

## APPENDIX A

### SPOUSAL SUPPORT ADVISORY GUIDELINES, ONTARIO DECISIONS

[May 14, 2009 – May 3, 2010]

[\*\* most noteworthy cases]

#### A. Appeal Cases

*Carr v. Parlee*, [2010] O.J. No. 1397, 2010 ONCA 254, 2010 CarswellOnt 2040 (Ont.C.A.)  
(Gillese, Rouleau, Lang JJ.A.)(April 9)

solicitor's negligence case, SSAG mid-range used to calculate likely amount of spousal support  
support for 2003-07, \$1,500/mo. vs. \$700/mo. agreed upon  
on appeal, 6 more mos. retro support to increase damages

\*\**Cassidy v. McNeil*, [2010] O.J. No. 1158, 2010 ONCA 218 (Ont.C.A.)(Feldman, Lang,  
MacFarland JJ.A.)(March 23)

Married 23 years, separated July 2003, both 54, 3 children 26, 24 and daughter 15

Husband engineering professor, earns \$137,000/yr.

wife teacher at private school, tuition reductions, daughter there, earns \$85,000/yr.

After separation, all 3 children with husband, 2 in university then

No child support by wife, but tuition reduction for daughter and some direct money to older

Trial judge: no retroactive child or spousal support, no support claims til later, upheld on appeal

Husband's trial claim of \$55,750 for retro s. 7 contributions dismissed at trial, upheld

Expense claims not well documented and wife made direct contributions

Wife ordered at trial to pay child support of \$759/mo.

Husband to share in wife's payment of tuition and other s. 7 expenses, amount unclear

Spousal support: trial judge ordered \$1,200/mo. for 5 years, til daughter finishes schooling

Reversed on appeal, basis not just need, also compensation

Wife moved with husband for his career, was home and worked part-time

Trial judge time-limited support to 5 years (plus 4.5 years pre-trial)

Custodial payor formula supports "indefinite" support, no basis for time limit

Closest SSAG calculations show range \$838-\$1,117/mo.

High end not appropriate, given husband's obligations to daughter, wife's relatively high income

Order for \$950/mo. [just below mid-point]

*Catsoudas v. Catsoudas*, [2009] O.J. No. 4102, 2009 ONCA 706 (Moldaver, Simmons, Juriansz  
JJ.A.)(October 8)

Married 22 years, 2 children 19 and 21, separated Dec. 2004

Husband \$110,000/yr., wife \$42,000

Trial decision: husband signed over home in separation agreement

Child support \$1,084/mo., plus \$216/mo. s. 7 expenses, under agreement, continued

Agreement silent on spousal support, \$1,000/mo. ordered

Spousal support "may be generous", but not "outside the range, particularly taking account of the  
spousal support guidelines"

[if husband paying full table plus s. 7, range estimated \$866-\$1,499/mo.; if lower amount,  
\$1,142-\$1,820/mo.]

*Rioux v. Rioux*, [2009] O.J. No. 2949, 2009 ONCA 569, 97 O.R. (3d) 102, 66 R.F.L. (6<sup>th</sup>) 256 (Ont.C.A.)(Laskin, Juriansz, Epstein J.J.A.)(July 14)

Married 21 years, both 45 at separation in 2005, 1 child 21 at university  
Husband earns \$105,000/yr., wife \$16,000/yr. part-time

Trial judge: no spousal support, child support at table amount \$916

Equalization, retro child and spousal support, future spousal, all in one lump sum \$100,000

Wife appeals, seeks \$1,500/mo. in periodic spousal support

Deference to child support decisions, i.e. table amount, no s. 7's, retro

Spousal support: equalization alone was \$90,000

Traditional marriage, wife home, then part-time work

Order for \$1,500/mo., reasonable, "well within the spousal support guidelines"

But agrees with trial judge that "indefinite" support not warranted, following *Fisher*

Further "non-compensatory transitional support", review in 5 years

Wife young, encourage self-sufficiency

[basic *with child support* formula range, if wife \$15,621, estimated \$2,346-\$3,128/mo.]

[if wife full-time income \$26,208, range estimated \$1,623-\$2,283/mo.]

[if *adult child* formula, wife full-time income, range estimated \$1,564-\$2,086/mo.]

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

*Boucher v. Boucher*, 2010 CarswellOnt 2587, 2010 ONSC 2413 (Hennessy J.)

Married 25 years, husband 60, wife 50, no children, separated Nov. 2008

Interim interim "without prejudice" order \$2,000/mo. spousal support in July 2009

Husband real estate business, income issues, 3-year average \$319,000/yr.

2009 income \$221,000

Wife's income could be imputed at \$20,000 or \$30,000/yr.

Interim order not "made completely without regard to" SSAG, various calculations

Wife seeks \$10-\$12,000/mo., interim order for \$5,000/mo.

[SSAG range at \$221,000 and \$30,000 estimated \$5,969-\$7,958/mo.]

*Roberts v. Cantu-Roberts*, [2010] O.J. No. 1392, 2010 CarswellOnt 2030, 2010 ONSC 1883 (Haines J.)

Married 12 years, 2 adult children, separated Jan. 1997, husband 67, wife 66

1998 agreement: \$7,000/mo. spousal support

Husband dentist, sold practice, now salaried at \$94,000/yr., remarried

Wife health problems, worked in dental offices, \$9,000/yr. CPP/OAS

SSAG range \$1,275-\$1,700/mo., for 6-12 years, but rule of 65

Spousal support terminated, economic disadvantage redressed, husband's retirement

\*\**Ellis v. Ellis*, [2010] O.J. No. 1250, 2010 ONSC 1880 (van Rensburg J.)

Married 22 years, separated 1994, both 64, traditional marriage

1999 consent order: spousal support \$2,333/mo. (COLA), husband \$96,720, wife \$13,680/yr.

Husband applies to vary, from \$2,728 to \$1,710/mo., wife seeks increase to \$2,973/mo.

Husband's employment terminated 2006, severance payments to May 2008

Now retired, pension, handyman business runs at loss, 2<sup>nd</sup> wife and her disabled daughter

Wife 2 part-time jobs, minimum wage, \$12,000/yr., knee surgery, now \$6,000/yr.

Husband's income, *Boston* but most of pension post-separation, total income \$69,429/yr.

SSAG range \$1,824-\$2,128-\$2,431/mo., order for \$2,100/mo., indefinite

Retroactive spousal support for 2006-08, husband's average income \$125,835/yr.

