

Matrimonial Property Act: A Case Law Review
 Jonnette Watson Hamilton and Annie Voss-Altman -- October 2010

| Issue | Subissue | Case+cite | pdf | Year | Ct | Judge | Other judges | H's lawyer | W's lawyer | Other proceedings | Sec. | Para. | Cases relied upon | Cases relying upon | Notes/facts |
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| Analytical framework | | 1003166 Alberta Ltd. v. 868609 Alberta Ltd., 2005 ABQB 729 | 1003166 Alberta Ltd. v. 868609 Alberta Ltd. | 2005 | QB | Veit | | n/a | n/a | | 35 | 22-23 | D.M. Paciocco, The Remedial Constructive Trust: A Principled Basis for Priorities Over Creditors (1989) 68 Can. Bar Rev. 315 | | In this commercial case, judge notes secondary source commentary for treating a constructive trust differently in spousal cases than commercial cases. |
| Analytical framework | "Lifting the corporate veil" | 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047 | 540613 Alberta Ltd. (Bankruptcy of) (Re) | 2002 | QB | Burrows | | Belzil, François H. | Reid, Gregory D. | see also Tinant v. Tinant, 2001 ABQB 889 | | 15 | | | Judge states that s. 9 order "pierced the corporate veil" that shielded property from disbursement under MPA |
| Analytical framework | BIA | 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047 | 540613 Alberta Ltd. (Bankruptcy of) (Re) | 2002 | QB | Burrows | | Belzil, François H. | Reid, Gregory D. | see also Tinant v. Tinant, 2001 ABQB 889 | | 15 | | | Judge states that relationship between property and corporation ended when mat. TJ made ruling. BIA does not take precedence. |

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| Analytical framework | "Lifting the corporate veil" | 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047 | 540613 Alberta Ltd. (Bankruptcy of) (Re) | 2002 | QB | Burrows | | Belzil, François H. | Reid, Gregory D. | see also Tinant v. Tinant, 2001 ABQB 889 | 9 | 15 | | | Judge states that s. 9 order "pierced the corporate veil" that shielded property from disbursement under MPA |
| Analytical framework | loans from family | A.(D.L.) v. A.(R.T.), 2004 ABQB 946 a.k.a. Abbott v. Abbott | A.(D.L.) v. A.(R.T.) | 2004 | QB | Perras | | Sadownik, Rostyk | Rice, Elsa | 2004 ABQB 233; affmd. Abbott v. Abbott 2006 ABCA 204 | | 40 | | Ross v. Ross, 2007 ABQB 167 | judge finds husband's mother brought action against son for repayment of loans with intent to defeat matrimonial claim of wife. |
| Analytical framework | date of trial | Abbott v. Abbott, 2004 ABQB 233 a.k.a. A.(D.L.) v. A.(R.T.) | Abbott v. Abbott | 2004 | QB | Perras | | Sadownik, Rostyk | Stonehouse, Kevin | A.(D.L.) v. A.(R.T.), 2004 ABQB 946; affmd. 2006 ABCA 204 | | 11 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Manister v. Mollberg (1982) 46 A.R. 11; Hodgson v. Hodgson 2002 ABQB 628; Vreim v. Vreim, 2000 ABQB 291 | | Wife argues for date of trial. Husband argues for date of divorce (2 yrs. prior). Judge orders date of trial as date, states that increase in value is not due to any effort of husband but due to rising property values. Says there are no special circumstances mandating departure. |

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| Analytical framework | loans from family | Abbott v. Abbott, 2006 ABCA 204 a.k.a. A.(D.L.) v. A.(R.T.) | Abbott v. Abbott | 2006 | CA | Paperny | Coté, O'Brien | Sadownik, Rostyk | Rice, Elsa | affing. A.(D.L.) v. A.(R.T.), 2004 ABQB 946; 2004 ABQB 233 | | 10-12 | Kazmierczak v. Kazmierczak 2003 ABCA 227 | Ross v. Ross, 2007 ABQB 167 | Wife states Kazmierczak stands for proposition that debts acquired post separation do not enter matrimonial regime. Court disagrees and does not disturb trial judgment. |
| Analytical framework | | Abbott v. Abbott, 2006 ABCA 204 a.k.a. A.(D.L.) v. A.(R.T.) | Abbott v. Abbott | 2006 | CA | Paperny | Coté, O'Brien | Sadownik, Rostyk | Rice, Elsa | affing. A.(D.L.) v. A.(R.T.), 2004 ABQB 946; 2004 ABQB 233 | | 6 | | | argued but not ruled upon. |
| Analytical framework | farm property | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 14 | | | judge states that gift of farm property not intended to benefit husband only |
| Analytical framework | date of trial | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 15 | | | judge rejects argument to value property as of date of divorce and chooses to value it as of date of MPA trial. |
| Analytical framework | orthodontic work | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 9 | | | debt incurred post-separation, not included - ruled not part of matrimonial property.] or child support. |

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| Analytical framework | student loan | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 7 | | | Loan incurred post-separation. Judge states loan benefitted husband by enabling wife to be self-sufficient and removing need for spousal support. |
| Analytical framework | non-economic value of property | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 20 | | | judge recognizes desire to keep farmlands together. Orders an immediate partial payment to equalize followed by plan to pay off balance within 5 yrs. |
| Analytical framework | farm property | Allaster-Hunsperger v. Hunsperger, 2001 ABQB 296 | Allaster-Hunsperger v. Hunsperger | 2001 | QB | Foster | | Patterson, David | Hamilton, Barry | | | 20 | | | judge recognizes desire to keep farmlands together. Orders an immediate partial payment to equalize followed by plan to pay off balance within 5 yrs. |
| Analytical framework | by asset | Asselin v. Asselin, 2000 ABQB 245 | Asselin v. Asselin | 2000 | QB | Gallant | | self | Young, Hu Eliot | | | passim, summary at para. 73 | | | property divided on a percentage basis for each individual property using s. 8 factors. |
| Analytical framework | | Asselin v. Asselin, 2000 ABQB 245 | Asselin v. Asselin | 2000 | QB | Gallant | | self | Young, Hu Eliot | | 7(2) | 15 | | | forgiven debt not exempt. Judge said forgiveness did not create property. |
| Analytical framework | post separation | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | | 59 | | | husband's failure to pay child support, failure to disclose a factor in unequal distribution of property |

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| Analytical framework | | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | | 53 | | | wife contends that value represents wholesale value of husband's business and retail value would be higher. Judge decides to balance value against non-exempt assets kept by wife. |
| Analytical framework | date of trial | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | | 48 | Hodgson v. Hodgson 2005 ABCA | | |
| Analytical framework | child support order | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | | 73, 76, 77 | | | child support arrears and future child support set off against equalization payment |
| Analytical framework | | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | 8(c) | 59 | | | wife's industry post-separation noted |
| Assets, excluded | | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | 8(f) | 59 | | | wife's industry post-separation noted |
| Assets, excluded | | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | 8(l) | 59 | | | husband dissipated wife's RRSP funds |

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| Assets, excluded | conduct | B.(D.C.) v. B.(R.L.), 2007 ABQB 93 | B.(D.C.) v. B.(R.L.) | 2007 | QB | Greckol | | Patterson, David | Frohlich, Krista | | 8(m) | 59 | | | wife primarily responsible for children post-separation |
| Assets, excluded | RESP | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 111-12 | | | parties ordered to repay amounts borrowed from RESP accounts. Wife given control of future administration of accounts. |
| Assets, excluded | airplane points, AMEX points | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 118 | | | Judge divides points equally between parties. |

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| Assets, excluded | "Lifting the corporate veil" | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 86-90 | | | judge considers and rejects wife's argument for adding larger net income to value of corporate shares in determining value of the corporation. |
| Assets, excluded | debt | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 83 | | | loans to fund construction of building included as assets for purposes of determining value of P.C. |

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| Assets, excluded | work in progress | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 88 | | | Judge refuses to include value of "work in progress" in determining value of corporation. |
| Assets, excluded | | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 90 | | | failure to disclose makes valuation difficult for judge. |

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| Assets, excluded | conduct | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 174 | Roenisch v. Roenisch, 1991 115 A.R. 254 | | Judge notes failure of husband to disclose documents in a timely manner as reason for awarding costs to wife despite mixed success of both parties. |
| Assets, excluded | multiple dates used | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 <i>a.k.a.</i> Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 35 | | | Debt owed to CCRA dated to closing date of best offer for matrimonial home. Matrimonial debts valued at date of separation. |

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| Assets, excluded | student loan | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 123 | | | judge finds that amount paid to retire wife's student loan debt offset by amount wife brought to marriage as settlement of personal injury claim. |
| Assets, excluded | by asset | B.(L.M.) v. B.(I.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(I.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 158-66 | | | Assets used to offset each other. Assets receive different treatment depending on type of asset and when acquired. |

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| Assets, excluded | Corporate assets | B.(L.M.) v. B.(L.J.), 2002 ABQB 1046 a.k.a. Broda v. Broda | B.(L.M.) v. B.(L.J.) | 2002 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257 ; 2003 ABQB 460; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | 7(3)(a) | 93 | | | Judge accepts argument that value of P.C. at time of marriage is not traceable but still grants exemption for value. |
| Assets, excluded | WCB payments | B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes | B.(M.A.) v.B.(R.D.) | 2007 | QB | Whittmann | | Gough, W. Henry | Reh, Kenneth | 2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855 | | 34 | Hughes v. Hughes, 1998 ABCA 409 | | WCB payments are matrimonial property. |
| Assets, excluded | date of trial | B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes | B.(M.A.) v.B.(R.D.) | 2007 | QB | Whittmann | | Gough, W. Henry | Reh, Kenneth | 2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855 | | 24 | Hodgson v. Hodgson 2005 ABCA 13 | | Date of trial. Adjust by s. 8 factors. |
| Assets, excluded | Divorce Act | B.(M.A.) v.B.(R.D.), 2007 ABQB 438 a.k.a. Barnes v. Barnes | B.(M.A.) v.B.(R.D.) | 2007 | QB | Whittmann | | Gough, W. Henry | Reh, Kenneth | 2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855 | | 64 | Boston v. Boston 2001 SCC 43 | | judge states she is mindful of MPA decision when determining spousal support. Declines to grant. |

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| Assets, excluded | | B.(M.A.) v.B.(R.D.), 2007 ABQB 438 <i>a.k.a. Barnes v. Barnes</i> | B.(M.A.) v.B.(R.D.) | 2007 | QB | Whittmann | | Gough, W. Henry | Reh, Kenneth | 2007 ABQB 676; Barnes v. Barnes, 2006 ABQB 855 | 8(l) | 50 | Metz v. Metz, 2004 ABQB 528; Cox v. Cox 1998 Carswell Ata. 1080 | Beaudry v. Beaudry, 2010 ABQB 119 | husband argues dissipation of trucking business by wife via mismanagement and drinking. Judge rejects. |
| Assets, excluded | settlement agreement | B.(P.D.) v. B.(J.A.), 2010 ABQB 286 | B.(P.D.) v. B.(J.A.) | 2010 | QB | Sullivan | | Johanson, Chad | Zybutz, Marc | | 37 | 41-42 | Diegel v. Diegel, 2008 ABCA 389 | | Husband states he should not be held to agreement because he did not tell the truth re independent legal advice. Judge finds that he entered agreement freely and upholds it. |
| Assets, excluded | independent legal advice | B.(P.D.) v. B.(J.A.), 2010 ABQB 286 | B.(P.D.) v. B.(J.A.) | 2010 | QB | Sullivan | | Johanson, Chad | Zybutz, Marc | | 38 | 33 | Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759; Diegel v. Diegel, 2008 ABCA 389 | | Judge states failure to have independent legal advice does not void agreement. Court notes that loss of husband's job crystallized his desire to void agreement. |
| Assets, excluded | cabin | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | | 11 | | | cabin ruled to have enter joint property regime. Wife presumed to have gifted half to husband. Retains 1/2 exemption |

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| Assets, excluded | depreciated asset | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | | 15 | Harrower v. Harrower 1989 CanLII 221; Lee v. Obermeyer, 2005 ABQB 480 | Laraque v. Laraque, 2010 ABQB 118 | Boat only valued for purposes of exemption at depreciated value. Exempted amount equals same ratio as original exemption did to purchase price. |
| Assets, excluded | WCB payments | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | | 28 | Hrycak v. Hrycak, [2000] A.J. No. 729 | | WCB payments included as assets |
| Assets, excluded | date of trial | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | | 29 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Assets, excluded | loans from family | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | | 12 | | | judge permits loan from parents after wife states it will be deducted from share of mother's estate upon her death |
| Assets, excluded | | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | 31 | 9 | Welch v. Welch, [1988] A.J. No. 227 | | Wife asserts gift of cabin from father rebuts s. 31 presumption (??) |
| Assets, excluded | RRSPs | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | 8(k) | 13 | | | Exempt amount of RRSP reduced for tax liability |

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| Assets, excluded | | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | B.(S.I.) v. B.(M.D.) | 2006 | QB | Lefrud | | Cochard, Renee | Pollock, M.L. | 2009 ABQB 612 | 8(l) | 29 | | | judge states that 2 households more expensive to maintain than one and does not find dissipation based on increase in HELOC or cashing in of funds |
| Assets, excluded | | B.(W.P.) v. B.(D.M.), 2006 ABQB 333 | B.(W.P.) v. B.(D.M.) | 2006 | QB | Greckol | | unrepresented, not present | Scholly, Leslie | | | 54 | Hodgson v. Hodgson 2005 ABCA 13 | | Hodgson noted as the correct method for analyzing mat. prop. |
| Assets, excluded | conduct | B.(W.P.) v. B.(D.M.), 2006 ABQB 333 | B.(W.P.) v. B.(D.M.) | 2006 | QB | Greckol | | unrepresented, not present | Scholly, Leslie | | | 74 | | | awarded against husband for bad conduct during trial. |
| Assets, excluded | airplane points | B.(W.P.) v. B.(D.M.), 2006 ABQB 333 | B.(W.P.) v. B.(D.M.) | 2006 | QB | Greckol | | unrepresented, not present | Scholly, Leslie | | 8(l) | 67 | | | judge finds husband dissipated airmiles account. Credits wife for 30 cents for each point. |
| Assets, excluded | HELOC | B.(W.P.) v. B.(D.M.), 2006 ABQB 333 | B.(W.P.) v. B.(D.M.) | 2006 | QB | Greckol | | unrepresented, not present | Scholly, Leslie | | 8(l) | 66 | Cox v. Cox 1998 ABQB 987 | | Husband's use of line of credit to pay for personal expenses (wife argues drugs and alcohol) ruled to be dissipation. |
| Assets, excluded | | B.(W.P.) v. B.(D.M.), 2006 ABQB 333 | B.(W.P.) v. B.(D.M.) | 2006 | QB | Greckol | | unrepresented, not present | Scholly, Leslie | | 7(4) | 68 | | | Wife argues for 60/40 division. Judge gives equal division but gives specific assets to wife based on s. 8(l) |

