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2016 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									
Anand v Anand, 2016 ABCA 23 (see Anand v Anand, 2015 ABCA 64 in our 2015 Spousal/ Partner Case Summaries)	9 Year Marriage, 9 Year Total Cohab	Payor: \$1,856,000 Payee: Unknown	Payor: Unknown Payee: 46 Age of Payee at separation: 44	2 Dependant Children (Twins Age 11)	Mr. Justice McDonald, Madam Justice Schutz, Madam Justice Bielby	\$15,000/mo. until Trial	Interim	Not enough information to generate a SSAG range	H was an ophthalmologist and W was earning minimum wage and had only recently secured full-time employment. H had previously obtained an order for interim sole custody of the children. Two previous interim orders for spousal support had been made, the most recent being for \$15,000/mo. H appealed the most recent interim order to the CA on the basis that the earlier proceedings were procedurally unfair, that the quantum ordered exceeded the parties' customary lifestyle prior to separation, and that the CJ had erroneously relied on irrelevant but material presumptions in the absence of evidence. Appeal dismissed. Spousal support order should not be overturned on appeal unless there has been an error in principle, a significant misapprehension of evidence or unless the award is clearly wrong. Interim spousal support orders are owed considerable deference due to their fact-based and discretionary nature. The record revealed no error in principle or significant misapprehension of evidence and the award was not clearly wrong. CJ properly considered the circumstances of the parties including their condition (defined as the age, health, needs, obligations, dependents and station in life) as well as the means of the parties (defined as all pecuniary resources, capital assets, income from employment or earning capacity, and other sources of income from which the person receives gains or benefits) and their needs (having regard to the relative station in life the parties achieved before the collapse of the marriage) when making the order. Appeal courts are not entitled to intervene simply because they would have made a different decision or balanced the factors differently. Interim orders are based on an incomplete evidentiary record and parties should not waste finite time and money appealing interim orders that will be finally determined at trial. In interim applications, though all section 15.2(4) factors must be considered, the needs of the dependent spouse and the ability of the payor spouse to pay take on greater significance than the other section 15.2(4) factors. The ultimate question for the Court is to determine what is reasonable on an interim basis pending trial.
Frank v Beaver, 2016 ABCA 35	10 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Nil Payee: Unknown Age of Payee at separation: Unknown	Unknown	Mr. Justice Slatter, Mr. Justice O'Ferrall, Mr. Justice Wakeling	None (Referred to QB to set new level of spousal support)	Interim	Not enough information to generate a SSAG range	H and W were both lawyers and cohabited for 10 years. W suffered a stroke during the relationship that limited her ability to work. H had a successful criminal law practice, however, he was suspended by the Law Society after the parties separated due to deficiencies in his trust account after and was since unable to practice law. W remained in family home, and H paid the costs to maintain the home in addition to paying the W \$1,200/week. In February 2015, an interim order was made which provided for a lump sum payment of \$8,000 to permit W to find new housing and \$12,000/mo. for 4 months, with the issue to be revisited at a special chambers application. At the time the special chambers application was heard H had fallen into arrears. H had failed to provide full financial disclosure despite several orders for him to do so, however, it was conceded that there had been significant disruption to his income stream. CJ ordered ongoing partner support of \$8,000/mo. but directed that the Order not be registered with Maintenance Enforcement because there was no present ability to collect. H appealed the CJ's order for partner support. CA noted that the standard of review of partner support orders is deferential and that support orders should only be disturbed if there is an error in principle, a significant misapprehension of the evidence, or if the award is clearly wrong. CA considered s. 58 of the Family Law Act and determined that the CJ had only considered the need of the recipient and the standard of living of the parties before separation, and had failed to consider the present circumstances of the parties. H had lost his ability to earn income, and it was inappropriate to impute him income given that his lack of income was due to circumstances beyond his control. CJ had failed to consider the conditions, means, needs and other circumstances of H and the resulting award was unreasonable. Appeal allowed and the Order was set aside. The matter was directed to the Court of Queen's Bench to set a new level of partner support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Pinter v Pinter, 2016 ABCA 58	5 Year Marriage, 9 Year Total Cohab	Payor: \$103,883 for 2012-2013; Guideline income for 2014-2015 unknown Payee: \$46,500	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependant Child (Age 13), 1 Independent Child	Mr. Justice Berger, Mr. Justice McDonald, Madam Justice Schutz	Monthly support at the low range for 2012-2013 & at the mid-range for 2014-2015 until further order of the Court or Trial (Quantum unknown)	Interim	Low: \$215 Mid: \$646 High: \$1,072 (Based on H's 2012-2013 income) (Insufficient information to calculate duration) ("With Child Support" Formula)	H appealed an order granting the W child support and interim spousal support payable indefinitely, commencing in 2012 and until further order of the Court or Trial. H argued that the CJ had erred in granting spousal support when there was insufficient evidence to establish entitlement. CA dismissed the appeal. CJ's decision to grant interim support was entitled to deference and was necessarily made on a less than perfect record. The goal of an interim order is to provide a reasonably acceptable solution until trial where it will be fully reviewed and errors will be remedied. In situations where interim orders are granted, the parties should complete disclosure and set the matter down for trial without delay, not launch appeals.
Fraser-Tabak v Tabak, 2016 ABCA 79	19 Year Marriage, 19 Year Total Cohab	Payor: Unknown Payee: \$15,000 (average of \$24,843 from 2011 to 2014)	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	3 Independent Children	Mr. Justice Berger, Madam Justice Veldhuis, Mr. Justice Wakeling	Lump sum spousal support (representing 11 yrs. of support) based on mid-range of SSAGs (Quantum unknown)	Final	Not enough information to generate a SSAG range	Appeal and cross-appeal from Trial decision in which H was ordered to pay lump sum spousal support comprised of a 3 year retroactive award and an 8 year prospective award. H appealed on the basis that W was not entitled to support. In the alternative, H also argued that retroactive support was not appropriate as the W had not sought interim support in the seven year period following separation and that the overall quantum of support was incorrect. W appealed on the basis that the TJ was biased, that the amount awarded was inadequate and that the TJ had erred in considering non-taxable social assistance income she earned as a caretaker for a dependant adult for the purposes of determining support. CA dismissed the appeal and cross-appeal. TJ was not biased and made no reversible errors. W was a stay-at-home mother with a university degree earned before marriage. W had paid for the H's education with her inheritance, maintained the matrimonial home and assumed primary responsibility for the children. W was entitled to support on a compensatory basis. TJ had considered the W's delay in seeking support, resulting in a retroactive award dating back 3 years rather than from the date of separation 8 years ago. It was defensible to award a lump sum in these circumstances, as a lump sum award would allow a clean break given the animosity existing between the parties. CA noted that had the TJ awarded periodic support instead, that finding likely would not be successfully appealed either. TJ did not err in considering the Ws non-taxable income in assessing support. The SSAGs and FCSGs allow for income to be imputed where appropriate and acknowledge that some non-taxable incomes such as disability payments and workers compensation are properly classified as income. The payments received by the W were of a comparable nature. Taking all factors into consideration, the TJ's support award was fair and consistent with the Divorce Act.
