



2015 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									
Shaw v Shaw, 2015 ABCA 11 (See 2014 ABQB 89 in our 2014 Spousal/Partner Case Summaries)	38 Year Marriage, Total Cohab Unknown	Payor: \$65,200 Payee: \$38,000 (Incomes from 2014 ABQB 89)	Payor: 60 Payee: 60 Age of Payee at separation: 56	3 Independent Children	Mr. Justice Berger, Mr. Justice Watson, Madam Justice Veldhuis	\$1,125/mo. indefinitely	Final	Low: \$850 Mid: \$992 High: \$1,088 (Indefinite) (Without Child Support Formula)	Appeal from trial decision in which H was ordered to pay spousal support to W of \$1,125/mo indefinitely and back to November 1, 2012, with arrears to be paid in instalments of \$375/mo. until paid in full. The TJ did not err in finding that H was underemployed and had ample evidence on which to reject H's assertion that his future economic prospects were only a fraction of what they had been for years. H failed to substantiate his position. TJ made no reversible error in reasoning or conclusion with respect to spousal support.
Davies v Davies, 2015 ABCA 17	7 Year Marriage, 9 Year Total Cohab	Payor: \$107,656 Payee: \$9,432	Payor: 56 Payee: 56 Age of Payee at separation: Unknown	None	Mr. Justice Watson, Mr. Justice Slatter, Madam Justice Bielby	\$1,000/mo. until Trial or Settlement	Interim	Low: \$1,105 Mid: \$1,289 High: \$1,473 (Indefinite) (Without Child Support Formula)	H appealed a Chambers decision awarding \$1,000/mo. in interim spousal support, which had been ordered based on evidence that H had failed to appear for questioning as ordered, on a date he had earlier indicated he would be available. H had been servicing the matrimonial debt. W was cohabiting with another person who may have paid most of her expenses. The CA dismissed the appeal. The W was entitled to disclosure from H, including the opportunity to cross-examine him on any evidence he provided. The CA held that the interim order of the Chamber's Judge was not unreasonable, appellate review was not warranted, and the solution was for H to provide complete disclosure and set the matter down for trial without delay, not to launch an appeal from an interlocutory order.
Anand v Anand, 2015 ABCA 64	Unknown	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	Unknown	Mr. Justice Cote, Mr. Justice O'Ferrall, Mr. Justice Wakeling	\$5,000/mo. pending hearing and retroactive to October 2014	Interim	Not enough information to generate a SSAG range	Appeal by W of chambers decision of no interim spousal support, among other things, pending special chambers hearing with live evidence, due to conflicting evidence likely raising credibility issues. H ordered to pay interim spousal support to W of \$5,000/mo. pending hearing in June 2015 and retroactive to the initial application date in October 2014, payable in a lump sum, in consideration of the undisputed evidence most favourable to H.
Noble v Wynd, 2015 ABCA 103	5 Year Marriage, 5 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependent Children (Twins Aged 4)	Madam Justice Picard, Mr. Justice Slatter, Madam Justice Rowbotham	\$1,200/mo. until Trial or Settlement	Interim	Not enough information to generate a SSAG range	H and W were both highly educated professionals. After the twins were born, W became the children's full-time caregiver. After separation, W continued in her role as a homemaker, given the special needs of the children. The Chambers Judge awarded an interim order, imputing an income of \$78,000 to W, ordering spousal support of \$1,200/mo. for a definite term, and awarding an uncharacterized payment from H to W of \$870/mo. for child-related expenses, all on the basis that the W could work, even though it was noted to be in the children's best interest that the W stay home. H appealed and W cross-appealed. The CA allowed both appeals in part. On appeal, W conceded that the expense awarded for child care should not have been made, as no expense had been or would be incurred. The CA held that the order for spousal support should continue until the date of trial, beyond which it was inappropriate to deal with the duration of support. The CA held that the Chambers Judge should not have tried to indirectly alter the parenting regime. A determination of that nature should only be made after a full hearing at Trial.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Williams v Williams, 2015 ABCA 246	25 Year Marriage, Total Cohab Unknown	Payor: \$55,000 Payee: \$17,000	Payor: 57 Payee: 56 Age of Payee at separation: 46	3 Independent Children	Mr. Justice Berger, Madam Justice Bielby, Madam Justice Veit	\$1,342/mo. indefinitely, reviewable in 2 yrs.	Final	Low: \$1,188 Mid: \$1,385 High: \$1,477 (Indefinite) (Without Child Support Formula)	Appeal by H from judgment dismissing his application to terminate his obligation to pay spousal support to W of \$1,342/mo. for indefinite duration, reviewable in one year and variable upon a material change in circumstance. Appeal dismissed. H was unable to prove a material change in circumstances because he did not prove what the initial circumstances were at the date the support order was made. The Chambers judge did not treat H unfairly.
Keen v Christian-Keen, 2015 ABCA 314	19 Year Marriage, 20 Year Total Cohab	Payor: \$129,000 Payee: \$28,000	Payor: 47 Payee: 45 Age of Payee at separation: 38	2 Independent Children, 1 Dependent Child (Age 19)	Madam Justice Paperny, Mr. Justice Slatter, Mr. Justice McDonald	\$1,800/mo. indefinitely, reviewable in 42 mos. (Retroactive support of \$60,000)	Final	Low: \$2,218 Mid: \$2,594 High: \$2,972 (Indefinite) (With Child Support Formula)	Traditional marriage in which the W was a homemaker and the H was the main breadwinner. The W had limited education and had been seriously injured in 2 car accidents, but was found capable of earning \$28,000/yr. Following the separation, the children remained in the matrimonial home with H, with the exception of 1 school year when the middle child lived with W. Both parties had re-partnered and the H had a child with his new partner. The W's new partner paid many of her living expenses. The H had paid spousal support since separation and neither party had paid any child support. At Trial, the H was to pay \$60,000 in retroactive spousal support and ongoing support of \$1,800/mo. for 42 months, after which spousal support was to be reviewed. H's appeal as to the appropriate date of pension division and quantum and duration of spousal support was dismissed. The W was entitled to both compensatory and non-compensatory support. It was a circular argument that the Trial Judge failed to consider the needs of the W because she only made modest contributions to expenses of her new household because she had further resources and was not receiving spousal support.
Linke v Linke, 2015 ABCA 367 (See Linke v Linke, 2014 ABQB 668 in our 2014 Spousal/Partner Support Case Summaries)	30 Year Marriage, Total Cohab Unknown	Payor: \$53,533 Payee: \$28,681 (Incomes from 2014 ABQB 668)	Payor: 53 Payee: 51 Age of Payee at separation: 49/50	1 Independent Child	Chief Justice Fraser, Mr. Justice Martin, Mr. Justice Slatter	Retroactive spousal support reduction of \$8,415	Final	Low: \$777 Mid: \$906 High: \$963 (Indefinite) (Without Child Support Formula)	Appeal by H that TJ made errors relevant to the calculation of spousal support, 3 of which were conceded at the hearing of the appeal. At trial, the judge included \$19,000 of rental income in H's income for purpose of spousal support, notwithstanding that rental income was used to service mortgage and other expenses for rental properties. Appeal allowed. Since rental income was spent on rental expenses, there was no net income to the H. H's spousal support obligation for 2013 and 2014 was reduced by \$8,415 as a result of recalculation.
