SCC File No. 38498

IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE COURT OF APPEAL OF BRITISH COLUMBIA)

BETWEEN:

DANELLE MICHEL

APPLICANT
(Appellant)

AND:

SEAN GRAYDON

RESPONDENT
(Respondent)

AND:

WEST COAST LEGAL EDUCATION AND ACTION FUND

INTERVENER

FACTUM OF THE INTERVENER
WEST COAST LEGAL EDUCATION AND ACTION FUND

(pursuant to Rules 37 and 42 of the *Rules of the Supreme Court of Canada*)

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PART I – OVERVIEW AND STATEMENT OF FACTS

1. The West Coast Legal Education and Action Fund Association ("West Coast LEAF") intervenes to oppose a strained interpretation of British Columbia's child support regime that undermines substantive equality. The Court of Appeal for British Columbia read in a judicially created pre-condition to the ability of courts to enforce child support obligations, even where the interests of equality and justice demand it. In consequence, a "perverse incentive" develops where fathers who are fully aware that they have child support obligations can shirk them (and even intentionally delay or mislead the family to whom they owe obligations) and then obtain absolute legal immunity from enforcement of these obligations when their children turn 19.[1] This perverse outcome disregards the proper interpretation of the text and purpose of the *Family Law Act* ("*FLA*"),[2] in addition to undermining the *Charter*[3] value of equality; it is bad law and policy, as held by Sharpe J.A. writing for a unanimous Court of Appeal for Ontario[4] and by Hunter J.A., dissenting (with Wilcock J.A., concurring) in the decision relied upon by the Court of Appeal below.[5] West Coast LEAF urges the Court to restore the statutorily-granted discretion to enforce overdue child support obligations, even if the beneficiary is no longer a "child" under the *FLA*.

2. West Coast LEAF relies on the facts as set out in the Appellant's factum and takes no position on the outcome of the instant appeal.

PART II – QUESTION IN ISSUE

3. The legal issue on this appeal is whether s. 152 of the *FLA* grants courts the discretion to vary existing support orders to enforce retroactive payment of child support obligations once the beneficiary of those obligations is no longer a "child" under the *FLA*.

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[1] See *Colucci v Colucci*, 2017 ONCA 892 at para 26 [*Colucci*].
[2] *Family Law Act*, SBC 2011, c 25 [*FLA*].
[3] *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11 [*Charter*]
[4] *Colucci*, at para 30 (on law) and at para 26 (on policy), dealing with s. 17(1) of the *Divorce Act*, RSC 1985, c 3 (2nd Supp) [*Divorce Act*], which, while contained in separate legislation, is similarly worded to s. 152 of the *FLA*.
[5] Court of Appeal for British Columbia Reasons at paras 1-2 [BCCA Reasons] citing *Dring v Gheyle*, 2018 BCCA 435 at paras 125-127 [*Dring*] (on law) and at para 129 (on policy).

PART III – STATEMENT OF ARGUMENT

4. West Coast LEAF submits that a beneficiary's current status as a "child" under the *FLA* is relevant to, but not dispositive of, whether a judge should exercise their discretion to enforce retroactive payment of obligations under the *FLA*. Indeed, it is only through recognizing such a discretion that courts can ensure that family law disputes do not perpetuate the feminization of poverty and further diminish the economic condition of women and children after separation.[6] First, the modern approach to statutory interpretation permits such orders. Second, any ambiguity about the legality of such orders under the *FLA* should be resolved in their favour because they promote the *Charter* values of women's and children's substantive equality.

A. Clarifying the Dispute – Defining Historical Child Support

5. This appeal concerns variation orders that would require retroactive payment of pre-existing obligations owed to child beneficiaries who have subsequently become adults. Thus, while the beneficiary, now, is an adult, the crystalized obligation pertained to a child;[7] the obligation is only now linked with an adult beneficiary because it was not satisfied contemporaneously. For brevity, the term "historical child support" will be used to capture this precise meaning.

B. Statutory Interpretation – Section 152 of the *FLA* Permits Retroactive Payments of Historical Child Support

6. The modern approach considers an act's text, context, scheme, object, and intent.[8] All five considerations applied to the *FLA* permit retroactive access to historical child support.