Martens v Martens, 2016 ABCA 107	20 Year Marriage, Total Cohab Unknown	Payor: \$120,856.06 Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependant Children (Ages Unknown)	Mr. Justice Berger, Mr. Justice Watson, Mr. Justice Wakeling	\$2,301/mo. pending reconsideration of matter by QB	Interim	Not enough information to generate a SSAG range	Appeal by H of an interim spousal support award made in morning chambers. Parties had a long-term traditional marriage, during which W stayed at home with the parties' 2 children and H worked in oil and gas. W applied for interim spousal and child support based on H's last 3 years of income as follows: \$639,163 (2015), \$489,222 (2014), \$552,021 (2013). H presented uncontroverted evidence that his employer had reduced his income as a result of the economic malaise in the oil and gas industry. H's evidence was that his total base income in 2016 would be \$120,856. Despite this, CJ awarded child support and spousal support based on an income of \$560,000, being the average of the H's income from 2013-2015. CA allowed the appeal, set aside the award and returned the matter to QB, ordering \$7,593/mo. in child support and \$2,301/mo. in spousal support in the interim. CA found that the CJ erred in relying exclusively on historical income and had failed to take into account the H's current decreased income as well as the means, needs and circumstances of the parties. Interestingly, the CA noted that the CJ's order required the H to pay nearly 200% of his current gross income to W; however, the CA's interim award provided the W with nearly 100% of the H's gross income.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Kohan v Kohan, 2016 ABCA 125	10 Year Marriage, 11 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent Child (Age Unknown), 1 Independent Child	Mr. Justice Martin, Mr. Justice Slatter, Madam Justice Veldhuis	Retroactive spousal support claim referred back to QB for determination	Final	Not enough information to generate a SSAG range	Parties had been separated for 10 years before trial and had split custody of the two children. Parties did not have any post-secondary education but were both entrepreneurial. However, both parties went bankrupt and there was very little matrimonial property to divide. In the first year of separation, W earned more income than H. Post-separation, H obtained an MBA and saw an increase in his income, with a base income that averaged \$155,000 during the first 5 years after separation, increasing to an average of \$270,000 in the last 5 years. H also received large bonuses in several years that exceeded his base income. W changed careers and her income dropped significantly. TJ awarded child support for two children and spousal support arrears from separation for a period of 10 years (until eldest child was 18) by way of a \$500,000 lump sum, based on the H's income including the sizable post-separation bonuses. H appealed. CA allowed the appeal in part. CA held that eldest child was not a child of the marriage. TJ's reasons did not explain why the bonuses were factored in full in the calculation of spousal support. Post-separation increases in income can sometimes be considered in determining spousal support, depending on a number of factors including the length of the marriage, the roles adopted during the marriage, the time elapsed between the date of separation, the subsequent income increase, and the reason for the income increase. In this case, the bonuses came after the separation and were the result of unprecedented market conditions in the new housing market. The bonuses were not attributable to contributions of the W and arose many years after the separation. It was not sufficient for the TJ to say that the W had contributed in a general sense to the H's skill set which were a factor in the bonuses. As such, the W did not meet the burden of demonstrating entitlement to a share of the bonuses. Further, CA determined that the TJ had failed to provide adequate reasons for awarding a \$500,000 lump sum. TJ had failed to identify the quantum of the periodic support and the income levels supporting the underlying analysis, and simply pronounced the award. The source of this quantum of spousal support was completely unexplained on the record, only providing the amount without any reference to the evidence and the criteria set out for spousal support in the Divorce Act. Because of these two errors by the TJ, the lump sum award was set aside. H's income was to be capped at \$350,000 for any given year with the quantum of spousal support to be referred back to lower court for determination.
Smith v Smith, 2016 ABCA 376 (see 2015 ABQB 817 in our 2015 Spousal Support Case Summaries)	31 Year Marriage, Total Cohab Unknown	Payor: \$98,400 Payee: Nil	Payor: 59 Payee: Unknown Age of Payee at separation: Unknown	4 Independent Children	Madam Chief Justice Fraser, Madam Justice Paperny, Madam Justice Greckol	\$1,750/mo. for 3 years (\$4,000/mo. From June 2012 to Nov 2014; \$8,000.00 from Dec 2014 to Dec 2015) (Total duration of 6.5 yrs)	Final	Low: \$3,075 Mid: \$3,588 High: \$3,953 (Insufficient information to calculate duration) ("Without Child Support" Formula)	Appeals by both H and W on various aspects of the TJ's decision. H appealed final spousal support award and failure to retroactively adjust spousal support for overpayment. W appealed costs award and valuation of H's RRSP and savings plan account. Parties had a long-term traditional marriage during which the W left her job as a legal secretary after the birth of the parties' first child (6 yrs into marriage) and the H worked as a labourer then a supervisor in the oil and gas industry. H decided to retire early from job at age of 58 with full pension benefits. At trial 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. H's pensions were divided such that the W received 50% of the value as at separation, and 40% of post-separation increases. TJ noted H had ability to take on contract work post-retirement and was likely to do so. In order to assist the parties in transitioning to full retirement, and to assist the W in achieving self-sufficiency, W was awarded spousal support of \$1,750/mo. for 3 years. Although the Court stated that the prior award of \$8,000/mo. was too high, no retroactive spousal support adjustment was made as it was determined that \$6,000/mo. was an appropriate amount and H had underpaid support when he was paying \$4,000/mo. CA upheld this decision. H argued that ongoing spousal support constituted double-dipping as he was retired and would have to pay support from his share of pension benefits. H also argued that TJ had failed to consider whether such an award was required to promote W's economic self-sufficiency. CA found that the rule against double-dipping may not be applied where there is a strong spousal support claim that is based on the means and needs of the parties. CA found that TJ had properly considered the W's lack of work outside the home, the W's medical evidence that she could not work further, the W's needs, and the H's capability and likelihood of finding contract work post-retirement. H's appeal on spousal support dismissed.

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Murphy v Haworth, 2016 ABCA 381	17 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Independent Children	Mr Justice Berger, Mr Justice Slatter, Madam Justice Rowbotham	\$2,500/mo. plus \$6,500/mo. to be paid in trust to lawyer	Interim	Not enough information to generate a SSAG range	After separating, the parties entered into an agreement whereby H was to pay W \$2,500/mo. in partner support. A further Order was made in 2015 directing that H pay half of the structured payments he received from the sale of his business of approximately \$6,500/mo. into his lawyer's trust account for W. H applied to end the requirement that he pay half the structured payments into trust and the CJ dismissed the application. H appealed. CA noted that partner support orders, particularly interim orders, are to be reviewed with deference. However, the CJ's order was in the nature of a preservation order. There was nothing in the CJ's order suggested a legal error or was unreasonable and thus H's appeal was dismissed.

