

Appendix I

SPOUSAL SUPPORT ADVISORY GUIDELINES APPELLATE CASE SUMMARIES [Updated to Sept. 12, 2007]

[Note: this is a complete list of all appellate decisions since the release of the Draft Proposal in January 2005]

Alberta

Lust v. Lust, [2007] A.J. No. 654, 2007 ABCA 202 (Alta.C.A.)
Married 10 years, 2 children 8 and 4, with husband
Controlling father and his mother, weak wife, left home August 2005
Trial decision: custody to husband, access to wife, review in 1 year, counselling and report
Husband earns \$80,000; wife \$25,000 in doctor's office, few skills
Wife quit job, EI \$14,000, \$25,000 income imputed
Child support \$379
Spousal support: wife home 5 years, property divided, each \$170,000
support \$700/mo. for 4 more years, retro 19 months (total 5 ½ years)
Appeal: custody order upheld, even if unusual
SSAG "instructive as to one route to proper exercise of discretion", order upheld
[Custodial payor formula range: \$524-\$698 for 5 to 10 years]
[Wife incorrectly used *without child support* formula to claim \$1,229/mo. for 10 years]

British Columbia

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

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]

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.)
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 (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

Dunnigan v. Park, 2007 CarswellBC 1441, 2007 BCCA 329 (Prowse J.A.)
 Married 25 years, traditional marriage, 2 adult children, husband 58, wife 52, separated 2002
 Trial: \$1,200/mo. spousal support, indefinite, upheld on appeal
 Husband earns \$53,000 in provincial government
 Wife caring for elderly mother, board and car free in Youbou, \$12,000 income imputed
 Wife applied for jobs, minimum wage employment only, limited skills, sufficient efforts
 Without child support range if wife \$12,000: \$1,200-\$1,600; if wife \$22,000: \$900-\$1,200
 SSAG range properly used as "a guide to a range of awards"
 Order left husband with after-tax income of \$2,400/mo. vs. wife \$935/mo.

New Brunswick

S.C. v. J.C., [2006] N.B.J. No. 186, 2006 NBCA 46 (Larlee J.A.)
 Married 25 years, two adult children, wife 42 (40 separation), husband 45,
 Traditional marriage
 Husband army officer, earns \$100,000
 Wife working in Kingston, Ont., on contract with Health Ministry, earns \$46,764
 Interim support \$1,850
 Trial judge ordered \$1,625/mo., using Advisory Guidelines, for 5 years
 [range was \$1,625 - \$2,208; wife wanted \$1,800]
 Wife appealed amount at low end of range, sought indefinite duration, and questioned trial judge's
 determination of her income
 Appeal dismissed, Guidelines approved, help to bring consistency and predictability
 Almost a presumption of indefinite support in long traditional marriage;
 review generally favoured over time limit in such cases
 But deference to trial judge: wife young, no dependents, capable, steady employment
 Wife quickly able to reintegrate into work force, 5 years a longer term
 (Leave to SCC denied: [2006] S.C.C.A. No. 246 (Oct. 19, 2006))

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

Nova Scotia

Pettigrew v. Pettigrew, [2006] N.S.J. No. 321, 2006 NSCA (Hamilton J.A.), affirming [2005] N.S.J. No.
 616, 2005 NSSC 219 (Stewart J.)
 Married 29 years, separated 2003, 2 children now grown
 Husband retired from military in 1994; worked in Saudi Arabia and now Australia; income \$110,000
 Wife worked at odd jobs during marriage; not employed since 1995; employment after separation;
 Income \$20,141 (including her half of husband's divided military pension)
 Trial judge ordered spousal support of \$2,900/mo. after considering relevant factors and SSAG
 (Range: \$2,808-\$3,744, mis-stated to be \$3,257-\$3,744 by trial judge)
 Husband argues award too high and trial judge erred in using the SSAG
 rather than assessing the evidence herself and applying the law
 Appeal dismissed; trial judge thoroughly assessed the evidence and the applicable law; referred to
 Guidelines only as a "cross-check and amount ordered less than amount indicated by the
 Guidelines

Quebec

G.V. v. C.G., [2006] J.Q. no. 5231 (Que. C.A.) (Forget J.C.A.)

Married 32 years, 3 children, one (18) now with husband, custodial payor

Wife 55, earning \$50,000, husband earns \$227,000

Child support \$15,948, grossed-up to \$33,000

Trial judge applied Advisory Guidelines: range \$4,500 to \$6,000;

low end of range ordered, \$4,500 indefinite

Appeal allowed; spousal support reduced to \$2,705 per month based upon budgetary analysis

Trial judge erred by not engaging in a detailed individual analysis

Court states that [TRANSLATION] « the dossier as it is and the brief pleadings of counsel on this aspect do not permit us, in my opinion, to pronounce a judgment of principle upon the utilisation of the Advisory Guidelines. »

Court refers to important criticisms of Advisory Guidelines found in judgments of Justices Julien and Gendreau and concerns about « recipes » and formulas being used to avoid the difficult individual analysis required.

MANITOBA

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

no cases

C. The *With Child Support* Formula

Shore-Kalo v. Kalo, [2007] M.J. No. 297, 2007 MBQB 197 (Allen J.)

Married 7 years, 2 children 8 and 7

Husband Israeli lawyer, wife Canadian, moved back to Winnipeg 2002

High-conflict re access, sole custody to wife, supervised access to husband

Prenuptial agreement, little shareable property

Spousal support claim by husband: entitled at separation in 2003

Problematic behaviour, little employment since, not qualified in Canada still, zero income

Disadvantaged by breakdown and move to Canada

Transitional support for 2 years to qualify as lawyer, could have done it 2003-05

SSAG duration: 3.5 to 7 years, too long, so quantum to be increased

Wife earns \$55,000, but capital from family trust/grandmother, her parents pay child expenses,
including private school

No child support claim by wife, custodial payor range \$327-\$430/mo.

Spousal support of \$700/mo. for 2 years

[Global range \$13,734-\$36,120, order totals \$16,800]

NEW BRUNSWICK

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

Brown v. Brown, [2007] N.B.J. No. 330, 2007 NBQB 227 (S.J. McNally J.)

20 year marriage (plus 1 year cohabitation); separation in 2003; 1 adult child of relationship plus wife 1 adult child of previous relationship; wife now 48 (44 at separation)

Wife grade X education; at home for most of relationship, some part-time; now health problems; earning \$17,000

Husband violent; wife does not apply for support until 2006;

Husband worked in lumber mill during marriage; 2006 income \$43,000; quit in 2006 because of medical problems; now combination of seasonal work in Alberta as skidder operator and employment insurance; capable of earning \$54,000

Application under Family Services Act, SSAG applied

SSAG range (based on husband income of \$43,000): \$666-\$888; \$750 ordered; indefinite; retroactive to date of separation

C. The *With Child Support* Formula

Duff v. Duff, [2007] N.B.J. No. 260, 2007 NBQB 222 (Quigg J.)

