, earns \$48,000 (including bonus)

New partner, her 2 children

Custodial payor range \$233-\$420/mo., 8 to 16 years

Amount of \$600/mo. ordered, to continue for 13 more years (i.e. maximum of 16)

Above range: her severe disability, inability to manage, parenting time and access expenses

Wife to pay child support of \$128/mo., no undue hardship, as spousal support adjusted for access

[Disability exception, also exception for non-primary parent to fulfil parenting role]

Ellis v. Ellis, [2008] N.S.J. No. 102, 2008 CarswellNS 126, 2008 NSSC 78 (O'Neil J.)

Together 16 years (married 13), 1 child 12, equal shared custody, husband and wife both 39

Husband earns \$38,500, licenced practical nurse with health authority, new partner LPN too

Wife earns \$35,000 as medical clerk at hospital

No child support, husband pays 100% of section 7 expenses

Matrimonial property divided equally, husband buys out wife's interest in home

Wife worked throughout marriage, but entitled on interdependency

Spousal support for 3 years: \$200/mo. from Jan. 2006 (range \$160-\$214/mo.)

\$175/mo. for 2007 (range \$183-\$245/mo.), then \$150/mo. for 2008

Pelot v. Saagh-Pelot, 2008 NSSC 80 (O'Neil J.)

Married 17 years, wife 50, children 19 and 15

Older child engineering student, with husband, younger with wife

Child support: split custody set-off, \$1,025 - \$280 = \$745/mo., plus undetermined s. 7 expenses

Husband engineering professor, earns \$125,000

Wife underemployed as lecturer, insufficient effort, earns \$31,741, exclusive use of home and car

Wife states SSAG range as \$1,566-\$2,288/mo., if husband earned \$136,000

Interim spousal support of \$600/mo., indefinite, review in fall 2008 re her efforts

[Guidelines range estimated, if tuition for older child: \$826-\$1434/mo.; if wife earned \$41,741,

then range \$522-\$1,161/mo.]

Marshall v. Marshall, 2007 CarswellNS 618, 2008 NSSC 11 (Forgeron J.)

Mid-length marriage, 2 children 15 and 7, with wife

Husband mechanic, now earns \$26,000 in new common-law partner's business

Partner a substantial income

Income of \$50,000 imputed to husband, given past employment, former business

Wife continuing care assistant, just started employment, earns \$24,000/yr.

Child support \$715/mo.

Property divided equally, plus \$7,000 for husband's former business

Entitlement to spousal support, but Guidelines range suggests no amount of support

But husband's cohabitation, lower shelter costs, \$200/mo. ordered

[Guidelines range 0 to 0 at \$50,000, 0-\$268 at \$60,000]

C. Cases of Amount/Duration Not Referring to the Advisory Guidelines

Without Child Support Cases

Whitty v. Whitty, [2008] N.S.J. No. 354, 2008 NSSC 243 (Wilson J.)

Married 21 years, husband and wife 45

2 children 22 (graduated May 2008) and 19 (graduating Aug. 2008), so only retro child support

Matrimonial property divided equally, equalization payment by wife of \$25,504

S. 18 claim vs. fishing business, 7.5% of \$200,000, i.e. \$15,000

Husband fisherman, earns \$78,123/yr.

Wife seasonal work as waitress during most of marriage, employed in building supply store, \$20,000/yr.

Spousal support of \$1,500/mo. ordered for 15 years, 20 mos. retro support of \$250/mo.

Lump sum support order of \$10,000, so wife can buy car

[SSAG range: \$1,520-\$2,026/mo., indefinite]

Casey v. Casey, [2008] N.S.J. No. 204, 2008 NSSC 56 (McDougall J.)

Married 15 years, no children, husband 47, wife 54

Husband earns \$34,729, wife \$13,679 seasonal work and EI

Wife paid matrimonial debts, \$12,000 and \$1,900

No support paid since 2005 separation, husband now cohabiting

Spousal support \$450/mo., indefinite, arrears of \$200/mo. for 15 mos., paid off \$50/mo.

