

Appendix II

SPOUSAL SUPPORT ADVISORY GUIDELINES CASE SUMMARIES

[April 19 – Sept. 12, 2007]

[This update covers new cases decided since our last update, Carol Rogerson and Rollie Thompson, "The Advisory Guidelines 27 Months Later", April 18, 2007" which can be found on the SSAG website at <http://www.law.utoronto.ca/faculty/rogerson/ssag.html>]

A. Appeal Cases

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]

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.

B. The *Without Child Support* Formula

Coulter v. Coulter, [2007] B.C.J. No. 1723, 2007 BCSC 1153 (Master Bolton)

10 year marriage; separation 2006; second marriage for both; no children of relationship; husband 62, wife 52; both children from previous marriages;

Husband insurance manager earning \$70,000; paying \$12,000 per year child support

Wife ran jointly-owned gift shop during marriage; business closed shortly after separation; wife now unemployed; plans (likely unrealistic) to upgrade skills and become insurance broker; too early to impute income but wife needs to be realistic about her plans

SSAG range, after adjusting for husband's prior child support obligation: \$735-\$981

Interim order for \$1,500 per month

Interim exception; need to go higher than SSAG to provide adequate support for short-term transitional period and also to provide reasonable standard of living.

Ahn v. Ahn, [2007] B.C.J. No. 1702, 2007 BCSC 1148 (Ralph J.)

1 year marriage, separation 2005; wife 50, husband 59; met through matchmaker; husband wealthy businessman; health issues and needed someone to care for him

Wife employed for 25 years in Washington state as data processor; had risen to position of supervisor; salary \$52,000 USD; moved to B.C. after marriage
 Husband's net worth \$3 million; interim spousal support of \$3,500/mo since separation plus mortgage payments on matrimonial home where wife continues to reside
 After separation wife remains in Canada, too embarrassed to return to Washington state; obtains permanent resident status; husband undertakes to support her for 3 years until 2009; unable to find work; skills need upgrading
 Division of family assets, including 25% of matrimonial home (worth \$830,000) to wife
 Spousal support: under SSAG formula, given short length of marriage and interim support payments, spousal support obligation would have come to end; but court relies on compensatory exception to award further support
 Wife awarded further lump sum of \$50,000 (based on one further year of support at \$3,500 per month plus one half of mortgage payments on matrimonial home) to further compensate her, on top of division of family assets, for economic disadvantage from her change of residency and employment

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

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

Heimsoth v. Heimsoth, [2007] A.J. No. 969, 2007 ABQB 539 (Sirrs J.)
 Married 24 years, 2 adult children, wife 50, separated 1999
 2002 order: spousal support \$4,000/mo., review in 3 years
 Wife says post-separation depression means can't work, 3 psychiatrists testify
 Court holds depression not that bad, wife can work, intentionally under-employed
 Husband earns \$149,778, up from 2002-04 average of \$121,836, new partner, nurse
 Wife home 10 years, compensatory support still, 2 more years support (10 total)
 Step-down order: \$4,000/mo. to Dec. 2007, \$3,000 to July 2008, \$2,000 to Dec. 2008, \$1,000 to July 2008, then end
 Husband paid support "in accordance with spousal support guidelines" since 2002 (range for 2002 order: \$3,625-\$4,833)

Simmons v. Simmons, [2007] B.C.J. No. 1792, 2007 BCSC 1206 (Gray J.)
 Married 12 years, wife now 79, husband 87, husband now dementia
 Property: marriage agreement unfair, only 18% of assets to wife, plus waiver of support
 Wife has pensions, investment income, total \$52,500
 Husband living on \$1.8 million property, while wife sold hers and earning interest on \$500,000
 Husband's income \$35,600, but if added interest on property, would be \$125,600
 Range of \$1,100 to \$1,500, indefinite, court would order \$1,800/mo. given her needs and his

Reapportion \$500,000 to wife, give her 38% of family assets, provide her \$25,000 income
If reapportionment, no need for spousal support to maintain her standard of living

Bentley v. Bentley, [2007] B.C.J. No. 1780, 2007 BCSC 1204 (Holmes J.)

