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2013 ALBERTA COURT DECISIONS: SPOUSAL/PARTNER SUPPORT CASE SUMMARIES

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Alberta Court of Appeal Cases								
Chase v Chase, 2013 ABCA 83	Unknown	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	Unknown	Mr. Justice Cote, Madam Justice Paperny, Mr. Justice Belzil (Madam Justice Goss at QB)	Unknown (Final)	Not enough information to generate a SSAG range.	H appealed a decision rejecting his claim to vary or terminate his spousal support obligation. H argued he had been terminated from his employment, the W was cohabitating with a new partner, and that he was suffering from multiple health issues including alcoholism which he suffered from during the marriage. Lower Court held that there was no medical evidence to establish an inability to work and that choosing to retire was not a basis for interfering with the spousal support order and agreement. Furthermore, the parties' separation agreement contemplated that spousal support would terminate when the W remarried or the H turned 60, neither of which had occurred. CA dismissed the appeal.
Hughes v Hughes, 2013 ABCA 131	Unknown	Payor: \$63,000 Payee: \$38,000	H: 61 W: 56 Age of W at separation: Unknown (47 at divorce)	Unknown	Mr. Justice Martin, Mr. Justice McDonald, Madam Justice Hughes (Mr. Justice Sullivan at QB)	\$800/mo. plus \$50/mo. towards arrears indefinitely (Final)	Not enough information to generate a SSAG range.	Appeal by W from an order that spousal support would terminate when H retired or turned 65, whichever occurred first, and granting H a reduction in spousal support arrears. H had been ordered to pay indefinite spousal support in the amount of \$800/mo. since the divorce 9 years prior. 1 1/2 years prior H applied to reduce spousal support and was granted a temporary stay and ordered to additionally pay \$50/mo. towards arrears. 5 months later H was an undischarged bankrupt and had only recently gained employment after years of unemployment and underemployment. By consent, H was granted a short stay and ordered to pay \$800/mo. and \$200/mo. towards arrears. 1 year later, H applied again to reduce spousal support arrear payments. Lower Court reduced the monthly arrears payment to \$50/mo. with spousal support terminating upon retirement or age 65. CA found that there was a material change in circumstances justifying the reduction in arrears. However, H had not made an application to vary duration, nor had there been any change in circumstances pursuant to s. 17(4.1) of the <i>Divorce Act</i> . Such an order was speculative and should not have been granted. Appeal allowed with respect to duration only.
Caldwell v Caldwell, 2013 ABCA 268	12 Years	Payor: Unknown (2011 income: \$185,000) Payee: Unknown (2011 income: \$40,000)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Independent Children, 2 Dependent Children (Ages 21 and 19)	Madam Justice Conrad, Mr. Justice Berger, Mr. Justice O'Ferrall (Madam Justice Nation at QB)	\$790/mo. until the W turns 60 (Final)	Low: \$2,862 Mid: \$3,328 High: \$3,797 (Insufficient information to calculate duration) (With Child Support formula)	12 year marriage with 4 children who have learning, emotional and physical disabilities, 2 of whom remained dependent at ages 19 and 21. H appealed decision refusing to terminate his spousal support obligation, and finding that 1 of the children remained a child of the marriage, and ordering H to pay retroactive child support of \$34,533. H had been paying spousal support of \$790/mo. indefinitely for 18 years. H argued that support should end due to the long duration of payments and because the children were now the adults. CA rejected these arguments, finding that the W suffered from medical conditions that were partly due to the breakdown of the marriage, affecting her ability to work, and that the W experienced the unique situation of having raised the 4 children completely on her own. H did not exercise access to the children after separation. H was now employed as president of a university in the USA, earning \$185,000 in 2011. W worked part-time, earning \$40,000 in 2011. CA stated that the SSAGs were a helpful tool and that normally a long-term support order would not be ordered for a 12 year marriage, however, the unusual circumstances warranted such an order. Spousal support was ordered to continue at \$790/mo. until the W turns 60. CA dismissed the H's appeal regarding the child of the marriage, but reduced his child support arrears to \$13,435.

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McCulloch v McCulloch, 2013 ABCA 298 (see 2013 ABQB 177 and [2013] SCCA No 443 leave to appeal dismissed)	27 Years	Payor: \$77,108 Payee: \$46,707 (Retirement allowances only)	H: 65 W: 59 Age of W at separation: 44	3 Independent Children	Mr. Justice Cote, Madam Justice Veldhuis and Madam Justice Read	\$5,200/mo. indefinitely (plus share of retirement allowance (Final))	Low: \$950 Mid: \$1,108 High: \$1,267 (Indefinite) (Without Child Support formula)	Traditional 27 year marriage with 3 independent children. H appealed decision whereby his application to terminate spousal support was rejected. Chambers Justice had ordered H to pay spousal support to W in the amount of \$5,200/mo., plus \$3,800/mo. from the H's retirement allowance. Same had been previously ordered in by the Court in 2010, when H applied to review spousal support after his retirement. Parties had agreed in 2003 that the H would pay spousal support of \$9,000/mo., which was incorporated into the Divorce Judgment. H argued that the Chambers Justice failed to appreciate the H's actual available sources of income in determining the appropriate quantum of ongoing spousal support. Court of Appeal rejected this argument, holding that the Chambers Justice was entitled to take into account potential income-producing assets that the H did not own at the time of the parties' 2003 matrimonial property trial when determining the amount of ongoing spousal support. Appeal dismissed.
De Winter v De Winter, 2013 ABCA 311 (see 2012 ABQB 408)	24 Years	Payor: Base income \$172,917; 5 year average \$245,000 Payee: nil	H: 59 W: 60 Age of W at separation: 55	3 Independent Children	Madam Justice Conrad, Mr. Justice Slatter and Mr. Justice O'Ferrall	\$5,000/mo. For 2 years; then \$5,404/mo. + 30% of any bonuses onwards, reviewable when W turns 65 (Final)	Low: \$5,188 Mid: \$6,052 High: \$6,917 (Indefinite) (Without Child Support formula)	Traditional 24 year marriage with 3 independent children. Appeal by the H of decision granting W ongoing spousal support of \$5,404/mo., plus 30% of any income bonus the H receives, and retroactive spousal support of \$5,000/mo. for 2 years. Trial Justice held that W was unemployable due to her age and time out of the workforce and declined to impute income to her. H argued that, among other things, the Trial Justice erred in failing to impute income to the W, and erred in concluding that the H's support of the parties' adult children did not affect the amount of spousal support payable to the W. CA affirmed the QB decision, stating that the Trial Justice was cognizant of the law surrounding imputing income and child support. H further argued that the order for spousal support was unreasonable and that the Trial Justice simply ordered spousal support based on the SSAGs without considering the implications of the award. CA rejected this argument and concluded that the spousal support award was not out of the range of reasonableness. It fell at the low range of the SSAGs. It was also noted that "the SSAGs are not binding, but they are a guideline and useful tool when determining spousal support." See 2012 ABQB 408 in 2012 Vogel Spousal/Partner Support Case Summaries for full summary of facts.