[SSAG range: \$393-\$524/mo., 7.5 to 15 years]

Gormley v. Ferguson, [2007] N.S.J. No. 587, 2007 NSSC 262 (Scanlan J.)

Married 22 years, 1999 separation, spousal support \$750/mo. paid since, reviewed May 2005

Traditional marriage, children, wife home

Wife full employed since Nov. 2006 at call centre, earns \$25,000/yr., live 5 mos. common law

Husband earns \$52,000/yr.

Divorce Act doesn't say equal living standards, SSAG only starting point, "very little assistance"

Husband paid long enough, 8 years, reduces support to \$400/mo.

[Estimated SSAG range: \$743-\$990, indefinite]

Coxon v. Joosse-Coxon, [2007] N.S.J. No. 516, 2007 NSSC 126 (Legere-Sers J.)

Interim support, \$1,000/mo. for 6 months, few details

With Child Support Cases

Keddy v. Keddy, [2008] N.S.J. No. 486, 2008 NSSC 313 (Legere-Sers J.)

Together 17 years (married 12), 1 child 18 with wife, husband 44, wife 45

Interim third-party payments, house sold Dec. 2007, then child support \$503/mo., spousal \$800/mo.

Husband Cougar Helicopters in Nfld., earns \$63,418/yr.

Wife on CPP/LTD after accident during marriage, \$21,400/yr.

Matrimonial property divided, issues re family debts

Child support \$569/mo., 2 more years school likely

"No doubt" re entitlement, any termination premature

Order for \$900/mo., indefinite, settlement of wife's damages action a future change in circumstances

[SSAG range \$657-\$1,075/mo.]

Mason-Cramm v. Cramm, [2008] N.S.J. No. 476, 2008 NSSC 308 (Dellapinna J.)

Married 24 years, 4 children 23, 21, 18, 17, 2 with wife, husband 45, wife 50

2007 interim order: child support \$1,406/mo., spousal support \$2,200/mo.

Matrimonial assets equally divided, equalization payment of \$100,450 by wife (in home)

Child support: oldest child not "child of marriage", but admitted to veterinary school in 2009

Child 17 in Grade 12, \$1,068/mo.

Husband ex-Armed Forces, tax-free pension, now employed as engineer, total income \$130,899/yr.
Wife nurse when met, worked 7 yrs. after married, home 8 years, working part-time & full-time since
Wife now started diabetic foot care business, no income stated, but could earn \$55,000 as nurse
Non-compensatory support (?), as her decision to leave nursing job
Spousal support \$2,700/mo., review in 1 year to reduce/terminate, wife may have to return to nursing
[SSAG ranges: if wife no income, \$3,001-\$3,748; if \$5,000/yr, \$2,763-\$3,521; if \$55,000, \$863-\$1,774/mo; if *without child support* formula, wife earning \$55,000, \$2,340-\$3,119/mo.]

Walker v. Walker, [2008] N.S.J. No. 330, 2008 NSSC 238 (Duncan J.)
Married 12 years, husband 57, wife 42, 3 children 18, 16 and 12 with wife, separated 2001
Husband teacher, earned \$65,117 in 2005, took early retirement at 55 in 2006
Wife home, part-time teaching, now full-time, earns \$70,786
Wife repartnered, to teacher, earns more
Matrimonial property divided by agreement, except husband's pension
Both spouses' pensions earned during marriage divided 50/50, no to husband's unequal division claim
Child support: husband's income \$31,944 (\$6,648 lower after division), \$632/mo. for 3
Husband seeks spousal support due to pension division
Needs-based claim, but no entitlement
Husband's unwise decision to retire, his ability to substitute teach, wife custodial parent
[*Custodial payor* formula: if husband \$31,944, \$358-\$477/mo.; if \$38,957, \$288-\$385; if \$65,117, \$45-\$59/mo.]