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| Assets, excluded | | Bains v. Bains, 2007 ABQB 677 | Bains v. Bains | 2007 | QB | Veit | | Jiwaji, Moosa | Huizinga, Tina | 2007 ABQB 776 | | 4, 19, 22 | Kopr v Kopr [2006] A.J. No. 673 | | Wife entitled to commence action for equitable distribution of property by filing for divorce. |
| Assets, exempt | BIA | Bains v. Bains, 2007 ABQB 677 | Bains v. Bains | 2007 | QB | Veit | | Jiwaji, Moosa | Huizinga, Tina | 2007 ABQB 776 | | 4, 22 | | | property interests in MPA action are choses in action which must be disclosed during bankruptcy proceedings. |
| Assets, exempt | | Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.) | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | | 24 | | | Husband's equitable interest in car prevents sale. |
| Assets, exempt | | Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.) | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | 5(1)(e) | 21 | McLean v. McLean, 2000 SKQB 416 | | judge states case falls w/in s. 5(1)(e) - court may make mat. prop. order if it is satisfied that one party is dissipating property to detriment of other party. |
| Assets, exempt | | Barnes v. Barnes, 2006 ABQB 855 a.k.a. B.(M.A.) v.B.(R.D.) | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | 8(l) | 31 | | | judge grants leave for wife to apply for advance on mat. prop. in lieu of lien. Husband argues dissipation. Counter allegation. |

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| Assets, exempt | interim distribution | Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> <i>B.(M.A.) v.B.(R.D.)</i> | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | 33 | 15 | Minaei v. Brae Centre Limited 2004 ABQB 597; Nelson v. Nelson, 2001 ABQB 732 | T.(S.L.) v. T.(A.K.), 2007 ABQB 81 | wife argues lien placed on collector vehicle registered in her name alone is not barred by s. 33. Judge finds lien valid to extent of wife's interest in vehicle to be determined at trial |
| Assets, exempt | | Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> <i>B.(M.A.) v.B.(R.D.)</i> | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | 9 | 24 | Nelson v. Nelson 2001 ABQB 732 | | court may order distribution despite one party having no legal or equitable interest in property |
| Assets, exempt | 3rd party | Barnes v. Barnes, 2006 ABQB 855 <i>a.k.a.</i> <i>B.(M.A.) v.B.(R.D.)</i> | Barnes v. Barnes | 2006 | QB | Coutu | | Gough, W. Henry | Calvert, Robert | B.(M.A.) v.B.(R.D.), 2007 ABQB 438; 2007 ABQB 676 | | n/a | | | Husband's trucking business a co-defendant in action. |
| Assets, exempt | furnishings | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 34 | | | judge states furnishings to remain with wife, justified by bad conduct of husband in not paying spousal support ordered. |
| Assets, exempt | quad vehicle | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 45 | | | husband argues quad purchased by 15 yo son is mat. prop. Judge rejects. |

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| Assets, exempt | farm equipment | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 30 | | | judge orders sale price of farm equipment be used to offset rent owed to husband's parents for use of grazing land. |
| Assets, exempt | book value | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 36-37 | | | book value of husband's corp included in mat. prop. |
| Assets, exempt | taxes | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 7 | | | Husband argues he should not have to pay property taxes while wife living in house. Rejected. |
| Assets, exempt | | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 22-24 | | | husband disputes amount of occupation rent credited to him by previous judge. Upheld. |
| Assets, exempt | spousal support order | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 4 | | | wife argues that she should receive credit in home equity for arrears in HELOC interest payments to be credited against spousal support order. Rejected |
| Assets, exempt | spousal support order | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | | 54 | | | judge states that he would be willing to cancel husband's spousal support arrears in exchange for husband extinguishing equity in mat. home. |

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| Assets, exempt | tracing | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | 36(1) | 20 | Jackson v. Jackson (1989), 97 A.R. 153, 68 Alta. L.R. (2d) 118 (C.A.); Harrower v. Harrower 1989 CanLII 221 | | exempt amount of inheritance reduced by 1/2 after placement in joint checking account and in joint tenancy property. |
| Assets, exempt | inheritance | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | 7(3)(a) | 19 | Devaynes v. Noble; Clayton's Case (1816), 1 Mer. 572; Goodyer v. Goodyer, [1999] O.J. No. 29. | | Wife argues "first in, first out" rule re comingling of funds. Judge rejects argument. Determines husband's portion of funds going to new account based on ratio of inheritance money to money in account. |
| Assets, exempt | | Barnett v. Barnett, 2006 ABQB 920 | Barnett v. Barnett | 2006 | QB | Marceau | | self | Revering, Donnon | 2007 ABCA 357; 2009 ABQB 738 | 7(4) | 51 | | | long term marriage result in equal division of assets, except for furnishings. |
| Assets, exempt | loans from parents | Barrett v. Barrett, 2004 ABQB 508 | Barrett v. Barrett | 2004 | QB | Romaine | | Adamson, Victoria | Hart, Robert D. | | | 34 | | | subject to s. 36(1) and claim from children and wife that portion would be repaid to pay for children's education. |

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| Assets, exempt | mineral rights | Barrett v. Barrett, 2004 ABQB 508 | Barrett v. Barrett | 2004 | QB | Romaine | | Adamson, Victoria | Hart, Robert D. | | | 22 | | | husband given exemption for value of mineral rights at time of marriage. |
| Assets, included | non-traceable assets | Barrett v. Barrett, 2004 ABQB 508 | Barrett v. Barrett | 2004 | QB | Romaine | | Adamson, Victoria | Hart, Robert D. | | | 37 | Brokopp v. Brokopp (1996), 181 A.R. 91 | | |
| Assets, included | "Lifting the corporate veil" | Barrett v. Barrett, 2004 ABQB 508 | Barrett v. Barrett | 2004 | QB | Romaine | | Adamson, Victoria | Hart, Robert D. | | | 44-5 | Gabriel v. Gabriel, [1980] A.J. No. 39 | | judge states that when corporate devices are used to defeat claims by other parties, the corporate veil may be lifted. |
| Assets, included | tracing | Barrett v. Barrett, 2004 ABQB 508 | Barrett v. Barrett | 2004 | QB | Romaine | | Adamson, Victoria | Hart, Robert D. | | 36(1) | 20 | Jackson v. Jackson (1989), 97 A.R. 153 | | exemption amount from inheritance placed in joint titled property. |

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| Assets, included | encumbrance | Battershill v. Battershill, 2007 ABQB 53 | Battershill v. Battershill | 2007 | QB | Horner | | Mahoney, Patrick | Calvert, Robert | | | 63 | | | wife seeks to sell building where husband's corp. resides. Judge states building may be sold but will be encumbered by lease permitting husband to stay. |
| Assets, included | | Battershill v. Battershill, 2007 ABQB 53 | Battershill v. Battershill | 2007 | QB | Horner | | Mahoney, Patrick | Calvert, Robert | | 8(i) | 53 | | | judge refuses to distribute increase in property after previous final distribution order by judge |
| Assets, included | post-separation property | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | | 69 | | | house purchased and sold by husband after separation not distributed. |
| Assets, included | RRSPs, stock shares | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | | 104 | | | husband fails to establish exempt value at date of marriage. Judge awards unequal division to husband 65/35. |
| Assets, included | | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | | 72 | Busenius v. Busenius, 2006 ABQB 162 | | husband claims occupation rent. Denied. |

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| Assets, included | tracing | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 36(1) | 74 | Harrower v. Harrower (1989), 97 A.R. 141; Klinck v. Klinck, 2008 ABQB 526 | | An exempt asset loses 1/2 exemption upon being placed in joint ownership. |
| Assets, included | principles | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 7(2) | 90 | Harrower v. Harrower (1989), 97 A.R. 141; Lovich v. Lovich, 2006 ABQB 736 | | judge reviews principles regarding tracing and exemptions |
| Assets, included | | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 7(3) | 54 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | House brought into marriage by husband and in his name only still subject to equal distribution. |
| Assets, included | property | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 8(f) | 60 | | | house purchased and sold by husband after separation not distributed. |
| Assets, included | RRSPs | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 8(k) | 98 | | | Judge states it is common practice to discount RRSPs by 25% before distributing. |

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| Assets, included | RRSPs | Beaudry v. Beaudry, 2010 ABQB 119 | Beaudry v. Beaudry | 2010 | QB | Nielson | | Hinz, Harold | Wallace, K. Paul | | 8(1) | 88 | Metz v. Metz, 2004 ABQB 528; McWilliam v. McWilliam 1989 CanLII 3288; McLeod v. McLeod, [1989] A.J. No. 1232; Service v. Service, [1992] A.J. No. 1116; Reid v. Reid (1993), 99 D.L.R. (4th) 722; Cox v. Cox, 1998 ABQB 987; Purich v. Purich, 1998 ABQB 700; Nuttall v. Rea, 2005 ABQB 151; B.(M.A.) v. B.(R.D.), 2007 ABQB | | wife claims dissipation of RRSPs by husband for failed investment in Bahamas. Judge states it was a bad decision but not dissipation. |

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| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | 78 | Hodgson v. Hodgson 2005 ABCA 13; Jensen v. Jensen, 2009 ABCA 272 | | restates 4 step framework |
| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | 68 | M. v. H., [1999] 2 S.C.R. 3; Kazmierczak v. Kazmierczak, 2001 ABQB 610 | | Judge states that "ultimately, the test is one of fairness" and finds that wife lived in "subsidized housing" during cohabitation period and has not established detriment. |
| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | 96 | Busenius v. Busenius, 2006 ABQB 162; Seeman v. Seeman, 2010 ABQB 30; Kazmierczak v. Kazmierczak, 2001 ABQB 610 | | States Seeman position that Occupation Rent may only be claimed in response to a claim for contribution by occupier. |
| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | 4 | | | judge notes distinct periods of relationship, including periods of reconciliation prior to marriage. |

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| Assets, included | tracing | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | 36(1) | 75 | Jackson v. Jackson (1989), 97 A.R. 153 | | Husband found to have gifted wife 25% of equity by placing it in joint ownership |
| Assets, included | matrimonial home | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | 7(3) | 83-91 | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, aka Wallat v. Marshall; Warwoda v. Warwoda, 2009 ABQB 582; Nasin v. Nasin, 2008 ABQB 219 | | Matrimonial home purchased during period of cohabitation before marriage determined to be 7(3) property and divided unequally after separation. |
| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | 77 | Jensen v. Jensen, 2009 ABCA 272 | | purpose is to avoid microscopic analysis of contributions |
| Assets, included | inflation | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | 8(m) | 91 | Nasin v. Nasin, 2008 ABQB 219 | | |
| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | 7(4) | 83 | Warwoda v. Warwoda, 2009 ABQB 582 | | judge divides property during marriage equally but gives unequal division during separation |

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| Assets, included | | Behiels v. McCarthy, 2010 ABQB 281 | Behiels v. McCarthy | 2010 | QB | Manderscheid | | Patterson, David | Gawlinski, Stephen | | | | Wright-Watts v. Watts, 2005 ABQB 708; M. v. H., [1999] 2 S.C.R. 3; Panara v. Di Ascenzo, 2005 ABCA 42/47 | | judge states that a common law relationship does not lead to any presumption of right to the other's property. He divides cohabitation into distinct periods, finds no CL relationship during period leading up to marriage. Instead, calls it a period of "preparations for the subsequent marriage." |
| Assets, included | division of debt | Bender v. Bender 2002 CarswellAlt a 1934 | Bender v. Bender | 2002 | QB | McIntyre (chambers) | | Pantony, R. | Aaron, W. | | | 106 | | | judge states that 60/40 division applies to debts as well as assets. Wife gets 60% of assets and 60% of debt. |
| Assets, included | by percentage | Bender v. Bender 2002 CarswellAlt a 1934 | Bender v. Bender | 2002 | QB | McIntyre (chambers) | | Pantony, R. | Aaron, W. | | | 94 | | | judge opts not to hear valuation evidence but divides assets on percentage basis - 60/40 based on evidence to apply to all assets. |
| Assets, included | McAllister formula | Bender v. Bender 2002 CarswellAlt a 1934 | Bender v. Bender | 2002 | QB | McIntyre (chambers) | | Pantony, R. | Aaron, W. | | | 89/86 | Wilson v. Wilson (1986), 2 R.F.L. (3rd) | | judge states McAllister formula is appropriate for division of pension when there is a disagreement between parties. |
| Assets, included | | Bender v. Bender 2002 CarswellAlt a 1934 | Bender v. Bender | 2002 | QB | McIntyre (chambers) | | Pantony, R. | Aaron, W. | | 7(2) | 17 | | | Factors determining exemption: down payment was a gift from her parents, property in wife's name only |

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| Assets, included | | Bender v. Bender 2002 CarswellAlta 1934 | Bender v. Bender | 2002 | QB | McIntyre (chambers) | | Pantony, R. | Aaron, W. | | 8(a) | 97 | | | judge awards unequal division of assets based on larger contribution by wife to marriage. |
| Assets, included | financial position of the parties | Bennett v. Stoppler, 2003 ABQB 723 | Bennett v. Stoppler | 2003 | QB | Veit | | Plupek, Thomas | Barker, Christine | | 20 | 13 | M.P.T. v. R.W.T, 2008 YKSC 94 | | judge states that failure of husband to work due to stress related to dissolution of marriage does not mean he cannot do so. Grants interim possession of home to wife. |
| Assets, included | | Bennett v. Stoppler, 2003 ABQB 723 | Bennett v. Stoppler | 2003 | QB | Veit | | Plupek, Thomas | Barker, Christine | | 21 | 15 | Zaseybida v Zaseybida [2001] A.J. No. 1022 (Q.B.) | Sivertsen v. Sivertsen, 2007 ABQB 610 | Judge states that while there is a dispute regarding matrimonial property, there can be no liquidation of it. |
| Assets, included | resulting trust | Bezuko 2007 ABQB 204 | Bezuko v. Supruniuk | 2007 | QB | Ross | | Bains, Sarbjit | Odinga, Norman | | | 36 | Waters Law on Trusts, Ruff v. Strobel (1978), 9 A.R. 378, Rathwell v. Rathwell, [1978] 2 S.C.R. 436 | D.R.J.v. M.J. 2008 ABQB 380 | True intention of the parties to be considered in determining if a gratuitous transfer of land has been made with a resulting trust. |
| Assets, included | occupation rent | Bezuko 2007 ABQB 204 | Bezuko v. Supruniuk | 2007 | QB | Ross | | Bains, Sarbjit | Odinga, Norman | | | 84 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | |

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| Assets, included | | Bezuko 2007 ABQB 204 | Bezuko v. Supruniuk | 2007 | QB | Ross | | Bains, Sarbjit | Odinga, Norman | | | 88 | | | Judge grants pre-judgement interest for personal property and joint debt but declines for house and condominium, stating that increase has been included in valuation at date of trial. |
| Assets, included | post separation debt | Bezuko v. Supruniuk 2007 ABQB 204 | Bezuko v. Supruniuk | 2007 | QB | Ross | | Bains, Sarbjit | Odinga, Norman | | | 82 | | | reflect individual lifestyle choices |
| Assets, included | mutual benefit property | Bezuko v. Supruniuk 2007 ABQB 204 | Bezuko v. Supruniuk | 2007 | QB | Ross | | Bains, Sarbjit | Odinga, Norman | | 8(m) | 64-65 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | |
| Assets, included | interim costs | Bidulock v. Bidulock 2010 ABQB 51 | Bidulock v. Bidulock | 2010 | QB | Veit | | Tumbach, D. | Gordon, Marie | | 9 | 14 | British Columbia (Minister of Forests) v. Okanagan Indian Band, 2003 SCC 71 | | wife requests interim distribution of corporate assets to pay legal fees based on fact that husband had already paid his legal fees out of corporate assets. Granted on basis of impecuniousness, merit of case, and special circumstances. |
| Assets, included | | Bjornson v. Schacher, 2009 ABQB 84 | Bjornson v. Schacher | 2009 | QB | Binder | | n/a | Sussman, Brian | | | 21, 24 | | | wife argues for either a resulting trust based on intention to mutually benefit wife or constructive trust based on money she contributed to house and expenses. Judge finds neither. |

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| Assets, included | | Bjornson v. Schacher, 2009 ABQB 84 | Bjornson v. Schacher | 2009 | QB | Binder | | n/a | Sussman, Brian | | | 24 | Maroukis v. Maroukis, 1984 CanLII 76; Nelson v. Nelson, 2001 ABQB 732 | | CRA's writs on property held to have been registered prior to any contribution wife made to home. Application dismissed. |
| Assets, included | CEA | Bjornson v. Schacher, 2009 ABQB 84 | Bjornson v. Schacher | 2009 | QB | Binder | | n/a | Sussman, Brian | | | 6 | Nelson v. Nelson, 2001 ABQB 732 | | matrimonial home placed in sole name of husband's corp. under seizure by Crown after husband convicted of trafficking in drugs. |
| Assets, included | corporation | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | | 50 | | | husband's chiropractic practice excluded from all distribution |
| Assets, included | constructive trust | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | | 22 | Peter v. Beblow, 1993 CanLII 126 | | judge finds no constructive trust on property built before marriage. |
| Assets, included | date of trial | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | | 36 | Hodgson v. Hodgson 2005 ABCA 13; Mazurenko v. Mazurenko, [1981] A.J. No. 23 | | |

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| Assets, included | by percentage | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | | 40 | | | judge divides increase in property equally, noting they both contributed to it. Husband argued post separation increase should be unequally divided because he made mortgage payments. Judge disagrees, states that he had benefit of living in home. |
| Assets, included | matrimonial home | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | 7(2) | 19 | | | Wife argues that although her name was not on title, there was a presumption of joint ownership. Judge does not find this credible and awards exemption for price of house at marriage. Parties did not live together before. |
| Assets, included | matrimonial home | Bos v. Bos, 2007 ABQB 604 | Bos v. Bos | 2007 | QB | Ross | | Huizinga, Tina | McNeilly, Shirley | | 9 | 47 | | | Given widely disparate valuations in property, judge orders property to be listed at higher price and sold if offer exceeds lower price with proceeds to be divided equally. |
| Assets, included | | Botros v. Botros, 2002 ABQB 436 | Botros v. Botros | 2002 | QB | Mahoney | | Sparling, Lois | Aaron, W. | | 38 | 28 | Corbeil v. Bebris (1993), 141 A.R. 215 | Miles v. Miles, 2003 ABQB 688 | Judge states that court may not simply adopt and apply an agreement that has failed to comply with s. 38 formalities. |

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| Assets, included | financial position of the parties, needs of children, availability of other accommodations | Boutin v. Viau, 2007 ABQB 451 | Boutin v. Viau | 2007 | QB | Veit | | Syme, E. Louise | Laurin, Martyn | | 20 | 17 | | | Judge uses following factors in awarding exclusive possession to wife: availability of other accommodations, income, parent with whom child of marriage resides. |
| Assets, included | HELOC | Boyd v. Boyd, 2008 ABQB 781 | Boyd v. Boyd | 2008 | QB | Burrows | | Spitz, Peter | Skovberg, Douglas | | | 23 | | | Judge states that HELOC agreed to after separation and used by husband was matrimonial property. |
| Assets, included | | Boyd v. Boyd, 2008 ABQB 781 | Boyd v. Boyd | 2008 | QB | Burrows | | Spitz, Peter | Skovberg, Douglas | | 8(f) | 41 | | | Judge finds parties' financial assets still intertwined after separation, despite long separation period, and awards equal division of assets. |
| Assets, included | | Braglin v. Braglin, 2002 ABQB 816 | Braglin v. Braglin | 2002 | QB | Veit | | Dunlap, Timothy | Zybutz, Marc | | | 19, 25 | K.E. Hannah, Occupation Rent; Lauderdale v Lauderdale [1997] A.J. No. 499 (C.A.); Kazmierczak v Kazmierczak [2001] A.J. No. 955 (Q.B.) | Brennan v. Brennan, 2003 NBQB 2; Marler v. Marler, 2007 ABQB 429 | judge concludes that the court can award occupation rent in matrimonial action per s. 9 of the Act, but it is a discretionary remedy and must be pled. States that voluntarily leaving home does not deny claim, nor does not paying a portion of mortgage or utilities. Also states that spousal support better able to deal with occupation rent. |

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| Assets, included | occupation rent | Braglin v. Braglin, 2002 ABQB 816 | Braglin v. Braglin | 2002 | QB | Veit | | Dunlap, Timothy | Zybutz, Marc | | 9 | 19 | | | judge states that s. 9 MPA conveys the authority to grant occupation rent |
| Assets, included | BIA | Breidfjord v. Breidfjord, 2004 ABQB 295 | Breidfjord v. Breidfjord | 2004 | QB | Clark | | Colborne, Daniel | Clark, James M.B. | | | 10 | | | Husband sought enforcement of settlement agreement following discharge of wife from bankruptcy. Judge rules MPA settlement not part of exceptions to an order of discharge in s. 178(1) BIA. |
| Assets, included | | Broda v. Broda 2001 CarswellAlta 1876 a.k.a. B.(L.M.) v. B.(L.J.) | Broda v. Broda | 2001 | QB | Watson | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18 | | 18 | | | Judge states that a narrow definition of property would violate purpose of the Act. |

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| Assets, included | 13 Statute of Elizabeth | Broda v. Broda 2001 CarswellAlta 1876 a.k.a. B.(L.M.) v. B.(I.J.) | Broda v. Broda | 2001 | QB | Watson | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18 | | 30 | | | judge states fraud is not necessary to s. 10 finding. |
| Assets, included | | Broda v. Broda 2001 CarswellAlta 1876 a.k.a. B.(L.M.) v. B.(I.J.) | Broda v. Broda | 2001 | QB | Watson | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 257; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18 | 10 | 30 | | | Judge states purpose of s. 10 is to ensure the return of property when there's insufficient consideration. |
| Assets, included | | Broda v. Broda, 2003 ABQB 257 a.k.a. B.(L.M.) v. B.(I.J.) | Broda v. Broda | 2003 | QB | Wilkins | | self | Ares, Louise M | 2004 ABQB 965; 2004 ABCA 224; 2004 ABCA 73 ; 2004 ABCA 72 ; 2003 ABQB 460; 2002 ABQB 1046 ; 2002 ABCA 133; 2002 ABCA 18 ; 2001 CarswellAlta 1876 | | 47, 63 | Jigolyk v. Jigolyk, [2000] A.J. No. 402; Calbar Securities Ltd. v. Toole Peet Company, [1984] A.J. No. 817 | Mitrovic v. Mitrovic, 2007 ABQB 44; Gardner v. Gardner, 2008 ABQB 750 | Judge states that standard is achievement of "substantial success" in action. Awards double costs awarded against husband based on R174(2). Judge also comments on bad conduct of husband. |

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| Assets, included | estate claim | Broen (Estate) (Re), 2002 ABQB 806 | Broen (Estate) (Re) | 2002 | QB | Acton | | n/a | Bonora, Doris | | | 14 | | | Act used to support claim by wife for estate upon intestacy of husband's estate (not really a proper use of MPA?) |
| Assets, included | corporations | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 214 | | | judge finds 3 corps. not included in settlement agreement to be matrimonial property. |
| Assets, included | post division assets | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | | 625 | | | Post division gains on assets not included in settlement agreement division included. Husband held to have been in breach of duty of trust towards wife. Ordered to be disgorged of his share in all corp. bonuses & gains |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | | 653 | | | cohabitation appears to be counted as part of valuation period However, deemed irrelevant as corporation ruled valueless at start of relationship. |
| Assets, included | post separation | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 66 | | | husband found to have forced wife to sign settlement agreement too quickly, telling her that the family assets were at risk. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 633 | Rick v. Brandsema 2009 SCC 10 | | Spouses required to abide by a high std. of conduct when signing s. 37 agreements. |

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| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 605, 624 | Peter v. Beblow, 1993 CanLII 126; Mustard v. Brache, 2006 ABCA 265 | | court grants rescission of original agreement and finds both a constructive trust and a resulting trust in favour of wife. Judge finds intention by both parties for husband to hold both properties in favour of wife. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | | 580 | | | judge considers value established by shareholders in June 2000 to be primary evidence of value of corp. at date of agreement. Accepts valuation method that supports this value. |
| Assets, included | date of trial | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 651 | Hodgson v. Hodgson, 2005 ABCA 13 | | Judge states that property owned at date of trial is relevant for distribution as is value of said property. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 257 | | | husband found to have failed to disclose corp. assets both before signing Minutes of Settlement and later |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 645 | | | judge states that equity allows for resolution of the case outside the MPAb because parties were divorced by the time deception was discovered. Instead, judge uses law of trusts to give assets back to wife. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | | 625 | | | Husband found to have been fiduciary for wife and in breach by not giving her her share in gains |

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| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 662 | | | husband argues that wife should not receive benefit of husband's labour in reallocation of assets. Judge disagrees. |
| Assets, included | constructive trust | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 213 | | | husband argues that constructive trust argument is barred by a limitation. Judge does not have to rule as she finds company was worthless at date of marriage. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | 31 | 31, 43 | Rick v. Brandsema 2009 SCC 10; Fercho v. Dos Santos, 2006 ABQB 879; Leopold v. Leopold reflex, (2000), 51 O.R. (3d) 275 | | Judge states that parties are under a duty of full disclosure during divorce proceedings due to the ability to contract a bargain. No duty to inquire in mat. prop. law. Too emotionally fraught. 2 part test from Rick v. Brandsema used. |
| Assets, included | settlement agreement | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | 37 | 603 | Rick v. Brandsema 2009 SCC 10 | | 2 step CL test for overcoming s. 37 agreement is psychological exploitation and failure to fully disclose (from Rick v. Brandsema) |
| Assets, included | independent legal advice | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | 38 | 155 | | | Independent legal advice given but inadequate. Advisors were blinkered by husband. Failed to inquire. |

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| Assets, included | corporation | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | 7(2) | 210 | | | judge does not allow \$500,000 exemption in company value prior to marriage. Husband argues figure represented "future value." Rejected. Company ruled to be valueless at marriage. |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | | 7(4) | 593 | | | Judge divides evenly all matrimonial assets as of date of agreement, then creates a trust for all monies not received by Silvera: \$3.3 million |
| Assets, included | | Brown v. Silvera, 2009 ABQB 523 | Brown v. Silvera | 2009 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2010 ABQB 224 | | 198 | Panara v. Di Ascenzo, 2005 ABCA 47; Wright- Watts v. Watts, 2005 ABQB 708; Hughes v. Hughes, 2006 ABQB 468 | | The remedy for couple sharing assets before marriage is a finding of unjust enrichment and constructive trust. |
| Assets, included | solicitor-client | Brown v. Silvera, 2010 ABQB 224 | Brown v. Silvera | 2010 | QB | Moen | | English, Stephen; Bassili, Amy | Ares, Louise; Brown, Karen | 2009 ABQB 523 | | 101 | | | judge awards solicitor client costs in addition to contingency fees for the egregiously bad conduct of the husband in deliberately hiding assets and pressuring wife into prematurely signing property division agreement. |

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| Assets, included | pension | Buckler v. Buckler, 2009 ABQB 175 | Buckler v. Buckler | 2009 | QB | Clackson | | Thom, Leonard | Pollock, Michael | | | 6 | | | judge distinguishes interest (date of valuation) from entitlement (date of division) in dividing husband's pension. States that a consideration of ss. 8(c) and 8(f) would have led to the same conclusion. |
| Assets, included | date of child support order | Buckler v. Buckler, 2009 ABQB 175 | Buckler v. Buckler | 2009 | QB | Clackson | | Thom, Leonard | Pollock, Michael | | | 6 | | | judge distinguishes interest (date of valuation) from entitlement (date of division) in dividing husband's pension. States that a consideration of ss. 8(c) and 8(f) would have led to the same conclusion. |
| Assets, included | PSPA | Buckler v. Buckler, 2009 ABQB 175 | Buckler v. Buckler | 2009 | QB | Clackson | | Thom, Leonard | Pollock, Michael | | | 15 | | | husband argues that valuation method used in PSPA should be used. Judge states that PSPA does not interfere with authority or discretion of MPA |
| Assets, included | Public Sector Plans Act | Buckler v. Buckler, 2009 ABQB 175 | Buckler v. Buckler | 2009 | QB | Clackson | | Thom, Leonard | Pollock, Michael | | | 15 | | | husband argues that valuation method used in PSPA should be used. Judge states that PSPA does not interfere with authority or discretion of MPA |
| Assets, included | | Buckler v. Buckler, 2009 ABQB 175 | Buckler v. Buckler | 2009 | QB | Clackson | | Thom, Leonard | Pollock, Michael | | 8(l) | 26 | | | wife argues husband dissipated funds through gambling. Judge finds there is no evidence to suggest she did not condone activity. |