SSAG used, mid-to-upper range, \$4,000/mo., \$2,000/mo. for 2009

*Klimm v. Klimm*, [2010] O.J. No. 968, 2010 ONSC 1479 (Mulligan J.)  
Married 18 years, husband 42, wife 43, separated Dec. 2003, no children  
Interim 2008 order: \$1,400/mo. spousal support  
Wife health care aide, \$51,000/yr.  
Husband police officer, undercover work, \$114,000/yr.  
Wife seeks \$2,150/mo., husband offers \$1,800/mo.  
Wife not made efforts to improve earnings, step-down order as result  
Order for \$1,800/mo. for 2 years, then \$900/mo. for 2 more years, then end (total 6 yrs)  
[SSAG range \$1,418-\$1,890/mo., 9 to 18 years]

*Gibson v. Gibson*, 2010 CarswellONt 420 (Turnbull J.)  
Married 24 years, wife 49, husband 52, 2 children 25 and 19  
Wife cohabiting since separation Sept. 2008, new partner earned \$70,000/yr., laid off, EI now  
Wife chemotherapy, looking for part-time job, no income  
Husband earns \$32,000  
SSAG range \$1,000-\$1,167-\$1,258/mo.  
Wife has need, interim support \$1,000/mo., to maintain marital standard of living

*Elicich v. Okecka*, 2010 CarswellOnt 175, 2010 ONSC 36 (Tucker J.)  
Together 14 years, separated 1997, husband 61, wife 49, one adult child  
Previous orders unpaid: 1998 for \$600/mo. combined support (“some amount” spousal)  
2002 \$600/mo. child support, \$400/mo. spousal support, then to \$500 and \$579/mo.  
Husband worked at GM, earned \$80-\$90,000/yr, retired at 60 in 2008, pension \$40,000/yr.  
Husband applies to terminate support  
Support compensatory as wife out of work force  
Wife now working as cook, \$27,000/yr.,  
Husband uses SSAG, duration 7.5 to 15 years [range for amount \$227-\$303/mo.]  
Order for \$579/mo. to continue, despite retirement, 2 more years (total 14 years)

*Smith v. Smith*, [2010] O.J. No. 768, 2010 ONSC 398 (Leroy J.)  
Married 23 years (plus 2), no children, wife 44, husband 45 at April 2006 separation  
Husband Union Gas in Belleville, wife Ontario public service in Ottawa  
Careful analysis of entitlement:  
No compensatory basis, as wife got retraining and better job despite move with husband  
Non-compensatory support, no claim til April 2008, claim for retro support to May 2007  
Incomes averaged over last 3 years: wife \$49,000, husband \$80,000/yr.  
Incomes at separation: wife \$40,700, husband \$63,500, now wife \$53,000, husband \$86,500  
Duration 8 years from separation, i.e. 52 more months to April 2014, retro lump sum \$22,913  
SSAG \$1,040/mo., low end of current incomes, mid-point of average incomes

*Robertson v. Williams*, [2009] O.J. No. 5451 (Mulligan J.)  
Together 16 years, both self-represented  
Husband over 65, income \$34,611/yr. of pension, OAS, CPP, pays \$800/mo. to first wife  
Wife 63, non-taxable WSIB payments, \$10,700/yr., should seek CPP  
Judge did calculations, mid-range \$334/mo., order for \$300/mo., indefinite  
[If wife’s income grossed up, range \$272-\$318-\$363/mo., adjustment made for prior support]

*Elgner v. Elgner*, [2009] O.J. No. 5269, 2009 CarswellOnt 7702 (Greer J.), leave to appeal to Div. Ct. denied [2010] O.J. No. 1139, 2010 ONSC 1578 (Sachs J.), no hearing unless \$2.1 million paid to comply with order [2010] O.J. No. 845, 2010 ONSC 1143 (McCombs J.), stay denied [2010] O.J. No. 562, 2010 ONSC 794 (Swinton J.)  
Married 33 years, separated June 2007, wife 61, husband 62, 3 children 31, 28 and 27  
Traditional marriage, substantial assets, husband advanced \$62 million to wife  
Husband says no “need” for spousal support, wife no income, expenses \$1 million/yr.  
Husband’s income \$2.8 to \$3.9 million/yr.  
Wife seeks SSAG range \$118,347-\$158,347/mo. plus retro to 2007  
Entitlement both compensatory and non-compensatory  
Wife not have to use capital for expenses  
Retro spousal support for 2008 and 2009 of \$140,000/mo., certain non-recurring expenses  
Ongoing support of \$110,000/mo. from Jan. 2010

*Scott v. Scott*, [2009] O.J. No. 5279 (R.J. Smith J.)  
Married 32 years, divorced 1999, traditional marriage  
1999 order: \$1,000/mo., husband then earning \$36,000/yr., lifetime support, binding on estate  
2005 increased to \$1,100/mo.  
Husband’s income rose to \$87,841 in 2007, then retired and income \$30,432/yr.  
Husband says double-dipping, but low amount of pension equalized, 10 years further service  
Support reduced to \$1,000/mo., indefinite  
[SSAG range \$950-\$1,266/mo.]

*Driscoll v. Driscoll*, [2009] O.J. No. 5056 (Lemon J.)  
Married 30 years, 3 adult children  
Joint business Driscoll Hardwood Flooring, owned 50/50, wife bookkeeper  
Issue re husband’s income from business, hard to determine for interim support  
Husband says \$25,000, wife says \$140,000/yr., court determines \$100,000  
Wife unemployed, out of business, new partner also unemployed, purchased new home  
SSAG range if wife no income \$3,125-\$4,042/mo., but repartnering, order for \$3,000/mo.

*Courtney v. Courtney*, 2009 CarswellOnt 6465 (Henderson J.)  
Married 32 years, 2 adult children, separated 1998, both spouses 67  
Husband asbestos worker, retired 2008, income \$38,400/yr. pension, CPP, OAS  
Wife gets share of pension, \$23,328/yr.  
Husband paid \$600/\$500/mo. 2005-08, stopped when retired, sporadic before that  
Delay, so low end of SSAG range \$475/mo. [range \$472-\$629/mo.]  
Retro support sought back to 2001, but first serious demand in June 2008  
Wife used up joint bonds worth \$40,000, order for \$950/mo. for 2008.

