

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation: *K.L.W. v. R.D.W.*,
2022 BCSC 44

Date: 20220112
Docket: E18451
Registry: Smithers

Between:

K.L.W.

Claimant

And:

R.D.W.

Respondent

Corrected Reasons for Judgment: The text of these Reasons for Judgment was amended at paras. 76 and 80 d) on February 22, 2022

Before: The Honourable Mr. Justice G.C. Weatherill

Reasons for Judgment

The Claimant, appearing in person:

K.L.W.

Counsel for the Respondent:

I. Lawson

Place and Dates of Trial:

Smithers, B.C.
December 14 to 16, 2021

Place and Date of Judgment:

Smithers, B.C.
January 12, 2022

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Introduction

- [1] The issues necessitating resolution in this family law proceeding are:
- a) whether the respondent is entitled to an interest in, or compensation in respect of, farm property purchased by the claimant during the parties' marriage using monies she inherited;
 - b) division of family property and family debt;
 - c) the amount of spousal support payable by the respondent to the claimant; and
 - d) the amount of child support payable by the claimant to the respondent.
- [2] The parties also seek a divorce order by consent.

Background

- [3] The claimant and the respondent are 49 and 53 years old, respectively. They were married on July 31, 1993, and separated 26 years later in January 2020.
- [4] The claimant has an adult child from a previous relationship. The parties are the parents of three adult children in respect of whom no orders are sought. They are also the parents of three other children in respect of whom orders are sought: J.W., now aged 18, K.W., now aged 14, and M.W, now aged 12. J.W. has graduated from high school and will be attending university commencing September 2022.
- [5] The parties (and their then-compliment of two children) moved to Terrace, B.C. in 1996. They purchased a house as well as a pet store business (the "Pet Store"). The parties' five youngest children were all born in Terrace.
- [6] The claimant testified that, overall, with the ebbs and flows of the Terrace economy, the Pet Store did not do well financially. Business was marginal at best. The parties had trouble making ends meet. In 2012, a competing pet store was about to open. The claimant wanted a fresh start for her family.

[7] In contrast, the respondent testified that the Pet Store was doing well, had six employees, was steadily gaining ground and that 2012 was its “best year ever” financially. However, he gave no evidence as to what the phrase “best year ever” meant. That is, it is unclear whether the Pet Store was profitable or whether it lost the least amount of money that year. He testified that the claimant wanted to move away from Terrace because she found the wet climate to be depressing.

[8] The parties were able to sell their Terrace home relatively quickly and, in June 2012, they purchased a farm property in Hazelton, B.C. (the “Hazelton Farm”). The purchase price was approximately \$350,000. They funded the purchase with the net proceeds of the sale of their house in Terrace and a \$240,000 mortgage. The claimant testified that their plan was to eventually sell the Pet Store and use the proceeds to pay down or pay off the mortgage.

[9] The driving time between Hazelton and Terrace is approximately 1¾ hours each way. The respondent testified that, rather than making the daily commute, he turned the day-to-day management of the Pet Store over to a long-serving employee and oversaw the Pet Store’s operation from the Hazelton Farm, commuting to Terrace only when necessary.

[10] The claimant testified that the mortgage payments together with the expenses associated with the ongoing operations of the Pet Store added to the parties’ financial woes. She testified that the family was “stretched thin” and that there were times when they could not even afford to pay their electricity bill. In an attempt to earn additional income, the parties became foster parents. They also raised chickens and other livestock on the Hazelton Farm. The claimant testified that, to this end, they invested approximately \$40,000 in fencing, pens, freezers, brooding hens, meat chickens, and other farm apparatuses and equipment. The respondent testified that their investment for these items was approximately \$30,000. The parties spent an additional \$10,000 for a new roof and \$5,000 for a new water system at the Hazelton Farm. The respondent agreed that the family was struggling financially.

[11] By the fall of 2012, the Pet Store was facing competition in Terrace and the employee tasked with operating the Pet Store was not working out. The respondent decided to sell the Pet Store. In January 2013, the Pet Store was sold to an employee. To complete the sale, the parties were required to lend \$25,000 to the purchaser for the payment of an additional franchise fee. The parties borrowed this money. In the result, instead of being able to pay down their mortgage from the net proceeds of the sale of the Pet Store, they were left with a debt of \$80,000 from its sale. The respondent agreed to continue to work at the Pet Store for a three-month transition period until the end of March 2013.

[12] In June 2013, the respondent began working as a car salesman at the Toyota dealership in Smithers, B.C. For the first several years, he earned little more than a “basic wage”.

[13] The parties’ debt situation caused considerable friction between the parties. The claimant testified that she was extremely stressed by their financial circumstances and felt they were living well above their means. She was adamant that the Hazelton Farm be sold and that they purchase a home they could better afford. The respondent was equally adamant that the Hazelton Farm not be sold.

[14] In July 2014, the claimant’s mother died. The claimant received an inheritance of approximately \$100,000 from her mother’s estate, as well as a further \$100,000 as a beneficiary of her mother’s life insurance policy (collectively, the “Inheritance”).

[15] The claimant testified that she and the respondent disagreed on how the Inheritance should be used. While the claimant was willing to pay down the family’s debts, she was not prepared to continue living beyond their means. The respondent insisted that the family continue to live on the Hazelton Farm and that the Inheritance be used to pay their debts and ongoing living expenses. The claimant testified that the respondent became very angry when she disagreed with him and would not spend the Inheritance in the manner he wanted. The claimant testified

that the parties' relationship deteriorated further. In contrast, the respondent testified that they got along well until early January 2015.

[16] In early January 2015, the respondent learned that, unbeknownst to him, the claimant had been working with a realtor who had found a less expensive farm property near Houston, B.C., available for purchase (the "Houston Farm"). This revelation resulted in the respondent becoming extremely angry and telling the claimant that he was "done with her" and that she should "get out". The claimant testified that, after several weeks of the respondent stating to her that he was serious about him wanting her to leave, she made the decision to do what she could to care for herself.

[17] After an episode during which the claimant became particularly distraught over her situation within the family, the respondent agreed to view the Houston Farm property with her and the realtor. The respondent described the Houston Farm as consisting of a "dumpy little cabin in the middle of nowhere", that was "gutted and uninhabitable", an "empty shell", and that "everything had to be done".

[18] On March 17, 2015, the claimant used the Inheritance to purchase the Houston Farm for \$152,000. After legal and other expenses, her total expenditure was approximately \$154,000.