Javed v Khan, 2013 ABCA 351	6 Years	Payor: \$65,000 Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age 4)	Mr. Justice O'Brien, Mr. Justice O'Ferrall, Madam Justice Nation (Mr. Justice McCarthy at QB)	\$1,300/mo. for 28 months (Final)	Low: \$1,294 Mid: \$1,445 High: \$1,599 (Insufficient information to calculate duration) (With Child Support formula)	6 year marriage with 1 child, aged 4. W appealed a decision granting her spousal support in the amount of \$1,300/mo. for 18 months, arguing that income should be imputed to the H in the amount of \$100,868 rather than \$65,000. An interim order had been previously granted awarding the W child support of \$900/mo. and ordering the H to pay the mortgage on the matrimonial home, where the W lived with the child. Child support was reduced to \$560/mo. based on the imputed income of \$65,000. W argued that the Trial Judge failed to find that the H was intentionally underemployed, and failed to order retroactive spousal support by taking into account that the H had not made mortgage payments per the interim order. CA rejected the W's first argument, but found that the H's failure to pay the mortgage ought to have been taken into account in determining the duration of spousal support and whether to order retroactive support, since an order to make mortgage payments was another method of granting interim spousal support. As such, the CA extended the duration of spousal support from 18 months to 28 months.
Alberta Court of Queen's Bench Cases								
Omeltchenko v Christopoulos, 2013 ABQB 33	5 Years	Payor: \$77,572 Payee: \$12,624	H: Unknown W: 38 Age of W at separation: 37 (approx.)	1 Dependent Child (Age 15), 1 Independent Child	Mr. Justice Graesser	\$1,685/mo. until trial (6 mos.) (matrimonial home expenses less child support) (Interim)	Low: \$1,758 Mid: \$1,946 High: \$2,155 (Indefinite, min. 2.5 years and max. 5 years) (With Child Support formula)	Short-term cohabitation of 5 years. H was found to be in loco parentis to W's 15 year old son from a previous relationship. W's daughter had moved out of the family home. H worked for the Canadian Armed Forces earning \$77,572/yr. W had been basically unemployed since separation and was receiving \$1,052/mo. from Income Support. W claimed she could not work due to medical issues, including emotional problems and a shoulder injury stemming from an abusive relationship with H. Since separation, W remained in the matrimonial home with the son and H made all payments on the home. As there was no equity in the matrimonial home and it was a liability with only the Husband able to make payments, the Court transferred ownership to H with the W to vacate the home after trial. H was ordered to pay the full amount of interim child support pursuant to the Guidelines at \$665/mo. Court found that the W was in need of partner support on a needs based or non-compensatory basis, and the H had an ability to pay, although it could not be determined on this interim application whether she was also entitled to compensatory support. Court noted that the SSAGs suggested a range of \$1,625 to \$1,973/mo., but that the Guidelines were only helpful and not determinative on the matter of spousal support. H was ordered to pay interim partner support in the total amount of the monthly mortgage, property tax, insurance and utility charges against the property, less the amount of child support ordered, which amounted to \$1,685/mo.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
TGC v LAC, 2013 ABQB 88	5 Years	Payor: \$185,000 Payee: \$30,000	H: 44 W: 44 Age of W at separation: 41	2 Dependent Children (Ages 5 & 9), 2 Independent Children	Mr. Justice Hall	\$2,500/mo. for 5 years (Final)	Low: \$2,670 Mid: \$3,180 High: \$3,673 (Indefinite, min. 2.5 years and max. 13 years) (With Child Support formula)	Parties were married for 5 years and had 2 children aged 5 and 9. W had 2 children from a previous marriage, and the H was found to be in loco parentis. After separation the W resided in the matrimonial home with the children. H's income was \$185,000/yr., while the W did not work after moving with the H to Fort McMurray. W sought spousal support of \$3,200/mo. for 9 years. There were 3 interim orders for child and spousal support with the most recent ordering spousal support at \$2,200/mo. by consent. Previously, spousal support was set on an interim basis at \$3,200/mo. H's income was set at \$185,000/yr. Retroactive child support was ordered for all 4 children until one turned 18 and the other moved to the home of his biological father. H was entitled to reduce his child support obligation to his stepchildren by the amount of support the biological father paid to the W. Ongoing child support was ordered for 2 children in the amount of \$2,568/mo. W had left her home and job to move to Fort MacMurray to marry the H. During the marriage, the parties had agreed that the W would stay home and raise the children. Court concluded that the W should begin working again, and could be expected to obtain a clerical position and earn \$30,000/yr. Court found that the W was entitled to compensatory and needs-based spousal support in the amount of \$2,500/mo. for 5 years and 1 month from the date of separation.
DJ v SJ, 2013 ABQB 94	21 Years	Payor: \$200,000 (approx.) Payee: \$26,160	H: 71 W: 69 Age of W at separation: 41	2 Independent Children	Mr. Justice Park	\$900/mo. until H ceases employment or turns 75 (Final)	Low: \$4,563 Mid: \$5,324 High: \$6,084 (Indefinite) (Based on H's income at \$200,000) (Without Child Support formula)	Traditional marriage of 21 years with two independent children. Parties separated in 1985. H covered the family's expenses after separation and paid W spousal support since 1990 in the amount of \$4,100/mo. pursuant to a separation agreement, which was varied to \$4,225/mo. by consent 3 years later. W did not work after separation, citing depression and chronic pain syndrome. W deposed that the daughter was dependent on the W until age 35 due to depression, and that the son suffered from fibromyalgia and chronic fatigue syndrome, remaining dependent on the W and unemployed. The Consent Order contemplated that spousal support would decrease if the W earned more than \$20,000/yr., which did not occur. H's yearly support obligation was to be adjusted on a percentage increase basis, which had been followed over the years. H had paid over \$1 million in spousal support to W over 28 years. H retired from full-time employment but continued to work for his company on a part-time casual basis and sought a reduction or termination of spousal support. Court held that the W had failed to achieve any level of self-sufficiency and that this failure amounted to a material change in the W's circumstances. She had not saved and did not seek education, retraining or employment. Further, the condition, means, needs and circumstances of the W had changed since the consent order when she was unemployed and totally reliant on the H for support. W's financial needs had decreased with many years of spousal support, a pension lump sum and monthly payments of CPP and OAS, totalling \$26,160/yr. Compensatory support was no longer applicable after 28 years of payments, however, the Court ordered needs based or non-compensatory spousal support in the amount of \$900/mo. until the H ceased employment or reached age 75, whichever occurs first. W's claim for spousal support arrears was dismissed.
