

CANADA / JUDGMENT

LeRoy v. LeRoy

2025 BCSC 2490

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Supreme Court of British Columbia

DECIDED

15 December 2025

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2025 BCSC 2490 LeRoy v. LeRoy

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

LeRoy v. LeRoy,

2025 BCSC 2490

Date: 20251215

Docket: E86763

Registry: Nanaimo

Between:

Rachelle Ann LeRoy aka Rachelle LeRoy

Claimant

And:

Kurtis Wyatt LeRoy aka Kurt Wyatt LeRoy

Respondent

And:

Kurt LeRoy Trucking Ltd., Yorel Properties Ltd.,

and Coast Booming and Sorting Ltd.

Respondents

Before: The Honourable Justice Young

Reasons for Judgment

Counsel for the Claimant:

H. A. Wenngatz

Counsel for the Respondents:

A. G. LaCroix

Place and Dates of Trial/Hearing:

Nanaimo, B.C.

July 31, 2025 and

October 16 2025

Written Submissions Received:

October 20, 2025 and

October 29, 2025

Place and Date of Judgment:

Nanaimo, B.C.

December 15, 2025

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- [1] On March 6, 2025, the respondent Kurtis Leroy filed an application to vary a consent interim spousal support order of \$2,600 per month made on March 7, 2019 by Master (now Associate Judge) Dick. The respondent says there has been a material change in circumstances since the date of the interim support order. The first day of hearing of this application was July 31,

2025. The matter did not complete because the respondent sought leave to file additional material and submissions. This was to occur by September 1, 2025 and did not. On October 16, 2025, I set deadlines for the filing of this additional material.

- [2] The respondent seeks to impute income to the claimant who has not worked since the parties' separation in 2018.
- [3] The respondent seeks an order to cancel arrears of the interim support order and penalties and interest.
- [4] Alternatively, the respondent seeks an order to suspend payment of spousal support retroactively and prospectively.
- [5] The parties married in 1994 and separated in 2018. The claimant was 48 years of age at the date of separation and the respondent was 50 years of age. Their two children are now adults. Their younger son was 18 at the time of their separation.
- [6] Prior to their separation the respondent controlled and operated three closely held logging companies which are respondents in these proceedings:
 - a) Kurt Leroy Trucking Ltd. (KLT) - the respondent is the sole director, officer and shareholder;
 - b) Yorel Properties Ltd. (YPCo);
 - c) Coast Booming and Sorting Ltd. (CBS);(the Respondent Companies).
- [7] These businesses were quite lucrative until the parties' separation. The parties each drew a salary and dividends from the Respondent Companies and enjoyed an affluent lifestyle.
- [8] At the time of the interim support order the Respondent Companies were still operating and were expected to continue operating. The respondent says that as a result of "a confluence of events and in the face of a large debt burden" the Respondent Companies were insolvent by 2021 and he was forced to liquidate their assets.
- [9] These events occurred around the parties' date of separation and shortly thereafter and led to a suspicion by the claimant that the respondent was orchestrating the demise of the companies to avoid paying her interest in the Respondent Companies. In addition to liquidating the corporate assets, the parties' former matrimonial home was sold. The Respondent Companies ceased to generate any income and the respondent went to work for a company named Estero Peak Contracting Ltd. (Estero) which is owned by his brother. Estero also purchased some of the assets of the Respondent Companies.
- [10] Of note, Estero was incorporated on the same day that the respondent declared the Respondent Companies were insolvent which has fueled the claimant's suspicions.

