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2014 ALBERTA COURT DECISIONS: SPOUSAL/PARTNER SUPPORT CASE SUMMARIES

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Alberta Court of Appeal Cases									
Boyd v Shaw, 2014 ABCA 1	12 Year Marriage, 17 Year Total Cohab	Payor: \$107,000 Payee: Nil	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (20 years)	Mr. Justice Berger, Mr. Justice O'Brien, Mr. Justice Martin	\$1,800/mo. Indefinitely	Final	Low: \$2,770 Mid: \$3,025 High: \$3,286 (Insufficient information to calculate duration) (With Child Support Formula)	Appeal by W from trial judge's decision, which included, <i>inter alia</i> , \$1800/mo. in spousal support to W, child support which was to commence once parties' 20-year-old child returned to school, subject to annual review, and division of assets including H's pension. In determining spousal support, TJ found that W was unable to work and assumed an income for the H of \$107,000. The award recognized an anticipated drop in the income of the H and uncertainties about the H's future. Duration of spousal support was to be indefinite. Child support was based on H's 2011 income of \$78,420.11. With respect to matrimonial property, CA upheld the TJ's decision to divide assets equally, subject to W having an exemption of \$65,000 in the matrimonial home for equity as of the date of cohab. With respect to spousal support, CA upheld the TJ's decision, indicating that the fact that the award was subject to variation and review on an annual basis provided sufficient flexibility to accommodate any changes in circumstances. Appeal dismissed.
Lemoine v Griffith, 2014 ABCA 46 (see 2012 ABQB 685 in our 2012 Spousal/Partner Support Case Summaries)	14 Year Cohab	Payor: \$154,864 Payee: \$26,893	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (11 years)	Mr. Justice Berger, Mr. Justice O'Brien, Mr. Justice Slatter	None	Final	Low: \$2,593 Mid: \$3,046 High: \$3,499 (Insufficient information to calculate duration) (With Child Support Formula)	Property Agreement was signed by parties 4 years into cohab, stating it was to be in effect whether or not the parties' contemplated marriage took place. Although the W occasionally had part-time employment, her main duties were in the home and on the parties' farm. Later, she started a clothing business. H appealed decision that Property Agreement was invalid due to undue influence, that H was unjustly enriched and that the parties were engaged in a joint family venture. At Trial, W received a property award of \$915,440, representing 30% of the increase in H's net worth during the period of cohab, in addition to an award of full ownership of the W's business and premises it was located on. W's cross appeal of the TJ's decision not to award AIP support was conditional on an alteration of the TJ's property award. CA dismissed appeal and cross-appeal on the basis that there was no palpable and overriding error on the part of the TJ. Given the successful claim for unjust enrichment that provided W with significant assets, a business from which to earn income, and ownership of the premises on which the business was located, the W was self-sufficient and did not need ongoing support. The TJ had sufficiently taken into account the W's means, needs, and circumstances.

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Neighbour v Neighbour, 2014 ABCA 62	Unknown	Payor: Unknown Payee: Unknown, but "considerably less than H's"	H: 55 W: Unknown Age of W at separation: Unknown	Unknown	Madam Justice Hunt, Mr. Justice Ronald Berger, Madam Justice Rowbotham	\$3,500/mo., reviewable in 5 yrs.	Interim	Not enough information to generate a SSAG range	H appealed decision reached at special chambers application in which chambers judge rendered final award of spousal support to W in the amount \$3,500/mo., to go up or down depending on income fluctuations, reviewable only on a material change of circumstances relating to H's alleged gambling. H had filed an affidavit asserting that his gambling problem was under control. Interim spousal support was previously awarded in the amount of \$1,500/mo. The appeal was allowed, with the CA finding that the order should not have been final nor that the only change in circumstances warranting a review was one related to H's gambling. It was noted that final awards are rarely made in chambers where there is conflicting affidavit evidence, as there was here. Further, absent consent, it was an error in law to connect future spousal support to changes in income, as "it is not a foregone conclusion that future increases to the appellant's income should be shared with the respondent. It may be arguable, for example, that there is no causal connection between the increase in income and the respondent's contribution to the marriage." The CA reiterated that the SSAGs, although a useful tool, do not, and should not truly fetter a TJ's discretion. CA ordered spousal support to continue in the amount of \$3,500/mo., on an interim basis, until further Order of the Court, reviewable as of January 1, 2019.
Samoilova v Mahnic, 2014 ABCA 65 (see 2012 ABQB 465 in our 2012 Spousal/Partner Support Case Summaries)	6 Year Marriage, Total Cohab Unknown	Payor: \$148,704 Payee: \$24,708 (Incomes from 2012 ABQB 465)	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age 12)	Mr. Justice O'Brien, Mr. Justice Martin, Mr. Justice O'Ferrall	None Retroactive lump sum spousal support based on the mid-range of the SSAGs, less 30% to account for taxes	Final	Low: \$2,522 Mid: \$2,956 High: \$3,391 (Insufficient information to calculate duration) (With Child Support Formula)	W appealed a decision by the TJ (under Rule 9.13 - varying a judgment after trial but prior to the Order having been entered) to reduce her lump sum retroactive spousal support award by 30% in order to account for the fact that the lump sum payment was not taxable. TJ had awarded W retroactive lump sum spousal support based on the mid-range of the SSAGs for the period of July 2005 to June 2008. H sent a letter to the TJ after his decision, pointing out that the amount of retroactive support did not account for the fact that, typically, periodic spousal support is deductible by the payor and taxable in the hands of the recipient. W replied in a letter to the TJ that any change to the spousal support order would cause her unjustifiable hardship and would be a substantial and inappropriate change to a decision already made. Neither party had raised this issue at Trial. After asking the parties to make further submissions, TJ decreased the amount of the retroactive award by 30% to account for the tax consequences, noting that the SSAGs, which the parties agreed should form the basis of the award, presumed that support would be paid periodically, and therefore be subject to tax. The discount rate was determined based on an average of both parties' income tax rates, being 36%, further reduced by the TJ to 30% in order to maintain fairness. TJ also reduced the credit H was to receive for support previously paid by 30%. CA dismissed W's appeal, finding that once the issue was raised it would likely have been an error to not consider the tax consequences of retroactive lump sum spousal support. W's application to admit fresh evidence, an accountant's report discussing difficulties of the TJ's method of tax adjustment, was denied.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Alpugnan v Baykan, 2014 ABCA 152 (See 2012 ABQB 364 in our 2012 Spousal/Partner Support Case Summaries)	24 Year Marriage and Cohab	Payor: \$244,557 Payee: Nil (Incomes from 2012 ABQB 364)	H: 68 W: Unknown Age of W at separation: Unknown	3 Dependent Children (Ages 19, 19 and 14), 1 Independent Child	Mr. Justice O'Brien, Madam Justice Rowbotham, Mr. Justice McDonald	\$4000/mo. until retirement, 50% of pension income after retirement. Retroactive spousal support for 2006 only at mid-range of the SSAG's and a guideline income of \$418,471	Final	Low: \$4,674 Mid: \$5,158 High: \$5,644 (Insufficient information to calculate duration) (With Child Support formula)	W had sole custody. In 2006, H was ordered to pay \$5000/mo. in child support and \$4000/mo. in spousal support, on an interim basis, based on a guideline income of \$244,557 in 2005. H's income was higher in subsequent years. Prior to Trial, on an interim without prejudice basis, W was awarded 1/2 of H's investment portfolio, receiving \$2,131,369 before tax. At Trial, W had remarried but remained completely dependent on H for support. TJ found the split of the investment portfolio to be a final division. TJ recognized that the H's income had increased since 2006 but found that a strict application of the SSAG's was unfair. Spousal support was ordered to continue at \$4000/mo. on a final basis until H retired, at which point the H would share his pension income on a 50/50 basis with the W. In making the interim award final rather than increasing the award, the TJ noted his concerns regarding double-dipping by receiving further spousal support from the H's portion of the investment portfolio. Further, the TJ agreed with the case management judge, who had taken into account the producing value of the W's share of the investment portfolio in making the interim order. TJ further noted that the W had "essentially destroyed" the investment portfolio. W appealed on a number of grounds, including the TJ's failure to increase spousal support. CA upheld the TJ's decision to continue spousal support at \$4,000/mo. even though the H's income had increased, as the TJ properly applied the double-dipping principles from Boston v. Boston, [2001] 2 S.C.R. 413 to the parties' case and the TJ had regard to the W's means, needs and circumstances. CA also held that the TJ was correct in considering the income-producing value of the W's share of the investment portfolio. However, as this reasoning did not apply to the year prior to the interim division of property, CA awarded retroactive spousal support at the mid-range of the SSAG's for 2006 based on H's guideline income of \$418,371 for that year.
