FAMLNWS 2020-37
Family Law Newsletters
September 28, 2020

— Franks & Zalev - This Week in Family Law

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Contents

On September 18, 2020, the Supreme Court of Canada released *Michel v. Graydon*, its latest decision about retroactive child support. Given the importance of this decision (and the length of our comments), we have devoted this week's entire edition of *TWFL* to it. Our regularly scheduled programming will return next week.

***Michel v. Graydon*, 2020 CarswellBC 2302 (S.C.C.)**

Philip Epstein used to say that, every decade or so, the Supreme Court of Canada would release a decision to keep family lawyers busy for the next 10 years.

In 2006, the Supreme Court of Canada released *D.B.S. v. S.R.G.* (2006), 31 R.F.L. (6th) 1 (S.C.C.) ("*D.B.S.*"), its seminal decision on retroactive child support. In his reasons for the majority, Justice Bastarache established a framework for analyzing retroactive child support claims. However, the majority decision has also led to confusion about whether and when a court can award "historical child support", which is the term the Supreme Court used in *Michel v. Graydon* to describe a claim for "retroactive child support for a person who was no longer entitled to child support when the claim for support was started."

The confusion about whether a court can order historical child support stemmed largely from paragraph 89 of *D.B.S.*, where the majority stated as follows:

> [89] . . . **An adult, i.e., one who is over the age of majority and is not dependent, is not the type of person for whom Parliament envisioned child support orders being made**. This is true, whether or not this adult should have received greater amounts of child support earlier in his/her life. **Child support is for children of the marriage, not adults who used to have that status**. [emphasis added]

Over the last 14 years, most appellate courts in Canada have interpreted paragraph 89 of *D.B.S.* as creating a complete bar to claims for historical child support under both the *Divorce Act* and the various provincial child support statutes. For example, in *Dring v. Gheyle* (2018), 17 R.F.L. (8th) 34 (B.C. C.A.), the majority of a five-member panel of the British Columbia Court of Appeal concluded as follows:

> [97] **In my respectful opinion the court does not have jurisdiction to make a statutory retroactive award unless at the date of the application the child retains the status of a child**, or there has been a prior application which brings the matter under the "*Henry* exception". **The answer to the jurisdiction question is the same regardless of whether the application is an original application or for a variation of an existing order. There is no juridical or rational reason to distinguish the two situations**. Parties are encouraged to settle their disputes outside the court process. When parties have reached an agreement concerning child support it is often pure happenstance whether they take the additional step of having their agreement embodied in a court order. I would suggest this is particularly so in the case of unmarried parents when child support is the only issue they need resolve. This conclusion is consistent with *S.(D.B.)* and *Hartshorne*. While a five judge division is not bound to follow *Hartshorne*, *S.(D.B.)* is binding on this Court. [emphasis added]

See also *Smith v. Selig* (2008), 56 R.F.L. (6th) 8 (N.S. C.A.); *Calver v. Calver* (2014), 42 R.F.L. (7th) 25 (Alta. C.A.); *Daoust v. Alberg* (2016), 71 R.F.L. (7th) 274 (Man. C.A.); and *Hnidy v. Hnidy* (2017), 96 R.F.L. (7th) 40 (Sask. C.A.). To add to the confusion, many courts would often honour the "Rule" in *D.B.S.* more in the breach, and strain to find a path around the Rule by way of "exceptions".

In contrast, in *Colucci v. Colucci* (2017), 2 R.F.L. (8th) 1 (Ont. C.A.) ("*Colucci #1*"), the Ontario Court of Appeal determined that while a court cannot make an initial order for historical child support under s. 15.1 of the *Divorce Act*, it can do so when varying an initial order under s. 17(1) (this being one of the aforementioned "exceptions"):

> [26] . . . **I can see no reason why the court should be deprived of jurisdiction to consider the request of a recipient parent who struggled to support the children and to shift part of that burden to the payor parent if there was a change in circumstance that would have justified a variation while the children were still children of the marriage**. The court faced with a variation application would, of course, have to be mindful of the principle that child support is the right of the child, not the parent and that once the children are no longer children of the marriage, they will not directly benefit from increased support. However, **a regime that gave payor parents immunity after the children ceased to be children of the marriage would create a perverse incentive**. If the payor parent is to be absolved from responsibility once the children cease to be "children of the marriage", the payor whose income increases might be encouraged not to respond to his or her increased obligations in the hope that the reciprocal spouse will delay making an application for a variation increasing support until the children lose their status to avoid opening the door to an increased obligation[.] [emphasis added]