Married 28 years, 2 adult children, husband and wife both 52 (49 at separation)

Family assets equally divided

Husband Air Canada pilot, earns \$169,459, less union dues \$167,671

His income also reduced for mandatory deductions, including pension contributions, to \$156,720 (?)

Wife has scoliosis and other health problems, unemployable, seeks \$7,000/mo. support

Incorrect "net" range calculated as \$4,898-\$6,530, court orders \$5,700/mo.

[Formula range \$5,240-\$6,986, maximum 50% NDI \$6,852/mo., \$5,700/mo. leaves wife 42.9% NDI]

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

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]

England v. England, 2007 CarswellAlta 999, 2007 ABQB 494 (Nielsen J.)

Married 21 years, no children, wife 52 (45 at separation)

Husband employed by Telus, severance 2002, consulting now, income \$96,400-\$105,600

Wife severance from Telus in 1993, diagnosed with lupus, not employed since

Two independent medical examinations: rheumatologist, not lupus,

Psychiatrist, possible somatoform disorder

Husband's net worth \$1 million, wife's \$575,000, property divided in 2003

Wife entitled to support: disadvantage from breakdown, economic hardship

Interim support \$32,500/yr. (\$2,708/mo.) since 2002, all expenses paid by husband 2000-02

Amount: long marriage, similar living standards, \$32,500/yr. continue

This amount "squarely within the range" under SSAG [Range: \$2,531-\$3,374]

Duration: til Dec. 2010, review then, not indefinite

Wife's share of Telus pension to begin Sept. 2010, also her health and steps to improve situation

Serpa v. Yueping, 2007 CarswellBC 1795, 2007 BCSC 1181 (Edwards J.)

Married in China, cohabited there 58 days, then husband back to Canada

Wife never came to Canada, as husband changed his mind, "married" 6 months

Wife employed in China, left job in May 2006 because of stress, one-line medical report, inadmissible

Husband earns \$27,000, between \$20,000 and \$30,000 where support could be less

Guidelines range \$34 to \$49 for 6 to 12 months, i.e. \$204 to \$588 total
Wife self-sufficient, no entitlement to spousal support

Fuller v. Matthews, [2007] B.C.J. No. 1622, 2007 BCSC 1099 (Arnold-Bailey J.)
Application by husband for reconsideration of lump sum support decision: 2007 BCSC 444
Short marriage, compensatory exception
Support partly calculated under SSAG as \$1,000 for 27 months, total \$27,000 as lump sum
Husband argues failure to consider after-tax value, should be only \$16,120 lump sum
No reconsideration, opportunity to argue point at trial, expert evidence required, approximate numbers
Some adjustment for tax on wife's loss of credit for pension time

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]

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
W.J. M. v. L.A.M., [2007] B.C.J. No. 1283, 2007 BCSC 842 (Halfyard J.)
Married 21 years (plus 3 prior cohabitation); 3 children now grown; separation 2001
Wife moved out and 2 younger children remained with husband; wife 42 at time of separation
Husband logger, earns \$67,596
Wife did not work outside home after children born, but husband wanted her to after children all in school
Wife works as house-cleaner after separation; cohabiting with new partner; court finds insufficient efforts;
imputes income of \$25,000
Cohabitation irrelevant to claim for reapportionment and spousal support because claims based on
compensation for economic disadvantage
Voluntary interim support of \$500/mo for 24 months after separation; wife paid no child support
Wife claims reapportionment and spousal support at low end of SSAG range
Home (value of \$249,000) reapportioned 75/25 in wife's favour
No spousal support; any claim for spousal support satisfied by reapportionment
Wife did not lose any opportunities to earn income during marriage that were no longer available to her at
point of separation; wife had means to earn reasonable income after separation and made choice
not to

Chutter v. Chutter, [2007] B.C.J. No. 1247, 2007 BCSC 814 (E.R.A. Edwards J.)
28 year marriage, 1 grown child
Husband businessman, income \$156,000
Wife returned to work as dental hygienist after child started school, earns \$49,000
Interim spousal support of \$3250/mo
Each spouse left with \$4 million in assets
Wife's total income, including interest and rent, \$133,000 and husband's \$214,000
No entitlement to spousal support in light of property settlement which satisfies need and
marital standard of living

Skelly v. Skelly, [2007] B.C.J. No. 1243, 2007 BCSC 810 (Bruce J.)