- [11] If the respondent orchestrated the demise of the Respondent Companies to avoid paying spousal support and dividing family assets, then he would not be entitled to a variation of support because the change in circumstances would be of his own making. If the demise of the Respondent Companies was unavoidable and the respondent took steps to minimize the parties' losses and continued to work in the industry to his capacity, then he would be entitled to claim a material change in circumstances.
- [12] The claimant complains that the respondent has not provided documents to support his claims that the demise was unavoidable. His last list of documents was dated 2021.
- [13] The respondent says he has produced volumes of documents for the claimant mostly attached to affidavits, and he needs to formalize that disclosure in a list of documents.
- [14] The respondent deposes that at the time of the interim support order he anticipated the companies would continue to operate.
- [15] The respondent deposes that the claimant was well aware of what was happening with the company because she was the bookkeeper. KLT lost its National Safety Code (NSC) number in March 2019 and as a result could not continue to meet its obligations under a Port Alberni hauling contract which had been generating revenue of approximately \$1.7 million per year for that company. By the time KLT made arrangements to get the trucks back on the road, the contractor had found another hauler and KLT never recovered from the loss of that the contract. KLT continued to haul under the Bill 13 licenses which gave exclusive hauling rights over specified land using the NSC number of ProFab Manufacturing Ltd. which is a company also owned by the respondent's brother. Had they not been able to use ProFab's NSC number, KLT would have ceased to operate at that point.
- [16] Following the losses in 2019 as a result of the loss of the NSC number, there was an eight-month long Western Forest products strike which ended in 2020 and shut down most of the industry on the north half of Vancouver Island. Because of snow conditions they did not get back to work until mid-April or May 2020.
- [17] Prior to the parties' separation KLT borrowed \$1.6 million from a US lender Nations Fund LLC to meet its ongoing obligations and continue operations. In 2021 Nations was charging interest of 14.95% . KLT was unable to borrow from conventional lenders and was required to pay high interest on the loan.
- [18] The respondent deposes that most of the Respondent Companies' assets were pledged as security for various corporate debts which have now been paid out from the proceeds of sale of company assets.
- [19] In addition to the secured debt of the Respondent Companies there is also personal secured and unsecured family debt. The respondent entered into a consumer proposal on August 20, 2019 to avoid declaring personal bankruptcy. The consumer proposal requires that he pay \$75,000 to unsecured creditors in structured payments. The current monthly payment is \$1,875 per month. There are only a few family assets left. The former matrimonial home is

sold. The respondent has in his possession a 40-foot 5th wheel trailer and a 2009 Harley-Davidson motorcycle.

- [20] The respondent says that because there was a property restraining order pursuant to section 91 of the Family Law Act every sale of assets was approved by this Court. Mr. Justice Funt granted three vesting orders for the asset sales. On January 27, 2022, Justice Funt approved the sale of assets between KLT and Estero, Roga Contracting Ltd. and Ray Boyd Logging Ltd. as being commercially reasonable. The claimant was represented during this application and her former counsel signed the consent order.
- [21] On April 14, 2022, Justice Funt approved another sale transaction between KLT and the respondent's brother's company Estero. This was not a consent order and the claimant was represented at the hearing.
- [22] All was done with full transparency and Court approval. Richie Brothers appraised all the property that was sold. Estero bought equipment from KLT but was subject to a vesting order of the Court.
- [23] The respondent says that the only remaining corporate assets are approximately \$1 million from sale proceeds currently held in trust by the solicitors for the parties. The corporate respondents have various unpaid debts including but not limited to income taxes, health insurance premiums and Work Safe premiums. He does not know how much if any of these funds will remain available for distribution between the parties until the final accounting for the companies has been completed by the accountants retained by the parties. Justice Funt gave direction that the parties were to retain an accountant to figure out what has to be paid out of the \$1 million.
- [24] As neither KLT or CBS have generated income for the last few years and their assets have been liquidated, no annual reports have been filed for these companies since 2021 and they are in the process of being dissolved.
- [25] The respondent makes \$32 an hour working for Estero. He is 57 years old has no access to credit and cannot reinvent himself at this stage. He is driving a hauling truck for his brother's company. He lives rent free. He values this benefit at \$1,100 per month added to his income.
- [26] The Claimant says that she has not received any financial statements for KLT since December 31, 2020. The last financial statement for CBS was May 31, 2018 and the last financial statement for YPCo was December 31, 2018