*Fountain v. Fountain*, 2009 CarswellOnt 6342 (Lemon J.)  
Married 24 years, wife 50, husband 51, 2 adult children, separated July 2003  
Wife not credible, cohabiting since 2003  
Wife on ODSP of \$864/mo., repartnered, new partner on EI  
Husband earns \$60,075/yr.  
Interim orders: 2005 \$1,100/mo., 2006 \$1,300/mo.  
SSAG range \$1,500-\$2,000/mo.  
Retro reduction from Aug. 2006 for repartnering, \$500/mo., pay back \$22,800  
No self-sufficiency efforts by wife, had worked at restaurant until injury  
If \$500/mo. until wife 65 (15 years), less tax, discounted, negative contingencies  
Lump sum of \$49,500 ordered

*Rhynold v. Rhynold*, [2009] O.J. No. 4339 (Mulligan J.)

Married 11 years, no children, separated Jan. 2004

2007 minutes: wife in house, equalization payment, support \$1,365/mo., review Feb. 2010

Husband then earning \$97,510/yr. as Chrysler autoworker

2008 income \$78,000, then laid off 2009, income with EI reduced to \$59,000

Husband new partner, she unemployed

Application to vary by husband, he argues SSAG

Wife on CPP Disability, mental health problems, \$8,400 plus rent, income \$16,000/yr.

2008 SSAG \$852-\$1,035, 2009 SSAG \$591-\$788/mo.

2008 no variation, as husband knew his income would fluctuate, wife's disability

2009 not strict SSAG as disability, varied to \$788/mo. [no time limit mentioned]

*Balazsy v. Balazsy*, [2009] O.J. No. 4113 (Turnbull J.)

Married 18 years, 3 children 25, 24 and 20, wife 46, separated 2000

2 boys with husband, girl with wife, all on own now

Husband travelling salesman, wife ran restaurant and cared for children

2005 consent order: \$750/mo. spousal support, husband \$78,800, wife \$16,300/yr.

But wife earned \$28,675 in 2005, living with partner since 2003, he earns \$66,000/yr.

Wife now on EI, \$25,000 in 2009

Husband now earns \$85,000/yr., new partner earns \$40,000 and her 2 teen daughters

SSAG range \$1,230-\$1,650 for 9-18 years

SSAG assistance now "somewhat limited" as both repartnered

Now similar household living standards, still some compensatory element

Wife now building hairdressing business, self-sufficiency issues

Step-down order: \$650/mo., 2009-10; \$550, 2010-11; \$450, 2011-12; \$350, 2012-13, \$250, 2013-14, end Sept. 2014, i.e. 9 years total

*Muzaffar v. Mohsin*, [2009] O.J. No. 4005 (Lemon J.)

Married 15 years, no children, separated 2008

Wife on social assistance, husband earns either \$48,000 or \$67,000/yr.

Husband says \$1,000/mo. interim support, wife claims \$1,300/mo.

Neither did SSAG calculations, judge did own

Range either \$900-\$1,200/mo. or \$1,200-\$1,675/mo., so \$1,300/mo. ordered

*King v. King*, [2009] O.J. No. 4029 (Lemon J.)

Married 32 years, no children now

2004 minutes: spousal support \$900/mo., when husband earned \$49,849/yr.

Husband now 60, new partner, 2009 income \$43,000, trucking company, applies to vary

Wife's income \$25,200 in 2008

Both self-reps, judge did own SSAG calculations, range \$554-\$689/mo.

Order varied to \$600/mo., indefinite

*Scheiris v. Scheiris*, [2009] O.J. No. 3795 (Lemon J.)

Married 42 years, husband 66

2004 order \$900/mo., husband on WCB payments \$35,000/yr.

Now terminated, husband on CPP/OAS \$10,000/yr., bankrupt

Wife \$3,600/yr, her share of CPP

SSAG range \$188-\$250/mo., husband no ability to pay

Spousal support terminated as of May 2008, when husband's CPP started [husband's income below "floor"]

*van Rythoven v. van Rythoven*, [2009] O.J. No. 3648 (Gray J.)  
Married 13 years, 2 children 28 and 24, separated 1993  
1996 final settlement agreement: spousal support \$700, then \$1,200/mo., ended 1997  
Wife says represented by duty counsel, 1998 variation by wife dismissed  
Her subsequent health problems: bipolar, back injury, asthma, etc., unable to work  
Wife on ODSP \$7,500/yr., no CPP disability as no contributions  
Husband supporting children's doctoral and B.A. studies  
Fails *Miglin* 2<sup>nd</sup> stage, if not 1<sup>st</sup> too: wife expected to return to labour force, but medical conditions worsened  
Wife says SSAG range \$1,463-\$1,700-\$1,950/mo.  
Wife entitled to non-compensatory support, disability  
SSAG "of little use", order for \$1,950/mo., indefinite

*Denofrio v. Denofrio*, [2009] O.J. No. 3295, 2009 CarswellOnt 4601 (Linhares de Sousa J.)  
Married 54 years, 4 children in their fifties, wife 70, husband 83  
Separation, reconciliation and marriage contract in 1989, not adhered to  
Husband Alzheimer's, in home, his parking business sold  
Wife's income \$19,000/yr.  
SSAG used by wife to claim \$150,000/mo. support, if husband's income \$4.1 million/yr.  
Not use SSAG above ceiling, interim spousal support \$15,000/mo. tax-free  
Husband says income \$268,500/yr., but some encroachment on capital okay

*Thompson v. Kirk*, [2009] O.J. No. 3222 (Roccamo J.)  
Together 9 years, wife 49, husband 46, wife's son (18) lives with husband  
Wife medical problems, CPP disability \$9,108/yr.  
Husband construction contractor, repartnered, income issues, income \$51,000/yr.  
Husband pays \$1,173/mo. child support for 4 children  
Ontario Court of Justice ordered \$1,000/mo. interim spousal support, appealed by husband  
SSAG argued, but not mentioned by trial judge, but must have "considered"  
Appeal dismissed on standard of review grounds  
[SSAG *without child support* range \$473-\$650/mo.; adjusted for prior support, \$229-\$306/mo.]  
[If *custodial payor* formula, range \$370-\$493/mo.; adjusted for prior support, \$138-\$184/mo.]