Jenson v Jenson, 2013 ABQB 98	4.5 Years	Payor: \$160,000 Payee: \$120,000 plus car allowance	H: 52 W: 31 Age of W at separation: 27	2 Dependent Children (Ages 7 & 8)	Mr. Justice Michalyshyn	None (Final)	Low: \$0 Mid: \$0 High: \$530 (Indefinite, min. 2.25 years and max. 11 years) (With Child Support formula)	Short-term marriage of 4.5 years with 2 dependent children, aged 7 and 8. At the time of marriage, W was newly graduated and did not work until after the birth of the second child, when she began full-time employment. H owned and worked for a golf software company, which was sold prior to separation for \$3 million. Parties had a shared parenting regime with the H paying a set-off amount of child support of \$2,800/ mo. since separation (including child care), which was later varied following a special hearing to \$1,421/mo. plus the child care costs. At the time of trial the H had been without employment income for almost 2 years. Court found H was capable of earning \$160,000/yr. and imputed income to him. W had obtained a new job and earned \$120,000/yr. along with a monthly car allowance. Court found the set-off amount of child support pursuant to s. 4 and s. 9 fo the FCSGs to be appropriate but did not calculate the monthly amount. An equal division of the parties non-exempt matrimonial property was ordered. In addition, W was awarded 30% of the increase in the H's exempt assets, amounting to \$577,000. After considering the length of marriage and the W's current income, the Court concluded that the W had not suffered any economic hardship as a result of the marriage breakdown and had no entitlement to spousal support, noting that she received substantial assets from the property division, and that in any event such distribution may go some way in providing the compensatory compenent of a spousal support award.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Wolters v Wolters, 2013 ABQB 172	26 Years	Payor: Unknown (\$188,591 in 2011) Payee: Nil (\$40,221 in 2011) Note: Court appears to have reversed the parties' incomes	H: 53 W: 51 Age of W at separation: 44	2 Independent Children	Madam Justice Veit	\$2,650/mo. until December 2015 (Final)	Low: \$5,893 Mid: \$6,876 High: \$7,715 (Indefinite) (Based on W's income at nil) Low: \$4,637 Mid: \$5,409 High: \$6,153 (Indefinite) (Based on H's and W's 2011 incomes) (Without Child Support formula)	Long-term marriage (not traditional) of 26 years with a 7 year separation. Per the Minutes of Settlement the H agreed to pay the W spousal support in the amount of \$2,650/mo., with review based on the H's and W's incomes reaching specific ceilings and floors, and on a material change in circumstances. W had been employed during the marriage as a legal assistant, and continued to be employed after separation, but had recently stopped working and re-married. H's child support obligation had ceased. H worked 2 jobs and applied to reduce and eventually terminate spousal support on the basis that the W had re-married. Court quoted the SSAGs regarding re-marriage or re-partnering. Remarriage does not mean automatic termination and does not generally affect compensatory or contractual support. However, when a recipient spouse remarries, the new spouse assumes any need-based spousal support obligation. It is only where a recipient spouse can establish that the new partner is unable to meet the spouse's current needs that needs-based support may continue. W had no contractual entitlement to spousal support and did not provide evidence that her new partner could not provide for her needs, eliminating any needs-based entitlement to support. W had suffered disadvantage as a result of the marriage breakdown which was not entirely compensated through property division but had the training required for gainful employment. 9 years of support would serve as a sufficient bridge toward self-sufficiency. Court ordered spousal support to terminate at the end of 2015.
McCulloch v McCulloch, 2013 ABQB 177 (see 2013 ABCA 298)	27 Years	Payor: \$77,108 Payee: \$46,707 (Retirement allowances only)	H: 65 W: 59 Age of W at separation: 44	3 Independent Children	Mr. Justice Michalshyn	\$5,200/mo. indefinitely (plus share of reitirement allowance (Final))	Low: \$950 Mid: \$1,108 High: \$1,267 (Indefinite) (Without Child Support formula)	Traditional marriage of 27 years with a 15 year separation and 3 independent children. 5 years after separation the parties agreed to indefinite spousal support of \$9,000/mo., reviewable on H's retirement. H retired at age 62 due to his company's mandatory retirement policy. In the 3 years prior to retirement the H had earned on average \$954,000/yr. H's total income in the year he retired was \$1,292,262. H applied to terminate spousal support at that time and was denied pending further evidence, especially regarding the H's continuing corporate revenues. H was ordered to share his retirement allowance with the W, to be included in the \$9,000 monthly amount. Of the retirement allowance of \$124,000, \$77,108 was paid to the H and \$46,892 was paid to the W. CA dismissed his appeal. Thereafter the H applied to terminate the remaining \$5,200/mo. in spousal support retroactive to his retirement date. Court noted that when the parties divorced, each were left with \$1.1 million in assets. H continued to own business assets worth between \$4.2-\$10 million. W enjoyed a better standard of living post-separation than she did during the marriage. However, the Court considered that parties' reasonable expectations during the marriage that they would live frugally in order to reap the benefits later. As such, W was entitled to live her higher post-separation lifestyle due to the commitment she had made during her marriage. Overall, she continued to be entitled to spousal support on a compensatory and contractual basis. Court concluded that the H's retirement did not change the W's entitlement to support or his continued ability to pay.
Madhoo-Persaud v Mattson, 2013 ABQB 206	20 Years	Payor: Nil Payee: Nil	H: 47 W: 58 Age of W at separation: 51	1 Independent Child	Mr. Justice Graesser	None (Interim)	Not enough information to generate a SSAG range.	20 year cohabitation and marriage. Parties had a traditional marriage where the W stayed at home to raise the parties' child, as well as her own children from a previous marriage, while the H worked. Parties separated in 2006, and the Divorce Judgment ordered \$1,500/mo. for spousal support. H was thereafter involved in a motor vehicle accident and had not worked since. He was ultimately terminated from his long-term employment, and from then on received disability benefits. At that time, the Court ordered reduced spousal support in proportion to the decrease in the H's income as a result of receiving benefits. The H's insurer later terminated his benefits. H appealed this decision and lost. He was now living on RRSP withdrawals. W never gained employment after separation and remained in need of and entitled to spousal support. Court held that the H's income for spousal support purposes should be set at \$0, and that the H's RRSP withdrawals were not income for spousal support purposes. It was noted that disability payments under insurance programs and Canada Pension Plan payments are appropriate to consider for spousal support purposes. W also argued that the H should rent out the parties' previous matrimonial home in order to generate income, however, since the H received this home in matrimonial property division, and the W had received an equalization payment, requiring the H to pay spousal support out of renting the home (or out of his RRSPs) constituted double dipping. The cessation of spousal support was made on a temporary basis only, and when the H's circumstances change or he receives compensation for loss of earnings or loss of earning capacity from his motor vehicle accident claim, he may be required to commence making spousal support payments again.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Henderson-Jorgenson v Henderson-Jorgenson, 2013 ABQB 213	4.5 Years	Payor: \$237,502 Payee: \$10,720	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 5 & 3)	Mr. Justice Wilson	None (Final)	Low: \$4,341 Mid: \$4,908 High: \$5,477 (Insufficient information to calculate duration) (With Child Support formula)	Short-term cohabitation and marriage of 4.5 years with 2 children, 3 and 5, who remained in the care of the W. Child support was ordered 1 year after separation on an interim basis at \$2,020/mo. based on the H's income of \$144,000. H suffered from alcoholism but had attended a rehabilitation program and now ran a successful company. W had worked briefly during the marriage as a behavioural therapist, but at the time of the application was finalizing her certification as a yoga instructor and worked part-time teaching yoga. Court considered the H's corporate income and imputed an income to him in the amount of \$237,502 retroactively. Child support was ordered at \$3,271.53/mo. W argued she was entitled to spousal support on compensatory and non-compensatory bases. Court rejected this, finding that she stopped working after the birth of the children on her own choice, and had no interest in becoming self-sufficient post-separation. She willingly pursued less lucrative employment as a yoga instructor when she could have earned more as a behavioural therapist. W argued that she wanted to be a stay-at-home caregiver for the children, however, the Court noted that this was not a realistic option since the parties had separated. W's application for spousal support was dismissed.