DDP v CSW, 2014 ABCA 162	3 Year Total Cohab	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown	1 Dependent Child (Age 4)	Madam Justice Conrad, Mr. Justice O'Brien, Mr. Justice Wakeling	\$2500/mo. for 46 mos.	Final	Not enough information to generate a SSAG range	The chambers judge found that in this adult interdependent relationship, H was the primary source of revenue, W was primary source of home and child care, and it was the intention of the parties on a go forward basis to carry on with these respective roles. H ordered to pay \$2500/mo. in partner support for 4 years. H submitted that the 4 year duration of partner support was disproportionate given the length of cohabitation. CA dismissed H's appeal with respect to partner support as, although the duration of support was longer than what might normally be expected for a relationship of this duration, the chambers judge had properly considered the conditions, means, needs and other circumstances of each party as contemplated by s. 58 of the <i>Family Law Act</i> . H failed to establish that the decision was unreasonable in the circumstances where the child was autistic and required the ongoing special care of the W.
Preston v Preston, 2014 ABCA 247	Unknown	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	Unknown	Mr. Justice Cote, Mr. Justice Costigan, Madam Justice Veldhuis	Unknown	No Order	Not enough information to generate a SSAG range	The Court had approved Minutes of Settlement which governed child support. Income was later imputed to H without notice to him. H appealed the Order of the Lower Court imputing an income to him and determining child support and spousal support on that basis. No reference was made by the CA to the finding of spousal or child support. However, the CA allowed the appeal and set aside most of the Lower Court's Order. The Order of a Superior Court is never a nullity, but W had not followed the proper procedure in obtaining said Order. The Court had the power to vary or not enforce a contract, but if a Court Order was to be set aside or varied, proper legal processes must be followed. W would have to follow the proper procedure and start again.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
LeBlanc v LeBlanc, 2014 ABCA 391	19 year Marriage, Total Cohab Unknown	Payor: \$179,000 Payee: Nil	Unknown	1 Dependent Child (Age unknown), 2 Independent Children	Madam Justice Conrad, Mr. Justice O'Brien, Mr. Justice Wakeling	\$4,000/mo. reviewable in 2 yrs; \$100,500 retroactive lump sum spousal support	Final	Not enough information to generate a SSAG range	Appeal by W of retro spousal support and property. H worked as an electrician, depositing his earnings into a corporation called DDK, then into a new company, Norton. TJ did not determine the appropriate amount of spousal support, concluding that ongoing spousal support of \$4,000/mo. based on incomes assumed to be similar to 2013 incomes was appropriate. TJ declined to order retro spousal support for period between separation and Trial, concluding that the funds the W had received during this time (\$41,000 from DDK and \$87,000 from the parties' joint line of credit) adequately provided for the W. CA allowed appeal with respect to retro spousal support. Funds from line of credit and DDK ought not to have been characterized as spousal support. The funds in DDK were matrimonial property. The line of credit was a matrimonial debt. Accordingly, CA awarded retroactive spousal support from the date of separation to Trial in the amount of \$4,000/mo. (noting that during marriage W received a monthly salary from DDK of \$3,700/mo.), resulting in retro amount of \$124,000. The H was entitled to a credit of \$23,500 toward retro spousal support in consideration of the W's withdrawals from the parties' line of credit. The amount of retro spousal support payable was therefore \$100,500.
Mazepa v Embree, 2014 ABCA 438 (See Mazepa v Embree, 2014 ABQB 515 below)	9 Year Total Cohab	Payor: Unknown Payee: \$18,000 (Income from 2014 ABQB 515)	H: 61 or 65 W: 61 or 65 Age of W at separation: Unknown	None	Mr. Justice Berger, Mr. Justice Watson, Mr. Justice Slatter	\$1,840/mo. indefinite	Interim	Not enough information to generate a SSAG range	Appeal by H of an order which refused to set aside a previous order for partner support. (See Mazepa v Embree, 2014 ABQB 515 below). Appeal dismissed. H argued that the Lower Court had no jurisdiction to order partner support during an exclusive possession application. The partner support order was granted by consent, "without prejudice to either party", each of whom was represented by counsel. The CA stated that it is well-established that a trial or chambers judge should not decide a case on a matter not pleaded and should not grant remedies beyond the pleadings, but that rule is not absolute or "jurisdictional" and does not render the order a "nullity", even if made in excess of jurisdiction. Orders of a superior court of record are never nullities and are valid until they are set aside. The support order was made as a necessary component of the exclusive possession order. Support orders will not be interfered with on appeal unless they are unreasonable. H had provided no basis for disturbing the validly made order and it will remain in effect until varied or terminated by the Trial Court.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Alberta Court of Queen's Bench Cases									
Brick v Cross, 2014 ABQB 35	2.5 Year Total Cohab	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 9 and 8)	Madam Justice Goss	None	Final	Not enough information to generate a SSAG range	At the beginning of the relationship, W worked as a massage therapist and H worked as a pipefitter, and thereafter as a welder. W went on maternity leave 4 months prior to the birth of the parties' first child, and did not resume working until after separation. H incorporated company to do contract welding work, while W continued to be a stay at home parent. Company had annual revenues of \$133,000 to \$150,000 in each of its 3 years of operation. W made a claim for property on the basis that H had been unjustly enriched and sought spousal support for a period of 2 years. TJ determined that the parties' relationship was a joint family venture and that evidence of mutual effort and economic integration had been established during the 2.5 years of cohabitation. W was awarded 50% of the equity in the parties' home, 50% of the increase in value in the parties' lake property, less than 50% of the tax debt of the business accumulated during the cohab, all valued at the date of separation, for a total unjust enrichment award of \$23,668.67 plus pre-judgment interest. Considering the factors of s. 58 of the <i>Family Law Act</i> , TJ found that the W was not entitled to compensatory AIP support as she was able to return to work immediately after separation in the same position that she held prior to taking a maternity leave, and therefore had not been disadvantaged by her 2-year absence from the workforce. It was further held that the W was not entitled to non-compensatory support as she was able to return to work, find a place to live, and pay her living expenses immediately after separation. Also, the W obtained new employment 2 years after separation where she earned twice the income she did as a massage therapist, and she was thereby able to improve her circumstances.
Groot v Kotake, 2014 ABQB 53	8 Year Marriage, 11 Year Total Cohab	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	None	Madam Justice Sulyma	None	Final	Not enough information to generate a SSAG range	During marriage, W and H started a fast food business as equal shareholders. After separation in 2006, W continued to draw \$5000/mo. in salary from the company for her management duties until H cut her off from the business in 2008. The \$5000/mo. payment from the company was reinstated by Court Order in May of 2009 even though the W was no longer working for the business. In May of 2011, the Court increased this amount to \$6000/mo. W originally sought spousal support and an unequal division of matrimonial property due to H's dissipation of assets (once the W was cut out of the companies, revenues fell while expenses skyrocketed). During the course of the Trial W conceded that if she received an unequal division of matrimonial property, she would have difficulty pursuing spousal support. The Court granted an unequal division of the property entitling the W to the entirety of the matrimonial property due to the H's dissipation, and did not award spousal support. Any economic disadvantage suffered by the W was dealt with by the previous orders awarding monthly salaries to the W while she was not doing actual work for the business, and by the unequal division of the property.