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| Assets, included | post-separation property | Buitendyk v. Buitendyk, 2001 ABQB 1037 | Buitendyk v. Buitendyk | 2001 | QB | Clarkson | | Kiss, Denise J. | Lawson, Susan B. | | | 34 | | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | judge refuses to exempt post-separation savings by wife but gives her 100% of distribution of the savings |
| Assets, included | by asset | Buitendyk v. Buitendyk, 2001 ABQB 1037 | Buitendyk v. Buitendyk | 2001 | QB | Clarkson | | Kiss, Denise J. | Lawson, Susan B. | | | 40 | | | 100% of post-separation savings given to wife. Remainder of assets divided equally. |
| Assets, included | | Burns Estate, 2007 ABQB 730 | Burns Estate | 2007 | QB | Eidsvik | | n/a | Corenblum, E.B. | | | 17 | Weicker v Weicker (1985), 60 A.R. 375 | | Wife, separated for 23 yrs., attempts to sue estate under MPA. Judge rejects, states that purpose of limitation period is to enable a spouse to make a property claim in addition to a divorce claim. |
| Assets, included | Divorce Act | Burns Estate, 2007 ABQB 730 | Burns Estate | 2007 | QB | Eidsvik | | n/a | Corenblum, E.B. | | | 17 | | | wife claims that ability to bring divorce action revives limitation period. Judge states that failure to bring divorce action cuts off ability to bring MPA action under s. 11. |

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| Assets, included | | Burns Estate, 2007 ABQB 730 | Burns Estate | 2007 | QB | Eidsvik | | n/a | Corenblum, E.B. | | 11 | 15, 18 | Saxby v Richardson Estate (1995), 164 A.R. 196; ALRI 1975 Report no. 18 on Matrimonial Property; ALRI March 1990 Report no 57; ALRI Report no. 83, May 2000 | | Spouses only able to bring or continue MPA action if separated and involved in a divorce proceeding prior to death of other spouse. Judge states that separated wife's failure to bring divorce action cuts off ability to bring MPA action under s. 11. |
| Assets, included | purpose | Burns Estate, 2007 ABQB 730 | Burns Estate | 2007 | QB | Eidsvik | | n/a | Corenblum, E.B. | | 5 | 17 | Weicker v Weicker (1985), 60 A.R. 375 | | Purpose of ss. 5 & 6 is to permit a spouse to make an MPA claim at same time as divorce claim. 2 yr. limitation period included in case spouse not aware of property claim. |
| Assets, included | purpose | Burns Estate, 2007 ABQB 730 | Burns Estate | 2007 | QB | Eidsvik | | n/a | Corenblum, E.B. | | 6 | 17 | | | Purpose of ss. 5 & 6 is to permit a spouse to make an MPA claim at same time as divorce claim. 2 yr. limitation period included in case spouse not aware of property claim. |

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| Assets, included | HELOC | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 15-16 | | | husband's failure to be forthright noted in judge's decision to treat HELOC as matrimonial debt. |
| Assets, included | pension | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 12 | | | judge notes it is in husband's interest to state he will be working longer as it will reduce current value of his pension. Affixed date at 60. |
| Assets, included | loans from family | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 26 | | | judge questions validity of loans based on fact that husband's income was much greater than his expenses. Includes but states he will use s. 8 to deal with them appropriately. |
| Cohabitation | post separation debt | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 3, 26 | | S.(E.) v. S.(J.S.), 2007 ABQB 321; Marler v. Marler, 2007 ABQB 429 | judge states it is preferable to treat post-separation debt as matrimonial property. <i>Judge notes that MPA does not discuss debt, only assets.</i> |
| Cohabitation | post separation debt | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 34, 36 | | S.(E.) v.S.(J.S.), 2007 ABQB 321 | judge states these are matrimonial property but gives them 100% to each party who incurred them |

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| Cohabitation | | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 46 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | Peleshaty v. Peleshaty, 2007 ABQB 598; Seeman v. Seeman, 2010 ABQB 30; Beaudry v. Beaudry, 2010 ABQB 119; Behiels v. McCarthy, 2010 ABQB 281 | Extensive discussion of occupation rent. Judge states there is no basis for an award of occupation rent, argues for caution in applying CL occupation rent to family law context. States that in some contexts an LPA claim may be permissible as a response to a claim for contribution to a mortgage. |
| Cohabitation | | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | | 27 | | | Judge states MPA encompasses all property of both spouses. |
| Cohabitation | RRSP | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | 7(3)(a) | 19 | Harrower v. Harrower, [1989] A.J. No. 629 | McAdam v. McAdam, 2009 ABQB 109 | husband claims tracing as a result of cashing RRSPs. Judge states traced amount must end up in an identifiable asset. Rejects. |
| Cohabitation and the MPA | | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | 8(f) | 29 | | | debts incurred to brother post-separation given 100% to husband |
| Cohabitation and the MPA | | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | 8(l) | 27 | | | considered |

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| Cohabitation and the MPA | | Busenius v. Busenius, 2006 ABQB 162 | Busenius v. Busenius | 2006 | QB | Clackson | | Briere, Kathy | MacKay, Michelle | | 8(m) | 27 | | | considered but not elaborated on |
| Cohabitation and the MPA | 3rd party | Bustria v. Bustria, 2004 ABQB 368 | Bustria v. Bustria | 2004 | QB | Clarke | | Peacock, Sarah | Bull, Ruth | | | 17-18 | | | 3rd party sought leave to be included as a party to the action, had been living as a CL spouse of husband for 20 yrs. Judge notes expanded rights of CL spouses has led to order. |
| Cohabitation and the MPA | RESP | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 16 | | | children are beneficial owners |
| Cohabitation and the MPA | trust fund | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 20 | | | family trust as tax vehicle for income |
| Cohabitation and the MPA | pension | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 7(2) | 45 | | | contributions earned prior to marriage exempt |
| Cohabitation and the MPA | building supplies | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 7(2) | 44 | | Chalifoux v. Chalifoux 2008 ABCA 70 | building supplies purchased with inheritance money ruled not traceable b/c used in house |

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|--------------------------|------------------------------|------------------------------------|--------------------------------------|------|----|--------|--------------|-------------|--------------|-------------------|----------|--------|--|-------------------------|---|
| Cohabitation and the MPA | furnishings | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 23 | | | |
| conduct | "lifting the corporate veil" | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 14 | | | not lifted because of business partner |
| conduct | | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 78 | | | in contempt of order to produce |
| conduct | multiple dates used | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | | 11 | | | multiple dates of valuation proposed and used |
| conduct | property | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 36(2)(a) | 39 | Jackson v. Jackson (1989), 97 A.R. 153, Trenchie v. Trenchie (1987), 84 A.R. 188 | | not rebutted |
| Conduct | property | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 7(3)(a) | 39, 50 | Harrower v. Harrower (1989), 97 A.R. 141 | W. v. W., 2005 PESCAD 6 | prior property |

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| conduct | | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 8(l) | 72 | Bracewell v. Bracewell (1994), 152 A.R. 379, Baskett v. Baskett (July 4, 1996), Doc. Edmonton 4803-91884, 9303-11025 | | proposes rule that reduction in value of property attributable to one party should be ascribed to that party |
| conduct | beneficial owners | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 8(m) | 16 | | | children are beneficial owners |
| conduct | credibility | Bzdziuch v. Bzdziuch 2001 ABQB 306 | Bzdziuch v. Bzdziuch | 2001 | QB | Fraser | | Young, A.G. | Hannah, K.E. | | 8(m) | 24-30 | | | unequal division |

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| conduct | stock options | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | 91 | Roberts v. Roberts, 1999 ABQB 944; Gardiner v. Gardiner (1996), 191 A.R. 139; Miller v. Miller, 2004 ABCA 257 aka M.(D.G.) v. M.(K.M.) | | stock options treated as assets, not income |
| conduct | shares | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | 71 | Faulkner v. Faulkner (1998), 228 A.R. 49 | | judge states court does not have authority to override restriction on transfer of shares. |
| conduct | date of trial | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | 55 | Wilson v. Wilson (1986), 2 R. F. L. (3d) 86; C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | | "continuing interdependence" cited as a factor for date of trial as date of valuation |
| conduct | legal fees | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | 107 | | Katrib v. Katrib, 2007 ABQB 626 | judge states legal fees must be excluded otherwise they will lead to "disproportionate legal expenses and maneuvering." |

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| conduct | in specie | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | 76 | Faulkner v. Faulkner (1998), 228 A.R. 49 | Gardner v. Gardner, 2008 ABQB 527 | judge states that in specie distribution is necessary as it is not possible to value shares at time of trial. Directs husband to hold shares in trust for wife. |
| Conduct and the MPA | by asset | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | | passim | | | judge discusses and divides each asset separately. |
| Conduct and the MPA | stock options | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | 8(f) | 96 | Horn v. Horn reflex, (1991), 36 R.F.L. (3d) 105; Buitendyk v. Buitendyk, 2001 ABQB 1037 | | judge refuses to distribute husband's stock options acquired post-separation to wife. |
| Conduct and the MPA | | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | C.(D.B.) v. W.(R.M.) | 2004 | QB | Topolniski | | Allen, Laurie | Foster, Ronald | 2006 ABQB 905 | 8(l) | 108 | | | Judge notes that dissipation could have been but was not argued |
| Conduct and the MPA | | C.(D.L.) v. C.(S.J.), 2003 ABQB 480 | C.(D.L.) v. C.(S.J.) | 2003 | QB | Verville | | Pollock, Michael | Kiriak, Jerry D. | | | 65 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | Occupation rent granted for period when husband occupied home alone based on fact that wife had paid out her half of mortgage (minus \$5000) but was not occupying home. |

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| Conduct and the MPA | future disposition costs | Cador v. Chichak, 2000 ABCA 10 | Cador v. Chichak | 2000 | CA | McClung, Hetherington, Sulatyky | | Spitz, D. | Becker, R.L. | afmg. 1998 ABQB 881, additional reasons 2000 ABCA 155 | | 9 | Laskosky v. Laskosky [1999] A.J. No. 131 (Q.B.) | McCulloch v. McCulloch, 2003 ABQB 432 | court refuses to allow future disposition costs due to uncertainty that they will crystalize |
| Conduct and the MPA | RRSP contributions | Cador v. Chichak, 2000 ABCA 10 | Cador v. Chichak | 2000 | CA | McClung, Hetherington, Sulatyky | | Spitz, D. | Becker, R.L. | afmg. 1998 ABQB 881, additional reasons 2000 ABCA 155 | 8(f) | 12 | | | Discretion of the trial judge upheld |
| Conduct and the MPA | student loan | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorzak, Anita | McBean, Jean | | | 53 | | | Wife argues for inclusion of repayment of loan as an asset. Judge refuses, states amount covered by mat. prop. division. |
| Conduct and the MPA | airplane points | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorzak, Anita | McBean, Jean | | | 49 | | | judge orders wife to give husband enough points to fly with children first class to Ireland to visit grandparents. If airline unwilling to recognize order, ordered to pay for economy class tickets. |
| Conduct and the MPA | corporation | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorzak, Anita | McBean, Jean | | | 40 | | | wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business. |
| Constructive or resulting trusts | interim payment | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorzak, Anita | McBean, Jean | | | 55 | | | husband argues interim payment was towards costs and should not be included. Judge rules it is included. |

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| Constructive or resulting trusts | moving chattels | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | | 52 | | | wife requests refund of \$3000 required to move chattels to husband's new residence. Judge grants 1/2 credit. |
| Constructive or resulting trusts | pension | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | | 58 | | | husband's failure to disclose amount results in judge valuing pension at a higher amount than requested by husband. |
| Constructive or resulting trusts | goodwill | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | | 84 | | | percentage of goodwill at issue. Judge determines it to be 40%. |
| Constructive or resulting trusts | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | | 106 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | judge refuses to grant occupation rent. Wife had been making mortgage payments, had offered to purchase husband's share. |
| Constructive or resulting trusts | length of time between separation and trial | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8 | 40 | | | judge states short time between separation and trial argues in favour of equal division. |
| Constructive or resulting trusts | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | | 108 | Crane v. Crane (1996), 189 A.R. 81 | | judge refuses to award husband prejudgment interest. States that wife offered several times to buy husband's share, which he rejected. Also, husband benefits from increase in property. |

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| Constructive or resulting trusts | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8(a) | 37 | | | wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business. |
| Constructive or resulting trusts | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8(a) | 37 | | | wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business. |
| Constructive or resulting trusts | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8(d) | 37 | | | wife argues for unequal division of increase in corp. assets after separation. Judge states that "enormous disparity in incomes" is a factor. |
| Corporate assets | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8(f) | 36 | | | wife argues for unequal division of increase in corp. assets after separation. Judge states that equal division will apply based on husband's contributions to marriage and success of business. |
| Corporate assets | | Cahill v. Weaver, 2005 ABQB 618 | Cahill v. Weaver | 2005 | QB | Verville | | Dorczak, Anita | McBean, Jean | | 8(l) | 111 | | | husband argued hiring a p.i. constituted dissipation. Rejected. |

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| Corporate assets | date of trial | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | | 96 | Hodgson v. Hodgson, 2005 ABCA 13; 2005 ALRI report | | date of trial used |
| Corporate assets | in specie | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | | 111 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | |
| Corporate assets | by percentage | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | | 112 | Kazmierczak v. Kazmierczak 2003 ABCA 227 | | |
| Corporate assets | | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | | 92 | Divorce Act, Greaves v. Greaves (Ont. S.C.J.) | | Judge determines date of separation by date that parties were leading "meaningful separate lives" |
| Corporate assets | no priority to factors | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | 8 | 96 | Hodgson v. Hodgson, 2005 ABCA 13 , Mazurenko v. Mazurenko (1981), 30 A.R. 34 | | strength of the presumption |

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| Corporate assets | | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | 8(f) | 109 | Greaves v. Greaves (Ont. S.C.J.) | Vanos v. Vanos 2009 CanLII 55328 (OnSC) | does case state no presumption of unequal distribution while s & a? |
| Corporate assets | disclosure | Campbell v. Campbell, 2007 ABQB 637 | Campbell v. Campbell | 2007 | QB | Phillips | | Allen, Laurie; Bailey, Michelle | Daunais, Patricia | | 8(m) | 120 | Cunha v. Cunha (1994), 99 B.C.L.R. (2d) 93, Leskun v. Leskun, 2006 SCC 25 | | Quotes Binnie, J. from Leskun as calling non-disclosure "the cancer of matrimonial property litigation." pprolonging the stress of litigation and leading to "weary and drained women" |
| Corporate assets | | Campbell v. MacKenzie 2003 ABPC 203 | Campbell v. MacKenzie | 2003 | Pro v. | Ayotte | | self | Dhir, S.K.; Roberts, R. | | | 20 | Barleben (Schultz) v. Barleben (1964), 46 W.W.R. 683, 44 D.L.R. (2d) 332 Ruff v. Strobel, [1978] 3 W.W.R. 588 | | MPA does not apply. Resulting trust found. D's gift benefitted household |
| Corporate assets | "Lifting the corporate veil" | Carlson v. Carlson, 2007 ABQB 5 | Carlson v. Carlson | 2007 | QB | McDonald | | Hryniuk, Peter | Van Harten, Harry | | | 47 | | | judge states corporation "is nothing more than a vehicle whereby Mr. Carlson earned his consulting income and had little in the way of other assets." |
| Corporate assets | | Carlson v. Carlson, 2007 ABQB 5 | Carlson v. Carlson | 2007 | QB | McDonald | | Hryniuk, Peter | Van Harten, Harry | | 8(k) | 48 | | | judge values assets as net assets after tax |

