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2017 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									
Rooker v Rooker, 2017 ABCA 87	20 Year Marriage (approx.)	Payor: \$102,844 (including non-taxable VAC payments) Payee: Insignificant	Unknown	2 Dependent Children (Ages Unknown)	Marina Paperny, J.A., Frans Slatter J.A., Jo'Anne Strekaf J.A.	Unknown	Final	Low: \$1,842 Mid: \$2,118 High: \$2,432 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: H appealed retroactive and ongoing child and spousal support order which was based on an income that included non-taxable monthly benefits from Veterans Affairs Canada (VAC). H had been the financial provider and W did not work outside the home until she started working at Tim Hortons. W's earnings insignificant. H's monthly income consisted of \$3,657.42 in non-taxable VAC payments (plus a non-taxable annual VAC amount of \$6,951.98), a further disability payment of \$1,971.95, CPP of \$866.11 and Canadiana Force pension plan benefits of 1,495.56 (totalling \$8,570/mo. or \$102,844/yr.) Decision: Appeal dismissed. Decisions excluding VAC Benefits are based on the characterization that VAC benefits are not income replacement. However, the objectives of the DA and the requirement to consider the condition, means, needs or other circumstances required a broader view of what is included in income for support purposes. Using s. 19 of the FCSGs a court can impute income as it considers appropriate, including taking account of non-taxable benefits which fairly reflect the payor's ability to contribute to the support of children.

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H(JL) v W(RS), 2017 ABCA 98	25 Year Total Cohab	Payor: \$500,000 Payee: \$100,000 (imputed)	Payor: 57 (approx.) Payee: Unknown	1 Dependent Child (Age Unknown), 1 Adult Child	Frans Slatter J.A., Barbara Lea Veldhuis J.A., Sheila Greckol J.A.	\$9,000/mo.	Interim	Low: \$8,055 Mid: \$9,497 High: \$10,983 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: 25 year relationship; parties separated for 9 years. H high income earner with long hours and travel. W trained as a lawyer but cared for the children and the home with the help of a nanny, housekeeper, gardener etc. Parties lived beyond their means and accumulated debt, however, H had a large gain shortly before retirement/separation; the parties split the net amount, receiving \$2.774 million each. Parties continued to live beyond their means. H suffered financial losses and returned to work, earning approx. \$500,000/yr. W did not receive spousal support, did not seek employment and spent most of her half of the gain. TJ divided matrimonial property and set child support. Court held that W had not suffered any loss as a result of the marriage or its breakdown as she had received a one-half interest in the home and half of the gain. W was not entitled to compensatory support, but was entitled to support based on need. Income attributed to the W in the amount of \$50,000 employment income and \$50,000 investment income (2% return on the dissipated gain). TJ awarded retroactive spousal support in varying amounts. W appealed the finding that she was not entitled to compensatory support. Decision: TJ should not have attributed \$50,000 in investment income plus actual investment income to the W. Only the greater of her actual income and \$50,000 should have been used. TJ did not account for the fact that spousal support is deductible/taxable and so gross up was necessary. Division of property is only one factor in determining the condition, means, needs and other circumstances of each spouse. At the end of the marriage W was economically uncompetitive and her qualifications out of date. She experienced economic disadvantage notwithstanding the equal division of substantial matrimonial assets. Thus, she demonstrated a claim for compensatory support. Taking into account the standard of living during the marriage, incomes and the current financial circumstances of both parties, Court ordered retroactive and ongoing spousal support at the mid-range of the SSAGs, varying by year and arriving at an interim amount of \$9,000/mo. going forward, reviewable on a change of circumstances, including retirement.
Durfey v Durfey, 2017 ABCA 166	22 Year Marriage	Payor: Unknown Payee: Unknown	Unknown	4 Adult Children, 2 Dependent Children (Twins, Age 21, not living at home)	Peter Martin, J.A., Frans Slatter, J.A., Barbara Veldhuis, J.A.	None	Interim (det. of income and spousal support set aside and remitted back to trial court)	Insufficient information to generate a SSAG range	Facts: Parties were married for 22 yrs and had been separated 5 yrs. Parties had 6 children, 2 of whom were still children of the marriage at trial. Parties had remarried and neither child lived with the parties. One child was in a car accident that left him paralyzed and unable to speak. Parties had shared parenting following separation and there was an interim order for the H to pay child support of \$1,521/mo. and spousal support of \$700/mo. TJ used line 150 income for both parties but added \$10,000 to the W's income. TJ determined that the H had overpaid child support by \$5,056 over 3 yrs and directed H to pay spousal support "on a permanent basis" of \$2,000/mo., to be reviewed in one yr. H appealed. Decision: At the hearing of the appeal, W had moved to the US to be with her new spouse. CA held that TJ erred in the determination of W's income, as an inability to explain income and expenses will result in an adverse inference being drawn or precludes a party from meeting the burden of proof. The evidence indicated that the W made substantially more than \$10,000 above her line 150 income. Award of child support for one child was set aside due to lack of evidence about post-secondary attendance. Determination of W's income and the award of spousal support set aside and remitted to the trial court.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
DBF v BF, 2017 ABCA 272	13 Year Marriage	Payor: \$250,000 Payee: \$0 (TJ imputed \$30,000)	Payor: Unknown Payee: 46 Age of Payee at Separation: 39	1 Dependent Child (Age 13)	J.D. Bruce McDonald J.A., Barbara Lea Veldhuis J.A., Sheila Greckol J.A.	To be adjusted from \$6,200/mo. given no imputation of income to payee, ongoing for 10 years	Interim (quantum) Final (duration)	Low: \$6,145 Mid: \$6,759 High: \$7,378 Duration: Indefinite, 6.5 to 13 yrs ("With Child Support" Formula) NOTE: Shared Parenting	Facts: Parties married in Turkey and had been separated for 7 yrs. Child born in Canada. Before moving to Canada, both parties worked full-time. In Canada H became a director of a land and housing development company. W sold the business she owned in Turkey and the parties used the funds to buy a home. W secured employment as a human resources consultant but when the child was diagnosed with cancer W took a leave of absence. W returned to work part-time but resigned due to the child's health. W had not worked outside the home since. W had care of the child after separation until shared parenting was ordered. By consent interim order setting H's income at \$200,000 plus bonuses and W's income at \$0, H paid W child support of \$1,735/mo. and spousal support of \$5,250/mo. W sought at trial to relocate with the child to Turkey and retroactive support, arguing that H's income had been \$400,000/yr. H argued that income be imputed to the W due to intentional unemployment. TJ denied W's relocation application and ordered shared parenting to continue. TJ imputed \$30,000 to the W and an extra \$8,000 to the H for a vehicle allowance. W had not made genuine efforts to seek employment. TJ found W was entitled to spousal support on a compensatory and non-compensatory basis and ordered retroactive and ongoing spousal support of \$6,200/mo. (mid-high SSAGs) for 10 years commencing February 2011, to terminate after 3 months if the W moved to Turkey, where her expected income would be \$110,000/yr. W appealed. Decision: W argued on appeal that the TJ had improperly limited the duration of spousal support. CA dismissed the W's appeal with respect to mobility and matrimonial property but allowed W's appeal with respect to attributing a \$8,380 management fee to the H and regarding the imputation of income to the W. TJ applied a capacity based test for imputing income to the W which was an error. There was no evidence that the W acted with an intention of avoiding support. As such, adjustments were required to child support amounts. CA made no ruling on adjustments to spousal support as there were no arguments as to how changes in income would affect quantum. Parties directed to return to TJ if required. CA held that there was no reviewable error with respect to the 10 yr duration but that the TJ erred by limiting spousal support to 3 mos. should the W relocate to Turkey. The compensatory justification for spousal support would endure the move to Turkey and the justification for support to compensate for economic loss would also remain as W had been out of regular employment for 14 yrs. However, no arguments were made for quantum if W moved to Turkey.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Masson v Twerd, 2017 ABCA 294	22 Year Marriage / Cohab	Payor: \$100,000 (2010) Payee: Not more than \$30,000	Payor: Unknown Payee: 52 Age of Payee at Separation: 41	4 Adult Children (born between 1987 and 1995)	J.D. Bruce McDonald J.A., Brian O'Ferrall J.A., Michelle Crighton J.A.	\$500 bi-weekly for 15 years per 2010 agreement (\$1,083/mo.)	Final	Assuming child support for at least 1 child: Low: \$1,363 Mid: \$1,671 High: \$1,980 Duration: Indefinite ("With Child Support" Formula)	Facts: Parties cohabited for 3 yrs prior to marriage and had been separated for 11 yrs after a 22 total cohabitation. Parties had 4 children, all of whom were adults. W was 20 years old as at the date of marriage and had no specific employment or skills. W stayed at home with the children and the H supported the family financially. After separation, W re-entered the workforce as a teacher's assistant. Parties signed separation agreement in 2010 which provided for spousal support of \$500 bi-weekly for 15 years. In 2014 H experienced a brief interruption in employment and stopped paying spousal support. H had the W sign an amending agreement reducing both child and spousal support payments and transferring the matrimonial home to the W, which was done. H then ceased paying entirely in 2015. W sought retroactive support pursuant to the agreements. Chambers judge enforced the 2010 agreement but not the 2014 amending agreement given uncertainty surrounding its execution, and awarded retroactive child and spousal support in accordance with the agreement. H appealed on the grounds that the chambers judge erred by not applying the material change in circumstances test. Decision: While the chambers judge did not articulate the test as clearly as he might have done, he did not err in the result. He did not err in concluding that there was no unfairness in the negotiation of the 2010 agreement. He did not consider whether there was unfairness in light of current circumstances but had he done so he would have reached the same conclusion. Neither amount nor duration of spousal support was unreasonable and amount was considerably lower than the mid-range of the SSAGs. While H's income dropped in 2014 and 2015, his 2016 income was not substantially different than his income in 2010. Further, his 2012 and 2013 income was significantly increased from 2010 without adjustment to support payments. Impact of the breakdown of the relationship on the W had not changed.