BLF v SMF, 2014 ABQB 69	10 Year Marriage, Total Cohab Unknown	Payor: \$79,600 Payee: \$3,390	H: Unknown W: Unknown Age of W at separation: Unknown	3 Dependent Children (Ages 15, 12 and 11)	Mr. Justice Yamauchi	None (Arrears of \$200/mo. per Divorce Judgment to be paid)	Final	Low: \$564 Mid: \$737 High: \$913 (Insufficient information to calculate duration) (With Child Support Formula)	W originally had sole custody and moved to Australia with the 3 children. Eldest child returned to Canada in H's custody, but was placed in foster care in June of 2013, and had since run away and had not been located at the time of the application. 2 children remained with the W in Australia. W brought an application to set child support arrears, spousal support arrears and to vacate the Court's August 2013 Order which had suspended child support payments pending this application. H's cross-application sought a reduction in child support, reduction of additional expenses of the children, termination of spousal support, reduction of child support arrears and termination of spousal support arrears. The ex-parte Divorce Judgment that W had obtained in 2007 required H to pay \$1,503/mo. in child support, based on H's guideline income of \$79,600 and W's guideline income of \$3,390. H was also required to pay \$281/mo. in additional expenses, and \$200/mo. in spousal support. H was ordered to pay retroactive child support to the W based on his actual income from 2010 onward (\$158,591, \$170,425, \$84,000), and ongoing child support based on an imputed income of \$125,000. W was ordered to pay retroactive child support to H starting in 2012 when eldest child returned to Canada to live with H and ending in June 2013 when child was placed in foster care. W agreed to a termination of spousal support as of January 1, 2014. H had not paid spousal support since the time of the August 2013 Court order, and was ordered to pay those arrears.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Shaw v Shaw, 2014 ABQB 82	38 Year Marriage, Total Cohab Unknown	Payor: \$65,200 Payee: \$38,000	H: 58 W: 58 Age of W at separation: 56	3 Independent Children	Madam Justice Schutz	\$1,125/mo. indefinitely	Final	Low: \$850 Mid: \$992 High: \$1,091 (Indefinite) (Without Child Support Formula)	W and H raised grandchild together in addition to 3 children. H worked full-time at various jobs throughout marriage. W largely maintained paid employment throughout the marriage, working part-time and full-time. After grandchild was born, W reduced her paid employment for 7 years to provide primary care. W performed the bulk of the care-giving and household work, while H worked long hours outside of the home. Parties separated in June 2011, with H remaining in the matrimonial home. In November 2012 W was awarded interim spousal support of \$1,500/mo. Court imputed an income to H of \$65,200/yr. despite the H only having earned \$36,492 in 2013, given his work history, skills, potential earning ability, and the fact that 2013 was an inordinately poor year for H's work industry. W's income ranged from \$11,987 in 2011 to an estimated \$36,000 in 2014. Court imputed income for W on a go-forward basis at \$38,000/yr. Court held that the W made substantial contributions to the marriage, playing a major role in the home in addition to working outside the home. The Court found that the W was substantially disadvantaged by the marriage and its breakdown, and was entitled to spousal support to compensate her for sacrificing some of her earning power to fulfill her role in the marriage, and to relieve the financial hardship she experienced due to the marriage breakdown. H's ability to pay was also a factor in concluding that W was entitled to support. In determining the duration of support, the Court relied on Shields v. Shields, 2008 ABCA 213, and concluded that support was payable indefinitely, given the length of the marriage and W's age at the date of separation. Further, the Court held that the H should not be able to leave a 38-year marriage in a substantially better economic position than the W. In determining the quantum of support, the Court took into account the \$27,000 yearly difference in incomes of the parties and stated that the W should be living a lifestyle commensurate with the H, not a life of subsistence where the W was dependent on a roommate for financial assistance. The Court noted that the SSAGs suggested a range \$1224/mo. to \$1632/mo., but held that these amounts were inappropriate as it would result in the W having a greater net income than H. Consideration was also given to H's age and the fact that the H may not be able to work the hours he did in the past. Spousal support was ordered in the amount of \$1,125/mo., indefinitely, retroactive to November 2012. Arrears were to be paid at a rate of \$375/mo. in addition to ongoing support. Matrimonial property was divided unequally in favour of the W as the Court found that H had dissipated the parties' property.
BLP v DAP, 2014 ABQB 89	Unknown	Payor: \$32,400 Payee: \$24,000	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (18 years)	Mr. Justice Gates	\$1/mo.	Final	Low: \$0 Mid: \$0 High: \$102 (Insufficient information to calculate duration) (With Child Support Formula)	H and W were before the Court for a review and to provide an update of their financial circumstances since the Trial in June of 2012. The main issue dealt with by the Court was whether the child remained a "child of the marriage" despite having reached the age of 18. The child was still attending high school and was staying with family friends to whom the W was paying room and board. H was ordered to continue paying child support in the amount of \$500/mo., which is greater than the table amount of \$256.40, and his proportionate share of section 7 expenses. This was the minimum amount that the W required to make ends meet. The TJ had found that the W was entitled to spousal support, but ordered just a nominal amount of \$1/mo., as the H had no ability to pay. At review, it was noted that spousal support was initially ordered several years prior to facilitate W's educational goals. However, parties had experienced a complete breakdown in communication and W's goals and achievements were unclear. Further, H's income had decreased since the time that spousal support was initially ordered. The Court stated that the H's spousal support obligation, including his ability to pay, might be revisited in the future when the W had articulated her goals more specifically, but that child support must take priority while there is a child of the marriage. Therefore, the nominal amount found at trial remained in place.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
AKS v KJL, 2014 ABQB 188	13 Year Marriage, Total Cohab Unknown	Payor: \$1,254,061 (2012: \$1,254,061, 2011: \$1,194,219, 2010: \$1,206,355) Payee: \$200,000 (2013: \$150,000)	H: 43 W:47 Age of W at separation: 42	4 Dependent Children (Ages 17, 14, 11 and 9)	Madam Justice Moreau	\$15,000/mo. ongoing for 19 mos. until W completed fellowship; Retroactive lump sum support of \$165,000 for October 2010 to February 2014.	Final	Low: \$18,256 Mid: \$20,498 High: \$22,739 (Indefinite, min. 6.5 yrs and max. 13 yrs) (With Child Support Formula)	Parties had 4 children, 3 of whom had special needs. H was radiologist and W was child psychiatrist who worked part-time until birth of 4th child and then stayed home to care for children. W started retraining program in child psychiatry in 2011. Initially after separation, children resided primarily with W and H voluntarily paid support. Following custody report, eldest child resided with W, next child resided primarily with H, and the parties shared parenting of two youngest children. H was ordered to pay interim child support of \$16,000/mo. in November 2010 and interim without prejudice spousal support of \$10,000/mo. in February 2011. W's income was determined to be \$0 in 2010 and 2011, excluding RRSP's withdrawn, and \$93,595 in 2012. TJ estimated W's income to be \$150,000 in 2013 and projected W's income to be \$200,000 in 2014, \$250,000 in 2015 and \$300,000 thereafter, upon completion of fellowship examination in September 2015. H earned \$1,206,355 in 2010, \$1,194,219 in 2011 and \$1,254,061 in 2012. H's income was set at \$1,254,061 for 2013 and 2014, pending confirmation from 2013 tax return. W was entitled to spousal support on both compensatory (caregiving role) and non-compensatory (budgetary shortfall) bases and was awarded ongoing spousal support of \$15,000/mo. until September 2015, following which spousal support should terminate, as W will be in a position to earn average income of child psychiatrist and having regard to the factors set out at section 15.2 of the <i>Divorce Act</i> . In consideration of spousal support paid, W's budgetary shortfall and RRSP's withdrawn, total retroactive spousal support of \$165,000 was awarded for the period of October 2010 to February 2014. TJ noted that the SSAGs are a useful cross-check but not a substitute for judicial discretion and that \$15,000.00 per month was within the low to mid-range of the SSAGs for 2013-14. Although past child support payments were less than the FSCG amounts, no retroactive child support was ordered.