*Pengilley v. Pengilley*, [2009] O.J. No. 3227 (Murray J.)  
Married 16 years, wife 75, husband 80, separated 2005  
Husband's CPP/annuity income \$56,300/yr.  
Wife's income \$30,300 in 2007, says \$1,800/mo. will equalize incomes  
Husband says SSAG range \$551-\$734/mo.  
Interim interim support \$750/mo., slightly above upper end

*Greenglass v. Greenglass*, [2009] O.J. No. 3224 (Allen J.)  
Married 30 years, husband 66, wife 62, 2 adult daughters, separated 2001  
Wife teacher, home, taught ESL 12 years, then 4 years part-time, now retired  
Her income \$21,000/yr., pensions/ CPP/investments  
Husband accountant, fired in 1999, outstanding litigation, now repartnered  
Husband part-time at H & R Block, \$12,000/yr. plus investments, total \$55,000  
Indefinite order, upper end of SSAG range, 50%, \$1,417/mo.

*McFarlane v. McFarlane*, [2009] O.J. No. 2947 (Greer J.)

Married 31 years, separated 1997, husband 66, wife 65

1998 separation agreement: \$2,300/mo. spousal support, indexed, husband earned \$78,825/yr.

Husband remarried, new wife earns \$15,000/yr.

Husband retired by employer at 64 in 2007, RRSP/LIRA \$17,260/yr.

Husband paying \$2,846/mo., stopped in 2008

Wife former nurse, now CPP/OAS \$13,020/yr.

No *Boston*, need, husband's income could be \$25,928/yr, 66% income reduction

SSAG range \$539-\$674/mo. (?) [estimated to be \$404-\$538/mo.]

Support reduced 66%, to \$940/mo.

*Metlin v. Metlin*, [2009] O.J. No. 2211 (Matheson J.)

Together 17 years (married 13), wife 48, husband 42, separated Jan. 2008

Wife works part-time in store, \$15,000/yr., bankrupt after separation

Wife could work more, \$20,000/yr., left husband with joint debts of \$33,000

Husband works in construction, cash payments, earned \$47,796/yr.

Wife used \$80,000 for husband and \$15,000, to say SSAG range \$1,056-\$1,408/mo.

Spousal support set at \$500/mo., partly due to debts [exception?]

[at lower income for husband, range \$591-\$788, 8.5 to 17 years]

*Lehtomaa v. Lehtomaa*, [2009] O.J. No. 2099 (McCartney J.)

Married 40 years, husband 75, wife 75, separated 1999

Wife retired at separation, husband "retired" when he was 48

Wife's income \$21,780, husband \$33,948/yr.

SSAG range \$380-\$440-\$507/mo.

Order for \$440/mo., not equalize incomes

*Mechefske v. Mechefske*, [2009] O.J. No. 2004 (Gordon J.)

Married 19 years, wife 41, husband 44, separated Nov. 2004

2 children 23 and 20, both now independent, youngest with husband

Spousal support since 2004 of \$1,000/mo., then \$1,520/mo.

Wife seeks \$2,000/mo., husband says paid long enough

Husband Inco miner, bankrupt, new partner (unemployed), income \$80,000/yr.

Wife on contract with CRA, new partner (unemployed trucker), income \$37,000/yr.

Support to continue, 10 years to 2014, wife young and industrious

SSAG calculations for different incomes, "limited assistance" as wrong incomes

Order for \$1,200/mo. [range estimated as \$1,022-\$1,192-\$1,362/mo.]

\*\**Shorey v. Shorey*, [2009] O.J. No. 5136, 2009 CarswellOnt 7514 (Rowell J.)

Together 17 years (married 16), both 53, 2 adult children of wife

Husband RCMP officer, earns \$92,000 with some overtime

Wife dental hygienist, works 2 days/week, 3<sup>rd</sup> day imputed, income \$38,000/yr.

SSAG range \$1,148-\$1,339-\$1,530/mo., mid-point of \$1,339 ordered

Wife could work more, retro support to Sept. 2007, reduced to \$3,292 as no tax relief

### C. The With Child Support Formula

**\*\*Rivard v. Rivard**, [2010] O.J. No. 2039, 2010 ONSC 2711 (Gareau J.)

Together 10 years (married 6), wife 37, husband 40, separated Dec. 2005

2 children 10 and 8, husband seeks shared custody, but wife's primary care continued

Temporary order Dec. 2006: child support \$1,220/mo. plus \$280/mo. child care

spousal support \$1,200/mo., husband earned \$85,000, wife \$10,000/yr.

Husband pharmaceutical sales rep, earns \$99,656/yr., including bonuses

Wife was operating day care in home, now secretary at hospital, part-time, \$19,000/yr.

court imputes full-time minimum wage income \$22,000/yr.

Child support \$1,400/mo., plus s. 7 expenses: \$260/mo. child care, \$214/mo. by husband

each pays \$800/yr. for one child, wife for dance, husband for hockey

Spousal support: no time limit, wife's disadvantage, SSAG, *Cassidy*

Wife seeking full-time work at hospital, doing online university courses

Husband paid support 3 ½ years, review in 5 years

Order for \$1,400/mo., considering budgets and SSAG

[Estimated range \$589-\$988-\$1,468/mo.]

**Hill v. Hill**, [2010] O.J. No. 1865, 2010 ONSC 2630 (Spies J.)

Together 23 years (married 15), wife 39, separated March 2005

2 children: boy 17 with husband, girl 14 with wife, wife in matrimonial home

Husband not filed answer, so no notice re temporary order, support stopped in Feb.

Wife earns \$33,587/yr. as caretaker at retirement centre

Husband earns \$79,956/yr. at TTC

Child support: \$719 - \$311 = \$408/mo.

Spousal support: SSAG mid-range \$664/mo.

Wife primary caregiver, home most of marriage, 44.9% family NDI to wife

[Range \$336-\$664-\$931/mo.]

**Kahn v. Kahn**, [2010] O.J. No. 1867, 2010 ONSC 2617 (Spies J.)

Married 13 years, separated Sept. 2008, 5 children aged 5 to 13, with wife

Mortgage in arrears, wife and children in home

Wife teacher, earns \$60,798/yr.

Husband lawyer, in leasing business, for father's company, earning \$120,000/yr.

Interim child support \$2,870/mo.

Section 7: nanny \$1,560/mo., no longer affordable

Wife seeks interim spousal support, but no ability to pay, zero on SSAG

Wife has 67% of family NDI

Wife will have to pay \$3,400/mo. on mortgage, hope to refinance and reduce payment

[Range zero to zero]

**Bionski v. Bionski**, [2010] O.J. No. 1781, 2010 ONSC 2552 (Pazaratz J.)

Married 20 years, separated Oct. 2008

2 children: 19-year-old away at university, husband pays \$350/mo. direct, sufficient

18-year-old developmentally-delayed, high school, full-time care, ODSP \$796/mo.