Goodkey v Goodkey, 2015 ABCA 394	Over 24 Year Marriage, Total Cohab Unknown	Payor: \$342,639 Payee: Unknown	Payor: 55 Payee: 53 Age of Payee at separation: Unknown	3 Independent Children	Madam Justice Paperny, Madam Justice Rowbotham, Madam Justice Veldhuis	Monthly support awarded at average of low to mid-range of SSAGs	Final	Not enough information to generate a SSAG range	24+ year traditional marriage with 3 adult children. During the marriage, the H was the sole income earner while the W raised the children. The H's business, previously owned jointly, was solely owned by H after the division of matrimonial property. The W worked as an educational assistant. The parties divorced in 2013, with H paying to W spousal support of \$4,300/mo. based on incomes of \$204,000 for the H and \$30,985 for the W. The H's income increased in subsequent years. The support order provided that spousal support was to be adjusted each year such that the H would pay spousal support on an average of the low and mid-range of the SSAGs. The H's income was to be determined by adding the H's business's management salary, earnings from operations, plus 15% of the sum of certain expenses. H refused to pay increased spousal support. Contrary to the support order, the Chambers Judge refused to increase spousal support and determined that spousal support would only be reviewed upon a material change in circumstances instead of the annual review mandated by the support order. CA allowed the appeal, holding that the support order must be followed. The law encourages parties to enter into settlement agreements and if they did, then they could reasonably expect their agreement to be respected and enforced. Courts should be extremely reluctant to intervene. Further, the CA noted that the fact that child support had terminated after the date of the support order would have been a material change in circumstances that triggered a review of spousal support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Knudson v Knudson, 2015 ABCA 398	23 Year Marriage, Total Cohab Unknown	Payor: \$200,000 Payee: \$45,000	Payor: 54 Payee: 49 Age of Payee at separation: 44	2 Independent Children	Chief Justice Fraser, Mr. Justice Watson, Madam Justice Rowbotham	\$3,500/mo. indefinitely, reviewable in 5 yrs. (Retroactive support of \$5,000/mo. for 5 yrs.)	Final	Low: \$4,456 Mid: \$5,199 High: \$5,942 (Indefinite) (Without Child Support Formula)	Appeal by H from judgment awarding spousal support. The parties had a traditional marriage, during which the H worked as a pipefitter and the W raised the children and worked part-time, eventually working full-time in an administrative position. H worked as a contractor for a company in which H and W were both 50% shareholders until October 2011, when H became a full-time employee of Statoil. The TJ determined that the long-term, traditional marriage and disparate post-separation income entitled the W to spousal support. After examining parties' claimed expenses, concerning which the TJ favoured the W's evidence, and considering the SSAGs, the W was awarded retroactive spousal support of \$5,000 per month for 60 months, from the date of separation to the date of Trial (less support already paid of \$83,155). The W was awarded \$3,500/mo. in ongoing spousal support to be reviewed in 5 years, without the need to show a change in circumstances, having regard to H's age and the strenuous nature of his employment. The Court found that the retroactive support would assist the W in servicing her debt. H appealed the Trial Judge's retroactive spousal support award on the basis that the TJ improperly used the corporate income as H's Guideline income (as opposed to his personal income), that the Trial Judge failed to recognize tax and other post-separation debts paid by H as marital debt that should have been apportioned to W, and that the Trial Judge failed to credit H with payments made to the W. Appeal dismissed. A Court has discretion to include some or all pre-tax corporate income for the purposes of support calculations pursuant to the FCSGs. The debts were not marital debt, since there was no tangible benefit to W. Payments made by H for Wife's benefit were accounted for in the matrimonial property division.
Alberta Court of Queen's Bench Cases									
AJU v GSU, 2015 ABQB 6	10 Year Marriage, 13 Year Total Cohab	Payor: \$74,906 Payee: \$54,000	Payor: 39 Payee: 37 Age of Payee at separation: 32	2 Dependent Children (Ages 10 & 9)	Madam Justice Pentelchuk	None	Final	Low: \$0 Mid: \$0 High: \$163 (Indefinite, min. 6.5 yrs., max. 13 yrs.) (With Child Support Formula)	Trial of custody and access, child support, spousal support and matrimonial property issues. W obtained a Registered Nursing Diploma during marriage in 2003 and worked part-time until 2012, when she accepted a full-time position after separation. H had grade 9 education, worked various labour-type jobs, reopened his own business with his father in 2005, which closed in 2013, and was then employed as a bulk oil delivery driver. Each party took 1 year of parental leave after the birth of their children. The Court ordered shared parenting and "set-off" child support of \$309/mo., payable by the W. H sought spousal support of \$500/mo. for 3 years, which claim was dismissed, as the Court found no entitlement. The H was not entitled to support on a compensatory basis since W's parents paid for her education and contributed to the family's support during the marriage. There was no evidence that H made career sacrifices for W to return to school. W made substantial contribution to H's business, which was doing well prior to closing. H was not entitled on non-compensatory grounds, as there was no significant disparity in lifestyles or incomes and the property division would further equalize the position of the parties.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Bourgeault v Bourgeault, 2015 ABQB 20	28 Year Marriage, Total Cohab Unknown	Payor: \$72,516 Payee: \$11,827	Payor: 56 Payee: 54 Age of Payee at separation: 49	3 Independent Children	Mr. Justice Hillier	\$2,000/mo. for 3.5 yrs., reviewable by March 2018 (Retroactive support of \$81,996)	Final	Low: \$1,897 Mid: \$2,213 High: \$2,405 (Indefinite) (Without Child Support Formula)	Trial of matrimonial property division and spousal support issues. During the marriage, W completed two university degrees, took maternity leaves, was an actively involved parent and pursued various careers. H was a trained auto mechanic, who worked for a number of employers over the years and tried to set up his own business on at least 3 occasions, without success. H was also a stay-at-home parent at various periods during the marriage. H switched careers just prior to separation and became an insurance appraiser in order to reduce the physical toll of his work. During the marriage, W invested \$150,000 from a joint line of credit in a high risk investment, notwithstanding H's objections, adversely affecting their finances. W remained in the matrimonial home following separation, without financial assistance from H. W had a history of mental illness and was placed on medical disability in 2013. The Court found that H & W had performed different but equal roles during their marriage and both made parental, domestic and financial contributions to the relationship. The Court found that W was educated and a hard worker, but had mental health issues and was unable to work, which conclusion was supported by medical and expert evidence. Ultimately, the Court held that W was entitled to non-compensatory spousal support based on the length of the marriage, the hardship imposed by the marriage breakdown, her need for assistance and H's ability to pay. H was ordered to pay retroactive spousal support from July to October 2010 and from June 2011 to trial based on approximately 47% of the difference between the parties' respective incomes during this period, in addition to ongoing spousal support, reviewable as to amount or duration upon application by March 1, 2018 to be heard by March 15, 2018.
Milinusic v Milinusic, 2015 ABQB 64	31 Year Marriage, Total Cohab Unknown	Payor: \$200,000 Payee: \$18,388	Payor: 71 Payee: 72 Age of Payee at separation: 64	3 Independent Children	Madam Justice Hunt McDonald	\$6,500/mo. indefinitely (Retroactive support of \$97,500, to be adjusted for tax)	Final	Low: \$5,675 Mid: \$6,621 High: \$7,343 (Indefinite) (Without Child Support Formula)	Application for retroactive and ongoing spousal support. Following several years of contentious litigation, the parties entered into a Support and Property Agreement in 2009, pursuant to which H was to pay to W fixed-term, non-variable spousal support of \$5,000/mo. for 4 years until October 2013, with spousal support to be reviewed in September 2013. H stopped paying spousal support following his last payment on October 1, 2013. Pursuant to the Agreement each received \$1.15 million in matrimonial property. On review, W sought retroactive spousal support, ongoing spousal support and costs. W was entitled to support on compensatory and non-compensatory grounds. She continued to suffer economic hardship arising from the breakdown of the marriage. H received 3 benefits from the marriage: assets; children; and higher income earning ability, whereas the W only received 2 benefits, remediable by compensatory support. The requirement to generate income from assets goes both ways. The court imputed income of \$200,000 to H, based on his reported taxable income from 2011 to 2013 and his access to some of the retained earnings of the company. W entitled to mid-SSAG amount of spousal support, retroactive to November 1, 2013 and ongoing for indefinite duration.
Beswick-Arthur v Beswick-Arthur, 2015 ABQB 91	7 Year Marriage, Total Cohab Unknown	Payor: \$95,000 Payee: \$18,750	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	3 Dependent Children (Ages 7, 5 & 3)	Mr. Justice Burrows	\$875/mo. until Trial	Interim	Low: \$61 Mid: \$310 High: \$569 (Insufficient information to calculate duration) (With Child Support Formula)	H applied to vary an existing Interim Consent Order which set his income at \$114,545/yr., requiring him to pay child support of \$2,125/mo. and spousal support of \$875/mo. The parties agreed that the H's income was \$95,000/yr. Child support was reduced to \$1,777/mo. However, the Court did not vary the quantum of spousal support, concluding that it was not prudent to vary same. The W was using spousal support to cover the mortgage on the matrimonial home (which was ordered to be sold), and it was important to ensure that the mortgage payments were made until the home was sold. The matrimonial home was to be sold on the condition that the divorce be granted before the order for sale took effect.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Lippolt Estate (Re), 2015 ABQB 118	6 Year Marriage, Total Cohab Unknown	Payor: Deceased Payee: Unknown	Payor: Deceased Payor: Unknown Age of Payee at separation: Unknown	1 Independent Child	Mr. Justice Graesser	\$1,000/mo. indefinitely	Final	Not enough information to generate a SSAG range	Application by W for advice and direction and for declaration that H's estate was bound to pay spousal support for her lifetime. H and W separated in 1978 and entered into a Separation Agreement in 1979. The Agreement required the H to pay the W spousal support of \$1,000/mo for 3 yrs., then to be reduced to \$500/mo. indefinitely, subject to the W not re-marrying or entering into a common-law relationship. The Agreement was to inure to the benefit of the parties and their heirs, executors, successors and assigns. The W did not marry or live common law. In 1985, spousal support was increased by court order to \$1,000/mo. until further order. In 1995, H unsuccessfully applied to reduce support. H died in 2013. W's application was granted. The cross-application of the H's estate to terminate spousal support was dismissed as the H's death, by itself, was not a chance in circumstances. The Court interpreted the Agreement as obligating the H and his estate to pay spousal support to the W for her lifetime, subject only to her not remarrying or living common law. Notably, spousal support in the Agreement was not time-limited and did not end on H's death. It was not only to be paid from employment or non-investment income. The H's estate had ample funds to satisfy the spousal support obligation. The Orders made in 1985 and 1995 did not have the effect of varying the duration of spousal support. The 1995 Order recognized that spousal support paid past the W's retirement was partly compensatory. There had been no change in circumstances as the W's needs and means were irrelevant by virtue of the 1995 Order.