Metcalfe v Metcalfe, 2013 ABQB 356	20 Years	Payor: Unknown (\$343,936 in 2011) Payee: Unknown	H: 60 W: 57 Age of W at separation: 44	1 Independent Child, 1 Dependent Child (in university and soon to be independent)	Madam Justice Kenny	\$5,000/mo. for 8 mos.; \$4,000/mo. for 4 mos.; \$3,000/mo. for 4 mos.; \$2,000/mo. for 4 mos.; \$1,000/mo. for 4 mos. (Final)	Low: \$8,598 Mid: \$10,031 High: \$11,465 (Indefinite) (Without Child Support formula)	20 year marriage with 2 independent children. The parties had entered into an agreement which provided for spousal support in the amount of \$5,000 for 5 years, at which time the W was entitled to a review of spousal support to determine any further entitlement. Under the agreement, the H also paid the W child support for their youngest child in the amount of \$3,406, although such support was set to end when the child finished university. W sought a review, arguing she continued to be entitled to support on both a compensatory and needs basis. She sought support of \$13,000/mo. based on the high end of the SSAGs. H worked as a urologist during the marriage and after. W worked as a nurse during the marriage, although she took time off while the children were young. She retrained in nursing before separation, and also obtained a degree in public relations and communications after separation, funded by the H. W also started a retail business although had not earned any income from it. She was not able to find full-time employment, and had worked casual to full-time hours at various times after separation. W was concerned that with her child support payments ending, she would not be able to support herself if spousal support terminated as well. Court held that the W was not entitled to spousal support on a compensatory basis as the parties were young when they separated, matrimonial property was equally divided between the parties, the youngest child turned 18 over 8 years ago, the W had received spousal support for 13 years, and the W had already re-trained to become self-sufficient. She also was not entitled to needs-based support simply because the H could afford to pay and the W had a reliance on support to maintain her standard of living. There was no true need or hardship on the part of the W in this case. H had offered to pay the W decreasing support to transition the loss of child support, and so spousal support was ordered based on this.
Rozinsky v Rozinsky, 2013 ABQB 358	8 Years	Payor: Unknown (\$24,655 in 2011) Payee: Unknown (\$15,881 in 2011)	H: 38 W: 35 Age of W at separation: 31	2 Dependent Children (Ages 7 & 9)	Mr. Justice Gill	None (Final)	Low: \$75 Mid: \$88 High: \$100 (Indefinite) (Based on H's and W's 2011 incomes) (With Child Support formula)	8 year cohabitation and marriage with 2 children, aged 7 and 9. After separation, the parties had a shared parenting regime. Following a special chambers application 3 years post separation, W moved with the children to British Columbia. H was self-employed as a vacuum truck operator, while the W worked at a spa. W had trained to become a massage therapist in Alberta but was not accredited in British Columbia. W filed for bankruptcy and had not been discharged. H had been ordered to pay \$483/mo. (from which the H could deduct \$300/mo. for access costs). H was also ordered to pay retroactive spousal support in the amount of \$8,000. H applied to change the children's primary residence to his home in Grand Prairie, and was successful in doing so. W was not ordered to pay child support. Court held that the W was not entitled to any further spousal support as this had been a relatively short cohabitation/marriage, the W had been involved in several common law relationships since the parties' separation, she was not required to pay child support, and she had already retrained in the workforce.

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Bull v Bull, 2013 ABQB 366	33 Years	Payor: \$148,542 in 2012, \$90,000 ongoing Payee: \$27,300	H: Unknown W: Unknown Age of W at separation: Unknown	Unknown	Mr. Justice Germain	\$3,500/mo. for 4 mos.; \$2,500/mo. indefinitely, reviewable when H turns 66 (Final)	Not enough information to generate a SSAG range. Court notes range of \$3,789 to \$4,980	33 year cohabitation and marriage. H had voluntarily paid spousal support to the W since separation, starting at \$4,000/mo. H later reduced this to \$2,000/mo., then \$500/mo. before terminating support entirely when the Divorce Judgment was granted. Interim spousal support had been ordered at \$1,500/mo. Court held that the W was entitled to spousal support as she was economically disadvantaged in trying to re-enter the workforce as a woman in her 50s who had been in a long-term marriage. At time of hearing, W did not work. It was relevant to consider that neither party received any matrimonial property, and the H had taken on the parties' entire matrimonial debt of \$80,000. Further, the H was reaching retirement and had his own company, and as such his yearly income fluctuated. Court imputed the H's income at \$148,542 and the W's at \$27,300, and noted that the SSAGs gave a range of spousal support from \$3,789 to \$4,980/mo. Court ordered retroactive support in the amount of \$3,500/mo., offset by the amount the W should have been paying for the parties' matrimonial debt which amounted to \$2,500 at a rate of \$500/mo. H's income was decreasing to \$90,000, and as such, the Court ordered ongoing support in the amount of \$2,500/mo. If the H's income increased beyond \$90,000, he was ordered to increase his support payments by 30% of the excess. If his income decreased below \$90,000, he was ordered to decrease his support payments by 30% of the shortage. W was entitled to indefinite support due to the length of the relationship and her dependence on the H. Spousal support would be reviewable by H upon reaching age 66.
Omonova v Omonov, 2013 ABQB 384	20 Years	Payor: \$61,679 Payee: \$39,705	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 16 & 22)	Mr. Justice Germain	\$400/mo. indefinitely (Final)	Not enough information to generate a SSAG range.	20 year marriage with 2 dependent children, aged 16 and 22, who resided with the H. After separation, when the younger child was living with the W, the H was ordered to pay child support and indefinite spousal support in the amount of \$275/mo. Later, the younger child began residing with the H and the W was ordered to pay child support to the H in the amount of \$318/mo. W applied to increase spousal support while the H applied to terminate it. H was employed as a teaching assistant earning \$61,679. W's income was \$39,705, not including spousal support. Court held that both children were children of the marriage. Court concluded that there had been a material change in circumstances as the younger child had moved in with the H, and as such, the W no longer had child support payments to help make ends meet. It was noted that while it could be anticipated that the son would have moved out of the W's home eventually, it could not have been contemplated by the parties that event would occur so quickly. Spousal support was varied to \$400/mo., which the Court noted was within the SSAG range of \$327 to \$429/mo. W remained entitled to indefinite support due to the long-term marriage, which disadvantaged the W. W was ordered to pay increased child support to the H, in the amount of \$558/mo. for both children plus 44% of ongoing s. 7 expenses, as well as 40% of outstanding s.7 expenses, which was offset in part by the outstanding matrimonial property debt owed by the H.