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									
Klein v Wolbeck, 2016 ABQB 28	8.5 Year Total Cohab	Payor: Unknown (\$90,000 in 2009, \$120,00 in 2010) Payee: Unknown	Payor: 49 Payee: 49 Age of Payee at separation: 42	1 Dependant Child (Age 13)	Mr. Justice Renke	\$1,000/mo. from Feb 2009 to Jan 2016, \$750/mo. for Feb & Mar 2016, \$500/mo. for Apr & May 2016 (Total duration of 7 yrs.)	Final	Not enough information to generate a SSAG range	Application by H to terminate partner support that was granted under an interim order whereby H had been paying \$1,000/mo. for 7 years. Court held that the interim order could be varied as H had established four material changes in circumstance: (1) there had been a significant passage of time, (2) W had obtained employment where she was formerly unemployed, (3) parties' had moved towards a shared parenting arrangement regarding their son, and (4) for a time the W had improperly possessed income-earning assets (8 rig mats) of the H and profited from same. Court considered the factors for making a support award and the objectives of partner support in the Family Law Act, as well as the duration ranges suggested by the SSAGs, and concluded that it was appropriate for partner support to terminate in the circumstances. Parties had cohabitated for 8.5 yrs. and H had been paying support for nearly 7 years. W's age did not preclude her from being practically able to find employment or retrain permitting self-sufficiency. W was entitled to compensatory support on the basis that she had taken time out of the workforce to maintain the home and raise the children, however, she had received support for a period of about 85% of the total time she was absent from the external workforce. Overall, besides this time out of the workforce, she had not been economically prejudiced by the relationship and any disadvantage she sustained as a result of the breakdown of the relationship had been mitigated by time and the support already paid. W had not sacrificed any education or career opportunities to take on the role of homemaker. There was no evidence that W could not work more hours and she had not made efforts to obtain better employment or retrain. Though the Court noted that the H had the means to pay and earned about \$80,000 more than the W, W had been sufficiently compensated for the disadvantages she incurred from the relationship and it was appropriate that support be reduced for several months and then terminated completely. Court also divided the equity in the parties' jointly-owned home unequally in favour of the H, as he was able to show that the W did not contribute to the cost of the property beyond contribution to the down payment.
Thoriakson v Thoriakson, 2016 ABQB 52	24 Year Marriage, 24 Year Total Cohab	Payor: \$365,000 (\$305,000 for 2013, \$325,000 for 2014, \$330,000 for 2015) Payee: \$67,000 (\$44,000 for 2014-2015)	Payor: 49 Payee: 46 Age of Payee at separation: 44	2 Dependant children (Ages 15 & 19)	Mr. Justice Jerke	\$6,000/mo for 8 mos. in 2013, \$5,750/mo. for 2014, \$5,750/mo. for 2015, \$5,500.00/mo. for 2016 and ongoing until 2023 (Total duration of 12 yrs.)	Final	Low: \$5,253 Mid: \$6,197 High: \$7,174 Duration: Indefinite ("With Child Support" Formula)	Parties had a traditional marriage. H, a lawyer, had been economically advantaged by the marriage as W had left her full-time career as a social worker to take care of the home and children while H pursued his full-time career and advancement opportunities. W was disadvantaged by the breakdown of the marriage and the cessation of splitting of the H's income. Further, W remained the primary caregiver of the children after separation. As such, W was entitled to support on a compensatory basis. However, any disadvantage W sustained was reduced by the flexibility she enjoyed during the marriage to study and pursue other interests. W had the opportunity during the marriage to re-certify as a social worker, but she chose not to. As well, both parties had been economically disadvantaged by the marriage due to overspending, which resulted in a large income tax obligation and consumer debt. Matrimonial property was divided equally (which resulted in the W owing the H a payment of \$114,052), and the Court observed the parties had accumulated more debt than assets. W had not made reasonable efforts to become economically self-sufficient. The choice and pace of her pursuit of education (in psychology) did not make sense. Ultimately, W had the capacity to earn a reasonable income as a social worker and was choosing not to do so. Court imputed an income to W of what she would be earning had she obtained employment as a social worker. W was still relatively young and had the ability to obtain stable work. Since the parties had incurred significant debt, Court observed that the SSAGs were less helpful for determining the appropriate length and quantum of support. H was ordered to pay support for a total of 12 years at the low end of the range. This was justified given W's intentional under-employment and ability to become self-sufficient, H's high child support payments and the parties' substantial debt.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Tarrabain v Tarrabain, 2016 ABQB 128	11 Year Marriage, 14 Year Total Cohab	Payor: \$362,124 Payee: \$49,608	Payor: 50 Payee: 47 Age of Payee at separation: 43	1 Dependant Child (Age 13)	Mr. Justice Burrows	None	Final	Low: \$4,293 Mid: \$5,009 High: \$5,724 Duration: 7 to 14 yrs ("Custodial Payor" Formula)	H sought an order for spousal support on a compensatory basis. H operated a pawn shop on a cash basis and had no accounts to offer as evidence. H did not provide the required financial disclosure to the Court and it was determined that it was unlikely that his income tax returns reflected his true income. A chartered accountant/business valuator provided an opinion to the Court that the H had a potential income of \$49,608, and the Court imputed his income at that amount. H argued that he had been earning an income up to the time of the separation but that shortly after his business failed as a result of the marriage breakdown. However, Court found that the business failed for reasons unrelated to the marriage, namely, his substance abuse problems. Further, there was evidence that H had, in the past, been able to bring home substantial amounts of cash from his business to pay for his expenses and the family's. As such, Court determined that he was capable of being financially self-sufficient and even if he was not financially self-sufficient, the cause, his substance abuse, created no legitimate call on the obligations of mutual support the parties undertook in their marriage. Though H did not seek support on a non-compensatory basis, the Court found that H had no entitlement to same. No spousal support was ordered; however, H was required to pay child support based on his imputed income of \$49,608 retroactive to September 1, 2012. Arrears were payable in increments of \$500/mo.
Smith v Alayo, 2016 ABQB 168	3 Year Marriage, Total Cohab Unknown	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	None	Master Schlosser	\$2,000/mo. towards arrears	Interim	Not enough information to generate a SSAG range	Parties married in Cuba where W was resident. W came to Canada two years later to reside with H, shortly after which the parties separated. H alleged that the parties were never in a relationship and married for the purpose of allowing the W to immigrate to Canada. W maintained that the parties cohabited in Canada for several months and had a relationship. The first order for spousal support was not made until 6 years after separation at which time H was ordered to pay \$1,500/mo. for 6 months, subject to the W's right to apply to have the support continued. A number of subsequent orders were made for the continued payment of \$1,500/mo. and H fell in to significant arrears. 10 years after separation, H was subject to a default hearing pursuant to the Maintenance Enforcement Act, where his ongoing obligations were terminated and he was ordered to continue paying \$2,000/mo. through MEP towards his arrears of more than \$30,000. H brought an application to terminate his obligation to pay arrears pursuant to s. 28 of the Maintenance Enforcement Act. Master noted that the onus rested on the H to show that he did not have the ability to pay; it was not a rebuttable presumption in the classic sense. H argued that he was unemployed and had no ability to pay the arrears, however, there was evidence that he worked at a company he formerly owned and it was doubtful that he did not derive at least some income from it. Master found the H's evidence with regard to his employment and income was suspicious, evasive, vague and only proved that he was not working in the conventional sense. H had been managing to pay the \$2,000/mo. towards his arrears and there was no reason to disturb the status quo. H was ordered to continue to pay this amount towards his arrears until his support obligation was revisited at Trial.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Grant v Grant, 2016 ABQB 198	23 Year Marriage, 23 Year Total Cohab	Payor: \$175,550 (2014: \$161,600) Payee: \$48,750 (2014: \$87,418)	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	3 Dependent children (Ages 19, 17 & 16) 1 Independent Child	Madam Justice Read	Lump sum retroactive spousal support of \$74,800 for 22 mos. (taken by W as RRSP withdrawals), \$1,800/mo. ongoing, indefinite (reviewable in July of 2019)	Final	Low: \$2,101 Mid: \$2,451 High: \$2,801 Insufficient information to calculate duration (Custodial Payor Formula)	Parties married for 23 years and attended Trial to resolve the issues of matrimonial property, spousal support, and child support. At the time of marriage, H was a plumber and pipefitter, and W was a draftsman. W continued to work for several years after the children were born and only took minimal time off during her maternity leaves. W did majority of household work and childcare, allowing H the opportunity to advance his career and obtain experience and job skills. W's job skills had become less in demand and she was laid off from her drafting position in 2013. W obtained contract work in a different field in 2015. Court observed that the H's ongoing income would likely be less than what he previously earned due to the current economic downturn. H had paid the W interim spousal support of \$1,000/mo. pursuant to a court order since June 2014. The four children lived with H for most of the time after separation, but by the time of trial the eldest child resided with W. W had paid no child support and was ordered to pay retroactively. W sought retroactive spousal support from the date of separation to date of trial in the amount of \$74,800. W had cashed in RRSPs in 2014 and 2015 to pay for living expenses. These amounts were not considered in the division of matrimonial property, but instead, \$74,800 of the total amount of withdrawals was characterized as lump sum retroactive spousal support paid to the W. Any withdrawals that exceeded \$74,800 were to be treated as ongoing lump sum spousal support, credited towards H's ongoing support obligation to the W of \$1,800/mo. This quantum was based on the parties' incomes, W's budget and the SSAGs. Court noted that the W's future employment situation was precarious and concluded that the W's entitlement to support would continue until July 2019, at which time her entitlement would be reviewable.