Tang v Zhou, 2015 ABQB 154	12 Year Marriage, Total Cohab Unknown	Payor: \$100,683 Payee: Nil	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent Child (Age 7)	Mr. Justice Gates	\$1,000/mo. for 2 yrs. (So long as the wife remained enrolled full-time in post-secondary)	Final	Low: \$2,135 Mid: \$2,396 High: \$2,662 (Insufficient information to calculate duration) (With Child Support Formula)	H & W immigrated from China. After separation, child resided with W. After separation, W found work as an account receivable clerk but was laid off after 9 mos. and was unable to find work thereafter despite her diligent efforts. W was enrolled in a 4 yr. post-secondary program and planned to become a chartered accountant. H was employed as a power engineer. W applied to vary an existing step down Order (\$675/mo. decreasing to \$450/mo., then \$225/mo. over 3 yrs. before termination), seeking to increase both quantum and duration of spousal support until she obtained her chartered professional accountant designation (CPA). Application allowed in part. W's loss of employment due to circumstances beyond her control, combined with her inability to find alternative employment, amounted to a material change in circumstances. W was granted \$1,000/mo. in spousal support up to and including August 2017, when she was scheduled to complete her university degree, not her CPA. While the support ordered would not meet W's monthly needs, it placed H and W on a more or less equal footing in terms of disposable income. Spousal support was not extended to completion of CPA as evidence was insufficient regarding her likely income stream during that period.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Noskey v Wigton, 2015 ABQB 192	15 Year Marriage, 20 Year Total Cohab	Payor: \$130,000 Payee: \$12,000	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent child (Age 16)	Mr. Justice Graesser	\$560/mo. for 1 yr. (Retroactive support of \$1,560/mo. for 2014, \$1,830/mo. from July to November 2013)	Final	Low: \$2,362 Mid: \$2,791 High: \$3,195 (Insufficient information to calculate duration) (With Child Support Formula)	Application by H to set aside or vary an order requiring him to pay spousal support of \$2,500/mo. to W. H had been paying to W child support of \$1,045/mo. since April 2013 and was ordered to pay spousal support of \$2,500/mo., retroactive to April 2013, following a special chambers hearing in March 2014, which order the Court directed could be challenged in the event that H sought the assistance of counsel. The Court reduced spousal support to \$600/mo. as of September 2014 and stayed the enforcement of arrears pending a determination at a special chambers hearing. W was a status Indian living on a First Nation reserve and as such, all income earned on the Nation and payments from the Nation were tax exempt. W had no rental payments for her accommodation, received \$2,000/yr from the Nation as royalties and approximately \$550/mo for utilities. Although H resided on the nation with his new partner, he did not have treaty status, so his income was taxable. W worked full-time prior to the birth of their child and worked part-time on and off thereafter, until she resumed full-time employment in 1999. W lost her job because H cancelled the insurance on the vehicle required for her employment, which she could not afford to replace. She had since worked infrequently, part-time as a security agent and provided an expense budget of \$1,970/mo. W made a Facebook posting following the March 2014 spousal support order which stated that she was going to take it easy and would not have to work. The Court determined that W was only entitled to non-compensatory support due to the loss of her job, as she was not earning sufficient income to support herself. Needs-based support is less conducive to SSAG analysis than is compensatory support and is usually better addressed by a budgetary analysis. The Court imputed income of \$1,000/mo. to W for 2015 based on what she could earn from minimum wage employment. H was ordered to pay retroactive spousal support in a lump sum of \$34,590 by way of RRSP rollover, less spousal support amounts paid by H pursuant to previous court orders, in addition to ongoing spousal support until December 31, 2015, after which the court found there would be no need for support. Any interest H may have had in W's RRSPs of \$24,000 expended after separation was also considered lump sum spousal support.
KCM v BTM, 2015 ABQB 317 and 2015 ABQB 502	10 Year Marriage, Total Cohab Unknown	Payor: \$107,439 Payee: \$30,733	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	5 Dependent Children (Ages 15, 14, 11, 10 & 9)	Mr. Justice Gates	\$1,000/mo retroactive to date of separation until July 1, 2015	Final	Low: \$0 Mid: \$0 High: \$0 (Insufficient information to calculate duration) (With Child Support Formula)	Application by W for spousal and child support. Parties' 5 children lived with W since separation. At the time of marriage, H worked as a truck driver/heavy equipment operator and W, who had not completed high school, worked as a waitress. During the marriage, H completed pipefitter apprenticeship and worked in Fort McMurray and other remote locations in Alberta. The parties had a traditional marriage in which H was the primary income earner and W was primarily homemaker and mother. W intermittently worked part-time during the marriage. At the time of separation, H remained in the matrimonial home and assumed responsibility for substantial matrimonial debt. Approximately 3 years later, H entered into bankruptcy and abandoned the matrimonial home. W assumed possession of the matrimonial home and brought the mortgage back into good standing. W completed paralegal program post-separation and was employed as a paralegal at an Edmonton Law firm. W was entitled to both compensatory and non-compensatory spousal support, having regard to the length of cohabitation, the roles of the spouses, the corresponding economic disadvantage to W and the financial consequences of caring for the children. The court declined to impute income to H and directed a continuation of the trial to determine quantum and duration of spousal support, having regard to the H's ability to pay and H's responsibility for matrimonial debt post-separation, for which the court required additional evidence. Thereafter, the court determined that H paid a total of \$52,658 toward joint matrimonial debt from the date of separation, for which W ought to have been responsible for 1/2, and credited H for having paid \$26,329 plus 3 payments of \$300 as spousal support. The court fixed the retroactive spousal support amount at \$60,000, less amounts paid by H, plus cost to W of having to furnish a new home, for a total of \$39,111, with no adjustment for tax.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Lakhoo v Lakhoo, 2015 ABQB 357	15 Year Marriage, Total Cohab Unknown	Payor: \$800,000 Payee: Unknown	Payor: 66 Payee: 65 Age of Payee at separation: 63	None	Mr. Justice Gates	\$25,000/mo., retroactive to July 2011, indefinitely	Interim	Not enough information to generate a SSAG range	H had 2 adult children from a previous marriage. W was a pharmacist, but left her career early in the marriage and had been out of the workforce since. H was the President and CEO of a successful company with an annual income of \$800,000 and an estimated net worth of at least \$70 million. Aside from spousal support W's only oncome was minimal CPP. During the marriage, H & W enjoyed a comfortable, but not extravagant, standard of living. H claimed he was exempt from disclosing financial information due to a pre-nup exempting assets from distribution. H voluntarily paid \$5,000/mo. in spousal support. In 2011, the Court awarded interim spousal support to W of \$17,000/mo. based on H's annual income of \$617,000 and ordered the H to disclose all income. The interim award did not account for the extent of H's control over his income or his \$70 million in assets. W renewed her application for interim spousal support in an amount that reflected H's true income. Application granted. W was awarded \$25,000/mo. ongoing from June, 2015. W did not need to appeal the 2011 order as it was made pending disclosure and was to be in place only until further order of the Court. In long-term marriages, the level of self-sufficiency is relative to that of the standard of living during marriage. H lived without financial concern and W was entitled to the same ease. The analysis on an application for interim spousal support is similar to the analysis undertaken at trial, although it is less rigorous than what is required for a final Order. W should be able to continue to live in a manner that reflected her reasonable expectations based on her station in life throughout the marriage, to continue to assist extended family, to be generous towards her community, and so forth. The Court awarded retroactive spousal support to the date of the first interim Order in the amount of \$229,360 (which was \$8000/mo. being the difference between \$17,000/mo. and \$25,000/mo. less 39% for tax treatment of spousal support). W did not delay in bringing her renewed application as she had been busy dealing with H's actions in litigation and seeking disclosure. H was of ample means and would experience no hardship paying the retroactive award.