Shigehiro v Shigehiro, 2017 ABCA 392	3.5 Year Marriage / Cohab	Payor: \$102,013 Payee: \$0 (approx. \$45,000 previously)	Unknown	2 Dependent Children (Ages 3 & 5)	Jack Watson J.A., J.D. Bruce McDonald J.A., Frederica Schutz J.A.	\$2,000/mo. for 36 mos. (3 yrs) with no review	Final	Low: \$1,304 Mid: \$1,527 High: \$1,754 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties agreed to a summary trial with respect to quantum and duration of spousal support. Parties cohabited for 3.5 yrs and had 2 children. W was a waitress and bartender for 12 yrs but suffered injuries in a car accident days before the wedding. W did not work due to pregnancies, childcare and physical disabilities from the accident which prevented her from working as a waitress or bartender. H had Master's in Education and was employed full-time as a teacher earning \$102,013, plus other part time work. Interim order directed the H to pay \$1,250/mo. in spousal support. TJ found that W was entitled to support in the amount of \$2,000/mo. for 36 mos. (6 mos. already paid) with no review. The stated purpose for time limited support was to allow the W to obtain medical treatment for her injury that would allow to return to her previous employment. Entitlement arose from the effect of the injury on the W's employability (treatment had stalled when the W lost the H's medical benefits after separation), the young children, and that the W's most realistic opportunity for work was to return to her previous employment. H appealed in essence because non-compensatory support is rarely awarded for short term marriages. Decision: TJ made no material error, did not seriously misapprehend the evidence, and made no error in law. TJ preferred the evidence of the W. He calculated spousal support correctly based on the total length of the relationship. TJ concluded based on the W's evidence, corroborated by evidence from her caregivers, that she could not work as a waitress due to her injuries. He also concluded that but for the injuries, the W would not have been entitled to spousal support, and that she needed time to get proper treatment so she could return to work. Although entitlement does not wholly turn upon proof of a causal link between an accident and lack of employment, here there was a sufficient nexus between the breakdown of the relationship, the W's need for rehabilitation (and her being removed from the H's health benefit plan), and her entitlement to time-limited spousal support. Further, TJ did not err by not imputing income to the W as the finding that she could not work was available based on the evidence.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Keating v Keating, 2017 ABCA 428	19 Year Marriage / Cohab	Payor: \$51,536 for 2013, \$60,000 for 2014, \$75,000 thereafter (imputed) Payee: Unknown	Unknown	1 Dependent Child and 1 Adult Child (Ages 10 & 20)	Patricia Rowbotham J.A., Barbara Lea Veldhuis J.A., Jo'Anne Strekaf J.A.	Remitted back to TJ for determination of quantum	Final	Insufficient information to generate a SSAG range	<p>Facts: Parties cohabited for 19 yrs, had 2 children and had been separated for 5 yrs. Eldest child resided with the H after separation and youngest with the W. TJ held that the eldest child had ceased to be a child of the marriage in 2016. H obtained his journeyman lineman certificate prior to separation. H lost his driver's licence due to his failure to pay child support and was unable to obtain permanent work as a journeyman lineman. H took no steps to get his licence back. A journeyman lineman earns approx. \$100,000/yr but H might have to start as a lineman at \$50-60,000/yr. H had no health issues and worked odd jobs in retail or making pizza. H had borrowed extensively from his parents. H appealed the imputation of income to him in the amount of \$75,000 for 2013 and \$100,000 thereafter.</p> <p>Decision: CA confirmed that while other provinces have different tests, a deliberate course of conduct for the purpose of evading child support obligations must be proven, and this requires proof of a specific intention to undermine or avoid support obligations or circumstances which permit the court to infer the intention. TJ reasonably concluded that it was appropriate to impute income to the H on the basis that it could be inferred from his overall conduct that he was attempting to avoid his support obligations. However, the amounts imputed were excessive given that 2013 was the year of separation and the H was primarily responsible for care of the eldest child. H was not intentionally under-employed in 2013 and his income was \$51,536. Further \$100,000/yr presumes that H would have been able to obtain continuous full-time employment at \$50/hr and the evidence was that there had been a downturn in the economy, work available was reduced and that he would have had to start as a lineman. CA concluded that a reasonable income to impute would be \$60,000/yr for 2014 and \$75,000 thereafter. There was no error in failing to address duration as there is no requirement for fixed term support and either party can apply to vary on a change of circumstances. CA directed parties to provide updated SSAG calculations to the TJ and re-attend to have retroactive and ongoing spousal support determined.</p>
Alberta Court of Queen's Bench Cases									
Van Ryk v Van Ryk, 2017 ABQB 49	8 Year Marriage / Cohab (inc. period of separation)	Payor: \$60,000 Payee: \$0 (for 30 mos.) then \$25,000	Payor: 43 Payee: 52 Age of Payee at Separation: 45	1 Dependent Child (Age 11)	K.P. Feehan J.	In accordance with the SSAGs for 30 mos.	Final	Low: \$1,090 Mid: \$1,232 High: \$1,380 Duration: Indefinite, 4 to 8 yrs ("With Child Support" Formula) NOTE: Shared Parenting but child support per s. 3 of FCSG	<p>Facts: Parties cohabited for 1.5 yrs and separated. They began cohabiting again shortly and married 1 yr later. Parties married 5 yrs at separation. W granted primary residential care of the child. H's income set at \$60,000/yr; W's income set at \$0. Child support ordered at \$543/mo. and spousal support ordered at \$1,367/mo. Payments continued for 7 yrs. W had a high school diploma but no post-secondary education other than short landscaping courses. W worked sporadically at a garden centre and briefly owned a tanning salon which was not profitable (she filed for bankruptcy). W capable of work and currently seeking to upgrade as well as attend a post-secondary program in landscaping or to become a legal assistant. H operated a small trucking business and recently completed post-secondary Power Engineering qualifications, but had not yet obtained a practicum. H paid by way of discretionary corporate dividends, mainly from his trucking company and his income fluctuated widely over the years.</p> <p>Decision: Parties granted equal shared parenting. H's income set at \$60,000/yr given the difficulties in assessment, and based on s. 18 of the FCSGs. W's income set at \$0 for 30 mos. to allow for upgrading and a 2 yr post-secondary course, after which W's income would be imputed at \$25,000/yr. Child support ordered in accordance with s. 3 of the FCSGs (s. 9 set-off amount was considered but not ordered), to continue until the child turned 18 or until completion of a first post-secondary qualification (with continuous enrolment). J noted that for short term marriages, spousal support is typically compensatory in nature. Spousal support ordered to continue for a further 30 mos. in accordance with the SSAGs (no precise amount stipulated) at which point spousal support would terminate. H to pay W \$10,000 to fund her education. J declined to make any retroactive support adjustments. Matrimonial property divided.</p>

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Bentley v Bentley, 2017 ABQB 53	17 Year Marriage / Cohab	Payor: \$95,000 Payee: \$25,000	Payor: 47 Payee: 42 Age of Payee at Separation: 39	3 Dependent Children (Ages 12, 15 & 17)	J.H. Goss J.	\$1,200/mo. for 9.5 yrs	Final	Low: \$443 Mid: \$746 High: \$1,057 Duration: Indefinite, 8.5 to 17 yrs ("With Child Support" Formula) NOTE: Shared Parenting	Facts: Parties cohabited for 2 yrs and were married for 15 yrs. Parties commenced shared parenting. Upon separation, by consent order H paid W child support of \$2,091/mo. and spousal support of \$1,500/mo. based on an income of \$120,000 for the H and \$20,000 for the W. Payments continued for 1.5 yrs until a portion of the payments were stayed on an interim basis. For 1 yr H paid \$1,400/mo. child support and \$1,000/mo. spousal support. W had high school diploma and a travel agent certificate. She worked successfully at a travel agency until the family moved for the H's employment. Over the years, W worked as a bartender, store clerk, waitress, child care provider, travel agent and dogsitter. W was currently expanding her dogsitting business. W accepted an imputed income of \$25,000/yr. and abandoned her claim for arrears and retroactive support. H had degree in Mechanical Engineering, Certificate in Automated Manufacturing and his Machinest Red Seal. H worked at a company for 15 yrs attaining the position of Vice President Manufacturing. H obtained new employment due to stress which caused a reduction in income. Decision: H's income determined at \$101,084 during his transition year and \$95,000/yr going forward in his new employment. W's income imputed at \$25,000/yr. Child support ordered based on s. 9 of the FCSGs at \$1,341/mo. for 10 mos. retroactive, increasing to \$1,359/mo. going forward. Matrimonial property divided equally with a equalization payment of \$47,463 from H to W. In depth discussion of entitlement bases and application of the SSAGs. H did not contest entitlement and J found entitlement on a compensatory basis. Based on proposal by W, spousal support ordered at \$1,200/mo. for a further 9.5 years for a total of 12 yrs of support payments, subject to an application by either party for variation.
Martin v Randall, 2017 ABQB 63	13 Year Total Cohab	Payor: \$116,000 Payee: \$8,200 plus portion of child support	Parties "in their mid-forties" (recent separation)	None (W had 2 Dependent Adult Children)	J.B. Veit J.	\$4,500/mo. (direct costs), plus \$1,000/mo. = \$5,500/mo. total	Interim	Low: \$1,752 Mid: \$2,044 High: \$2,336 Duration: 6.5 to 13 yrs ("Without Child Support" Formula)	Facts: Parties lived in a common law relationship for 13 yrs. W was a homemaker and financially dependent on H. W had a B.A. and worked as an interior designer. Parties signed cohabitation agreement providing for the sale of the home. W currently received child support for her 2 adult children living with her and attending school, but details of child support were unclear. W sought an imputed income of \$170,000 for H and \$4,500/mo. partner support. H worked for a residential home builder and earned approximately \$95,000/yr, plus small amounts for a baseball job, totalling \$116,000. W's income from work was \$8,218/yr. Financial disclosure not yet complete for either party. Decision: Home to be listed for sale. H must continue to maintain W's basic needs for a period until she can enter the work force in a meaningful way. At the interim stage, it is safest to rely on line 150 income. H's income noted at approximately \$116,000/yr. W's income noted at \$8,200/yr not including the portion of child support payments attributable to accommodation. H to pay \$4,500/mo. partner support, by paying the mortgage and other accommodation costs directly, with a further \$1,000/mo. directly to W for additional expenses, reviewable in six months at the request of either party, subject to final determination of support.

