

## Appendix III

### SPOUSAL SUPPORT ADVISORY GUIDELINES CASE UPDATE BY PROVINCE [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" that is found on the SSAG website at <http://www.law.utoronto.ca/faculty/rogerson/ssag.html> ]

#### ALBERTA

##### 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]

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

*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)

*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

**C. The *With Child Support* Formula**

*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]

## BRITISH COLUMBIA

### A. Appeal Cases

*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

*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  
 Reapportionment \$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]

*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

*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

*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 immigration 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, 3<sup>rd</sup> marriage for wife, 2<sup>nd</sup> 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

### C. With Child Support Formula

*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, earning \$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 now 49 and husband 48; 4 children with wife, now 21, 19, 17, 14, now 2 children of marriage, not clear whether 17 year old will remain child of marriage for more than one year  
 Wife not employed after birth of first child; husband in RCMP; both declare personal bankruptcy shortly before separation; no assets to divide  
 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 in place  
 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 works 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 dealing with issues of 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  
 In dealing with 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 work, then special ed instructor, \$29,940 (3 yr. average); husband, dock manager, \$142,712 (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

*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. Dhanda*, [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]

*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]

*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]

*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]



*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]

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

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

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

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

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

Husband offers spousal support \$1,500 for 5 years, then \$1,000 for 5 years more  
Wife seeks \$2,000/mo. for 10 years, diminishing  
Shared custody range \$1,360-\$2,490  
Spousal support ordered \$1,800/mo. for 10 years, no review

## 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 4<sup>th</sup> 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