Norrish (Guardian of) v Norrish, 2015 ABQB 370	29 Year Marriage, Total Cohab Unknown	Payor: \$23,537 Payee: \$61,442	Payor: 66 Payee: 63 Age of Payee at separation: 47	1 Independent Child	Mr. Justice Renke	\$500/mo. indefinitely	Final	Low: \$0 Mid: \$0 High: \$0 (Without Child Support Formula)	Special Application by H for variation of spousal support due to retirement. Pursuant to Divorce Judgment and Corollary Relief Order granted in November 2002, H paid to W spousal support of \$2,000/mo., which amount was later reduced to \$750/mo. on an interim without prejudice basis, effective September 2013 until further court order, due to H's job loss in 2009. The parties had a traditional marriage whereby H was the primary income earner and W worked in the home and raised the child. W suffered a cerebral aneurysm and stroke in 1997 and was placed in a long-term care facility in March 1999, when the parties separated. H was employed as an aircraft maintenance supervisor and earned \$100,000/yr at the time of the original order. In spite of diligent efforts, H was unable to secure commensurate employment but continued to pay support as ordered by the court. The court found that there had been a significant and permanent reduction in H's income, confirmed by his decision to retire, being a material change in circumstances since the date of the original order, such that had his current income been known at the time of the original order, it would have resulted in different terms. Despite the change in circumstances, W remained entitled to support on compensatory and non-compensatory bases. H ordered to pay spousal support to W, notwithstanding any double-recovery by W resulting from the prior division of retirement assets. W was not required to repay the "overpayments" back to September 2013 due to hardship.
RMQ v JAQ, 2015 ABQB 392 (see 2014 ABQB 620 in our 2014 Spousal/Partner Support Case Summaries)	13 Year Marriage, Total Cohab Unknown	Payor: \$134,000 Payee: \$22,000	Payor: 46 Payee: 44 Age of Payee at separation: 37	3 Dependent Children (Ages 14 to 17)	Mr. Justice Graesser	\$1,000/mo. for 4 yrs.	Final	Not enough information to generate a SSAG range	Review of 2014 decision. Child support was increased to reflect H's estimated 2015 earnings, reduced for summer months due to increased access cost. Spousal support was decreased from \$1400/mo. to \$1000/mo. until August 2019 when the youngest child would graduate. W had failed to diligently seek employment since the prior order. However, the W's health issues and ongoing difficulties with 1 of the children were a legitimate consideration in W's ability to seek full time employment. Nevertheless, the Court found that there was no need for W to continue to be a stay-at-home parent, as the children were all in their teens. As such, the Court imputed a full-time minimum wage income to W starting September 1, 2015 of \$22,000/yr. The Court noted that H & W had been separated for 7 years and H had been paying spousal support to W for approximately 2 years. In reducing W's spousal support from \$1,400/mo. to \$1,000/mo., the Court noted that, while H did have a statutory obligation to support W, the time had come for W to make some financial contributions to the family unit.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
El-Hayouni v Charef, 2015 ABQB 416	18 Year Marriage, Total Cohab Unknown	Payor: \$130,000 Payee: Nil	Payor: Unknown Payee: 39 Age of Payee at separation: Unknown	4 Dependent Children (Ages 9 to 15)	Mr. Justice Burrows	\$1,400/mo., retroactive to January 2014, indefinitely, reviewable in 3 yrs	Final	Not enough information to generate a SSAG range	Application by W for relief, including divorce judgment, child support, spousal support, matrimonial property division and restraining order, determined in a 1-day trial. In February 2014, H was ordered to pay interim child support of \$2,229/mo. and interim spousal support of \$1,052/mo. commencing January 2014 based on H's guideline income of \$100,000/yr. Interim support was later reduced and then restored by subsequent court orders. The Court found that H was at least partly responsible for the reduction in his income, motivated to reduce his support obligations, and imputed income of \$100,000/year to H on an interim basis. H was ordered to provide updated financial disclosure in a pre-trial case conference, but failed to do so. Accordingly, the court imputed guideline income to H of \$130,000/yr for 2014 and 2015, based on the average of H's income for 8 years, and ordered the corresponding table amount of child support of \$2,856/mo. back to January 2014. Parties had traditional marriage, whereby H was primary income earner and W was responsible for home and children. H did not want W to work outside the home during the marriage. Since W had sole custody of 4 children, the Court found that she was unable to earn a livelihood working outside of the home, and ordered H to pay spousal support. The retroactive child and spousal support amounts were to be paid in instalments of \$250/mo.
Campa v Campa, 2015 ABQB 421	13 Year Marriage, 15.5 Year Total Cohab	Payor: \$67,425 Payee: \$37,961	Payor: 47 Payee: 52 Age of Payee at separation: 46	2 Dependent Children (Ages 17 and 15)	Mr. Justice Millar	\$500/mo. for 4 yrs (retroactive support of \$49,500)	Final	Low: \$440 Mid: \$519 High: \$593 (Indefinite, min. 7.75 yrs and max. 15.5 yrs.) (Custodial Payor Formula)	After 5 yrs. of separation, the children changed their residence from W to H. During the marriage, H earned income through his construction business and worked very long hours. W stayed at home with the children, took care of the household and did some bookkeeping and administrative tasks for H's business. The Court found that W had a strong compensatory claim for spousal support, as she was the primary parent and homemaker, and was out of the workforce for 13 years at the time of separation and remained the primary parent until 2014. W also dealt with cancer and associated surgery after separation. W had reentered workforce but her earning capacity had likely been reduced due to many years out of the workforce. W was entitled to spousal support based on the mid-upper range of the SSAG guidelines. The H was found to owe retroactive spousal support of \$49,500, from which the Court credited H \$22,049 for over payment of child support since separation, resulting in \$27,451 in retroactive spousal support. The H's income was not sufficient to satisfy W's claim for \$1,000/mo. in ongoing spousal support, and as such the H was ordered to pay spousal support of just \$500/mo. for 4 years.
Bednarz v Bednarz, 2015 ABQB 447	19 Year Marriage, 23 Year Total Cohab	Payor: \$195,048 Payee: \$79,811	Payor: 47 Payee: 46 Age of Payee at separation: 40	1 Dependent Child (Age 19), 1 Independent Child	Madam Justice Hunt McDonald	\$3,000/mo. until June 2016, then monthly support at halfway point between low and mid-range of SSAGs until November 2020 (retroactive support of \$67,632, being monthly support of halfway point between low and mid-range of SSAGs from 2009-2015)	Final	Low: \$3,313 Mid: \$3,865 High: \$4,417 (Indefinite) (Without Child Support Formula)	Trial of family law issues between separated spouses. At the beginning of their relationship neither party had any post-secondary education. H worked at a hardware store and W worked at retail and reception jobs. W became a stay-at-home mother after their 2nd child was born in 1996 and remained as such until W began an Educational Assistant program in 2001. W accepted part-time employment as an educational assistant in 2001, after only having completed 2 courses and did not complete the program. In 2002, W commenced full-time work in this position and H was employed as a heavy equipment operator. H worked his way up to senior project/construction manager and W remained employed as an educational assistant. Interim child and spousal support orders were in place prior to trial. H was ordered to pay retroactive child support back to date of separation, pursuant to section 3 of \$14,878 and pursuant to section 7 of \$20,075. Payment of ongoing and retroactive spousal support ordered pursuant to W's entitlement on compensatory and non-compensatory grounds. Although W was employed, she was unable to increase her earnings as an educational assistant and she had no other training. W's educational and employment opportunities were limited as a result of the marriage. W lost access to H's higher income and lifestyle due to marriage breakdown. H was able to further his career because of W's ability to be available for the children. The amount of spousal support payable was determined at the half-way point between the low to mid-range amounts of the SSAGs based on the parties' incomes. H was ordered to pay retroactive spousal support of \$67,632 and ongoing spousal support of \$3,000/mo. until June 30, 2016, after which spousal support would be adjusted annually following the exchange of updated income tax information each year until November 30, 2020, resulting in a total 11 and 1/2 years of spousal support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Ozipko v Ozipko, 2015 ABQB 521	Length of Marriage and Total Cohab Unknown	Payor: \$92,093.56 Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependent Children (Ages Unknown)	Madam Justice Veit	\$431/mo. indefinitely	Interim	Not enough information to generate a SSAG range	Application by H for variation of interim support pending trial based on a reduction in income due to the downturn in Alberta's oil patch. In July 2013, based on an income of \$139,102, H was ordered to pay base child support of \$1,995/mo., section 7 expenses of \$400/mo. and spousal support \$1,900/mo., being the mid-point amount of the SSAGs. Based on his income of \$92,093.56, H ordered to pay the table amount of child support and proportionate share of section 7 expenses and spousal support was reduced to \$431/mo., being the mid-point amount of the SSAGs, commencing September 2015. H was also ordered to provide copies of pay statements to W every 3 months. If H's income was shown to be greater, W could apply for a further variation pending trial. Adjustments to support payments can be made when the Court has a full opportunity to review interlocutory orders at trial.