Dowhaniuk v Dowhaniuk, 2014 ABQB 217	19 Year Marriage, 24 Year Total Cohab	Payor: Unknown Payee: \$31,913	H: 51 W:49 Age of W at separation: 43	1 Dependent Child (Age 17), 2 Independent Children	Madam Justice Ross	\$1,120/mo. Indefinite, to be recalculated using Without Child Support formula once dependent child no longer a child of the marriage; Retroactive spousal support awarded at mid-point of SSAGs	Final	Not enough information to generate a SSAG range	Parties separated in 2008 due to H's gambling. Parties had 3 children, 1 of whom remained child of the marriage and lived with W. W was trained as a hairdresser, but worked as a telephone operator from 1984 until she was laid off in 2003, then worked at various other jobs and began work as a receptionist in 2009. H was certified plumber/pipefitter and worked in family farming operation, becoming a foreman in Fort McMurray in 2005. For the purpose of ongoing child support, agreed guideline incomes were \$31,913 for W and \$160,000.00 for H. W was entitled to spousal support on compensatory and non-compensatory grounds. W primarily supported the family while H obtained trade certifications, from which H will continue to benefit. W was children's primary caregiver and household manager. W was disadvantaged by marriage and unable to become self-sufficient after separation, despite living frugally. For the purpose of spousal support, H's income was determined by the average of his line 150 income over last 3 years, taking into account farming losses. W was awarded indefinite, ongoing monthly spousal support at the mid-point of the SSAGs, being \$1,120.42/mo. using the "With Child Support" Formula and when child support is no longer payable, using the "Without Child Support" formula. TJ granted retroactive spousal support for the period of April 2010 to January 2014 at mid-point of the SSAGs, calculated using parties' line 150 incomes for each year. TJ observed that the CA has consistently held that the SSAGs are not a mandatory consideration, but can be a useful tool to determine quantum and duration of spousal support. Further, the CA defers to a TJ's decision of whether or not to apply the SSAGs, provided that required factors and objectives under the <i>Divorce Act</i> are properly considered. While the appeal courts of British Columbia and Ontario require courts to provide reasons in the event the SSAGs are not applied, the appeal courts of Manitoba, New Brunswick, Quebec and Alberta have held that the failure to follow or refer to SSAGs is not a reviewable error.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Kish v Kish, 2014 ABQB 241	15 Year Marriage, Total Cohab Unknown	Payor: \$301,158 Payee: \$72,000 (2013: \$49,499)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 12 and 7)	Mr. Justice Poelman	\$4,500/mo.	Interim	Low: \$4,105 Mid: \$4,890 High: \$5,670 (Insufficient information to calculate duration) (With Child Support Formula)	W applied for ongoing and retroactive child support and spousal support. W was a teacher and H was financial analyst. Parties moved to Switzerland for H's career. W deferred teaching career to care for children and returned to teaching when youngest child began attending school full-time. W and the children moved to Calgary and H remained in Switzerland. W employed at a private school. Parties entered into a Consent Order in June of 2013 setting H's guideline income at \$230,000 and child support at \$3,171/mo. Court determined that H's guideline income would be set at the amount shown at Line 178 of his Swiss tax return and then converted to Canadian dollars based on the annual average exchange rate. W's income would be set at the amount shown at Line 150 of her Canadian tax return. Court rejected H's proposal to pay child support pursuant to his base salary, with a lump sum adjustment payment to be made upon receipt of bonus income, and directed that H pay child support based on his total income. Accordingly, H's guideline income for 2013 was \$301,158 and W's agreed guideline income for 2013 was \$49,999. W's current income was set at \$72,000 based on her current teaching contract. W entitled to support primarily on a compensatory basis and to a lesser extent on a non-compensatory basis. TJ determined that the parties' respective roles in the marriage advantaged H's career and disadvantaged W's career. W's teaching career was interrupted by parenting responsibilities, cancer and relocation to Switzerland in support of H's career. W continued to be the children's primary caregiver, which limited potential career opportunities. After considering each party's budget and the required factors and objectives set out in the <i>Divorce Act</i> , the Court awarded interim spousal support of \$4,500/mo., slightly less than the mid-point of the SSAG's, commencing July 1, 2013.
Vodden v Vodden, 2014 ABQB 312	2 Year Marriage, 9 Year Total Cohab	Payor: \$128,353 Payee: \$19,380	H: Unknown W: 38 Age of W at separation: 35	1 Dependent Child (Age 6)	Madam Justice Veit	None	Final	Low: \$2,214 Mid: \$2,605 High: \$2,991 (Indefinite, min. of 4.5 years, max. of 12 years) (With Child Support Formula)	Application by W for ongoing and retroactive child and spousal support. The parties had roughly equal shared parenting since separation. H operated his own business in oil well supervision and service for 1 client. W worked part-time as the director for a not-for-profit agency, but received additional income of approximately \$550/mo. from another source, which she refused to disclose. Parties agreed that H should pay child support based on his income of \$128,353 shown at Line 150 of his income tax return and that W's income for child support purposes was \$19,380, on a pre-disclosure basis. Court found that the H overpaid child support, and as such, no retroactive child support was awarded. Ongoing child support was set at \$947/mo. TJ determined that the W had not established entitlement to spousal support. In particular, the W failed to provide evidence to support any of the four objectives from the <i>Divorce Act</i> . W did not provide evidence of financial disadvantage or costs arising from the physical separation of the parties, failed to establish that her child caring responsibilities negatively affected her employability, failed to provide any evidence that the marriage disadvantaged her from a support perspective (as she gave no evidence of her circumstances before cohabitation), and did not satisfactorily outline a plan for financial and economic independence. TJ noted that the W had the same job held prior to giving birth to the parties' child. As for W's claim for retroactive spousal support, the TJ noted that the framework for determining retroactive child support from <i>DBS v SRG</i> was a useful starting point in determining retroactive spousal support, but that entitlement is not presumed in spousal support claims and that SSAGs are only useful if/when entitlement is established. TJ rejected the W's claim that her delay in seeking support for 3.5 years was due to indigence, referring to her ability to purchase luxury items during this period and that the W could have made a support claim as a self-represented litigant. Finally, the TJ observed that H's overpayment of child support constituted a form of spousal support which assisted W with deficiencies in her budget.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Rusnak v Covey, 2014 ABQB 390	14.5 Year Marriage, 14.5 Year Total Cohab	Payor: Nil (2012: \$148,854, 2011: \$261,247, 2010: \$298,789, 2009: \$437,922) Payee: Unknown (2010 to 2012: \$41,228 to \$53,892)	H: 55 W: 49 Age of W at separation: 45	2 Dependent Children (Ages 16 and 14)	Madam Justice Nation	\$75,000 lump sum (amount equivalent to 2.5 yr lump sum within range of SSAGs)	Final	Lump Sum: Low: \$173,510 Mid: \$205,996 High: \$237,014 (Incomes averaged for 2010 to 2012) (Using 6 year, 10 month duration. Calculated based on midpoint of SSAG duration range, less 4 years of payment) Periodic: Low: \$3,188 Mid: \$3,821 High: \$,454 (Indefinite, min. of 7.25 yrs and max. of 14.5 yrs) (With Child Support Formula)	W was trained as a secretary, stayed at home to care for children, then ran a day home and was involved in a cleaning business. H was a landman. Following separation in 2009, the parties mostly had shared parenting and H continued to pay family expenses until he was ordered to pay child support based on his Line 150 income in 2009. In June 2011, the Court ordered an uncharacterized, without prejudice payment of \$10,000 to the W, pending the hearing of her spousal support application, which funds were later characterized as spousal support by agreement. In September of 2011, the Court determined that H's guideline income was \$185,000, that W's income was \$24,000 and ordered H to pay spousal support in the amount of \$3,807/mo. H paid support as ordered until he lost his job and the Court ordered that support payments be suspended in November 2012. H refused the offer of severance from his employer and was pursuing his claim in that regard. Court directed an advance distribution of matrimonial property to W of \$173,178 from condominium net sale proceeds and \$50,000 in RRSPs. H's remuneration from his previous employment, comprised of base salary, bonuses, stock options and RSUs, was in the range of \$437,992 to 261,247 between 2009 and 2011 and \$148,854 in 2012, when he lost his job. W's income was in the range of \$27,505 to \$53,892 during the period of 2009 to 2012. The parties agreed that there should be no retroactive adjustment made to child or spousal support paid prior to November 2012. W was entitled to support having regard to the required factors and objectives of the <i>Divorce Act</i> , the traditional roles of the parties during the marriage and the resulting economic disadvantage to W. TJ determined that the severance was income, not property, and directed H to pay 30% of severance to W, if/when received, as spousal and child support for the period of November 2012 to the date of Trial (September 2013) during which each party had provided for his/her own support. W sought lump sum spousal support to facilitate a clean break and promote self-sufficiency, whereas H opposed any support being payable due to the uncertainty of his future income and health issues, of which no medical evidence was adduced. Court found that a lump sum amount was appropriate under the circumstances, including uncertainty in H's future income, ordered H to pay W lump sum spousal support of \$75,000.00, having regard to the support provided since separation, the tax treatment of lump sum support (not taxable or deductible), the distribution of matrimonial property, and the objectives under the <i>Divorce Act</i> .
