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CHILD SUPPORT GUIDELINES LAW AND PRACTICE, 2ND EDITION

MacDonald & Wilton

Release No. 7, September 2025

Child Support Guidelines Law and Practice, 2nd Edition, features in-depth section-by-section case law annotations and commentary reflecting the most recent jurisprudence pertaining to child support. This service also includes the full text of the *Federal Child Support Guidelines* and its tables, the guidelines and tables of Canada's provinces and territories, and the *Divorce Act* and other related legislation.

This release includes updates to Chapter 8—Section 7 (Special and Extraordinary Expenses) of the *Child Support Guidelines*.

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Highlights

In this release, caselaw pertaining to s. 7 (extraordinary expenses) has been updated. Notable cases include:

- Inclusion of the mother's spouse's income in determining the parties' proportionate responsibility for s. 7 expenses was not an error. See *Zhao v. Xiao*, 2023 CarswellOnt 9690, 2023 ONCA 453, leave to appeal refused *Lixin Zhao v. Tian Xiao*, 2023 CarswellOnt 18938 (S.C.C.), affirming 2022 CarswellOnt 5238, 2022 ONSC 2401 (S.C.J.).
- Income tax deductions, credits, and benefits were properly considered by the trial judge in determining the amounts payable by each party for the children's parochial school expenses. See *Muraven v. Muraven*, 2021 CarswellOnt 13272, 2021 ONCA 657.
- Transportation costs to pay a third party to drive the children to and from school following the father's relocation were neither reasonable nor necessary s. 7 expenses. See *Hergert v. Hergert*, 2022 CarswellOnt 1069, 2022 ONSC 723 (Div. Ct.).
- Prior to separation, the parties did not enjoy a lifestyle which would have afforded separate accommodation for either of their children. That had not changed, independent accommodation for the party's daughter was not a necessary post-secondary expense in the circumstances. See *Paul v. Potts*, 2025 BCSC 499, 2025 CarswellBC 858.
- While s. 7 itself does not require prior consultation for allowable expenses, a failure or refusal by a claiming parent to discuss an expense with the other parent in advance bears on the court's exercise of its discretion in determining whether it is reasonable. See *Abdul-Ridha v. Kandil*, 2024 ONSC 5089, 2024 CarswellOnt 14026.
- Where the extra costs of moving an adult child to Toronto for an internship was not considered s. 7 expenses. See *J.F.-F. v. J.F.*, 2024 NBKB 226, 2024 CarswellNB 628.
- Where the mother did not seek consent from the father about the driver's education course as a s. 7 expense, the mother could not claim the course as a s. 7 expense. See *Dobos v. Dobos*, 2024 ABKB 451, 2024 CarswellAlta 1932.
- Alcohol, cannabis traffic tickets and travel were not to be included in the calculation of the s. 7 expenses incurred while the child attended post-secondary education. See *O'Neill v. Cutler*, 2023 CarswellOnt 3600, 2023 ONSC 1143.

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