Married 15 years, 3 children 13, 12 and 10, shared custody, week about

Wife CMA, accountant with firm, contract basis, earns \$25,657

Husband engineer with Aliant, earns \$87,289

Child support: set-off agreed, \$886, retro to separation

Spousal support under *Family Services Act*, same principles, SSAG used

2005 range: \$365-\$1,084; 2006 range: \$462-\$1,210

Order for \$1,000/mo., retro only to Dec. 2005 filing of divorce petition

Marital property divided equally, family debt issue

NEWFOUNDLAND AND LABRADOR

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

Warren v. Warren, 2007 CarswellNfld 165, 2007 NLTD 103 (Handrigan J.)

Married 34 years, husband 53, wife 54, 3 adult children

Husband funeral director, shares in corporation, income \$40,000 including bonus

Wife worked seasonally in funeral home, health and emotional problems, no income

Entitlement, range \$1,225-\$1,667, indefinite

Mid-point of \$1,458 chosen, leaves wife with 47.5 % NDI

Factors for amount identified, e.g. husband's work-related costs, "soft" benefits from co.,
husband's health, wife's displacement from employment, relative housing costs

C. The *With Child Support* Formula

Williams v. Williams, [2007] N.J. No. 257, 2007 NLUFC 20 (Cook J.)

Married 24 years, 1 child (24) independent, other 19 in college and with wife

Wife personal care attendant, earns \$20,000

Husband oil and gas technician, works outside Canada, quit Malaysian job just before hearing

Intentional unemployment, full year income imputed, also veteran disability pension grossed up

Husband's income \$184,862, child support \$1,424, plus university expenses \$295/mo. (of \$330/mo.)

Entitlement to interim spousal support, range \$3,727-\$4,708

Order for \$4,212/mo., leaves wife and son with 50.3% of NDI

NOVA SCOTIA

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

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

C. The *With Child Support* Formula

no cases

ONTARIO**A. Appeal Cases**

no cases

B. The Without Child Support Formula

Seguin v. Seguin, [2007] O.J. No. 2962 (Ont. S.C.J.) (Hennessy J.)

28 year traditional marriage; 3 grown children, separation 2004

Husband retires in 2004, mainly pension income, \$4,392.59 per month

Wife some part-time employment during marriage, but health problems and unemployed since 2003

Property division: pension to be divided at source, w to get 50% of pension income on monthly basis

Spousal support; order for \$1922/mo until pension division,; after pension split at source, \$1922 to made up from pension split plus top-up; middle of SSAG range, leaves wife with 46.5% of income

Briere v. Saint-Pierre, 2007 CarswellOnt 4763, [2007] O.J. No. 2926 (R. Smith J.)

Together 24 years, common-law same-sex couple

Applicant school principal, earns \$100,000

Respondent supply teacher earns \$22,000, could work full-time to earn \$32,000

Respondent had left previous employment, to run two restaurants owned by them, failed

Joint condominium to be sold

Range stated with mandatory pension contribution deduction for applicant of \$8,256,

RRSP deduction of \$5,000 for respondent, incomes \$100,000 and \$24,000: \$2,265-\$3,020

Interim spousal support of \$2,000/mo., if \$32,000 to respondent and pension deducted

[Range if \$100,000/\$32,000, no pension deductions: \$2,040-\$2,720]

[Range if \$100,000/\$32,000, pensions deducted: \$1,942-\$2,589]

Leblanc v. Leblanc, 2007 CarswellOnt 4270 (Rogin J.)

Married 26 years, 3 children adults, one 35-year-old disabled adult, with wife

1996 order: \$300/mo. child support, \$1,600 indexed (now \$2,163/mo.) spousal support

Husband applies to vary, then earning \$108,000, now retired at 62, child support continue at \$300

Pension \$50,000, unequalized portion \$27,256

Wife works part-time at Sears still, \$12,000, CPP \$4,560, \$16,560 total

Husband argues Boston, range \$340-\$453/mo. on unequalized pension, SSAG rejected by judge

Spousal support varied to \$1,000/mo.

[Range on full husband pension: \$1,045-\$1,393]

Simpson v. Grignon, 2007 CarswellOnt 3095 (S.C.J.)(J. Mackinnon J.)

Married 4 ½ years, no children, separated December 2005

Husband computer engineer, earns \$78,202

Wife 45, mental health problems, depression and anxiety, deterioration in 2005

Wife was receiving ODSP at marriage, can't work

Wife in matrimonial home, to be sold and equal division, net proceeds \$34,000 each

Since separation, husband paid \$2,228/mo. mortgage/taxes/utilities, plus \$500/mo.

Range \$489-\$652 too low, even with restructuring, but duration range okay

Non-compensatory basis for support

Husband to pay \$2,228 plus \$600 for 3 months, wife then to vacate house

Spousal support increased to \$1,200/mo. until house sold

Husband to pay \$2,228 for house (half to be reimbursed from wife's proceeds on sale)

Spousal support then to be paid at \$1,700/mo. to December 2009 (4 years total)

[No reference to disability exception, interim circumstances exception]

C. The With Child Support Formula

Manning v. Bain, [2007] O.J. No. 2816 (Belch J.)

Cohabited 11 years, separated Nov. 2002, 3 children, with wife
 Husband self-employed, radiator/cooling business, income on tax return plus retained earnings
 Income fixed at \$74,201 in 2004, \$63,227 in 2005, no 2006 return yet
 Wife works at Sears call centre now, home during relationship, earns \$19,313
 Child support \$1,236 for income \$63,227
 Wife claims \$400/mo. spousal support, in SSAG range (using \$71,071 for husband's income)
 Order for \$400/mo., leaves wife with 62.6% NDI
 [Range if \$63,227: 0-\$96/mo.; range if \$71,071: 0-\$415]

Celotti v. Celotti, [2007] O.J. No. 2538 (Olah J.)

Married 12 years, 3 children 9, 7 and 5, with wife, husband very involved
 Interim child and spousal support, tax-neutral, \$6,000/mo.
 Husband in family construction company, earns \$221,000
 Child support \$3,639/mo., s. 7 expenses for hockey/dance \$1,000/mo., paid by husband
 Spousal support: wife home, no income, child of a subsequent relationship
 Wife some obligation towards self-sufficiency, delayed by 4th child
 Wife seeks "income equalization", rejected, in part using SSAG
 Parties agree to only look at NDI, court rejects
 Court estimates SSAG range, low to mid: \$3,014-\$3,534 (61.8-63.8% NDI)
 Order for \$1,950/mo. , review in 13 months

Martin v. Blanchard, [2007] O.J. No. 2713 (Taylor J.)

Married 22 years, husband 46, wife 44, 3 children 22, 20 and 15, youngest with wife
 2005 "kitchen-table" agreement: \$20,000 equalization payment and \$5/mo. spousal support
 Husband earns \$56,000
 Wife laid off from part-time bus driver job, now in community college until 2008/2009,
 Wife also works as part-time limo driver, earns \$11,232
 Miglin: no substantial compliance, also no legal advice and other "concerns"
 Child support \$519/mo.
 Wife entitled to spousal support, seeks mid-point of SSAG range \$723/mo.
 Order for \$723/mo., review earlier of 1 year after program completed or 6 mos. after full-time employment

Georgiou v. Georgiou, [2007] O.J. No. 2201 (Ont.S.C.J.)(Pierce J.)