Mailhot v Galbraith, 2014 ABQB 396	17 to 18 Year Total Cohabitation	Payor: \$141,351 (2013: \$186,302, 2012: \$164,608, 2011: \$162,078, 2010: \$151,827) Payee: Similar to prior yrs. (2013: \$42,455, 2012: \$40,327, 2011: \$37,937)	H: 55 W: 58 Age of W at date of separation: 56	None	Mr. Justice Graesser	\$150,000, payable in installments of \$2,000/mo. until paid in full, subject only to material change in H's health or employment	Final	Low: \$2,225 Mid: \$2,596 High: \$2,967 (Using W's 2013 income and 18 year cohab) (Indefinite) (Without Child Support Formula)	W was employed with Alberta Health Services. H was employed with Shell Oil during cohabitation, lost his job following separation and found replacement employment with Murphy Oil. The parties reached a settlement of their property and partner support issues through counsel that was to be documented in a formal written agreement, which never came to fruition. However, in accordance with the settlement, an order was granted in November 2012 directing that H pay to W partner support of \$150,000, payable in installments of \$2,000/mo. until the agreed upon amount was paid in full. The partner support payments were later reduced to \$1600/mo. by order granted in June 2013, and W sought to have the payments of \$2,000/mo. reinstated. The Court found that W was not entitled to support on a compensatory basis, as there was no economic disadvantage resulting from the relationship, but was entitled on a non-compensatory basis, given that W's standard of living had dropped significantly as a result of the relationship breakdown and that self-sufficiency at her age was unlikely. The Court noted that the previously agreed upon support amount of \$150,000 would roughly equate to 6.25 years of support at \$2000/mo., that H's new job that paid roughly 15% less than his old job, and that the SSAG's indicated mid-range of \$2,452/mo. for 8.5 to 17 years. The Court determined that \$2,000/mo. was close to the low range of the SSAGs, that the H could afford to pay this, and that the parties had intended their prior support order in this amount to be final. H was ordered to pay \$2,000/mo. to W until the total sum of \$150,000 was paid in full, subject only to a material change in H's health or employment. With respect to the W's claim for unjust enrichment, W was awarded \$10,000 for her non-financial contributions to H's home, and \$2,850 for furniture she had paid for and left behind at H's home.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
KH v AJS, 2014 ABQB 427	19 Year Marriage, 24 Year Total Cohab	Payor: \$62,000 Payee: \$9,912	H: 62 W: 62 Age of W at separation: 46	3 Independent Children	Mr. Justice Lee	\$1200/mo. indefinitely	Final	Low: \$1,593 Mid: \$1,823 High: \$2,044 (Indefinite) (Without Child Support Formula)	W applied for \$1,700/mo. in ongoing spousal support for an indefinite duration due to permanent health issues. Parties separated in 1998 but were not divorced until 2003. W was a stay at home mom. In the Divorce Judgment H was required to pay to the W \$1,400/mo. in spousal support with a review to occur in 1 year, in order for the W to apply for CPP disability or AISH. W received \$40,000 from H's pension, the matrimonial home, and \$12,400 in RRSP's in the property settlement. In 2011, the parties agreed that H would pay \$2,000/mo. in spousal support for 20 mos., then \$2,400/mo. for an additional 21 mos. at which time spousal support would terminate unless W provided medical evidence substantiating her health issues. H retired in 2013 and at the time of the hearing, received \$5,208/mo. in pension income and OAS. W's income was comprised of CPP disability of \$826/mo. H submitted that the W was not entitled to further support given that he had paid for 15.5 years. Alternatively, if the W was entitled to support, H argued it should be set at \$850/mo. for 3 yrs. when H turned 65. W provided medical evidence that she could not work and submitted that she needed indefinite support. Both parties lived in a financially responsible manner after the divorce. The Court determined that the W suffered economic hardship as a result of her role in the marriage and its breakdown. Further, it was not practical for the W to obtain self-sufficiency given her osteoarthritis and diabetes. W was awarded \$1,200/mo. in ongoing indefinite spousal support. The Court also determined that including the H's pension income in his income for support did not amount to double dipping because the W did not share in the major portion of H's pension in the original property division. However, even if there was double-dipping, it was appropriate in this case due to the W's long-term financial need.
Taylor v Taylor, 2014 ABQB 428	3 Year Marriage, 6 Year Total Cohab	Payor: \$85,000 Payee: \$46,000	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 3 and 4.5)	Mr. Justice Lee	\$1,000/mo. (reviewable in 6 months)	Interim	Low: \$0 Mid: \$143 High: \$470 (Insufficient information to calculate duration) (With Child Support Formula)	Special chambers application by the H for primary residential care and mobility. Cross-application by the W for shared parenting, interim spousal support of \$2,000/mo., and a preservation order. The parties moved to Alberta from Ontario 2.5 years prior (with a plan to return) in order to work and pay off joint debts. H now wished to return to Ontario with the children. H had not paid any child or spousal support since separation. H argued that as he was paying \$1,500/mo. for 2 mortgages, he should not have to pay support. Although the H was the primary caregiver at the time of the application, they previously had shared parenting. The Court ordered a return to shared parenting on an interim basis and interim spousal support of \$1,000/mo., reviewable in 6 months. The Court noted that the SSAGs suggested a range of \$250 to \$1,000. The Court also ordered H to continue making the mortgage payments and granted an order preserving assets. No order was made with respect to child support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Newman v Newman, 2014 ABQB 448	24 Year Marriage, Total Cohab Unknown	Payor: Between \$325,000 to \$350,000 Payee: \$30,000	H: 69 W: Unknown Age of W at separation: Unknown	3 Independent Children	Mr. Justice Langston	\$9000/mo. indefinitely	Interim	Low: \$8,850 to \$9,600 Mid: \$10,325 to \$11,200 High: \$11,800 to \$12,800 (Insufficient information to calculate duration) (Without Child Support Formula)	24 year marriage, during which the parties had 1 child and W participated in raising H's 2 children from a previous relationship, all of whom are now independent. W worked part-time once the child attended school. Following separation in January 2008, W remained in the mortgage-free matrimonial home and H voluntarily paid \$3,000/mo., tax free, to W for 5 years, unilaterally ceasing payment in January 2013. W applied for interim spousal support commencing February 2013. At the time of the application, W worked 3 days per week, as recommended by her general practitioner due stress precipitated by work and divorce, in addition to volunteering for her church on a half-time basis. H owned and operated a construction company that was contracted to a single client, for which H was the manager of site construction. W's Line 150 income ranged from \$56,570 in 2007, which included income from H's company, to \$24,272 in 2012. H's Line 150 income ranged from \$208,190 in 2007 to \$419,918 in 2012, which included income from stock option redemptions. Since this was an application for interim support, the Court recognized that a determination must be made based on the limited evidence available and confirmed that the inquiry must focus on the amount of income required by one spouse in order to allow him/her to maintain a reasonable standard of living, having regard to each party's means. The Court refused to impute income to W, indicating her income was approximately \$30,000, and found entitlement to support based on the substantial disparity in incomes even if W were employed on a full-time basis. With the inclusion of expense reimbursement as income, the Court determined H's income was between \$325,000 and \$350,000. Without definitive plans, the Court found that H's general expressed interest in retirement was not a factor on the interim application and stated the expectation was that W would one day be capable of full-time employment. W awarded interim spousal support of \$9,000/mo. until further order of the Court, retroactive to February 2013, and W's right to seek higher support prior to that date was preserved.