[19] Shortly after purchasing the Houston Farm, the parties set about making the house habitable. It was, indeed, merely a shell of a structure. It had no windows or siding. The interior was completely unfinished. The building had to be moved onto piles. The claimant spent the following amounts to make the dwelling house somewhat inhabitable:

a) chimney/stove for heat:	\$2,700
b) water system:	\$7,100
c) excavation of well, trench, and lagoon:	\$6,900
d) an addition to the original small building:	\$31,300
e) windows:	\$5,000

f) siding:	\$30,000
g) guest cabin:	<u>\$6,000</u>
Total:	\$89,000

[20] The claimant derived revenue of \$85,000 from the logging of a portion of the Houston Farm, which she used to pay for most of the foregoing improvements. The claimant paid capital gains tax on 50% of the logging revenue, which increased her income tax payments by approximately \$6,600 in 2019.

[21] In June 2015, the claimant moved to the Houston Farm with the parties' son, J.W. The other children stayed with the respondent at the Hazelton Farm pending its sale.

[22] In approximately October 2015, the respondent moved to the Houston Farm with the other children. The Hazelton Farm was rented on a "rent-to-own" basis.

[23] The parties continued to struggle financially with debts, including the ongoing costs associated with maintaining the Hazelton Farm pending its sale. When the "rent-to-own" agreement ultimately fell through, the parties borrowed \$80,000 from their realtor in order to meet their ongoing debt obligations.

[24] In March 2017, the parties sold the Hazelton Farm for \$318,000. They received net proceeds of \$61,000. That amount, together with an additional \$25,000 they borrowed on their joint line of credit, was used to repay the loan from their realtor.

[25] The Houston Farm still does not have indoor plumbing. Electricity is provided by a small generator and a small solar energy system.

[26] The claimant home-schooled the children and was the family's homemaker while the respondent worked at the Toyota dealership. The claimant testified that, because the family needed money, she attempted on several occasions to work outside of the home, but each time the respondent became angry with her and

demanded that she stop. Their relationship deteriorated further with the respondent repeatedly threatening that he would leave.

[27] Finally, in January 2020, the respondent left the Houston Farm and moved in with the parties' eldest daughter in Smithers, B.C.

[28] At the time of separation, the parties had the following family debt:

a) Scotiabank Line of credit (the "Line of Credit"):	\$29,500
b) The respondent's Canadian Tire MasterCard:	\$10,500
c) The claimant's Scotiabank Visa:	<u>\$3,200</u>
Total:	\$43,200

[29] The claimant has since paid off the \$3,200 Scotiabank Visa debt. The parties have each paid 50% of the interest payable in respect of the Line of Credit. The respondent has not paid any of his Canadian Tire MasterCard debt.

[30] J.W. has been living full-time with the respondent since February 19, 2020. K.W. has been living full-time with the respondent since March 8, 2020. M.W. has been living approximately 80% of the time with the respondent since January 1, 2021.

[31] There are no issues to be resolved regarding parenting or parenting time.

[32] Since the parties' separation, the claimant has worked part-time cleaning houses and, as of December 2020, has become employed as a heavy equipment operator at the Houston landfill. The claimant's income for support purposes is as follows:

a) 2018:	\$1,768.53
b) 2019:	\$5,429.73
	(net of \$42,000 logging capital gain)
c) 2020:	\$27,491.51

[33] The claimant expects to earn approximately the same in 2021 as she did in 2020. The Form F8 financial statement sworn by the claimant October 4, 2021, shows that she earned \$54,812.40 (\$48,812.40 employment income + \$6,000 self-employment income) in 2021.

[34] The respondent's income has been:

a) 2018:	\$79,878
b) 2019:	\$83,704
c) 2020:	\$95,272

[35] The Form F8 financial statement sworn by the respondent November 5, 2021 shows that he earned \$95,000 in 2021, for the purposes of calculating child support.

[36] The respondent made support payments to the claimant totalling \$2,890 in the months of January, February, and March 2020. On June 1, 2020, Master Bouck ordered that the respondent pay interim child support to the claimant of \$463 per month, retroactive to April 1, 2020. On December 9, 2020, Madam Justice Murray ordered that the respondent pay interim spousal support of \$167 per month and interim child support of \$646 per month (totalling \$813 per month) to the claimant, both retroactive to September 1, 2020. The respondent complied with these orders until May 2021, when he ceased making the child support payments of \$646 per month, thereby reducing his support payments to \$167 per month for spousal support only. By my calculation, the respondent has made monthly child support payments to the claimant totalling \$12,651 and spousal support payments totalling \$2,672.

Credibility

[37] Although there was some disagreement in the parties' evidence, it was generally aligned on the material facts. The primary area of conflict was when it came to the monies that had been expended to improve the Houston Farm. The claimant's evidence in this respect was largely supported by documents which detailed the expenditures. The respondent's evidence was based upon bank and

credit card statements and conjecture as to what the debits and charges were likely to have been.

[38] The claimant testified in a forthright manner. Although she had some difficulty recalling some dates and times, she readily conceded any mistakes in her testimony related to them. I found the claimant to have been a sincere and genuine witness whose evidence was consistent throughout her testimony. I have no difficulty accepting the claimant's evidence as generally reliable.

[39] The respondent too was generally forthright. He was better able to recall dates, times, and amounts than was the claimant. However, I find that he downplayed the conflicts in the parties' relationships and the financial stress they were under. It defies credulity that the parties' marriage was stable prior to January 2015, when the parties acted as they did regarding the retainer of the Houston Farm realtor. The respondent's assertion that, but for the claimant's decision to move to the Houston Farm, their financial troubles would have been resolved is equally implausible. Moreover, I found that the respondent was prone to exaggerate the work he did on the Houston Farm in order to advance his interest in this proceeding.

[40] On the whole, where the parties' evidence on material matters is in conflict, I prefer that of the claimant over the respondent.

Analysis

Parenting and Guardianship

[41] The parties agree that they will be joint guardians of the children and will share all parental responsibilities for them. The parties are also in agreement regarding the current parenting arrangement.

Child Support

[42] The court received little assistance from the parties regarding the calculation of child support that ought to have been paid. Attached to these reasons for judgment as Schedule "A" are DivorceMate calculations regarding child support for 2020 and 2021 I have obtained and relied upon.

[43] The respondent has made child support payments totalling \$12,651 since separation (\$4,899 in 2020 and \$7,752 in 2021). However, as noted above, by March 2020, both J.W. and K.W. were living full-time with the respondent. By January 2021, M.W. was also spending the majority of his time living with the respondent. Accordingly, the claimant ought to have paid child support to the respondent starting March 2020.

[44] As detailed in the attached DivorceMate calculations, the claimant ought to have paid monthly child support to the respondent in 2020 of \$591. Starting from March 2020—being the date the majority of the school aged children resided full-time with the respondent—the claimant ought to have paid \$5,910 in child support to the respondent in 2020 (\$591 x 10 months). Furthermore, as set out in the DivorceMate calculations, the claimant ought to have paid \$1,119 per month for child support in 2021, or \$13,428 overall (\$1,119 x 12 months). In total, the claimant ought to have paid \$19,338 in child support to the respondent since separation.

