

CANADA / JUDGMENT

Johnson v. Johnson

2019 BCSC 1498

COURT

Supreme Court of British Columbia

DECIDED

6 September 2019

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2019 BCSC 1498 Johnson v. Johnson IN THE SUPREME COURT OF BRITISH COLUMBIA Citation: Johnson v. Johnson, 2019 BCSC 1498 Date: 20190906 Docket: E47470 Registry: New Westminster Between: Irma Johnson Claimant And John Henry Johnson Respondent Before: The Honourable Madam Justice W.A. Baker Supplementary Reasons for Judgment In Chambers Counsel for Claimant: N. Bulatovic The Respondent, appearing in person: J. Johnson Place and Date of Hearing: New Westminster, B.C. June 13-14, 2019 Place and Date of Judgment: New Westminster, B.C. September 06, 2019

- [1] On June 25, 2019 I issued Reasons, indexed at 2019 BCSC 1026, in this matter. I allowed the parties to provide further submissions on an appropriate amount of special expenses to be fixed on a monthly basis, to allow such expenses to be registered with the Family Maintenance Enforcement Program.
- [2] I received submissions from the claimant on special expenses. The claimant also asked for clarification on the spousal and child support payments I ordered.
- [3] I have not received any submissions from the respondent. Child and Spousal Support
- [4] On July 4, 2017 the parties entered two final Orders, which set the guideline incomes for both parties.
- [5] In my Reasons, I set new guideline incomes for the parties, which are to commence on July 1, 2019, for the purposes of calculating spousal and child support. These incomes are \$90,000/year for the respondent, and \$32,225/year for the claimant. The new guideline income for the respondent remains in effect for 12 months, i.e. until July 1, 2020. I gave the parties leave to revisit the guideline income for the respondent at the end of 12 months, i.e. at or around July 1, 2020.
- [6] The claimant has asked for clarification of the guideline incomes to be used in calculating arrears, and has provided me calculations based on two scenarios: one using the guideline incomes set in the July 2017 Order up until the date of my Reasons, and the second adjusting the guideline incomes in 2018 based on the parties' tax returns.

- [7] In my Reasons of July 1, 2019 I concluded that the date the guideline incomes would be changed was July 1, 2019. Therefore, all support calculations between July 2017 and July 1, 2020 will be set based on the incomes contained in the July 2017 Order.
- [8] The Guidelines changed on November 22, 2017, which had the effect of changing support obligations as of that date.
- [9] The parties shared parenting until September 1, 2018 at which point the daughter resided solely with the claimant. This change affected the support obligations.
- [10] To assist the parties, the support payments payable by the respondent to the claimant from July 2017 to the present are set as follows: Time period Spousal - payable on the 15th of each month Child - payable on the 1st of each month July 2017 - Nov 22, 2017 \$1,264 \$1,063 Dec 1, 2017 - Aug 30, 2018 \$1,220 \$1,088 Sep 1, 2018 - June 30, 2019 \$990 \$1,296 July 1, 2019 to present \$236 \$1,388
- [11] While the claimant provided me with submissions regarding arrears and overpayments, I was not able to apply those submissions satisfactorily to the support payments I have set out above. These matters should not be difficult to resolve now that I have clarified the exact support payments set for specific periods of time. Special expenses
- [12] The claimant asked me to reconsider my award for special expenses. I decline to do so. Prospective special expenses
- [13] The claimant submitted that the average monthly amount payable for special expenses is \$730. I accept these submissions. Based on the submissions of the claimant, I find that the special expenses payable by the respondent to the claimant are fixed at \$481.80 per month payable on the 15th of each month. The claimant's share of special expenses is fixed at \$248.20 per month. "Baker J."

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Prepared on 27 October 2026 · Esheria