Hodges v Hodges, 2016 ABQB 210	10 Year Marriage, 12 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependent Children (Ages 11 and 5)	Mr. Justice Wilson	\$500/mo. for 35 mos. (retroactive), \$200/mo. ongoing for 36 mos. with right to apply for variation of quantum (Total duration of 5.9 yrs)	Final	Not enough information to generate a SSAG range	Parties were ordered to attend a 3-day viva voce hearing to determine the issues of spousal support and matrimonial property division. The matrimonial home had already been sold and the proceeds were divided such that property was equalized. W was the sole caregiver of the children. H had no contact with the 11 year old at the child's request and had supervised access with the 5 year old. The parties agreed that W was entitled to spousal support on a compensatory and non-compensatory basis. The parties also agreed that spousal support should terminate in 3 years, meaning that support would be paid for a total of 6 years. CJ agreed, finding that W was in charge of the majority of the household tasks and the primary care of the children, that W had taken 1 year maternity leaves with each child, and was off work for 9 mos. as a result of a motor vehicle accident. The combination of the maternity leaves and accident resulted in a stagnation of the W's employment. Further, the parties' oldest child suffered significant mental health difficulties. W took on the vast majority of his care pre-separation and all of his care post-separation. W had to take time off of work, and testified that her responsibilities caused stress and resulted in the W taking a stress leave. On the other hand, CJ found that H's employment income had steadily increased pre and post-separation, that nothing had interfered with his career, and that he had little responsibility for child care pre-separation and virtually none post-separation. Additionally, W and the children suffered from a significant drop in their standard of living post-separation. W provided a "bare bones" budget under which she suffered a monthly shortfall of \$375.58/mo. There was a prior interim spousal support award of \$500/mo. that was stayed after 1 payment by the H. CJ further found that as a result of an increase in child support in 2015, W should have a budget surplus of \$258.42. However, CJ noted that the H was in arrears of child support (\$12,000), therefore W had to bear the costs of his failure to pay. W had made RRSP withdrawals since separation to make ends meet. H's counsel proposed spousal support in accordance with the SSAG's in the range of \$0-\$234/mo. based on the parties' 2013 incomes. Court did not rely on the calculation as the W's income had decreased by \$10,000 since 2013 and H had lost his job in November of 2015 as a result of the economic downturn in Alberta, and had not found a job with commensurate income. Based on the circumstances, the Court ordered retroactive support of \$500/mo. from the month after separation (April of 2013) until March of 2016 (35 mos.). Ongoing spousal support was ordered in the amount of \$200/mo. for a further 3 years. The drop in the quantum was intended to recognize H's employment situation. CJ expressly ordered that either party had leave to book a half day special to vary the amount of ongoing spousal support, contemplating that W should have the benefit of an increase in the quantum of support if H's income increased, and that if H does not continue to seek better employment, that W could return to have an income imputed to him.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Pickett v Walsh, 2016 ABQB 222	18.5 Year Marriage, 19.5 Year Total Cohab	Payor: \$60,000 (\$134,851 for 2013, \$134,000 for 2014) Payee: \$30,000 (\$40,000 for 2013 and 2014, \$35,000 in 2015)	Payor: 44 Payee: 45 Age of Payee at separation: 42	2 Independent Children	Mr. Justice Renke	Ongoing support of \$800/mo., suspended until material change in Payor's medical and financial circumstances (Retroactive support of \$800/mo. From date of separation, Feb 2013, to date Payor ceased working, Aug 2015)	Final	Low: \$731 Mid: \$853 High: \$975 Duration: 9.75 to 19.5 yrs ("Without Child Support" Formula)	Parties had an interim order pursuant to which H was to pay retroactive and ongoing support of \$800/mo. as of Feb. 1, 2013. Arrears of retroactive support were set at \$19,200. As of January, 2016 H's arrears increased to \$21,803.35 and a Stay of Enforcement was granted for 90 days on the condition that H would pay \$500/mo. towards spousal support without reducing arrears. W suffered a serious injury in February 2015 and had been off work since and receiving disability payments, while H had been diagnosed with a heart condition in August 2015, stopped working and was on long-term disability. W had a new partner that was ill, not working and had no insurance benefits. H had a new wife who was disabled and not receiving disability insurance. TJ noted that the parties were young, that their cohabitation was long-term, that both parties had contributed to the care of their children, that both parties had worked throughout the marriage, and that neither party sacrificed their career for the other. In addition, TJ found that H's income increased significantly at the end of the marriage, that the W had a long-term injury rendering her job prospects poor, and that the H's health could prevent him from working again. Though both parties had re-partnered, neither new partner could contribute to the parties' household expenses. TJ found that W was not entitled to non-compensatory support as her disability, which gave rise to her current need, had no connection to the marriage, taking place two years after separation. TJ cited Bracklow in this regard. TJ found that W was entitled to compensatory support on the basis that she had suffered economic hardship as a result of the breakdown of the marriage and on the basis that over 20 years of marriage the parties' had merged their economic lives and it was reasonable for W to expect to share in the good fortune of the H's employment so that her new standard of living would at least approximate the standard of living during the marriage. Given all the circumstances, \$800/mo. for 6 years from the date of separation was an appropriate award. However, given the H's heart condition, there had been a material change in the circumstances as of September 1, 2015 and arrears accruing after this date were vacated. Ongoing support was suspended until further Court order based on material change in H's medical and financial circumstances. H's obligation to pay support was to terminate on December 31, 2018.