Coughlan v Coughlan, 2014 ABQB 471	8 Year Marriage, 10 Year Total Cohab	Payor: \$119,000 Payee: \$100,000 (2013: \$43,891)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 8 and 6)	Madam Justice Veit	None	Final	Low: \$0 Mid: \$0 High: \$0 (With Child Support Formula)	W sought lump sum spousal support and an unequal division of matrimonial property due to alleged mismanagement of her MVA settlement and her inheritance by H. Property was divided equally, as the Court found that the parties had equally contributed to the marriage. When the parties met both were constables in the police force. The W took maternity leave after the birth of the first child and extended leave after the second, returning to work half-time after each leave. Although the W was the primary caregiver, the H was very involved in parenting the children as well as other household tasks. After the Trial began, the oldest child was diagnosed with cancer and the W chose to take a 2 yr. leave to look after the child. The TJ determined that the W had not established entitlement to spousal support. The W did not suffer any financial disadvantage during the marriage or its breakdown. It was her choice to take a leave of absence. The W had not lost any income earning capacity and in fact had increased her income earning capacity as a result of an interior design diploma she earned during the marriage. The police force's salary grid did not greatly differentiate between the parties' respective positions, and the parties had purchased extra pension benefits for the W to make up for benefits lost during her leaves. Further, as a result of the W repeatedly reporting the H to the police force for improprieties, the H had lost a promotion and likely would suffer in his career going forward. However, the TJ did acknowledge that as a result of the child's illness the W had missed more work than the H and therefore held that the H was responsible for all of the child's medical needs for a period of 9 months.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Biernacki v Biernacki, 2014 ABQB 501	19 Year Marriage, Total Cohab Unknown	Payor: \$180,000 Payee: \$55,000	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age unknown)	Madam Justice Veit	\$2,685/mo.	Interim	Not enough information to generate a SSAG range	W applied for interim child and spousal support. W sought inclusion of the H's shareholder loans and retained earnings of the companies owned and operated by the parties during the marriage in the H's guideline income as well as matrimonial property. W's application was denied in part. H's guideline income was set at \$180,000 and W's at \$55,000. No evidence of H acting unfairly in claiming an income of \$180,000, being the same amount withdrawn by the parties from the companies historically. H was ordered to pay child support of \$1,573/mo. and spousal support of \$2,685/mo. on an interim basis. W had wrongly asserted that Goett v Goett, 2013 ABCA 216 established a presumption that corporate funds are available for guideline income determination. Pursuant to the FCSGs, such funds will only be considered where line 150 income does not truly represent the income available, or where the income proposed by the payor is not fair and reasonable. The Court noted that the W would likely receive half of any retained earnings by way of matrimonial property division in the future, and that the W's own evidence indicated that the companies' retained earnings were necessary for ongoing operations. Therefore, basing the H's income on said funds would result in double dipping and/or a negative impact upon company operations. The companies were ordered to continue paying for the W's vehicles expenses on an interim basis.
Mazepa v Embree, 2014 ABQB 515	9 Year Total Cohab	Payor: Unknown Payee: \$18,000	H: 61 or 65 W: 61 or 65 Age of W at separation: Unknown	None	Mr. Justice Lee	\$1,840/mo. indefinitely	Interim (Appeal of Interim Order Dismissed)	Not enough information to generate a SSAG range	Application by H to vacate an interim without prejudice partner support Order made in October 2012 requiring H to pay \$1,840/mo. to the W. H made said payments for 4 months, then ceased without explanation. H claimed that the Order was made without jurisdiction, was void <i>ab initio</i> , and as such should be vacated. During the October 2012 application for exclusive possession, counsel for H indicated on record that the H agreed to pay support if he were granted exclusive possession. Application dismissed. FLA required consideration of parties' financial positions and support when dealing with exclusive possession. The H's offer of support during the hearing was treated as a settlement and rectified H's application for exclusive possession. Actions and consent of H's counsel in H's presence was enough to give the Court jurisdiction to order indefinite support under the FLA, Family Law Rules and s. 8 of Judicature Act.
SW v SC, 2014 ABQB 543	2.5 Year Marriage, Total Cohab Unknown	Payor: Unknown Payee: Unknown	H: Unknown W: Unknown Age of W at separation: Unknown	1 Dependent Child (Age 2)	Madam Justice Veit	\$2,000/mo. strictly to be used for travelling to see the child in Nova Scotia	Interim	Not enough information to generate a SSAG range	The parties were married for 2.5 years with 1 child. The child resided with the H and the paternal grandparents in Nova Scotia, while W had supervised access. W applied to continue an interim spousal support award of \$2,000/mo., and for an Order returning the parties' younger child to Alberta. The Court denied the W's application to have the child returned to Alberta. The W had not established an entitlement to spousal support other than for the exceptional cost of travel for supervised visits with the child in Nova Scotia. The W remained with the same employer and was earning the same salary as she had since prior to the marriage and the birth of the parties' child. The marriage was of short duration and there was no evidence that the W "gave up" anything for, or lost anything because of, the marriage. Although the W took extended maternity leave after the birth of the child, there was no evidence before the Court of any financial or economic loss suffered by the W as a result of the maternity leave or the marriage. The Court identified the possibility that the W might at some point be able to establish that her maternity leave caused some loss of pension entitlements or vacation pay. However, there was no proof provided to the Court of any such notional losses. The only relevant circumstance identified by the Court in the context of spousal support was the relatively high cost of travel to Nova Scotia. Therefore, the Court awarded the continuation of the interim spousal support until further order of the court on the condition that the entire \$2,000/mo. be used for travel to Nova Scotia for supervised parenting of the child and be accounted for by W.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Wuthrich v Wuthrich, 2014 ABQB 565	11 Year Marriage, Total Cohab Unknown	Payor: \$144,896 Payee: \$13,083	H: Unknown W: 42 Age of W at separation: 40	2 Dependent children (Ages 8 and 9)	Madam Justice Schutz	\$1,800/mo. Indefinitely	Final	Low: \$2,112 Mid: \$2,589 High: \$3,006 (Indefinite, min. 5.5 years, max. 11 years) (With Child Support Formula)	A Trial re the issues of relocation of the W with the children to Burnaby, B.C. and spousal support for W. When the parties married, the W was an ESL teacher and the H was a journeyman pipefitter. Court had granted primary residential care of the children to the W, imputed an income to the H of \$120,000, and ordered interim spousal support to the W in the amount of \$1000/mo. In subsequent applications, the H was ordered to pay child support at \$2,122.45/mo. in early 2012, reduced to \$2,007.32/mo. later in 2012, then to \$1,218/mo. in 2013. At trial, W asserted entitlement to support as she had been a stay at home mom and had managed the household. W claimed she needed support to re-establish herself through employment and possibly to obtain further education or training. H argued that he could not afford spousal support. After a review of the parties' marriage and history of care of the children, including multiple relocations at the request of the H, the TJ decided that the W could relocate with the children to Burnaby, BC, allowing the W to be closer to her family and to take a stable, better paying job with a family-owned business (\$48,000/yr.). The TJ ordered indefinite spousal support of \$1,800/mo. The TJ found that the W was substantially disadvantaged both by the marriage and the breakdown of the marriage. Spousal support was for the following purposes: to compensate the W for sacrificing her earning power to stay at home and raise the children (given the H's work schedule it was neither practical nor reasonable for the W to work outside of the home); to recognize the agreed division of labour in the marriage; to relieve the financial hardship experienced by the W due to the breakdown of the marriage; and because the W was in financial need and the H had the ability to pay. The TJ also noted that although the W did not have to prove a material change in circumstances to vary the interim spousal support order, the W had done so because the W was no longer living with the children on the family acreage and now had to rent accommodation.