Wife special education assistant, earns \$33,760/yr.

Husband shop teacher, earns \$74,151/yr.

Child support \$673-\$525 (ODSP living expenses)=\$148/mo.

Interim spousal support of \$1,100/mo., within range

[SSAG range if full child support \$317-\$797/mo., if lower \$148/mo, then \$620-\$1,148/mo.]

*Maskobi v. Maskobi*, 2010 CarswellOnt 2742, 2010 ONSC 2540 (McGee J.)  
Together 8 years (married 7), wife 41, husband 39, 2 children 7 and 5, separated April 2009  
Wife home since 2003, worked at bank earning \$250,000/yr. before  
Husband seeks shared custody, interim parenting schedule ordered  
Father at bank earns \$1,122,625, full table interim child support \$13,274/mo.  
Wife seeks temporary spousal support \$18,500-\$24,193/mo. using SSAG  
Husband's income different for spousal support, \$955,406, to exclude bonus shared as property  
Wife's budget reasonable, income above SSAG ceiling  
Temporary spousal support \$12,500/mo.

*Misner v. Misner*, 2010 CarswellOnt 2713, 2010 ONSC 2284 (Pazaratz J.)  
Married 20 years, wife 45, husband 52, separated Sept. 2008  
4 children, all with wife: 20 on athletic scholarship at Florida university, 17 and 15 (both with  
profound special needs) and 7  
Wife home since birth of 2<sup>nd</sup> child, no "time off", complex scheduling with demands of children  
Wife works 1 hour/day, 3 days/week at school, \$600 per year  
March 2009 temporary order: child support \$1,700/mo., spousal support \$1,300/mo.  
Husband's lack of financial disclosure re Dofasco income, \$94,000/yr.  
Also problems of disclosure of water purifying business income  
Court imputes \$100,000/yr. total income  
Child support for 20-year-old daughter: of \$10,000 expenses, \$5,000 paid by parents,  
husband to pay \$385/mo. as his share, home with wife in summer months  
Child support for 3 for 9 mos., \$1,875/mo., for 4 for 3 mos., \$2,172/mo., average \$1,940/mo.  
Spousal support of \$1,100/mo., at high end of SSAG range in summer, mid rest of year

*Bath v. Bath*, [2010] O.J. No. 1668, 2010 ONSC 1630 (Spies J.)  
Married 5 years, 2 children 5 and 3, with wife, husband 53, wife 39  
Husband from India in 1978, arranged marriage in India in 2003  
Husband taxi driver, rents licence, drives accessible vehicle, own numbered company  
Husband income issues, disclosure, fixed at \$26,858/yr.  
Child support \$401/mo., retro to separation date  
Wife provides beautification services for cash, on social assistance (not income)  
No disadvantage/loss, no efforts to self-sufficiency  
If wife no income, SSAG range \$76-\$237/mo., impute \$200-\$250/mo. income  
No spousal support

*Ali v. Ansar*, [2010] O.J. No. 1709, 2010 ONSC 2428 (Mesbur J.)  
Married 29 years, 3 children 27, 23 and 14, separated Aug. 2008  
Husband worked in bank in Bangladesh, Kuwait, now in foreign exchange  
Income imputed to husband of \$30,000/yr., child support \$270/mo.  
Long-term traditional marriage, wife's income \$5,000/yr.  
Spousal support of \$350/mo, indefinite, "considered SSAG"  
[SSAG range estimated \$209-\$298-\$390/mo.]

*Pandya v. Pandya*, [2010] O.J. No. 1695, 2010 ONSC 2026 (Hourigan J.)  
Retroactive variation, husband's income reduced, low end of SSAG range used

\*\**Chapman v. Chapman*, 2010 CarswellOnt 2343 and 2009 CarswellOnt 8915, [2009] O.J.  
No. 5994 (Belch J.)  
Together 23 years (married 22), wife 56, separated May 2004  
Children 24 and 17, with wife, then youngest to husband in March 2006

Wife health problems, unable to work, long traditional marriage  
Husband senior bank executive, changed banks and jobs after separation  
2005 minutes: child support \$1,032/mo., spousal support \$2,600/mo.  
Post-separation income increase: \$103,000 in 2005, by 2009 \$163,400  
Full sharing of increase, continuation of career in banking industry  
Husband repartnered at time of minutes, also in banking  
Lower end of range ordered, given husband's income incentives  
Custodial payor formula, \$4,000/mo. going forward  
Retro support: changes in numbers of children and custodial arrangements  
Some overpayment of child support 2006-09  
Use of different SSAG formulas (basic, split, custodial payor), low end of range  
\$34,100 in retro spousal support 2006-09  
[Custodial payor range estimated \$3,827-\$4,464-\$5,102/mo.]

*Oxley v. Oxley*, [2010] O.J. No. 1355, 2010 ONSC 1609 (Boswell J.)  
Interim interim order June 2009: child support \$1,414/mo., spousal \$4,200/mo.,  
husband's income \$171,595/yr., til valuation of husband's business  
Support not paid, husband's application to vary, in contempt, must pay \$28,070 in arrears  
Husband's income reduced in 2008 due to market conditions  
Husband stopped working Sept. 2009, medical reasons insufficient  
Income imputed to him of \$100,000/yr. from his company  
Child support \$877/mo., spousal support \$2,500/mo., mid-range SSAG, from Dec. 2009  
If arrears not paid, then husband's pleadings to be struck

*Krane v. Krane*, [2010] O.J. No. 1009, 2010 ONSC 1488 (Gordon J.)  
Married 21 years, 3 children 24, 23 and 20, separated Feb. 1997, wife 39 then  
Much litigation over support matters  
Spousal support paid for 13 years, issues of termination of child and spousal support  
Husband building inspector, earns \$84,853/yr., wife \$34,119/yr.  
Youngest now only "child", with wife, away at university  
Child support: \$758/mo. for 5 mos. when home with wife, \$345/mo. over full year  
Child has earnings, scholarship, Ontario student loan  
University expenses after child's contribution \$4,131, husband to pay \$2,520  
Retroactive child support ordered back to Jan. 2003, husband failed to disclose  
Husband paying \$550/mo. spousal support, based on husband's income \$65,000/yr. in 2001-02  
Retro spousal support calculated using SSAG \$9,300  
Court has difficulties in computing SSAG with less than full table child support  
Formula range stated to be \$685-\$1,020-\$1,350/mo. [basic formula used, full table?]  
Order for \$1,050/mo., indefinite  
[If *adult child* formula, range estimated \$1,159-\$1,352-\$1,545/mo.]