Bridger v. Bridger, [2008] N.S.J. No. 260, 2008 NSSC 150 (Gass J.)
Together 11 years (married 6), wife 35, 2 children 7 and 2 with wife
Husband disabled, receives Armed Forces, DVA (grossed up) and CPP pensions
Income \$57,002/yr., child support \$810/mo., also children receive \$409/mo. CPP
Matrimonial property: husband unreasonably impoverished assets, abandoned property, failed to collect rent, sold assets for little, unequal division, 62% of \$74,480 to wife
Spousal support: compensatory, indefinite, but not permanent, \$900/mo.
[SSAG range: \$511-\$805/mo. if treat child CPP as income; \$799-\$1,068 if not]

Binder v. Brann, [2008] N.S.J. No. 217, 2008 NSSC 154 (Legere-Sers J.)
Together 3 years, 1 child 5, wife 2 children of previous relationship
Wife home 16 mos., back to work Sept. 2004, earns \$24,000/yr.
Child special needs, special day care \$532/mo., table amount deferred to trial along with custody
Husband earns \$62,027/yr.
Interim spousal support \$450/mo., amount sought by wife, not long-term, as short-term marriage
[SSAG range if table amount \$540, no s. 7: \$152-\$635/mo.; if no table, just s. 7: \$222-\$723; if table plus s. 7: \$84-\$579/mo.]

Wamboldt v. Wamboldt, [2008] N.S.J. No 63, 2008 NSSC 52 (Dellapinna J.)
Married 21 years, 2 children 23 and 20, with husband, husband and wife both 50
2001 order: child support by wife \$277/mo., spousal support by husband \$650/mo.
Husband earns \$59,422, took buyout and voluntary retirement in Jan. 2005, new partner retires too
Husband's pension \$27,180/yr., income imputed at \$65,494
Wife earned \$14,747 in 2001, now \$15,278/yr.
Children in university, 4th and 3rd year, each has earnings 80% of mother's, no child support
Spousal support reduced to \$400/mo.
[*Custodial payor* range at \$65,494: \$827-\$1,103/mo.; at \$59,422: \$723-\$964/mo.]

Gray v. Lace, [2007] N.S.J. No. 596, 2007 NSSC 390 (Gass J.)
Common law, together 18 years, 1 child 15, wife 54 (52 at separation)
Both divorced when married, wife then 12-year-old child, husband determined not to marry
No unjust enrichment, husband's intentions, spousal support better remedy
Wife home after child born, compensatory and non-compensatory support
Husband in Armed Forces, at sea, earns \$80,000/yr.

Wife housekeeper/personal care, earns \$15,000/yr.
Wife has debt from relationship, lump sum support of \$35,000
Child support, shared custody, 2 mos. on, 2 mos. off
Husband pays full table amount of \$687/mo. plus extracurricular expenses
Spousal support \$1,000/mo., indefinite
[SSAG range \$907-\$1,429]

L.L.L. v. L.A.B., [2007] N.S.J. No. 458, 2007 NSSC 328 (B. MacDonald J.)
Married 10 years, 3 children 19 (at Dal, with wife), 18 (at MUN) and 16 (wife, private school)
2000 order: husband \$223,000, wife \$10,500, child support \$3,245/mo., spousal \$2,100/mo. from 1999
Husband doctor, corporation, new wife paid for work, young child, income now \$225,548
Wife real estate agent, \$8,668/yr, 3-year average (new partner agent too, average \$13,449/yr.)
Wife's income estimated as \$27,000/yr.
Wife continued youngest in private school, at \$15,000/yr., too many educational expenses
Child support: table \$3,245/mo. by husband, plus private school fees
Wife to pay \$6,000/yr. for MUN, \$3,000 for Dal
Spousal support paid for 8 years after 10-year marriage, wife had time to adjust, new partner
Husband has large debt to bank to pay, payments now \$47,365/yr. (\$3,947/mo.)
Spousal support to continue at \$2,100, for 4 more years, terminating Aug. 2011
[Guidelines range estimated \$3,356-\$4,138, after s. 7 payments, debt exception?]

