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CANADIAN DIVORCE LAW AND PRACTICE

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Canadian Divorce Law and Practice includes digests of thousands of divorce cases organized under 300 specific subjects. In addition, this product features the full text of the *Divorce Act* and other related statutes, sample pleadings and the most commonly used divorce precedents, all relevant provincial rules of practice and all prescribed forms, and extensive commentary on the Spousal Support Advisory Guidelines.

In this release the update of sections on the variation of spousal support continues. Topics include indefinite support, the variation of interim orders, the application of the SSAG, and review of spousal support.

Highlights

- Where the wife had no reasonable prospect of obtaining employment or becoming self-sufficient, the order for spousal support at the high end of the SSAG range for an indefinite period was warranted and upheld on appeal. See *Zandbergen v. Craig*, 2024 CarswellBC 2120, 2024 BCCA 278 (B.C. C.A.).
- Where the parties had shared parenting of a young child, the trial judge did not err in considering the commentary in the Revised User's Guide of the SSAG relating to "Short marriages, young children" to determine the wife's need for indefinite support, and did not err in ordering a review of support, consistent with the Revised User's Guide commentary that a review will often be required where orders for indefinite support have been made. See *Roeske v. Roeske*, 2023 BCCA 358, 2023 CarswellBC 2744 (B.C. C.A.).
- It was not an error to award spousal support above the top of the SSAG range if the court has considered the parties' unequal financial positions, the intertwining of property and support issues in the separation agreement, and some shortfalls in the payor husband's financial disclosure. See *Fracassi v. Fracassi*, 2022 CarswellOnt 9604, 2022 ONSC 4003 (Ont. Div. Ct.).
- The increase in the husband's income, and the fact that the trial was set two years later than the original trial date, were both material changes that warranted granting a variation of interim spousal support; support was ordered at the mid-range of the SSAG based on the husband's income. See *Mynio v. Mynio*, 2024 CarswellBC 905, 2024 BCSC 544 (B.C. S.C.).

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