Sopczak v Yoon, 2016 ABQB 290; 2016 ABQB 564	6 Year Marriage, Total Cohab Unknown	Payor: \$40,764 in 2015, \$47,504 in 2014 Payee: Nil	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	1 Dependent Child (Age Unknown)	Madam Justice Veit	\$1,000/mo. until Trial	Interim	Low: \$616 Mid: \$725 High: \$836 (Based on H's 2015 income) (Insufficient information to calculate Duration) ("With Child Support" Formula)	Parties had been in Court continuously since their separation in 2008 and had made at least 25 Court appearances. At Trial in 2010, H was ordered to pay spousal support of \$1,700/mo. until further order of the Court based on H having an income of \$60,000. In 2013 the Court cancelled \$20,000 in arrears that had been accumulated by the H for child and spousal support and confirmed the H's ongoing obligation of \$1,700/mo. in spousal support based on a projected income of \$60,000. In 2015 a further order was made reducing the H's ongoing spousal support obligations to \$1,000/mo. and adjourning the matter to a special chambers hearing. At the special chambers hearing, H applied for various relief including an order terminating ongoing spousal support as well as arrears, but it was determined that a Trial was necessary to determine ongoing support. With regard to cancelling ongoing support, there was evidence that there had been a material change in circumstances warranting variation (the change being that the W had recently purchased a home for \$450K); however, there was insufficient evidence before the Court with regard to the parties' financial circumstances. As such, this portion of the H's application was adjourned to a case conference. With respect to the cancellation of spousal support arrears, the Court noted that the H had not been earning \$60,000 in income in 2014 and 2015 as was projected and thus was entitled to a reduction of arrears of \$4,008 based on the lower income he actually earned. At the case conference, it was determined that the matter of spousal support must be heard at a two-day trial with the H's ongoing support to continue at the reduced amount of \$1,000/mo. until that time. H's arrears were also conditionally suspended until the issue was disposed of at Trial.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
BVO v MMO, 2016 ABQB 366	35 Year Marriage, Total Cohab Unknown	Payor: \$4,000/mo. net income (\$143,000 gross income in 2015) Payee: Nil	Payor: 65 Payee: 56 Age of Payee at separation: 53	3 Independent Children	Mr. Justice Lee	\$1,500/mo. ongoing reviewable in September of 2016	Interim	Low: \$1,853 Mid: \$2,109 High: \$2,109 Duration: Indefinite ("Without Child Support" Formula)	Application by the W in morning chambers for interim retroactive and ongoing spousal support. H had a long career as a lawyer. H lost his job in 2015 was currently employed at a charitable organization with a salary of approximately \$4,000/mo. after tax. H was hoping to earn extra income by starting a teaching position at a University. H's budget disclosed expenses of \$3,100/mo. W was unemployed and had worked very little throughout the marriage. W stayed in the matrimonial home after separation and H moved out. H provided evidence that he had been paying support to the W (of 52% - 55% of his net income) since the date of separation. Given this and that the W had failed to provide the Court with a budget, Court declined to make a determination on retroactive support in morning chambers. With regard to ongoing support, H sought to have income imputed to the W, however, the Court found that the W's income and employment prospects were non-existent. Court found there was no issue of entitlement given the long-term marriage and given the W's limited employment experience and support of the H's career. Court found that since the H had \$900/mo. net income after expenses and would begin receiving a pension of approx. \$700/mo., \$1,500/mo. in ongoing interim support was an appropriate amount. Given that the H was hopeful he would be earning approximately \$2,000/mo. in additional income when he started teaching in the fall, spousal support award was reviewable in September 2016 if the H began teaching at that time.
Schmaus v Schmaus, 2016 ABQB 408	11 Year Marriage, Total Cohab Unknown	Payor: \$95,000 Payee: Nil	Payor: Unknown Payee: Unknown (both parties in their late 30s) Age of Payee at Separation: Unknown	3 Dependent Children (All under age of 13, youngest being 7)	Mr. Justice Sanderman	\$1,050/mo. retroactive from July, 2013, \$1,050/mo. ongoing to be reduced to \$750/mo. for the months the W is pursuing education	Interim	Low: \$730 Mid: \$932 High: \$1,139 (Insufficient information to calculate duration) ("With Child Support" Formula)	H sought variation of spousal and child support; W sought an accurate assessment of the H's income, spousal support based on this income and security for future support payments. H, a tradesman, started a business during the marriage acquiring and fixing up homes. W was a full time care-giver for the 3 children and was not employed after the birth of the first child. Parties enjoyed a high standard of living. In the past the Court had had difficulty determining the H's income given the nature of his business. A few months after separation, Court set H's pre-disclosure income at \$125,000 and ordered spousal support of \$3,380/mo. plus child support. A year later the Court stayed the payment of one-half of the spousal support and reduced the payment to \$1,690/mo. H failed to pay and arrears accumulated. Shortly after, the parties entered into a consent order that set global support payment at \$3,500/mo. without a breakdown of child and spousal support. H argued that \$125,000 was too high of an assessment of his income and sought adjustment of arrears and ongoing support. Court found that the W was entitled to compensatory support given the length of the relationship and the W's role as a full-time mother, however, it also took into account that she had made no efforts to become self-sufficient and obtain employment since separation. On the evidence the Court could not definitively determine the H's income, however, it found that \$125,000 was too high and a more accurate income was \$95,000. Court awarded \$1,050/mo. in spousal support to be reduced to \$750/mo. while the W attended a Dental Assistant's Program given that the program was to be funded by \$20,000 in matrimonial property. Court noted that H should have paid a mid-range amount according to the SSAGs. Retroactive support was to be adjusted with overpayments by the H to be set off against any arrears. Court found there was not enough evidence to order security for future support payments.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Slugoski v Slugoski, 2016 ABQB 423	49 Year Marriage, Total Cohab Unknown	Payor: \$42,500 Payee: \$18,000	Payor: 73 Payee: 69 Age of Payee at Separation: 66	Unknown	Mr. Justice Langston	\$800/mo. indefinitely	Final	Low: \$766 Mid: \$893 High: \$951 Duration: Indefinite ("Without Child Support" Formula)	Parties attended a Summary Trial for a determination of division of matrimonial property and spousal support. During the marriage H was the primary income earner, however, at the time of Trial, H had been retired for 6 years and W was still working full-time. H was primarily supporting himself by drawing funds from matrimonial property, namely, his RIFF and the LIF which was matrimonial property. Matrimonial property was divided equally between the parties. As the RIFF and LIF were to be divided equally, the H would no longer be able to draw on these funds and would only have income in the form of CPP and OAS payments giving him an income of approx. \$1,500/mo., resulting in a significant disparity in the parties' incomes. Given this was a long-term marriage, the Court found that both matrimonial property and other economic benefits which accrued to the parties should be split equally. Court determined that the disparity in the parties' incomes must be remedied and ordered the W pay \$800/mo. to the H indefinitely. Further, the H was not required to pay back the funds he had unilaterally withdrawn from his RIFF and LIF as he was required to do so to meet his needs.