Married 18 years (plus 2 years prior cohabitation), 1 child, separation 2000

Wife worked part-time during marriage after child in school

Daughter ill with leukemia after separation and wife quit work; daughter died in 2002

Wife unemployed until 2005; now part-time in pharmacy earning \$15,335 (2006)

Husband helicopter pilot, earns \$84,360

2004 consent order provided for spousal support: 50% of husband's gross monthly income less 50% of wife's gross monthly income over \$500 (less 75% after Sept 1., 2005), review after September 2005.

Husband applies for review seeking reduction of amount and time-limit on grounds of wife's failure to make reasonable efforts to become self-sufficient

Wife's efforts reasonable in circumstances; not capable of earning more given her circumstances

SSAG relevant in determining amount on review

Range based on parties average incomes over past 2 years: \$1589-\$2110

Mid-to high end of range equivalent to amount owed under consent order if 100% of wife's earnings deducted from amount owed by husband;

Consent order varied to provide that 100% of wife's earnings to be deducted from amount owed by husband

Support to be indefinite

Derksen v. Derksen, [2007] B.C.J. No. 818, 2007 BCSC 542 (H.J. Holmes J.)

33 year traditional marriage; 2 grown children; separation 2004

2006 interim spousal support \$2,100 per month

Husband's average income over past 4 years, \$77,289; over past 8 years, \$80,431

SSAG range based on 4-year average: \$2415-\$3220; 8-year average: \$2514-\$3351

Court orders \$2400 per month indefinite

Lower end chosen because husband's income likely to go down as he slows down and works less overtime

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]

T.M. v. M.A.G., [2006] B.C.J. No. 3479, 2006 BCPC 604 (Brecknell Prov. Ct. J.)

Marriage less than 1 year; married 2001, separated 2002;

Husband sponsored wife and her child from Ukraine; under sponsorship agreement obligated to support wife for 10 years

2004 spousal support order \$1,300 per month, based on estimated income for husband of \$67,000

Husband applies for review seeking cancellation of spousal support

Continued entitlement to spousal support both under sponsorship agreement and because wife still in need and making reasonable efforts to improve English language skills and upgrade education

SSAG not applicable because of sponsorship agreement

Spousal support of \$1300 per month continued; review after 2008

G.L. v. D.W., [2006] B.C.J. No. 1293, 2006 BCPC 243 (Moss Prov. Ct. J.)

10 year cohabitation; separation 2005; both children from previous relationships;

Wife aboriginal and lives on reserve; husband not aboriginal and lived in wife's house on reserve

Husband pursued music therapy degree during first part of relationship; paid wife \$200 per month while going to school; \$450 per month afterwards

Husband's income \$36,137; has medical problems (MS) and debts, but also RRSPs and investments.

Wife seeks spousal support to compensate her for supporting husband while he pursued his education

Wife's income unclear: no earnings but many benefits from living on reserve and some rental income

Fixed formulas (SSAG) do not provide much assistance when incomes nebulous
Wife has short-term financial need; spousal support of \$350 per month for 1 year.

Bell v. Bell, [2007] B.C.J. No. 1105, 2007 BCSC 732 (Halfyard J.)

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

Shellito v. Bensimhon, [2007] B.C.J. No. 1081, 2007 BCSC 713 (Myers J.)

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

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]

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

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

Winsemann v. Donaldson, [2007] B.C.J. No. 1936, 2007 BCSC 1322 (Kelleher J.)

20 year cohabitation; separation 2004; wife 45, husband 51; 2 children, 20 and 16

Husband commercial fisherman

Wife at home during marriage; after separation goes to university, BA in English in 2006, only finds part-time work delivering newspapers, \$6000 per year.

Consent order April 2006 (based on husband income of \$75,986): child support for youngest child only, \$706; spousal support \$1707 per month; review any time after Oct. 31, 2006 (i.e. 6 months after wife's graduation)

Husband seeks to terminate spousal support on review, arguing decline in his income and wife under-employed.