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Kowalchuk v Kowalchuk, 2017 ABQB 64	Unknown	Payor: \$131,000 Payee: \$68,000	Unknown	2 Dependent Children (Ages 8 & 11)	J.B. Veit J.	None	Interim	Low: \$124 Mid: \$592 High: \$1,057 (Insufficient information to calculate duration) ("With Child Support" Formula) NOTE: Shared Parenting	Facts: Almost 1 yr post separation W sought exclusive possession of the matrimonial home, child and spousal support. H sought shared parenting and imputation of income to the W in the amount of \$85,000/yr. W was a dental hygienist working 3 days a week and earning \$63,000/yr. plus the Child Tax Benefit. H was a construction worker earning approximately \$131,000/yr. Since separation H paid amounts towards the household bills. Home with large equity listed for sale. Decision: Shared parenting ordered using a weekly nesting arrangement. Child support based on s. 9 set-off ordered using annual income of \$68,000 for W and \$131,000 for H, subject to final determination of support. Interlocutory spousal support application denied, given that eventual needs and assets were unknown and that issues of entitlement and needs were not yet fully addressed. However, W's claim may be granted retroactively at a later date. Parties have an equal obligation to pay the costs associated with the home.
Sisco v Sisco, 2017 ABQB 100	Unknown	Unknown	Unknown	None (W has 2 Adult Children)	R.J. Hall J.	Lump sum \$26,350 (equivalent to \$850/mo. for 31 mos.)	Final	Insufficient information to generate a SSAG range	Facts: Parties had been separated for over 5 yrs. Trial for the division of matrimonial property including net sale proceeds from the matrimonial home. W had exclusive possession and allowed the home to fall into disrepair (broken pipes). Since separation H paid mortgage and insurance. H proposed a credit to the W of \$26,350 in "unpaid spousal support" for the approximately 2.5 yr period after separation in which no support was paid. H based his calculation on an interim order for spousal support in the amount of \$850/mo. granted 2.5 yrs after separation and confirmed on a final basis after a 2 day trial. W argued that mortgage payments were in lieu of spousal support such that H should not be able to claim a deduction for mortgage payments. W quit her job and claimed health concerns but gave no medical evidence that she could not work. Decision: H's proposal for lump sum spousal support payment facilitated through the division of matrimonial property accepted; however, H's claim for 20% tax deduction denied. W's claim that mortgage payments were in lieu of spousal support rejected. H credited with half of mortgage and insurance payments made since separation. Property divided equally taking into account W's dissipation.

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Strydhorst v Strydhorst, 2017 ABQB 134	11 Year Marriage	Payor: \$120,809 Payee: \$44,861	Unknown	3 Dependent Children (Ages 8, 11 & 13)	D.R. Mah J.	\$2,000/mo. for 3 yrs 8 mos. (44 mos.)	Final	Low: \$0 Mid: \$24 High: \$518 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties married approx. 11 yrs with 3 dependent children. H was primary wage-earner and W primarily cared for the children and was financially dependent on H. Parties had been separated for approx. 6 yrs. 2 yrs after separation, H worked overseas for a 3 yr period, leaving W with sole responsibility for the children. H returned, remarried and began supporting his spouse and her child. H had been ordered to pay spousal support from the date of separation in the amount of \$1,350/mo. for 3 yrs which increased to \$1,800 for a further 2 yrs and the matter of final determination of spousal support was directed to trial. H's current income was \$120,809/yr and W's was \$44,861/yr. H's previous yrs income was higher due to overseas work. Both parties produced similar ranges for spousal support under the SSAGs with a low of \$0 and a high of \$526/mo. W was an educated professional and was pursuing full-time work at her employment. Decision: Oral judgment issued on all issues except spousal support, which was reserved. TJ found entitlement with a strong compensatory component. SSAG range was "astoundingly low, even at the highest end" and "application of the SSAG produces a woefully inadequate amount." Court relied on the factors and objectives of the DA. W allowed H after separation to take advantage of a lucrative financial opportunity overseas. This was an extension of the roles played during the marriage which enabled the H's career and limited the W's opportunities. These circumstances made the case out of the ordinary with respect to the SSAGs. No account was taken of the H's new family obligations. Support paid to date was barely adequate and relied on W living with her father rent free. Thus, the only way to provide relief against the financial hardship arising from the breakdown of the marriage was to make a substantial order for support. TJ ordered \$2,000/mo. for a further 44 mos. (3 yrs. 8 mos.)
Osawaru v Osawaru, 2017 ABQB 155	Unknown (less than 4 yrs)	Payor: \$101,254 Payee: \$15,000	Unknown	1 Dependent Child (Age 3)	R.J. Hall J.	\$1,700/mo. for 1 yr	Final	Low: \$1,250 Mid: \$1,565 High: \$1,884 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties married in Nigeria and later began cohabiting in Canada. W had day-to-day care of the child. Interim Order set child support at \$921/mo. and spousal support at \$1,700/mo. based on an income of \$106,000 for the H and \$15,000 for the W. Parties thereafter entered into a Consent Order providing that H pay \$2,000/mo. for child and spousal support plus \$500/mo. towards arrears and staying the interim order for 3 mos. H unilaterally reduced payments after 3 mos. W in the process of completing her pharmacist certification which would be complete within a yr. H also a pharmacist. Decision: W entitled to spousal support, both compensatory and non-compensatory. W raising the child and supported H to obtain his certification as a licenced pharmacist. No material change to warrant variation of the interim order for spousal support. Spousal support ordered at \$1,700/mo. from the date of the interim order and a further 1 yr, at which time it will come to a complete and final end. H's income determined at \$101,254 and child support adjusted to \$892/mo. continuing based on H's line 150 income. H to pay \$400/mo. towards arrears.

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Corrigan v Ewel, 2017 ABQB 179	34 Year Marriage / Cohab	Payor: \$765,000 Payee: \$0 (not including possible investment income on \$3M of \$60,000-\$180,000)	Payor: 63 Payee: 60 Age of Payee at Separation: 57	4 Adult Children	J.S. Little J.	\$7,500/mo. for 1 yr	Final	Using income for Payee of \$60,000: Low: \$22,031 Mid: \$25,703 High: \$29,375 Duration: Indefinite ("Without Child Support" Formula)	Facts: Parties married 34 yrs at separation and had been separated 3 yrs. H started a successful construction firm and W gave up her career and stayed home to care for their 4 children. Parties provided financial assistance to the youngest child (25) who was attending post-secondary but was not a child of the marriage. Marimonial assets were divided with a total gross value of over \$10 million. W retained a condo and was paid an equalization payment of \$3.5 million with \$3.25 million already paid plus \$50,000/yr for 5 yrs. Interim Orders obligated H to pay \$10,000/mo. to the W until trial. H's post-separation income averaged \$765,000/yr but he argued that his income would be \$200,000 due to selling investments and arranging a loan to pay the equalization. W did not graduate high school and had no recent work experience. Both parties' budgets were excessive and neither party wanted to deplete their capital. W submitted SSAG calculations of between \$22,000 and \$30,000 monthly. H sought no support payable based on the terms of the matrimonial property settlement or alternatively that the amount not exceed \$750/mo. for 36 mos. Decision: Court noted the 4 factors for a retroactive award: need, conduct, delay and hardship. There was no delay and no hardship, however, W received ample amounts since separation and this was not a situation where she needed additional retroactive support to compensate for a reduced lifestyle as a result of the marriage breakdown. Court found that W could generate an annual income on her investment of \$3 million of between \$60,000 and \$180,000, which would meet her realistic living expenses. Court discussed "double-dipping" and concluded that H did not have resources to pay the support sought by W without depletion of his own capital. Where support is based on compensatory grounds, double dipping should be avoided where possible. H's company was capitalized and split in order to make the equalization payment to W. On a needs-based analysis, W did not need any income from H's company. To generate income W must look primarily to the equalization payment and other assets she retained, as well as the \$250,000 due over 5 yrs. But to allow for W to organize her investments and on the assumption that investment income will not be payable immediately, H shall pay W \$7,500/mo. for 1 yr.
Young v Stefaniw, 2017 ABQB 201	Unknown	Payor: \$27,924 (\$537/wk.) (approx.) Payee: Unknown	Unknown	Dependent Child(ren), (Number & Age Unknown)	J.B. Veit J.	None	Interim Interim	Insufficient information to generate a SSAG range	Facts: Interim Order by consent requiring H to pay \$2,112/mo. in child and spousal support. Almost immediately after the order was granted, H, a union welder, was laid off, and despite efforts to obtain employment was not able to find a union job. H found a non-union job but needed his own tools and discovered that W had sold them to make ends meet. H receiving EI (\$537/wk.) and sought reduction of child support from \$1,312 to \$411/mo. and suspension of his spousal support obligations. W sought adjournment for questioning. Decision: H's loss of employment was a material change in circumstances. Where there is a better guide to a person's current income than line 150 income for the past year, that guide should be adopted. Interim interim order granted reducing child support and suspending spousal support obligation, without prejudice to either party to bring the issue back for reconsideration effective retroactively. Allowing arrears to accrue would put the H in danger of losing his licence and his ability to work should a job become available. Court concluded that the \$5,000 already paid by the H to the W was more than sufficient for transitional support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Golden v Brown, 2017 ABQB 287	29 Year Marriage	Payor: \$108,111 Payee: \$0	Payor: Unknown Payee: 56 Age of Payee at Separation: 51	2 Adult Children	J.T. Henderson J.	\$3,869/mo. Indefinitely	Final	Low: \$3,375 Mid: \$3,938 High: \$4,356 Duration: Indefinite ("Without Child Support" Formula)	Facts: Parties were married for 29 yrs and had 2 children, now adults. Parties had been separated for approx. 5 yrs at trial. H worked in the military and then for many years at an oil and gas company, as a Safety Officer and then after separation as a Field Operator, which resulted in a decrease in his income from over \$200,000 to \$108,111. For the most part, W did not work outside the home during the marriage. She had a grade 12 education with no upgrading and suffered from OCD. Parties contributed equally, although in different ways, to the welfare and wealth of the family. H made unexplained fund transfers from bank accounts after separation and effectively dissipated property leading to an unequal division of matrimonial property. Decision: H ordered to pay \$221,272 equalization payment to W. Court held that H's request for a transfer within the company was reasonable, as he was experiencing substantial stress and was in a difficult position with his supervisor. The decline in income was partly attributable to the transfer but also attributable to salary reductions as a result of economic factors. No income was imputed to the H. Entitlement was agreed to and the Court declined to impute income to the W as a result of the fact that she suffered from OCD and was unable to work, which was confirmed through unchallenged evidence of her psychiatrist. Court considered the SSAG ranges and concluded that the mid-range was appropriate, awarding W \$3,869/mo. retroactively (less amounts paid and adjusted for taxes) and ongoing on an indefinite basis. Court directed W to apply for CPP disability benefits otherwise, spousal support would be reduced to \$500/mo. If W's application was successful, spousal support would be reduced by \$0.70 for each \$1.00 received from CPP.