Married 13 years, child 16 with husband, wife 49
 2003 order: \$2000/mo. spousal support, child support \$62/mo, not paid by wife
 Husband then earned \$86,000, wife \$8,000
 Husband now earns \$102,960, wife earns \$12,480 at grocery store (24 hours/week)
 Husband applies to terminate or reduce spousal support
 Range \$1205-\$1607 for 6.5 to 13 years
 Order for \$1500/mo., review in 18 mos. , wife should work more hours

Damian v. Damian, 2007 CarswellOnt 3169 (Ont.S.C.J.)(Pazaratz J.)

Costs decision after trial, issues of custody, spousal support, property division
 Medium term relationship, husband teacher, earns \$82,050, self-represented,
 Wife unemployed, one child 9, completely successful on all issues, reasonable offers to settle
 Husband rigid and narrow-minded approach to litigation
 Spousal support ordered of \$1400, with review in 3 years
 Wife offered time-limited support, \$1300 for 3 years
 Wife's offer should have been particularly attractive, as Guidelines range \$1682-\$2112
 Substantial indemnity costs awarded of \$10,646

Elieff v. Elieff, [2007] O.J. No. 1802 (S.C.J.)(Perkins J.)
Spousal support and costs, wife and 4 children, husband's income \$150,000
Child support \$3,064/mo., plus \$200 for orthodontics
Case adjourned for Guidelines and NDI calculations
High end of Guidelines range chosen, \$2,654/mo., leaves 63.7% NDI to wife

Stoyshin v. Stoyshin, 2007 CarswellOnt 2825 (S.C.J.)(Cusinato J.)
Interim support, 2 children, wife doing B.Ed., graduating June 2007
Husband works in family business with 3 others, income issues
Husband's income \$83,417, including benefits, but not family gifts, rent-free house
Child support \$1,481/mo., including some s. 7 contribution
Spousal support \$1,350, based on Guidelines

Clement v. Clement, 2007 CarswellOnt 2225 (S.C.J.)(Gordon J.)
Husband applies to set aside minutes of settlement from day-long settlement conference
Husband earns \$65,000, child support \$601
Guidelines range used, \$1,318-\$1,638, parties used mid-point, review in 4 years
Both parties represented, no unfairness in settlement, upheld

Quebec

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

no cases

C. The *With Child Support* Formula

Droit de la famille – 061122, [2006] J.Q. no. 17350, 2006 QCCS 7734 (Richard J.C.S.)

Separated 2003, children in shared custody

Husband earns \$163,200, wife earns \$23,332, child support \$192.85/week (\$836/mo.)

Wife proposes Guidelines ranges from AliForm, no analysis

Guidelines rejected, based on Court of Appeal decision

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

SASKATCHEWAN

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

Deringer v. Hill, 2007 CarswellSask 334, 2007 SKQB 206 (Sandomirsky J.)

Married 26 years, children, traditional marriage, both spouses 49

2004 settlement/consent order: spousal support \$450/mo., 3-year review

Husband's income \$80,100, Ipsco, includes overtime (1/2 previous year), also stock options

Wife osteoporosis, osteoarthritis, fibromyalgia, doctor says unable to work

Judge imputes \$15-20,000 income, can do some work, illness exception under SSAG

Range \$1,875-\$2,500, order for \$1,875/mo., to encourage self-sufficiency, no review, indefinite

C. The *With Child Support* Formula

James v. Torrens, [2007] S.J. No. 334, 2007 SKQB 219 (Ottenbreit J.)

3 year cohabitation, separation 2004; 1 child of relationship and wife 1 child from previous relationship, receiving \$200 per month support from father; both children with mother

Mother living in matrimonial home and husband making monthly mortgage payments of over \$1000 per month

Wife's income \$29,019

Husband teacher on First Nations reserve, income \$53,146, tax exempt, grossed up to \$88,000 (?) for CSG [using DivorceMate gross up calculator, would be \$76,200]

Interim child support for 1 child, \$758 per month (?) [table amount on payor income of \$88,000 is \$951 per month; table amount on income of \$65,000 is \$758], plus \$162 s. 7 expenses; issue of *in loco parentis* to older child to be dealt with at trial

Wife claims interim spousal support and files SSAG calculation

Court notes use of SSAG complicated by fact husband not able to deduct spousal support against his income; order for \$350 per month

SSAG ranges:

[if h income \$88,000 and CS \$951: range \$532-\$1171]

[if h income \$88,000 and CS \$758 + \$162: range \$553-\$1193]

[if h income \$65,000 and CS \$758 + \$16 range \$0 - \$246]

[if h income \$76,200 and CS \$758 + \$162: range \$142-\$714]

[if h income \$53,146 (non-taxable) and CS \$758 + \$162: range \$128-\$574; middle of range \$354]

Loran v. Loran, [2007] S.J. No. 371, 2007 SKQB 253 (Wilson J.)

Married 15 years, 2 children 15 and 12, with wife

Husband vice-pres. of credit union, earns \$132,605

Wife works 60% part-time with Sask Power, earns \$47,180

Interim child support \$1,780

S. 7 extracurricular expenses \$5,150/yr. (\$429/mo.), no child care expense where maternal grandmother

Spousal support: wife's "Leskun" argument, no medical evidence, part-time ok on interim basis

Range \$999-\$1,804, order for \$1,000/mo. interim, low end as wife living in mortgage-free home

Hinz v. Hinz, [2007] S.J. No. 216, 2007 SKQB 169 (Smith J.)

Married 26 years, 3 children, 1 left, 24, last year university, with husband

Wife earns \$37,000, table amount of child support \$310/mo. for one year

Wife home 13 years, 1993 return to employment

Wife cohabiting for 2 years, new partner earns more than husband

Husband earns \$90,000

Support to be reviewed in 3 years, wife's finances unsettled

Interim support of \$900/mo. for one year, but no child support paid

Wife seeking \$1500, husband offering \$500, neither party Guidelines numbers
Order for \$1400, within range, review in 3 years
[Custodial payor formula estimated at \$1369-\$1825, indefinite]

Shillington v. Shillington, [2007] S.J. No. 241, 2007 SKQB 168 (Sandomirsky J.)
Married 20 years, both 42, 3 children 21, 18 and 15, oldest working, 18 with wife, 15 with husband
Wife earns \$15,000 in retail, husband farmer \$65,600 (pays little tax)
Child support: set-off \$566-\$109=\$457, during school year father to pay \$719/mo.
Interim spousal support \$1,000/mo., continued at \$1,000, indefinite based on Guidelines
[Range \$521-\$945, indefinite]

YUKON TERRITORY

A. Appeal Cases

no cases

B. The *Without Child Support* Formula

Torres v. Marin, 2007 CarswellYukon 27, 2007 YKSC 29 (Gower J.)

Married 31 years, 4 children, husband 61, wife 63

Husband Chilean refugee, self-employed painter

Wife back problems, arthritis, unemployable

2000/2002 orders: husband imputed income \$32,000, child support \$281 (1), spousal \$200/mo.

Husband applies to vary, still income issues, below "floor", 2006 income \$19,625

But still ability to pay \$200/mo., order continued, indefinite

[Range: \$613-\$817, as wife no income, but husband below floor]

C. The *With Child Support* Formula

no cases

Appendix III

SPOUSAL SUPPORT ADVISORY GUIDELINES CASE SUMMARIES: ONTARIO SSAG DECISIONS

[Note: this is a complete list of all Ontario SSSAG cases from January 2005]

A. Appeal Cases

no cases

B. The Without Child Support Formula

Seguin v. Seguin, [2007] O.J. No. 2962 (Ont. S.C.J.) (Hennessy J.)