Brown v Brown, 2015 ABQB 542	21 Year Marriage, Total Cohab Unknown	Payor: Unknown Payee: \$7,000 (2006)	Payor: 58 Payee: 53 Age of Payee at separation: 43	3 Independent Children	Mr. Justice Moreau	\$2,800/mo. indefinitely	Interim	Not enough information to generate a SSAG range	During the marriage, the H worked as a management consultant while the W stayed at home with the children. The parties divorced in 2005. In 2006, the parties entered into an Agreement and a Consent Order requiring the H to pay spousal support to the W in increasing amounts, from \$2300/mo. to \$2,800/mo., then decreasing to \$1,750/mo. upon the W obtaining her degree in nursing and finding employment. Following the 2006 order, the parties litigated over spousal support, including several applications and then a Trial in 2013, where an application by the H to reduce support was dismissed. The W now applied for increase in spousal support and lump sum spousal support. The H cross-applied for a reduction in spousal support and a cancellation or reduction of arrears. The H lost his job in 2013 but received a severance package in excess of \$100,000 and earned \$175,000 from September 2014 and June 2015 from an employment contract. The H had stopped paying support in June 2014 and resumed in January 2015, although he did not pay arrears. The H had not fully produced his financial disclosure. The W was diagnosed with cancer after the 2013 Trial, which prevented her from completing her degree in the expected time frame. The W was found to require ongoing spousal support in order to complete her education. The Court dismissed both parties' applications, finding that neither party had established a change in circumstances since the 2013 trial. The H had demonstrated that he was able to earn an income commensurate with his prior job. Further, the Court noted that the SSAGs are only advisory. The H was directed to continue paying support under the 2006 Order. To give the W the time she required to successfully complete her program, a temporary moratorium was ordered on all applications relating to spousal support until August 1, 2017.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
KS v TLS, 2015 ABQB 568	10 Year Marriage, 15 Year Total Cohab	Payor: \$185,000 (\$99,115 to \$272,000 from 2010 to 2014) Payee: \$40,000 (\$844 to \$26,500 from 2010 to 2014)	Payor: Unknown Payee: 47 Age of Payee at separation: 41	2 Dependent Children (Ages 14 and 12)	Madam Justice Campbell	\$2,400/mo. until October 2015 (gross retroactive support of \$153,300 from April 2010)	Final	Low: \$2,488 Mid: \$2,986 High: \$3,486 (Indefinite, min. 7.5 yrs and max. 15 yrs) (With Child Support Formula)	Trial of the issues of retroactive and ongoing child and spousal support and matrimonial property division. Prior to the marriage, H worked as a customer service representative in the airline industry and W worked in the oil and gas industry. Shortly after the birth of their first child in 2001, by agreement between the parties, H accepted a package and left his job to become a full-time stay at home parent. W received her MBA in 2002. The parties' second child was born in 2003 and H remained out of the workforce to care for the children. After separation in 2010, H remained in the mortgage-free matrimonial home, the parties had shared parenting of the children and H began attending university on a part-time basis. H accessed accounts of \$120,000 for his support following separation and W paid interim support as ordered by the Court in 2012. H received a Bachelor of Education degree in 2014, obtained substitute teaching positions in May and June 2014 and obtained a contract teaching position with the Calgary Board of Education until February 2015. H did not pursue any employment during his university studies and did not work during his summers off from university studies. W secured a new, more lucrative employment position in November 2014. SSAGs are a helpful guide for establishing quantum and duration of spousal support awards. The determination of Guideline income may be a relevant consideration in the determination of spousal income under the SSAGs and Guideline incomes were used to determine both claims. W ordered to pay retroactive base child support of \$89,147, retroactive section 7 expenses of \$1,000 and ongoing base child support in the "set-off" amount of \$2,006/mo. plus proportionate share of section 7 expenses. H was entitled to spousal support on compensatory and non-compensatory bases. H's career was disadvantaged by the joint decision that he stay home to care for the children, which allowed W to establish her career. H suffered economic disadvantage and hardship upon marriage breakdown, as he no longer had the financial support he once had from W. In determining spousal support, the Court considered the length of the marriage, the parties' ages, H's recent graduation and foray into his chosen career, H's potential to realistically increase his annual income, the shared parenting regime between the parties, the ages of the children, W's ability to make spousal support payments and H's occupation of the mortgage-free matrimonial home. Accordingly, the Court determined retroactive and ongoing spousal support at slightly below the low range of the SSAGs to account for H's failure to diligently pursue upgrading or employment to defray his personal expenses and contribute to his family's costs sooner. W ordered to pay retroactive spousal support of \$53,150, after accounting for tax, amounts utilized by H following separation and costs awards, and ongoing spousal support of \$2,400/mo. until October 31, 2015, for a total of 5 and ½ yrs. duration, as H's career was only affected for approximately 9 yrs., after marriage until separation.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Darby v Darby, 2015 ABQB 582	10 Year Marriage, Total Cohab Unknown	Payor: Unknown Payee: Unknown (2014: \$72,903)	Payor: Unknown Payee: 42 Age of Payee at separation: 32	2 Dependent Children (Ages 10 and 13)	Madam Justice Erb	\$10,000/mo. for 20 yrs. or until H satisfies full equalization payment of \$2,140,761.27	Final	Not enough information to generate a SSAG range	Trial of this matter was held 10 years after separation, during which time there had been much litigation. W was a nurse and was on maternity leave at separation. The H was an engineer and the sole owner of a business, Prairie Rental Oilfield Services. The W had virtually full responsibility for the care of the home and the children. The W worked part-time as a nurse throughout the marriage, paying off H's student loans and supporting him and the household while the H pursued his business ventures. The H's financial disclosure during the proceedings was selective and inadequate. In 2008, H moved to Costa Rica and sold or wound down the substantial business assets he amassed during the marriage. The Court found that the H had created an elaborate plan to defeat the W's claim for her share of matrimonial property, renouncing his Canadian citizenship and moving his assets to Costa Rica, investing the business proceeds of \$2.4 million in what he claimed to be an irrevocable disability and life insurance plan in a scheme intended to frustrate any collection efforts by the W. By H's own admission, he had used the proceeds of the sale of family assets for his own purposes knowing that the W was entitled to her share. Based on expert testimony, the Court estimated that the W was entitled to an equalization payment of \$2,140,761 in addition to the assets in her possession totaling \$754,966. As a result of the fraud perpetrated by the H, the Court was forced to find a way to deal with his conduct in the distribution of the matrimonial property, support and income determination. An income of \$400,000 was imputed to the H. The W's income based on 2014 was \$72,903. The W was granted sole custody and H was required to pay for all travel to and from Costa Rica for his access. Spousal support was ordered in February of 2007 for \$3,500/mo., which the H ceased paying when he left Canada in 2008. The Court found that the W was entitled to support on a compensatory basis. The Court noted that there was little it could do to enforce the matrimonial property award of \$2,140,761.27. Therefore, the Court awarded \$10,000/mo. in spousal support to be registered with MEP and granted an Order that the W could attach, liquidate and credit any property held by the H in Alberta or any other reciprocating jurisdiction for enforcement purposes. The spousal support and any assets obtained by the W were to be credited against the equalization payment owing to her. Lastly, W was awarded double solicitor-client costs collectable through MEP.