Sopczak v Yoon, 2017 ABQB 291	Less than 8 Year Marriage	Payor: 2013: \$64,000 2014 \$40,764; 2015: \$47,503; 2016: \$74,848 Payee: 2013: \$16,299 2014: \$6,788 2015: \$12,548 2016: \$1,042/mo. (living allowance)	Payor: Unknown Payee: 54 Age of Payee at Separation: Less than 47	1 Dependent Child (Age approx. 14)	M.T. Moreau J.	2014: \$900/mo. 2015: \$1,000/mo. 2016: \$1,500/mo. for 4 months then terminate	Final	Based on Payor's Income of \$74,848/yr and Payee \$0: Low: \$1,418 Mid: \$1,592 High: \$1,770 Duration: Indefinite, 4 to 8 yrs ("With Child Support" Formula)	Facts: Parties married in South Korea in 2002 and were divorced in 2010 after trial in which the H was ordered to pay \$1,700/mo. in spousal support. TJ had projected that the H's income would reach \$60,000/yr. and ordered that spousal support would terminate after 30 months if the W moved outside Canada. H had been laid off after being involved in an accident while on the job. W did not have the language skills to support herself in Canada and it was going to take a long time for her to be able to become self-supporting in Canada, although she owned a condo in South Korea, had an accounting education and worked for almost 20 yrs as an office manager. W's income consisted of child and spousal support payments. W moved back to South Korea in 2012 but remained unemployed. H's application in 2013 to terminate spousal support was dismissed. W relocated to Canada and purchased a home, which was a change in circumstances. H applied again in 2015 to terminate spousal support and the issue was directed to trial. Pending trial, spousal support payment was reduced to \$1,000/mo. with a stay of enforcement for child and spousal support arrears. H worked as a motor coach driver and driving instructor and only recently began earning over \$60,000/yr. W began receiving government living allowance of \$1,042/mo. as a result of being enrolled full-time in an ESL program, which also paid tuition and books. However, any support W received would be deducted dollar for dollar from her living allowance. Decision: Court found that W had not made significant progress toward self-sufficiency since the divorce and had not made much effort to find employment although she had sufficient language skills to qualify for basic forms of employment. Between part-time work, the sale of the condo in South Korea and investigation into a boarding arrangement with Korean students, W had the ability to achieve self-sufficiency. H had not been under-employed. His inability to keep up with support payments was due to the fact that until recently his income fell well below \$60,000/yr. Court considered the SSAG ranges and ordered retroactive spousal support adjustments in the low to mid-range, with spousal support to terminate effective immediately. Ongoing child support ordered at \$640/mo.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Sahni v Sahni, 2017 ABQB 296	Unknown	Payor: \$41,270 Payee: \$4,630 (During period retroactive spousal support sought)	Unknown	1 Dependent Child (Age 8)	D.C. Read J.	None	Final	Low: \$750 Mid: \$876 High: \$1,003 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties divorced in 2016. Trial with respect to custody, parenting, child support and child support. H had primary care of the child with specified generous access for the W. H sought to impute income to the W. W travelled to India and was served with Statement of Claim upon her return. W sought spousal support for the 6 months following separation when she had primary care of the child, before she travelled again to India for several months without the child. Decision: Court ordered that the parties retain a parenting coordinator and play therapist. Joint custody and weekly shared parenting was ordered, by way of an extremely detailed parallel parenting order. Current guideline incomes set at \$45,000 for the H and \$38,000 for the W. Ongoing child support was calculated using the set-off amount of \$63/mo. from the H to the W, along with retroactive adjustments. H paid mortgage, utilities and insurance on the home after separation while the W and child lived there, which was a benefit to the W. During this time, H's income was \$41,270/yr. and W's income was \$4,630/yr. Money was tight and although W might have quit her job to travel to India, she did not do so to avoid support obligations and could not have reasonably been expected to become immediately employed on her return.
MacAusland v MacAusland, 2017 ABQB 304	Unknown	Payor: Nil Payee: Unknown	Payor: 46 Payee: Unknown	Unknown (2 dependent children according to child support amount)	J.B. Veit J.	None (subject to H proving work qualifications)	Interim (Application adjourned with leave to renew)	Low: \$1,651 Mid: \$1,911 High: \$2,206 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties had been separated approx. 8 yrs. H applied to vacate ongoing and arrears of spousal support and to retroactively reduce child support. H had been able to earn \$120,000 to \$200,000 as a drilling supervisor. H's arrears totalled nearly \$400,000. In 2009, an annual income of \$120,000 was imputed to the H ex parte and the H did not seek to have the order reassessed. One yr later, child support was maintained at \$1,700/mo. (amount for 2 children using income of \$120,000) but spousal support was reduced to \$2,000/mo. and court ordered disclosure. Neither party provided disclosure and did not return to court. In 2013, MEP held a default hearing, in which H presented medical evidence that hand deformities as a result of a workplace injury prevented him from maintaining employment. For 2014, 2015 and 2016 H's income was below the threshold for child and spousal support obligations. Decision: Court concluded that it was possible H could still work as a drilling supervisor. H did not show any goodwill in meeting his support obligations even when he was earning an income. Court directed that parties determine the technical qualifications for service and rig managers and that within 90 days the H present acceptable evidence that he has obtained the required qualifications, in order to renew his application. At that point, H shall demonstrate that he has sought employment and that the only remaining condition is that he has a driver's licence or a passport.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Omonova v Omonov, 2017 ABQB 309	20 Year Marriage	Payor: \$79,014 Payee: \$57,105	Unknown	2 Adult Children (1 Dependent)	A.W. Germain J.	\$450/mo.	Final	Insufficient information to generate a SSAG range Assuming W is at least 40 at separation: Low: \$459 Mid: \$535 High: \$612 Duration: Indefinite ("Custodial Payor" Formula)	Facts: Parties were divorced in 2011 after a 20 yr marriage. Adult child lived with H and attended post-secondary. W was granted indefinite spousal support, due to long term relationship and having been disadvantaged by the marriage, and H did not appeal. W trained as a teacher but had not been able to receive credentials to teach in Canada and thus, worked in retail. With the assistance of case management counsel, parties increased spousal support payments from \$275 to \$400/mo. H applied for termination of spousal support; W applied for increase. H argued that W had sufficient time to become self-sufficient. Decision: Court held that the son was still a child of the marriage as he was attending post-secondary. W ordered to pay \$473/mo. in child support and the parties ordered to share s. 7 expenses with small contribution from the son. Court declined to terminate spousal support but rather increased it by 12% to \$450/mo. as the H's income had increased in the last year by 12%.
K(CM) v K(GS), 2017 ABQB 319 (See below 2017 ABQB 638)	4 Year Marriage / Cohab	Payor: \$477,183 (projected, before personal amounts) Payee: \$37,050	Payor: 68 Payee: 62 Age of Payee at Separation: 56	None	K.P. Feehan J.	None (pending recalculations by expert)	Interim	Low: \$2,201 Mid: \$2,567 High: \$2,934 Duration: 2 to 4 yrs ("Without Child Support" Formula)	Facts: Parties cohabited for 4 yrs and relationship was a second marriage for both parties, who had adult children from their previous relationships. H had a BComm and worked as a commercial realtor receiving employment income and corporate dividends from his two corporations. W had a BA in Education, an Alberta Permanent Professional Teaching Certificate and worked 0.5 FTE working with special needs children. W worked full-time until 2009 when she took time off at the direction of her doctor for anxiety and insomnia. W attempted to slowly work back up to full time but had to revert back to 0.5 FTE. W called various medical experts as to her disability. W received \$80,000 settlement for all future disability payments from her insurer. Decision: Court held that W was working to her maximum potential and was not able to work more than 0.5 FTE, rejecting the H's claim that she should be working more. Court held that all allocatable earnings of the companies were available for distribution to the H. Court held that W was entitled to spousal support on a compensatory and non-compensatory basis. However, having asked the financial expert to recalculate the property division and personal amounts to be added into the H's income, quantum and duration could not be determined, ongoing or retroactively. Decision deferred until recalculations received from financial expert.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Allen v Allen, 2017 ABQB 335	20 Year Marriage / Cohab	Payor: \$38,800 Payee: \$0	Unknown	1 Dependent Child (Age 15), 2 Adult Children	B.E. Mahoney J.	\$800/mo. (reviewable after 1 yr)	Interim	Low: \$634 Mid: \$738 High: \$844 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties separated for 8 yrs. Both W and child had serious health issues. Child suffered from sleep apnea, hydrocephalus, epilepsy and ADHD, requiring expensive medications and multiple medical appointments each week. W suffered PTSD due to alleged abuse and had not worked since 1993. H earned \$200,000/yr in the 5 yrs after separation and was ordered to pay \$4,200/mo. in spousal support and \$3,725/mo. in child support. H then argued that his income had decreased to \$100,000 and support payments were reduced to \$868/mo. in child support and \$2,500/mo. in spousal support. However, H's income did not actually decrease and he earned \$187,429, making no upward adjustment and without any notice to W. H then quit his job to move to Kazakhstan with his new wife, obtained employment but was shortly laid off. H was in arrears of both child and spousal support, had not provided full financial disclosure and had failed to answer undertakings. H was working as installer earning \$38,800/yr. Decision: Court noted that a self-induced reduction of income is not a basis upon which to avoid or reduce support payments and, further, that an adverse inference can be drawn where a party fails to disclose. The Court was not able to infer that the H could earn his previous income but held that there was a likelihood that he could earn a higher income in the near future. Court ordered arrears to be paid at \$100/mo. plus child support of \$303/mo. and spousal support of \$800/mo., reviewable on a material change of circumstances or on application after one yr.