28 year traditional marriage; 3 grown children, separation 2004

Husband retires in 2004, mainly pension income, \$4,392.59 per month

Wife some part-time employment during marriage, but health problems and unemployed since 2003

Property division: pension to be divided at source, w to get 50% of pension income on monthly basis

Spousal support; order for \$1922/mo until pension division,; after pension split at source, \$1922 to made up from pension split plus top-up; middle of SSAG range, leaves wife with 46.5% of income

Briere v. Saint-Pierre, 2007 CarswellOnt 4763, [2007] O.J. No. 2926 (R. Smith J.)

Together 24 years, common-law same-sex couple

Applicant school principal, earns \$100,000

Respondent supply teacher earns \$22,000, could work full-time to earn \$32,000

Respondent had left previous employment, to run two restaurants owned by them, failed

Joint condominium to be sold

Range stated with mandatory pension contribution deduction for applicant of \$8,256,

RRSP deduction of \$5,000 for respondent, incomes \$100,000 and \$24,000: \$2,265-\$3,020

Interim spousal support of \$2,000/mo., if \$32,000 to respondent and pension deducted

[Range if \$100,000/\$32,000, no pension deductions: \$2,040-\$2,720]

[Range if \$100,000/\$32,000, pensions deducted: \$1,942-\$2,589]

Leblanc v. Leblanc, 2007 CarswellOnt 4270 (Rogin J.)

Married 26 years, 3 children adults, one 35-year-old disabled adult, with wife

1996 order: \$300/mo. child support, \$1,600 indexed (now \$2,163/mo.) spousal support

Husband applies to vary, then earning \$108,000, now retired at 62, child support continue at \$300

Pension \$50,000, unequalized portion \$27,256

Wife works part-time at Sears still, \$12,000, CPP \$4,560, \$16,560 total

Husband argues Boston, range \$340-\$453/mo. on unequalized pension, SSAG rejected by judge

Spousal support varied to \$1,000/mo.

[Range on full husband pension: \$1,045-\$1,393]

Simpson v. Grignon, 2007 CarswellOnt 3095, [2007] O.J. No. 1915 (S.C.J.)(J. Mackinnon J.)

Married 4 ½ years, no children, separated December 2005

Husband computer engineer, earns \$78,202

Wife 45, mental health problems, depression and anxiety, deterioration in 2005

Wife was receiving ODSP at marriage, can't work

Wife in matrimonial home, to be sold and equal division, net proceeds \$34,000 each

Since separation, husband paid \$2,228/mo. mortgage/taxes/utilities, plus \$500/mo.

Range \$489-\$652 too low, even with restructuring, but duration range okay

Non-compensatory basis for support

Husband to pay \$2,228 plus \$600 for 3 months, wife then to vacate house

Spousal support increased to \$1,200/mo. until house sold
 Husband to pay \$2,228 for house (half to be reimbursed from wife's proceeds on sale)
 Spousal support then to be paid at \$1,700/mo. to December 2009 (4 years total)
 [No reference to disability exception, interim circumstances exception]

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

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

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

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

Colquhoun v. Colquhoun, [2007] O.J. No. 9, 2007 CarswellOnt 18 (Whalen J.)
 Married 20 years, husband 54, wife 49 (41 separation), no children
 Husband's job ended 2004, running common law wife's Molly Maid business and rentals
 Income imputed of \$50,000
 Wife personal care worker and rentals, imputed income \$20,800
 Interim support \$1,000/mo., 2 years paid
 Guidelines range: \$730-\$973, indefinite
 Final order \$1,000/mo., leaves husband 52.6% net income, wife 47.4%

Lopez v. Tarnocai, [2006] O.J. No. 5318 (S.C.J.)(Herman J.)

Together 5 years, both from Mexico

Wife medical doctor, but visitor, working as exotic dancer, \$14,400/yr.

Husband geologists, earning \$100,000 (\$208,751 in 2005)

Interim spousal support of \$1,000/mo. ordered

Considered Guidelines, NDIs, different results

(Guidelines range \$537-\$716/mo., 2.5-5 years, restructured \$1,084-\$1,432, 1-2.5 years)

Friend v. Paul, [2006] O.J. No. 5315 (S.C.J.)(Herman J.)

Married 17 years, 4 children, one now at university

1994 order for \$1,500/mo. interim interim child and spousal support, never varied

Last child finishing university in April 2007

Husband earns \$64,604, wife earns \$41,000

Child support, budget, \$244 rent plus \$250 expenses, total \$496/mo.

Wife seeks \$500/mo. spousal support, 13 years since separation, still entitled

Spousal support of \$300/mo. to April 2007, over 50% NDI

After April 2007, \$500/mo. (Guidelines range: \$502-\$669)

Soper v. Soper, 2006 CarswellOnt 7496 (Matheson J.)

Together 24 years (married 20), 1 adult child 23

Husband at Inco, earns \$83,862, wife day care worker \$15,205

Interim support \$1,000/mo. (Sept. 2003), \$1,500/mo. (June 2006)

Guidelines considered, support \$1,800/mo., indefinite

[Range \$2,060-\$2,746, but if only 20 years used, \$1,716-\$2,288]

Fournier v. Burton, [2006] O.J. No. 4084, 2006 CarswellOnt 6201 (S.C.J.)(Smith J.)

Married 20 years, wife 44 (39 separation), 2001 consent order: \$1,200/mo., indefinite

Husband applies to vary to terminate or time limit

Wife took courses for Grade 12, community college, but ill with cancer/depression

Change in circumstances, not making \$20,000 5 years later, unlike expected

Husband's income unchanged, \$53,100 (estimated as not stated)

Guidelines range: \$1,488 - \$1,770, higher than order

Order continued, review in 4 years

Lehtomaa v. Lehtomaa, [2006] O.J. No. 4130 (S.C.J.)(Shaw J.)

Married 40 years, husband 73, wife 65 (63 separation)

Guidelines range: \$442 - \$590, wife seeks income equalization, \$500 spousal support

Equal lifestyles, not incomes, use means and needs

Husband significant medical issues: loss of arm, hip replacement, cancer, cataracts

Uses scooter, his needs greater

Husband's income \$2,828/mo. (OAS, CPP, pension, workers comp)

Wife's income \$1,648 (OAS, CPP, pension)

Interim spousal support: \$100/mo. to equalize [disability exception?]

Kerr v. Magnan, [2006] O.J. No. 4127 (S.C.J.)(Platana J.)

Married 39 years, wife retired (June/06), husband already retired

No spousal support in 2004 divorce

Guidelines not of assistance where low incomes, needs and means used

Husband's "net": \$2,450/mo., wife's "net": \$1,329/mo.

[Grossed up \$38,500 vs. \$19,000, range \$409-\$812]

Interim spousal support \$300/mo.

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

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

Foley v. Girard, [2006] O.J. No. 2496 (Ont.S.C.J.)(Aitken J.)