*Rivero v. Tan*, [2010] O.J. No. 1005, 2010 ONSC 1333 (Lemon J.)  
Married 9 years, separated May 2008, 2 children 10 and 4, with wife  
Husband's answer struck for non-disclosure  
Husband warehouse business, little income on tax return, bank statements and credit cards  
His income imputed at \$100,000/yr., child support \$1,404/mo.  
Wife from Cuba, little English, now pregnant, left bakery work on doctor's advice  
Her income zero, modest budget, SSAG range \$875-\$1,353/mo.  
Spousal support of \$1,000/mo., indefinite

\*\**Barton v. Sauve*, [2010] O.J. No. 1008, 2010 ONSC 1072 (Blisshen J.)

Together 8 years, 2 children 9 and 5 with wife, separated Nov. 2007

Husband claims spousal support

Wife's grandmother won lottery, gifted \$2 million to wife, she paid off debts

New home purchased, wife required cohabitation agreement, signed in 2007:

husband to get his \$70,000 contribution to home, waivers of spousal support

Husband injured in 2005, workers compensation, \$14,508/yr.

Wife's interest income \$54,064/yr., previously earned \$83,448/yr.

Cohabitation agreement upheld

Spousal support provision "unconscionable" under FLA s. 33(4)

At agreement husband expected to work, but fibromyalgia worsened, entitled

Husband not paying any child support

*Custodial payor* formula range \$396-\$527/mo., 4 to 8 years

Husband lived in matrimonial home for one year, so 7 years support

Mid-point of \$462/mo. ordered, or payable as lump sum after tax \$25,000

*Attia v. Garanna*, 2010 CarswellOnt 1168, 2010 ONSC 1261 (Ricchetti J.)

Married 6 years, 2 children 8 and 6, wife 34, separated Aug. 2006

Married in Egypt, wife sponsored and to Canada year later

After separation, wife abducted children to Egypt, returned in 2007

2007 interim order: child support \$944/mo., spousal support \$800/mo.

Sole custody to husband, but equal time sharing week-about schedule

Wife teacher in Egypt, got Ontario teachers degree, 1 course short of Master's

Teaching at private Islamic school, earning \$29,500/yr., disclosure issues

Husband works in IT at bank, earns \$68,000/yr.

Child support \$587/mo. on set-off [but \$1,105-\$437=\$578]

Spousal support: wife not disadvantaged by marriage

SSAG range 0-\$341/mo., duration 3 to 13 years [income of \$21,800 used for wife]

Support to end May 2011 (total 4 years), \$250/mo.

\*\**M.(A.A.) v. K.(R.P.)*, 2010 CarswellOnt 1139, 2010 ONSC 930 (Pazaratz J.)

Married 9 years, wife 40, husband 42, 2 children 11 and 7, with wife, separated Nov. 2004

Both veterinarians, husband bought interest in small animal practice in 1998

Wife's equine practice delayed by children, later

In 2004, husband earned \$92,000, wife \$11,000

Homemade separation agreement signed in Nov. 2005:

No legal advice, shared custody, child support \$500/mo., waivers of spousal support

Husband paid wife \$60,000 for equity in home

In 2007, wife primary care, child support varied to table amount, retro child support ordered

Property provisions of agreement upheld

Spousal support provisions fail at stage 1 of *Miglin*

No discussion, clause just inserted, no substantial compliance

Entitlement on compensatory and non-compensatory grounds

Wife now earns \$100,000 and husband \$189,900/yr.

Full sharing of post-separation income increase, as her loss and his gain

Both repartnered, but treated as irrelevant: husband's partner earns \$90,000/yr.,

wife cohabited since 2005, partner earns \$30,000/yr.

Counsel agree to SSAG ranges from 2004 to 2009

Spousal support awarded for 2006-09, 4 years (high, mid, then low-mid range for 2 years)

Total \$80,000, netted down for tax to \$44,000 lump sum

*Sfeir v. Sfeir*, 2010 CarswellOnt 922, 2010 ONSC 1163 (Tulloch J.)  
Married 19 years 2 teen children, separated Jan. 2007, wife 45  
Husband engineer, now on disability for depression, 2009 income \$230,000  
Wife runs electrolysis clinic, underemployed, \$60,000 income imputed for 2009  
Child and spousal support recalculated from Jan. 2007 to Feb. 2010  
Low range of SSAG used for 2007 (shared), 2008 (one sole, one shared), 2009  
Section 7 expenses including private school \$20,000/yr., shared proportionately

*Legge v. Funston-Legge*, [2010] O.J. No. 1021, 2010 CarswellOnt 1421, 2010 ONSC 1025  
(MacPherson J.)

Together 12 years (married 10), 3 children 13, 10 and 6, with wife, separated June 2008  
Husband not appear at trial, operated computer business, but no disclosure  
Income determined as \$95,000/yr., child support \$1,797/mo.

Wife home, now 2 part-time jobs, \$8,000/yr., paying debts of \$22,000-plus  
SSAG range \$520-\$736-\$957/mo, 6 to 14 years, wife seeks \$650/mo.

Judge would have ordered more spousal support, but \$650/mo. indefinite

*Poirier v. Poirier*, 2010 CarswellOnt 744, 2010 ONSC 920 (Price J.)

Married 27 years, husband 55, wife 52, separated Aug. 2008

6 children aged 17 to 31, 3 with wife now: 21 (not dependent), 19 (college), 17 (high school)

Husband engineer, high incomes as employee, now consulting, earned \$568,975 in 2008

Fluctuating income, disclosure problems, little income in 2009, underemployed

Income imputed at \$500,000/yr.

SSAG not fully addressed in argument, income above ceiling

Child support \$6,052/mo., plus s. 7 expenses of \$13,000-plus

Interim spousal support of \$10,000/mo. for 5 months

[SSAG range estimated \$10,911-\$13,074/mo.]

\*\**Atkins v. Burgess*, [2010] O.J. No. 275, 2010 ONSC 557 (Quinlan J.)

