
CANADA / JUDGMENT

R.F. v. M.B.

2019 BCSC 1602

COURT

Supreme Court of British Columbia

DECIDED

23 September 2019

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2019 BCSC 1602 R.F. v. M.B.

IN THE SUPREME COURT OF BRITISH COLUMBIA

Citation:

R.F. v. M.B.,

2019 BCSC 1602

Date: 20190923

Docket: E072954

Registry: Vancouver

Between:

R.F.

Claimant

And:

M.G.B. also known as M.B.

Respondent

Before: The Honourable Mr. Justice D.M. Masuhara

Reasons for Judgment

Counsel for Claimant:

P. Daltrop

Counsel for Respondent, for part of hearing:

J.H. Rosner

The Respondent, appearing on his own behalf for part of the hearing:

M.B.

Place and Date of Hearing:

Vancouver, B.C.

June 25, 2019

Place and Date of Judgment:

Vancouver, B.C.

September 23, 2019

Introduction

- [1] These Reasons deal with an application to review spousal and child support. The application arises from several trial orders of Madam Justice Loo, whose reasons are indexed at 2012 BCSC 1211 ("2012 Reasons") and 2013 BCSC 358 ("2013 Reasons") (collectively the "Reasons"). Madam Justice Loo's Reasons arise from a single trial that occurred in July of 2012 ("2012 Trial").
- [2] In her Reasons, Loo J. made several orders concerning parenting and schooling arrangements, child support, spousal support and the division of certain assets and liabilities. While no appeal was brought in regards to the parenting and schooling arrangements, Ms. F. appealed Loo J.'s orders concerning the division of financial assets. The Court of Appeal largely dismissed Ms. F.'s appeal. The Court of Appeal remitted the question of s. 7 expenses back to the trial judge; held that Ms. F. was entitled to one-half the cash surrender value of Mr. B.'s life insurance policy as a family asset; and ordered her to use her cash share of the insurance policy to compensate Mr. B. for her share of a Canada Revenue Agency ("CRA") debt with the remaining balance to be compensated from her share of the proceeds of the sale of the matrimonial home.
- [3] In her 2013 Reasons, Loo J. also awarded costs to Mr. B. for the 2012 Trial which had spanned ten days. The amount has yet to be determined.
- [4] Ms. F. seeks orders for support effective January 1, 2016, the year in which the application for review was filed. The date of filing is August 8, 2016. At para. 106 of the 2013 Reasons, Loo J. directed that spousal support "may be review[ed] no earlier than September 2014."
- [5] Mr. B.'s materials do not specify any amounts he submits should be paid or any amounts that should be inputted for a determination of child and spousal support. I however, have been provided with Mr. B.'s Form 8 Financial Statements from November 24, 2016 and January 1, 2019.

Background

- [6] Ms. F. is 56 years old. Mr. B. is 58 years old. They were married on July 6, 1985; separated on September 1, 2005; and were divorced on December 16, 2010. They have five children ages, 30, 28, 23, 18 and 16.
- [7] As described in Loo J.'s Reasons, Ms. F. obtained an education degree from the University of British Columbia in 1983. After graduation she was unable to find employment in education and became a credit manager for an auto dealership. While working fulltime at the dealership Ms. F. took accounting classes at Langara College. After the auto dealership went out of business in 1993, Ms. F. took up work as a tutor. For eight or nine years from the end of 1996 until May 2005, Ms. F. tutored approximately fifteen hours a week.
- [8] In her Reasons, Loo J. expressed concerns with the testimony of both Mr. B. and Ms. F. However, it is clear that Loo J.'s greater concern lay with Ms. F.'s testimony.
- [9] In particular, Loo J. described Ms. F. as controlling, angry, vulgar and threatening in her interactions with her children, Mr. B., and anyone else who did not agree with her. Justice Loo also found that Ms. F. "is anything but the meek and unassertive person that she claims to be." Justice Loo stated that, "Ms. F.'s animosity towards Mr. B. seems almost boundless": 2013 Reasons at para. 82. It is obvious that Loo J. had difficulties with Ms. F.'s evidence. See for example Loo J.'s 2013 Reasons at paras. 11-14, 18, 29-31, and paras. 89-90 of her 2012 Reasons.
- [10] In her 2013 Reasons, Loo J. expressed concerns regarding the influence Ms. F. had on the children's relationship with their father, Mr. B. On this point, Loo J. highlighted the evidence provided by psychologist Dr. Nicole Aubé at para. 33:
- [33] Dr. Aubé makes it clear that any success with joint guardianship and access is dependent on the children's adaptation skills. She goes on to say, however, that success primarily depends on [Ms. F.]:

...the success of the pending custodial decision resides [sic]...mainly, in [Ms. F.'s] unconditional acceptance to allow her children to become closer to their father, without having to fear that their mother might interpret this as a betrayal of her. If the children sense that their mother emotionally has not approved a genuine attachment with their father, all of this will be in vain. [Ms. F.] also needs to support her children's growing need for independence. It will be very detrimental for the children to receive diametrically opposed messages: a verbal one that promotes an alliance, and a non-verbal one that conveys refusal.

[11] At para. 38, Loo J. opined:

- [38] The children's relationship with their father must improve, and it can only improve if Ms. F. changes her attitude. She must change her attitude and allow the children to become closer to their father during his time with them. If she fails to do so, a court may require her to attend counselling.

- [12] As I understand the materials, sadly there has not been much of a relationship between the children and Mr. B. It is reasonable to infer that Ms. F. has continued to have a role in this.
- [13] The forgoing informs in part the determinations required of this case.
- [14] Mr. B. is described in Loo J.'s 2013 Reasons as "a self-employed businessman who earns his income by trading stocks for others. He says that he is not a broker; rather, he acts as a 'direct agent' for others, or as a 'market maker' and 'liquidator of stocks'": para. 59. At paras. 69 and 70, Loo J. provided further detail in this regard:
- [69] Mr. B. requires each client to place their security into the name of Hampton Park Capital LLC ("HPC"), a Nevada company. The share certificates are then deposited into a "sub-account" of HPC. Each client has access to their respective sub-account to monitor the buying and selling in that account. Mr. B. has a verbal understanding with the brokerage firm, Meeting Street Brokerage, LLC, that he does not own the stock in HPC's sub-accounts.
- [70] The shares are generally "worthless" when Mr. B. receives the certificates. When he is able to sell the shares, he receives a commission of roughly 10 to 15 percent (depending on the commission he negotiates), which is wired directly into the CIBC Blue Sky U.S. dollar account and then into the CIBC Blue Sky Canadian dollar account. After Mr. B. takes his commission, he personally writes a cheque to the client for the sale proceeds, less commission. It is the total of the commissions in the CIBC Blue Sky U.S. dollar account and any gains recovered from his personal trading that forms the basis of the gross income that Mr. B. declares each year. He maintains that the transactions and his gross income can be traced by various bank and brokerage statements, and that those documents are the support for any CRA audit.
- [15] Justice Loo's 2013 Reasons indicate that Mr. B. has encountered some difficulties with the Securities and Exchange Commission of the United States. He informed me in the hearing that he has been under indictment in the U.S. since 2015 but does not face extradition at this point. He advised orally that, as a result, he cannot trade securities in the U.S., but continues to be able to do so in Canada. I infer that he is still conducting business as described by Loo J. but only in Canada.

The Hearings of this Application and Procedural Rulings

- [16] At the hearing of this application on November 2, 2018, Mr. B. was representing himself. Mr. B.'s counsel for the 2012 Trial had since retired. Mr. B. requested an adjournment in order to retain counsel. In granting the adjournment, I ordered that Mr. B. provide the documents underlying his income tax returns. Following the adjournment, Mr. B. retained Mr. Rosner as counsel.
- [17] Mr. Rosner first appeared as Mr. B.'s counsel on May 10, 2019. Due to a series of medical setbacks encountered by Mr. Rosner, I adjourned the May 10, 2019 hearing until late June.