7. As a preliminary note, *DBS* is not controlling in this appeal. Vertical *stare decisis* does not apply "where a new legal issue is raised".[9] Thus, the Court of Appeal's bare deference to *DBS*—a

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[6] *Moge v Moge*, [1992] 3 SCR 813 at 853-858 [*Moge*]; *Marzetti v Marzetti*, [1994] 2 SCR 765 at 801; *Willick v Willick*, [1994] 3 SCR 670 at 704-707, 713-716 and 722-724 [*Willick*] per L'Heureux-Dubé J., concurring; Natasha Bakht et al, "D.B.S. v. S.G.R.: Promoting Women's Equality through the Automatic Recalculation of Child Support" (2006) 18:2 CJWL 535 at 543-546, 551-552, and 557-559 [Bakht et al].

[7] As the Court explained in *DBS v SRG*, 2006 SCC 37 at para 54 [*DBS*], child support is a "free-standing obligation" that "exists independent of any statute or court order".

[8] *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 S.C.R. 27 at para 21.

[9] *Carter v Canada (Attorney General)*, 2015 SCC 5 at para 44 [*Carter*]; See also *Canada (Attorney General) v Bedford*, 2013 SCC 72 at para 42.

decision interpreting a different act,[10] different statutory language,[11] and a different issue[12]—cannot be binding.[13] Expressly cautioning against an assumption that different federal and provincial legislative schemes will receive a uniform interpretation, *DBS* stressed that "[w]hen an application for retroactive support is made … it will be incumbent upon the court to analyze the statutory scheme in which the application was brought".[14] We now turn to the proper analysis of whether s. 152 of the *FLA* permits historical child support orders (a question not yet resolved by the Court, like the question of whether s. 17 of the *Divorce Act* permits such variations).[15]

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[10] The federal *Divorce Act*, not British Columbia's *FLA*.

[11] The *Divorce Act* provided that a child must be underage "at the material time" (see s. 2(1)), whereas the *FLA* contains no analogous language. This is a complete answer to the Respondent's reliance on this phrasing and jurisprudential treatment (Respondent's Factum at paras 106-109).

[12] *DBS* did not hold that historical support, by variation, is only available to underage children. When it opined on whether the "Status of the Child" can "curtail" jurisdiction to award retroactive support (para 85), the Court held that: (1) jurisdiction turns on interpretation of the provincial statute (para 87); and (2) with respect to the federal *Divorce Act*, original orders (s. 15.1(1))—not variation orders (s. 17(1))—require that a child remain dependent (paras 86-90). This original/variation distinction is not only legalistic, as the Court of Appeal claimed in *Dring* (at para 97). It is sensible to grant applicants flexibility for variations because an original application put payors on notice that variations may later be sought (*Colucci*, at para 20). In *DBS*, one passing reference may leave the impression that the Court held that a child can age out of entitlement to historical support remedies (para 150). However, this remark was *obiter*: the child's age was immaterial because "[i]n the circumstances of [the] appeal" the mother effectively initiated variation proceedings before the child aged out (*ibid*). The Court did not rule on how the case would have been resolved if proceedings were not initiated earlier. See *Colucci*, at paras 2 and 11; *Dring*, at paras 190-201 (per Hunter J.A., dissenting); *SLF v JWF*, 2016 ABQB 635 at para 12.

[13] See *Dring*, at paras 178-183 (per Hunter J.A., dissenting) noting that the *FLA* was "not yet drafted let alone enacted at the time of" the *DBS* judgment; See also *Colucci*, at paras 13-14.

[14] *DBS*, at para 54. In any event, *DBS* never ruled on s. 17(1) of the *Divorce Act* (*supra* note 13).

[15] Contrary to the view of some courts (see, e.g., *Dring*, at para 78), *DBS* did not "implicitly" decide that s. 17 of the *Divorce Act* prohibits recovery of historical child support (*supra* note 12). The better view, applying statutory interpretation principles to s. 17, is that it (like s. 152 of the

8. Subsection 152(1) of the *FLA* provides that "[o]n application, a court may change … an order respecting child support, and may do so prospectively or retroactively".