Pattison v Shwaykosky, 2017 ABQB 362	17 Year Marriage	Payor: \$100,954 Payee: \$48,563 (but almost \$0 during retroactive period)	Payor: 54 Payee: 51 Age of Payee at Separation: 44	2 Dependent Children, 1 Adult Child (Ages 19, 16 & 14) NOTE: All children were dependent during retroactive period	D.J. Manderscheid J.	Unknown (retroactive for 5 yr period, at high end of SSAGs)	Final	Low: \$1,129 Mid: \$1,746 High: \$1,939 Duration: Indefinite, 8.5 to 17 yrs ("With Child Support" Formula) NOTE: Shared Parenting and then Children began living with Payor	Facts: Parties were married 17 yrs and separated within the matrimonial home, until 2010 when the H moved out of the home. Eldest child was recently independent. Parties shared parenting until 2015 when children began residing with the H. H worked full-time in journalism. W worked part-time at a bank and was responsible for homemaking and childcare during the marriage. H lost his job after separation and was unemployed for a time but resumed full-time work. After separation, W completed a BEd and then a Master's in Education, graduating in 2013 and 2015 respectively. She was working as a substitute teacher for the Catholic School Board and was applying for teaching positions at colleges. Shortly after separation H was ordered to pay \$1,780/mo. child support and \$1,400/mo. spousal support based on an income of \$95,173, but obtained orders reducing his child support payments and suspending his spousal support obligations. W sought retroactive adjustments to child support and retroactive spousal support. Decision: TJ divided matrimonial property finding that H had agreed to support the W going back to school to become a teacher, that she had struggled financially while in school and holding that the debt incurred for the Master's Degree was not matrimonial debt. Despite H's period of unemployment, on average he earned more than \$100,000 since separation and \$100,954 in 2016. W earned very little until 2016. H had failed to disclose his income and admitted that he obtained orders suspending his spousal support obligations without disclosing a \$105,000 severance payment. Court refused to impute income to the W while she was completing her Master's Degree as there was no proof that she was trying to avoid her support obligations. Child support was ordered retroactive to 2010 and ongoing based on the parties incomes each yr with no imputation. Retroactive spousal support was ordered from 2011 to 2015 on a compensatory, contractual and non-compensatory basis, at the high end of the SSAGs, to be calculated by the parties.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Wright v Lemoine, 2017 ABQB 395	4 Year Total Cohab	Payor: \$217,000+ Payee: \$7,000 - \$17,000	Payor: 49 Payee: 52 Age of Payee at Separation: 51	None	K.D. Nixon J.	\$1,800/mo. for 2 yrs	Final	Using Payee income of \$7,000: Low: \$1,050 Mid: \$1,225 High: \$1,400 Duration: 2 to 4 yrs ("Without Child Support" Formula)	Facts: At issue was whether the parties were adult interdependent partners such that they lived in a relationship of interdependence for a continuous period of not less than 3 yrs. H worked as a pipeline foreman, living in hotels and camps while working 3 weeks on and 1 week off. After separation H lost his job and became a consultant paying himself dividends from his company. H owned a home in Saskatchewan. W moved from Ontario and ran a coupon business, living with her mother when not with the H at his hotel, at his home in SK, or later in the trailers the H purchased for them to live in. The parties' living arrangements were governed by the H's work location. They vacationed together seeing each other as much as possible. Relationship was conjugal and exclusive with the parties sharing domestic duties and H paying for most expenses, although they did not acquire any joint property. Decision: Court held that the parties continuously cohabited, despite the unusual cohabitation arrangements, using a flexible approach. It was conceded that the parties shared each other's lives and were emotionally committed to each other. Court further held that they functioned as a economic and domestic unit. W left her job in Ontario, provided domestic services to the H and established entitlement to compensatory support. Her coupon business was not lucrative and she suffered from some health issues, although Court held that she was not unable to work due to disability. Court held that the W was also entitled to support on a non-compensatory basis. Court determined that H's income-earning capacity was at least \$217,000/yr and perhaps greater. H ordered to pay \$1,800/mo. for 2 yrs.
Pannu v Bamber, 2017 ABQB 407	18 Year Marriage	Payor: \$395,000 Payee: \$55,000	Both parties in their late forties Age of Payee at Separation: mid-forties	2 Dependent Children (Ages 12 & 14)	S.D. Hillier J.	\$3,000/mo. for further 12 mos.	Final	Low: \$5,157 Mid: \$6,017 High: \$6,876 Duration: 9 to 18 yrs ("Custodial Payor" Formula)	Facts: Parties married 18 yrs and had 2 children. Parties had been separated at least 2 yrs. Both parties pursued professional education and careers prior to marriage. W was a doctor working for the U of A Hospital in nephrology. H completed a BSc in genetics, relocated with the W to Stanford and was hired as program manager in oncology and genetics. H began flipping revenue property and continued as a home renovator. Court noted that a lack of disclosure on the part of the H permeated the litigation. W took 6 mo. leaves from work when the children were born and the parties hired a nanny full-time. H started a business building skid platforms for the oil industry and borrowed money from the W's professional corporation and from her father to keep the company afloat, however the BDC shut down the business and H declared personal bankruptcy. H had developed a drinking problem which led to the W and children leaving to live with her parents. W argued dissipation. H argued his role was of stay at home spouse. H remained in the matrimonial home but W paid for the mortgage, utilities and other expenses. In addition, H received \$3,000/mo. in spousal support amounting to \$51,000 total paid. W did not seek retroactive child support. Decision: Divorce granted. Court held that H did not carry a disproportionate parental burden and was not a stay at home parent. Neither party sacrificed their own career aspirations to the benefit of the other. H did most of the cooking and more of the shopping, yard work and home maintenance, as well as renovations, but the W was principally responsible for the health, education and activities of the children. The failure of the H's business had a disastrous impact on the marriage and the family's assets. Court held that H did not meet the standard of care of "prudent manager" with respect to his company and W was not aware of the problems until it was a crisis. The financial problems of the parties were the result of the failed business and bankruptcy, they did not derive from the breakdown of the relationship. Further, H did not provide satisfactory evidence of his health issues, including alcoholism and PTSD, although he did recently have shoulder surgery. Although the H had two degrees, and considerable experience in the trades, he had not been gainfully employed for 7 yrs and declined to work during his bankruptcy, showing very little initiative at achieving self-sufficiency. Income imputed at \$55,000/yr. No entitlement to compensatory spousal support, however a further 12 mos. non-compensatory spousal support ordered, at which point H to start paying \$777/mo. child support.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Prohl v Prohl, 2017 ABQB 410	21 Year Marriage	Payor: \$0 Payee: \$15,700	Payor: 61 Payee: 67 Age of Payee at Separation: 60	None	M.H. Hollins J.	None	Final	Low: \$0 Mid: \$0 High: \$0 Duration: Indefinite ("Without Child Support" Formula)	Facts: H applied for termination of spousal support. Parties separated for 7 yrs. H had worked as an independent contractor, consulting on international oil and gas projects. W was a homemaker and worked on the jointly owned farm, although she did work part-time. H paid W spousal support of \$3,000/mo. after separation, increasing to \$7,000/mo. by court order which continued for almost 5 yrs. When H lost his consulting contract spousal support was reduced back to \$3,000/mo. Spousal support was then terminated but the W was allowed to withdraw \$3,000/mo. out of house sale proceeds as her share on a "without prejudice basis". H had not secured alternative employment and was living off savings and his RRSP. W worked part-time and received small amounts from OAS and pensions. Decision: Parties contributed equally to the marriage. W remained in the home and preserved the asset for division, allowing the husband to acquire property in Mexico post-separation. Court held that the Mexico property was divisible and made a matrimonial property order resulting in each party receiving \$311,445. Court held that H had made reasonable efforts to find employment and that given his age, health and the oil and gas market, the chances of him finding similar employment were low. No income imputed to the H and H had no ability to pay support. Spousal support varied to nil; H must notify W of any income over \$15,000.