[45] Child support payments will be ongoing at the present rate. The claimant will have a right of review once K.W. graduates from high school.

[46] The parties agree that ongoing s. 7 special and extraordinary expenses will be divided *pro rata* in accordance with their respective incomes for child support purposes.

Spousal Support

[47] In my view, the claimant is entitled to spousal support, both retroactive and ongoing, on a compensatory basis. Relevant considerations include that the parties' marriage was long, the claimant home-schooled their children, and the respondent discouraged the claimant from seeking employment to ease their financial strains.

[48] Based on the Form F8 financial statement filed by the respondent on November 4, 2021, his income for 2021 is \$103,182 (\$95,000 + \$8,182.32 child tax benefit and B.C. family bonus) for the purposes of calculating spousal support. Attached to these reasons for judgment as Schedule "B" are DivorceMate

calculations regarding spousal support for 2020 and 2021 I have obtained and relied upon.

[49] I find that the mid-range *Spousal Support Advisory Guidelines* amount is appropriate in the present case. Accordingly, the monthly amount payable was \$1,443 in 2020 and \$965 in 2021. I find that the claimant is entitled to going forward payments at the mid-range and on an indefinite basis.

[50] As noted above, my calculations indicate the respondent has made spousal support payments to the claimant totalling \$2,672 since Murray J.'s order in December 2020. However, based on the above, this falls short of his obligations since separation. The respondent ought to have paid \$17,316 and \$11,580 in spousal support in 2020 and 2021, respectively. Accordingly, the respondent owes \$26,224 in retroactive spousal support ($\$17,316 + \$11,580 - \$2,672$).

Ongoing Financial Disclosure

[51] The parties will exchange their income tax returns by the first day of July of each year as well as their respective income tax return assessments within a reasonable period of time after receipt. The foregoing child and spousal support obligations will be adjusted, effective the first day of August of each year, to reflect the respective incomes.

Division of Personal Property

[52] The parties agree that ownership of the following vehicles and equipment will be transferred to the claimant exclusively:

- a) GMC Truck;
- b) Tractor;
- c) Toyota RAV4;
- d) Horse trailer;
- e) Utility Trailer; and
- f) Log Splitter.

[53] The parties agree that ownership of the following vehicles and equipment will be transferred to the respondent exclusively:

- a) Toyota Tundra Truck and snowplow;
- b) Snowmobiles; and
- c) Aluminium boat.

[54] The parties agree that all other personal property currently in their possession will be kept by them.

The Houston Farm

[55] It is undisputed that the Houston Farm is excluded property having been purchased by the claimant with the Inheritance. The law is clear that the respondent is entitled to 50% of the increase in its value since its acquisition: *Family Law Act*, S.B.C. 2011, c. 25, s. 84(1)(g). Subsection 84(2)(g)(ii) provides that the amount by which the value of excluded property has increased since it was acquired constitutes family property.

[56] The onus of establishing the amount of the increase in value is on the party seeking to divide the increase: *J.S.F. v. W.W.R.*, 2015 BCSC 2375 at para. 161.

[57] Where excluded property (i.e., inheritance monies) is used for improvements to enhance the value of property, the enhanced value is excluded property: *Asselin v. Roy*, 2013 BCSC 1681 at para. 223.

[58] A joint appraisal filed by the parties values the Houston Farm at \$252,000 as of September 21, 2021. The evidence shows the increase in value is \$98,000. Common sense dictates, and I find, that in this case by far the majority of that increase is the result of the improvements to the Houston Farm's dwelling house and other improvements the parties made to the Houston Farm with the help of their children. These expenditures were, for the most part, not financed using the Inheritance, and thus the resultant increase in value is not excluded property.

[59] The respondent is entitled to 50% of the increase in value, or \$49,000.

[60] The respondent advances, by way of counterclaim, a claim for an interest in the Houston Farm as well as a claim in the alternative for compensation based upon his contributions in relation to the Houston Farm that he says enhanced its value. His pleading states as follows:

B. Other property claims

The respondent claims:

an interest in [the Houston Farm]

an order for compensation instead of an interest in [the Houston Farm] on the following grounds:

in the alternative, compensation on the basis of *quantum meruit* for his contribution of labour and money to the construction and maintenance of the family home and property.

[61] Counsel for the respondent submits that the basis of the respondent's claims in this regard is the "catastrophic loss" he suffered "due to the foolhardy decision-making" by and "hair-brained idea" of the claimant to "live in a shack" which "robbed him of \$20,000 of income" and "forced the sale" of the Hazelton Farm at an improvident time. The evidence presented at trial does not support any of these assertions. Rather, the evidence is clear that, while the claimant was emotionally stressed over the parties' financial situation and wanted to "downsize" their home, the respondent did not want to do so but ultimately agreed with the claimant's wishes because "it was her dream". There is no evidentiary basis for the suggestion that the timing of the sale of the Hazelton Farm was imprudent or that the parties would have been better off financially had it not been sold. What is clear is that they were living beyond their means.

[62] I have dealt with the respondent's claim for an interest in the Houston Farm by way of a finding that he is entitled to share equally in the increase in its value since it was acquired.

[63] Counsel for the respondent submits that the respondent's plea for compensation on the basis of *quantum meruit* entitles him to claim the restitutionary remedy of unjust enrichment. In support of this proposition, counsel relied on the

decision of our Court of Appeal in *Wilson v. Fotsch*, 2010 BCCA 226, where the court stated that account can be taken of the mutual enrichments inherent in a marriage-like relationship. Accordingly, where a claim for unjust enrichment has been expressly pleaded by one of the parties, a cross-claim for unjust enrichment may be implicit. As the court stated in *Wilson* at paras. 2–3:

[2] This feature of mutuality suggests reciprocal claims for unjust enrichment will commonly follow the termination of a marriage-like relationship as they do the end of a marital relationship. Where such a claim is pleaded expressly, either as a cross-claim or by way of set-off, account will be taken of mutual enrichments ... [citations omitted].

[3] Such pleading, however, is the exception rather than the rule. Where a cross-claim for unjust enrichment is not specifically pleaded, such a claim may be implicit, as this Court recognized in *Ford v. Werden* (1996), 27 B.C.L.R. (3d) 169 (C.A.) at para. 13:

[13] It is not clear to me whether the majority of the Court intended to endorse this approach and to lay down as a rule that spousal services must generally be *assumed* to have benefitted one party to the deprivation of the other. Taken to its logical conclusion, this would mean that in a relationship between two adults each of whom has provided spousal services to the other, each must be assumed to have benefitted and to have suffered a deprivation at the same time. The first to sue will have an obvious advantage in that he or she will be assumed to have suffered a deprivation, and the defendant will be compelled to make a counterclaim on exactly the same basis. (This in fact is what one commentator assumes was intended: see K. Farquhar, “Unjust Enrichment – Special Relationship – Domestic Services – Remedial Constructive Trusts: *Peter v. Beblow*” (1993) 72 Can. Bar. Rev. 538 at 541.)