Martin v Martin, 2016 ABQB 425	27 Year Marriage, Total Cohab Unknown	Payor: Nil (\$761,175 in 2015 including share bonus) Payee: Nil	Payor: 57 Payee: 51 Age of Payee at Separation: 45 (Approximately)	3 Independent Children	Mr. Justice Miller	None	Final	Low: \$0 Mid: \$0 High: \$0 ("Without Child Support" Formula)	Parties had a traditional marriage. H worked as a land surveyor and had significant yearly income which was mainly due to substantial share bonuses he received each year from his employer. W had minimal employment outside of the home and her ability to work was physically limited by a car accident she suffered during the marriage. During the marriage W was responsible for raising the children and maintaining the home. Parties had a comfortable and enviable lifestyle and traveled frequently. At Trial, the parties had been separated for approx. 5 years. H's post-separation income had increased substantially from an average of \$405,875 in the 7 years preceding separation, to an average of \$777,600, mainly due to the significant share bonuses he received (paid by T4, not as a dividend). The survey company the H worked for was a privately held employee owned company. H acquired equity shares and upon his retirement he was obligated to sell his shares and receive payments over 5 years. Shortly after separation H began paying W \$3,340 tax free each month, which was later continued by way of a Consent Order. H also paid certain expenses for the matrimonial home, in which the W remained, and two annual instalments of \$12,500 from the share bonuses he received. Before trial, Court directed that pending Trial, W was entitled to 50% interest in the shares held by the H. H resigned from his employment immediately preceding the trial (nothing untoward) and had no ongoing income. The main issue for determination was whether the substantial share bonuses received by the H were to be treated as income or matrimonial property. H argued that bonuses were income and not property, otherwise, double-dipping would occur. W argued the bonuses were property, and thus divisible. Court found that there is no blanket rule for how share bonuses should be treated, but that in this case the share bonuses were not contingent on performance and were based on the H's proportional share of ownership in the company. The share bonuses were akin to a pension and should be dealt with as an asset to be shared equally between the parties. Court found no reasons not to divide the bonuses equally and directed that they be split, after accounting for taxes and credits for payments already made. With regard to retroactive spousal support from the time of separation to trial, TJ imputed an income of \$20,000 to the W given that the children were all independent and she had some ability to work. Given that the interim spousal support paid by the H up to the time of trial adequately met the W's needs, there was no reason to award retroactive support beyond what had been paid. With regard to ongoing support, H had reasonably left his job and no longer had any income and thus an award of ongoing support would not be appropriate. The issue of ongoing spousal support was reserved until the H resumed employment with the quantum and duration to be determined.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Rockey v Hartwell, 2016 ABQB 438	8 Year Total Cohab	Payor: \$150,000 (\$12,500/mo.) Payee: Nil	Payor: 37 Payee: 32 Age of Payee at separation: 30	None	Madam Justice Campbell	None	Final	Low: \$1,500 Mid: \$1,750 High: \$2,000 Duration: 4-8 yrs ("Without Child Support" Formula)	Parties never married but lived together on and off over a period of 10 years while H, a mechanical engineer, grew his business and W completed a BSc. Length of cohabitation was in dispute and Court found that the parties had an 8-year total cohabitation. W brought an application for unjust enrichment and partner support pursuant to the Family Law Act. Court held that H was enriched to the detriment of the W who established an equitable entitlement to some of the assets. This resulted in an unequal distribution in the amount of \$134,000. Remaining issues were whether parties were Adult Interdependent Partners, and if so, whether W was entitled to partner support. During relationship W attended university in Calgary and traveled back and forth to stay with H in Sylvan Lake. H started a business and had a fluctuating monthly income in 2015 ranging from \$12,500/mo. to \$100,000/mo., however, at the time of trial, his income was purported to be \$12,500 a month due to a downturn in the economy. W attended university and worked a variety of jobs throughout the relationship including as a lifeguard, a meter reader and data analyst and research assistant. At the time of Trial she was attending university again to pursue a Master's Degree and was not working. The parties never contributed directly to one another's finances during the relationship and H paid for the acquisition of the home they resided in together. Immediately after separation H paid voluntary support to W and 9 months later was ordered to pay \$5,000/mo. in interim partner support. Court found that during their cohabitation the parties remained completely financially independent from one another, however, they were in a committed, exclusive conjugal relationship and held themselves out to the community as a couple as well as divided household chores and expenses for the home in which they resided. On this basis, they were found to be adult interdependent partners. With regards to entitlement, Court found that W was not entitled to support on a compensatory basis as her employment and education had not been disadvantaged by the relationship and she had obtained better employment and future prospects during the relationship. Court further found that she was non entitled to support on a non-compensatory basis. W had unilaterally made the decision to return to school and could not have had an expectation that H would contribute to her finances as he never supported her financially during their relationship. Further, W had not taken into account her obligation to support herself and was fully capable of obtaining employment and student loans to assist her. Any entitlement to support had been satisfied by the \$82,900 in partner support H had paid between the date of separation and trial. No support ordered.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
DBF v BF, 2016 ABQB 484	13 Year Marriage, Total Cohab Unknown	Payor: \$250,000 Payee: \$30,000	Payor: 46 Payee: 44 Age of Payee at Separation: 39	1 Dependent Child, Age 11	Madam Justice Campbell	\$6,200/mo. ongoing (further 5 years for 10 years total duration)	Final	Low: \$4,749 Mid: \$5,449 High: \$6,167 Duration: 6.5-13 yrs ("With Child Support" Formula)	Both parties were from Turkey and came to Canada several years after marriage. In Turkey, W had a successful business and the parties enjoyed a comfortable lifestyle. In 2001 H moved to Canada to pursue a business opportunity, eventually becoming the President and CEO of a real estate development company. W did not want to move from Turkey to Canada but agreed to move in 2003 on the understanding that the move would be of temporary duration for 2 to 3 years. W left her business in Turkey and moved to Canada. Shortly after the parties had a child. W worked for a short time as an HR consultant after the birth of their child but stopped working when the child was diagnosed with cancer. Parties separated with the W having primary care of the child. There was an interim order for \$1,735/mo. in child support and \$5,250/mo. in spousal support, based on a presumed income of \$200,000 for the H. Thereafter a shared parenting regime was ordered. Trial was held 5 years after separation on the issues of mobility, custody and access, division of matrimonial property and child and spousal support. W's application to move to Turkey with the child was refused; Court ordered joint custody with the shared parenting regime to continue until W moved to Turkey. TJ held that H's Line 150 reflected his guideline income despite W's arguments that there was undisclosed income, with the exception of \$8,000 in reimbursed vehicle expenses. TJ held that W was intentionally unemployed and imputed an income of \$30,000 beginning about one year after separation. Child support was adjusted retroactively and ongoing in accordance with both parties' guideline incomes. Parties agreed W had entitlement on both a compensatory and non-compensatory basis given that W had left her successful career in Turkey for the H's career in Canada and had remained largely out of the workforce since the move. W had provided childcare, maintained the family household and supported the H's career; she was financially disadvantaged by the breakdown of the marriage. TJ ordered spousal support in the middle to high range of the SSAGs as the relationship was of medium duration, W had given up a promising career to relocate for the H's career, W needed time to transition from her role as primary caregiver of the child to greater self-sufficiency, and an equalization of the parties' incomes was appropriate to reflect the disadvantage suffered by W upon marriage breakdown. TJ awarded \$8,000/mo. in the first year of separation and \$6,000/mo. thereafter (by way of a lump sum of \$54,187 adjusted for tax) and \$6,200/mo. in ongoing support including 20% of the net of tax amount of any bonus or salary increase paid to the H over and beyond his base salary for so long as the W was entitled to spousal support. Spousal support was to be paid by the H for a total of 10 years from separation onward unless the W moved to Turkey, in which case spousal support would cease 3 months after such a move, given that W was capable of earning a significant income there. Remaining matrimonial property divided.