TA v ST, 2017 ABQB 414	6 Year Marriage	Payor: \$50,000 Payee: \$12,960 (social assistance)	Payor: 34 Payee: Unknown	3 Dependent Children (Ages 8, 5 & 3)	S.L. Hunt McDonald J.	\$55/mo. until youngest child graduates high school (approx. 15 yrs)	Final	Low: \$0 Mid: \$57 High: \$195 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties married in Pakistan and had been separated 3 yrs. H was a permanent resident of Canada and W moved to Canada. W was stay at home mother and did not work in Canada. H was a quality assurance auditor and undischarged bankrupt, also owing child and spousal support totalling \$29,356. H was arrested at his work for assaulting W and thereafter lost his job. H worked part time driving a taxi and as a gas station attendant. H's income imputed at \$50,000 after separation and Court ordered \$942/mo. child support and \$420/mo. spousal support. Funds held in trust from the sale of the matrimonial home. H moved to Germany with his new partner and had not found work. W was unable to find full-time work and lived on social assistance of \$1,080/mo. plus the Canada Child Benefit of \$1,433/mo. and with help from her family. W not able to secure full-time employment despite significant efforts to re-train and become employed. Decision: Court unable to grant matrimonial property division order due to H's status as an undischarged bankrupt. H's income imputed at \$50,000, being less than what he earned before separation, having completely withdrawn from employment and making a conscious decision to remain under-employed since separation, even though he had the capacity to earn far more than minimum wage level income. Court ordered child support to continue at \$942/mo. plus \$311/mo. towards section 7 expenses. No reduction of child support arrears as H did not show a true inability to pay. Court held that W was entitled to spousal support on a compensatory and non-compensatory basis to continue until the youngest child graduates from high school. However, \$420/mo. was not appropriate based on the parties' incomes considering the ranges of the SSAGs. Court ordered spousal support at the mid-range of \$55/mo. from date of separation, reviewable on a change of circumstances, including an increase in the H's income. Spousal support arrears reduced accordingly. Arrears to be paid from funds held in trust including a lump sum child support payment of \$15,000.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Keaton v Keaton, 2017 ABQB 429	Unknown	Payor: \$42,000 Payee: \$17,000 (possibly as high as \$51,000)	Unknown	2 Dependent Children (Youngest Age 1.5) (H had teenage daughter from previous relationship)	J.B. Veit J.	None	Interim	Low: \$0 Mid: \$0 High: \$0 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties had been separated less than 2 mos. W applied for primary care and sole custody of children, 1 of whom was not the biological child of H, imputation of income to the H in the amount of \$82,500, child support and spousal support. H had a teenage child from a previous relationship. H lived with his parents and W lived in the matrimonial home. H quit his oilfield driving job which required him to be frequently away from home and returned to the job he had when the parties first met, which paid \$42,000/yr. W was a teacher and had earned \$51,000 in 2015 but claimed she expected to only earn \$17,000 in the current yr. W sought order that H attend a residential alcohol treatment program. Decision: W applied improperly in Edmonton as the parties reside in Red Deer. Access ordered for the H as despite W's allegations of alcohol abuse, as it was premature to forbid access. On an interim interim basis, Court ordered child support based on the H's current income for both children in the amount of \$590/mo., despite the fact that the biological father of 1 child paid child support to the W. Ordering the H to attend an alcohol residential treatment program would prevent employment and was at odds with the request for spousal support. It was not clear why the W could not earn a higher income given her past earnings, nor why she required childcare. It was not clear that H was deliberately underemployed to avoid child and spousal support obligations. Entitlement was not established as there was insufficient evidence due in part to non-disclosure by the W.
Hunter v Hunter, 2017 ABQB 445	24 Year Marriage / Cohab	Payor: \$215,000 Payee: \$28,000	Both parties approx. 50 Age of Payee at Separation: Approx. 47	1 Adult Child and 1 Dependent Child (Age 16)	J.B. Veit J.	\$5,500/mo. (until trial)	Interim	Low: \$4,437 Mid: \$5,177 High: \$5,917 Duration: Indefinite ("Custodial Payor" Formula)	Facts: Parties cohabited for 24 yrs and had been separated for 3 yrs. W sought interim spousal support in the amount of \$5,500/mo. being the mid-range of the SSAGs. H sought a trial date. Child lived with H and W did not pay child support. H's yearly income stable at \$215,000 working for an oilfield company. During marriage W managed family cow/calf operation and gravel business while H was away for work. W worked after separation in an administrative capacity, earning \$28,000/yr. Collaborative law process was not successful. Decision: Application for trial date adjourned for 9 mos. due to W's injuries from a car accident. Court ordered spousal support on a go forward basis in the amount of \$5,500/mo., with the retroactive claim adjourned to the trial. Court noted that SSAGs can be an extremely effective resource and can be used on an interim basis without setting a time limit. Court noted that since <i>Hryniak</i> there had been a marked difference in the approach of courts to civil proceedings, and the SSAGs can help relieve strain on domestic proceedings. Using the SSAGs was appropriate in this case because: W established basic outline of compensatory entitlement, parties were young at the start of the relationship, W supported H's career, parties had children, W was responsible for most of the parenting, relationship was lengthy, incomes had been stable, and there was considerable property. Even if the SSAGs were not used, using the traditional approach to interim spousal support, W was entitled to spousal support on a needs and means analysis.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Bauer v Kiselyk, 2017 ABQB 461	21 Year Marriage	Payor: \$141,365 Payee: \$42,912	Unknown	5 Dependent Children (Ages unknown)	J.B. Veit J.	None (pending trial on retroactive termination)	Interim	Low: \$0 Mid: \$0 High: \$0 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties had been separated for 5 yrs. W was a teacher and H was an electrician. W applied to transfer H's \$100,000 interest in the home to satisfy support arrears of \$52,721, and a retroactive increase in child support. H applied to terminate spousal support as of the W's remarriage and occupation rent, as well as an order to reunify with the children. H had been prevented by a restraining order from having contact with the 3 youngest children and had not seen them for 5 yrs. After separation H had been ordered to pay \$2,934/mo. child support and \$900/mo. spousal support. Decision: W's application denied as court may not have legislative jurisdiction to enforce support arrears in light of the powers of MEP, and on an interlocutory motion, court will not make a final disposition of matrimonial property without consent. Further, Court held that MEPs calculation of arrears might not be correct. With respect to the claim for retroactive adjustment to child support, W did not provide a satisfactory reason for the delay nor why child support should be adjusted prior to the date of effective notice. H's application to re-establish a relationship with 3 youngest children allowed to the extent of ordering a preliminary assessment by a parenting expert, given the serious allegations. H's application to terminate spousal support retroactive to the date of remarriage directed to trial. Court did not accept that H did not know of the marriage until more than a year later, given that he remained on good terms with the older children. Further, re-partnering does not end spousal support, especially where it is compensatory in nature. H failed to show that W's entitlement was non-compensatory. However, W agreed that spousal support should terminate so the question for trial was whether it should terminate retroactively. H's claim for occupation rent adjourned to trial.
Noseworthy v McDonald, 2017 ABQB 439	18 Year Marriage	Payor: \$310,000 Payee: \$50,000	Payor: 51 Payee: 51 Age of Payee at Separation: 46	4 Dependent Children (Ages 22, 19 & 17 yr old twins)	C.L. Kenny J.	None	Final	Low: \$3,577 Mid: \$4,236 High: \$4,902 Duration: Indefinite, 9 to 18 yrs ("With Child Support" Formula) NOTE: 2 children live with Payor and 2 children are shared parenting. Payor paying all s. 7's	Facts: Parties had been separated for 5 yrs. W was a pediatric respirologist. H was a lawyer in Newfoundland appointed High Sheriff. Parties moved to Alberta in 2009 and H was called to the Alberta Bar but turned down a job offer and did not seek work. W was the sole financial provider for 3 yrs prior to separation. Both parties otherwise worked full-time during the marriage and hired a full-time nanny until the children were attending school full-time. After separation in 2012 H did not seek work for 2 yrs when he decided to become a realtor but then later quit. H claimed to suffer from a personality disorder, depression, anxiety and a cocaine addiction, the latter leading to the separation. W had full care of children after separation until the youngest twins began dividing their time equally. W paid spousal support after separation by interim court order. Parties attended arbitration in 2014 and \$2,200/mo. compensatory and non-compensatory spousal support was awarded to the H for 2 yrs with a review. At a second arbitration in 2016 H's income deemed to be \$50,000/yr and W's \$310,000/yr. W was ordered to pay all s. 7 expenses and \$2,000/mo. child support. H applied for ongoing indefinite spousal support. Decision: After separation it was the W who suffered disadvantage as she was left with extensive debt, had full child care responsibilities for 2 yrs and bore all the financial expenses. There was no evidence that the H was medically unable to hold employment and it appeared he was simply not interested in working. There was no evidence of attempts to find employment until shortly before the review. A lack of initiative by a well-educated person, with no evidence of disability which would impact the ability to become self-sufficient, does not create an entitlement to spousal support. The financial support provided by the W after the move in 2009 until the date of separation in 2012, combined with a further 3 yrs of spousal support more than made up for any economic disadvantage suffered by the H. H not entitled to any further spousal support. Further, given the incomes of the parties, the child care and child support arrangements with s. 7 expenses paid for fully by the W, the SSAGs indicate no spousal support payment.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
SSA v OB, 2017 ABQB 545	16 Year Marriage	Payor: \$49,500 Payee: \$50,000	Unknown	3 Dependent Children (Ages 19, 17 & 13)	C.M. Jones J.	None	Final	Low: \$0 Mid: \$0 High: \$0 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties married in Egypt and had been separated 5 yrs. H sponsored W for immigration to Canada. Children had strained relationship with H and refused to spend time with him. W had worked as a teacher, babysitter, letter sorter, in retail and daycare and more recently as a behavioural therapist. H was a civil engineer. Both parties self-employed. W claimed her current gross income was \$50,000/yr and sought H's income to be imputed at \$125,000/yr. W sought spousal support of \$3,000/mo. for 5 yrs. H disputed imputation of income and W's entitlement in that W was capable of earning a reasonable living as she re-trained during the cohabitation. Decision: Evidence regarding financial arrangements was vague and largely unsubstantiated. H had diverted income he might have otherwise received himself to his children which was accounted for. Court denied exemptions claimed by the parties due to lack of tracing. W ordered to pay H \$1,415.24 to equalize property with W keeping the matrimonial home and being responsible for the mortgage. Sole custody granted to W. Court had previously imputed income of \$49,500 to H for child support purposes which was confirmed. W had no entitlement to spousal support. W was not disadvantaged by the marriage simply due to the fact that she withdrew from the workforce to raise the children. This did not necessarily delay her ability to obtain further education and become a behavioural therapist. Parties able to earn approximately the same income.