Gordon v Gordon, 2014 ABQB 596	20.5 year Marriage, 20.5 Year Total Cohab	Payor: \$129,000 (2013: \$157,028, 2012: \$163,183) Payee: \$24,000 (2013: \$26,819, 2012: \$24,452)	H: 51 W: 52 Age of W at separation: 50	3 Dependent Children (Ages 20, 13, and 11)	Madam Justice Yungwirth	\$800/mo. until shared parenting regime begins, then H to pay \$1,200/mo. indefinitely with a quantum review in 6 years and 5 months	Final	Low: \$1,142 Mid: \$1,566 High: \$1,945 (Indefinite) (With Child Support Formula for all 3 children living with W) Low: \$1,411 Mid: \$1,765 High: \$2,109 (Indefinite) (With Child Support Formula for 2 children shared and 1 living with W)	The issues before the TJ were parenting, child support, retroactive and ongoing spousal support, and division of matrimonial property. The parties had agreed in advance of Trial that entitlement to spousal support was not an issue, just quantum and duration. Although the parties did not have a traditional marriage, the H was the main breadwinner and obtained an MBA during the marriage, while the W assumed more responsibilities for the household and worked part time in a bank. W had taken time off to have each child and was unable to move into a more senior position given her lack of education. H moved out of the matrimonial home and moved in with his father. W and the children continued to reside in the mortgage-free matrimonial home. H's relationship with the children prior to separation was very good. The relationship had deteriorated after separation and H alleged alienation by the W. The TJ ordered shared parenting of the 2 younger children while the oldest could choose where to live. Child support of \$2,380/mo. was awarded, to be reduced to \$2,008/mo. once the shared parenting regime began. Spousal support was awarded on compensatory and non-compensatory bases. Matrimonial property was divided equally. No income was imputed to the W as she was to pursue her education. The benefit of living in a mortgage-free matrimonial home and the amount of child support were considered in determining quantum of spousal support. The TJ awarded retroactive spousal support in the amount of \$23,805.00, reduced for monies withdrawn by W such that only \$6,839.85 was payable by H. A review of quantum to occur in 4 years, at which time support would have been paid for 6 years and 5 months and the W should have completed her educational training. TJ awarded 52.28% of the available family cash flow on the basis that the oldest child would remain living primarily with W. Otherwise, the TJ ordered family income be equalized after the start of the shared parenting regime begins.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
ML v RL, 2014 ABQB 605	4 year Marriage, Total Cohab Unknown	Payor: Unknown Payee: Unknown	H: 63 W: 62 Age of W at separation: 57	None	Madam Justice Kenny	\$3,500/mo. for 5 yrs	Final	Not enough information to generate a SSAG range	H and W separated for 5 years and divorced for 3 following. Application to divide matrimonial property and for indefinite spousal support for the W. At the date of marriage, W worked full-time earning \$30,000/yr. After the parties married, they moved to Nigeria for the H's job as a helicopter pilot. W was unable to work in Nigeria. During the separation the W had withdrawn \$171,000 from a joint bank account and had received interim spousal support of \$3,500/mo. H had also made other payments to W between 2009 – 2011 totaling \$29,413. The Court found that the W had received spousal support for 5.5 years by the date of Trial. The Court found that the parties' move to Nigeria disadvantaged the W, but that any obligation for compensatory support for this loss had long been fulfilled. Further, W was not entitled to non-compensatory support. The Court made the following findings with respect to the W's ability to work: the W had limited contact with her counsellor, the W's family doctor expressly denied that the W had PTSD, the W had anxiety which she suffered from prior to the marriage, the W did not miss any time at work prior to the marriage as a result of her anxiety, and the W had not sought out employment post-separation. Overall, the Court found that the W was entitled to spousal support of \$3,500 from the date of separation in January 2009 until December 31, 2014, when support would terminate. Matrimonial property was divided 70%/30% in favour of the H, as much of the property had been acquired after separation and was from H's employment income.
Devlin v Devlin, 2014 ABQB 616	10.5 Year Marriage, 11 Year Total Cohab	Payor: \$361,000 Payee: \$30,000 to \$35,000	H: Unknown W: Unknown Age of W at separation: Unknown (At time of Trial both parties were in their 50's)	None	Mr. Justice Hillier	None	Final	Low: \$4,482 to \$4,551 Mid: \$5,230 to \$5,310 High: \$5,977 to \$6,068 (Insufficient information to calculate duration) (Without Child Support Formula)	The parties cohabited for about 1 year prior to 10.5 year marriage and separated in September 2011. Parties lived at H's family farm. Both had children from previous relationships. W assumed parenting responsibilities for H's youngest child. H remained in the matrimonial home following separation. H had been paying interim spousal support to W of \$2,687/mo. from November 1, 2011 until the date of Trial. TJ awarded \$1,148,114.54 in matrimonial property to W. Both parties had established careers prior to marriage. W was a full-time nursing attendant for over 20 years. In addition to his interest in his family farm, H was a long term employee and shareholder of a successful road construction business. W's income was \$36,667 in 2011 and between \$30,000 and \$35,000 in 2012 and 2013. H's Line 150 income (including salary, bonuses and dividends) was \$315,000 in 2011, \$1,117,000 in 2012 and \$361,000 in 2013. W provided limited direct contribution to acquisition, operation and management of family farm during the marriage. Partly to appease H, W reduced her employment to part-time in consideration of domestic and farming responsibilities and personal health issues, which enabled H to devote time to his work. The Court was concerned with promoting economic self-sufficiency within a reasonable period of time. The Court found that any sacrifice to self-sufficiency made by W for the benefit of the marriage or the family was remedied by the distribution of matrimonial property, which in addition to the roughly \$95,000.00 of interim support received, rendered any further support unnecessary.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
RMQ v JAQ, 2014 ABQB 620	13 Year Marriage, 13 Year Total Cohab	Payor: \$129,639 Payee: Nil	H: 45 W: 43 Age of W at date of separation: 37	3 Dependent Children (Ages Unknown)	Mr. Justice Graesser	\$1,400/mo., with a review in 6 mo.	Final	Not enough information to generate a SSAG range	Parties married in 1995, had 3 children and divorced in 2011. Application by H to vary access and terminate spousal support. The W filed no materials in response and provided very limited argument. After separation in 2008, H remained in the matrimonial home, moving the W and children to Vancouver. H eventually went bankrupt as a result of a failing business. The W moved to Edmonton with the children in 2009 after which the H had limited contact with the children until 2013. The W brought an application for child and spousal support in Alberta in 2011, pursuant to which the Court ordered that W's income was \$0 and that H to pay to W \$51,023 in retroactive child support (for the period ending December 31, 2011), \$1,739/mo. in ongoing child support, \$1,000/mo. in ongoing interim spousal support and \$1,400 in retroactive spousal support back to October 1, 2008. In late June 2013, W advised that she required immediate, aggressive cancer treatments. A further order was granted in July of 2013 directing that there were no child support arrears as at July 12, 2013, that the H had underpaid child support by \$41,000 (payable in installments of \$100/mo.), that H pay ongoing child support of \$2,378/mo (based on a guideline income of \$127,667), that there were no spousal support arrears and that H pay to W \$1,400/mo. in ongoing spousal support. In the absence of evidence to the contrary, the Court made the following findings of fact: W was able to return to gainful employment and could earn between \$20,000 to \$30,000 per year, W was wholly dependent on H, W's parents have provided much needed support when H was unwilling or unable to do so and the children are alienated from H. W had continued entitlement to support on both compensatory and non-compensatory bases, as W was unemployed and spent many years out of the workforce childrearing and homeschooling the children. The Court stated that SSAGs suggest support within the range of \$1,700 to \$2,250. The Court directed that W should immediately and diligently seek gainful employment and found that H had not adequately compensated W for her years out of the workforce and her loss of seniority and experience resulting therefrom. The Court ordered H to continue pay spousal support of \$1,400/mo. to W, with a review in 6 months to assess W's efforts to find employment and the corresponding financial results.