9. On **text**, the court's discretion to "change … an order respecting child support" is triggered "on application". Subsection 152(1) itself places no other conditions on this discretion. That the support order's beneficiary is now an adult may, of course, inform whether the order should be changed. But that normative question differs from the statutory question of whether the order can be changed.[16] Indeed, s. 152(1)'s express contemplation of retroactive orders, if anything, suggests that a beneficiary's current status as a "child" could not bar such a variation. Further, an argument to the contrary—i.e., that the text of s. 152(1) ("child support") implicitly limits variation orders to those sought while the beneficiary remains a child—must be rejected because it artificially truncates the statutory language. Subsection 152(1) does not merely concern "child support", but changes to "an order respecting child support". And there is no dispute that original orders—issued while the beneficiary was a child—satisfy this characterization.

10. On **context**, s. 152(2) reinforces the court's discretion to change a child support order without any strict temporal limitation. Under subsection (2), to make an order referred to in subsection (1), the court "must be satisfied that at least one of the following [conditions] exists".[17] None of those conditions require that the person to whom the order relates currently have the status of a "child" under the *Act*. To read such an absolute condition in elevates that judicially-created condition above the status of the express conditions in subsection (2) (only one of which need to be present).[18]

11. On **scheme**, the Respondent argues that an order must be extant to be varied.[19] But the *FLA* is clear when the timing of an application is dispositive of its propriety. For example, s. 187 requires that applications to vary a protection order must be made before the prior order's expiration. Similar reasoning, however, cannot apply to s. 152, which contains no analogous language. Accordingly, while the expiration of an order—like the beneficiary being an adult—may weigh against granting a variation, it does not statutorily foreclose it.[20]

FLA), permits recovery of historical child support (*Colucci*, at para 30).
[16] See e.g. *Dring*, at para 130 (per Hunter J.A., dissenting).
[17] *FLA*, s. 152(2)(a)-(c) (emphasis added).
[18] See e.g. *Dring*, at para 137 (per Hunter J.A., dissenting).
[19] Respondent's Factum, at paras 74-75.
[20] *Dring*, at para 162 (per Hunter J.A., dissenting).

12. On **object**, child support regimes promote the well-being of children[21] by legally enforcing both parents' "duty to provide support for the child".[22] Greater compliance with child support obligations furthers this object. Knowledge that outstanding child support obligations extinguish once a child becomes an adult provides, as Sharpe J.A. noted in *Colucci*, a "perverse incentive"[23] for payor parents to shirk their obligations and neglect timely disclosure of income changes—the "cancer" of family law disputes.[24] The Court in *DBS* put it bluntly: "Any incentives for payor parents to be deficient in meeting their obligations should be eliminated".[25] It follows that permitting historical child support orders furthers the object of the child support regime. Indeed, to hold otherwise, and deny the possibility of variation in the instant appeal, would reward a father for "not being forthcoming about his increase in income"[26] and "profit[ing] by not paying adequate child support",[27] euphemisms for intentional underpayment of child support. Even worse, to categorically prohibit such variations, "no matter what extraordinary circumstances may exist and no matter what the interests of justice may require",[28] handcuffs judges from responding to even more egregious circumstances that family disputes at times raise.

13. Further, the child support provisions of the *FLA* are social welfare legislation. Accordingly, they must be "liberally construed so as to advance the benevolent purpose of the legislation", and the "primary concern is ensuring that the intended benefits are received".[29] Narrow and technical interpretations can subvert an act's purpose and deny the receipt of crucial benefits. Adopting such an interpretation, the Court of Appeal created an 'age-out immunity' to variation orders despite the *FLA* providing that such an order can be considered "on application". The result of this judicial creation was that a mother—on social assistance,[30] struggling with disability,[31] and who bore the

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[21] *Connolly v Connolly*, 2005 NSSC 203 at para 9; *LC v DB*, 2009 QCCS 3820 at para 18.
[22] *FLA*, s. 147(1); *DBS*, at para 36; *Dring* at para 48.
[23] *Colucci*, at para 26.
[24] *Smith v Smith*, 2017 BCCA 319 at para 24.
[25] *DBS*, at para 4.
[26] British Columbia Supreme Court Reasons at para 33 [BCSC Reasons].
[27] BCCA Reasons, at para 18.
[28] *Dring*, at para 129 (per Hunter J.A., dissenting).
[29] Ruth Sullivan, Construction of Statutes, 6th edition (Lexis Nexis, September 2014) at 509 [Sullivan]; See also *Abrahams v. Canada (Attorney General)*, [1983] 1 S.C.R. 2 (S.C.C.) at 10.
[30] BCSC Reasons, at para 12; BCCA Reasons, at para 7.
[31] BCSC Reasons, at para 12; BCCA Reasons, at para 6.

burden of a father's underpaid child support for 11 years[32]—provided for her child without the support to which her child was entitled. This interpretation defies both the plain language of the *FLA* and its remedial purpose to discourage parents from shirking their support obligations.