Koch v Koch, 2017 ABQB 596	29 Year Marriage	Payor: \$564,000 (2015 & 2016) Payee: \$1,000/mo. (disability)	Unknown	3 Adult Children	C.L. Kenny J.	\$170,363 Lump Sum Retroactive Spousal Support (2010-2015) Mid-Range of SSAGs (2016-2017) Low-End of SSAGS Ongoing Indefinitely	Final	Insufficient information to generate a SSAG range Assuming W is at least 50 at separation: Low: \$17,594 Mid: \$20,526 High: \$23,232 Duration: Indefinite ("Without Child Support" Formula)	Facts: Parties married in 1978 and separated in 2007 after 29 yrs of marriage. H was a plumber and started his own business which he still operated. W was a respiratory therapist but the parties decided that she would stay at home with the children, 2 of whom had medical issues. After separation, H supported the W and children for 2 years until the W retained counsel and the H began to decrease the money paid to the W. Parties entered into a consent order in 2010 which provided \$7,500/mo. uncharacterized and the the H would continue to pay for the mortgage on the matrimonial home. H stopped paying the monthly amount in 2011. W began working part-time for \$12/hr increasing to \$17/hr, but had to withdraw from her RRSP and borrow from family. However, W was diagnosed with a rare disease and began receiving \$1,000/mo. disability. H had exclusive use and access to the matrimonial property. Decision: Payments made by the H towards the mortgage were addressed in spousal support decision. H ordered to pay \$1,525,504 or transfer assets in order to equalize matrimonial property. Court held that it would be impossible to reconstruct spousal support earlier than 2010 as the parties' finances were completely intertwined. H's income, including personal expenses, were calculated by the W's expert and accepted by the Court. Retroactive spousal support for 2010-2015 was ordered at the mid-range of the SSAGs totalling \$238,864 taking account of payments made and reduced to \$170,363 to account for mortgage payments. H's income for 2016 and 2017 was calculated at \$564,000 but there was insufficient information to assess appropriate support from 2016 forward. Parties to calculate based on previous yrs and contact justice if they cannot agree. However, ongoing support to be calculated using the low end of the SSAGs once the W has received her share of the property. Lump sum spousal support on a go forward basis denied. However, parties to agree on security for support going forward or contact justice if they cannot agree.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
CMK v GSK, 2017 ABQB 638 (See above 2017 ABQB 319)	4 Year Marriage/ Cohab	Payor: \$477,183 (projected, before personal amounts) Payee: \$37,050	Payor: 68 Payee: 62 Age of Payee at Separation: 56	None	K.P. Feehan J.	Lump sum \$112,016.13 (mid-range of SSAGs, 25% tax discount) for 5 yrs, 4 mos. from date of separation	Final	Low: \$2,201 Mid: \$2,567 High: \$2,934 Duration: 2 to 4 yrs ("Without Child Support" Formula)	Facts: (see also previous decision) Parties cohabited for 4 yrs and had been separated for over 6 yrs. H had a BComm and worked as a commercial realtor receiving employment income and corporate dividends from his two corporations. W worked 0.5 FTE working with special needs children. W worked full-time until 2009 when she took time off at the direction of her doctor for anxiety and insomnia. After separation, W received \$2,500/mo. from the H, full disability and had no mortgage payments. After the sale of the matrimonial home, with no payments from the H and with a mortgage payment, her debts grew and when she lost her disability top-up, things become worse. Previous decision held that W was working to her maximum potential and was not able to work more than 0.5 FTE and that W was entitled to spousal support on a compensatory and non-compensatory basis. W sought \$2,500-\$6,000/mo. retroactive spousal support and \$5,000 ongoing indefinitely. H argued for a single lump sum payment of \$15,000-\$20,000 due to this being a short term marriage, with no children, on a non-compensatory basis. H argued that transitional non-compensatory support was addressed in the post-separation agreements and sale of the matrimonial home. Decision: H to pay W approx. \$270,000 plus a transfer of \$263,488 from H's RRSP to equalize property, accounting for the W's receipt of \$150,000. Court used 3 year average to determine H's income and income differential between the parties. Court concluded that the 4 years of cohabitation, not the 10 yrs of marriage was the appropriate period for calculation of spousal support. Court held that spousal support should be calculated using the mid-range of the SSAGs beginning from the date of separation and continuing for 5 yrs and 4 mos., to the end of 2016. Court noted that this was in excess of the duration recommended by the SSAGs, which are not mandatory. Spousal support payments from 2011 to 2016 ranged from \$1,920 to \$2,720/mo. resulting in a total retroactive amount of \$149,354.85 less 25% tax, for a payment of \$112,016.13. H may pay the monthly amounts over 5 yrs and 4 mos., exercise an RRSP rollover or pay the lump sum.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Splett v Splett, 2017 ABQB 658	22 Year Marriage / Cohab	Payor: \$300,000 (imputed) Payee: \$40,000 (imputed)	Payor: 56 Payee: 51 Age of Payee at Separation: 46	1 Dependent Child (Age 22)	M.R. Bast J.	\$8,500/mo. Indefinitely, reviewable 5 yrs from the date of divorce (or 12 mos. after W receives 100% of entitlement to matrimonial property)	Final	Low: \$6,016 Mid: \$6,835 High: \$7,670 Duration: Indefinite ("With Child Support" Formula)	<p>Facts: Trial of all issues in an acrimonious dispute that required extensive case management. Parties together 22 yrs and had been separated for over 5 yrs. Adult child estranged from H. H conceded entitlement to spousal support. H worked as an electrician and W was a dental assistant and after further training, an accounting technician. By agreement, W became a stay at home mother, managing the household and homeschooling the child. H pursued entrepreneurial opportunities and continued to do electrical work. Eventually H devoted himself full-time to the development of a trucking company and later an oilfield service business. W used her accounting skills to keep their personal books and the books for their business ventures. Both parties had significant credibility issues. H's parents had been added to the litigation due to issues surrounding matrimonial property. H had orchestrated his incapacitated father's affairs in preparaton for his separation from the W. W had remained in the matrimonial home. H and W owned 51% and 49% of the shares of the company. Prior to, and after separation, the parties received essentially equal payments from the company. After the H ended the W's ability to write cheques, the case management justice ordered that each party continue to receive a salary of \$9,300/mo. The parties received several advances prior to trial.</p> <p>Decision: Divorce granted. Court determined that the value of the company was \$2,675,000. W directed to transfer her shares and receive a payment of \$1,418,500 from the H. W's claim against properties owned jointly by the H and his father were dismissed as the H did not have any beneficial interest in the properties. Court determined other matters related to valuable coins, loans from the H's father and advances from the company. H's claim for occupation rent was denied as W paid the expenses for the matrimonial home and was not seeking compensation. Further the H had not properly pled the claim. Court concluded that once the corporate interests were transferred, H would be able to earn \$207,000, which had been split between the parties. Court added amounts for personal benefits and concluded that the W's request to impute an income of \$300,000 was reasonable. Court held that W unreasonably chose not to pursue employment or update her credentials and imputed an income to her of \$40,000. No evidence of the W's needs was provided and she relied on the SSAGs. H did not address quantum, only duration. W had been disadvantaged but bore some of the responsibility post-separation due to the failure to take any real steps towards self-sufficiency. Court ordered \$8,500/mo. in spousal support going forward, indefinitely, with a review after 5 yrs, or 12 mos. after the W had received 100% of her entitlement to matrimonial property. Parties ordered to continue to pay \$1,250/mo. to the child for an additional 8 mos., with the H paying tuition, books and rent, and all other s. 7 expenses beng shared in proportion to income, until the end of the first degree.</p>

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Delorme v Delorme, 2017 ABQB 699	20 Year Marriage	Payor: \$107,096 Payee: \$35,562	Payor: 49 Payee: 47 Age of Payee at Separation: 43	4 Dependent Children (Ages 22, 19, 18 & 15)	K.G. Nielson J.	None (No entitlement)	Final	Low: \$1,462 Mid: \$1,706 High: \$1,949 Duration: Indefinite ("Custodial Payor" Formula)	<p>Facts: Parties were married for 20 yrs interrupted by a 3 yr separation. Parties had been permanently separated for almost 5 yrs. Parties had 4 children and since separation, 1 or more of the children lived continuously with the W, but the children moved back and forth between the parties' homes and some had been resident away from both parties to attend school. Throughout the marriage and separation, W worked for the government as a social worker and H was director, shareholder and officer of a contracting company involved in the oilfield and construction industries and which also conducted farming operations on land owned jointly by the parties. W's guideline income was \$107,096. H's income was more difficult to determine. All of the H's expenses, personal or otherwise, were paid for by the company and his line 150 income was nil for the most recent year. H sought retroactive spousal support from the W in the amount of \$123,684, being the sum of the depletion of his shareholder loan and personal expenses charged to him by the company during the period of separation.</p> <p>Decision: Divorce granted. Both parties worked hard to benefit the family and an equal division of matrimonial property was ordered, with the H retaining the farming properties and paying the W an equalization payment of \$545,125.50. Parties directed to calculate retroactive child support based on the residence of each child. Ongoing child support for the youngest child was ordered payable by the H to the W. Court held that depletion of the shareholder loan was the vehicle through which the company accounted for funds used for the H's living expenses but that the company could have paid H an income instead. The expenses set off against the H's shareholder loan balance should be taken into account in determining his guideline income. As a result, the H's guideline income during separation ranged from \$35,000 to \$59,000 with the most recent year being \$35,562. Court held that both parties were self-sufficient and had continued in their respective occupations since separation. There was no disadvantage to the H as he carried on after separation exactly as he did before, having his personal expenses paid for by the company.</p>