Fulk v Kulchyski, 2016 ABQB 519	22 Year Total Cohab	Payor: \$45,000 (2014: \$60,000) Payee: Unknown (minimum wage)	Payor: Unknown Payee: Mid 40's Age of Payee at Separation: Mid 40's	1 Dependent Child, 8 years	Madam Justice Veit	None (W entitled to interim spousal support but H did not have sufficient means to pay)	Interim	Not enough information to generate a SSAG range	W applied for interim spousal support. Child resided primarily with H and parties were awaiting trial on the issue of parenting. W had not been employed outside the home for 8 years and during that time she had been economically and financially dependent on H. H said he encouraged W to seek employment, however, Court stated that even if H did not encourage dependence, he allowed dependence to develop. Wife entitled to support while overcoming dependence on H. H, however, found to not have sufficient income to pay spousal support. H had recently experienced substantial decrease in income and it was not in parties' best interest to negatively impact H's ability to maintain parties' only asset, the home. Additional reasons interim spousal support was not granted included H's assumption of conjugal debt, W not paying child support, W able to provide limited support for herself and limited information as to W's income.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Buchner v Long, 2016 ABQB 523	20 Year Total Cohab	Payor: \$162,000 (\$201,066 for 2013, \$175,958 for 2014, \$160,000 for 2015) Payee: \$79,758 (\$64,006 for 2013, \$81,363 for 2014, 98,326 for 2015)	Payor: Unknown Payee: Unknown Age of Payee at Separation: Unknown	2 Dependent (Ages 18 and 16); 1 Independent (Age 22)	Madam Justice Phillips	\$2,350/mo. for 2 mos; \$1,213/mo. for 12 mos; \$1,000/mo. for 17 mos. (until Trial) (Total duration of 3 yrs.)	Final	Low: \$346 Mid: \$885 High: \$1,452 (Insufficient information to calculate duration) ("With Child Support" Formula)	Trial on the issues of unjust enrichment, child support and partner support. At separation almost all of the family's assets were in the H's name. H had been paying W child and partner support since separation for 3 years which had been adjusted numerous times. W was granted exclusive possession of the family home. Based on facts very favourable to the W regarding her significant contributions to the family, Court held that H was enriched to the detriment of the W with no juristic reason. Parties contributed differently but equally and were found to have engaged in a "joint family venture where both parties contributed equally to the overall accumulation of wealth". Court made findings of (1) mutual effort as W took on primary household and childcare responsibilities with H focusing on career and finances, (2) economic interdependence and pooling of human and financial resources based on joint bank accounts and credit cards and shared expenses, (3) intent of parties to conduct themselves as a family unit as parties wore rings and made joint efforts in planning W's travel for work and (4) priority of the family given W worked inside and outside home for benefit of family and H contributed to household and family expenses. Court awarded W an equal share of all family assets accumulated during the relationship. W reasonably quit job prior to separation and was subsequently restricted in her job applications as the children's primary caregiver. W entitled to compensatory and non-compensatory partner support. A reasonably short period of support (3 years) was justified despite a long relationship as W self-sufficient in a short period of time by way of full time employment and due to the award as a result of her successful unjust enrichment claim (home valued at \$460,000, \$54,142 in non-registered assets, \$52,929 in registered assets). Lower end of SSAG's used for award of partner support for 2015 and 2016 as W more established, children managing themselves more and significant amount of child support paid to W (\$2,260/mo).
Olson v Olson, 2016 ABQB 533	23 Year Marriage, Total Cohab Unknown	Payor: \$22,665 (formerly \$71,819 to \$334,108) Payee: \$25,000	Payor: 58 Payee: 57 Age of Payee at separation: 50	2 Independent Children	Mr. Justice Renke	W entitled to spousal support indefinitely but none payable in circumstances	Final	Low: \$0 Mid: \$0 High: \$0 ("Without Child Support" Formula)	Trial after 7 years separation on the issue of H's income and obligation to pay spousal support. Parties acknowledged W's compensatory and non-compensatory entitlement and agreed that if spousal support was ordered it would be at the mid-range of the SSAGs. W did not work during marriage, instead maintained primary responsibility for the household and raising the parties' two children. Upon separation W moved with the children to the US, with the H's consent. W unsuccessfully sought retraining after separation, eventually obtaining a part time position. W was in very difficult financial circumstances, having accumulated serious debt, and was receiving government assistance. Spousal support was initially ordered at \$7,200/mo., which was decreased to \$3,833/mo. and then \$1,000/mo. H had only high school education but worked successfully for 38 years in oil and gas industry. H's employment terminated 5 years after separation due to the downturn in the industry. Since then, H had limited work in oil and gas and was otherwise employed part-time at Costco. Support duration found to be indefinite considering the length of the parties' relationship, the role of W and her displacement from work during the relationship, W's ongoing economic difficulties following breakdown of relationship, the relatively short period since separation and H's economic situation. W had no significant assets. H also had no significant assets save an RRSP valued at \$15,353.76. Court noted that the growth of the RRSP since matrimonial property division could be taken into account in assessing H's ability to pay upon retirement and once RRSP begins to pay out. However, Court declined to impute H's income to higher amount as H's actions were reasonable in the circumstances. H was not intentionally underemployed so as to avoid support obligations. H had proactively begun to look for work before his contract was terminated, had applied for over 70 positions. Competition for employment and the "buyers market" as a result of Alberta's economic challenges were considered by the Court. Court noted that a person must not be forced to engage in a limited range of employment to maximize earnings as this fails to recognize the fundamental importance of work to a person's life and fails to value the freedom to choose work which fulfills needs and interests extending beyond the receipt of an income. H's income found to be \$22,665. No spousal support payable by H, though the obligation was not terminated. Parties to share income tax information annually. Duration and amount of support payable reviewable without a change in circumstances on or after H turns 65 (or upon a change in circumstances before that date).

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
McMorran v McMorran, 2016 ABQB 532	12 Year Marriage, Total Cohab Unknown	Payor: \$120,000 (approx. double W's income) Payee: \$60,000 (approx.)	Payor: 54 Payee: 57 Age of Payee at separation: 39	2 Children (Ages 25 and 27, at least one independent) (7 and 9 at Separation)	Madam Justice Yungwirth	No variation of \$13,100 lump sum payment	Final	Low: \$975 Mid: \$1,138 High: \$1,300 Duration: 6.5 - 13 yrs ("Without Child Support" Formula)	Parties had been separated for 18 years, since the children were 7 and 9 years old. W was a teacher and H was a police officer. Parties signed Minutes of Settlement and obtained Consent Corollary Relief Order providing for payment by H to W of a lump sum payment of \$13,100 as full and final settlement of spousal support. 13 years later, W sought to set aside agreement and Order alleging duress or alternatively a change in circumstances sufficient to support variation. W sought retroactive spousal support of \$93,082.50 and ongoing spousal support of \$1,255/mo., in addition to retroactive child support (10+ years). Court considered the circumstances at the time the agreement was made and concluded there was no duress. W had expressed a preference for certainty over the risks of trial on both issues of spousal support and custody, signed an acknowledgement that duress had been explained to her, sought independent legal advice, requested and incorporated changes into the agreement and had the capacity to work. Court held that the W's health issue did not automatically entitle her to an indefinite award of spousal support. Court determined there had not been a material change in circumstances. W currently received approx. \$42,000/year in long term disability benefits plus \$1,088/mo. from the H's employment pension. W had been able to maintain stable income. No basis for variation of the agreement or Order was found and W's application for retroactive and ongoing spousal support were dismissed. There was no reasonable explanation for the delay in making the child support applications. H demonstrated no blameworthy conduct since notice date and no explanation of reasonableness or necessity of expenses were provided by W. Retroactive child support application was also dismissed.