Gay couple, together 20 years, both 50, no children

Applicant earns \$51,899, respondent \$106,280

Interdependent, applicant supported respondent's Ph.D. studies

Guidelines range: \$1,351-\$1,801

Interim support of \$1,500/mo., analysis of expenses, esp. shelter

Leger v. Schultz, [2006] O.J. No. 1313, 2006 ONCJ 103 (C.J.)(Wolder J.)

ISO enforcement case, 18-year-old German order made in 1987

17-year marriage, reference to 17 year maximum duration under Guidelines

Against public policy to enforce in Canada

Stewart v. Tudorachi, [2006] O.J. No. 898 (S.C.J.)(Platana J.)

Together 22 years, no children, wife 50 (47 at separation), husband 48

No unjust enrichment, house in both names, sold and proceeds divided equally

Wife not worked since 1996, fibromyalgia, separated 2003, now student

Grade 12 equivalency, finished in 2008, then intention to do 3-year program

Husband married, 2 step-children, wife earns \$47,000 as teacher

Husband earns \$75,209, interim support \$2,400/mo.

Guidelines range \$2,004-\$2,673, husband offers \$1,800

Order for \$2,250, review in 2008

Girouard v. Girouard, [2006] O.J. No. 762, 2006 CarswellOnt 1089 (Sedgwick J.)

Married 38 years, wife 57, husband 62, 2 adult children

Wife on CPP Disability, \$6,960/yr., many medical problems, seeks \$1,000/mo.

Husband retired from Armed Forces, \$26,846, lives with new partner in her house

Recently resigned as rural mail carrier (\$18,711/yr.)

\$625 ordered, indefinite (range \$621-\$828)

Bourget v. Bourget, [2006] O.J. No. 419 (S.C.J.)(Smith J.)

Married 27 years, wife 51 (49 at separation), husband 52, no children

Husband earns \$32,500 as janitor

Wife receives \$8,124 on CPP Disability

Range \$775-\$1,007, wife seeks \$1,000, but lower incomes involved

Interim support of \$600 ordered, based upon Mackinnon paper, 40% NDI to wife

Barrick v. Barrick, [2006] O.J. No. 219 (S.C.J.)(Mazza J.)

Married 33 years, children ?, income issues

Husband receiving WSIB grossed up to \$40,000

No imputing income for failure to appeal unfavourable decision

No income imputed from alleged marijuana grow-op

Wife makes \$14,300 from CPP disability, part-time work, investment income

Range stated by husband's lawyer as \$555 to \$740, rejected as too low

Spousal support of \$1,000 per mo. ordered, to equalize incomes

(Range actually \$803 to \$1,070, indefinite)

Simpson v. Simpson, 2005 CarswellOnt 7025, [2005] O.J. No. 5119 (S.C.J.)(Cusinato J.)

Married 26 years, 2 children adults, wife 48 (46 separation), husband 50

Interim spousal support \$1,500/mo.

Wife earns \$18,050 driving school bus, etc.

Husband truck driver, income imputed, could work more, earn \$60,000

Adopts ChequeMate mid-point, \$1,531/mo., indefinite

(Range \$1,311 to \$1,748 indefinite)

Galambos-Towers v. Towers, 2005 CarswellOnt 6953 (S.C.J.)(Lofchik J.)

Together 16 years (married 12)

Wife receives \$46,190 from CPP and disability pension, cancer after separation

Husband earns \$38,554 plus \$20,500 imputed return on assets, for \$59,054

Top end of range stated as \$182, orders \$200 indefinite (range \$138 to \$171)

Collin v. Collin, 2005 CarswellOnt 7754 (S.C.J.)(Fragomeni J.)

Married 29 years, 2 adult children

1998 separation, spousal support \$2,600, then \$1,800 in 1999, then suspended 2002 order for \$1,000/mo., terminating review order for 24 months

Wife earns \$32,850 at WeightWatchers and dog sitting

Husband earns \$50,000, disabled wife receives \$6,000/year

Wife states range as \$594 to \$792 indefinite (range seems to be \$536 to \$714)

Spousal support continued, at \$500/mo. indefinite

Reitsma v. Reitsma-Leadsom, [2005] O.J. No. 5577 (S.C.J.)(Mazza J.)

Together 7 years, married 4, no children

1998 separation, interim order for \$1,200, then 2001 order for \$840/mo.

Husband brain injured, receives CPP and WSIB (not-taxable), gross income \$39,084

Wife also brain injury (1982), other health problems, unemployable, no income

Application by husband to terminate, by wife to increase, spousal support

Support continued, not reduced from \$840/mo.

Ordinarily would terminate after 7 years, following *Bracklow*

But not here as wife totally disabled and incident of violence by husband

Advisory Guidelines not sufficient reason to vary downwards

(Range would be \$342 to \$456, for 3.5 to 7 years)

McNamara v. Infantino, [2005] O.J. No. 5148 (S.C.J.)(Henderson J.)

Application to vary, 2004 order \$1,800 spousal support, no details of marriage

Husband's income reduced from \$80,000 to \$43,710 upon retirement

Wife no income, applications to CPP and LTD plan for disability

Guidelines considered to reduce support to \$1,275/mo.

Poirier v. Poirier, [2005] O.J. No. 4471 (Ont.S.C.J.)(Charbonneau J.)

Married 34 years, 2 children

Husband earns \$420,000 from businesses, wife \$10,800 in interest income

Husband's income fixed at "ceiling" of \$250,000, wife imputed income of \$50,000

Support of \$7,000/mo., indefinite (40 per cent of gross income difference)

Cunningham v. Montgomery-Cunningham, [2005] O.J. No. 4297 (Ont.S.C.J.)(Fragomeni J.)

Married 22 years, 1 child 20 and independent

Wife says husband's 2004 income \$347,000, income at least \$139,000

Wife's income \$101,800, says husband, at least \$92,200

Order of \$1,500 interim, "guided by" Guidelines

[Range estimated as \$1,292 to \$1,733]

Hesketh v. Hesketh, [2005] O.J. No. 4053 (Ont.S.C.J.)(Heeney J.)

Married 17 years, wife 54 (49 at separation)

Entitled on compensatory (many moves and lost job) and non-compensatory grounds

Wife earns \$13,000, working 35 hours per week

Husband earned \$85,667 in 2004

Interim voluntary support of \$1,500

Range \$1,544 to \$2,059, indefinite (rule of 65)

Husband's new partner makes \$56,000, reason to go higher than range

Order for \$2,200, indefinite, plus \$424/mo. for 10 years for equalization payment

Rossi v. Rossi, [2005] O.J. No. 4136 (Ont.S.C.J.)(Flynn J.)

Married plus cohabited 23 months, husband and wife both 48

Voluntary support of \$5,400 total over 4 months, then \$2,000 interim for 15 mos.

Wife disabled, CPP plus business \$16,000

Husband earns \$71,000 plus

Maximum guidelines range \$224 for 23 months, or \$5,152, vs. \$35,400 paid

Husband paid enough, support terminated

Adams v. Adams, [2005] O.J. No. 4117 (Ont.S.C.J.)(Platana J.)