[18] The present hearing was commenced with Mr. Rosner appearing for Mr. B. At the start of the hearing, Mr. Rosner sought the right to cross examine Ms. F. on her affidavit. I denied this request as coming far too late in the day. My sense of this request was that it was tactical.

[19] Mr. Rosner also submitted that Ms. F.'s application for child support was premature given Loo J.'s order directing for a registrar's hearing into child support. The order in question was made on March 5, 2013 and the specific term states at para. 10:

If the parties are unable to agree on the amount of child support that has been paid and the amount which should have been paid by [Mr. B.] in accordance with this judgment and the federal Child Support Guidelines, there will be an inquiry, assessment or accounting before the registrar and the results of the inquiry, assessment or accounting will be stated in the form of a report and recommendation to the court pursuant to the Supreme Court Family Rules 18-1(1) and (3).

[20] The registrar's hearing did take place. At the hearing, the registrar identified amounts that Mr. B. had overpaid in child support to Ms. F. for the years 2008 through 2011. The order is dated August 14, 2013. The registrar adjourned the reference in relation to the accounting of the child support paid by Mr. B. in 2012. The assessment of this amount was to be scheduled for a future date convenient to counsel.

[21] The registrar found that Mr. B. had overpaid child support as follows:

2008: \$28,340;

2009: \$29,820;

2010: \$16,620; and

2011: \$58,236.

[22] Additionally, the registrar ordered that:

- (a) Mr. B. deliver a sworn affidavit regarding the veracity of his 2012 income tax return;
- (b) Mr. B. produce the documents used to support the income and expenses that he reported on his 2012 income tax return; and
- (c) The 2012 child support payable by Mr. B. to Ms. F. shall be based on payment for five children for the first six months of 2012 and for four children for the last six months of 2012.

[23] Mr. B. did not produce the documents and did not seek to have the hearing resumed. Only during the hearing before me was the issue of continuing before the registrar raised.

[24] Given that spousal support is clearly a matter for review and that child support would encompass overlapping information, I was not persuaded that Mr. Rosner's procedural objection was justified in the circumstances.

- [25] Mr. Rosner also sought to tender into evidence an affidavit sworn by Mr. B. the day before the hearing of this matter. Mr. Rosner purported that the affidavit was responsive to the order that I had made in November 2018, and clarified in May 2018 requiring Mr. B. to produce source documents regarding his business expenses such as credit card statements, bank statements, etc.
- [26] Mr. Daltrop objected to the affidavit being considered by the court on the basis that it had been delivered so late and that based on his review, the source documents had not been provided. Mr. Daltrop could not determine what in fact the materials attached to Mr. B.'s affidavit were. Mr. Rosner, when asked about what the attached documents were, stated that he had not had time to review the documents either and could not speak to what the documents were. This reinforced Mr. Daltrop's argument. I took a cursory look at the attachments and concluded that on the whole, with the exception of some attached cheques, the documents were not source documents but spread sheets of items.
- [27] I refused to admit the affidavit. Underlying documentation has been required of Mr. B. since the registrar's hearing. As mentioned, the documentation was again ordered when Mr. B. sought and obtained an adjournment to obtain counsel in November 2018, and the requirements of this order were further clarified in May 2018.
- [28] Mr. B. is intelligent. The issue of underlying documents was also an issue during the 2012 Trial. My view is that Mr. B. understood what was required of him and chose, without explanation, to repeatedly fall short of what was required.
- [29] My view was that the late filing of Mr. B.'s affidavit was tactical to the prejudice of Ms. F. On the basis of fairness and the inadequacy of the attached documentation, I did not admit the affidavit.
- [30] While I did not admit Mr. B.'s affidavit, I proceeded with the view that Mr. B. does have deductible business expenses which should be taken into account when determining his income for the purposes of child and spousal support.
- [31] After ruling on these procedural issues, counsel for Ms. F. proceeded with the arguments on the merits, and in turn Mr. Rosner began his submissions on behalf of Mr. B.
- [32] Mid-way through Mr. Rosner's submissions, Mr. B. stood up and stated something to the effect of "I can't take this any more," and discharged Mr. Rosner as his counsel. Mr. B. was adamant about taking over the case as a self-represented litigant and I received his submissions.
- [33] I now turn to my determination of the substantive issues in this hearing.
- Income of the Parties
- [34] I will start by determining the incomes of the parties.