Betovski v Slavica, 2013 ABQB 387	19 Years	Payor: \$221,237 Payee: \$12,683	H: 49 W: 48 Age of W at separation: 47	1 Independent Child	Mr. Justice Burrows	\$3,000/mo.+ \$500/mo. towards arrears indefinitely (Final, reviewable in 3 years)	Low: \$4,953 Mid: \$5,779 High: \$6,604 (Indefinite) (Without Child Support formula)	19 year marriage with 1 child, aged 18. Parties had immigrated 3 years ago and had been separated 1 year. H was ordered to pay interim spousal support of \$400/mo. and \$1,020/mo. per month in child support which ended when the child turned 18. H was employed as a crane technician in Fort McMurray, and the Court extrapolated his current income to be \$221,237. The previous year's income was \$184,419. W worked in a restaurant and as a cleaner. Her last year's income was \$12,683. She was not proficient in English, and the Court found that this impeded her ability to find employment despite her efforts. H argued that he should not pay spousal support because he acquired his current job qualifications before the marriage, his earnings were a result of his moving to Fort McMurray and the W had refused to move, and his earnings were also a result of him working extensive overtime hours. Court rejected this, holding that the W was entitled to compensatory and non-compensatory support. Parties were engaged in a joint venture when they decided to immigrate to Canada, and the W cared for the child while the H worked. Parties' expected that they would have financial security in Canada, which the H experienced and W was denied when they separated. The separation thus led to economic disadvantage and hardship for the W. Both parties submitted SSAG calculations using different incomes, with the W submitting a range between \$3,746 and \$4,995/mo. and the H submitting a range between \$909 and \$1,213/mo. Court concluded that the appropriate quantum of spousal support should be reduced below what would normally be appropriate to recognize that the H was required to live in an expensive community to work, that the H worked excessive hours, and that the parties' joint venture was disrupted when the W refused to move to Fort McMurray. Spousal support of \$3,000/mo. was ordered for an indefinite period commencing 1 month after the W filed her application. H was ordered to contribute \$500/mo. towards arrears, and would be entitled to apply for a review in 3 years.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Southern v Southern, 2013 ABQB 442	12 Years	Payor: \$32,000 Payee: \$24,000	H: Unknown W: 31 (approx.) Age of W at separation: 31 (approx.)	None	Mr. Justice Langston	None (Final)	Low: \$120 Mid: \$140 High: \$160 (6 to 12 years) (Without Child Support formula)	Cohabitation and marriage of 12 years with no children. W was employed as a hairdresser, earning \$24,000 per year. She also earned her accreditation as a journeyman stylist during the marriage. H was employed as a labourer, earning \$32,000. W argued that H was intentionally underemployed and should be imputed with an annual income of \$75,000. H was previously employed as a driller in the oilfield, earning between \$75,000 and \$120,000/year. W alleged that H lost his job because he lost his driver's license, and now refused to regain his driver's license and previous occupation although he had the ability to do so. H disputed this, arguing that he left his prior job at the W's request that he work closer to home. Court found that the H was not intentionally underemployed, noting that such a finding required more than finding that it was possible for the H to earn more than he currently was, and declined to impute income to the H. Although the Court held that the W did not sacrifice employment, relocate, or financially assist the H in advancing his career, it noted there was a need for spousal support for both parties, but that neither had the ability to pay. No spousal support ordered.
Mickels v Mickels, 2013 ABQB 457	Unknown	Payor: Unknown (\$241,050 prior to retirement) Payee: Unknown	H: 61 W: Unknown Age of W at separation: Unknown	Unknown	Mr. Justice Jerke	\$4,200/mo. for 2 years (Final)	Not enough information to generate a SSAG range.	H applied to vary the Divorce Judgment to terminate spousal support. Divorce Judgment incorporated the parties' Minutes of Settlement and stipulated that spousal support was payable in the amount of \$4,200/mo. and could be reviewed if the H retired as a certified financial planner and his net income was less than \$133,000. The Judgment further ordered spousal support to continue for 30 months after the H's retirement, or for such other period so long as the H was receiving Assured Value Program income. Spousal support was to end when the H ceased to receive Assured Value Program income. H retired and began receiving Assured Value Program income as a result of a contract executed between the H and his employer. Effectively, H changed his position from senior financial consultant to independent contractor and continued to service the same clients and took on new clients, which continued for a further 2 years. H earned more income in those 2 years than the income he was earning at the time of settlement. H argued that his retirement began when he changed his position and began receiving the Assured Value Program income. Court rejected this, holding that this was inconsistent with what the parties agreed to in the Minutes. W argued that H was not retired as he intentionally chose to cease working at age 61. Court also rejected this argument, as the Minutes simply required that H be retired as a certified financial planner, not retired in general, and further that the Minutes did not set a specific retirement age. Court found that the parties originally contemplated that the Assured Program income would be triggered when the H retired as a certified financial planner, and that the H could not choose to trigger the income earlier in order to avoid his spousal support obligation. H was ordered to pay spousal support of \$4,200/mo. for 30 months after his actual retirement.
DRS v DLS, 2013 ABQB 474	16 Years	Payor: \$130,570 Payor: \$43,571	H: 50 W: 53 Age of W at separation: 44	1 Dependent Child (Age 17), 2 Independent Children	Madam Justice Acton	\$2,000/mo. until W turns 65 (Final)	Low: \$1,266 Mid: \$1,700 High: \$2,134 (Indefinite, min. 8 years and max. 16 years) (With Child Support formula used)	16 year marriage with 3 children, 1 of whom remained a dependant at age 17 and one of whom was going back to school imminently at age 21. At the time of the marriage, H worked as a financial planner and investment advisor for his father's business, and W worked as a cytotechnologist. After the birth of their second child the parties decided that the W would stay home to look after the children. H and his brother bought their father's business and it was very successful. 5 years before final separation, H began experiencing mental health issues and was diagnosed as bi-polar. H began receiving disability insurance and CPP disability at separation and had an income of \$130,570 for the most recent year. W was granted interim sole custody of the children. When W stopped receiving a salary from the company H started paying \$1,766/mo. in child support. 3 years after separation, H was ordered to pay interim child support of \$2,425/mo., and interim spousal support of \$2,500/mo. retroactive almost 2 years to the date the W stopped receiving a salary from the company. 6 years after separation, H sold his share of his business to his brother at a reduced price without the knowledge and consent of the W. W had retrained after separation and worked part-time as a licensed practical nurse with an income of \$43,571 for the most recent year. There was another interim order for the H to pay \$1,832/mo. in child support plus arrears of child support due to his income being higher than he had reported. The matter went to trial 9 years after separation. Matrimonial property was divided unequally in favour of the W due to dissipation by the H. H was ordered to pay significant retroactive child (s. 3 and s. 7) and spousal support from his share of the matrimonial property, as well as ongoing child support (\$1,138/mo. for 1 child or \$1,842/mo. for 2 children), and ongoing spousal support of \$2,000/mo. until the W turns 65, on a compensatory and non-compensatory basis, payable monthly and then by lump sum upon the sale of property. Court also noted that the SSAGs were simply guidelines and did not have the force of law and that the SSAG range was \$1,457 to \$2,337 (assuming child support for 2 children).