Walsh v Walsh, 2015 ABQB 652	22 Year Marriage; 23 Year Total Cohab	Payor: \$128,000 Payee: nil	Payor: 55 Payee: 60 Age of Payee at separation: 53	1 Independent Child	Mr. Justice Jerke	\$2,500/mo. until W turns 65 and review	Final	Low: \$3,680 Mid: \$4,293 High: \$4,907 (Indefinite) (Without Child Support Formula)	Application for continuation of spousal support. W intermittently worked in low paying jobs during the traditional marriage, in which W had primary responsibility for managing home and raising 4 children and H was the primary income earner. H was employed in the oil industry and the parties had relocated on several occasions in furtherance of H's career. At the time of separation, W had not been employed for more than 10 years. In 2009, the parties entered into a separation agreement which provided that H would pay to W tax-free spousal support of \$2,500/mo., commencing July 1, 2009 until June 1, 2014, at which time spousal support shall be reviewed. H's income had more than doubled since the date of the separation agreement and W remained unemployed. W was entitled to spousal support on all 3 grounds, but primarily on the compensatory basis. W was economically disadvantaged by the marriage and its breakdown. She was almost entirely supported by H during the marriage and has remained unemployed since the marriage ended. The court found that although W may not have made every effort to become employed in some capacity, she was unable to become self-sufficient because of her age, job skills, employment history and health issues, and there remained uncertainty as to whether she would ever be able to attain self-sufficiency. The court determined that without some evidence as to the reason for H's increase in income, W has failed to establish that she should share in H's post-separation increased income. The court determined that W failed to establish that she should share in H's post-separation increased income, as there was no evidence adduced as to the reason for the increased income. In light of their prior support arrangements and that W could have made more effort to obtain some form of employment, even if only on a part-time basis, the court found that support below the minimum amount recommended by the SSAGs was appropriate under the circumstances.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
LeBlanc v LeBlanc, 2015 ABQB 657 (see 2014 ABCA 391 in our 2014 Spousal/Partner Support Case Summaries)	19 Year Marriage, Total Cohab Unknown	Payor: \$179,000 Payee: nil (Incomes from 2014 ABCA 381)	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent Child (Age unknown), 2 Independent Children	Madam Justice Veit	\$4,000/mo. reviewable in January 2016 (\$100,500 retroactive lump sum spousal support)	Final	Not enough information to generate a SSAG range	Application by the H to stay ongoing spousal support, and to reduce or terminate his support obligation. The Court denied H's application, finding that he had not established a material change of circumstances since either the trial decision in January 2014 or the appeal decision in October 2014. The TJ imposed a support obligation on H, irrespective of whether he was employed, until January 2016 when support was to be reviewed. A material change is one in which, if known at the time the order was granted would likely have resulted in different terms. In light of the strong language of the TJ, H's relocation to Mexico for the period of November 2014 to May 2015, his decision to not seek employment in his field during that time and his shoulder injury would not have resulted in a different support order. It was H's decision to relocate to Mexico and H's injury and general health did not prevent him from working in the type of employment he held during the parties' marriage. As such, the previously ordered support obligation of \$4,000/mo. was upheld.
Sidhu v Sidhu, 2015 ABQB 661	12 Year Marriage, Total Cohab Unknown	Payor: \$42,300 Payee: \$23,375	Payor: 47 Payee: 37 Age of Payee at Separation: 31	4 Dependent Children (Ages 18, 16, 12 & 9)	Mr. Justice Rooke	\$1,000/mo indefinitely, reviewable after January 1, 2017 (retroactive lump sum spousal support of \$30,000)	Final	Low: \$0 Mid: \$0 High: \$0 (With Child Support Formula)	Trial of child support, spousal support and division of matrimonial property issues. H and W were married in India and thereafter, W moved to join the H in Canada. H was a taxi driver and sole income earner. W was a stay-at-home wife and mother with no other marketable skills. After separation, W was awarded exclusive possession of the matrimonial home and day-to-day care of the children of the marriage and H moved in with his parents. The Court imputed a guideline income of \$42,300/yr to H, finding that there was nothing preventing H from earning this income on an annual basis and in consideration of undeclared cash fares and cash rent paid directly to H. Accordingly, the court found a specific intention to avoid child support obligations. The Court also imputed a guideline income of \$23,375/yr to W, finding that in time, and with good health and vocational training, it would be possible for W to earn a gross income in that amount. H conceded that W was entitled to support on compensatory and non-compensatory bases. Ultimately, the court ordered payment of ongoing and retroactive child support and spousal support.
Lazic v Lazic, 2015 ABQB 691	24 Year Marriage, Total Cohab Unknown	Payor: \$250,000 Payee: \$30,000	Payor: 52 Payee: 53 Age of Payee at separation: 51	2 Independent Children	Madam Justice Erb	\$7,500/mo., to be adjusted annually based on mid-range of SSAGs and increasing imputed income of H	Final	Low: \$6,600 Mid: \$7,700 High: \$8,800 (Indefinite) (Without Child Support Formula)	During the marriage, the H had a construction business. The W was a full-time mother and homemaker as well as a bookkeeper for the businesses. The H controlled the family and corporate finances. During the marriage, H travelled extensively for work. After separation, the H refused to pay support and stopped paying the mortgage on the matrimonial home, which led to foreclosure. Furthermore, the H removed \$79,000 from family bank accounts, and dissipated and indebted corporate assets. H also refused to provide full financial disclosure and purposely delayed the W's application for spousal support by tactics such as changing lawyers 8 times, assigning company into bankruptcy, and removing the W as a director after a preservation order was granted but before being served. W now worked as an office clerk earning \$30,000 and subsidized her living expenses through help from friends and family. Meanwhile, the H had begun re-establishing his business in Kelowna with his new partner and boasted to the W about his lavish lifestyle. The Court found that the W was entitled to support on compensatory basis, her efforts having allowed the H to build a successful business. The W was also entitled to support on a non-compensatory basis. The W's lifestyle dropped dramatically after separation. The Court noted the significant income disparity between the parties. The H was imputed an income of \$250,000 for 2013 to 2015, based on his earnings history, his lifestyle, and his failure to disclose, which income would increase by 10% each year until further order of the court unless satisfactory disclosure was provided. The W was awarded retroactive and ongoing support of \$7,500/mo., from the date of separation, to be adjusted each year in accordance with the H's increasing imputed income and the mid-point of the SSAGs. In making this award, the Court stated that the SSAGs, while "not mandatory, [...] are helpful in assessing the impact of financial disparity between the parties in determining the quantum of spousal support payable." The funds previously paid into Court from the companies of \$225,000 pursuant to a preservation order were to be used to pay spousal support and costs of the application on indemnity basis. It was appropriate to pierce the corporate veil to ensure that support was paid. The assignment of the company into bankruptcy was an abuse of process and motivated by malice, which satisfied s.181(1) of the Bankruptcy and Insolvency Act, and therefore the assignment was annulled and set aside.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Desreux v Desreux, 2015 ABQB 739	17 Year Marriage, 19 Year Total Cohab	Payor: \$64,000 Payee: \$72,105	Payor: 42 Payee: 44 Age of Payee at separation: 41	2 Dependent Children (Ages 17 and 12)	Madam Justice Anderson	Reserved until September 2018	Interim	Low: \$0 Mid: \$0 High: \$0 (With Child Support Formula)	The W applied for spousal support and division of matrimonial debt. 17 yr. marriage with 2 children, 1 with significant special needs. During the marriage, the W initially worked as a social worker while the H worked as an EMT. They moved to PEI, and then to the Caribbean in order for the H to attend medical school, incurring substantial debt to do so. The W had been accepted into a Master's program which she was unable to pursue due to the H's pursuit of his medical degree and the child's special needs. The W moved to PEI and then Calgary to get treatment for the eldest child, while H finished school and residency in various places. At the time of the hearing, the W resided in PEI with the children, and the H resided in Ottawa with his new partner. The Court found that the W was entitled to spousal support for the her sacrifices, which also included the loss of seniority in her job, and the fact that she had cashed in her pension and sold her family home to support the family. However, the Court found that no spousal support was payable at present as the W's income was currently greater than the H's, who was a 3rd year resident. Spousal support was reserved until September 2018, after the H has completed his residency. Although the H's future income was expected to increase, the Court could not make a support award based on future income. W's income also had potential to increase as she maintained interest in pursuing her Master's degree. The Court declined to divide the parties matrimonial debt, which included a \$195,747 loan to the H's sister, and \$243,747 in line of credit, student loan and credit card debt. Instead, the Court simply determined interim responsibility for debt payments. The division of the debt was reserved to take place in 2018.