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| Corporate assets | "lifting the corporate veil" | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 24 | | | husband is sole shareholder |
| Corporate assets | legal fees, Social Services | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 24 | | | |
| Corporate assets | corporate debt | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 22 | | | corporate debts are matrimonial debts |
| Corporate assets | corporate debt | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 65 | | | |
| Corporate assets | taxes | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 23 | Sparrow v. Sparrow, 2006 ABCA | | unpaid taxes may be included if assets were used to contribute to family's lifestyle |
| Corporate assets | taxes | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 24 | | | taxes and accounting debt conceded by husband included among matrimonial property. |
| Corporate assets | | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 23 | Sparrow v. Sparrow 2006 ABCA 155 | Peleshaty v. Pelashaty 2007 ABQB 598 | debt may be included where it contributes to acquisition of matrimonial assets or maintenance of matrimonial lifestyle. |
| Corporate assets | | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 31 | | Mesmar v. Mesmar 2009 ABQB 32; | no net assets. Court divides debt. |

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| Corporate assets | | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | | 29 | | | Judge notes that MPA "does not discourage reconciliation" |
| Corporate assets | property acquired after separation | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | 7(2) | 20 | | | Although property acquired when married, judge treats property as if acquired when unmarried. |
| Corporate assets | valuation | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | 7(3) | 26-7 | Hornby v. Hornby, 2007 ABQB 464 | | after subtracting exempt equity, mortgage reduction shared equally as 7(4) property |
| Corporate assets | property | Carmichael v. Carmichael 2007 ABCA 3 | Carmichael v. Carmichael | 2007 | CA | Berger, Watson, Slatter | | Richard, A.D. | Rice, E.G. | rev'g. 2005 ABQB 957 | 7(3)(a) | 18 | Harrower v. Harrower (1989), 97 A.R. 141 | | \$15000 given to corporation ruled not to be traced to home |
| Corporate assets | corporate debt, CCRA, legal fees | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | | 22 | | | |
| Corporate assets | loans from family | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | | 21 | | | |
| Corporate assets valuation | down payment | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | 7(2) | 5 | | | down payment on house purchased while married but separated considered to be exempt assets |

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| Corporate assets valuation | proceeds from sale of condo | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | 7(2) | 6 | | | entire proceeds from sale of wife's condo gifted to husband but considered to be exempt assets |
| Corporate assets valuation | | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | 7(3) | 10, 16 | | | judge determines increase in mat. home equity attributable to exempt equity to be s. 7(3) property. Gives each party their presumed increase without division. |
| Corporate assets valuation | | Carmichael v. Carmichael, 2005 ABQB 957 | Carmichael v. Carmichael | 2005 | QB | Burrows | | Richard, Anthony | Rice, Elsa | 2006 ABQB 306; 2006 ABQB 538; rev'd. 2007 ABCA 3 | 8(e) | 13 | | | judge notes parties have been apart more than they were together but rules duration of marriage is 7 yrs., total cohabitation around 20 mos. |
| Corporate assets valuation | shareholder's loans | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 149 | | | Shareholder's loans to corp. excluded from division. |
| Corporate assets valuation | car | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 169 | | | judge calculates ratio payment by wife to price of car in determining exempt amt. of remaining value. |
| Corporate assets valuation | time share | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 159 | | | time share traceable to p.i. settlement exempted from distribution. |

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| Corporate assets valuation | pension | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 155 | | | Wife argues for constructive trust of pension money accumulated during cohabitation but does not present caselaw. Rejected. |
| Corporate assets valuation | RRSPs | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 151 | | | Wife argues husband's RRSP money came from her. Ruled a gift. No exemption given. |
| Corporate assets valuation | property | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | 145 | | | business valued based on land owned by business |
| Corporate assets valuation | by asset | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | | passim | | | division of property is on a by asset basis. |
| Corporate assets valuation | home improvements | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 7(2) | 135 | | | Wife argues for an exemption on the \$52,000 she spent in home improvements using money from p.i. settlement. Rejected. |
| Corporate assets valuation | loan | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 7(2) | 142 | | | loan paid with settlement funds found to have 50% exemption. |

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| Corporate assets valuation | personal injury settlement | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 7(2) | 129 | | | Funds deposited briefly in joint account but quickly invested in wife's name only held to be exempt property. |
| Corporate assets valuation | motor home | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 7(3)(a) | 164 | Harrower v. Harrower [1989] A.J. No. 629. | | motor home traceable to p.i. settlement given 1/2 exemption. |
| Corporate assets valuation | | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 8(f) | 139 | | | equity in house purchased after separation divided 50/50. |
| Corporate assets valuation | | Chalifoux v. Chalifoux, 2006 ABQB 535 | Chalifoux v. Chalifoux | 2006 | QB | Read | | Goldsmann, Alvin | Picard, Norman | rev'd. 2008 ABCA 70 | 8(k) | 141, 156 | | | cottage houses values and pension discounted for potential tax. |
| Corporate assets valuation | | Chalifoux v. Chalifoux, 2008 ABCA 70 | Chalifoux v. Chalifoux | 2008 | CA | Conrad, Rowbotham | Berger | Goldsmann, Alvin | Huizinga, Tina | rev'g. 2006 ABQB 535 | | 47 | | | court states that MPA does not apply to period of cohabitation. |
| Corporate assets valuation | cabin | Chalifoux v. Chalifoux, 2008 ABCA 70 | Chalifoux v. Chalifoux | 2008 | CA | Conrad, Rowbotham | Berger | Goldsmann, Alvin | Huizinga, Tina | rev'g. 2006 ABQB 535 | 7(3) | 46 | Sparrow v. Sparrow, 2006 ABCA 155 | | Rules that cabin purchased after separation from exempt funds is exempt from distribution. |

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| Corporate assets valuation | home improvements | Chalifoux v. Chalifoux, 2008 ABCA 70 | Chalifoux v. Chalifoux | 2008 | CA | Conrad, Rowbotham | Berger | Goldsmann, Alvin | Huizinga, Tina | rev'g. 2006 ABQB 535 | 7(3)(a) | 44 | Bzdziuch v. Bzdziuch, 2001 ABQB 306 | | court upholds TJ's ruling not to give exemption for s. 7(2) money used for improvements to mat. home. Berger dissents from this portion of the ruling. |
| Corporate assets valuation | furnishings | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | | 29 | | | judge notes difficulty of valuing furnishings and sets value at 1/2 value asserted by husband |
| Corporate assets valuation | asset-based approach | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | | 35 | | | firm uses assets approach for valuation, rather than earnings approach |
| Costs | property | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | | 33 | | | judge accepts property tax statement as valuation of second property. |
| Costs | spousal support order | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | | 55 | | | Judge gives full credit for payment of property taxes against arrears in support in determining equalization payment. |

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| Costs | | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | 8(d) | 47 | | | Judge states that higher earning capacity of husband militates in favour of an unequal distribution. |
| Costs | increase in business assets | Chase v. Chase 2000 CarswellAlt a 838; [2000] A.J. No. 94 | Chase v. Chase | 2000 | QB | Jones | | Ness, R.G. | Bains, Sarbjit | | 8(f) | 50 | Mazurenko v. Mazurenko (1989) 23 R.F.L. 3rd 265 | | Judge refuses to consider increase in assets after separation as a factor for unequal distribution and states appropriate approach is to value as of date of trial then subtract post-separation amount. Refuses to do so based on facts of case. |
| Costs | during marriage | Coates v. Coates, 2003 ABQB 709 | Coates v. Coates | 2003 | QB | Foster | | Agar, Russell | Bothwell, Bruce | | | 10 | | | husband found to have been abusive. S. 37 agreement given no weight or consideration due to coercion and duress |
| Costs | BIA | Cochard (Bankrupt) (Re), 2005 ABQB 679 | Cochard (Bankrupt) (Re) | 2005 | QB | Veit | | Pollock, Leonard | Tarulli, Franco | | | 124 | Brokerwood Products; Re Graham Mining; Re Beynon | | Wife attempts to block settlement agreement reached between husband and Trustee in Bankruptcy, stating that amount does not disclose husband's true assets. Refused. |
| Costs | vehicles | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | | 26 | | | judge considers division of 2 vehicles to be "a wash." |

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| Costs | credit card | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | | 25 | | | judge excludes credit card debt as personal debt |
| Costs | legal fees | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | | 24 | | | |
| Costs | HELOC | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | | 24 | | | judge distinguishes between line of credit on house and personal debts. Includes. |
| Costs | | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | | 14 | International Assoc. of Science and Technology v. Hamza (1997), 200 A.R. 342 | | judge states Act creates statutory presumption of equal distribution subject to s. 8 factors. |
| Costs | | Compton v. Compton, 2004 ABQB 354 | Compton v. Compton | 2004 | QB | Bensler | | Pollock, Leonard | Hamilton, Barry | | 8(l) | 23 | Cox v. Cox (1998) ABQB 987 | Hennesey v. Hennesey, 2005 ABQB 883 | husband argued wife had dissipated funds by spending \$12000 on Shopping Channel purchases. Wife countered with husband's 5th wheel trailer purchase. Judge rules these fall within spending habits of couple and do not constitute dissipation. |

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| Costs | "Lifting the corporate veil" | Corbeil v. Corbeil, 2001 ABCA 220 | Corbeil v. Corbeil | 2001 | CA | Conrad | Sulatyky, Whittman | Butlin, J.A. | Lenz, E.L. | affmg. unpublished 1999 QB decision | | 23 | | | Wife argues Trial Judge erred in conflating earning with value of business. CA states judge used common sense in absence of expert witnesses. Does not alter ruling. |
| Costs | | Corbeil v. Corbeil, 2001 ABCA 220 | Corbeil v. Corbeil | 2001 | CA | Conrad | Sulatyky, Whittman | Butlin, J.A. | Lenz, E.L. | affmg. unpublished 1999 QB decision | | 87 | | | CA finds Trial judge may have erred in mat. prop. division, but error was within discretion of the judge. |
| Costs | RRSPs | Corbeil v. Corbeil, 2001 ABCA 220 | Corbeil v. Corbeil | 2001 | CA | Conrad | Sulatyky, Whittman | Butlin, J.A. | Lenz, E.L. | affmg. unpublished 1999 QB decision | | 26 | | | Judge opts to value RRSPs without discount for after-tax value. CA does not disturb. |
| Costs | spousal support order | Corbeil v. Corbeil, 2001 ABCA 220 | Corbeil v. Corbeil | 2001 | CA | Conrad | Sulatyky, Whittman | Butlin, J.A. | Lenz, E.L. | affmg. unpublished 1999 QB decision | | 60 | Boston v. Boston, [2001] S.C.J. No. 45 | Thompson v. Thompson, 2007 ABQB 715 | CA states that an order for retroactive spousal support must be taken into account in property division. States that conduct re support order may be a factor at para. 66. |

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| Costs | bankruptcy | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | Coulthard (Bankrupt) (Re) | 2003 | QB | Laycock | | n/a | Smith, Michael | See also Coulthard v. Coulthard, 2002 ABQB 695 | | 27 | Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24 | Cunningham (Re), 2009 ABQB 758 | judge states that a mat. Prop. Order does not automatically confer a property interest but merely a debtor/creditor relationship. Must be clearly stated in order. |
| Costs | BIA | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | Coulthard (Bankrupt) (Re) | 2003 | QB | Laycock | | n/a | Smith, Michael | See also Coulthard v. Coulthard, 2002 ABQB 695 | | 30 | Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24 | | judgment re mat. Prop. Distribution does not automatically confer interest in property or make ex-spouse a secured creditor. Must clearly be in order. Not necessary for spouse holding land to grant security. |

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| Costs | | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | Coulthard (Bankrupt) (Re) | 2003 | QB | Laycock | | n/a | Smith, Michael | See also Coulthard v. Coulthard, 2002 ABQB 695 | | 9, 29,30 | Maroukis v. Maroukis 1984 CanLII 76 (S.C.C.); Nelson v. Nelson 2001 21 R.F.L. (5th) 362; Miller v. Miller 2000 ABQB 24 | | words in an order under s. 9 must be used to confer status of secured creditor. |
| Costs | multiple dates used | Coulthard v. Coulthard, 2002 ABQB 695 | Coulthard v. Coulthard | 2002 | QB | Rowbotham | | Elander, Roy W. | Jacobson, Karen D. | see also Coulthard (Bankrupt) (Re), 2003 ABQB 976 | | 16 | | | Judge agrees to value real property as of date of trial, remaining assets and liabilities as of date of separation. |
| Costs | loans from family | Coulthard v. Coulthard, 2002 ABQB 695 | Coulthard v. Coulthard | 2002 | QB | Rowbotham | | Elander, Roy W. | Jacobson, Karen D. | see also Coulthard (Bankrupt) (Re), 2003 ABQB 976 | | 56 | | | old loans from parents determined to be gifts. Not enforceable. |
| Costs | evidence | Coulthard v. Coulthard, 2002 ABQB 695 | Coulthard v. Coulthard | 2002 | QB | Rowbotham | | Elander, Roy W. | Jacobson, Karen D. | see also Coulthard (Bankrupt) (Re), 2003 ABQB 976 | 7(3) | 17-20 | Roenisch v. Roenisch (1991), 115 A.R. 255 | | 7(2) exemption claimed for trailer and gift of property from parents. Husband failed to present evidence to substantiate claims. Both denied. |

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| Costs | | Coyle v. Coyle (Estate of), 2005 ABQB 436 | Coyle v. Coyle (Estate of) | 2005 | QB | Greckol | | Tapp, Daniel | Bains, Sarbjit | | | 32 | Edward v. Edward Estate 1987 CanLII 982 | Robinson v. Fiesta Hotel Group Resorts, 2008 ABQB 457; Stevens v. Winchester Land & Property Ltd., 2009 ABQB 24; Karaha Bodas Company, L.L.C. v. Perusahaan Pertambangan Minyak Dan Gas Bumi Negara, 2010 ABQB 172 | judge rules MPA is discretionary, not mandatory and that one party may discontinue action without consent of court or opposing party. |
| Costs | joint tenancy | Coyle v. Coyle (Estate of), 2005 ABQB 436 | Coyle v. Coyle (Estate of) | 2005 | QB | Greckol | | Tapp, Daniel | Bains, Sarbjit | | | 40 | Dunn Estate v. Dunn (1994), 148 A.R. 131; May 2000 Final Report No 83, Division of Matrimonial Property on Death | | In the alternate, judge attempts to reconcile Dunn Estate and ALRI report by stating that wife took right to survivorship but it was still considered matrimonial property for purposes of distribution. |