Together 2+ years, 2 children 7 and 3, separated Oct. 2007

Older child step-child, wife receives \$150/mo. child support from father

Husband in scrap metal recycling, income issues, husband says \$30,000/yr., non-disclosure

Income of \$90,000/yr. imputed, based on wife's evidence

Child support \$1,281 - \$150 = \$1,131/mo.

Wife can earn \$15,000/yr., previously home, her income an "estimate"

SSAG range \$719-\$1,330/mo., wife seeks \$1,100/mo.

Spousal support of \$719/mo., low end as wife's income an estimate, possibly higher

[if *step-parent* formula properly adjusted for table amount, range \$597-\$1,196/mo.]

*Berry v. Edge*, [2010] O.J. No. 25, 2010 ONSC 171 (Milanetti J.)

Together 10 years, wife 44, husband 52, separated Aug. 2006

2 children 15 and 10, wife one child of previous relationship now 20

Split custody, daughter 15 with wife, son 10 with husband

Wife home, now on social assistance, no income

Husband earns \$43,457, child support \$410/mo., retro support

SSAG calculations from wife, treats her social assistance as income, 2 children with her

Spousal support of \$800/mo., review in 2 years, wife must find employment

Retro spousal support to 2006 of \$18,500

[SSAG range, with wife's income zero \$792-\$1,041/mo.]

\*\**Buchanan v. Goldberg*, 2010 CarswellOnt 74, 2010 ONSC 268 (Price J.)

Together 28 years (married 23), husband 56, wife 54, separated 2007

2 children 26 and 19, 19 away at university, with husband in high school, wife now in summer  
Wife home, real estate, less than full-time, little income, income only from rent \$5,300/yr.  
Interim spousal support \$2,000/mo. for 1 ½ yrs, \$4,000/mo., since April 2009 \$5,000/mo.  
Husband pays \$1,000/mo. child support direct to child  
Income issues for husband: CEO of drug testing company  
Husband says income \$146,300 in 2010, \$172,000 in 2011, wife says \$274,142  
Average 2006-08 \$204,326/yr. used  
Bonus, retained earnings, etc.  
Child support: ½ table amount, 9 mos., \$828/mo., full table \$1,656/mo. for 3 mos.  
Also s. 7 expenses paid by husband, amounts vague  
*Adult child* formula applied, but no gross up of child support  
Spousal support of \$6,000/mo. ordered, indefinite  
[If child support grossed up, *adult child* formula range \$5,494-\$6,409-\$7,325/mo.]

*Teoli v. Coley*, 2010 CarswellOnt 15, 2010 ONSC 135 (Murray J.)  
Married 22 years, separated Oct. 2009, 2 children 17 (with husband) and 19 (away at university)  
Husband's income \$290,000/yr., 50% owner of own business  
Husband in home, paying house expenses \$9,600/mo. pending sale  
Wife teacher \$45,000/yr.  
Child support not claimed (\$680/mo.), full university expenses paid by husband  
SSAG used for interim spousal support, mid-point \$5,500/mo.  
[*Custodial payor* range, no child support, estimate re s. 7, \$4,139-\$4,829-\$5,518/mo.]  
[SSAG range probably not adjusted for husband's payment of university expenses]

*Zacconi v. Mahdavi*, [2009] O.J. No. 5752 (Linhares de Sousa J.)  
Married 14 years, wife 54, one child 14 with wife  
Husband area director of flyer company, disclosure problems, big gross income  
His income imputed as \$158,000/yr.  
Interim child support \$1,317/mo., interim spousal support \$4,000/mo.  
SSAG calculations provided and considered  
[range estimated as \$3,775-\$4,190-\$4,598/mo.]

*Hong v. Silva*, [2009] O.J. No. 5543 (Hambly J.)  
Together 9 years, wife 35, husband 41, separated Sept. 2006, one child 9, with wife  
Husband forklift driver, then real estate agent, then forklift, then unemployed, new partner  
Income determined as \$40,000/yr.  
Wife worked in husband's real estate business, training as personal support worker  
Wife working part-time, minimum wage, \$8,650/yr.  
Child support \$367/mo.  
SSAG range \$196-\$441, order for mid-point \$319/mo., review in 3 years

*Dhanesar v. Dhanesar*, 2009 CarswellOnt 7173 (Kelly J.)  
Married 16 years, wife 46, husband 47  
2 children, 17 and 15 (autistic, full-time care by wife since 2005)  
Wife worked outside home, not since 2005  
Husband machine operator, earned \$33,500/yr., company bankrupt, now unemployed, EI  
Husband no ability to pay, support should be in accordance with SSAG, but \$1 nominal now  
Child support \$497/mo.  
Wife sought \$60,000 lump sum spousal support re his equity in home, dismissed

*Terry-Lancaster v. Terry*, 2009 CarswellOnt 6141 (Mulligan J.)  
Married 22 years, 6 children, split custody, 2 with husband, 4 with wife, wife 48  
Wife unemployed since Jan. 2009  
Husband's motion, child support varied to set-off \$2,129/mo.  
Husband's income increased from \$90,000 to \$100,000/yr.  
Nanny, husband paying 75%, wife unemployed so no longer appropriate  
Interim spousal support was \$1,000/mo.  
Husband says SSAG range mid \$281/mo., high \$438/mo.  
Concerns re SSAG where long-term marriage, wife has 4 children  
Interim spousal support reduced to \$438/mo.

*Gale v. Gale*, [2009] O.J. No. 4020 (Pazaratz J.)  
Married 20 years, 2 children 15 and 13, with wife, separated Dec. 2007  
Husband earns \$97,300/yr., child support \$1,371/mo.  
Wife earns \$33,400/yr.  
Both counsel present SSAG calculations, range \$428-\$869-\$1,242/mo.  
Wife says above mid-point for spousal support, as husband not exercising access  
Husband says continue interim order of \$750/mo., as debt load, even with house sold  
Debt and property issues left to trial, temporary spousal support \$1,000/mo.  
Retro child and spousal support to Oct. 2008, further back left to trial

\*\**Willi v. Chapple*, [2009] O.J. No. 3752 (Lemon J.)  
Together 16 years, 1 child 19, with wife and attending university  
Husband's income estimated conservatively at \$200,000/yr.  
Child support \$1,624/mo. plus \$10,000 for s. 7 expenses  
Wife accepts 6 years of spousal support, 2003-09  
SSAG range \$4,250-\$5,667/mo.  
Given low income estimate and low duration, high end of range \$5,500/mo.  
[Range correctly adjusted for s. 7 expenses]

*Tersigni v. Mousavi-Rizi*, [2009] O.J. No. 3637 (Allen J.)  
Married 14 years, 2 children 13 and 10 with wife, separated Jan. 2007  
Wife home, wants to do M.Psych., 2-year degree, \$10,800/yr. tuition and books  
No retro child or spousal support, as husband paid mortgage  
Husband runs restaurant business, says income \$78,000/yr., wife says \$350,000  
Income fixed at \$78,000/yr., based on restaurant sales and purchases  
Child support \$1,135/mo.  
Spousal support time limited to 3 years (!)  
Wife income of \$11,120/yr. from rent  
Order for \$600/mo., low end of SSAG range  
[Estimated range \$546-\$734-\$946/mo.]