- [27] She alleges that CBS is a holding company and the respondent diverted funds from KLT to CBS by reason of their related party status. CBS holds or held two Bill 13 Licenses which it then rented or leased to KLT. A Bill 13 lease permits CBS the exclusive log hauling right to specific lands. YPCo was also a holding company which held title to lands and buildings in Campbell River which it leased to KLT. YPCo. had shares held equally between the respondent and the claimant. YPCo did not go insolvent in the years following separation.
- [28] The respondent has failed to produce documents to enable the claimant to determine what funds from KLT went where. It is only the companies that were exclusively directed by the respondent that became insolvent.
- [29] It is the claimant's belief that the respondent has not provided a reasonable explanation for the turn of events leading to the companies' demise. She believes that the respondent funnelled income assets and sales revenue to other companies such as ProFab and Estero and to his brother Jason personally.
- [30] The claimant believes that KLT continued to operate in 2022. She refers to evidence that KLT or the respondent purchased a 2003 Western Star truck long hauling truck. In January 2022 for a period of one year KLT obtained vehicle insurance from ICBC on a 2003 white Silverado Chevrolet crew cab for business use. A commercial vehicle inspection report was conducted by Gordon Night Ventures on November 25, 2021 for KLT respecting a 2003 white Silverado Chevrolet crew cab. On June 3, 2022, a commercial vehicle inspection was undertaken for a logging trailer following repairs undertaken on behalf of KLT. On June 22, 2022, a commercial vehicle inspection was undertaken on a logging truck owned by KLT.
- [31] The respondent says he did continue to run the business for as long as he could. He denies diverting funds between companies. It was the claimant who had the primary responsibility for making most of the decisions regarding financing and accounting. The respondent did participate in negotiating the loan with Nations just prior to separation but other than that he had little to do with corporate finances.
- [32] The respondent says he had to lay off the accountant Dave Anderson in about June 2022 when KLT virtually stopped operating. He was not in a position to replace him. Prior to his retirement Dave Anderson was preparing the corporate financial statements and corporate taxes as well as the respondent's personal tax returns. When Dave Anderson left the employment of KLT he took the work computer and whatever financial records were on it. He did continue to do some work for the company from time to time.
- [33] The respondent says he has not been in a position to retain an accountant to continue preparing corporate financial statements. On October 25, 2024, Justice Funt directed the parties and their counsel to communicate with MNP LLP to address the outstanding accounting matters for the respondent's role with KLT. The joint letter was prepared by the claimant's counsel. To the best of the respondent's knowledge neither he nor the claimant have signed the engagement letter to date and no retainer has been paid to the accountant.

- [34] YPCo was set up as a holding company to hold the real property located at 4051 Midpoint Road, Campbell River where the offices of KLT, YPCo and CBS were located. After the loss of the NSC number and resulting loss of the Port Alberni contracts the respondent contacted a company named "LOTS" (I am uncertain what its full legal name is) to negotiate a potential sale of the two Bill 13 licenses and various equipment. LOTS began leasing the property for \$12,000 a month. In January 2023 they saw a reduction in rent to \$4,000 per month due to the slow down in their work. The claimant opposed the reduction of rents. By then the property was already listed for sale and it was unlikely new tenants could be found. The respondent says the claimant waged a campaign of harassment and threats against LOTS and their lawyers, and the respondent, until LOTS determined it was not going to renew his license.

The Claimant's Circumstances

- [35] The claimant describes her role in the family as a traditional one. She was primarily responsible for raising the children given the respondent being absent attending to work needs and the family businesses. She was a stay-at-home mother and wife. She assisted the respondent with the businesses. She helped with bookkeeping, payroll, receipt collection and organization, bill payments and the delivery of documents to various parties as directed by the respondent. She said the skills she acquired during the course of those duties are relatively not marketable to arm's-length businesses.
- [36] Prior to the separation the respondent and the claimant earned relatively equal amounts by reason of income splitting. In 2018 the claimant's income was approximately \$120,000.
- [37] Following separation the claimant found it necessary to live with her mother who is elderly. In return for accommodation the claimant takes care of her mother's household, the cleaning, the cooking and errands. She assists her mother in running her business which is a resort.
- [38] Since their separation the claimant's mother has loaned her three large amounts of money: \$106,587; \$90,806; and \$50,887.

The Respondent's Circumstances

- [39] The respondent says given his age and uncertainties surrounding the logging industry and the economy in general combined with his inability to obtain any sort of financing he had no ability to pursue any alternative business enterprise within this industry as alleged by the claimant. He deposes that he worked long hours after the separation to try to salvage the businesses and when that was not feasible he tried to sell them as a going concern while they still had significant value. The claimant refused to cooperate with any such effort and in fact has made good on her repeated threats to him that she would destroy him financially.

[40] Estero is his employer. It is owned by his brother. He does not directly or indirectly have an interest in Estero and he has no personal knowledge as to whether or not it owns real property.

Wrongful Removal of Funds

[41] The claimant made the following two allegations during her submissions at the hearing of this application:

- a) after the separation she was unceremoniously removed from the family home and left destitute; and
- b) after the home was sold Mr. Leroy snatched spousal support arrears from a joint account knowing that they were spousal support arrears such that he should not be able to obtain relief from the Court now despite his circumstances.

[42] The respondent was granted leave to file submissions to address these two points. He submits that the claimant did not disclose the whole story to the Court. After the separation, the claimant without authorization or the respondent's knowledge took well over \$100,000 from a joint line of credit as well as funds from the family business, while at the time living for free with her wealthy mother, driving a brand-new vehicle and taking trips which she charged to the company credit card.