Together/married for 10 years
 Husband workers compensation \$28,295 tax-free
 Wife accident benefits and business \$11,830 tax-free
 Wife seeks \$299 mid-point of range \$256-\$341
 [Range \$295-\$393 if incomes properly grossed up]
 Guidelines rejected and lower amount of \$75/mo. ordered

Zedi v. Ristic, [2005] O.J. No. 3827, 2005 ONCJ 250 (Ont.C.J.)(Spence J.)

Married 9 years, no children, wife 59 and husband 46 at separation, wife now 63
 Husband earns \$32,500 as machinist, but “self-employed”, so taxed on \$10,000
 Wife makes \$10,000-\$13,000 at deli
 Guidelines range stated as \$208-\$278, “too low”, \$500/mo. ordered, indefinite
 (If husband’s income grossed up for tax position, range would be \$367-\$489)

Woodall v. Woodall, [2005] O.J. No. 3826, 2005 ONCJ 253 (Ont.C.J.)(McSorley J.)

Married 11 ½ years, wife 42 and husband 33 at separation
 Wife disabled, husband paid \$1,200 every 2 weeks under 2002 separation agreement
 Now \$1,264 with COLA plus drug coverage
 Husband earned \$89,500 in 2002, then \$115,000 in 2004
 Changed to less stressful job paying \$90,700, application to vary to reduce
 Husband paying unconsolidated debts, new common-law wife not working
 Guideline ranges (\$1,565-\$2,086) no application because of agreement
 No variation clause, no *Miglin*, no change in circumstances

Maitland v. Maitland, [2005] O.J. No. 2252 (Ont.S.C.J.)(Pardu J.)

Married 29 years, 4 adult children, wife 45 at separation
 Wife has health problems, can’t work, no income
 Husband works as truck driver, \$28,439
 Interim support \$1,344, husband also pays \$135/mo. for wife’s health insurance
 Range \$889-\$1185 (or \$754-\$1050 deducting health ins.)
 Exception for payor income \$20-\$30,000 noted, concerns re ability to pay
 Support of \$700 ordered

Romaniuk v. Romaniuk, [2005] O.J. No. 1818 (Ont.S.C.J.)(Maranger J.)

Together 9 years (married 3), wife 38 at separation, husband \$72,400
 Wife in school til June 2006, husband went bankrupt, left with with debt
 \$2,000 ordered til June 2006, then \$400 til debt paid in full
 Guidelines “considered”, but no details (range would have been \$815-\$1,086)

(ii) The With Child Support Formula

Ahern v. Ahern, [2007] O.J. No. 3439 (Ont. S.C.J.) (Blisshen J.)

Married 20 years; separation 2005; 3 children with wife, one university, two high school
 Wife bus driver, \$40,000
 Husband inadequate income disclosure, income imputed as \$96,000
 No support paid since separation
 Child support: \$1762/mo (table amount for 3 children)
 Spousal support: \$270/mo, low end of SSAG range, leaves wife with 57.9% NDI
 Retroactive child and spousal support to date of separation

Manning v. Bain, [2007] O.J. No. 2816 (Belch J.)

Cohabited 11 years, separated Nov. 2002, 3 children, with wife
 Husband self-employed, radiator/cooling business, income on tax return plus retained earnings
 Income fixed at \$74,201 in 2004, \$63,227 in 2005, no 2006 return yet
 Wife works at Sears call centre now, home during relationship, earns \$19,313
 Child support \$1,236 for income \$63,227
 Wife claims \$400/mo. spousal support, in SSAG range (using \$71,071 for husband’s income)

Order for \$400/mo., leaves wife with 62.6% NDI
 [Range if \$63,227: 0-\$96/mo.; range if \$71,071: 0-\$415]

Celotti v. Celotti, [2007] O.J. No. 2538 (Olah J.)

Married 12 years, 3 children 9, 7 and 5, with wife, husband very involved
 Interim child and spousal support, tax-neutral, \$6,000/mo.
 Husband in family construction company, earns \$221,000
 Child support \$3,639/mo., s. 7 expenses for hockey/dance \$1,000/mo., paid by husband
 Spousal support: wife home, no income, child of a subsequent relationship
 Wife some obligation towards self-sufficiency, delayed by 4th child
 Wife seeks “income equalization”, rejected, in part using SSAG
 Parties agree to only look at NDI, court rejects
 Court estimates SSAG range, low to mid: \$3,014-\$3,534 (61.8-63.8% NDI)
 Order for \$1,950/mo. , review in 13 months

Martin v. Blanchard, [2007] O.J. No. 2713 (Taylor J.)

Married 22 years, husband 46, wife 44, 3 children 22, 20 and 15, youngest with wife
 2005 “kitchen-table” agreement: \$20,000 equalization payment and \$5/mo. spousal support
 Husband earns \$56,000
 Wife laid off from part-time bus driver job, now in community college until 2008/2009,
 Wife also works as part-time limo driver, earns \$11,232
 Miglin: no substantial compliance, also no legal advice and other “concerns”
 Child support \$519/mo.
 Wife entitled to spousal support, seeks mid-point of SSAG range \$723/mo.
 Order for \$723/mo., review earlier of 1 year after program completed or 6 mos. after full-time employment

Georgiou v. Georgiou, [2007] O.J. No. 2201 (Ont.S.C.J.)(Pierce J.)

Married 13 years, child 16 with husband, wife 49
 2003 order: \$2000/mo. spousal support, child support \$62/mo, not paid by wife
 Husband then earned \$86,000, wife \$8,000
 Husband now earns \$102,960, wife earns \$12,480 at grocery store (24 hours/week)
 Husband applies to terminate or reduce spousal support
 Range \$1205-\$1607 for 6.5 to 13 years
 Order for \$1500/mo., review in 18 mos. , wife should work more hours

Damian v. Damian, 2007 CarswellOnt 3169 (Ont.S.C.J.)(Pazaratz J.)

Costs decision after trial, issues of custody, spousal support, property division
 Medium term relationship, husband teacher, earns \$82,050, self-represented,
 Wife unemployed, one child 9, completely successful on all issues, reasonable offers to settle
 Husband rigid and narrow-minded approach to litigation
 Spousal support ordered of \$1400, with review in 3 years
 Wife offered time-limited support, \$1300 for 3 years
 Wife’s offer should have been particularly attractive, as Guidelines range \$1682-\$2112
 Substantial indemnity costs awarded of \$10,646

Elieff v. Elieff, [2007] O.J. No. 1802 (S.C.J.)(Perkins J.)

Spousal support and costs, wife and 4 children, husband’s income \$150,000
 Child support \$3,064/mo., plus \$200 for orthodontics
 Case adjourned for Guidelines and NDI calculations
 High end of Guidelines range chosen, \$2,654/mo., leaves 63.7% NDI to wife

Stoyshin v. Stoyshin, 2007 CarswellOnt 2825 (S.C.J.)(Cusinato J.)

Interim support, 2 children, wife doing B.Ed., graduating June 2007
 Husband works in family business with 3 others, income issues
 Husband’s income \$83,417, including benefits, but not family gifts, rent-free house
 Child support \$1,481/mo., including some s. 7 contribution

Spousal support \$1,350, based on Guidelines

Clement v. Clement, 2007 CarswellOnt 2225 (S.C.J.)(Gordon J.)