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| Costs | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | | 3, 26 | | | judge states that wife met burden of proving husband 'renounced economic and social partnership presupposed by the Act" <i>Gives all known property to wife.</i> |
| Costs | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(a) | 16 | | | wife contributed everything to family while employed. |
| Costs | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(a) | 34 | | | husband did not contribute financially to family, only to business. |
| Date of division | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(c) | 35 | | | husband did not care for property |
| Date of division | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(d) | 36 | | | husband chose not to work |
| Date of division | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(f) | 37 | | | large increase in value of home after separation |
| Date of division | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(g) | 29 | | | informal agreement between spouses to keep property separate honoured by the court |
| Date of division | future debt | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(m) | 38 | | | wife will be responsible for children's university education |

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| Date of division | help from parents | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 8(m) | 38 | | | parents helped wife accumulate assets |
| Date of division | | Crosby v. Crosby, 2007 ABQB 31 | Crosby v. Crosby | 2007 | QB | Veit | | self | Rand, Richard | | 7(4) | 3, 26, 27 | | Jensen v. Jensen, 2009 ABCA 272 | judge states that wife met burden of proving husband 'renounced economic and social partnership presupposed by the Act" |
| Date of division | bankruptcy | Cunningham (Re), 2009 ABQB 758 | Cunningham (Re) | 2009 | QB | Shelley | | self | Sulyma, Robert | see also Cunningham v. Cunningham, 2009 ABQB 40 | | 17 | Millar v. Millar, [1991] A.J. No. 995; Coulthard (Bankrupt) (Re), 2003 ABQB 976 | | Wife did not receive property interest because no in specie distribution had occurred. |
| Date of division | BIA | Cunningham (Re), 2009 ABQB 758 | Cunningham (Re) | 2009 | QB | Shelley | | self | Sulyma, Robert | see also Cunningham v. Cunningham, 2009 ABQB 40 | | 31 | Tinant v. Tinant, 2003 ABCA 211 | | Judge lifts stay on husband's property to permit her to pursue mat. prop. claim. |
| Date of division | | Cunningham (Re), 2009 ABQB 758 | Cunningham (Re) | 2009 | QB | Shelley | | self | Sulyma, Robert | see also Cunningham v. Cunningham, 2009 ABQB 40 | 9 | 9 | Boe v. Boe, (1988) 67 C.B.R. (N.S.) 224 | | Judge states that after property division effected, court is functus and cannot alter distribution. |
| Date of division | | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | | 37 | | | husband's failure to disclose and evidence of hiding assets results in an unequal division of assets |
| Date of valuation | | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | | 42 | | | judge mentions that wife seeks higher costs based on extra work demanded from husband's failure to disclose. Judge leaves open this possibility but does not rule. |

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| Date of valuation | property | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | 36(2)(a) | 18 | | | presumption rebutted by interspousal agreements. |
| Date of valuation | interspousal agreement | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | 37 | 19 | Hartshorne v. Hartshorne, [2004] SCJ No. 20 | | s. 36(2) presumption rebutted by contract. Parties received independent legal advice. |
| Date of valuation | lump sum pension benefit | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | 7(2) | 22 | | | wife not given exemption for lump sum pension benefit. Defined as income by the judge. In addition: "Ms. Miller almost certainly would have deposited them to the joint savings account and used them to fund extraordinary purchases as this is what she did with all other income received by her during the marriage. " |
| Date of valuation | | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | 7(4) | 37 | | | s. 8(m) results in unequal distribution of assets. |
| Date of valuation | disclosure | Cunningham v. Cunningham, 2009 ABQB 40 | Cunningham v. Cunningham | 2009 | QB | Shelley | | Lawson, S. | Bruyer, L.H. | see also Cunningham (Re), 2009 ABQB 758 | 8(m) | 34 | | | Husband's behavior and failure to disclose draws a negative inference re assets. |

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| Date of valuation | bankruptcy | Currie v. Currie (Trustee of), 2000 ABQB 71 | Currie v. Currie (Trustee of) | 2000 | QB | Bielby | | Mandziuk, S. N. | Martin, E. L. | see also Currie (Bankrupt) (Re), 1999 ABQB 880 | | 43 | Institute of Law Research and Reform. Report No. 18: Matrimonial Property, 1975 | | Spouse does not automatically receive an interest in all property upon marriage. Therefore, Trustee may take interest in bankruptcy even if that interest is later given to husband under MPA. |
| Date of valuation | BIA | Currie v. Currie (Trustee of), 2000 ABQB 71 | Currie v. Currie (Trustee of) | 2000 | QB | Bielby | | Mandziuk, S. N. | Martin, E. L. | see also Currie (Bankrupt) (Re), 1999 ABQB 880 | | 37-44 | Institute of Law Research and Reform. Report No. 18: Matrimonial Property, 1975 | | |
| Date of valuation | | D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638 | D.(C.N.) v. D.(B.D.) | 2004 | QB | Read | | self | self | | | 37 | | | judge uses MPA to evenly divide disputed chattel property using the analytical framework. |
| Date of valuation | chattel | D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638 | D.(C.N.) v. D.(B.D.) | 2004 | QB | Read | | self | self | | | 37 | | | judge uses MPA to evenly divide disputed chattel property using the analytical framework. |
| Date of valuation | conduct | D.(C.N.) v. D.(B.D.) [2004] A.J. No. 1638 | D.(C.N.) v. D.(B.D.) | 2004 | QB | Read | | self | self | | | 38 | | | although wife unrepresented, judge states that husband's bad conduct warrants her receiving costs and permits her to make such application. |

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| Date of valuation | other | Daum v. Daum, 2005 ABQB 135 | Daum v. Daum | 2005 | QB | Park | | Schuster, Edmond | Hoffman, Jane | | | 47-52 | | | Judge interprets s. 37 agreement date of division as date agreement reached. Runs through s. 8 analysis as an alternative to his finding and reaches same result. |
| Date of valuation | spousal support order | Daum v. Daum, 2005 ABQB 135 | Daum v. Daum | 2005 | QB | Park | | Schuster, Edmond | Hoffman, Jane | | | 59 | Hartshorne v. Hartshorne 236 D.L.R. (4th) 2004 193 | | Judge notes proper order for property order and spousal support is property first, spousal support second, then review of s. 8 to see if they impact spousal support. |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | | 145 | Jensen v. Jensen, 2009 ABCA 272 | | judge reviews Jensen as current statement on MPA. |
| Date of valuation | property from previous marriage | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | | 76 | | | judge rules property wife received from previous marriage never brought into matrimonial regime. |
| Date of valuation | at trial | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | | 4 | | | judge notes poor conduct of husband at outset of opinion. |
| Date of valuation | loans from family | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | | 142 | | | judge states loans from siblings not substantiated and does not include |
| Date of valuation | student loan | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | | 143 | | | judge agrees with counsel that to include student loans in mat. debt would be to double count them since they are considered in spousal support payments |

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| Date of valuation | corporation | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 7(3) | 176 | | | judge divides increase in value 60/40 based on contributions of wife to success of corporation. |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(a) | 156 | | | judge states both worked hard in marriage |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(a) | 157 | | | judge states both parties worked to success of enterprise |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(d) | 158-59 | | | judge notes occupations of each |
| Date of valuation | short | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(e) | 160 | | | judge rules marriage (6 yrs.) was not long but "both worked hard while it lasted." |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(f) | 161 | | | notes that one property acquired shortly before separation |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(g) | 163 | | | husband had argued for validity of a prenuptial agreement. Judge states this had been ruled on separately. |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(k) | 166 | Mitrovic v. Mitrovic, 2007 ABQB 44 | | judge notes Mitrovic but discounts 20% for liability of cashing funds to pay wife. |

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| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 8(l) | 168 | | | Wife argues that husband's conduct in litigation amounted to dissipation. Corp. money used for litigation. Judge states this has been accounted for by valuator of company. |
| Date of valuation | | Daved v. Daved, 2010 ABQB 447 | Daved v. Daved | 2010 | QB | Greckol | | Cochard, Renee | Biasini, Gary | | 7(4) | 176 | | | judge grants nearly equal split of corporate assets and fully equal split of subsistence assets. |
| Date of valuation | Business Corporations Act | Derochie v. Park-Derochie, 2003 ABQB 345 | Derochie v. Park-Derochie | 2003 | QB | Mahoney | | Calvert, Robert | Haigh, David; Donaldson, Michael | | | 27 | | | judge states that it is better not to mix up relief sought by adding relief under BCA |
| Date of valuation | matrimonial debt | Dhala v. Dhala, 2008 ABCA 259 | Dhala v. Dhala | 2008 | CA | Watson | | Ticoll, E.S. | Lister, P.G. | affmg. 2006 ABQB 334 | | 18-19 | Stein v. Stein, 2008 SCC 35; Carmichael v. Carmichael, 2007 ABCA 3 | | argument made that matrimonial debt should not be included in division of matrimonial property based on MPA. Refused by court. |
| Date of valuation | bankruptcy | Dhala v. Dhala, 2008 ABCA 259 | Dhala v. Dhala | 2008 | CA | Watson | | Ticoll, E.S. | Lister, P.G. | affmg. 2006 ABQB 334 | | 20 | Tinant v. Tinant, 2003 ABCA 211 | | Court states bankrupt's matrimonial property rights assign in Trustee-in-bankruptcy on bankruptcy |
| Date of valuation | overpayment | Dhala v. Dhala, 2008 ABCA 259 | Dhala v. Dhala | 2008 | CA | Watson | | Ticoll, E.S. | Lister, P.G. | affmg. 2006 ABQB 334 | 8(k) | 17 | Stein v. Stein, 2008 SCC 35 | | Wife argues that she should not have to repay full amount since she paid taxes on it. Refused. Judge states TJ has this discretion. |

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| Date of valuation | interim distribution | Dhala v. Dhala, 2008 ABCA 259 | Dhala v. Dhala | 2008 | CA | Watson | | Ticoll, E.S. | Lister, P.G. | affmg. 2006 ABQB 334 | 9 | 21 | Lapp v. Lapp, 2008 ABCA 15 | B.(P.D.) v.W.(M.R.), 2009 ABQB 532 | An interim order is intended to provide temporary relief pending a final determination. |
| Date of valuation | DRA | Diebert v. Calder, 2001 ABQB 187 | Diebert v. Calder | 2001 | QB | Watson | | Mandziuk, S. N. | Gordon, Marie | | | 106 | Pettkus v. Becker 2 S.C.R. 834 | | judge considers effect of expanded definition of marriage under the DRA but states that it does not result in expanding the MPA to CL relationships. Notes Dickson's statement in Pettkus re division of assets. |
| Date of valuation | | Diebert v. Calder, 2001 ABQB 187 | Diebert v. Calder | 2001 | QB | Watson | | Mandziuk, S. N. | Gordon, Marie | | | 125 | Pettkus v. Becker 2 S.C.R. 834; Sorochan v. Sorochan 2 S.C.R. 38 | Fayant v. Yaroski, 2001 SKQB 387 | Judge finds a constructive trust for Plaintiff female. |
| Date of valuation | | Diegel v. Diegel, 2008 ABCA 389 | Diegel v. Diegel | 2008 | CA | Coté, Watson, Phillips | | Balbi, L.L. | Calvert, Robert | rev'g. 2008 QB Docket #4801-126554 | 38 | 34 | | B.(P.D.) v. B.(J.A.), 2010 ABQB 286 | Court declines to decide if all formalities must be observed in a divorce where only part of property is disposed via s. 37, notes that Ontario's approach is different than Alberta's. |
| Date of valuation | | Dimitrov v. Dimitrova 2007 CarswellAlta 2351 | Dimitrov v. Dimitrova | 2007 | QB | Horner | | Forsyth-Nicholson, R. | Shanks, N. | rev'd. in part 2008 ABCA 422 | 7(4) | 30 | | | Placing property in wife's own name fails to overcome presumption of equal division. Taxed to both parties. |

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| Date of valuation | foreign property | Dimitrov v. Dimitrova 2008 ABCA 422 | Dimitrov v. Dimitrova | 2008 | CA | Ritter, Martin, Berger | | Forsyth-Nicholson, R. | self | rev'g. in part 2007 CarswellAlta 2351 | | 8 | | | Wife claims court has no jurisdiction over properties in Bulgaria. Court states that wife attorned to jurisdiction of the court. Therefore, the court has the authority to rule. |
| Date of valuation | by percentage | Dimitrov v. Dimitrova 2008 ABCA 422 | Dimitrov v. Dimitrova | 2008 | CA | Ritter, Martin, Berger | | Forsyth-Nicholson, R. | self | rev'g. in part 2007 CarswellAlta 2351 | | 13 | | | Husband's contribution of \$5000 to construction of apartment worth \$18,000 upon completion grants him a 5/18 share in initial value of apt. |
| Date of valuation | | Dimitrov v. Dimitrova 2008 ABCA 422 | Dimitrov v. Dimitrova | 2008 | CA | Ritter, Martin, Berger | | Forsyth-Nicholson, R. | self | rev'g. in part 2007 CarswellAlta 2351 | | 8 | | | Wife claims court has no jurisdiction over properties in Bulgaria. Court states that wife attorned to jurisdiction of the court. Therefore, the court has the authority to rule. |
| Date of valuation | | Dinapoli v. Yeung, 2002 ABQB 714 | Dinapoli v. Yeung | 2002 | QB | Park | | Davison, John E. | Gorman, Howard A. | | | 41 | Roberts Estate (RE), 41 C.B.R. (3rd Series) 185 | | judge states that husband could be found at trial to have a constructive or resulting trust. |
| Date of valuation | | Dinapoli v. Yeung, 2002 ABQB 714 | Dinapoli v. Yeung | 2002 | QB | Park | | Davison, John E. | Gorman, Howard A. | | | 31 | | | judge states that at trial husband may be found to have an equitable interest in property. |

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| Date of valuation | MPA | Dinapoli v. Yeung, 2002 ABQB 714 | Dinapoli v. Yeung | 2002 | QB | Park | | Davison, John E. | Gorman, Howard A. | | | 26 | Deloitte Haskins & Sells Limited v. Graham & Graham 1983 CanLII 1044 (AB Q.B.) | | Judge states that MPA does not create a right to matrimonial property, only a discretion to the Court to distribute. |
| Date of valuation | BIA | Dinapoli v. Yeung, 2002 ABQB 714 | Dinapoli v. Yeung | 2002 | QB | Park | | Davison, John E. | Gorman, Howard A. | | | 22, | Walton v. Walton (1994), 23 C.B.R. (3d) 315; Janco v. Vereecken (1983), 44 C.B.R.(N.S.) 211; International Corono Resources Ltd. v. LAC Minerals Ltd., 1989 CanLII 34 (S.C.C.); Wilson v. Wilson (2001), 21 C.B.R. | | Question is whether discharge from bankruptcy discharged claim under MPA. Also, alternate argument of fiduciary capacity |
| Date of valuation | Fraudulent Preferences Act | Dinapoli v. Yeung, 2002 ABQB 714 | Dinapoli v. Yeung | 2002 | QB | Park | | Davison, John E. | Gorman, Howard A. | | | 30 | | | judge states that at trial husband may be found to have an equitable interest in property. |