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Richards v Richards, 2013 ABQB 484	21 Years	Payor: \$100,000 Payee: \$17,000	H: 55 W: 45 Age of W at separation: 41	None	Madam Justice Phillips	\$2,767/mo., reviewable upon outcome of H's bankruptcy proceedings (Interim)	Low: \$2,179 Mid: \$2,542 High: \$2,905 (Indefinite) (Without Child Support formula)	21 year marriage with no children. H had filed for bankruptcy and therefore the property issues were stayed. For most of the marriage, the parties worked together managing a campground owned by the H's company, which initially had only one shareholder, the H's brother. The W was also responsible for running the household. Later the campground was sold and leased back to the H's company. The W then began making investments for the parties in the stock market, using funds gifted from the H's brother. Shortly before separation, the parties moved out of the campground due to mold. The H continued to work at the campground, and the W continued to be the main trader and administrator of the parties' stock portfolio, working for the campground off-site. The shares in the company were transferred to the H and as a result of the transfer both the H and W's employment was terminated, without her knowledge. After separation, the W was not gainfully employed until 3 1/2 years later. Pursuant to an Interim Agreement, the H paid the W \$7,500/mo. for 4 months and then \$4,900/mo. for 1 year. 6 months after, the parties entered into another agreement for a further 6 months of \$4,000/mo. There was an interim Order for a further payment of \$4,000 which was not made until 5 months later, after trial. Court found that the H lacked credibility, had failed to disclose and had deliberately and wilfully attempted to evade obligations to the W by dissipating assets, assigning into bankruptcy and assigning the campground lease to his brother. W now suffered from substantial health issues, and worked part-time as a receptionist expecting to earn \$17,000 in the current year. Court held the W had made reasonable efforts to obtain employment but was limited by her health problems and only had training to work at the campground. H's income was imputed at \$275,000 for the 2 years after separation and \$100,000 for the current year. W was entitled to compensatory and non-compensatory support, as the parties functioned as an economic unit during their 21-year marriage, and had an interdependent relationship. Court held that the amount paid by the H to date was insufficient and ordered 2 years of retroactive spousal support at the mid-range of the SSAGs (\$7,258 and \$7,904/mo.) and ongoing interim spousal support of \$2,767/mo., at the high end of the SSAGs, reviewable at the request of the W, pending the outcome of the H's bankruptcy proceedings. H was held in civil contempt and W was granted solicitor and his own client costs.
Kordyban v Kordyban, 2013 ABQB 500	Unknown	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	4 Independent Children	Madam Justice Read	\$2,000/mo. until further Court order (Final)	Not enough information to generate a SSAG range.	Parties divorced after long marriage with 4 children, all of whom were adults. The youngest, who is disabled, was receiving AISH. The Divorce Judgment was based on an agreement whereby H was to pay spousal support to W in the amount of \$2,000/mo. starting the 31st day after the H attained employment, variable on a change in circumstances. H had worked in Libya for several years as an engineer in the oil industry, but was unemployed due to the revolutionary war in Libya. H resumed work 1 month after the Divorce Judgment was granted and began paying spousal support. H then argued that there was a change in circumstances for a number of reasons: he lost all of his assets in Libya, incurred \$100,000 in debt during his unemployment, was assisting his children financially, that the youngest disabled child was no longer living with the W, that the W quit her full-time job when the H regained employment and was now living with her boyfriend and sharing expenses with him, and that the tax regime in Libya had changed. Court rejected all arguments and found that there was no material change in circumstance. H's income was somewhat higher than what it was at the time of the divorce, W had been laid off from her job, and had spine problems which prevented her from working. There was no evidence that any of the children would be attending school. In any event, Court found that the changes cited by the H were contemplated when the agreement was entered into. H's application was dismissed and spousal support was ordered to continue pursuant to the Divorce Judgment.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
Benson v Benson, 2013 ABQB 515	22 Years	Payor: \$73,000 (likely much higher) Payee: \$21,566 (average over 8 years)	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age 18), 3 Independent Children	Mr. Justice Jones	None, arrears based on \$750/mo. (Final)	Low: \$969 Mid: \$1,198 High: \$1,430 (Insufficient information to calculate duration) (With Child Support formula)	22 year marriage with 4 children, 1 whom remained a child of the marriage. Trial was held 8 years after separation. Shortly after separation, child support for 2 children was set at \$1,150.mo. and interim spousal support was ordered at \$750/mo., by consent. H accumulated arrears. H had blasting and welding business during marriage, and also worked for a company in Fort MacMurray until shortly before trial. W was a stay at home mother, but assisted with bookkeeping for the H's business. After separation, W went back to school and painted houses to earn income. W also cashed in life insurance policy after separation to make ends meet. Both parties had remarried and the H argued this ended the W's entitlement to spousal support. Parties were each awarded \$87,777 in matrimonial property, although H's portion was used to pay a CRA debt that was his sole debt, and to pay child and spousal support arrears. Court found H was intentionally underemployed and imputed income at \$73,000 at the request of the W, which was the amount of income used in the initial interim support order. Court noted that his income would have been higher with the reasonable application of s. 18 of the FCSGs. Court found that W's entitlement to compensatory and non-compensatory support had ended and as such, only retroactive spousal support was at issue. Court granted W's request for retroactive support for a 23 month period in the amount of \$750/mo., which was significantly less that she could have requested. If the parties' net disposable income during the 23 month period were to be apportioned with 40% going to the W, this would result in support of \$3,299/mo. Spousal support arrears totaled \$16,833. Child support arrears totaled \$33,667, plus \$8,745 in retroactive s.7 expenses. Ongoing child support was ordered for 1 child in the amount of \$575/mo. (at the request of the W, the current table was not applied, which would have resulted in an order for \$623/mo.) until the child finished school.