[Italic emphasis in original; underline emphasis added by Huddart J.A.]

[64] In my view, *Wilson* does not support the respondent’s submission that a plea of unjust enrichment is implicit in a family law proceeding and that a claim for compensation on the basis of *quantum meruit* is sufficient to claim unjust enrichment. *Quantum meruit* is not a cause of action. Rather, it is a means of assessing liability once a restitutionary cause of action (such as unjust enrichment) has been made out: *Peter v. Beblow*, [1993] 1 S.C.R. 980 at para. 3. See also: *Fuller v. Matthews*, 2007 BCSC 444 at para. 73; *Nicholson v. Brown Estate*, 2018 BCSC 141 at paras. 82, 87–88.

[65] The respondent's pleading, which simply seeks an order for compensation on the basis of *quantum meruit*, has put the cart before the horse, by pleading a restitutionary remedy without pleading a restitutionary cause of action.

[66] Even if I were to exercise my discretion to grant the respondent's application to amend his counterclaim to expressly plead unjust enrichment (the application was made during the respondent's closing submissions), the evidence presented at trial does not begin to support such a cause of action.

[67] While it is true (and the claimant concedes) that the respondent put time and effort into creating improvements on the Houston Farm, she disagrees with not only on the extent of the work he says he performed but also with the time he says he spent doing it. The "enrichment" received by the claimant is incapable of determination. The "corresponding deprivation", if any, suffered by the respondent is equally beyond assessment. The purported analysis of the number of hours the respondent spent at various tasks and the goods and materials he purchased over the period of almost five years was nothing more than self-serving guesswork created by him after this action was commenced in an attempt to bolster his case. Finally, the evidence is clear that there was a juristic reason for the enrichment. Namely, the mutuality of the parties' on-going matrimonial relationship, with the benefits conferred by one on the other being compensated in some other way including the reciprocal receipt of shelter, food or other things of value: *Kerr v. Baranow*, 2011 SCC 10 at paras. 101–115.

[68] In my view, a claim in unjust enrichment in this case is devoid of merit and I decline to exercise my discretion to grant the respondent's application to amend his counterclaim to expressly plead that cause of action in the alternative.

Family Debt

[69] The parties agree that the family debt at the time of separation was as follows:

a)	Line of Credit:	\$29,500
b)	The respondent's Canadian Tire MasterCard:	\$10,500
c)	The claimant's Scotiabank Visa:	<u>\$3,200</u>
Total:		\$43,200

[70] The parties agree that each of them is responsible for 50% of this family debt, or \$21,600 each.

[71] The claimant has paid off the \$3,200 Scotiabank Visa debt, thereby reducing her family debt obligation to \$18,400.

[72] In the circumstances, I find that it is in the best interests of the parties for them to terminate their joint financial arrangements. This can be accomplished by the following orders:

- a) Canadian Tire MasterCard debt: the claimant will pay to the respondent the sum of \$3,650 (\$5,250 less \$1,600 being the respondent's share of the Visa debt paid by the claimant).
- b) Line of Credit: the claimant will reduce the balance owing on the Line of Credit by making, as soon as is practicable, a lump sum payment of \$14,750 against it. Upon such payment, the respondent will make all reasonable efforts to cause the claimant to be removed from liability under the Line of Credit. Until such time as the foregoing payment is made, the parties will be equally responsible for all interest payments and other charges under the Line of Credit.

Set Off

[73] The child support owing by the claimant to the respondent (\$19,338) together with the Canadian Tire MasterCard debt owing by the claimant to him (\$3,650) will be set off from the spousal support owing by the respondent to the claimant (\$26,224), leaving a net amount payable by the respondent to the claimant in respect of retroactive support and family debt of \$3,236.

[74] The claimant is entitled to set off this amount (\$3,236) from the sum of \$49,000 owing by her to the respondent in respect of his interest in the Houston Farm. Accordingly, the claimant will pay the respondent a total of \$45,764 net of all retroactive support obligations, family property, and family debt equalizations.

[75] The claimant is entitled to set off the sum of sum of \$965 per month she is entitled to receive from the respondent in ongoing spousal support from her ongoing child support obligation payable to the respondent of \$1,119 per month. Accordingly, the claimant will make a net support payment to the respondent of \$154 per month. These amounts will be adjusted as and when each of J.W., K.W., and M.W is no longer a “child” for support purposes as defined by the *Family Law Act*.

[76] In addition to the payments to be set off as set out in these Reasons for Judgment, the parties agree that the claimant will pay the respondent a further sum of \$10,000 in recognition of the overpayment of child support he made during the period March 2020 to the date of trial as referenced in para. 43 of these Reasons for Judgment.

Canada Pension Plan

[77] The parties agree that the respondent’s Canada Pension Plan credits earned during the marriage will be divided equally between them.

Divorce

[78] The parties have lived separate and apart for more than two years. I am satisfied that there is no possibility of them reconciling. I am also satisfied that there has been no collusion in respect of their application for a divorce.

Conclusion

[79] I am ordering that the parties be divorced, the order to take effect 31 days after the date of these Reasons for Judgment.

[80] The claimant will:

- a) pay the sum of \$45,764 to the respondent, representing 50% of the increase in value of the Houston Farm since it was acquired (“Houston Farm Value Increase”), less the net set offs in respect of retroactive child support, spousal support, and family debt;
- b) as soon as practicable, make a lump sum payment of \$14,750 against the Line of Credit. Until such time as such payment is made, the claimant will pay 50% of all interest and other charges under the Line of Credit;
- c) pay to the respondent ongoing support in the amount of \$154 per month, commencing January 1, 2022, until further order of this court; and
- d) pay the respondent a further sum of \$10,000 in recognition of the overpayment of child support he made during the period of March 2020 to the date of trial.

[81] The respondent will:

- a) upon the claimant making the lump sum payment of \$14,750 against the Line of Credit, make all reasonable efforts to cause the claimant to be removed from liability under the Line of Credit. Until such time as the lump sum payment is made, the respondent will pay 50% of all interest and other charges under the Line of Credit;
- b) upon payment in full of the Houston Farm Value Increase (less set offs as set out above), discharge the *lis pendens* registered by him against title to the Houston Farm; and
- c) within 60 days, the respondent will make the necessary application to equally divide his Canada Pension Plan credits earned between the dates of the parties’ marriage on July 31, 1993 and their separation on January 1, 2020.