Wife seeks increase in spousal support, child support for older child who has started university, and s. 7 expenses for younger child.

Husband's income \$58,000; wife under-employed, \$16,640 imputed (minimum wage)

Child support for older child attending university, \$200 per month; no s. 7 expenses for younger child
SSAG range stated as \$249- \$621; \$600 per month ordered, higher end of range; duration 10 years

McIntosh v. McIntosh, [2007] B.C.J. No. 1956, 2007 BCSC 1331 (Chamberlist J.)

17½ year marriage; separation in 1998; wife 49 and husband 48; 4 children with wife, 21, 19, 17, 14, only 2 now children of marriage, 17 year old maybe for only one more year

Wife not employed after birth of first child; husband in RCMP; both personal bankruptcy before separation
1999 order: \$1,180 per month interim child support and \$1,200 interim spousal; based on h's income of \$54,700

Trial 2001: permanent child support of \$1325 per month (based on h's income between \$63,000 and \$64,000); remainder of hearing delayed; spousal support not dealt with; interim order remains

2006: child support reduced to \$957 by support enforcement agency for two younger children who still qualify for child support

Husband remarried; in substantial arrears of spousal and child support; income now between \$75,000 and \$80,000 (RCMP and business income)

Wife part-time until 2002 because caring for children and ill mother; then trains as health care aid; income now between \$32,000 and \$35,000

Continuation of trial in 2007 to deal with spousal support arrears and on-going spousal support

Discussion of complications of applying SSAG in situation many years past separation where incomes have changed significantly since separation; SSAG to use payor income at separation but child support being assessed on current income; some discussion of impact of payor's remarriage

SSAG calculations presented by parties assuming different incomes (husband \$75,000 and \$80,000; wife \$30,000 and \$35,000) and different amounts of child support (1 or 2 children) ranging from low of \$0-\$644 (h \$75,000, w \$35,000, 2 children) to high of \$366-\$1098 (h \$80,000, w \$30,000, 1 child)

Court finds calculations "informative but not binding" because spousal support not based on payor's post-separation earnings

Re arrears, court finds spousal support should have been reduced to \$750 per month in 2004 after wife had retrained and found full-time employment.

Permanent spousal support of \$750 per month ordered, increasing to \$950 per month when only 1 child of marriage; support obligation to continue until 2015, for total of 17 years after separation; strong compensatory claim

Nordio v. Nordio, [2007] B.C.J. No. 1710, 2007 BCSC 1164 (Crawford J.)

7 year marriage (plus 10 years cohabitation, total 17 yrs), separation 2006, 2 children, 11 and 10; shared custody

Wife part-time, then special ed instructor, \$29,940; husband, dock manager, \$142,712 (both 3 yr. average)

Parties agree on following inputs for calculation:

contributions to registered pension plan (?): h \$9,000, w. \$1,744

child care expenses: h \$2,400, w \$1,000

union dues: h, \$2,520, w \$449

Child support: \$1482 (set-off plus s. 7 for childcare)

SSAG range under shared custody formula stated as \$1890-\$2,658

Court orders \$1476 per month spousal support, fair outcome, equalizes net disposable incomes

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

Wife in mat. 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]

M.I. v. S.D.I., [2007] B.C.J. No. 1925, 2007 BCSC 1310 (Ralph J.)

Married 11 years, 2 children 11 and 8, shared custody since 2005, wife and husband 44, separated 2001

Wife customer service agent with Air Canada, works part-time, earns \$27,800

Husband sales manager, electronics, earns \$113,000

Child support: \$1,611 - \$438 (using \$27,800 for wife) = \$1,173, child expenses similar

Husband pays 2/3 of s. 7 expenses for child care, figure skating, hockey

Home reapportioned 55% to wife, to be sold, rest of family assets divided equally

Wife could work more now, can earn \$36,000

Spousal support of \$800/mo., indefinite, review in 4 years

[Range estimated: \$922-\$1,607, \$800/mo. leaves wife 47.8% NDI; if wife earned \$48,000, range \$605-\$1,322]

Teja v. Dhandra, [2007] B.C.J. No. 1853, 2007 BCSC 1247 (Loo J.)