*Sponagle v. Sponagle*, [2009] O.J. No. 3696 (Healey J.)  
Married 15 years, 2 children, separated May 2008, interim support  
Husband's income \$83,958/yr., wife's income \$33,672/yr.  
Child support \$1,208/mo.  
SSAG range \$203-\$893/mo.  
Wife gets equalization payment, to pay off mortgage and debts  
Also boards horse with husband (\$320/mo.)  
Compensatory issues left to trial, interim spousal support at lower end of range \$400/mo.  
Husband needs to finance equalization payment

*Wesselingh v. Wesselingh*, [2009] O.J. No. 5726 (Kershman J.)

Married 16 years, 1 child 15

Wife home, now part-time caregiver, earns \$10,600/yr.

Husband works at Hewlett-Packard, earned \$163,026, now \$127,466/yr.

Interim child support \$1,087/mo.

Interim spousal support: wife needs to make greater self-sufficiency efforts

Low end of SSAG range ordered, \$2,400/mo.

[Range estimated as \$2,478-\$3,240/mo.]

*Leon v. Leon*, [2009] O.J. No. 2789 (Warkentin J.)

Married 13 years, separated Feb. 2005, 2 children 16 and 14, split custody

Wife \$15,800/yr.

Husband mechanic, addiction to prescription drugs, \$30,000/yr. imputed

Child support \$444 - \$311 = \$133/mo., and retro

SSAG range 0-\$80-\$211/mo., modest support, given length and roles, \$100/mo.

*Gauci v. Malone*, [2009] O.J. No. 2627 (Baltman J.)

Together 7 years, separated July 2007, wife 37, husband 46

2 children 9 and 6, with wife, wife 2 children 13 and 11 from previous marriage

Wife not worked outside home, on social assistance

Husband earns \$44,000/yr., child support \$665/mo.

SSAG range 0-\$244/mo., 4 to 14 years

Wife's efforts insufficient, young, able-bodied

Based on needs and means, no spousal support (!)

[Social assistance wrongly treated as income; range if wife no income \$430-\$540-\$652/mo.]

*Abuzokkar v. Farang*, [2009] O.J. No. 2915 (Ricchetti J.)

Together 4 ½ years (married 4), wife 37, separated April 2008

1 child 5, plus wife's child of previous marriage age 10

High conflict case, wife's evidence dubious

Husband not stand in place of parent, even though sponsored wife and child to Canada

Husband earns \$61,800/yr., child support for one \$573/mo.

Wife earns \$30,000/yr., wife not disadvantaged, short marriage

Spousal support time limited, not substantial

SSAG range \$0-\$157-\$444/mo., for 2 to 12 years

Spousal support \$200/mo. for 3 years [no explanation]

Converted to lump sum \$7,200 [no discount for tax], set off vs. equalization by wife

*Albano v. Albano*, [2009] O.J. No. 2569 (Harris J.)

2 children 10 and 5, with wife, 10-year-old has health problems

Husband earns \$84,114/yr. at Toyota

Wife earns \$27,000/yr., half-time

Child support \$1,209/mo. plus \$368/mo. child care, also retro

Spousal support \$600/mo, in upper SSAG range, plus retro to Jan. 2007

[Range estimated as \$39-\$343-\$665/mo.]

\*\**Guignard v. Guignard*, [2009] O.J. No. 2267 (Shaw J.)

Married 25 years, wife 45, husband 46, separated March 2009

2 children 21 and 17, only younger "child", shared custody

Incomes in issue

Wife educational assistant/supply teacher/EI/lifeguard, earns \$32,256/yr.

Husband supervisor at mine, income \$106,212/yr.  
Interim child support \$925 - \$296 = \$629/mo.  
Interim spousal support: husband in navy, wife moved with him  
SSAG range \$1,142-\$1,512-\$1,874/mo.  
Various factors considered re location, \$1,200/mo.

*Contreiras v. Contreiras*, [2009] O.J. No. 2164 (van Rensburg J.)  
Married 20 years, 2 children, separated 2001  
Nominal spousal support since 2003  
Wife earns \$63,000/yr. in U.S. as teacher  
Husband earns \$209,509/yr.  
Premature to vary spousal support, as wife's U.S. visa expiring

*LeBlond v. LeBlond*, [2009] O.J. No. 5689 (Charbonneau J.)  
No details, 1 child 18 with husband, *custodial payor*  
SSAG range from husband \$1,800-\$2,400/mo., from wife \$2,160-\$2,880/mo.  
Interim order for \$2,100/mo.

*Steele v. Steele*, [2009] O.J. No. 2062 (Bielby J.)  
Married 12 years, separated July 2001, 4 children 18, 15, 13, 12  
2003 agreement: spousal support \$750/mo. for life  
Oldest child to husband in 2008, split custody now  
Husband terminated from employment, 1 year severance, til Oct. 2009  
Wife home, Crohn's disease, employment limited to 18 hrs/wk., \$10,275/mo.  
Spousal support duration 6-13 years  
Entitlement continues, given disability, upper end of range  
3 sets of SSAG calculations for different incomes for husband  
Husband's income set at \$113,591/yr.  
Child support \$2,039 - \$33 = \$2,006/mo., oldest child's tuition, etc. \$10,000/yr.  
Spousal support \$650/mo., probably high end  
[Range estimated as \$280-\$481-\$686/mo.]

*Unruh v. Rakowski*, [2009] O.J. No. 1706 (J. Wright J.)  
Missing information, 2 children with wife  
2002 order: child support \$537/mo., spousal support \$100/mo., husband \$37,400/yr.  
Application to vary by husband, now WSIB income \$43,700 grossed-up  
Child support \$661/mo.  
Spousal support range \$14-\$234/mo, order for \$234/mo. and arrears determined