After 14 years of confusion, on September 18, 2020 (after allowing the appeal from the bench "with reasons to follow" in November 2019), the Supreme Court of Canada released its reasons in *Michel v. Graydon*, and provided some much-needed clarification about what paragraph 89 of *D.B.S.* actually means. And, while the Court did not answer every outstanding question about retroactive child support, as detailed below, it will have another opportunity to provide clarity when it hears *Colucci v. Colucci* (2019), 26 R.F.L. (8th) 259 (Ont. C.A.) ("*Colucci #2*") later this year (which is anticipated to be partially about the test to order a retroactive reduction in child support).

The Facts:

The mother and the father had a child together in 1991. They separated in 1994, and the father started paying the mother $341 a month in child support based on his disclosed income of $39,832 a year. These child support arrangements were incorporated into a consent order in 2001.

As the mother was on social assistance for most of the child's life, she was required to assign the father's child support payments to the Minister. Although the father's income ultimately turned out to be higher than $39,832 a year, he never increased his support payments, and the Minister never sought a review or variation.

In **2012**, the parties consented to an order that terminated the father's child support obligation.

In **2015**, the mother commenced an application in the B.C. Provincial Court under the *Family Law Act*, S.B.C. 2011, c. 25 (the "*FLA*") to compel the father to pay the child support he ought to have paid based on his income from 2001 to 2012. Judge Smith rejected the father's argument that the court did not have jurisdiction to order historical child support, and ordered the father to pay $23,000 in retroactive child support, with $11,500 payable to the mother and $11,500 payable to the child.

The Father's Appeal to the B.C. Supreme Court:

The father appealed Judge Smith's decision to the B.C. Supreme Court. Justice Young granted the appeal on the basis that the Supreme Court of Canada's decision "in *D.B.S.* that an application for child support must be made while the child remains a 'child of the marriage' was equally applicable where child support is sought under the *FLA*."

The Appeal to the B.C. Court of Appeal:

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The mother appealed Justice Young's decision to the B.C. Court of Appeal. Before the appeal was heard, a five-member panel of the Court of Appeal in *Dring v. Gheyle* (2018), 17 R.F.L. (8th) 34 (B.C. C.A.) concluded that a court cannot order historical child support under the *FLA*. As a result, the Court of Appeal dismissed the mother's appeal.

The Mother's Appeal to Supreme Court of Canada:

The mother sought and obtained leave to appeal the B.C. Court of Appeal's decision to the Supreme Court of Canada. The Court heard oral arguments on November 14, 2019, and allowed the appeal in favour of the mother with reasons to follow. It then released its reasons on September 18, 2020. (Some things are worth waiting for.)

The Majority's Decision:

Writing for a five-judge majority, Justice Brown made three things very clear. First of all, *D.B.S.* does ***not*** mean that a court cannot make an order for historical child support under s. 17(1) of the *Divorce Act*:

> [15] . . . By referencing the phrase "child of the marriage", Bastarache J.'s comments were plainly limited to the jurisdictional issue that arises under s. 15.1 of the *Divorce Act*, which he had already canvassed in his reasons (*D.B.S.*, at paras. 88-89). **I therefore reject [the father's] suggestion that the discussion of jurisdiction in relation to the *Henry* appeal was implicitly intended to apply to retroactive variation orders under s. 17 of the *Divorce Act*, without any reference to the language of that provision**. On my reading, **the Court did not consider or decide the issue as it was unnecessary to dispose of the appeal. *D.B.S.* therefore does not stand for the proposition that courts can retroactively vary child support only while the child beneficiary is a "child of the marriage"** (see *Colucci*, at paras. 12-14; *Dring*, at paras. 190-200, per Hunter J.A., concurring; *Brear*, at paras. 46-50). [emphasis added]

Second, whether a court has jurisdiction to award historical child support depends on the wording of the applicable statute:

> [16] **Nor do I accept that the Court in *D.B.S.* stated a sweeping principle that transcends the *Divorce Act* to embrace all other statutory schemes and operates irrespective of legislative intent**. Indeed, the Court insisted that **provinces remain "free to espouse a different paradigm" than that adopted by Parliament in the *Divorce Act*** (para. 54). And where they do so via legislation establishing an application-based regime such as the *FLA*, and where an application for retroactive child support is brought thereunder, it is that legislation which governs a court's authority to grant retroactive child support (paras. 55-56). [emphasis added]

Finally, there is nothing in the wording of the *FLA*, which permits a court to change, suspend, or terminate an order respecting child support both prospectively or retroactively, to support the B.C. Court of Appeal's conclusion that the legislature intended to prevent a court from awarding historical child support under the *FLA*:

> [28] In sum, **the text of s. 152 and the scheme of the *FLA* indicate that the Legislature authorized a court to vary any child support order, irrespective of whether the beneficiary remains a dependent child**, and irrespective of whether the order continues to require payment. **. . . Straining to read jurisdictional impediments into s. 152 that would prevent a court from ordering retroactive child support in circumstances in which such an order is warranted would defeat that legislative purpose and create a perverse incentive for payor parents to avoid their obligations**. [emphasis added]

The majority also indicated that it may be time to reconsider the Court's decision in *D.B.S.* that an initial order for historical child support cannot be made under s. 15.1 of the *Divorce Act*. However, it ultimately declined to do so because it was "unnecessary to undertake that reconsideration in order to resolve this appeal." So at least for now, it is still not possible to pursue an initial order for historical child support under the *Divorce Act*. That said, it should be rare for a party to bring an initial application for child support under the *Divorce Act* after a child is no longer a "child of the marriage".

Hopefully, this jurisdictional impediment will have a limited impact in practice, as the majority also made it clear that courts should try to avoid interpreting child support legislation in a way that might encourage or enable child support payors to avoid their obligations:

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> [17] Moreover, **courts should not be hasty to recognize jurisdictional impediments that bar applications for retroactive child support**. This is because jurisdictional constraints are "inimical to the principles and policy objectives articulated in [*D.B.S.*]" (*Brear*, at para. 60), and **may be imposed only where the legislature has clearly intended that they be imposed**. Such constraints must therefore be apparent in the statutory scheme, bearing in mind that **preventing courts from even considering an award for retroactive child support would prevent enforcement of an unfulfilled legal obligation even in the most appropriate of circumstances.** . . .
>
> **Unless compelled by the applicable legislative scheme, courts should avoid creating any incentive whatsoever for payor parents to avoid meeting their child support obligations** (*D.B.S.*, at para. 4). Permitting retroactive child support awards, as this Court recognized in *D.B.S.*, is perfectly consistent with the child support system (para. 60). [emphasis added]

Given these comments, it seems unlikely that courts will interpret provincial child support legislation as restricting claims for historical child support unless there are no other reasonable interpretations. As long as this is correct, it should not actually matter whether s. 15.1 of the *Divorce Act* bars claims for historical child support, as it will still be possible to pursue that exact same relief under the applicable provincial statute.

It also seems unlikely that pursuing a claim for historical child support under a provincial statute would raise any paramountcy issues given that, as the Ontario Court of Appeal noted in *Cheng v. Liu* (2017), 94 R.F.L. (7th) 23 (Ont. C.A.), "[t]he case law makes clear that there is no operational incompatibility between the *Divorce Act* and provincial family law legislation. Child support can be claimed under provincial legislation following a divorce." See also *M. (B.D.) v. M. (A.E.)*, 2014 CarswellBC 706 (S.C.) at paras. 113-115. Of course, this assumes that no initial child support order has issued as corollary relief under s. 15.1 of the *Divorce Act*, in which case the court would have jurisdiction to order historical child support under s. 17(1) in any event.

We think that the majority got this one right. It resolved a significant jurisdictional issue that that has caused enormous confusion in courts of all levels across Canada, and avoided upsetting the now very well-settled test for retroactive child support that, as it is currently formulated, already gives judges discretion to do justice in each individual case. As noted below, to allow (as suggested by Justice Martin) parties (at any time) to go back into history (without temporal limit) and claim historical child support (based on historic income), while "beautiful in its simplicity," would wreak havoc on Orders and Separation Agreements that would then be susceptible to limitless retroactive change.