St Croix v Crewe, 2015 ABQB 752	3 Year Total Cohab	Payor: \$122,093 (2013: \$112,838, 2012: \$120,000) Payee: \$24,075 (Allegedly \$12,554 in 2014)	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent Child (Age 5)	Madam Justice Veit	\$500/mo. for 12 mos.	Final	Low: \$1,679 Mid: \$2,101 High: \$2,499 (Insufficient information to calculate duration) (With Child Support Formula)	Special chambers application by both parties regarding child and spousal support and parenting time. The H requested his guideline income be based on his employment income from CN. The W asked that income be imputed to the H of \$100,000 as H took a lower paying job after being laid off. W sought that all retroactive child support be paid by lump sum, partner support, and to make unilateral decisions regarding section 7 expenses. The Court held there was no basis to impute income to H, he was laid off and his replacement income was relatively good. H's line 150 would be used to calculate child support. Further, there was no basis to require H to pay child support arrears by way of a lump sum as H had always complied with Court Orders. The W was not granted the authority to unilaterally decide section 7 expenses and the W had not established a compensatory a basis for partner support. W did part time shift work as a health care aide earning \$10/hour when the parties met. H moved to Alberta in November of 2006, W followed in March 2008. W worked sporadically after coming to Alberta. After separation W returned to school to become a medical office admin, she lost two positions in that field. W asserted that she was unable to keep a full time job because she needed to take care of the parties' child and her child from a previous relationship. There was no evidence that the children had any special needs or that the W could not obtain full time employment at least as good as what she had when the parties met. Further, W had the benefit of living in the family home for 6 mos. after separation. There was no evidence that the H had induced the W to give up her life in Newfoundland to move to Alberta. Further, W had not established a needs basis for current support as she had not provided copies of her bank accounts, credit card accounts, etc. However, the Court did conclude that the W suffered a financial disadvantage of \$6,000 (which the H was ordered to pay at a rate of \$500/mo.) upon the breakdown of the relationship and that there is almost always some financial disadvantage to the party who must leave the family home.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Nyberg v Nyberg, 2015 ABQB 768	11 Year Marriage, 13 Year Total Cohab	Payor: \$241,178 (2014: \$211,418, 2013: \$186,891) Payee: \$31,000	Payor: Unknown Payee: Unknown Age of Payee at separation: 38	1 Dependent Child (Age 11)	Madam Justice Acton	\$3000/mo. for 2 yrs., then \$2000/mo. for 1 yr., then \$1000/mo. for 1 yr.	Final	Low: \$4,680 Mid: \$5,348 High: \$6,022 (Indefinite, min. 6.5 yrs., max. 13 yrs.) (With Child Support Formula)	Trial of parenting, child and spousal support and matrimonial property division issues. When the parties moved in together, W was working full time as a security guard, H was working in the oil patch. W later worked as a waitress and when the parties' child was born, they decided that W should stay home to care for child. H began working overseas in 2005 and was posted in Saudi Arabia. H was the primary income earner and W was in charge of managing the household and the family finances. Following the parties' separation in November 2013, they remained living separate and apart in the matrimonial home. H unilaterally assumed exclusive control of the family finances, to W's detriment, and paid to W an allowance of \$2,000/mo. H failed to pay expenses as they came due. CRA collected \$15,000 from H's bank accounts and froze all accounts in December 2013. In February of 2014, the Court ordered H to vacate the matrimonial home, to pay \$1,631/mo. in base child support and to pay \$4,500/mo. in interim spousal support, less the approximate \$3,000/mo. in matrimonial home bills paid directly by the H. Post separation, W pursued retraining as a physical therapist assistant. The Court estimated that the W would be capable of earning between \$31,000 and \$47,000 upon completion of her practicum at the end of 2015. The Court directed that H's income was to be determined by examining the money that went into his USD account from his employer and was then transferred to his CAD account. The amount in his CAD account was his net income from employment before any Canadian tax was deducted. H was ordered to pay \$2,124/mo. in child support, \$12,198 in retroactive child support and an equalization payment of \$50,662, in addition to the \$112,405 in net matrimonial property to be retained by W. W was entitled to spousal support on compensatory and non-compensatory grounds. The Court determined that W was entirely dependent on H for most of the parties' 13 year relationship and W supported H's career overseas by performing all of the homemaking and child care tasks. Having regard to the support paid, the Court declined to adjust the interim spousal support award. In determining quantum and duration, the Court noted that W would leave the relationship with not insignificant assets, was young, motivated and trained for a career, and that the W has had to and would have to adjust to living without the comforts of the former family income. The court ordered ongoing spousal support of \$3,000/mo. for 2 yrs, \$2,000/mo. for 1 yr. and \$1,000/mo. for 1 yr., for a total of 6 yrs. of support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Doege v Doege, 2015 ABQB 802	27 Year Marriage, 27 Year Total Cohab	Payor: Unknown (\$166,131 average gross business income) Payee: Unknown	Payor: 65 Payee: 58 Age of Payee at separation: 44	4 Independent Children	Mr. Justice Manderscheid	None (\$75,000 in retroactive spousal support)	Final	Not enough information to generate a SSAG range	Trial to determine the division of matrimonial property and ongoing and retroactive child and spousal support. W had not completed high school and was primarily a homemaker, raising the parties' 4 children. H was a certified carpenter. H established a construction business and the parties started a small cattle ranching operation in 1995. Following separation in 2001, H moved into a trailer while W remained on the farm, in the matrimonial home, and the parties informally divided their property. W remained on the farm, using the property to earn rental and leasing income. In 2004, W filed a Statement of Claim for Divorce and Division of Property, including a claim for spousal support. H had 2 heart attacks in 2007, was in poor health and no longer able to work. H and new partner were living off of their pensions and old-age income supplements. The Court concluded that W was not entitled to share in H's property acquired post-separation with new partner. W entitled to spousal support on compensatory and non-compensatory grounds, having regard to the parties' roles and contributions during the marriage, the post-separation reduction in W's lifestyle and the shortfall in W's budget of \$1,500/mo., which resulted in the accumulation of approximately \$57,000 in post-separation debt. The Court confirmed that the considerations required to determine retroactive child support (the needs of the recipient, the conduct of the payor, the reason for delay in requesting support and any hardship a retroactive award would have on the payor) were also suitable and necessary factors to consider in evaluating retroactive spousal support, but that care must be taken in their application, since the legal foundation for child and spousal support differ. There is no right to spousal support, whereas children have a right to support, and as such, concerns regarding notice, delay and misconduct can carry more weight in the determination of retroactive spousal support claims. The Court concluded that limited retroactive spousal support was appropriate and noted that the SSAGs, while not mandatory, are a useful tool to assess quantum of spousal support. The Court ordered payment of retroactive lump sum spousal support of \$75,000, already adjusted for tax, payable from H's share of the equity in the farm, having applied the SSAGs using each party's line 150 incomes, being each party's net self-employment income. In light of the foregoing, the matrimonial property division, the circumstances of H, including that he had no ability to pay ongoing spousal support, the Court concluded that no ongoing support should be ordered.