Husband applies to set aside minutes of settlement from day-long settlement conference

Husband earns \$65,000, child support \$601

Guidelines range used, \$1,318-\$1,638, parties used mid-point, review in 4 years

Both parties represented, no unfairness in settlement, upheld

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

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

Child 17 has cerebral palsy/epilepsy and child 14 autism

Wife home with little respite, access issues

Husband accountant with CRA, earns \$108,872

Child support \$1,964

Section 7 expenses: wife gets \$16,500/yr. subsidies for special needs, list "unattainable"; husband to pay \$1,300/mo. for expenses

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

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

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

(Special needs exception?)

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

Married 12 years, 3 children 12, 9 and 4

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

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

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

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

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

Interim spousal support \$400/mo.

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

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

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

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

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

Married 17 years, 1 child 8, with wife

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

Wife deputy town clerk, earns \$49,143

Child support \$924 interim

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

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

Married 9 years, children 13 and 8

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

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

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

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

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

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

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

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

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

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

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

Child support \$774

Wife earns \$39,000
 Compensatory basis: wife waitressed, two jobs, to put husband through school,
 Delayed her own education, now likely to return to school
 Periodic spousal support \$2,000/mo. for 5 years, 61% NDI
 Increased for education, not adequately addressed by Guidelines
 Plus lump sum support \$75,000 [all within global range at Guidelines maximum]

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

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

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

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

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

Ghahrai v. Mohammed, [2006] O.J. No. 4651 (Ont.S.C.J.)(Fragomeni J.)
 Married 9 years
 2004 settlement: \$1,000/mo. for 18 mos., 26 mos. paid interim, plus \$6,000 lump sum
 Wife applies to vary and seeks interim, support stopped April 2006, s. 17(10) applies
 Wife wants to complete B.Sc. Nursing, 4 more years, \$14,000 OSAP loan

Husband earns \$80,000, has 2 (?) children, \$700/mo. day care
 Husband says Guidelines range \$692-\$922, 4 ½ to 9 years, paid \$50,000 (\$692x6 yrs.)
 Application dismissed

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

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

Nemi v. Maier, [2006] O.J. No. 2676 (S.C.J.)(Timms J.)
 Cohabited 12 years, 2 children with mother
 Husband earns \$235,000, child support \$2,998, no s. 7 expenses
 Wife seeks \$100,000 lump sum spousal support, husband's interest in home (based on support of \$5,500/mo for 12 years discounted.)
 Wife earns \$60,000 in contract job
 Guidelines range: \$3,039-\$4,339,
 Appropriate level of periodic support would be \$4,000/mo.; converts to lump sum of \$100,000 (no calculations provided)

Neilson-Sewell v. Neilson-Sewell, [2006] O.J. No. 2580 (Ont.S.C.J.)(Smith J.)
 Together 23 years (married 21), 2 children with father in Vienna
 Wife at last minute decided to stay in Ottawa house, had left job, unemployed
 Income imputed to wife of \$14,000 (but no child support paid)
 Husband working for UN, income tax-free, increased for living costs, boarding school
 Wife claims his income \$158,241, so Guidelines range \$5,409-\$7,212
 Boarding school excluded, income is \$143,652 Cdn.
 Guidelines not apply, as support not deductible for husband
 Spousal support: mortgage of \$1,606 plus \$1,200, total \$2,806
 (custodial payor range: \$5,100-\$6,800, indefinite)
 (if pay for living costs excluded from income, range \$3,395-\$4,527)

Borger v. Jan, [2006] O.J. No. 2075 (Ont. S.C.J.) (A.L. Harvison Young J.)
 Interim order
 Married 9 or 10 years (date of separation in dispute); 2 children with wife
 Wife has exclusive possession of matrimonial home
 Husband income set at \$1,296,430/yr (average of past 3 yrs)
 Order for interim child support under guidelines of \$15,291/mo
 Wife submits advisory guideline range is \$10,000 - \$20,000/ mo (no details on calculation) and seeks lower end of range at \$10,000/mo; no discussion of "ceiling" of \$350,000.
 Order for interim spousal support of \$9,000/mo
 [range if husband's income at ceiling of \$350,000: \$7,667 - \$9,219/mo]

McCarthy v. McCarthy, [2006] O.J. No. 2308 (Ont. S.C.J.) (D.S. Crane J.)

Married 12 years; 2 children

Husband's income between \$54,000 and \$55,000/yr; child support \$750/mo

Wife earning \$27,000/yr (in home daycare), some health issues

Seeking \$300/mo spousal (giving her 58.2% NDI)

No spousal support awarded; reference to consistency with Spousal Support Guidelines [range zero to zero]

With no spousal support wife stated to be at 54.8% NDI and husband 45.2% NDI [DivorceMate actually shows wife at 57% with no spousal]

Brisebois v. Brisebois, [2006] O.J. No. 906 (Ont. S.C.J.) (S. Rogin J.)

Divorced 2002; one child now 11; 2002 spousal support order of \$500/mo based on imputed income of \$30,000 to wife and husband's income of \$56,000/yr

Variation application; husband's income increased to \$83,187/yr; wife now earning \$24,351/yr

Child support increased to \$660/mo

Spousal support increased to \$750/mo; court declines to increase support as per "Check Mate" and Divorcemate calculations provided by counsel (no details given); concern's wife's income understated

[Ranges: using husband's 2002 income (\$56,000) and \$30,000 (imputed) for wife: zero to \$334;

using husband's 2006 income (\$83,187) and \$30,000 (imputed) for wife: \$740 - \$1,337

using actual 2006 incomes for both (husband \$83,187, wife \$24,351): \$916 - \$1540]

Philip v. Philip, 2006 CarswellOnt 1591 (Ont. S.C.J.) (Henderson J.)

Together 10 years (married 8); wife 2 children from previous marriage (only 1 remaining child of marriage) and 1 child of their own

Husband's income \$58,000/yr; child support for 2 children \$799/mo, but deducts \$200 CPP benefits older child receives as a result of death of her father

Wife's income \$20,200/yr (\$15,100 employment and \$5,100 CPP survivor benefits)

Spousal support of \$650/mo; court "considered" many factors, including Advisory Guidelines and Check Mate calculations

[range assuming child support of \$599: \$227 - \$646]

Crewe v. Crewe, 2006 CarswellOnt 772 (Ont.S.C.J.)(Sills J.)

Interim order, 1 child (3) with mother

Husband earns \$67,185, child support \$554/mo.

Wife student loans and bursaries, issue re inclusion in income

Wife seeks \$1,564/mo. based on Guidelines

(Range estimated \$1,220-\$1,564, if her income \$2,000/yr.)

Interim spousal support of \$1,000/mo.

Dunning v. Dunning, [2006] O.J. No. 1927 (S.C.J.) (T.M. Wood J.)

Together 6 years (married 5), 2 children (ages 3 and 1) with wife

Application to vary 2005 consent order for child and spousal support

Father employed in U.S., income in \$Can set at \$160,893 resulting in child support of \$2,118

Mother registered nurse, moved back from U.S. after separation; presently earning \$20,000 from 2 part-time jobs

Uses SSAG range of \$2,568 to \$3,411 spousal support (giving wife 53.7% to 58.2% NDI); duration indefinite but ceases when youngest child turns 18

Spousal support set at lower end of range (\$2,568) because wife's income will increase as children get older and should be allowed to do so within reason without support being affected.