14. The Respondent's object-based arguments against this interpretation should be rejected. First, the Respondent argues that certainty and finality are also objects of the child support regime.[33] This is true. But given the ability to not only vary a child support order, but do so "retroactively", certainty and finality cannot trump encouraging the full provision of support.[34] Second, the Respondent argues that child support is meant to support children, and that providing retroactive payments to people who are now independent adults amounts to a windfall that fails to further this purpose.[35] But enforcing historical child support obligations in individual cases provides the systemic incentive for payor parents to make timely disclosures for and payments of current child support. Moreover, the Respondent's argument logically contradicts retroactivity in all circumstances; retroactive payments always entail the receipt of funds after the opportunity for supporting the child during the prior time has expired. Yet, the *FLA* specifically permits retroactive orders. Lastly, where a child has been deprived of historical support, compensating that deprivation—even for an adult—can be a "reasonable exercise of discretion".[36]

15. On **intent**, the legislative history of child support in British Columbia evidences an intent to expand the scope of variation orders.[37] In addition to the legislative history invoked by the Appellant,[38] the former British Columbia Attorney General, Shirley Bond, said that the latest legislative amendments would "establish a broader range of remedies and consequences for noncompliance with orders".[39]

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[32] BCSC Reasons, at para 33; BCCA Reasons, at paras 11 and 13.
[33] Respondent's Factum, at para 84.
[34] See *DBS*, at para 64. See also *Colucci*, at paras 23 and 29 and *Dring*, at para 158 (per Hunter J.A., dissenting).
[35] Respondent's Factum, at para 84.
[36] See e.g. *Henry v Henry*, 2005 ABCA 5 at para 37. Indeed, *DBS* included one child who was "no longer a child of the marriage" (para 150) and the Court still held that the child deserved "compensation" for the father's "unfulfilled obligation" (para 148).
[37] *Dring*, at paras 147-149 (per Hunter J.A., dissenting).
[38] Appellant's Factum, at paras 81-82.
[39] British Columbia, *Official Report of Debates of the Legislative Assembly (Hansard)*, 39th Parl 4th Sess Vol 28, No 2 (17 November 2011) at 8846.

16. Lastly, immunizing parents from historical child support orders runs counter to Canada's international obligations: it does not "take all appropriate measures to secure the recovery of [child support]";[40] it does not "take all appropriate measures to eliminate discrimination against women in all matters relating to … family relations" or ensure that women have "[t]he same rights and responsibilities as parents … in matters relating to their children";[41] and it does not provide "[t]he widest possible protection and assistance" to "the family".[42] Thus, the presumption of compliance with international treaties favours permitting variation orders for historical child support.[43]

17. In sum, *DBS* is not dispositive and, on the modern approach to statutory interpretation, s. 152 of the *FLA* unambiguously permits retroactive variations for historical child support.[44]

C. *Charter* Values – If Any Ambiguity Exists Under the *FLA*, it Should be Resolved in Favour of Permitting Retroactive Payments of Historical Child Support

18. Should the Court find that s. 152 of the *FLA* is ambiguous with respect to when variation orders may be issued, the *Charter* value of equality (s. 15)—a *Charter* value of particular import in the context of women[45]—favours the recognition of such orders for historical child support.[46]