Married 10 years, 1 child 4 with wife, husband 40, wife 35, separated 2005

Wife lawyer, not practiced, career development officer at university, moved to follow husband

Husband retina specialist, medical school in Ontario, residencies, income increased in 2004

Income issues, s. 18 Guidelines, wife says \$630,000, husband says \$400,000, judge finds \$425,000

Husband seeks to reduce income to \$350,000 ceiling, due to his overwork, but rejected

Income of \$25,000 imputed to wife

Child support \$3,447/mo., some benefit to wife

Spousal support range \$10,067-\$12,199, order for \$10,500/mo., compensatory

Review in 4 years, child in school, wife can study for master's degree in counselling psychology

Brown v. Cross, [2007] B.C.J. No. 1847, 2007 BCSC 1221 (Wilson J.)

Common-law, together 13 years, 2 children 17 and 12, with wife, separated 2003

Wife home until 2001, part-time support worker, earns \$21,479, full-time imputed \$34,000

Husband works supercargo, income issues, company, earns average \$113,739

Child support \$1,620/mo.

Wife seeks \$500/mo. for 5 years, until youngest finishes high school, granted

[Range \$1,122-\$1,791]

Schwab v. Schwab, [2007] B.C.J. No. 1795, 2007 BCSC 1217 (Arnold-Bailey J.)

Together 11 years, married 8, 4 children 12, 11, 8, 7, with wife, husband 41, wife 38 (36 at separation)

Husband earns \$70,000, child support \$1,634

Property divided equally, except family recreation property of husband, 85% to husband

Wife taking course to Nov. 2007, resident care attendant, then hopes job \$24,000/yr.
 Various scenarios: if wife zero income, range \$602-\$914; if \$12,000, 0-\$321; if \$18,000, then zero
 Order for \$321/mo., review in July 2008

Fraser v. Pelletier, 2007 CarswellBC 1791, 2007 BCSC 1183 (Chamberlist J.)
 Appeal of Master's order, interim spousal support of \$850/mo., to equalize NDIs
 Shared custody, child support \$581/mo.
 Real numbers mean \$1,800/mo. required to equalize, says wife, calculation error by Master
 Appeal dismissed, sufficient support until trial

Wetmore v. Wetmore, [2007] B.C.J. No. 1732, 2007 BCSC 1177 (Balance J.)
 Married 8 years, children 11 and 10, with wife, wife 40, separated 2002
 Husband self-employed, income: 2002, \$140,000; 2003, \$119,000; 2004, \$215,785; 2005, \$168,475.
 2006 income \$192,290, child support \$2,577
 S. 7 expenses: \$300/mo. child care, \$725/mo. dance and riding
 Spousal support compensatory, wife working part-time for airline, 2006 earned \$8,866
 Insufficient effort, limiting hours for children, \$22,000 imputed
 Spousal support of \$3,400/mo., continued amount from previous agreement, review in 2 years
 [Range estimated as \$3,149-\$4,080]

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]

Williams v. Williams, [2007] N.J. No. 257, 2007 NLUF 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

J.W. v. M.H.W., [2007] B.C.J. No. 1597, 2007 BCSC 1075 (Romilly J.)
 Married 7 years, husband 46, wife 37 (34 at separation), children 9 and 7 with wife
 Shared custody: 3 of 4 weekends with husband, plus some days
 Husband financial advisor, earns \$60,000, wife personal care attendant, earns \$22,828
 Child support: set-off \$549, husband should pay more but family debts, \$600/mo.
 Spousal support: \$100/mo., deviated from SSAG, priority to child support
 "Dire" financial circumstances, significant debts, not divided under FRA, exceed assets
 [Range: 0-\$329, \$100/mo. splits NDI equally]

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

LeFranc v. LeFranc, [2007] B.C.J. No. 1566, 2007 BCSC 1052 (Truscott J.)
 Married 9 years, husband 40, wife 32 (30 at separation), 2 children 9 and 6 (learning disability) with wife
 Husband earns \$72,307 in excavation business, child support \$1,084
 Wife worked as excavator, home, now part-time in candle factory, earns \$17,000
 Husband paid \$853 mortgage, within SSAG range \$322-\$897/mo.
 Sept. 2007: if wife enrolls in nurse's aide college program, then spousal support \$1,200/mo.
 Within range too [if wife's income zero: \$1,105-\$1,402], review in June 2008
 If wife not pursue education, spousal support continue at \$853/mo.