[82] The parties will divide ongoing s. 7 special and extraordinary expenses *pro rata* in accordance with their respective incomes used to calculation child and spousal support.

[83] Other items of family property will be divided as set out in this judgment.

[84] The parties are at liberty to apply for such further orders as may be required to effect the division of family property and/or family debt as may be required to give effect to this judgment.

Costs

[85] Subject to any submissions they wish to make, each party will bear their own costs of this proceeding.

“G.C. Weatherill J.”

Schedule "A"



Tools One 2020

G.C. Weathill J: 2020 - Child Support

Prepared by: vs

January 25 2022

Calculation Input					Annual \$
K.L.W.					Female, 49, Resident of BC
<u>Income</u>					
Employment income					27,492
R.D.W.					Male, 53, Resident of BC
<u>Income</u>					
Employment income					95,272
Children	Age	Lives with	Table Amt	Claimed by	
J.	18	R.D.W.	Yes	R.D.W.	
K.	14	R.D.W.	Yes	R.D.W.	
M.	12	R.D.W.	Yes	R.D.W.	
Youngest child finishes high school 6 years from the date of separation.					
Dependant credit claimed by R.D.W..					

Cautions/Overrides

▲ SSAG - K.L.W.'s Income between \$20,000 and \$30,000; SSAG may not apply

Child Support Guidelines (CSG)

	K.L.W.	R.D.W.
Annual Guidelines Income	27,492	95,272
CSG Table Amount (current)	591	0
Child Support (Table)	591	0

Spousal Support Advisory Guidelines (SSAG)

Length of marriage/cohabitation: 26 years

Recipient's age at separation: 51 years

"With Child Support" Formula

Low	Mid	High
0	0	0

The formula results in a range for spousal support of \$0 to \$0 per month for an indefinite (unspecified) duration, subject to variation and possibly review.

SSAG Considerations: The results of the SSAG formula must be interpreted with regard to: Entitlement; Location within the Ranges; Restructuring; Ceilings and Floors; and Exceptions.

Support Scenarios	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		K.L.W.	R.D.W.	K.L.W.	R.D.W.	K.L.W.	R.D.W.
Gross Income		2,291	7,939	2,291	7,939	2,291	7,939
Taxes and Deductions		(324)	(1,769)	(324)	(1,769)	(324)	(1,769)
Benefits and Credits		52	474	52	474	52	474
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(591)	591	(591)	591	(591)	591
Net Disposable Income (NDI)		1,428	7,235	1,428	7,235	1,428	7,235
adult in household							
child in household							
shared/summer child in household							
Payor's NDI/Contribution		16.5%	83.5%	16.5%	83.5%	16.5%	83.5%
Percent of NDI		16.5%	83.5%	16.5%	83.5%	16.5%	83.5%
CSG Special Expenses Apportioning %		22.4%	77.6%	22.4%	77.6%	22.4%	77.6%
After-tax Cost/Benefit of Spousal Support		0	0	0	0	0	0



Tools One 2020

2020 - Child Support | January 25 2022

Child Support Calculation Details

	<u>K.L.W.</u>	<u>R.D.W.</u>
Gross Employment Income	27,492	95,272
Line 15000 Total Income	27,492	95,272
Annual Guidelines Income	27,492	95,272
# of Children for whom party pays CSG Table Amount	3	0
CSG Table Amount	591	0
Child Support (Table)	591	

SSAG Details	Monthly \$	SSAG Low		SSAG Mid		SSAG High	
		<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>
Guidelines Income		2,291	7,939	2,291	7,939	2,291	7,939
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(591)	0	(591)	0	(591)	0
Notional Table Amount		0	(1,901)	0	(1,901)	0	(1,901)
Taxes and Deductions		(324)	(1,769)	(324)	(1,769)	(324)	(1,769)
Benefits and Credits		52	474	52	474	52	474
INDI (\$)		1,428	4,743	1,428	4,743	1,428	4,743
INDI (%)		23.1%	76.9%	23.1%	76.9%	23.1%	76.9%
Notional Table Amount	Monthly \$						
# of Children for Notional amount		0	3	0	3	0	3
Notional Table Amount		0	(1,901)	0	(1,901)	0	(1,901)
Taxes and Deductions	Annual \$						
Line 26000 Taxable Income		27,420	95,106	27,420	95,106	27,420	95,106
Federal Income Tax		(1,699)	(12,133)	(1,699)	(12,133)	(1,699)	(12,133)
Provincial Income Tax		(497)	(5,338)	(497)	(5,338)	(497)	(5,338)
CPP and EI		(1,694)	(3,754)	(1,694)	(3,754)	(1,694)	(3,754)
Taxes and Deductions (Annual)		(3,890)	(21,225)	(3,890)	(21,225)	(3,890)	(21,225)
Taxes and Deductions (Monthly)		(324)	(1,769)	(324)	(1,769)	(324)	(1,769)
Benefits and Credits	Annual \$						
Line 23600 Net Income (Family)		27,420	95,106	27,420	95,106	27,420	95,106
Combined Child Benefits (Fed/Prov)		0	5,693	0	5,693	0	5,693
GST/HST Credit(s)		625	0	625	0	625	0
Benefits and Credits (Annual)		625	5,693	625	5,693	625	5,693
Benefits and Credits (Monthly)		52	474	52	474	52	474
SSAG Duration Information							
Years of marriage/cohabitation							26
R.D.W.'s age at separation							51
Years until youngest child finishes high school							6
Marriage/cohabitation period of 20 years or more							yes
"Rule of 65" (R.D.W.'s age plus marriage/cohabitation period)							yes

Support Scenario Details	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>
Gross Income		2,291	7,939	2,291	7,939	2,291	7,939
Taxes and Deductions		(324)	(1,769)	(324)	(1,769)	(324)	(1,769)
Benefits and Credits		52	474	52	474	52	474
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(591)	591	(591)	591	(591)	591
Net Disposable Income (NDI)		1,428	7,235	1,428	7,235	1,428	7,235



Tools One 2020

2020 - Child Support | January 25 2022

Support Scenario Details (cont'd)		A. SSAG Low		B. SSAG Mid		C. SSAG High	
Gross Income		Annual \$					
Line 15000 Total Income		27,492	95,272	27,492	95,272	27,492	95,272
Spousal Support Received		0	0	0	0	0	0
Gross Income (Annual)		27,492	95,272	27,492	95,272	27,492	95,272
Gross Income (Monthly)		2,291	7,939	2,291	7,939	2,291	7,939
Taxes and Deductions		Annual \$					
Line 26000 Taxable Income		27,420	95,106	27,420	95,106	27,420	95,106
Federal Income Tax		(1,699)	(12,133)	(1,699)	(12,133)	(1,699)	(12,133)
Provincial Income Tax		(497)	(5,338)	(497)	(5,338)	(497)	(5,338)
CPP and EI		(1,694)	(3,754)	(1,694)	(3,754)	(1,694)	(3,754)
Taxes and Deductions (Annual)		(3,890)	(21,225)	(3,890)	(21,225)	(3,890)	(21,225)
Taxes and Deductions (Monthly)		(324)	(1,769)	(324)	(1,769)	(324)	(1,769)
Benefits and Credits		Annual \$					
Line 23600 Net Income (Family)		27,420	95,106	27,420	95,106	27,420	95,106
Combined Child Benefit (Fed/Prov)		0	5,693	0	5,693	0	5,693
GST/HST Credit(s)		625	0	625	0	625	0
Benefits and Credits (Annual)		625	5,693	625	5,693	625	5,693
Benefits and Credits (Monthly)		52	474	52	474	52	474