[35] Ms. F. submits that the annual income to be imputed to her should be \$18,000 for each year in this application. This is the amount imputed by Loo J. in her 2013 Reasons. In setting this amount, Loo J. stated at para. 102:

The two youngest children have been enrolled in public school since 2012 and there is nothing to suggest that Ms. F. is unable to seek employment. Ms. F. has a duty to work in order to financially support her children. If Ms. F. has not otherwise obtained employment on or before September 2013 that earns her at least \$18,000 annually, as of September 1, 2013 an annual income of \$18,000 will be imputed to her.

[36] It is apparent that Loo J. expected Ms. F. to seek employment in furtherance of the need for her to achieve economic self-sufficiency.

[37] Ms. F. deposes that she has health issues and has been unable to find employment as a result.

[38] In regard to income for Ms. F., the evidence does not satisfy me that Ms. F. is incapable of earning an income greater than the \$18,000 per year she proposes be imputed to her. Since at least 2012, Ms. F. has had the opportunity to prepare and develop a path to economic self-sufficiency. There is little evidence that she has taken any steps to do so.

[39] The evidence provided indicates that Ms. F. has suffered from various injuries in her life. These injuries include those incurred from two separate motor vehicle accidents that occurred in 2007 and 2012. There is some mention of an award or settlement for damages for the 2007 accident in the materials presented to me but no reference to specific amounts. I questioned counsel about any award and was informed that Ms. F. advised him in the hearing that she received a \$70,000 net settlement in 2011.

[40] Ms. F. provides medical evidence of her injuries that are dated both before and after the 2012 Trial. The pre-trial medical evidence should not operate to offset the findings made in the 2012 Trial and affirmed on appeal. The post-trial evidence relates to medical conditions arising from various injuries and events. The post-trial evidence includes the 2012 motor vehicle accident, for which I was not advised of any settlement. There is a report from Ms. F.'s treating orthopedic surgeon but there is nothing in terms of a functional evaluation of her abilities post-injury. The treating surgeon's report was unable to speak to Ms. F.'s work capacity. Given Ms. F.'s background and circumstances, I find that \$24,000 per year is a modest but fair amount for support determination purposes.

[41] In regard to income for Mr. B., Ms. F. submits that his annual income should be set at:

- (a) 2016: \$305,290;
- (b) 2017: \$593,690;
- (c) 2018: \$295,391; and
- (d) 2019: \$295,391.