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| Date of valuation | | Dressler v. Dressler, 2005 ABQB 93 | Dressler v. Dressler | 2005 | QB | Germain | | Curtis, Robert; Kallal, Craig | Kobewka, Sid | | 16 | 32 | Boychuk v. Boychuk Estate, reflex, (1993) 115 Sask. R. 10; Donkin v. Bugoy, 1985 CanLII 45 (S.C.C.) | | Husband argued that failure to pursue action over 3 yrs. disentitled estate to continue action after wife's death. Judge ruled that's. 16 allowed the estate to continue the action, then considered applicability of R244 RoC. |
| Date of valuation | pension | Dul v. Dul, 2001 ABQB 257 | Dul v. Dul | 2001 | QB | Sanderman | | Patterson, David | Sockett, Kenneth R. | | | 37 | | | judge values pension as of date of separation for purposes of division. |
| Date of valuation | date of cohabitation | Dul v. Dul, 2001 ABQB 257 | Dul v. Dul | 2001 | QB | Sanderman | | Patterson, David | Sockett, Kenneth R. | | | 19 | | | judge considers starting date for valuation at both date of cohabitation and date of marriage. Chooses date of cohabitation. |
| Date of valuation | general debt | Dul v. Dul, 2001 ABQB 257 | Dul v. Dul | 2001 | QB | Sanderman | | Patterson, David | Sockett, Kenneth R. | | | 21 | | | wife given credit for helping retire husband's debt while cohabitating. |
| Date of valuation | date of trial | Ellis v. Ellis, 2005 ABQB 697 | Ellis v. Ellis | 2005 | QB | Clarke | | Snyder, Tim | Tumbach, Dale E. | | | 13 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Date of valuation | post separation debt | Ellis v. Ellis, 2005 ABQB 697 | Ellis v. Ellis | 2005 | QB | Clarke | | Snyder, Tim | Tumbach, Dale E. | | | 15 | | | judge states no evidence presented that would argue against their inclusion. Debts considered to be matrimonial. |

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| Date of valuation | pension | F.(C.J.) v. F.(D.M.), 2009 ABQB 142 | F.(C.J.) v. F.(D.M.) | 2009 | QB | Ross | | self | Doyle, Andrea | | | 41 | | | judge notes this is a post-separation asset but refuses to order an unequal division. States that wife was complicit in long period between separation and trial. |
| Date of valuation | conduct | F.(C.J.) v. F.(D.M.), 2009 ABQB 142 | F.(C.J.) v. F.(D.M.) | 2009 | QB | Ross | | self | Doyle, Andrea | | | 48 | | | Despite mixed success of parties, wife given costs. Judge states that husband's delusional beliefs lengthened trial. |
| Date of valuation | date of trial | F.(C.J.) v. F.(D.M.), 2009 ABQB 142 | F.(C.J.) v. F.(D.M.) | 2009 | QB | Ross | | self | Doyle, Andrea | | | 41 | | | judge states that the MPA requires that the date of trial be the date of valuation. |
| Death of spouse | | Felker v. Felker, 2005 ABQB 365 | Felker v. Felker | 2005 | QB | Hillier | | McGovern, M.G. | Davison, J.E. | | | 49 | World Wide Oil and Gas Inc. v. Church of Christ Dev. Co., [1989] A.J. No. 31, 95 A.R. | | net assets declined during marriage. Exempted value of assets exceeds current value. Judge states he cannot submit a final property order pursuant to R159(2) |
| Death of spouse | | Felker v. Felker, 2005 ABQB 365 | Felker v. Felker | 2005 | QB | Hillier | | McGovern, M.G. | Davison, J.E. | | 7(2) | 42 | | | asset never put in wife's name and was paid for after separation. Ruled not a gift. |
| Debts, excluded | cattle | Felker v. Felker, 2005 ABQB 365 | Felker v. Felker | 2005 | QB | Hillier | | McGovern, M.G. | Davison, J.E. | | 7(2) | 33 | Purich v. Purich 1998 ABQB 700 | | sale of cattle and purchase of new cattle does not remove exempt character of the cattle. |

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| Debts, excluded | cattle | Felker v. Felker, 2005 ABQB 365 | Felker v. Felker | 2005 | QB | Hillier | | McGovern, M.G. | Davison, J.E. | | | 7(3)(a) 36 | M.(D.G.) v. M.(K.M.) 2002 ABQB 225 | | assets from sale of cattle never put into joint property |
| Debts, excluded | | Fercho v. Dos Santos, 2006 ABQB 879 | Fercho v. Dos Santos | 2006 | QB | Erb | | Armstrong, Rob W. | Gillis, Wayne | | | 55 | | | settlement agreement set aside after failure to disclose overseas assets. Husband said not to have complied with the overall objective of the Act. |
| Debts, excluded | | Fercho v. Dos Santos, 2006 ABQB 879 | Fercho v. Dos Santos | 2006 | QB | Erb | | Armstrong, Rob W. | Gillis, Wayne | | 31 | 37, 40 | | Brown v. Silvera, 2009 ABQB 523; | Judge states full disclosure is a fundamental part of family law and sets aside agreement between the parties. "The legislative requirement to disclose assets and liabilities is not intended to be a scavenger hunt." |
| Debts, excluded | in specie | Fisher v. Fisher, 2008 ABQB 170 | Fisher v. Fisher | 2008 | QB | McDonald | | Forsyth-Nicholson, R. | Ouellette, Christian | 2009 ABCA 294 (rev'g. costs award) | | 48 | | | Both parties drawing on their pensions. Pensions constructed differently. Judge distributes pensions in specie. States he had regard for s. 8 in making ruling. |
| Debts, excluded | | Fisher v. Fisher, 2008 ABQB 170 | Fisher v. Fisher | 2008 | QB | McDonald | | Forsyth-Nicholson, R. | Ouellette, Christian | 2009 ABCA 294 (rev'g. costs award) | 10 | 80, 90 | Bank of Montreal v. Ostapowich (Trustee of) 1996 CanLII 5026 | | wife argues s. 10 re property owned by former wife in a collateral attack. Judge refuses, stating she was aware of the other proceeding. Also reasons in the alternative that a s. 10 action would fail. Reasons in the alternative a second time that as 7(2) property, s. 8 factors would allow an unequal division of property. |

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| Debts, excluded | personal property | Fisher v. Fisher, 2008 ABQB 170 | Fisher v. Fisher | 2008 | QB | McDonald | | Forsyth-Nicholson, R. | Ouellette, Christian | 2009 ABCA 294 (rev'g. costs award) | 8(g) | 33 | | | informal agreement between parties re condos that did not comply w. s. 38 upheld in property division. |
| Debts, excluded | 3rd party | Fisher v. Fisher, 2008 ABQB 170 | Fisher v. Fisher | 2008 | QB | McDonald | | Forsyth-Nicholson, R. | Ouellette, Christian | 2009 ABCA 294 (rev'g. costs award) | | 55 | Wensel v. Wensel (1976), 65 D.L.R. (3d) 327 affirm 72 D.L.R. (3d) 1 | | former wife included in MPA action. Former mat. home still titled to husband in current action and former wife. Collateral attack as counsel was not a party to the original decision and is not able to appeal it. |
| Debts, excluded | pension | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | | 20 | | | judgerecognizes pension is 7(4) property but gives wife 35% of value of pension as of date of trial. Does not use McAllister formula. |
| Debts, excluded | | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(a) | 19 | | | husband noted as continuing to support children post-separation |
| Debts, excluded | | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(c) | 19 | | | husband made all contributions to pension after separation |
| Debts, excluded | | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(d) | 20 | | | noted but does not affect decision. |

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| Debts, excluded | long | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(e) | 19 | | | judge states this was a long term marriage - 16 years. |
| Debts, excluded | | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(f) | 19 | | | large increase in property post separation |
| Debts, excluded | conduct | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(m) | 19 | | | conduct of parties in dividing assets a factor - not explained |
| Debts, excluded | independence | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 8(m) | 19 | | | independence of both parties a factor? |
| Debts, excluded | | Friesen v. Friesen, 2005 ABQB 211 | Friesen v. Friesen | 2005 | QB | Park | | Colborne, Daniel | Bodeux-Tang, Margaret | | 7(4) | 20 | | | not strong here. |
| Debts, excluded | | G. (W.D.) v. G. (D.L) 2009 ABQB 340 | G. (W.D.) v. G. (D.L.) | 2009 | QB | Mahoney | | Schlachter, Kurt | self | | | 51-2 13 | Hodgson v. Hodgson, 2005 ABCA | | 4 step framework from Hodgson used |

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| Debts, excluded | post-separation property | G. (W.D.) v. G. (D.L) 2009 ABQB 340 | G. (W.D.) v. G. (D.L.) | 2009 | QB | Mahoney | | Schlachter, Kurt | self | | | 59 | | | stock shares acquired after separation |
| Debts, excluded | furnishings | G. (W.D.) v. G. (D.L) 2009 ABQB 340 | G. (W.D.) v. G. (D.L.) | 2009 | QB | Mahoney | | Schlachter, Kurt | self | | | 57 | | | best divided in kind |
| Debts, excluded | date of trial | G. (W.D.) v. G. (D.L) 2009 ABQB 340 | G. (W.D.) v. G. (D.L.) | 2009 | QB | Mahoney | | Schlachter, Kurt | self | | | 46 | Hodgson v. Hodgson, 2005 ABCA 13; Mazurenko v. Mazurenko (1981), 30 A.R. 34; Kazmierczak v. Kazmierczak [2001] A.J. No. 955 | | date of trial used. |
| Debts, excluded | | G. (W.D.) v. G. (D.L) 2009 ABQB 340 | G. (W.D.) v. G. (D.L.) | 2009 | QB | Mahoney | | Schlachter, Kurt | self | | 36(1) | 48 | Katay v. Katay (1995), 168 A.R. 31 | | |

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| Debts, excluded | stock options | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 54 | Gardiner v. Gardiner, [1996] A.J. No. 919; Roberts v. Roberts, 1999 ABQB 944 (CanLII) | | Stock options received after separation determined to be property available for distribution. Determined to be matrimonial property but divided unequally. |
| Debts, excluded | dissipation | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 32 | | | wife argues dissipation re business losses but judge finds decisions were bona fide. |
| Debts, excluded | date of trial | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 14 13 | Hodgson v. Hodgson 2005 ABCA | | Judge states valuation date is date of trial but s. 8 may be used for fairness for certain property. |
| Debts, excluded | house repairs | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 19 | | | judge refuses to include prospective house repair debt or to discount value for damage but appears to have been willing to accept claim with more evidence. |

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| Debts, excluded | by asset | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 46 | | | wife asks for division of pension in specie. Judge refuses as it would limit divisible value of pension available for distribution. |
| Debts, excluded | | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 42 | | | wife ordered to transfer shares in husband's company to husband as part of settlement |
| debts, excluded | stock options | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 63 | | | difficulty of valuation results in judge ruling that options will be held in trust for wife until time of exercise. |
| Debts, excluded | Teachers' Pension Plans (Legislative Provisions) Regulation | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | | 49 | | | wife argues pension must be divided as it would be under the TPPR. Judge disagrees. States division must not violate TPPR. |

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|-----------------|------------------------|-----------------------------------|------------------------------------|------|----|--------------|--------------|--|--|--|------|-------|---------------------------------|--------------------|--|
| Debts, excluded | no priority to factors | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | 8 | 14 | Hodgson v. Hodgson 2005 ABCA | | No priority to factors. |
| Debts, excluded | stock options | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | 8(f) | 59 | | | Stock options determined to be matrimonial property but divided unequally |
| Debts, excluded | corporation | G.(R.) v. G.(M.), 2007 ABQB 273 | G.(R.) v. G.(M.) | 2007 | QB | Romaine | | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | Allen, Laurie and Peter Hryniuk or Hoffman, Jane and Jay Damen | | 8(l) | 32 | | | wife argues dissipation but judge finds decisions were bona fide. |
| Debts, excluded | inheritance | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | | 20 | Hughes v. Hughes, 1998 ABCA 409 | | Wife permitted partial exemption on portion of inheritance going to mat. home but inheritance lost on remaining portion. Not traced. |

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| Debts, excluded | | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | | 12 | | | judge assigns lower evaluation price to shares to encourage sale of shares. |
| Debts, excluded | method of distribution | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | | 11 | Faulkner v. Faulkner, 1998 ABCA 308; D.B.C. v. R.M.W., 2004 ABQB 954 | | Wife wants shares distributed at market value to avoid tax consequences, husband wants in specie distribution. Judge orders 200,000 shares distributed in specie and the rest at market value. |
| Debts, excluded | principles | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | 7(2) | 18 | Harrower v. Harrower (1989), 97 A.R. 141; Lovich v. Lovich, 2006 ABQB 736 | | judge reviews principles of exemption. |
| Debts, excluded | | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | 8(f) | 4 | Thompson vs. Thompson, 2006 ABQB 796 | | judge states neither party has an interest in other's property acquired post separation. |
| Debts, excluded | | Gardner v. Gardner, 2008 ABQB 527 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 750; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | 8(k) | 14 | | | judge reduces tax on shares that had been sold to reflect the tax rate that would have been assessed had property been divided foist. |

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| Debts, excluded | | Gardner v. Gardner, 2008 ABQB 750 | Gardner v. Gardner | 2008 | QB | Manderscheid | | Skovberg, Douglas | Curtis, Robert | 2008 ABQB 527; 2009 ABCA 54; see also Canniff v. Gardner, 2008 ABQB 685; | | 47 44 | Broda v. Broda, 2003 ABQB 257; Mitrovic v. Mitrovic, 2007 ABQB | | Judge awards wife costs based on standard from Broda that she was "substantially successful" in her action. |
| Debts, excluded | BIA | Gibson (Bankrupt) (Re), 2005 ABQB 16 | Gibson (Bankrupt) (Re) | 2005 | QB | Wilson | | n/a | Belzil, Françoise | | | 24 | Laventure (Re) [1985], A.J. No 16; Bondar (Re); Davis v. Bondar, Bondar and Revenue Canada, Taxation, 61 C.B.R. 128 | | prior judgment under MPA trumps application by Trustee in Bankruptcy to return title to name of bankrupt. |
| Debts, excluded | | Gilbert v. Gilbert, 2006 ABQB 929 | Gilbert v. Gilbert | 2006 | QB | Coutu | | Makins, C.T. | Prystai, Karen | | | 36 | | | Claimed. Rejected. |
| Debts, excluded | spousal support order | Gilbert v. Gilbert, 2006 ABQB 929 | Gilbert v. Gilbert | 2006 | QB | Coutu | | Makins, C.T. | Prystai, Karen | | | 32 | | | judge states wife can keep equalization payment to husband to set off arrears. |