Mann v. Mann, [2007] B.C.J. No. 1487, 2007 BCSC 980 (Halfyard J.)
 Together 15 years, married 13, 2 children 19 and 16, husband 48, wife 43, separated 1999/2001
 Child 19 independent, was shared custody, child 16 with wife, time with husband, but no s. 9
 Husband earns \$111,688, child support fixed at \$835 [1997 table amount?]
 Entitlement to spousal support at separation, but delay, wife now earning \$37,128, since 2004
 SSAG no assistance, unusual case
 Not consider any of husband's post-separation income increase from \$55,000
 Wife's disadvantage and hardship, but not permanent, self-sufficient now
 Lump sum support of \$25,000, would have ordered \$700/mo. for 36 months if timely
 [Range for \$111,688/\$37,128: \$1,217-\$1,943; range at separation \$55,000/\$2,500: \$770-\$1,044]

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]

Hornby v. Hornby, [2007] A.J. No. 788, 2007 ABQB 464 (Foster J.)
 Together 10 years (married 8), child 9, wife 42 (37 at separation)
 Husband investment specialist CIBC, earns \$208,973
 Wife home, then BSW (2004-06), employed part-time, earns \$15,121
 Property divided, including husband's post-separation condo, so no retro support
 Child support \$1,696/mo.
 Interim spousal support \$2,500/mo., wife seeks \$3,000/mo. for 2 more years
 Husband's 2000/2001 income \$112,639
 SSAG range \$2,548-\$3,185, guide only, if wife worked full 12 mos. income \$22,681
 Spousal support of \$2,000/mo., if wife earns more than \$3,200/mo. gross, reduce by half of excess
 If wife earns \$38,000/yr., support to terminate, otherwise terminate in one year, i.e. 6 2/3 years total
 [Range if incomes \$208,973/\$15,121: \$4,647-\$5,738; if \$112,639/\$2000 at separation: \$2,367-\$3,122]
 [If incomes \$112,639/\$15,121: \$2,034-\$2,692; if \$112,639/\$38,000: \$1,137-\$1,872]

Bryant v. Gordon, [2007] B.C.J. No. 1460, 2007 BCSC 946 (Slade J.)
 Married 19 years, husband 51, wife 53, 3 children (1 died), 22 at university, 17 at home with wife
 2002 order: \$1,388 child support, \$2,150 spousal support, husband then \$116,700, wife \$6,000
 Child support varied to \$1,013 (1) in 2006, plus direct payments of \$500 to older child
 Husband's income now \$139,966

No change in table amount, increase to \$750/mo. for older child (table amount difference), direct
 Spousal support: 6 ½ years since separation, court considers ranges for previous and new incomes
 Wife's lack of self-sufficiency efforts, part-time only, income of \$38,000 imputed (vs. \$30,000)
 That income used with husband's at separation \$116,700, range \$1,145-\$1,820
 Spousal support \$1,800/mo., indefinite, review in 2 years
 [Range if husband \$140,000, wife \$30,000: \$1,969-\$2,705]

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

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

Logan v. Logan, 2007 CarswellBC 1435, 2007 BCSC 904 (Chamberlist J.)

Married 31 years, 3 children, last now 18 with wife, husband 61, wife 55
 2004 order: child support \$761, spousal support \$2,400/mo., husband \$100,000, wife \$4,000
 Wife registered nurse, knee problems, can't work, CPP disability \$10,020/yr.
 Husband's income increased with bonuses to \$108-\$118,000
 Post-separation increase in husband's income not change in circumstances
 Husband living with fiancée, no disclosure from her
 Review, SSAG range for \$110,000/\$10,000: \$2,394-\$2,981, used as litmus test
 Court uses budgets and tax tables, permanent spousal support of \$2,400/mo.