- [42] The amounts reflect income from Mr. B.'s income tax forms and his Form F8 Financial Statements. Added to these amounts for each year is \$158,204. This amount is derived from documents said to have been discovered by the parties' son L., in Mr. B.'s hard drive, which indicate a market value of securities in Mr. B.'s account with Credential Direct of \$1,126,320.68 as at August 31, 2015; and account with Maerki Baumann & Co AG of \$2,037,761.99 as at September 13, 2012 ("Undisclosed Investments"). The total of the Undisclosed Investments amount to \$3,164,082. Ms. F. does not seek to have this amount apportioned to her but seeks an implied return on these securities of 5% per year which yields the \$158,204.
- [43] The documents relied upon are found in the July 25, 2018 affidavit of Ms. F. Mr. B. has not provided any materials in response to these documents which were filed by Ms. F. eleven months ago. Ms. F. submits that since Mr. B. did not disclose these financial documents prior to, during, or after the 2012 Trial, and there has been no responsive materials filed by Mr. B. in this hearing, the court should accept the amounts proposed and reject any comments made by Mr. B. in his submissions.
- [44] In my view, Mr. B.'s conduct in not responding or providing meaningful and timely responses should not be to the detriment of Ms. F. At the same time, reflection on the available evidence and circumstances is required. I note first the nature of the way Mr. B. earns income as described by Loo J. The relied upon documents suggest activity consistent with her description. As a result, it is not clear if he holds the equitable interest in the Undisclosed Investments. The Credential Direct and Maerki Baumann amounts are from 2012 and 2015 respectively, and it is not clear whether Mr. B. holds these amounts any longer. Apparently, Mr. B. was also the subject of a tax audit by the CRA of his income.
- [45] I also note that the 5% yield figure suggested by Ms. F. is arbitrary. Doing what I can with the evidence, including my reservations about Mr. B.'s interest in the undisclosed investments, an appropriate level of income for Mr. B. would include his income from his tax statements plus a yield of 3% on one-half of the Undisclosed Investments amounting to \$45,000.
- [46] For the purpose of determining Mr. B.'s 2016 income, Ms. F. has used Mr. B.'s total income of \$147,086 from his tax return and not his Line 150 income of \$72,300. For 2017, she uses Mr. B.'s Line 150 income of \$435,486 from his tax return. For 2018, she uses Mr. B.'s Form F8 Financial Statement gross income of \$137,187 and not his net. Mr. B.'s tax return for that year has not been produced. The amount for 2018 is the same for 2019.
- [47] Mr. B.'s Line 150 income for the years 2003 to 2011 was identified by Loo J. in her 2013 Reasons at para. 84 as follows:
- (a) 2003: \$62,322;
 - (b) 2004: \$160,745;
 - (c) 2005: \$111,817;

- (d) 2006: \$163,286;
- (e) 2007: \$29,778;
- (f) 2008: \$123,675;
- (g) 2009: \$140,229;
- (h) 2010: \$187,186; and
- (i) 2011: \$28,105.

[48] In Mr. B.'s affidavit #8 sworn November 15, 2013, his notice of assessment states a Line 150 income of \$122,462 for 2012.

[49] The income that Ms. F.'s argues should be set for Mr. B. for the years 2016 to 2019 is high.

[50] Doing what I can with the evidence, in the circumstances I find that Mr. B.'s annual income for the purposes of determining child and spousal support is as follows:

- (a) 2016: \$119,767;
- (b) 2017: \$482,953;
- (c) 2018: \$184,654; and
- (d) 2019: \$184,654.

Child Support

[51] At present there are only two children who are considered children of the marriage for child support purposes for the years 2016 to 2019. Ms. F.'s application for child support reflects this.

[52] Currently, Mr. B. pays \$588/month in child support to Ms. F.

[53] Based on my determination of Mr. B.'s annual income for support purposes, Mr. B.'s child support obligations under the Federal Child Support Guidelines for the subject years are as follows:

- (a) 2016: \$1,778;
- (b) 2017: \$6,088;
- (c) 2018: \$2,568; and
- (d) 2019: \$2,568.

[54] Mr. B. is to receive credit for the \$588/month he paid in child support for the subject years in respect of making child support payments for the above amounts.