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Ernst v Martins, 2017 ABQB 785	10.5 Year Cohab	Payor: \$100,000 (imputed) Payee: \$70,000	Payor: 55 Payee: 41 Age of Payee at Separation:	2 Dependent Children (Ages 12 & 11)	Douglas R. Mah J.	None	Final	Low: \$0 Mid: \$0 High: \$0 Duration: Indefinite, 5.25 to 10.5 years ("With Child Support" Formula)	<p>Facts: Unmarried couple with 2 children. Parties had been separated for approx. 3.5 years. W had a business diploma, certifications in payroll and group benefits and had worked for Epcor as a payroll assistant and payroll representative. H had certification as a journeyman carpenter with the "Red Seal" endorsement of excellence. H began a sole proprietorship and then later incorporated a home building business. H also acquired and operated rental properties in Las Vegas. W showed homes for the H's business, assumed clerical, administrative, and office manager duties. After the birth of their second child, W left her employment with Epcor to care for the children and support H in his business. W worked as sales manager, office manager and was the main point of contact for the business, but was not paid. W later obtained employment at the AGLC as payroll representative and then supervisor, earning \$70,000/yr. H had a son from a prior relationship and a prior partner, both of whom received assets upon separation. H had remarried and his new wife and younger daughter lived in Portugal. H and W differed on the dates of cohabitation and separation. H ordered before trial to pay child support based on an imputed income of \$100,000/yr.</p> <p>Decision: Court found that there were issues of credibility with the H. Court held that the parties were Adult Interdependent Partners. Court held that W played a significant and valuable role in the H's business which was integral to its success. Court held that there was unjust enrichment in the context of a joint family venture and that the W's contributions were connected to the generation of wealth in the relationship. Court rejected the <i>quantum meruit</i> calculation and awarded W 40% of the divisible assets, being close to \$5 million in total, with H receiving approx. \$3 million and the W \$approx. \$2 million. Court held that an award of compensatory partner support would be a duplication of the financial recognition already given to the W through the joint family venture. Further, W was not entitled on a non-compensatory basis as she was "perfectly self-sufficient" and had gainful, stable employment, along with the family home and income generating assets. Court held that it was reasonable to impute \$100,000 in income to the H.</p>

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
LEW v RWW, 2017 ABQB 806	9 Year Marriage / Cohab	Payor: \$65,835 Payee: \$20,000 (imputed)	Unknown	1 Dependent Child (Age 11)	M. David Gates J.	\$423/mo. for a further approx. 2.5 yrs (4.5 yrs total)	Final	Low: \$221 Mid: \$418 High: \$640 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties cohabited prior to marriage for 21 mos. and were married 7 yrs. Parties had been separated almost 3 yrs. Child lived with the W. On an interim basis, W's income was set at \$20,000 and H's at \$67,100 with child support payable at \$558/mo. and spousal support payable at \$462/mo. The issues to be determined were retroactive and ongoing spousal support and whether income should be imputed to the W. During the marriage, W obtained a diploma as a Licensed Practical Nurse (LPN) and worked part time. However, W was not employed at separation and did not secure employment until almost 2 yrs after separation, also part-time. W's income for the most recent yr was \$500 plus various child tax benefits. H worked full-time but lost his job after separation. However, he secured alternate employment with a few mos. H's income dropped from \$85,213 to \$65,835. Both parties had declared bankruptcy. H continued to pay the mortgage on the matrimonial home where the W lived, plus insurance, utilities, LOC payments and vehicle payments and insurance. Entitlement to spousal support was agreed. W sought 4.5 yrs duration (1:2 basis), which was not challenged by the H, and objected to the imputation of income. Decision: Child support ongoing confirmed at \$558/mo. After accounting for retroactive child support owed against payments made by the H after separation, the Court found that the H had a credit of \$37,423.08 for spousal support. W had the sole benefit of a joint asset, the matrimonial home, during separation, which should be taken into account in assessing the quantum of spousal support payable. Duration fixed at 4.5 yrs from separation. Detailed review of SSAG calculations considered. Court did not agree that the W should have immediately sought employment following separation, but that she should have returned to work by the beginning of 2016. W's failure to do so was the result of an intention to avoid her support obligations. Income imputed to the W at \$20,000. Spousal support ordered at the mid-range of the SSAGs at \$1,962/mo. decreasing to \$471/mo. and then \$423/mo. Mid-range selected as income was imputed but W did not have a strong compensatory claim. Amounts applied against H's credit, leaving a credit of \$14,113.08 for future spousal support payments.
GSH v KRH, 2017 ABQB 807	6 Year Marriage / Cohab	Payor: \$104,600 Payee: \$29,900	Unknown	1 Dependent Child (Age 17) (H had other dependent children)	Robert A. Graesser J.	\$480/mo. Indefinitely (subject to yearly adjustment)	Final	Low: \$818 Mid: \$1,210 High: \$1,600 (Insufficient information to calculate duration) ("With Child Support" Formula)	Facts: Parties entered into a Separation Agreement which required H to pay child support based on a guideline income of \$150,000 and spousal support of \$2,300/mo. W's income was \$29,928 and remained consistent at around \$29,900. W had been on permanent disability since before the marriage and did not expect to become gainfully employed. W had a 17 yr old child and it was agreed that the H stood <i>in loco parentis</i> . 2 years later the H applied to reduce his support obligations based on his 2016 income of \$104,600. On an interim basis, spousal support was reduced to \$1,400/mo. and child support to \$925/mo. H had been placed on stress leave and had to look for a new job which he accepted at a lower salary. H had children from prior relationship and paid child support for them of \$1,487/mo. H sought to reduce or end spousal support payments to W. H sought to deduct amount of child support paid for his other children from his income to calculate SSAG range. W argued that this was not done when the separation agreement was negotiated. Agreement provided for possible variation to quantum of support. Decision: Court applied <i>Miglin</i> where there is a pre-existing agreement and did a two-stage investigation into all the circumstances surrounding the agreement, at the time of formation and at the time of application. There was no indication that the H was under duress or that the agreement was unconscionable. Court held that there was no reason to interfere with the parties' agreement in respect of the duration or termination of spousal support. However, the agreement would be unfair given the decrease in the H's income. Court reviewed the general formula for calculating the SSAG ranges and found that the agreement resulted in a rough equalization of the parties' after tax incomes. Court held that the H's after-tax income, after making his child support payments, was \$50,156. W's after-tax income was \$40,450, requiring \$5,000 net to be paid to the W to equalize. H ordered to pay \$480/mo. in spousal support, subject to yearly adjustment.

Case Name	Duration of Cohabitation	Guideline Incomes	Ages of Spouses	Children	Justice	Support Awarded	Type of Award	SSAGs	Summary
Aranes v Guanlao, 2017 ABQB 808	8 Month Marriage	Payor: \$24,000 Payee: 0	Payor: 56 Payee: 46 Age of Payee at Separation: 45	None (W had child age 13)	S.N. Mandziuk J.	\$430/mo. for a further 9 mos. (1 yr total)	Final	Low: \$20 Mid: \$23 High: \$27 Duration: 4 to 8 mos. ("Without Child Support" Formula)	Facts: Parties both originally from the Philippines. H was a Canadian citizen and married the Plaintiff whose work permit had expired. H sponsored the W and her 13 yr old child for permanent residency. Parties had been separated 10 mos. After separation, H withdrew his sponsorship of the W and her child. Thus, W could not legally work in Canada or receive government assistance. W applied for entry into Canada on humanitarian grounds and expected to obtain a work permit in 7-12 mos. and could earn \$18-\$20,000. H's current income expected at \$24,000. W sought retroactive and ongoing spousal support for one yr from the date of separation of \$550/mo. H objected to entitlement. On an interim basis the H was ordered to pay \$150/mo. spousal support. Decision: Court reviewed caselaw on the undertakings given in a sponsorship agreement and held that it was a factor in determining entitlement to spousal support, especially for a short term marriage. Court found entitlement on a compensatory and non-compensatory basis. The breakdown of the relationship left the W in deleterious financial circumstances and she had suffered an economic disadvantage and hardship as a result. W had a duty to pursue self-sufficiency but was unable to legally do so. She had taken reasonable steps to obtain a work permit. H had consistent income and a reasonable budget with a small surplus and some discretionary expenses. Court noted that it was departing from the SSAGs and ordered spousal support of \$430/mo. for a further 9 mos. (1 yr total) as requested by the W, subject to the W obtaining a work permit and securing employment.
Provincial Court of Alberta Cases									
Evans v Nelson, 2017 ABPC 141	5 Month Total Cohab	Payor: \$190,000 Payee: \$120,164 (last full year of employment), \$70,997 and \$39,855 (2 yrs including EI and RRSP income) (Currently earning in excess of \$120,000)	Payor: Approx. 34 Payee: 34 Age of Payee at Separation: Approx. 34	1 Dependent Child (Age 2) W had Dependent Child from prior relationship (Age 8)	J.K. Sihra, Prov. J.	None	Final	Low: \$0 Mid: \$163 High: \$953 Duration: Indefinite, 4 to 16 yrs ("With Child Support" Formula)	Facts: Parties cohabited for approx. 5 mos. and had a child together. W had an 8 yr old son from a previous relationship; H did not stand <i>in loco parentis</i> . Both parties contributed to household duties but the W's home-making role was minimal and limited. H paid most of the expenses, they did not share bank accounts, debts, property or file taxes together. W became financially dependent on the H during cohabitation, particularly when her employment was terminated. Parties had been separated for over 3 yrs at trial. W did not return to work until 2 yrs after having the child. Orders for child and spousal support were made following separation. H's income was set at \$184,000 then recalculated at \$190,000. H paying child support of \$1,663/mo. Leading up to trial, H ordered to pay spousal support of \$1,000/mo. for 3 mos., then \$500/mo. for 3 mos. Decision: Court declined to impute income to the H pursuant to s. 18 of the FCSSGs as his income had been relatively constant and he had shown that the company's pre-tax income was not available to him. The company was not family owned, H was a minority shareholder and the company did not historically pay dividends. Court concluded that the parties did not function as an economic and domestic unit and that there was no permanence to the relationship, despite there being a child of the relationship. However, even if the parties were adult interdependent partners, W would not be entitled to partner support for the following reasons: W had 2 diploma programs with related job experience and although she was terminated, she never gave up any career prospects for the relationship; W did not return to work and there was no evidence why she could not; W was not economically disadvantaged by the relationship or when it ended but when her employment was terminated; and W made poor financial decisions. Further, as of trial W had secured employment in her field earning in excess of her previous salary.