Justice Martin's Concurring Reasons:

In concurring reasons, Justice Martin agreed with the majority's conclusions. However, she also delved into the policy reasons for interpreting child support legislation in a fair, large, and liberal manner:

> [71] In addition to the reasons provided by Brown J., however, **there are other strong and equally-compelling reasons that support allowing the consideration of historical child support claims**. In *Chartier*, a child support case, this Court applied the modern principles of statutory interpretation, articulating a truly purposive and contextual approach for family law issues that weaves the fundamental principles of child support law into the interpretation of the *Divorce Act*. The Court thus set out the following guidelines:
>
> > . . . the policies and values reflected in the *Divorce Act* must relate to contemporary Canadian society . . .
> >
> > . . . . .
> >
> > . . . [thus] the proper approach to this issue . . . recognizes that the provisions of the *Divorce Act* dealing with children focus on what is in the best interests of the children of the marriage . . .
> >
> > . . . . .
> >
> > The interpretation of the provisions of the *Divorce Act* relating to "child[ren] of the marriage" should be "given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects" . . .

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(paras. 19 and 21; see also para. 32, citing Interpretation Act, R.S.C. 1985, c. I-21, s. 12).

[72] **Grounded in these principles, the Court sought the "interpretation that will best serve children"** (at para. 32) and chose a measure for child support which allowed recovery from a step-parent. This same approach should also inform the interpretation of s. 152 of the *Family Law Act*. **An analysis that takes into account the policies and values of contemporary Canadian society, focuses on the best interests of the child, and interprets s. 152 in a fair, large, and liberal manner to best ensure the attainment of the objects of child support clearly supports permitting historical child support claims** to be heard by a court to determine if monies are owing and what amounts may be fairly recovered. **This conclusion is supported by the fact that the jurisdictional bar imposed in this case prevents access to justice, runs counter to the best interest of many children, gives rise to an under-inclusive outcome, and reinforces patterns of socio-economic inequality**. [emphasis added]

Like the majority, Justice Martin also agreed that, "the question of a 'jurisdictional bar' on historical child support sought by original orders under the *Divorce Act* is ripe for reconsideration." However, again, like the majority, she ultimately concluded that because "reconsidering this issue is unnecessary to resolve this appeal, I leave its determination to a more appropriate case."

But while Justice Martin agreed with the majority's decision, she would have gone much further by clarifying and modifying how courts should be applying the *D.B.S.* factors (i.e. the recipient parent's reason for delay; the conduct of the payor parent; the circumstances of the child; and hardship for the payor parent).

First of all, when considering a claimant's delay, Justice Martin was of the view that courts should not focus on whether there has been "a 'reasonable *excuse*' for the recipient parent's delay (*D.B.S.*, at paras. 100-3 (emphasis added)). That language, unfortunately, works to implicitly attribute blame onto parents who delay applications for child support." Instead, "the focus should be on whether the reason provided is understandable." Delay is also only one of many factors to be considered, and should not be given undue weight:

[113] It bears repeating that a delay, in itself, is not inherently unreasonable and the mere fact of a delay does not prejudice an application, as not all factors need to be present for a retroactive award to be granted (*D.B.S.*, at para. 99; *Swiderski* (C.A.), at para. 43 (CanLII)). **Rather, a delay will be prejudicial only if it is deemed to be "unreasonable", taking into account a generous appreciation of the social context in which the claimant's decision to seek child support was made** (*D.B.S.*, at para. 101). Indeed, the **courts should not hold constraints and inequalities faced by recipient parents against the child**. Accordingly, a delay motivated by any one of the reasons set out above, at para. 48, should generally not be understood as arbitrary within the meaning of *D.B.S.* Lastly, **an unreasonable basis for the delay does not negate the payor parent's blameworthy conduct; indeed the blameworthy conduct may sometimes cause or contribute to the delay**. [emphasis added]

Second, when considering whether there has been blameworthy conduct, Justice Martin indicated that a payor's subjective intent is almost entirely irrelevant:

[118] While a subjective approach to the reasons for the recipient's delay in applying for child support should be explicitly endorsed, the same is no longer true of the payor's conduct. **Since *D.B.S.*, Canadian courts have gradually steered away from a focus on what the payor meant by what they did, in light of the problems posed by a "subjective" inquiry into the payor's intention** (see, e.g., *C.M.M. v. P.M.M.*, at para. 55 (CanLII); *Burchill*, at paras. 24-31; *Koback v. Koback*, 2013 SKCA 91, 423 Sask. R. 35, at para. 30; *L.L. v. G.B.*, 2008 ABQB 536, 10 Alta. L.R. (5th) 67, at para. 118). Intent can be a basis on which to increase blameworthiness but **the primary focus needs to be on the payor's actions and their consequences. Today, "[t]he payor's subjective intention is rarely relevant - the real question is whether the payor's conduct had the effect of privileging [their] interests over the child's right to support"** (*Goulding*, at para. 44). [emphasis added]

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Third, when looking at a child's circumstances, Justice Martin was of the view that courts should not only consider whether the child suffered hardship; they should also examine whether the recipient parent suffered hardship as a result of scarifies that were made to ensure that the child did not have to go without:

> [123] Additionally, there are plenty of circumstances where a parent will absorb the hardship that accompanies a dearth of child support so as to prioritize their child's wellbeing (see *Richardson*, at p. 869; *Willick*, at pp. 724-25; see also *Buckingham*, at para. 51). **There is absolutely no principled reason why this parent should receive less support as a result of choices that protect their child** (see *D.B.S.*, at para. 170, per Abella J. (concurring); **Colucci**, at para. 26). Indeed, it has been recognized that "[t]he fact that the respondent will indirectly benefit is not a reason to refuse to make the award of support" (*Debora v. Debora* (2006), 2006 CanLII 40663 (ON CA), 218 O.A.C. 237, at para. 70; Innes, at para. 11). Thus, **the fact that a child did not have to suffer hardship because of their custodial parents' sacrifice is not one that weighs against awarding retroactive or historical child support. Rather, a recipient parent's hardship, like that of a child, weighs in favour of the award of retroactive child support and an enlarged temporal scope**. [emphasis added]

Fourth, when considering the hardship that a retroactive award might create, Justice Martin opined that courts should not only consider the hardship to the payor. They should also examine any hardship that the recipient and the child would suffer if retroactive support is not ordered:

> [125] **While the focus is on hardship to the payor, that hardship can only be assessed after taking into account the hardship which would be caused to the child and the recipient parent from not ordering the payment of sums owing but unpaid** (see, e.g., *Cornelissen v. Cornelissen*, 2003 BCCA 666, 21 B.C.L.R. (4th) 308, at paras. 9 and 38; *Brear*, at para. 59; *Warwoda v. Warwoda*, 2009 ABQB 582, at paras. 11-12 (CanLII); *George*, at para. 55). In *D.B.S.*, the majority recognized at para. 115 that "courts should recognize that hardship considerations in this context are not limited to the payor parent." While they referred to the impact on other children, it is clear that **hardship cannot be measured in the abstract but must be grounded in the facts and the totality of the circumstances**. For example, the payor may be able to establish that paying past due child support in the amount of $20,000 would create hardship because the payor does not have the funds on hand and would be required to obtain a loan or sell property to discharge that child support debt. However, it must be taken into account that the payor had the benefit of the unpaid child support for the full time in which it was unpaid and such monies may have funded a preferred lifestyle or the very purchase of property which may now need to be sold. [emphasis added]

Finally, Justice Martin noted that instead of ordering retroactive support back to the date of effective notice, it may now be time to simply start ordering payors to pay what they should have paid when they should have paid it as a matter of course:

> [130] **Effective notice is a broad concept which goes well beyond actual knowledge of a filed variation application**. In para. 121 of *D.B.S.*, it was defined as "any indication by the recipient parent that child support should be paid, or if it already is, that the current amount of child support needs to be re-negotiated." In *Kerr*, the Court further stated that the distinct features of child support "reduce somewhat the strength of concerns about lack of notice . . . in seeking child support" (para. 208). **In some respects, *D.B.S.* itself provided effective notice of a parent's responsibilities, by establishing the bedrock principles governing child support**. Based on our shifted understanding of the payor's certainty interest above, **certainty materializes in different ways today than it did 14 years ago. Today, it is provided by the Tables and the payor parents' knowledge that they are liable according to their actual income and will be held accountable for missed payments and underpayment**, even if the enforcement of their obligations may not always be automatic.
>
> [131] **It results from this that it is now time to ask why the date of retroactivity of child support awards should not also correspond to the date when the support ought to have been paid**. While *D.B.S.* evinced an attempt to balance certainty to the payor parent and fairness and flexibility to the recipient, and despite its emphasis on the other core principles of child support, it appears that the payor parent's expectation "that the status quo is fair" remained the main rationale for maintaining effective notice as the default starting point (para. 121). **In today's legal landscape however, the impact of**