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[40] *Convention on the Rights of the Child*, 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990, ratification by Canada 13 December 1991), Article 27(4). See also *Brown v Canada (Attorney General)*, 2019 YKSC 21 at 131-132.
[41] *Convention on the Elimination of All Forms of Discrimination against Women*, 1 March 1980, 1249 UNTS 13 (entered into force 3 September 1981, ratification by Canada 10 December 1981), Article 16(1)(d). See also *Concluding Observations on the Combined Eighth and Ninth Periodic Reports of Canada*, UN Doc. CEDAW/C/CAN/CO/8-9 (2016) at 53.
[42] *International Covenant on Economic, Social and Cultural Rights*, 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976, ratification by Canada May 1976), Article 10(1). See also *Report of the Expert Group Meeting - Family policy development: achievements and challenges*, United Nations Department for Economic and Social Affairs, (New York: 2015) <https://www.un.org/esa/socdev/family/docs/egm15/finalreport.pdf> at 63 and 163.
[43] *R v Hape*, 2007 SCC 26 at para 53.
[44] Given the analogous text and context, this argument similarly applies to s. 17 of the *Divorce Act*.
[45] The particular significance of women's equality is reflected in s. 28 of the *Charter* which, in addition to being a standalone equality provision, is immune to the notwithstanding clause.
[46] *Bell Express Vu Limited Partnership v R*, 2002 SCC 42 at para 62. See also *Hincks v Gallardo*, 2014 ONCA 494 at para 32. Indeed, Ruth Sullivan argues that *Charter* values consideration should not be confined to legislative ambiguity (Sullivan, at 22-24 and 528-531). L'Heureux-Dubé J., concurring, adopted this approach for s. 17 of the *Divorce Act* in *Willick*, at 705-708. This is the approach in South Africa: *Makate v Vodacom (Pty.) Ltd.*, [2016] ZACC 13 at para 87.

19. The animating norm of the *Charter*'s s. 15 equality guarantee is "substantive equality",[47] i.e., "ensuring that laws or policies do not impose subordinating treatment on groups already suffering social, political, or economic disadvantage in Canadian society".[48] Thus, courts must consider not only the intentional impact of laws, but their "actual impact"[49] with the "full context"[50] of the claimant group in mind. In turn, women and children's substantive equality is a *Charter* value that must be understood in the context of their lived experience within the child support system.

20. A gender-conscious analysis of how child support operates in Canada illustrates why women's substantive equality is implicated in this appeal. Child support obligations are an issue of gender justice. Of course, some mothers are payors and some fathers are payees. But this superficial gender neutrality overlooks the reality—repeatedly recognized by this Court—that, in the overwhelming majority of cases, fathers are payors and mothers are payees because mothers typically undertake primary childcare responsibility on relationship breakdown.[51] As former Attorney General Jody Wilson-Raybould explained to the House of Commons:

> [T]he vast majority, some 96% of cases registered in maintenance enforcement programs involve male payers paying female recipients. The problem of unpaid support contributes to the feminization of poverty…[52]

21. In this context, women's economic disadvantage is inextricable from children's substantive

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[47] *Quebec (Attorney General) v. Alliance du Personnel Professionel et Technique de la Santé et des Services Sociaux*, 2018 SCC 17 at para 25 [*Alliance*].
[48] Jonnette Watson Hamilton and Jennifer Koshan, "Adverse Impact: The Supreme Court's Approach to Adverse Effects Discrimination under Section 15 of the Charter" (2015) 19:2 Review of Constitutional Studies 191 at 195.
[49] *Withler v Canada (Attorney General)*, 2011 SCC 12 at para 39 [*Withler*].
[50] *Withler*, at para 40.
[51] *Moge*, at 849-850, 853-856, 861-864, and 867-869 per L'Heureux-Dubé J.; *Symes v Canada*, [1993] 4 S.C.R. 695 (S.C.C.) at 762-763 per Iacobucci J.; *Thibaudeau v Canada*, [1995] 2 S.C.R. 627 (S.C.C.) at 689 per L'Heureux-Dubé J., dissenting.
[52] Canada, Parliament, House of Commons Debates, 42nd Parl., 1st Sess., Vol. 148, No. 326 (26 September 2018) [Wilson-Raybould]. See also Canada, Statistics Canada, Juristat, *Payment patterns of child and spousal support* (April 24, 2013) at 5, online: Statistics Canada <https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2013001/article/11780-eng.pdf?st=eRcodICf>; Canada, Statistics Canada, Juristat, *Spotlight on Canadians: Results from the General Social Survey, Parenting and Child Support After Separation or Divorce* (February 2014) at 9, online: Statistics Canada <https://www150.statcan.gc.ca/n1/pub/89-652-x/89-652-x2014001-eng.pdf>.

equality as nearly half of all children living in poverty live in single-parent homes.[53]