Albavera v Alarcon, 2013 ABQB 519	11.5 Years	Payor: \$57,228 Payee: Nil	Age of H: Unknown Age of W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 16.5 and 10)	Mr. Justice Lee	\$1,000/mo. (Final)	Low: \$1,195 Mid: \$1,339 High: \$1,489 (Insufficient information to calculate duration) (With Child Support formula)	Parties were married for 11.5 years and had 2 children, ages 16.5 and 10. Divorce judgment directed joint custody of the children with primary care to the W and ordered H to pay W child support of \$720/mo., reserving the issue of spousal support. Both parties and the children were from Mexico, and the W sought to relocate to Mexico with the children as she was facing deportation. Because of W's invalid status in Canada, she was unable to work or receive social assistance. Accordingly, she sought retroactive child support and ongoing spousal support from the H, who continued to be sponsored by his employer and had applied for permanent residence status for himself and the children. H argued that he could not afford to make support payments and that he had already gave the W a house in Mexico. It was held that the youngest child would relocate with the W if she was deported, while the oldest child was to remain in Canada with the H, as per that child's wishes. Court concluded that the house the H gave to W in Mexico was not meant to offset any spousal support owed to the W since the W received no income from this house and it was built by the parties on her parent's property. W was entitled to spousal support due to her inability to obtain employment and given the parties 11.5 year marriage. Court considered the SSAGs, which suggested a range of \$1,000 to \$1,500/mo. W was awarded ongoing spousal support of \$1,000/mo., including 3 months of retroactive payments, as there was evidence that the H may have been involved in the cancellation of the W's immigration status. Court also ordered retroactive s. 3 and s. 7 child support, based on the H's actual income, totaling \$2,494.53.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
McNeill v McNeill, 2013 ABQB 564	16 Years	Payor: \$94,921 Payee: \$39,800	Age of H: Unknown Age of W: 54 Age of W at separation: 42	2 Independent Children	Madam Justice Anderson	\$2,500/mo. until December 2013 (Final)	Low: \$1,102 Mid: \$1,286 High: \$1,470 (8 to 16 years) (Without Child Support formula)	16 year marriage with 2 children, now independent. H applied to vary and terminate spousal support on the basis that the W was employed and that she would soon begin to receive pension benefits. W sought to review spousal support on a de novo basis. Hearing was held 12 years after separation. 7 years after separation, there was an order arising out of a binding JDR whereby the H would pay the W spousal support of \$2,500/mo., reviewable in 3 years, based on an income for the H of \$130,622 and for the W of \$12,001. The order also provided that in the event the W received any pension income, spousal support would be reduced dollar for dollar. During the marriage, the H was employed at Telus but was laid off and 7 years after the parties separated, became an independent contractor under his own consulting company doing substantially different work than he had done at Telus. The W did not work after the birth of the parties' children until 10 years after separation when she became an administrative assistant, where she earned \$39,800/yr., significantly more than she had been earning in prior years. H earned \$60,000/yr. in dividend payments from his consulting company, as well as \$34,921/yr. in pension income, for a total of \$94,921/yr., significantly less than what he was earning when spousal support was ordered. W was also set to begin receiving pension income of \$1,925/mo. from her share of the H's Telus pension imminently. W claimed she suffered from severe health problems as a result of a motor vehicle accident around the time of separation, and also due to the marriage breakdown and a recent seizure. Overall, the Court found she was no longer entitled to compensatory or non-compensatory support. The parties' children were grown, the W had received support for the past 12 years, and there was no evidence to suggest the W was not self-sufficient. Further, she did not have true need for support any longer and was not suffering hardship. W argued that her pension payments may not come in until later that year, and as such the Court ordered spousal support of \$2,500/mo. to terminate at the end of the year.
Harrison v Harrison, 2013 ABQB 570	30 Years (married 27 years)	Unknown	H: Unknown W: 55 Age of W at separation: 46	2 Independent Children	Mr. Justice Lee	None (Final)	Not enough information to generate a SSAG range.	Application for interpretation of the parties' Minutes of Settlement. Parties were married for 27 years and had 2 independent children. Minutes provided that H would pay spousal support to W in the amount of \$800/mo., until the death of either spouse. Spousal support payments were to be increased annually by the cost of living as calculated by the Consumer Price Index, with the first increase to take place on January 1st of the year following the H's <i>Canadian Forces Superannuation Act</i> ("CFSA") pension being indexed. Minutes also provided for a division of the H's pension, which was divided by a prior Order, and at the time of trial, W had received half of the H's pension, in the sum of \$235,000. At 55, the W could draw down on her share of the pension, although it would not make financial sense to do so. According to the Minutes, any amount received by the W as a result of the pension division would be deducted from the spousal support payable by the H to the W. Parties sought interpretation of the Minutes as to whether the spousal support payments of \$800/mo. were to continue once the W had received the pension funds, even though she was not drawing down on or otherwise accessing the pension funds. The lawyer who drafted the Minutes was called as a witness. Court held that once the W received the pension funds, the H's spousal support obligations were to be reduced by the amount the W received. H had made spousal support payments out of his pension funds. It was never intended that the W would be entitled to divide the H's pension, take half of the pension in a lump sum, and continue to be entitled to \$800/mo. from the H. Court found that if the W began accessing the pension funds, she would receive payments equal to or more than the \$800/mo. spousal support payments she was receiving.
CSH v EMH, 2013 ABQB 660	11 Years	Payor: \$55,000 Payee: \$50,000	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 12 and 11)	Mr. Justice Graesser	None (Interim)	Low: \$0 Mid: \$0 High: \$0 (With Child Support formula)	11 year marriage with 2 adopted children, aged 12 and 11. W's application for interim child and spousal support. W resided with the children in the matrimonial home after separation, while the H made mortgage payments on the home and paid for other expenses relating to the home, but made no payments for child or spousal support. During the marriage the parties received approximately \$1,400 per month from the Post Adoption Assistance program. After separation, W directed these payments to herself. Court found that the H was entitled to half of the Post Adoption Assistance payments, and that his child support payments would be offset by this amount. H's income fluctuated from approximately \$35,000 to close to \$100,000; H expected to earn \$55,000 in the current year. W earned little in the 2 years after separation but then earned \$50,000 in the previous year and expected to earn the same in the current year. W unsuccessfully argued that H was intentionally underemployed. Court noted that the difference between the parties' incomes suggested that the W was entitled to spousal support for prior years, but that that there was likely little or no entitlement to spousal support in the years she earned \$50,000. Thus, no ongoing spousal support was ordered and the determination of arrears of spousal support was reserved, which arrears should be offset by the payments H made related to the matrimonial home.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
CWT v KAT, 2013 ABQB 678	3 Years	Payor: \$104,700 Payee: \$33,000 (\$88,396 imminently)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 13 and 1)	Madam Justice Read citing decision of Mr. Justice Stevens	\$768/mo. For 8 mos, then \$1,570/mo. for 4 mos. until W returns to work (Final)	Low: \$419 Mid: \$843 High: \$1,216 (based on W's income of \$33,000) (Insufficient information to calculate duration) (With Child Support formula)	3 year marriage with 2 children, aged 13 and 1. H had shared parenting of a child from a prior relationship, age 9. This decision dealt with an undue hardship application by the H in the context of an application to vary child support, however the Court noted the decision of Justice Stevens, which dealt with spousal support. Justice Steven's order set the H's income at \$104,700 (including car allowance and bonus), and the W's income at \$52,458 for the prior year and \$33,000 for the current year. The W was on maternity leave and expected to return to work as a teacher at the start of the next school year, and her annual income would be \$88,396 when she did. H was ordered to pay ongoing child support of \$1,487/mo. and spousal support of \$786/mo. for 8 months including retroactive payments, and then \$1,570/mo. for a further 4 months until the W returned to work. The H was successful in his undue hardship application, the Court finding that he had care of the children almost 40% of the time, in addition to his third child, and that his present financial situation was untenable, leaving almost nothing to live on after payment of child support, spousal support and his mortgage payment. Accordingly, his s. 3 child support obligations were reduced following the W's increase in income.