SJG v TAG, 2016 ABQB 684	19 Year Marriage, Total Cohab Unknown	Payor: \$135,816 Payee: \$15,165	Payor: Unknown Payee: Unknown Age of Payee at Separation: Unknown	2 Dependent Children (Ages Unknown), 1 Independent Child	Mr. Justice Graesser	No variation to interim award of \$1,100/mo.	Interim	Low: \$1,235 Mid: \$1,657 High: \$2,115 (Insufficient information to calculate duration) ("With Child Support" Formula)	Parties separated but continued to live together for approx. one year. Shortly after, interim spousal support of \$1,100/mo. and \$1,871/mo. in child support was set as the children resided with the W. H brought application to vary interim child and spousal support orders in morning chambers. H argued that child and spousal support should be calculated using his base pay, not including significant overtime hours, and also argued hardship. H sought to impute income to W of \$60,000 or at least \$35,000 and have his spousal support obligations end on the basis that the W was able to become self-sufficient. Court noted that based on their past year's income the SSAGs provided a range of spousal support from \$1,396 and \$2,273/mo. and based on an imputed income of \$35,000 to the W, a range between \$850 and \$1,836/mo. Court noted that the current amount of spousal support was well below the low end of the SSAGs and that the matter should not be determined in morning chambers but rather at a family law special application. There were no grounds to vary the interim spousal support order. Retroactive child support was ordered and ongoing child support for two children was ordered, in addition to sharing of section 7 expenses.
Maurice v Matchett, 2016 ABQB 704	6 Month Marriage, 1.5 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at Separation: Unknown	None	Mr. Justice Graesser	No variation to interim award of \$1,200/mo.	Interim	Not enough information to generate a SSAG range	Parties separated after 6 months of marriage and had been separated for four years. After separation, the parties entered into an agreement without the assistance of counsel, which provided for the division of property and payments to be made from the H's corporation to the W. However, H failed to make payments pursuant to the agreement. W brought application for spousal support and was awarded \$1,200/mo. on an interim basis. W brought application to increase spousal support to \$3,500/mo., H brought cross-application to strike W's property division claim for long delay and to vacate interim spousal support order. Court found that although there had been a delay, it had not been inordinate and it did not bar her claim. Further, the significant disclosure provided by the W was a significant step that advanced the lawsuit. H argued that W had failed to demonstrate need for support or alternatively that the need was not connected to the marriage breakdown. Court found that the W's need was at least in part a result of the breakdown of the marriage as she was servicing debt incurred during the parties' relationship and had a reasonable expectation of payments from H's corporation pursuant to the separation agreement that had not materialized. H argued that the W had a greater earning capacity and challenged alleged health issues that the W argued limited her ability to work. Court held that more evidence and analysis was required to resolve the issue of spousal support and that the issue was intertwined with matrimonial property such that the issues must be determined together at a summary or full Trial. Court further found that the interim order of \$1,200/mo. spousal support was not unreasonable and should be continued until the issue could be resolved at Trial.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Zima v Vanderzwaag, 2016 ABQB 705	6 Year Marriage, 9 Year Total Cohab	Payor: \$262,864 Payee: \$67,541	Payor: Unknown Payee: Unknown Age of Payee at Separation: Unknown	None	Mr. Justice Hall	None	Final	Low: \$2,197 Mid: \$2,564 High: \$2,930 (Insufficient information to calculate duration) ("Without Child Support" Formula)	Parties were married for 6 years during which time H earned a Master's Degree in Engineering and W completed training to become a pilot. Parties had been separated for four years. After separation, W continued career as a pilot. W brought application for division of matrimonial property and retroactive (not ongoing) compensatory and non-compensatory spousal support. H argued that the W was not entitled to spousal support. Court found that during the marriage the W's career was not disadvantaged and she was able to train and become employed as a pilot, her chosen career. The parties did not have children and the W was not saddled with any debts or obligations as a result of the marriage. W was not entitled to support simply because of the disparity in the parties' incomes, in particular as she had made the career choice to become a pilot and had not been disadvantaged in achieving this goal. W did not establish entitlement and her claim for spousal support was denied. Court divided matrimonial property but held that it would not be just and equitable to divide the property acquired by the H after separation.
Alberta Provincial Court Cases									
McMullin v Turner, 2016 ABPC 49	Unknown (W alleged 14 Year Total Cohab, H Alleged 8 Year Total Cohab)	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependent Children (Ages 8 and 13)	Judge Cornfield	None	Interim	Not enough information to generate a SSAG range	W sought adult interdependent partner support from H. H was paying child support to the W of \$1,100/mo. pursuant to an order granted in 2015. Parties submitted conflicting evidence regarding the date of separation. H alleged that the parties had separated in 2008 and W alleged that the separation took place in 2014. Given that the length of the relationship and date of separation are important factors in determining the quantum and duration of support and given that the issue could not be determined on the basis of conflicting affidavit evidence, the Judge declined to make an order for partner support. The parties would have to go to Trial and the appropriate forum for Trial was in Nova Scotia where the parties had lived during the relationship.
Miller v Lisburn, 2016 ABPC 80	4.5 Year Total Cohab	Payor: Unknown Payee: Unknown	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	Unknown	Judge Fisher	None	Final	Not enough information to generate a SSAG range	W applied for retroactive partner support of \$500 per mo. for 20 mos. to assist with her monthly living expenses while she was pursuing educational training as a teacher's assistant. Since separation, W had a budget shortfall even though she was receiving government grants, student loans, the child care benefit, child tax credit, and child support from H. W claimed that she had given up her career as a result of the relationship, dropping out of graduate school when she became pregnant with the parties first child. H argued that W had worked throughout the parties' relationship (50-100 hours/mo.), and had obtained further training in the first aid field. W had taken the children and moved first to Calgary and later to Lethbridge without H's consent, having obtained an ex parte order for day-to-day care of the children. Court found that W had obtained educational training during the relationship and elected not to use it upon separation. Further, Court found that H had overpaid in child support, there had been no misconduct by H since separation, and H had to incur significant costs to exercise his parenting time as a result of the unilateral moves of the W. W had provided no evidence to justify her 3.5 yr. delay in bringing her application for support, W had an unused \$20,000 GIC, meanwhile any retroactive award would have an effect upon the financial situation of H and would very much impact his ability to have quality parenting time with the children. Court dismissed the W's application without costs.
Flemming v George, 2016 ABPC 268	< 5 Year Total Cohab	Payor: \$89,000 Payee: Nil	Payor: Unknown Payee: Unknown Age of Payee at separation: Unknown	2 Dependent Children (Ages 2 and 5)	Judge Cook-Stanhope	\$500/mo. for 12 months	Final	Low: \$1,042 Mid: \$1,242 High: \$1,446 (Insufficient information to calculate duration) ("With Child Support" Formula)	Parties were in a short-term relationship. H was a professional football player and W worked in marketing before the birth of the children. W developed a debilitating back condition during the relationship which left her unable to work. W maintained that she was ineligible for AISH or any other kind of benefit. H had been ordered to pay child support of \$2,000/mo. based on an income of \$150,000, however, H's actual income was approximately \$89,000, such that he was overpaying child support, however he did not apply for a reduction. Court did not accept Ms.'s contention that she was unable to obtain AISH or other benefits and found it inappropriate that she was seeking \$1,349/mo. in partner support without having pursued such resources. Given that the W's disability was not connected to the relationship, that H was overpaying child support and that the relationship was of short duration the Court found that partner support of \$500/mo. for 12 months was appropriate.