

Publisher's Note

2019 — Release 2

Previous release was 2019-1

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This release features updates to the case law and commentary to Chapter 5 (Factors).

Highlights

- **A review must fully consider factors in s. 15.2, such as the parties' respective contributions to the relationship, means and needs** — The parties separated in 2005 after almost 25 years of marriage. The wife had mental health issues that were well known to the husband. In 2006, the court awarded the wife support, reviewable after two years. The wife applied for a review, and the husband appealed the decision. The B.C. Court of Appeal found that the trial judge had treated the wife's application for review as an application for variation and noted that the review must be based on the parties' present circumstances rather than

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those of the original order: *Morck v. Morck*, 2013 CarswellBC 1032, 2013 BCCA 186 (B.C. C.A.).

- **Evidence relating to financial circumstances at the time of the original order is required for a variation hearing** — The parties were married for approximately 6 years prior to separation and had three children. The husband sought to terminate spousal support, which had been set in 2009 pursuant to a consent order. The judge held that insufficient evidence regarding financial status at the time of the original order, as well as currently, prevented him from determining whether there had been a material change in circumstances: *H. (L.A.) v. H. (A.M.)*, 2014 CarswellBC 378, 2014 BCSC 241 (B.C. S.C.).