Fraser v. Pelletier, 2007 CarswellBC 1428, 2007 BCSC 891 (Master Baker)

Application by wife under "slip rule", error in software calculations
 Husband earns \$109,200, wife \$43,200, shared custody (?)
 Spousal support of \$868/mo. ordered, to equalize NDIs
 Wife says \$1,800 spousal support required to equalize, but more complex issues
 No reconsideration as further analysis required and decision now under appeal

Ferchert v. Ferchert, [2007] B.C.J. No. 1315, 2007 BCSC 873 (Master Keighley)

Married 7 years, children 17 and 9 with wife

Husband bio-engineer, earned \$109,886 with federal government

Moved to Ohio after separation, to live with girlfriend, income imputed \$50,000

Wife works in floral supply store, earns \$10,000

Interim child support \$759, plus \$299 for section 7 expenses

Guidelines range 0-\$247, \$247/mo. interim spousal support ordered

High end due to dire financial circumstances of wife

P.H.D. v. M.L.D., [2007] B.C.J. No. 1302, 2007 BCSC 863 (Rogers J.)

Married 15 years, 3 children 8, 5 and 2, with wife, husband and wife 39

High conflict, many interim applications

Husband systems control engineer, mining industry, earns \$86,500, wife homemaker

Child support \$1,651

Spousal support: no ability to pay if paying mortgage (\$960), private school fees (\$845)

Range \$1,000-\$1,350, order for \$1,200/mo. interim spousal support

S. 7 expenses: no to private school, but \$4,800/yr. extracurriculars, \$334/mo. for husband

[Range stated before s. 7 expenses, as after expenses range is \$891-\$1,220]

P.G.A. v. B.M.A., [2006] B.C.J. No. 3386, 2006 BCSC 1964 (Barrow J.)

Married 17 years, 2 children 10 and 17, with wife, husband and wife in early 50's

Husband on CPP disability, \$12,229, lives with mother in Ontario

Wife works as legal assistant, earns \$49,000

Older child now independent, but intending university, younger at home

Wife paid husband voluntarily \$225/mo. support since May 2003 separation

Reapportionment on basis of "liability" for child under s. 65(1)(f) vs. husband's need

Family assets split equally

Husband can earn another \$7,000, so \$19,229, child support \$172/mo.

No s. 7 expenses for Rotary Club exchange program

Need, not compensation, basis for spousal support, range stated \$769-\$1,025

But Rotary program as parental sacrifice, so lower \$725/mo.

[But custodial payor range, 1 child: \$537-\$716, appears that stated range no children]

G.F.W. v. J.L.W., [2006] B.C.J. No. 1440, 2006 BCSC 964 (Masuhara J.)

Married 22 years, husband 48, wife 47, 2 children 15 and 13 with wife

Husband and wife both have MBAs

Wife home, younger child many health problems since birth, now real estate sales

Income imputed of \$20,000

Husband lost job in 1998, since then in real estate and business ventures, little success

Latest a roofing tile company, earns \$78,000, child support \$1,160

Assets reapportioned 70/30 to wife

S. 7 expenses: wife claims \$27,000/yr.

Court allows private school tuition (most paid by maternal grandparents), orthodontics, Tennis lessons, total \$15,572, husband pays \$1,084/mo.

Range considered (not stated), spousal support of \$800/mo. ordered, review in 2 years

[Range after s. 7 expenses estimated as 0-\$578, before expenses \$466-\$1,061]

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

Toews v. Toews, [2007] B.C.J. No. 1146, 2007 BCSC 746 (Crawford J.)
 Married 20 years, 3 children 25, 24 and 20, husband and wife both 45
 Youngest child with wife, in college
 Husband helicopter pilot, many moves, including Macau, dismissed 2006
 Husband new aviation safety business, tax low, income averaged from past 3 years \$125,000
 Wife nurse's aide, home, new business manufacturing screens, income \$50,000
 Child support \$650/mo., husband pays university/college expenses, son worked all of 2006
 Range \$1022-\$1867, order for \$1440/mo., for 5 years, then review
 Retroactive child support to 2004, retro spousal support to 2005

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

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

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]

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

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

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

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

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

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

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