Special and Extraordinary s. 7 Expenses

- [55] Ms. F. seeks contribution by Mr. B. towards s. 7 expenses. Under the Federal Child Support Guidelines, s. 7 expenses are "special or extraordinary expenses" that the court may provide for in a child support order on the request of either spouse, "taking into account the necessity of the expense in relation to the child's best interests, and the reasonableness of the expense in relation to the means of the spouses and those of the child and to the family's spending pattern prior to the separation." Section 7 expenses may include expenses for post-secondary education and health-related expenses.
- [56] Ms. F. claims \$60,000 per year (\$180,000 in total) incurred for their son L.'s attendance to law school at the University of Toronto; \$10,000 for the university tuition for their son F. starting Fall 2019; and for dental expenses discussed below.
- [57] The dental expenses for the children appear in exhibit 3 of Affidavit #14 of Ms. F. For L., the expenses to 2016 are \$1,486.65; for T., the expenses to March 2017 are \$1,467.10; for F., the expenses to December 2016 are \$544.40; for T.A., the expenses to December 2016 are \$406.50. There is also an oral surgical consultation fee of \$125 for T.A. and a proposed dental treatment plan for impacted teeth for T.A. of \$2,590.
- [58] The dental expenses should be borne by the parties in proportion to their respective incomes in the years in which the expenses were incurred.
- [59] With respect to the proposed dental treatment plan, Ms. F. is to provide confirmation to Mr. B. regarding the start date of the treatment, and provide full details of any report, oral or written, in respect to such treatment. Likewise, the proposed dental treatment plan expenses are to be borne in proportion to their respective incomes in the year the treatment took place or takes place.
- [60] Mr. B. deposes that with respect to L. attending law school, he paid L. \$350 per week from August 2017 to June 2018 and a lump sum of \$5,000 when he graduated. I assume the weekly payments were over one-year, 52 weeks. This totals \$18,200.
- [61] The amounts identified by Ms. F. for L.'s education are significant. There is only one bank transaction which evidences outside financial assistance provided to L. for the purposes of his law school tuition payments from his grandparents. There is no evidence from L., or from his grandparents, indicating the amounts they provided to L. for law school. Similarly, no evidence was provided as to the nature of any monies advanced to L. by his grandparents - i.e. whether any financial assistance provided was a loan or a gift. There will be an inquiry, assessment and accounting before the registrar and the results of same will be stated in the form of a report and recommendation to the court pursuant to Supreme Court Family Rules 18-1(1) and (3).

[62] The questions referred to the registrar are to determine: what, if any, amounts were paid by L.'s grandparents towards his expenses at law school; if any of these sums were a gift or loan; the amount L. borrowed or obtained as a grant or bursary, and earned during his law school years; the amount, if any, Mr. B. contributed to L.'s law school education; and the amount, if any, Ms. F. contributed to L.'s law school education and the source of such funds.

Spousal Support

[63] Ms. F. seeks spousal support based on the Spousal Support Advisory Guidelines, falling within the middle of the range on an indefinite basis. I note here that Mr. B. does not contest Ms. F.'s entitlement to support.

[64] Ms. F.'s application is for a review of the current spousal support she receives, as ordered by Loo J. I will approach the assessment of Ms. F.'s spousal support entitlement *de novo*. At the time of Loo J.'s 2013 Reasons the former Family Relations Act, R.S.B.C. 1996, c. 128 was in force. Today, spousal support orders in the province of British Columbia must comply with the objectives of the Family Law Act, S.B.C. 2011, c. 25. The relevant sections of the Family Law Act for my consideration are sections 161 and 162:

Objectives of spousal support

161 In determining entitlement to spousal support, the parties to an agreement or the court must consider the following objectives:

- (a) to recognize any economic advantages or disadvantages to the spouses arising from the relationship between the spouses or the breakdown of that relationship;
- (b) to apportion between the spouses any financial consequences arising from the care of their child, beyond the duty to provide support for the child;
- (c) to relieve any economic hardship of the spouses arising from the breakdown of the relationship between the spouses;
- (d) as far as practicable, to promote the economic self-sufficiency of each spouse within a reasonable period of time.

Determining spousal support

162 The amount and duration of spousal support, if any, must be determined on consideration of the conditions, means, needs and other circumstances of each spouse, including the following:

- (a) the length of time the spouses lived together;
- (b) the functions performed by each spouse during the period they lived together;
- (c) an agreement between the spouses, or an order, relating to the support of either spouse.