Tools One 2021

G.C. Weathrill J: 2021 - Child Support

Prepared by: vs

January 25 2022

Calculation Input **Annual \$****K.L.W.** *Female, 49, Resident of BC*

Income	
Employment income	48,812
Self-employment income (net)	6,000

R.D.W. *Male, 53, Resident of BC*

Income	
Employment income	95,000

Children	Age	Lives with	Table Amt	Claimed by
J.	18	R.D.W.	Yes	R.D.W.
K.	14	R.D.W.	Yes	R.D.W.
M.	12	R.D.W.	Yes	R.D.W.

Youngest child finishes high school 6 years from the date of separation.

Dependant credit claimed by R.D.W..

Child Support Guidelines (CSG) **Monthly \$**

	<u>K.L.W.</u>	<u>R.D.W.</u>
Annual Guidelines Income	54,812	95,000
CSG Table Amount (current)	1,119	0
Child Support (Table)	1,119	0

Spousal Support Advisory Guidelines (SSAG) **Monthly \$**

Length of marriage/cohabitation: 26 years

Recipient's age at separation: 51 years

"With Child Support" Formula

Low	Mid	High
0	0	0

The formula results in a range for spousal support of \$0 to \$0 per month for an indefinite (unspecified) duration, subject to variation and possibly review.

SSAG Considerations: The results of the SSAG formula must be interpreted with regard to: Entitlement; Location within the Ranges; Restructuring; Ceilings and Floors; and Exceptions.

Support Scenarios	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>
Gross Income		4,568	7,917	4,568	7,917	4,568	7,917
Taxes and Deductions		(991)	(1,760)	(991)	(1,760)	(991)	(1,760)
Benefits and Credits		0	486	0	486	0	486
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(1,119)	1,119	(1,119)	1,119	(1,119)	1,119
Net Disposable Income (NDI)		2,458	7,762	2,458	7,762	2,458	7,762
adult in household child in household shared/summer child in household Payor's NDI/Contribution							
Percent of NDI		24.0%	76.0%	24.0%	76.0%	24.0%	76.0%
CSG Special Expenses Apportioning %		36.6%	63.4%	36.6%	63.4%	36.6%	63.4%
After-tax Cost/Benefit of Spousal Support		0	0	0	0	0	0



Tools One 2021

2021 - Child Support | January 25, 2022

Child Support Calculation Details

	<u>K.L.W.</u>	<u>R.D.W.</u>
Gross Employment Income	48,812	95,000
Net Self Employment Income	6,000	0
Line 15000 Total Income	54,812	95,000
Annual Guidelines Income	54,812	95,000
# of Children for whom party pays CSG Table Amount	3	0
CSG Table Amount	1,119	0
Child Support (Table)	1,119	

SSAG Details	Monthly \$	SSAG Low		SSAG Mid		SSAG High	
		<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>
Guidelines Income		4,568	7,917	4,568	7,917	4,568	7,917
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(1,119)	0	(1,119)	0	(1,119)	0
Notional Table Amount		0	(1,896)	0	(1,896)	0	(1,896)
Taxes and Deductions		(991)	(1,760)	(991)	(1,760)	(991)	(1,760)
Benefits and Credits		0	486	0	486	0	486
INDI (\$)		2,458	4,747	2,458	4,747	2,458	4,747
INDI (%)		34.1%	65.9%	34.1%	65.9%	34.1%	65.9%
Notional Table Amount	Monthly \$						
# of Children for Notional amount		0	3	0	3	0	3
Notional Table Amount		0	(1,896)	0	(1,896)	0	(1,896)
Taxes and Deductions	Annual \$						
Line 26000 Taxable Income		54,228	94,710	54,228	94,710	54,228	94,710
Federal Income Tax		(5,664)	(11,824)	(5,664)	(11,824)	(5,664)	(11,824)
Provincial Income Tax		(2,335)	(5,238)	(2,335)	(5,238)	(2,335)	(5,238)
CPP and EI		(3,895)	(4,056)	(3,895)	(4,056)	(3,895)	(4,056)
Taxes and Deductions (Annual)		(11,894)	(21,118)	(11,894)	(21,118)	(11,894)	(21,118)
Taxes and Deductions (Monthly)		(991)	(1,760)	(991)	(1,760)	(991)	(1,760)
Benefits and Credits	Annual \$						
Line 23600 Net Income (Family)		54,228	94,710	54,228	94,710	54,228	94,710
Combined Child Benefits (Fed/Prov)		0	5,835	0	5,835	0	5,835
GST/HST Credit(s)		0	0	0	0	0	0
Benefits and Credits (Annual)		0	5,835	0	5,835	0	5,835
Benefits and Credits (Monthly)		0	486	0	486	0	486
SSAG Duration Information							
Years of marriage/cohabitation							26
R.D.W.'s age at separation							51
Years until youngest child finishes high school							6
Marriage/cohabitation period of 20 years or more							yes
"Rule of 65" (R.D.W.'s age plus marriage/cohabitation period)							yes

Support Scenario Details	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>
Gross Income		4,568	7,917	4,568	7,917	4,568	7,917
Taxes and Deductions		(991)	(1,760)	(991)	(1,760)	(991)	(1,760)
Benefits and Credits		0	486	0	486	0	486
Spousal Support		0	0	0	0	0	0
Child Support (Table)		(1,119)	1,119	(1,119)	1,119	(1,119)	1,119
Net Disposable Income (NDI)		2,458	7,762	2,458	7,762	2,458	7,762