Smith v Smith, 2015 ABQB 817	31 Year Marriage, Total Cohab Unknown	Payor: \$98,400 Payee: Nil	Payor: 58 Payee: Unknown Age of Payee at separation: Unknown	4 Independent Children	Mr. Justice Neufeld	\$1,750/mo. for 3 yrs.	Final	Low: \$3,075 Mid: \$3,588 High: \$4,100 (Insufficient information to calculate duration) (Without Child Support Formula)	The parties had a traditional marriage, during which W left her job as a legal secretary to become a homemaker after the birth of their first child, while H worked as an unskilled labourer for Imperial Oil. In 2007, after 26 years of marriage, H moved into the parties' basement. In 2012, the parties sold the matrimonial home and went their separate ways. In June 2012, H began paying spousal support of \$4,000/mo. In December 2014, spousal support was increased to \$8,000/mo., retroactive to July 2014. After separation, H continued to work for Imperial Oil, retiring in October 2015 with full pension benefits. W briefly worked as a receptionist but quit due to eye discomfort and had not worked since. Matrimonial property was divided equally after accounting for pre-marriage exemptions and post-separation contributions to a savings plan, with the W receiving approx. \$400,000 in matrimonial property, and the H receiving approx. \$390,000. The W was found to be entitled to spousal support on compensatory and non-compensatory bases. The Court observed that this was a "classic case" of one spouse sacrificing her career for the family, while the other spouse became the sole financial provider. The W argued that the H should be imputed income as a result of his decision to retire at 58, but the Court declined, noting that the H's monthly pension benefit was roughly equal to what his base salary was prior to retirement. In order to assist the parties in transitioning to full retirement, and to assist the W in achieving self-sufficiency, the W was awarded spousal support of \$1,750/mo. for 3 yrs. Although the Court stated that the prior award of \$8,000/mo. was too high, no retroactive spousal support adjustment was made.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Chaney v Chaney, 2015 ABQB 818	19 Year Marriage, Total Cohab Unknown	Payor: \$60,000 Payee: \$36,500	Payor: 52 Payee: 63 Age of Payee at separation: 62	Unknown	Mr. Justice Little	\$750/mo. pending trial	Interim	Low: \$558 Mid: \$651 High: \$744 (Indefinite) (Without Child Support Formula)	19 year marriage. Cross-Applications in advance of Trial. The W applied for interim spousal support, payment of accountant's invoice, advance to pay for a forensic accountant, sale of vehicles, and additional disclosure. The H applied for disclosure. During the marriage the parties operated a landscaping business. The H alleged that the W had withdrawn \$235,000 from the company causing the business to collapse and for the H to lose his employment. The W alleged that the H had used the company's LOC personally, causing the business to collapse. Responsibility for the business collapse and remedies therefore were issues for Trial. The W was found to be entitled to spousal support on compensatory and non-compensatory bases. The W had participated in the business throughout its operation, aside from which, she looked after the home. The W had health difficulties, making employment difficult. The H claimed he could not afford to pay spousal support as he had lost his employment as a result of the W's actions. W asserted that income be imputed to H of \$85,000, being what he had earned in the last 4 yrs., resulting in support of \$1,900-\$2,600/mo. under the SSAGs. Accepting that earning potential is key for interim support, the Court found that it was not particularly relevant that the H was currently underemployed. Recognizing that H's previous earnings were from the business, that for whatever reason had collapsed, the Court imputed an income of \$60,000 to the H. The W's current income was \$6,500. Despite the W's doctor's caution, the Court found that the W was also underemployed and determined that the W was capable of earning an additional \$30,000. The Court awarded \$750/mo., being the mid-range of the SSAG's, until Trial. The Court also ordered the sale of several vehicles, additional disclosure by the W, payment of the accountant's invoice by the H, and dismissed the application for an advance.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Daschuk v Mrdjenovich, 2015 ABQB 822	2 - 4 Year Total Cohab	Payor: \$458,078 (2012: \$386,156, 2013: \$456,388, 2014: \$458,078) Payee: \$21,060	Payor: 66 Payee: 39 Age of Payee at separation: 33	3 Dependent Children (Ages 5, 9, 11)	Madam Justice Shelley	None. Retro adjustment. Support received after January 1, 2014 to be credited against future child support and/or property award.	Final	Low: \$8,414 Mid: \$9,334 High: \$10,273 (Insufficient information to calculate duration) (With Child Support Formula)	Trial on guideline income, child and partner support. Parties met when the W was a 26 yr. old student and the H was a 53 yr. old successful businessman. The W had a child from a previous relationship and 3 children with the H. Short-term cohabitation of 2-4 yrs. The W applied for child and partner support, and that the H stood in loco parentis to her eldest child. Nov. 2009 Order set the issues to a hearing in Dec. 2009 and granted a \$200,000 advance to W, \$11,150/mo. for three months to pay bills for the property the W resided in, plus interim "without prejudice" support of \$15,000/mo. (non-taxable), exclusive possession of the home, household furnishings and a vehicle. The Order was to expire at the hearing in December. The Dec. 2009 hearing did not take place. Nonetheless, H made the payments under the Nov. 2009 Order. In Nov. 2013, a further interim interim "without prejudice" Order required the H to continue to pay \$15,000/mo., plus the expenses related to the residence, plus a \$75,000 "without prejudice" payment to the W. The H made all payments required by the Order plus additional cash payments. Court found that the H had paid approximately \$2,184,065 to the W in support and other payments between Oct. 2009 and Sept. 2015. As to guideline income, the Court held that the expert report prepared by Mr. Siebert on behalf of H had accurately estimated H's income as follows: \$299,573 to \$386,156 in 2012, \$360,819 to \$456,388 in 2013, and \$352,183 and 458,078 in 2014, dismissing the W's claim that the H was deliberately underemployed and finding that H's withdrawal from participating in a number of his previous business activities was understandable given his age (66). Further, the income suggested by H's expert was still significant and generously included items he might argue could be excluded. The W, on the other hand, was underemployed. The Court did not accept the W's evidence that she needed to remain home to take care of her children and/or to retrain. The H had expended significant resources on business opportunities and education for the W post separation. The W was relatively young with no health issues and yet had taken no steps to become self-sufficient. The H did not seek to impute income to the W. Therefore, the Court set her income at \$21,060 reflecting the Universal Child Care Benefit received by the W. Although the Court expected the W could obtain more than a minimum wage job, however, the Court gave her the benefit of the doubt, imputing a minimum wage income to W of \$22,000/yr. to commence in April 2016, reviewable any time after January 2017. Although the H could have argued that he had no obligation to pay partner support since the separation in 2009, the H merely sought an adjustment to 2013. The W argued she was entitled to partner support because of the differences in their standards of living. The H's evidence indicated he lived a relatively modest lifestyle. The Court concluded that W's entitlement to partner support ought to have been for a short duration and that she has received well in excess of what she was entitled to on any basis. It was because H only requested an adjustment to 2013 that W was entitled to retain any of the funds paid to her prior to 2013. The W's entitlement to support was terminated effective Jan. 1/14. Any amounts paid after Jan. 2014 was to be credited against H's future obligations in relation to property or child support. Notwithstanding the W's claim that the amount was insufficient to cover her needs, she provided no evidence of how the money was spent. The W had purposefully delayed the proceedings to ensure that H would continue to pay support under the interim orders as long as possible. The property issues remained outstanding.
Alberta Provincial Court Cases									
Selensky v Slywka, 2015 ABPC 104 (See 2014 ABPC 14 in our 2014 Spousal/Partner Case Summaries)	4 Year Marriage, 26 Year Total Cohab	Payor: \$105,000 Payee: \$43,000 (Incomes from 2014 ABPC 14)	H: Unknown W: Unknown Age of W at separation: Unknown	2 Dependent Children (Ages 18 and 16) (Ages from 2014 ABPC 14)	Judge LeGrandeur	\$1,000/mo. indefinitely	Final	Low: \$206 Mid: \$598 High: \$974 (Insufficient information to calculate duration) (With Child Support Formula)	Application by H for variation of interim orders for child and spousal support. In January 2014, the W was awarded interim child support of \$1,491/mo. and interim spousal support of \$1,000/mo., based on an income of \$105,000 for the H. This award was to be reviewed in June 2014 upon the H providing confirmation of his income. The H subsequently failed to appear in Court 3 times, which resulted in warrants being issued for his arrest. Further, the H refused to provide disclosure despite a warning from the Court that the interim award would not be varied unless the H's financial information was provided. The H was found to have acted in an obstructive and contemptuous manner with respect to the Court process. As such, the interim award was made final until further order of the Court.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Knight v Wowk, 2015 ABPC 286	9 Year Total Cohab (Parties claimed 8 - 10)	Payor: \$108,000 Payee: \$69337	Payor: 55 Payee: Unknown Age of Payee at separation: Unknown	None	Judge Jordan	\$500/mo. for 5 yrs.	Final	Low: \$435 Mid: \$507 High: \$580 (Insufficient information to calculate duration) (Without Child Support Formula)	Application by W for \$1,500/mo. in partner support for 5 yrs. The Court reviewed law on adult interdependent relationships, finding that the parties had a family and social life together and a traditional division of labour. The W moved into H's rented premises. The H continued to pay rent and other residential expenses. The W paid her phone bill and her own children's expenses (from a prior relationship). Both parties bought groceries and the H took care of vacations and dinners out. Parties never discussed finances and did not have a joint bank account. The Court concluded that the parties held themselves out to others as an economic and domestic unit and that the failure to share their finances did not persuade the Court otherwise. The H's longer work hours resulted in a comfortable income and W's shorter hours allowed her to spend extra time taking care of the home. The W's income rose during the cohabitation, reaching a high of just \$29,919. The H, on the other hand, made between \$117,711 in 2009 and \$201,674 in 2012. There were no children of the relationship and no joint property. The H claimed that as they did not share finances they did not have a relationship that would give rise to a support obligation. The Court disagreed, finding that their relationship was an adult interdependent relationship as defined by the Adult Interdependent Relationships Act. The W was a teacher's assistant when the parties met and the H was a salesman. At the time of the application, the W was working as a housekeeper earning \$52,537/yr. The W had an opportunity to return to her job as a teacher's assistant but could not make ends meet on that salary. The Court held that her quality of life had greatly decreased as a result of her job and her adult children living with her rent-free, and therefore imputed additional income to the W of \$700.mo. per child, adding \$16,800 to her annual income. W had a lower standard of living compared to that which she enjoyed during the relationship. W had suffered from the reduction in household income since separation, and had a modest budget. H's income in the last year of the relationship was \$117,930, but he had taken a new job earning approximately \$108,000. H's change in employment was reasonable given his age (55) and the income security provided by the new job. This was a medium length traditional relationship; the W had a need for support and the H the ability to pay. The SSAGs may also be considered by the Court. Although not mandatory, the SSAGs are an acknowledged part of the law of spousal support in Alberta and elsewhere throughout the country. They do not address the threshold issue of entitlement, but were created to provide guidance in determining quantum. The Court determined that the W was entitled to support on a non-compensatory basis.