JMH v THH, 2014 ABQB 639	13 Year Marriage, Total Cohab Unknown	Payor: \$98,891 (2013: \$145,594, 2012: \$162,087, 2011: \$220,888) Payee: \$82,070 (2013: \$52,811, 2012: \$43,877, 2011: \$45,490)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 20 and 14)	Mr. Justice Marceau	None (Lump sum retroactive support of \$15,000)	Final	Low: \$2,067 Mid: \$2,550 High: \$3,036 (Using average incomes of parties from 2011 to 2013) (Insufficient information to calculate duration) (With Child Support Formula)	The parties were married for 13 years, had 2 children and separated in November 2011. W sought and was awarded sole custody of the younger child due to child's special needs. W sought retroactive spousal support from date of separation to date of trial. Although the H was the breadwinner for the family and was able to advance his career while the W put hers on hold, TJ found that W was not economically disadvantaged by the marriage, as W successfully completed her education to become a teacher during the marriage. However, W was disadvantaged by the marriage breakdown. The W's income from 2011 to 2013 was limited as W only worked part-time since she took on a greater role in caring for the children post-separation. The H's income in 2012 and 2013 was approximately 3 times greater than the W's. The H was injured in mid-2013 and after that his income was limited to WCB and disability insurance. At the time of trial, W's income was \$82,070 and H's income was \$98,891, grossed up since WCB and disability payments are not taxable. TJ awarded the W retroactive spousal support in a lump sum amount of \$15,000, representing 20 months of support from 2011 to 2013 at \$750/mo. to recognize the disadvantages suffered by the W arising from marriage breakdown.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Linke v Linke, 2014 ABQB 668	29 Year Marriage, Total Cohab Unknown	Payor: \$72,533 Payee: \$28,681	H: 53 W: 51 Age of W at separation: 49/50	1 Independent Child	Madam Justice Read	\$1,400/mo. Indefinitely	Final	Low: \$1,371 Mid: \$1,600 High: \$1,728 (Indefinite) (Without Child Support Formula)	Parties were married for 29 years, had 1 child who had health problems but who was now independent, and physically separated in September 2012. TJ determined that each would receive \$610,664 in matrimonial property. W sought ongoing and retroactive spousal support. H was the primary income earner and W worked a reduced schedule and was primarily responsible for childrearing and running the household. W stayed home for several years to care for child due to health problems and later left work on several occasions due to her own health issues and her mother's cancer diagnosis. H had diploma in telecommunications engineering technology was employed as a telecommunications service coordinator with the Government of Alberta. Although W had graduated from high school, she did not have senior matriculation and primarily worked in various low paying jobs throughout marriage. W was employed on a casual basis with WestJet, in accordance with the recommendation of her physician that she not work more than 3 days per week. Following separation, H moved to his parents' house and W remained in matrimonial home until it was sold, during which period the parties continued to share expenses. W moved to a basement suite on or about May 1, 2013. At separation, H quit his job and remained unemployed for approximately 1 year, until September 2013. In July 2014, H was ordered to pay interim support to W of \$1,850/mo. W was entitled to support on compensatory and non-compensatory bases. The Court deemed H's decision to quit his job and remain unemployed unreasonable under the circumstances and imputed income of \$50,000 to H for that year, being a reasonable approximation of what he could have earned had he sought other employment prior to quitting his job. The Court found that spousal support ought to have been paid commencing May 1, 2013 and ordered that H pay lump sum retroactive support of \$30,050 to W. Court declined to impute income to W, finding that she was as fully employed as she could reasonably be at present, and ordered H to pay to W ongoing spousal support of \$1,400/mo. indefinitely, subject to variation upon a change in circumstances.
MAW v PCW, 2014 ABQB 703	14 Year Marriage, 16 Year Total Cohab	Payor: \$66,000 Payee: \$46,000	H: 51 W:49 Age of W at separation: 46	2 Dependent Children (Ages 15 and 13)	Madam Justice Nation	None	Final	Low: \$0 Mid: \$0 High: \$0 (With Child Support Formula)	Prior to Trial, matrimonial property was settled, the W receiving \$175,000, \$50,000 in RRSPs, and 20,000 shares with a pre-tax value of \$490,000. Throughout the marriage, H was the primary breadwinner while W was the primary caregiver and did the majority of the housework. W had stopped working when she became pregnant, but eventually returned to employment on a .8 basis. H worked for his parents for free doing farm work, and W also worked on the family farm. The parties' lifestyle was far above what one would expect based on their incomes, as a result of gifts of cash received from H's sister. W's income determined to be \$62,000 in 2013 and H's income was determined at \$197,107. Child support of \$2,730/mo. was payable to W based on these incomes. The cash gifts from H's sister were not included in the H's income for support purposes, as the gifts were not income and were not a guaranteed entitlement. Further, although capital gains that the parties had received from the sale of shares were included in their incomes for child support purposes, these amounts were excluded from the spousal support analysis to avoid double dipping. Without considering capital gains, W had T4 income of \$46,000 in 2013 while H had T4 income of \$66,000 in 2013. The Court concluded that W was not entitled to spousal support. On a compensatory basis, W had not suffered economic disadvantage arising from the marriage and its breakdown. On a non-compensatory basis, W was not in a situation of true need or hardship. Each party was economically self-sufficient.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Zandbeek v Zandbeek, 2014 ABQB 749	14 Year Marriage, Total Cohab Unknown	Payor: \$85,097 Payee: \$47,802	H: 55 W: 45 Age of W at separation: 41	2 Dependent Children (Ages Unknown)	Madam Justice Topolniski	\$313/mo. for 3 yrs	Final	Not enough information to generate a SSAG range	The W had primary care of the parties 2 children. During the marriage, W was a stay at home mother, returning to work in 2004 in the cleaning service industry. W worked for cash, underreporting her income to the CRA. H was skilled carpenter and operated one-person construction business, but kept poor financial records. H's income was determined to be \$95,445 for 2010 and 2011, \$93,932 for 2012, and \$85,097 for 2013 and 2014. W's income was determined to be \$34,685 in 2010, \$41,382 in 2011, \$39,475 in 2012, \$41,778 in 2013, and \$47,802 in 2014. W brought application for retroactive and ongoing child support, spousal support, occupation rent, and division of matrimonial property. Parties had lived beyond their means and had substantial debt. Court found that H had slightly overpaid child support since separation. Ongoing child support was set at \$1,216/mo. Matrimonial property was divided unequally in favour of the W, as the H had caused parties to retain their matrimonial home and a business despite not being able to afford same. H's conduct was found to be reckless and deceitful. W was entitled to spousal support due to H's conduct, and on compensatory and non-compensatory bases. W was awarded retroactive support at the mid-range of the SSAGs, being from \$313/mo. to \$695/mo. over the 5 year period, totaling \$24,630. Court awarded ongoing support at the mid-range, being \$313/mo., for 7 yrs., which was found to be a reasonable term given mid-length marriage. W's application for occupation rent was dismissed.
Provincial Court of Alberta									
Selensky v Slywka, 2014 ABPC 14	4 Year Marriage, 26 Year Total Cohab	Payor: \$105,000 Payee: \$43,000	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 17 and 15)	Judge LeGrandeur	\$1,000/mo. (which included \$551.00/mo. for W's car payment)	Interim	Low: \$206 Mid: \$598 High: \$974 (Insufficient information to calculate duration) (With Child Support Formula)	H and W cohabited for 26 years, including a 4 year marriage, and had 2 dependent children in the primary care of the W. Although the W worked outside of the home throughout the relationship in various low level jobs, she was the primary caregiver of the children. The H was frequently away from the home and was the primary breadwinner. H was employed as gas production testing supervisor, and had been in that position for 6 years, earning \$79,456 in 2010, \$128,763 in 2011, and \$147,553 in 2012. W worked as a desk clerk and did some other relief work with a total income of \$43,000 to \$45,000. W applied for child and spousal support. W resided in the matrimonial home with children and paid the mortgage and other household expenses. H was recently injured and estimated his 2013 income to be \$105,000. H's income disclosure was irreconcilable with his affidavits and therefore he was required to provide further disclosure to the Court. In the interim, the Court accepted the H's income of \$105,000 and ordered \$1,491/mo. in child support and \$1,000/mo. spousal support, both commencing at the date of separation. Spousal support was awarded on an interim basis subject to review upon division of matrimonial property. Court found that W was entitled to spousal support on both a compensatory and needs basis as she had been disadvantaged by her role in the relationship, as she was disproportionately responsible for child care, and as such was unlikely to attain a higher income in the future. W was entitled to enjoy a standard of living reasonably similar to that enjoyed by the parties when they cohabitated given her role in the relationship and her current living situation. The Court cited the Ontario case <i>Fisher v. Fisher</i> , 2008 (ONCA) 11, indicating that although the SSAG's are only advisory, they are a usual place to start on assessment of quantum and duration once entitlement is established, noting that this applies to the <i>Family Law Act</i> in Alberta.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
ST v JM, 2014 ABPC 287	6 Year Cohabitation	Payor: \$45,000 Payee: \$48,776	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 5 and 3)	Judge Cook-Stanhope	None	Final	Low: \$0 Mid: \$0 High: \$0 (With Child Support Formula)	The parties cohabited for 6 years, during which they had 2 children and separated in October 2013. Parties had shared parenting arrangement for the children. Application by the W for mobility, child support and spousal support. Court found that W shouldered the primary parenting responsibilities throughout the relationship. W chose to change careers following separation and became a qualified nutritionist. H had a spotty employment history, was often unemployed during the relationship and was an admitted chronic marijuana user. W was allowed to move to British Columbia with children, and H was ordered to pay guideline child support of \$594/mo. Court found that a case for spousal support had not been made out and accordingly, that claim was dismissed.