Review after 5 years at instance of either party

Palmer v. Arena, [2006] O.J. No. 1811 (S.C.J.)(Gauthier J.)

Together 8 years (married 3 plus), child 5 with wife, husband 47, wife 48

Husband bipolar disorder, CPP disability, \$11,520, no child support (table \$111)

Wife earns \$75,000, child care \$200-\$250/mo.

Interim spousal support of \$750 paid for past 2 years

Custodial payor range rejected as "insufficient", support ordered at \$1,000 for 3 years

[Range estimated \$473 to \$630, for 4 to 8 years, order within global range by restructuring]

Yetman v. Yetman, [2006] O.J. No. 926, 2006 CarswellOnt 1374 (S.C.J.) (Henderson J.)
 Variation of interim order, 3 children, now only 2 dependent, incomes increased
 Husband now earns \$89,388, wife earns \$21,300
 Child support \$1,128 plus \$2,000/yr. for s. 7 education expenses
 Advisory Guidelines considered, for order of \$1,400/mo.
 (Range estimated: \$1,061-\$1,645)

McGahey v. McGahey, [2006] O.J. No. 738, 2006 CarswellOnt 1081 (S.C.J.) (MacKenzie J.)
 One child, 7, with wife, child support \$648
 Husband \$81,000, wife \$25,000 imputed, range \$1,078-\$1,684
 Interim spousal support \$1,200

Verscheure v. Verscheure, 2006 CarswellOnt 832 (S.C.J.) (Marshman J.)
 Together 11 years (10 married), 2 children
 Wife little employment effort in 5 years, no income
 Husband earns \$240,060
 Child support \$2,698 til Sept./05, then children with husband
 Spousal support paid for 5 years already
 Custodial payor range \$2,469-\$3,292
 Interim order \$3,750 for 6 months, \$3,000 for 6 mos., then \$2,500 til trial

Cornish v. Bacic, [2006] O.J. No. 397 (S.C.J.) (Pepall J.)
 Married 10 years, 2 children 10 and 7 with husband
 Husband earns \$95,626
 Wife no income, previously earned \$22,620, that amount imputed
 Range \$660-\$880, "too low", orders interim support of \$1,000/mo.
 (But wife not paying child support, table amount on imputed income would have been \$318)
 (Custodial payor range if wife's income taken as zero: \$874-\$1,165)

Pollock v. Pollock, [2006] O.J. No. 504 (S.C.J.) (Shaw J.)
 Married 22 years, wife 43, husband 49
 3 children, one with wife (age 14), 2 with husband (21/18)
 Husband receives \$50,700 workers' compensation and CPP Disability
 CPP payments to children too, husband paying debts
 Wife no income, in mortgage-free family home
 Counsel agree Advisory Guidelines "not of assistance"
 Spousal support \$850/mo. (Range: \$776-\$966)

Ignacy v. Ignacy, [2005] O.J. No. 5264 (S.C.J.) (Gordon J.)
 Interim interim decision, 2 teenagers
 Husband earns \$127,286, wife \$66,640
 Guidelines used, spousal support of \$1,000 ordered
 No child support stated, but table \$1,524/mo.
 (Range \$214 to \$1,177)

Moggy v. Spry, [2005] O.J. No. 4939 (S.C.J.) (Del Frate J.)
 Together 6 years (married 3), 1 child 8 months, with wife
 Husband earns \$70,000, child support \$572, plus \$75/week child care
 Wife 25 years old, student, only income Ontario Student Assistance Program (\$9,800?)
 Range stated as \$975-\$1500, \$1,200 ordered on interim basis

Socan v. Socan, [2005] O.J. No. 3992 (Ont.S.C.J.) (Blisshen J.)
 Together 16 years (married 13), 2 children 19 and 13, oldest not "child of marriage"
 Child with wife, wife 45 at trial (39 at separation)
 Wife cashier at Walmart, health problems, earns \$20,401
 Husband Canada Post, health problems, earns \$44,904
 Child support \$387 (1), husband paid all matrimonial debts
 Range \$111 - \$293, request for \$200 by wife
 \$150 ordered, due to husband's payment of debts, expenses, equalization payment

Fancett v. Deprato, [2005] O.J. No. 3860 (Ont.S.C.J.)(MacKenzie J.)
 Together 4 ½ years, 1 child 6 with wife, wife 36 at separation
 Husband now disabled, off job, but no evidence, 2004 income \$65,318
 Child support \$545, plus \$332 for s. 7 expenses
 Wife clerical job \$12,486, now cohabiting, seeks spousal for past 18 months
 Unable to use Guidelines because of changing incomes (?), \$600/mo. ordered
 Child and spousal support used to offset husband's equity in home

Dench v. Dench, [2005] O.J. No. 2646 (Ont.S.C.J.)(Heeney J.)
 Married 16 years, 4 children, 1 still dependent, with wife, wife 47 at separation
 Husband owns car dealership, makes \$150,000
 Child support \$1,108
 Wife's income \$51,000 (\$36,000 on investments, plus \$15,000 imputed minimum wage)
 Range \$1,597-\$2,680, spousal support of \$2,000 ordered
 Roughly equal standards of living, wife's lower housing costs

Bielanski v. Bielanski, [2005] O.J. No. 2171 (Ont.S.C.J.)(Gauthier J.)
 Married 14 years, 2 children, 16 and 14, with mother
 Interim order: child support \$1,049; spousal support \$850
 Husband's income \$90,900 at Inco, wife \$34,500 in retail
 Order for child support \$1,146 and spousal support \$1,000
 Range \$611-\$1,237

Kerr v. Kerr, [2005] O.J. No. 1966 (Ont.S.C.J.)(Blishen J.)
 Married 16 years, 5 children with mother, husband \$95,014, wife no income
 Child support \$2,085, plus some s. 7 expenses
 Formula range stated as \$794-\$1,189, temporary spousal support of \$1,000 ordered.

Zelko v. Zelko, [2005] O.J. No. 653 (Ont.S.C.J.)(Cusinato J.)
 Married 15 years, 2 children 14 and 12, wife 36 at separation
 2001 order: \$1,031 child support, \$1,500 spousal support
 2 children now with father
 Wife makes \$14,000, i.e. child support of \$211
 Wife still to receive \$1,500 spousal, indefinite
 Discussion of guidelines, but unable to do calculations without software
 (Hybrid formula: \$894-\$1,193 for 7.5 to 15 years)

Araya v. Gaete, [2005] O.J. No. 704 (Ont.S.C.J.)(Young J.)
 Married 23-plus years, 3 children, 1 left with wife
 Husband makes \$50,000, wife laid off, \$10,000 imputed
 No child support, shared custody agreement
 Guidelines cited in discussion on entitlement
 \$800 interim spousal support ordered
 (Range by Divorcemate: \$1,150-\$1,533 indefinite)

McPhee v. MCPhee, 2005 CarswellOnt 683 (Ont.S.C.J.)(Gordon J.)
 Application to vary, husband's income reduced, wife's increased
 Child support adjusted, but spousal left unchanged at \$1,500 per mo.
 Support still within range computed using guidelines (no details given)