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> **the different potential dates of retroactivity needs to be measured against much more than the payor's certainty interest**, and indeed, in *Contino* this Court recognized that the *Guidelines* sometimes privilege fairness to children over predictability (para. 33). [emphasis added]

This approach would actually be quite similar to the one that Justice Abella espoused in her concurring reasons in *D.B.S.*, where she stated as follows:

> [162] Unlike Bastarache J., therefore, I would not limit the child's entitlement to the date of the recipient parent's notice of an intention to enforce it. Because the child's right to support varies with the change, it cannot, therefore, be contingent on whether the recipient parent has made an application on the child's behalf or given notice of an intention to do so.
>
> [163] **So long as the change would warrant different child support from what is being paid, the presumptive starting point for the child's entitlement to a change in support is when the change occurred, not when the change was disclosed or discovered**. [emphasis added]

But such an approach, while initially appealing, would likely also lead to some significant problems. As Philip Epstein noted in his annotation to *D.B.S.*:

> . . . Had Justices Abella, Fish and Charron carried the day, it would have likely meant that virtually every payor in Canada was in arrears and owed a retroactive amount of child support. That is because her reasons essentially amount to a direction to the payor to adjust the child support as soon as the payor has a change in income. It is not necessary to await a request from the recipient since it is the payor who knows his/her income and by reference to the tables, knows of the new payment amount. It does not put the recipient to the time and trouble of trying to ferret out the payor's income. It does not require the recipient to go to court or seek a review or variation. The concept is beautiful in its simplicity and application and, of course, if one considers child support the right of the child, and it surely is, one can understand the reasoning behind the minority opinion. This would wreak havoc with agreements and court orders would require parties to stay in some sort of contact over financial matters when they might have decided to put that behind them. I suppose this right to change the amount could also call for an immediate reduction if the payor's income went down, thereby leading to some considerable discomfort to the recipient who was not expecting any change, absent a court review.

Our only quibble with Justice Martin's reasons is the extent to which she (in two paragraphs, 79 and 104) suggests that child support is a common law entitlement and obligation. In fact, child support is solely a creature of statute.

In a true "Fiddler on the Roof" [1] concurring decision, Justices Abella and Karakatsanis agreed with both the majority and the policy considerations set out by Justice Martin.

Next Up - *Colucci #2*:

In 2019, the Ontario Court of Appeal released its decision in *Colucci #2*.

In its decision in *Colucci #1*, the Ontario Court of Appeal confirmed that a court has jurisdiction to make orders for historical child support under s. 17 of the *Divorce Act*. It then sent the case back to be reheard in the court below and, at the rehearing, the father's child support arrears from 1996 to 2012 were reduced from $170,000 to $41,642. The mother appealed.

The Court of Appeal granted the mother's appeal because the motion judge had not considered either *D.B.S.* or the Court of Appeal's 2016 decision in *Gray v. Rizzi* (2016), 74 R.F.L. (7th) 272 (Ont. C.A.), which confirmed that *D.B.S.* applies to requests to reduce or rescind arrears. As a result, the father's request to reduce or rescind his arrears was dismissed.

The father sought leave to appeal to the Supreme Court of Canada, and the Court agreed to hear the case. The materials have now all been filed and are available online on the Court's website. The appeal is scheduled to be argued on November 4, 2020, and you can watch it live starting 9:30 a.m. on the Court's website.

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Hopefully, the Supreme Court's reasons in *Colucci #2* will provide further clarification about retroactive and historical child support. It also would not surprise us at all if some of what Justice Martin had to say in *Michel v. Graydon* finds its way into the majority's reasons. If the Court ultimately decides to revisit the *D.B.S.* factors, however, hopefully it will only make incremental changes that will minimize the need for a significant amount of additional litigation over how the test for retroactive child support should be applied in individual cases.

Footnotes

1 Rabbi to A: "You're right."
Rabbi to B: "You're right."

C: "But, Rabbi . . . how can they both be right??"

Rabbi to C: "You Know? You're also right!"

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