22. The "institutionalized gender bias"[54] that persists in the operation of Canadian child support must be taken into account to appreciate the relationship between child support obligation deficits and gender inequality.[55] And this feminized inequality is substantial: "[t]here are billions of dollars of unpaid child support payments in Canada".[56] In effect, non-paying fathers pocket mothers' resources for their own benefit, and to the detriment of both their children and former spouses. This gendered context—and its inordinate impact on vulnerable mothers and children—weighs heavily in favour of leaving courts with broad discretion to order child support variations where justice so demands; in other words, to allow for the possibility, not certainty, of such variations.[57] And, to the extent some mothers have other marginalized identities, their intersectional disadvantage[58] only further demonstrates why broad access to retroactive variations is needed for substantive equality. Indeed, Ms. Michel appears to have experienced disadvantage on multiple axes, including her gender, her disability,[59] and Mr. Graydon's abuse.[60]

23. Economic gender inequality also explains why many women delay seeking variation orders. Lack of financial means is a significant barrier to accessing the legal system,[61] and applying for a

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[53] *Willick*, at 704; Canada, Statistics Canada, *Children living in low-income households* (September 13, 2017) at 3, online: Statistics Canada < https://www12.statcan.gc.ca/census-recensement/2016/as-sa/98-200-x/2016012/98-200-x2016012-eng.pdf>.
[54] Marie L. Gordon, "'What, Me Biased?' Women and Gender Bias in Family Law" (2001) 19 CFLQ 53 at 6 [Gordon].
[55] Bakht et al at 537-538, 545-546 and 557.
[56] Wilson-Raybould, *supra*.
[57] *Colucci*, at para 31: "having the jurisdiction to vary an order is one thing and deciding whether to vary it is quite another".
[58] That is, the ways in which multiple marginalized identities can aggregate and result in distinct and often overlooked experiences of systemic discrimination (see Kimberle Crenshaw, "Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" (1989) 1:8 University of Chicago Legal Forum 139 at 140).
[59] BCSC Reasons, at para 12; BCCA Reasons, at para 6.
[60] BCSC Reasons, at paras 30 and 48.
[61] *Hryniak v Mauldin*, 2014 SCC 7 at para 1; *Report of the Access to Justice Committee* "Study on Access to the Justice System – Legal Aid", Canadian Bar Association, (December 2016) <https://www.cba.org/CMSPages/GetFile.aspx?guid=8b0c4d64-cb3f-460f-9733-1aaff164ef6a> at 7.

variation order demands legal guidance. Further, women—especially immediately post-separation—are routinely financially vulnerable[62] and "often shoulder both economic and parenting burdens".[63] Indeed, many years after separation that vulnerability can persist, because of the traditional division of labour within homes.[64] Sexist pay inequity, as well, exacerbates this inequality.[65] West Coast LEAF's modest submission is that a judge should have the option to take this context, when present, into account when equitably resolving disputes relating to historical child support—the Respondent's view, in contrast, bars its consideration altogether.

24. Ultimately, ensuring women's substantive equality under the child support regime is a critical means of ensuring that the needs of children are met, since, as noted above, women are most often the sole/primary caregivers of children.[66] The Respondent's interpretation would leave more children under-supported, in direct contradiction with the text and object of the *FLA*.

PART IV – SUBMISSIONS ON COSTS

25. West Coast LEAF does not seek costs and asks that none be awarded against it.

PART V – NATURE OF THE ORDER REQUESTED

26. West Coast LEAF does not request any orders.

All of which is respectfully submitted this 31st day of October, 2019.

Per

Jennifer Klinck, Dustin Klaudt, and Joshua Sealy-Harrington
Counsel for the Intervener, West Coast Legal Education and Action Fund

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[62] Gordon, at 1 and 3.
[63] Julien D. Payne, "An Overview of Theory and Reality in the Judicial Disposition of Spousal Support Claims Under the Canadian Divorce Act" (2000) 63 Sask. L. Rev. 403 at 424.
[64] *Moge*, at 861-862.
[65] *Alliance*, at para 29.
[66] Canada, Department of Justice, *Selected Statistics on Canadian Families and Family Law: Second Edition*, online: Government of Canada <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/stat2000/p4.html> at Table 6; See also Bakht et al, at 543-544.

PART VI – TABLE OF AUTHORITIES

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