[43] After separation the parties had agreed to sell the family home. It required a host of repairs. They secured a line of credit against the home for those repairs but between April 22, 2019 and November 14, 2019 the claimant withdrew \$109,000 from the line of credit. She alleged that she spent this money on a debt to her mother and for personal legal fees and for a trip to Mexico plus other non-specified amounts. She ran up over \$8,000 in charges against a company credit card.

[44] On July 17, 2019, Associate Judge Dick ordered the claimant to return funds which she had taken from the line of credit. The claimant not only failed to return the money she also withdrew an additional \$35,000 between August and November 2019.

[45] After this the respondent realized the joint RBC account was still open and he went to close it and found it had roughly \$23,000 in it. He took the money believing that it was the balance of the money wrongfully removed by the claimant from the secured line of credit on the home.

Spousal Support Arrears

- [46] The claimant says as of November 2020 the respondent had failed or refused to pay timely spousal support to the claimant in the amount of \$33,023.29. The British Columbia Family Maintenance Agency (BCFMA) placed a lien on the family home and the \$33,023.29 was paid out of the gross proceeds of sale. The claimant complains that this amount should have been paid out of the respondent's half of the net proceeds. She ended up paying one-half of her own spousal support arrears.
- [47] The respondent submits that at a four-way meeting in October 2019 the claimant agreed she would cash in a life insurance policy and would apply the proceeds of \$13,000 to outstanding house insurance and to spousal support for October - December 2019. She did not honour the agreement. She paid out half of the house insurance and amounts for herself and she did not report to BCFMA that she had received roughly \$10,000 in spousal support. As a result BCFMA garnished monies from the house sale and issued notices of attachment in January 2020. They revoked the respondent's driver's license and passport.
- [48] Since the house sold the respondent has fallen into arrears of spousal support again.
- [49] The claimant does not deny taking the money. She says that the respondent had full access to corporate money and she was dependent on spousal support which he was not regularly paying. She will account for the money withdrawn. She objects to a cancellation of arrears before there has been proper financial disclosure from the respondent. There have been no examinations for discovery. If there is to be any cancellation of arrears it should be done at trial.

Discussion

- [50] This variation application is brought under s. 17 of the Divorce Act. Because the initial order made by Associate Judge Dick was made on a without prejudice basis, technically a material change of circumstances is not required to vary that order. However there has clearly been a material change in circumstance in this case. When the initial order was granted, the parties did not anticipate the dramatic downturn in income from the Respondent Companies.
- [51] The claimant says that the respondent has self-created and not accounted for the drop in income in order to avoid compensating her for years of sacrifice she made during the marriage which allowed the respondent to create, foster and prosper in the family business.
- [52] I do not find on the evidence before me that the respondent orchestrated the demise of the family business to avoid his obligations to the claimant. The evidence I do have before me is that KTL lost its ability to haul timber because it failed a safety inspection in 2019. This led to a loss of a large contract. KLT was already in debt before this occurred and had to borrow from an American lender at a very high interest rate. The respondent could not resurrect the company and therefore sold off its assets. This was done under Court scrutiny, and every

sale was Court approved by vesting orders. The respondent secured full-time work with his brother's company and as far as I can see, he is an employee who receives a salary and some taxable benefits from his employer.

- [53] The claimant has a strong compensatory spousal support claim. She stayed at home and raised the parties' two children while the respondent worked outside the home working long hours. This left all the childcare and housework to her. She clearly suffered economic disadvantages arising from the marriage and its breakdown.
- [54] The claimant worked in the family business doing office management and bookkeeping. She has no post-secondary education and no accounting credentials. She did not work outside the home at all for 24 years.
- [55] Given that the claimant was 48 at the date of separation and the parties were married for 24 years the compensatory spousal support duration is indefinite.
- [56] Realistically a person in their 50s with no post-secondary education and no job experience outside the home other than bookkeeping for the family business has limited opportunities. I do not know what computer skills the claimant has or what her aptitudes or interests are.
- [57] Because this is a long-term marriage and there is a strong compensatory support entitlement, I find that spousal support should be at the high end of the range of support.
- [58] Section 19 (1) (a) of the Child Support Guidelines, which are also relevant to income determination in spousal support cases, provides that the Court may impute an amount of income to a spouse as it considers appropriate in the circumstances, which circumstances include the following relevant subsections:
- (a) the spouse is intentionally under-employed or unemployed, other than where the under-employment or unemployment is required by the needs of a child of the marriage or any child under the age of majority or by the reasonable educational or health needs of the spouse; ...
 - (d) it appears that income has been diverted which would affect the level of child support to be determined under these Guidelines; ...
 - (f) the spouse has failed to provide income information when under a legal obligation to do so; ...
- [59] The respondent seeks an order to impute income to the claimant who has made no effort in 6 1/2 years to find employment. The claimant has not been homeless and destitute during the separation. She has been living with her mother on her mother's property and according to her financial statement on April 25, 2025 her mother has loaned or paid her significant amounts of money each year which she has called income so that she can contribute to CPP. It likely is not income but rather a gift of money from her mother to her.