Cushnie v Cushnie, 2013 ABQB 690, 2013 ABQB 710	5 Years	Payor: \$160,000 Payee: Unknown (Company gross income \$85,000)	H: Unknown W: 51 Age of W at separation: 51	None	Madam Justice Veit	\$1,000/mo. for 6 months (Interim)	Low: \$469 Mid: \$547 High: \$625 (2.5 to 5 years) (Without Child Support formula)	5 year marriage with no children. W had moved to Britain where the H lived to marry him, leaving her employment as a paralegal. W was employed at a law office in Scotland but was terminated, although she continued to be employed for most of the parties' stay in Britain. 2 years later, the parties moved to Canada and bought a home in Edmonton, and then another in Calgary. H was unable to work for 17 months after the parties' moved to Canada because he was not a Canadian citizen, but was now employed, earning \$160,000/year. W worked on a contract basis through her company which had a gross income of approximately \$85,000/year without the need for office space or administrative support. Court found that W had not shown her entitlement to spousal support, and directed that a special application be set to determine same. Court noted that the W had only demonstrated a need for spousal support. However, the H was making a claim against the equity in the jointly held home that the W resided in and the Court held that he should be paying his joint ownership share rather than have the W make payments for his eventual benefit. H was ordered to pay W interim spousal support of \$1,000/mo. for 5 months, which could later be readjusted up or down, when a special application on the issue of entitlement to spousal support could be heard. This award was later amended for a further month, when it was brought to the Court's attention that a special application could not be set until then.
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Los v Los, 2013 ABPC 127	7 Years	Payor: \$127,808 Payee: \$11,000 (approx.)	H: 30 W: 30 Age of W at separation: Unknown	2 Dependent Children (Ages 5 & 3)	Judge LeGrandeur	\$880/mo. indefinitely (Final, reviewable in 4 years or upon a material change in circumstances)	Low: \$1,336 Mid: \$1,685 High: \$2,055 (3.5 to 5 years) (With Child Support formula) Court notes range of \$880 to \$1,137 to \$1,394 also taking into account s.7's	7 year cohabitation and marriage, with 2 children aged 3 and 5. H paid child support for a 3rd child from a prior relationship of \$307/mo. W had obtained a degree in psychology during the relationship and was working on her Masters degree at the time of the application. W had significant student loans and tuition fees. After separation the W worked part-time earning \$846 every 4 weeks or approximately \$11,000/year. H completed training as an electrician during the relationship, and now earned \$127,808. H was ordered to pay child support of \$1,807/mo. plus s. 7 expenses. Court found the W was entitled to compensatory and needs-based spousal support. She put her education on hold in order to raise the children and was 3-5 years behind in her career as a result. Because of her educational demands, she had little earning capacity and was financially dependent on the H. Court considered that the SSAGs gave a range of \$880 to 1,394/mo., and included detailed ChildView calculations (could not be reconciled). Although the W had a strong compensatory and needs-based claim, H had assumed the matrimonial debt and needed to acquire a larger apartment to accommodate the children when they were visiting. Support was ordered at the low range of the SSAGs indefinitely, as the W needed time to become self-sufficient. Court held that the award could be reviewed in 4 years time, or if either party could establish a material change in circumstances.

Case Name	Duration of Cohabitation	Incomes	Ages of Spouses	Children	Justice	Support Awarded	SSAGs	Summary
TA v DZ, 2013 ABPC 190	5 Years (Approx.)	Payor: \$113,200 Payee: \$40,000	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age 6)	Judge Golden	None (Final)	Low: \$952 Mid: \$1,343 High: \$1,733 (Insufficient information to calculate duration) (With Child Support formula)	Approximately 5 year relationship with 1 child, aged 6. Throughout the relationship and after, H was self-employed as a contractor and worked for his own company. His income was imputed at \$113,200 for child support purposes. W worked at a photo shop and answering service at the beginning of the relationship, and then went on maternity leave. Thereafter the W did bookkeeping for the H's company, and also worked part-time at a golf course. After separation, W worked at a department store and also at a restaurant, and later obtained employment as a conveyancing secretary. W's income was imputed at \$40,000. H was ordered to pay \$985 in s. 3 child support, plus s. 7 expenses. According to a prior order H was ordered to pay spousal support to the W in the amount of \$400/mo. for 2 years at which point the W's entitlement to support would terminate permanently. W applied to vary this award and sought further spousal support past the termination date. Court found that the W's employment had improved since separation, and had not presented sufficient evidence to establish a material change in circumstances that would allow the Court to vary the previous spousal support award.
Jans v Jans, 2013 ABPC 199	21 Years	Payor: \$49,250 Payee: \$25,850	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 20 and 13), 1 Independent Child	Judge Kvill	\$115/mo. (Interim)	Low: \$0 Mid: \$0 High: \$0 (insufficient information to calculate duration) (With Child Support formula)	21 year cohabitation and marriage, with 3 children, 2 whom remained dependent, aged 20 and 13. The youngest child had Down's Syndrome. During the marriage, W was primarily a stay at home mother, although had some part-time employment. After separation, the H refused to leave or sell the matrimonial home, but did pay the W's rent. The W became the sole caregiver to the parties' disabled 13-year-old son. Each party had received \$128,000 from the recent sale of the matrimonial home. The H reduced his contribution to half of the W's rent and failed to pay any child support. W worked part-time for friend's catering business, and obtained a second job driving a school bus to help make ends meet. Court found the mother's yearly income to be \$25,850. H was self-employed and worked selling and refurbishing oilfield equipment through his 2 companies for 8 months per year. H did not produce full financial disclosure and Court imputed his income at \$49,250 including \$2,000/mo. for the 4 months he did not work. Parties agreed to each pay the 20-year-old daughter \$250/mo. to assist with her living expenses. H was ordered to pay child support in the amount of \$398/mo. plus s. 7 expenses of \$293/mo. Child support arrears for both children were set. In determining spousal support for the W, the Court found there was clear entitlement in this case as the parties' 21 year old marriage and respective roles during the marriage left the W with an ability to earn only minimal income. It was also noted that the mother's role as sole caregiver to the parties' disabled son was an important consideration in determining spousal support. Court held that the W had made extraordinary efforts to support herself and her children. Although the SSAGs suggested a range of \$0 to 41/mo., the Court held that the SSAGs were advisory only and not binding and ordered support above the SSAG range at \$115/mo., retroactive to when the H stopped paying the W's full rent.