D. No Entitlement/No Variation/Others

Ponsford v. Eknes, [2008] N.S.J. No. 428, 2008 NSSC 290 (B. MacDonald J.)
2005 corollary relief judgment, incorporated 2003 separation agreement
Application to vary by self-represented husband, earns \$69,174/yr.
Child support \$973/mo. for 2 children, no change to shared custody, retro child support
Spousal support for 4 ½ years under 2003 agreement, ended Dec. 2007, \$600/mo.
Husband employed, unemployed, then re-employed, income now similar to 2003
Husband earning near \$70,000, wife now earning \$31,470/yr.
No retroactive variation, arrears fixed at \$2,685

Grant v. Grant, [2008] N.S.J. No. 196, 2008 NSSC 147 (Scanlan J.)
Interim custody of children (no? age?) to husband, no claim for child support by husband
Decision very critical of wife's actions and credibility
Husband farmer, family farm corporations, income \$45,000/yr.
Wife receives EI, \$19,500/yr., can support herself, no entitlement to interim spousal support
Husband can't afford to pay, due to child care and obligations

Mahoney v. Cook, [2008] N.S.J. No. 107, 2008 NSSC 92 (Ferguson A.C.J.)
Husband seeks support, 6-year marriage, no children, husband 39, wife 33
Husband earns \$22,000, wife \$34,000, no entitlement

Rizzo v. Rizzo, [2007] N.S.J. No. 589, 2007 NSSC 358 (McDougall J.)
Married 21 years, separated 1993, 1993 separation agreement, many delays in proceeding
Wife seeks to set aside separation agreement
4 children, 2 with wife 17 and 12 at separation, now adults too
Husband worked as fisherman since 1989, wife joined crew 1991 until 1995 after separation
Agreement left all fishing assets with husband, set aside
Assets divided equally, husband to pay equalization of \$45,850
No spousal support entitlement: wife found alternate employment, now on disability benefits
Wife did not move case forward, now 12 years later

Dawn v. Johnson, [2007] N.S.J. No. 457, 2007 NSSC 323 (Legere-Sers J.)
Spousal support reduced to zero, inability to pay

Clair v. Clair, [2007] N.S.J. No. 454, 2007 NSSC 313 (Scaravelli J.)

No entitlement to spousal support

Married 23 years, husband 62, wife 57, separated 2001, 3 children, last 22 with wife, attending university

Wife employed throughout marriage, now \$56,000 with government

Husband lawyer, various jobs, now Crown attorney in Alta., earns \$133,700

Child support: table amount \$1,197/mo., but s. 3(2)(b), so \$800/mo.

Equal division of property, payment by wife reduced for debts and support arrears

2001-03: husband paid \$900/mo. support, plus \$626/mo. on mortgage

2005 interim order: child support \$968/mo., spousal \$500/mo., husband then earning \$74,700

Wife in home, common-law partner, no ongoing disadvantage

LeParque v. LeParque, [2007] N.S.J. No. 582, 2007 NSSC 133 (Scanlan J.)

Married 23 years, traditional marriage, children, separated 1997

Husband paid spousal support since, \$1,700/mo. since 2000 order

Then earned \$75,000 as fisherman, income thereafter reduced to \$40,000-plus

Wife now 60, on CPP only, no income stated

Husband no longer fishing, no income stated

Husband now 56, worked hard in hard conditions, now entitled to retire

Spousal support too high in previous years, 8 years long enough, terminated (?)

Luke v. Luke, [2007] N.S.J. No. 326, 2007 NSSC 235 (Williams J.)

Application to extend spousal support under s. 17(10) dismissed

Leverman v. Leverman, [2007] N.S.J. No. 300, 2007 NSSC 217 (Legere-Sers J.)

Wife entitled to spousal support, but not until debts settled

MacDonald v. MacDonald, [2007] N.S.J. No. 252, 2007 NSSC 174 (Legere-Sers J.)

Child support, but no spousal support, as incomes nearly equal

Simpkins v. Simpkins, [2007] N.S.J. No. 170, 2007 NSSC 127 (Legere-Sers J.)

Husband applies to terminate spousal support, provisional application

Married 20 years, separated 1990

Husband 61, new partner, lost job in April 2003, income from \$181,442 (2003) to \$38,830 (2006)

Wife 59, earning \$45,000/yr, cohabiting since 2003

Spousal support provisionally terminated January 2004