- [60] The claimant married at age 24 and separated at age 48. She did not work outside the home at all during those 24 years however she did do the bookkeeping and office management work for the family businesses. She has no accounting or bookkeeping credentials and whether or not the skills are now transferable is questionable. The claimant does not claim any kind of disability or physical impairments and so the reason for her unemployment is that she chooses not to look for work and prefers instead to work on her mother's property.
- [61] The respondent says that I should impute a full-time income of \$40,000 a year to the claimant in 2021. This is three years after the parties separated. He submits that this should have been an adequate time for the claimant to find employment. In the alternative he proposes that I impute minimum-wage income to the claimant from 2020 to the present.
- [62] The claimant says that I should impute no income to her until trial but provides no reasonable excuse for her under-employment since separation.
- [63] The claimant also submits that I should impute income to the respondent because he has failed to provide income information when under a legal obligation to do so.
- [64] The respondent was under an obligation to produce full financial disclosure for this application to reduce spousal support. He has provided proof of his income from employment but not proof of the corporate income for the Respondent Companies.
- [65] For the purpose of this interim support variation application I am prepared to accept the respondent's income as he has stated without prejudice to the claimant's ability to apply to impute additional income to him if she is successful in convincing the trial judge that the demise of the family business has been orchestrated and controlled by the respondent to reduce his obligations. As I stated earlier, I am not satisfied on the evidence that I have reviewed that this is the case however there are limitations in the evidence before me. The respondent has not prepared financial statements for the Respondent Companies for many years and so I am not in a position to test his statements against financial documents.
- [66] Given the downturn in the family business neither party can enjoy their pre-separation standard of living anymore. The respondent lives frugally. The claimant will not receive sufficient spousal support to enable her to remain unemployed. She has done nothing to upgrade her employable skills. In these circumstances I find it reasonable to impute full-time minimum wage income to her.
- [67] The next question is whether I should backdate this variation retroactively to January 2020.
- [68] In *DBS v. SRG*, 2006 SCC 37 the Court set out four factors to consider before making a retroactive award. The factors are the needs of the recipient, the conduct of the payor, the reason for delay in seeking support and any hardship the retroactive award may occasion on the payor spouse.

- [69] In *Ducharme v. Rempel*, 2016 BCCA 926 at para. 17, Justice Fenlon said that the DBS factors are to be taken into account whether retroactive child or spousal support is in issue. It is the weighing of those factors that will differ: concerns about the applicant's delay and misconduct "carry more weight" in relation to spousal support (*Kerr v. Baranow*, 2011 SCC 10 at para. 208). In contrast, the entitlement of a child to support is generally so compelling that those factors will be less significant in the exercise of the court's discretion to make a retroactive award. The underlying facts are, however, relevant to both types of support applications.
- [70] As for the date upon which a retroactive award will commence, Justice Fenlon said the general rule is the date upon which formal notice of a claim for spousal support is given is the date upon which a retroactive award will commence. There are exceptions such as if blameworthy conduct on the part of the payor exists. In *Ducharme* the trial judge increased spousal support retroactive to three years before the filing of the notice of application.
- [71] In DBS Justice Bastarache referred to the date of an effective notice is the general rule and default option for the choice of effective dates for commencement of the support or variation of support. The date of the initiation of proceedings for spousal support has been described by the Ontario Court of Appeal as the usual commencement date absent a reason not to make the order effective on that date: see *McKinnon v. McKinnon*, 2005 75 OR (3d) 175 at para. 21.
- [72] The claimant's need is apparent. If it were not for her mother providing her with a house to live in and financial support she would be destitute.
- [73] The respondent has failed to produce financial information that is required and this is blameworthy conduct. He is also fallen into arrears in spousal support payments preferring the payment of debt over his spousal support payments.
- [74] In *Kerr* the court examined the concern about conduct in spousal support cases and said that the focus must be on conduct broadly relevant to the support obligation, for example, concealing assets or failing to make appropriate disclosure: DBS at para. 106.
- [75] The last full financial disclosure of the respondent was in 2019. A financial statement was filed by the respondent in March 2019 declaring an income of \$180,000 per year. He attached financial statements and tax returns for himself personally and the three Respondent Companies. In August 2021 this the respondent filed a new financial statement declaring his income at \$78,240 from employment and taxable dividends from a Canadian corporation. This financial statement attached no supporting documents. The respondent's next financial statement was filed in March 2025 in support of this application. The respondent attached personal income tax returns and notices of assessment for 2018 to 2022 and declared that he had not filed his 2023 or 2024 returns but was in the process of having these prepared. To my knowledge this was not done. There is a T4 for 2023 and 2024 but no tax returns and no financial statements for the Respondent Companies.