Tools One 2021

2021 - Child Support | January 25, 2022

Support Scenario Details (cont'd)	A. SSAG Low		B. SSAG Mid		C. SSAG High	
Gross Income Annual \$						
Line 15000 Total Income	54,812	95,000	54,812	95,000	54,812	95,000
Spousal Support Received	0	0	0	0	0	0
Gross Income (Annual)	54,812	95,000	54,812	95,000	54,812	95,000
Gross Income (Monthly)	4,568	7,917	4,568	7,917	4,568	7,917
Taxes and Deductions Annual \$						
Line 26000 Taxable Income	54,228	94,710	54,228	94,710	54,228	94,710
Federal Income Tax	(5,664)	(11,824)	(5,664)	(11,824)	(5,664)	(11,824)
Provincial Income Tax	(2,335)	(5,238)	(2,335)	(5,238)	(2,335)	(5,238)
CPP and EI	(3,895)	(4,056)	(3,895)	(4,056)	(3,895)	(4,056)
Taxes and Deductions (Annual)	(11,894)	(21,118)	(11,894)	(21,118)	(11,894)	(21,118)
Taxes and Deductions (Monthly)	(991)	(1,760)	(991)	(1,760)	(991)	(1,760)
Benefits and Credits Annual \$						
Line 23600 Net Income (Family)	54,228	94,710	54,228	94,710	54,228	94,710
Combined Child Benefit (Fed/Prov)	0	5,835	0	5,835	0	5,835
GST/HST Credit(s)	0	0	0	0	0	0
Benefits and Credits (Annual)	0	5,835	0	5,835	0	5,835
Benefits and Credits (Monthly)	0	486	0	486	0	486

Schedule "B"



Tools One 2020

G.C. Weathrill J: 2020 Spousal Support

Prepared by: vs

January 12 2022

Calculation Input		Annual \$
R.D.W.	Male, 53, Resident of BC	
<u>Income</u>		
Employment income		95,272
K.L.W.	Female, 49, Resident of BC	
<u>Income</u>		
Employment income		27,492
Children	Age Lives with Table Amt Claimed by	
J.	18 R.D.W. Yes R.D.W.	
K.	14 R.D.W. Yes R.D.W.	
M.	12 R.D.W. Yes R.D.W.	
Dependant credit claimed by R.D.W..		

Note: This calculation includes amounts that have been grossed-up; this gross-up accounts for income tax only.

Child Support Guidelines (CSG)	Monthly \$	
	<u>R.D.W.</u>	<u>K.L.W.</u>
Annual Guidelines Income	95,272	27,492
CSG Table Amount (current)	0	591
Child Support (Table)	0	591

Spousal Support Advisory Guidelines (SSAG) Monthly \$

Length of marriage/cohabitation: 26 years

Recipient's age at separation: 47 years

"Custodial Payor" Formula

Low	Mid	High
1,236	1,443	1,649

The formula results in a range for spousal support of \$1,236 to \$1,649 per month for an indefinite (unspecified) duration, subject to variation and possibly review.

SSAG Considerations: The results of the SSAG formula must be interpreted with regard to: Entitlement; Location within the Ranges; Restructuring; Ceilings and Floors; and Exceptions.

Support Scenarios	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>
Gross Income		7,939	2,291	7,939	2,291	7,939	2,291
Taxes and Deductions		(1,393)	(594)	(1,335)	(641)	(1,277)	(688)
Benefits and Credits		594	26	607	12	619	1
Spousal Support		(1,236)	1,236	(1,443)	1,443	(1,649)	1,649
Child Support (Table)		591	(591)	591	(591)	591	(591)
Net Disposable Income (NDI)		6,495	2,368	6,359	2,514	6,223	2,662
adult in household child in household shared/summer child in household Payor's NDI/Contribution							
Percent of NDI		73.3%	26.7%	71.7%	28.3%	70.0%	30.0%
CSG Special Expenses Apportioning %		65.5%	34.5%	63.5%	36.5%	61.5%	38.5%
After-tax Cost/Benefit of Spousal Support		(861)	966	(1,009)	1,125	(1,157)	1,285



Tools One 2020
2020 Spousal Support | January 12 2022

Child Support Calculation Details		
Gross Employment Income	<u>R.D.W.</u>	<u>K.L.W.</u>
	95,272	27,492
Line 15000 Total Income	95,272	27,492
Annual Guidelines Income	95,272	27,492
# of Children for whom party pays CSG Table Amount	0	3
CSG Table Amount	0	591
Child Support (Table)		591

Spousal Support Advisory Guidelines Calculation Details			<i>Monthly \$</i>
Custodial Payor	<u>R.D.W.</u>	<u>K.L.W.</u>	
Guidelines Income	7,939	2,291	
Table or Notional child support	(1,901)	(591)	
Gross up of child support obligations	(1,216)	(175)	
Adjusted Income	4,823	1,525	
Gross Income Difference		3,297	

	SSAG Low	SSAG Mid	SSAG High
Percent per year of marriage/cohabitation	1.5%	1.75%	2.0%
Years of marriage/cohabitation (actual=26; formula maximum=25)	25	25	25
Percent of gross income difference	37.5%	43.75%	50%
Gross income difference	3,297	3,297	3,297
Spousal Support	1,236	1,443	1,649

SSAG Duration Information			
Years of marriage/cohabitation			26
K.L.W.'s age at separation			47
Marriage/cohabitation period of 20 years or more			yes
"Rule of 65" (K.L.W.'s age plus marriage/cohabitation period)			yes

Support Scenario Details	<i>Monthly \$</i>	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>
Gross Income		7,939	2,291	7,939	2,291	7,939	2,291
Taxes and Deductions		(1,393)	(594)	(1,335)	(641)	(1,277)	(688)
Benefits and Credits		594	26	607	12	619	1
Spousal Support		(1,236)	1,236	(1,443)	1,443	(1,649)	1,649
Child Support (Table)		591	(591)	591	(591)	591	(591)
Net Disposable Income (NDI)		6,495	2,368	6,359	2,514	6,223	2,662
Gross Income	<i>Annual \$</i>						
Line 15000 Total Income		95,272	42,330	95,272	44,803	95,272	47,276
Spousal Support Received		0	(14,838)	0	(17,311)	0	(19,784)
Gross Income (Annual)		95,272	27,492	95,272	27,492	95,272	27,492
Gross Income (Monthly)		7,939	2,291	7,939	2,291	7,939	2,291
Taxes and Deductions	<i>Annual \$</i>						
Line 26000 Taxable Income		80,268	42,258	77,795	44,731	75,322	47,204
Federal Income Tax		(9,092)	(3,924)	(8,585)	(4,295)	(8,078)	(4,666)
Provincial Income Tax		(3,869)	(1,516)	(3,678)	(1,706)	(3,488)	(1,897)
CPP and EI		(3,754)	(1,694)	(3,754)	(1,694)	(3,754)	(1,694)
Taxes and Deductions (Annual)		(16,714)	(7,134)	(16,017)	(7,696)	(15,320)	(8,257)
Taxes and Deductions (Monthly)		(1,393)	(594)	(1,335)	(641)	(1,277)	(688)