- [65] In her 2013 Reasons, Loo J. ordered Mr. B. to make the mortgage payments on the family home as spousal support. The monthly mortgage payments were approximately \$2,413. Mr. B. also paid the associated taxes and insurance for the property but was not required by Loo J. to pay any additional sums towards spousal support. I assume that the bases for Loo J.'s spousal support order were need and compensation.
- [66] The term of the mortgage ended in October 2018; however, I understand Mr. B. paid out the balance in March 2018. He has not paid spousal support since. In my view, spousal support should be have continued.
- [67] Mr. B.'s submission is that spousal support sought should only start after the period Loo J. ordered namely October 2018. I do not agree.
- [68] Using the income levels determined above, the mid-range monthly spousal support amounts for the years in question are:
- (a) 2016: \$1,368;
 - (b) 2017: \$10,705;
 - (c) 2018: \$3,142; and
 - (d) 2019: \$3,400.
- [69] The payments made by Mr. B. towards the home mortgage during the subject years, which ended in March 2018, are to be credited to Mr. B.'s account in respect to spousal support.
- [70] The materials submitted by Ms. F. focused on Ms. F.'s loss of earning capacity as a result of the various injuries she has suffered. On this basis, Ms. F. is to provide Mr. B. a detailed written summary of the settlement she received in connection to her 2007 motor vehicle accident and her outstanding personal injury claim or claims. She is also to provide written notice to Mr. B. of any future settlement she may reach for the 2012 motor vehicle accident, and other claims she may have, including the amount.

Conclusion

- [71] Based upon the evidence presented before me and the submissions of the parties I have concluded as follows.
1. Child Support
- [72] In accordance with the Federal Child Support Guidelines, and on the basis of my calculation of Mr. B.'s income for support purposes, I order Mr. B. to pay child support for the subject years as follows
- (a) 2016: \$1,778;
 - (b) 2017: \$6,088;

(c) 2018: \$2,568; and

(d) 2019: \$2,568.

2. Section 7 Expenses

[73] On the issue of special or extraordinary s. 7 expenses, I order that the following dental expenses, for the following children, be borne by the parties in proportion to their respective incomes in the years in which the expenses were incurred:

L.:

\$1,486.50

T.:

\$1,467.10

F.:

\$544.40

T.A.:

\$406.50

[74] For T.A.'s proposed dental treatment plan, I order Ms. F. to provide confirmation to Mr. B. regarding the start date of the treatment and any reports provided with respect to such treatment. The proposed dental treatment plan will also be borne by the parties in proportion to their respective incomes in the year the treatment took place or takes place.

3. Registrar's Assessment

[75] There was not enough evidence before me regarding s. 7 expenses incurred in relation to L.'s law school tuition at the University of Toronto for me to reach a determination regarding these expenses. On this basis, there will be an inquiry, assessment or accounting before the registrar and the results of the inquiry, assessment or accounting will be stated in the form of a report and recommendation to the court pursuant to Supreme Court Family Rules 18-1(1) and (3).

4. Spousal Support

[76] In accordance with the Spousal Support Advisory Guidelines, and on the basis of my determination of Mr. B.'s income for support purposes, I order Mr. B. to pay mid-range monthly spousal payments for the subject years as follows:

(a) 2016: \$1,368;

(b) 2017: \$10,705;

(c) 2018: \$3,142; and

(d) 2019: \$3,400.

[77] In determining the amount of spousal support payments owing to Ms. F., the payments made by Mr. B. towards the home mortgage during the subject years, which payments ended in March 2018, are to be credited to Mr. B. The costs awarded to Mr. B. may also be so credited.

[78] Finally, I order Ms. F. to provide details of any and all motor vehicle accident settlements she has received or may receive for the subject years, and any and all outstanding personal injury claims.

[79] If either party arrives at different results using the Child Support Guidelines or the Spousal Support Advisory Guidelines based on my findings, the parties have leave to appear before me to make submissions.

"The Honourable Mr. Justice Masuhara"

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