- [76] The respondent has given no reason for the delay in bringing this application to vary support. What likely brought this application forward is that the Family Maintenance Enforcement Agency is garnishing the respondent's wages. A five-year delay in applying for a variation without any explanation is not reasonable. The respondent was in court numerous times over the last five years dealing with other financial issues as a result of the need to liquidate corporate assets. He was represented throughout this time and there appears to be no reasonable excuse for delaying the variation application for five years.
- [77] If the respondent has to pay the \$7,921.25 that he deposed to in April 2025 or a higher amount of spousal support arrears, this will cause him financial hardship as his income has decreased. The arrears however could be paid out of the proceeds held in trust by counsel if there is any money left over after corporate debts are paid.
- [78] Given the respondent's blameworthy conduct and failure to provide full financial disclosure I exercise my discretion to vary support for three years. For ease of calculation I have selected January 1, 2023 as the commencement date for the variation.
- [79] The respondent relied on Spousal Support Advisory Guidelines calculations prepared by a program I am not familiar with. I have recalculated the support using DivorceMate.

2023

- [80] In 2023 the respondent seeks to impute minimum wage income of \$31,363 to the claimant. I accept that number.
- [81] The respondent's employment income in 2023 was \$66,536. He received the non-taxable benefit of free rent in the amount of \$13,200. Using the automatic gross up feature this brings his guideline income to \$84,920. I have included the unusual high debt of his consumer proposal payment in the amount of \$22,500 which does not affect the support amount. I accepted \$31,363 as the imputed minimum wage income for the claimant. Because of the strong compensatory support and length of this marriage as I said earlier it is my view that the high end of the range is appropriate. Therefore spousal support is \$2,112 per month commencing January 1, 2023 and continuing until and including December 1, 2023. This is a reduction of \$488 per month or \$5,856 for the year.

2024

- [82] The respondent's employment income in 2024 was \$70,200. The non-taxable income from his free rent is \$13,200. With the automatic gross up feature his annual guideline income is \$88,583. I have accepted the imputed minimum wage guideline income for the claimant at \$31,363. Spousal support is \$2,253 per month commencing January 1, 2024 and continuing until and including December 1, 2024. This is a reduction of \$347 per month or \$4,164 for the year.

2025

- [83] The respondent's employment income is reported by him on his calculations to be \$71,765. It is a bit of a mystery to me as to how he arrived at this number. When I multiplied the year to date gross income of \$2,652.25 times 26 pay periods I came up with a lower number. I will accept the respondent's assertion that his employment income of \$71,765. With the automatic gross up feature for the non-taxable income of \$13,200 his annual guideline income becomes \$90,149. I impute income based on minimum wage for the respondent at \$31,363. Spousal support is \$2,288 per month commencing January 1, 2025 to and including December 1, 2025 and until further order of this court or agreement between the parties. This is a reduction of \$312 per month or \$3,744 for the year.
- [84] This retroactive variation results in the reduction of spousal support over the past three years in the amount of \$13,764.

Disclosure

- [85] I understand the parties have consented to orders for disclosure at a recent case planning conference. The respondent's financial disclosure is completely inadequate and he has been penalized as a result.

Costs

- [86] The respondent was seeking a reduction of spousal support in the amount of \$36,164 so he has only been partially successful. The claimant opposed any variation and sought no imputation of income to her which did not succeed. I conclude that the success of this application has been divided and each party shall bear their own costs.

"B. M. Young, J."

The Honourable Justice Young

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