

CANADA / JUDGMENT

Lindstrom v. Lindstrom

2001 BCSC 414

COURT

Supreme Court of British Columbia

DECIDED

16 March 2001

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2001BCSC0414

Citation: Lindstrom v. Lindstrom Date: 20010316

2001 BCSC 414 Docket:

12288

Registry: Prince George

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

ROBERT DAVID LINDSTROM
PLAINTIFF

AND:

LINDA ROSE LINDSTROM
DEFENDANT

REASONS FOR JUDGMENT

OF

MASTER BAKER

Counsel for the plaintiff: D.B. McGaughey

Counsel for the defendant: J.L. Anderson as agent for M.

Gaudreau

Date and Place of Hearing: March 6, 2001

Prince George, BC

- [1] This is an application by Ms. Lindstrom for interim spousal support. Mr. Lindstrom does not argue Ms. Lindstrom's entitlement, but disputes the quantum that she seeks.

- [2] By way of brief background, Mr. and Ms. Lindstrom married in January 1971 and separated in June of 2000; in other words they lived together more than 29 years. During that time they had two children, both now adult and independent. Ms. Lindstrom had worked before the marriage, but was a homemaker for the first 16 years of her marriage to Mr. Lindstrom. She then re-entered the workforce first as a cook (1989 - 1993) and then as a baker (1995 - current) on a part-time basis. She has taken two computer courses to upgrade her skills, and has some bookkeeping experience, but the prospect of an increase in her current income is unlikely during the anticipated life of an interim order.
- [3] Mr. Lindstrom worked during the marriage, but suffered injuries, such that his income now is entirely comprised of pension benefits. He receives approximately one-half of his income by way of Canada Pension Plan disability benefits, and approximately one-half by way of non-taxable Workers' Compensation pension payments. It was, in part, this mixture of taxable and non-taxable income that caused me to reserve and consider the effect on Mr. and Ms. Lindstrom's respective income that any support payments would cause.
- [4] The parties, of course, have each presented sworn property and financial statements and have submitted to challenges to the sums set out in those statements. Having considered the arguments of counsel, and having myself reviewed their respective lists, it is my view that Ms. Lindstrom's net basic need is \$1,600.00 per month which can be grossed up for tax purposes to approximately \$1,900.00.
- [5] I have calculated Mr. Lindstrom's net need as approximately \$2,500.00. This sum assumes certain deductions from the sums presented or, in the case of various debt payments, assumes reduced monthly payments (his list presumes, for example, annual payment of fully one-half of his Royal Bank line of credit) or duplication of other expenses (as is likely in the case of his Visa debt).
- [6] Ms. Lindstrom's combined annual earnings, employment insurance benefits, and interest income are \$12,325.00. In my view she needs at least \$22,800.00 per annum, so that she needs, in addition to her own income, \$10,475.00 per year, or \$872.90, rounded to \$875.00 per month.
- [7] If Mr. Lindstrom were required to pay \$900.00 per month spousal assistance, and assuming that the deductibility of that sum applies only to his CPP benefits, leaving his WCB pension unaffected, his net monthly after-payment income would be approximately \$2,900.00. Since that exceeds Mr. Lindstrom's basic needs, and given that this is a very lengthy marriage, my conclusion is that the appropriate sum of interim spousal support is \$1,100.00 per month. I realize that this is in excess of the basic needs of Ms. Lindstrom, but given the length of the parties' marriage (29 years), she is entitled to some interim assistance that may go toward standard of living. Payments will commence March 1, 2001.

- [8] Costs were not addressed during the application, nor was the right to address the issue reserved by counsel. I am unaware of any offers or arguments therefore that would dis-entitle Ms. Lindstrom to her costs. In the absence of any offers, Ms. Lindstrom shall have her costs on Scale 3 in any event of the cause.

"Master D.C. Baker"

Telephone authorization

for release March 16,2001.

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