Tools One 2020

2020 Spousal Support | January 12 2022

Support Scenario Details (cont'd)		A. SSAG Low		B. SSAG Mid		C. SSAG High	
Benefits and Credits	Annual \$						
Line 23600 Net Income (Family)		80,268	42,258	77,795	44,731	75,322	47,204
Combined Child Benefit (Fed/Prov)		7,132	0	7,284	0	7,424	0
GST/HST Credit(s)		0	307	0	140	0	16
Benefits and Credits (Annual)		7,132	307	7,284	140	7,424	16
Benefits and Credits (Monthly)		594	26	607	12	619	1



Tools One 2021

G.C. Weathill J: 2021 Spousal Support

Prepared by: vs

January 12 2022

Calculation Input		Annual \$
R.D.W. <i>Male, 53, Resident of BC</i>		
<u>Income</u>		
Employment income		103,182
K.L.W. <i>Female, 49, Resident of BC</i>		
<u>Income</u>		
Employment income		48,812
Self-employment income (net)		6,000
Children	Age	Lives with
J.	18	R.D.W.
K.	14	R.D.W.
M.	12	R.D.W.
Dependant credit claimed by R.D.W..		

Note: This calculation includes amounts that have been grossed-up; this gross-up accounts for income tax only.

Child Support Guidelines (CSG)	Monthly \$	
	R.D.W.	K.L.W.
Annual Guidelines Income	103,182	54,812
CSG Table Amount (current)	0	1,119
Child Support (Table)	0	1,119

Spousal Support Advisory Guidelines (SSAG)	Monthly \$
Length of marriage/cohabitation: 26 years	
Recipient's age at separation: 47 years	

"Custodial Payor" Formula

Low	Mid	High
827	965	1,103

The formula results in a range for spousal support of \$827 to \$1,103 per month for an indefinite (unspecified) duration, subject to variation and possibly review.

SSAG Considerations: The results of the SSAG formula must be interpreted with regard to: Entitlement; Location within the Ranges; Restructuring; Ceilings and Floors; and Exceptions.

Support Scenarios	Monthly \$	A. SSAG Low		B. SSAG Mid		C. SSAG High	
		R.D.W.	K.L.W.	R.D.W.	K.L.W.	R.D.W.	K.L.W.
Gross Income		8,598	4,568	8,598	4,568	8,598	4,568
Taxes and Deductions		(1,715)	(1,224)	(1,672)	(1,263)	(1,629)	(1,302)
Benefits and Credits		500	0	514	0	527	0
Spousal Support		(827)	827	(965)	965	(1,103)	1,103
Child Support (Table)		1,119	(1,119)	1,119	(1,119)	1,119	(1,119)
Net Disposable Income (NDI)		7,675	3,052	7,594	3,151	7,512	3,250
adult in household child in household shared/summer child in household Payor's NDI/Contribution							
Percent of NDI		71.6%	28.4%	70.7%	29.3%	69.8%	30.2%
CSG Special Expenses Apportioning %		59.0%	41.0%	58.0%	42.0%	56.9%	43.1%
After-tax Cost/Benefit of Spousal Support		(540)	594	(635)	693	(730)	792



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Child Support Calculation Details

	<u>R.D.W.</u>	<u>K.L.W.</u>
Gross Employment Income	103,182	48,812
Net Self Employment Income	0	6,000
Line 15000 Total Income	103,182	54,812
Annual Guidelines Income	103,182	54,812
# of Children for whom party pays CSG Table Amount	0	3
CSG Table Amount	0	1,119
Child Support (Table)		1,119

Spousal Support Advisory Guidelines Calculation Details

Monthly \$

Custodial Payor	<u>R.D.W.</u>	<u>K.L.W.</u>
Guidelines Income	8,598	4,568
Table or Notional child support	(2,036)	(1,119)
Gross up of child support obligations	(1,347)	(439)
Adjusted Income	5,215	3,009
Gross Income Difference	2,206	

	SSAG Low	SSAG Mid	SSAG High
Percent per year of marriage/cohabitation	1.5%	1.75%	2.0%
Years of marriage/cohabitation (actual=26; formula maximum=25)	25	25	25
Percent of gross income difference	37.5%	43.75%	50%
Gross income difference	2,206	2,206	2,206
Spousal Support	827	965	1,103

SSAG Duration Information

Years of marriage/cohabitation	26
K.L.W.'s age at separation	47
Marriage/cohabitation period of 20 years or more	yes
"Rule of 65" (K.L.W.'s age plus marriage/cohabitation period)	yes

Support Scenario Details

Monthly \$

A. SSAG Low**B. SSAG Mid****C. SSAG High**

	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>	<u>R.D.W.</u>	<u>K.L.W.</u>
Gross Income	8,598	4,568	8,598	4,568	8,598	4,568
Taxes and Deductions	(1,715)	(1,224)	(1,672)	(1,263)	(1,629)	(1,302)
Benefits and Credits	500	0	514	0	527	0
Spousal Support	(827)	827	(965)	965	(1,103)	1,103
Child Support (Table)	1,119	(1,119)	1,119	(1,119)	1,119	(1,119)
Net Disposable Income (NDI)	7,675	3,052	7,594	3,151	7,512	3,250
Gross Income	Annual \$					
Line 15000 Total Income	103,182	64,739	103,182	66,393	103,182	68,048
Spousal Support Received	0	(9,927)	0	(11,581)	0	(13,236)
Gross Income (Annual)	103,182	54,812	103,182	54,812	103,182	54,812
Gross Income (Monthly)	8,598	4,568	8,598	4,568	8,598	4,568
Taxes and Deductions	Annual \$					
Line 26000 Taxable Income	92,965	64,155	91,311	65,809	89,656	67,464
Federal Income Tax	(11,466)	(7,699)	(11,127)	(8,038)	(10,788)	(8,378)
Provincial Income Tax	(5,055)	(3,099)	(4,881)	(3,226)	(4,708)	(3,354)
CPP and EI	(4,056)	(3,895)	(4,056)	(3,895)	(4,056)	(3,895)
Taxes and Deductions (Annual)	(20,577)	(14,693)	(20,064)	(15,160)	(19,551)	(15,626)
Taxes and Deductions (Monthly)	(1,715)	(1,224)	(1,672)	(1,263)	(1,629)	(1,302)



Tools One 2021

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Support Scenario Details (cont'd)		A. SSAG Low		B. SSAG Mid		C. SSAG High	
Benefits and Credits	Annual \$						
Line 23600 Net Income (Family)		92,965	64,155	91,311	65,809	89,656	67,464
Combined Child Benefit (Fed/Prov)		6,003	0	6,164	0	6,325	0
GST/HST Credit(s)		0	0	0	0	0	0
Benefits and Credits (Annual)		6,003	0	6,164	0	6,325	0
Benefits and Credits (Monthly)		500	0	514	0	527	0