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| Debts, excluded | | Gillespie v. Connelly, 2005 ABQB 172 | Gillespie v. Connelly | 2005 | QB | Rowbotham | | self | Saranchuk, J. | | 7(4) | 12 | | | judge awards all matrimonial property (about \$11,500) to wife noting that husband has refused to pay debts despite orders from the court to do so. |
| Debts, excluded | | Gingras v. Werklund, 2000 ABQB 14 | Gingras v. Werklund | 2000 | QB | Kent | | Boyden, R.V.T. | Smith, C.M. | | | 24 | | | Judge requested to but refused to apply MPA principles to CL spouses |
| Debts, excluded | | Gingras v. Werklund, 2000 ABQB 14 | Gingras v. Werklund | 2000 | QB | Kent | | Boyden, R.V.T. | Smith, C.M. | | | 27 | | | P given judgment for housekeeping but none for enabling D to work at business. |
| Debts, excluded | | Goddard v. Shade, 2008 ABCA 32 | Goddard v. Shade | 2008 | CA | Coté | McFadyen, Costigan | Makuch, H.N. | Huizinga, Tina | affmg. 2007 ABQB 518 | | 8 | | | On a motion to extend time, court rules time for appeal of MPA judgment is 20 days per R506. |
| Debts, excluded | | Gordon v. Towell, 2009 ABQB 595 | Gordon v. Towell | 2009 | QB | Lee | | Solfa, Christopher A. | Kiriak, Jerry D. | | | 10 | | | Claim of unjust enrichment by CL spouse. Discussion of need to exempt one party's purchase funds and debt in construction of property to prevent his CL spouse from receiving more than she would have under the MPA. |

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| Debts, excluded | | Gould-Hawke (Trustee of) v. Podolski, 2002 ABQB 671 | Gould-Hawke (Trustee of) v. Podolski | 2002 | QB | Hembroff | | Wilde, T. Jesse | Farrington, James | | | 32 | | | judge notes that if equity is required by the Act, it was obtained by presence of competent counsel. |
| Debts, excluded | | Gould-Hawke (Trustee of) v. Podolski, 2002 ABQB 671 | Gould-Hawke (Trustee of) v. Podolski | 2002 | QB | Hembroff | | Wilde, T. Jesse | Farrington, James | | 8(g) | 27 | | | s. 8(g) used to enforce unsigned s. 37 agreement. |
| Debts, excluded | matrimonial home, interim distribution of RRSPs | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | | 39-47 | | | judge conflates these two properties in determining an unequal distribution of increase in mat. home for the wife. |
| Debts, excluded | RRSPs | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | | 48 | | | judge awards unequal distribution based on s. 8(l) |
| Debts, excluded | labour | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | | 34 | | | husband successfully argues for inclusion of labour costs in valuation of stamp company. |
| Debts, excluded | by asset | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | | 38 | | | judge divides s. 7(3) increase in stamp company unequally between spouses |

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| Debts, excluded | | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | | 58 | | | judge suggests husband buy out wife's share in accounting business. |
| Debts, excluded | | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | 8(c) | 43, 44 | | | wife left house a mess when she moved out. Also refused to sign renegotiation of mortgage, which would have led to a lower interest rate. Judge says he took note of that in determining distribution |
| Debts, excluded | | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | 8(k) | 46 | | | tax consequences in cashing RRSPs noted by judge |
| Debts, excluded | | Graham v. Graham, 2005 ABQB 816 | Graham v. Graham | 2005 | QB | Binder | | Zrymiak, Catherine | Veale, Glenn | | 8(l) | 48 | | | judge finds that wife dissipated RRSP money and awards unequal distribution |
| Debts, excluded | | Grant v. Jovic, 2005 ABQB 323 | Grant v. Jovic | 2005 | QB | Coutu | | Merchant, Matthew | Reh, Kenneth | | 38 | 72-76 | Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83; Smith v. Haworth, [2003] A.J. No.609 | | CL spouse argues applicability of MPA and failure of settlement agreement to comply with s. 38. Judge states MPA does not apply. However, if it did apply, failure to comply with all formalities does not permit a party to resile from the agreement. |

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| Debts, excluded | | Gray v. Gray, 2008 ABQB 417 | Gray v. Gray | 2008 | QB | Lee | | self | Hunt, Terry | | 31 | 11 | | | Husband states he is not bound to provide further disclosure based on purported s. 37 document. Judge states document does not conform to s. 37 and husband is still bound by requirements of MPA. |
| Debts, excluded | settlement agreement | Gray v. Gray, 2008 ABQB 417 | Gray v. Gray | 2008 | QB | Lee | | self | Hunt, Terry | | 37 | 7 | | | Purported s. 37 document found not to conform with s. 38 formalities. |
| Debts, excluded | independent legal advice | Gray v. Gray, 2008 ABQB 417 | Gray v. Gray | 2008 | QB | Lee | | self | Hunt, Terry | | 38 | 7 | | | Purported s. 37 document found not to conform with s. 38 formalities. |
| Debts, included | | Grier v. Grier, 2003 ABQB 880 | Grier v. Grier | 2003 | QB | Bielby | | Janzen, Jayne | Frayne, Raydon | | 31 | 14 | Murray v. Murray [1994] A.J. No. 762; | | judge states that the MPA does not create a fiduciary relationship requiring parties to volunteer disclosure of financial material. |
| Debts, included | | Grunenwald v. Grunenwald, 2006 ABQB 186 | Grunenwald v. Grunenwald | 2006 | QB | Watson | | Patterson, David | Gordon, Marie | | | 23 | | | Allegations of physical violence exist. Husband expresses concern that conduct will be an issue. Judge states "the statute does not encourage it." |
| Debts, included | financial position of the parties, health of wife | Grunenwald v. Grunenwald, 2006 ABQB 186 | Grunenwald v. Grunenwald | 2006 | QB | Watson | | Patterson, David | Gordon, Marie | | 20 | 32 | | | Wife's physical condition and husband's financial condition determine that she receives interim possession of home. |

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| Debts, included | punitive | Gulewicz v. Gulewicz, 2005 ABQB 166 | Gulewicz v. Gulewicz | 2005 | QB | Hart | | McCann, Ed | Harms, Diane | | | 27 | | | punitive costs charged against husband on basis of bad conduct |
| Debts, included | loans from family | Gulewicz v. Gulewicz, 2005 ABQB 166 | Gulewicz v. Gulewicz | 2005 | QB | Hart | | McCann, Ed | Harms, Diane | | | 24 | Reid v. Reid (1993), A.J. 28; Abbott v. Abbott, 2004 ABQB 233 | | judge finds loans were an attempt to shield assets from wife. Do not enter matrimonial regime. |
| Debts, included | by asset | Gulewicz v. Gulewicz, 2005 ABQB 166 | Gulewicz v. Gulewicz | 2005 | QB | Hart | | McCann, Ed | Harms, Diane | | | 13-19 | | | Hodgson framework not used. |
| Debts, included | duty of care | Hanson v. Hanson 2008 CarswellAlt a 2291 | Hanson v. Hanson | 2008 | QB | Hart | | unknown | unknown | affmd. 2009 ABCA 222 | 37 | 5 | | | Judge states that under a s. 37 agreement a duty of care may be created by each counsel to the opposing party but that the claim is not made out here. |
| Debts, included | duty of care | Hanson v. Hanson 2008 CarswellAlt a 2291 | Hanson v. Hanson | 2008 | QB | Hart | | unknown | unknown | affmd. 2009 ABCA 222 | 38 | 5 | | | Judge states that under a s. 37 agreement a duty of care may be created by each counsel to the opposing party but that the claim is not made out here. |

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| Debts, included | duty of care | Hanson v. Hanson, 2009 ABCA 222 | Hanson v. Hanson | 2009 | CA | Hunt | Ritter, Martin | Boyden, R.V.T. | Engel, V.A. | affmg. 2008 CarswellAlta 2291 | 38 | 15 | Hanson v. Hanson, 2009 ABCA 222; Hartshorne v. Hartshorne, 2004 SCC 22 | DataNet Information Systems, Inc. v. Belzil, 2010 ABQB 72; Thompson v. Merchant, 2010 SKQB 64 | Court upholds striking of 3rd party notice and affirms that the lawyer in this case owes no duty of care to the opposing party. |
| Debts, included | life insurance | Hay v. Hay, 2000 ABQB 519 | Hay v. Hay | 2000 | QB | Jones | | Broda, Ihor | Ares, Louise M | | | 72 | | | husband argued that these were to benefit the children and should not be divided equally. |
| Debts, included | pension | Hay v. Hay, 2000 ABQB 519 | Hay v. Hay | 2000 | QB | Jones | | Broda, Ihor | Ares, Louise M | | | 63 | Wilson v. Wilson (1986), 2 R.F.L. (3d) 86 | | pension divided equally |
| Debts, included | | Hay v. Hay, 2000 ABQB 519 | Hay v. Hay | 2000 | QB | Jones | | Broda, Ihor | Ares, Louise M | | 8(1) | 70 | | | Judge finds wife's spending money on booze did not amount to dissipation. |
| Debts, included | | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | | 113 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Debts, included | double dipping | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | | 130 | | | judge permits double dipping but deducts portion of bonus income used to pay spousal support.. |

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| Debts, included | date of trial | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | | 114 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Debts, included | by percentage | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | | 134-35, 138 | | | judge divides property before separation equally and divides increases post-separation on a 60/40 basis |
| Debts, included | settlement agreement | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | 37 | 115 | | | judge disregards items previously disposed in a s. 37 agreement |
| Debts, included | | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | 8(g) | 123 | | | judge states that equal division of proceeds of sale of trucking business not covered by s. 37 agreement and prior equal distribution by parties may be altered |

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| Debts, included | improvident business decisions | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | 8(l) | 86 | Hauck v. Hauck, 120 A.R. 120; Lobo v. Lobo, 240 A.R. 257; Hunt v. Smolis -Hunt, 224 A.R. 68; Burger v Burger, 64 A.R. 138; Basaraba v. Basaraba, 1997 CarswellAlta 362 | | judge states that careless or negligent use of money may constitute dissipation. Finds that improvident investments without financial advice constituted dissipation. Deducts half of money spent from her total. |
| Debts, included | living above one's means | Hennesey v. Hennesey, 2005 ABQB 883 | Hennesey v. Hennesey | 2005 | QB | Foster | | Pollock, Michael | McBean, Jean | | 8(l) | 102, 111 | S.(C.) v. L.(T.), 2003 ABQB 1013; Compton v Compton, 2004 ABQB 354; Kazmierczak v Kazmierczak, 2003 ABCA 227; Richards v. Richards, 2004 ABQB 263 | | judge states a spouse living beyond their means may constitute dissipation. Deducts \$20,000 from wife's total for dissipation of assets. |

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| Debts, included | | Hill v. Ilnicki 2000 CarswellAlt a 1153 | Hill v. Ilnicki | 2000 | QB | Paperny | | Bourassa, Richard | self | | | | Corbeil v. Bebris (1993), 141 A.R. 215 | | Judge strongly states purpose of MPA is equal division and that this weighs on any agreement that fails to comply with s. 38 formalities. |
| Debts, included | duress | Hill v. Ilnicki 2000 CarswellAlt a 1153 | Hill v. Ilnicki | 2000 | QB | Paperny | | Bourassa, Richard | self | | 37 | 54 | Fridman, The Law of Contract; Pao On v. Lau Yiu Long, [1979] 3 All E.R. 65 (Hong Kong P.C.) | | duress argued unsuccessfully. |
| Debts, included | | Hill v. Ilnicki 2000 CarswellAlt a 1153 | Hill v. Ilnicki | 2000 | QB | Paperny | | Bourassa, Richard | self | | 8(g) | 38 | Corbeil v. Bebris (1993), 141 A.R. 215 | | states that 8(g) must be carefully considered before it is allowed to move from presumption of equal distribution |
| Debts, included | | Hill v. Ilnicki 2000 CarswellAlt a 1153 | Hill v. Ilnicki | 2000 | QB | Paperny | | Bourassa, Richard | self | | 8(l) | 71 | | | "Mere improvidence is not sufficiently reckless, careless or neglectful as to justify an unequal division, it does not amount to dissipation. " |
| Debts, included | Rule 221 ROC | Hinton v. Hinton, 2004 ABQB 369 | Hinton v. Hinton | 2004 | QB | Watson | | Pollock, Leonard | Anderson, Beverley | | | 32 | | | judge notes that R221 would appear to have potential of shifting burden of proof from person asserting validity of s. 37 agreement to person asserting avoidance of contract. |

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| Debts, included | prenuptial agreement | Hinton v. Hinton, 2004 ABQB 369 | Hinton v. Hinton | 2004 | QB | Watson | | Pollock, Leonard | Anderson, Beverley | | 37 | 14 | | | judge notes lang. in s. 37 referring to "that property," states that a situation may arise where there is property not covered by a s. 37 agreement. |
| Debts, included | | Hinton v. Hinton, 2008 ABQB 189 | Hinton v. Hinton | 2008 | QB | Macklin | | Pollock, Leonard | Anderson, Beverley | | | | Hartshorne v. Hartshorne, 2004 SCC 22 | | Judge states full disclosure not compelled by signing s. 37 prenuptial agreement. Document complies by stating expectations of each party. |
| Debts, included | prenuptial agreement | Hinton v. Hinton, 2008 ABQB 189 | Hinton v. Hinton | 2008 | QB | Macklin | | Pollock, Leonard | Anderson, Beverley | | 37 | 36 | Hartshorne v. Hartshorne, 2004 SCC 22 | | Wife argues property division should not be governed by prenuptial agreement. Argues s. 38, also non-disclosure. Judge states full disclosure not compelled. |
| Debts, included | prenuptial agreement | Hinton v. Hinton, 2008 ABQB 189 | Hinton v. Hinton | 2008 | QB | Macklin | | Pollock, Leonard | Anderson, Beverley | | 37 | 55 | | | Wife argues undue influence in signing agreement. Rejected. |
| Debts, included | independent legal advice | Hinton v. Hinton, 2008 ABQB 189 | Hinton v. Hinton | 2008 | QB | Macklin | | Pollock, Leonard | Anderson, Beverley | | 38 | 27 | Hearn v. Hearn (2004), 16 R.F.L. (6th) 87 | | Wife argues business relationship b/w husband and lawyer prevented him from giving independent legal advice. Judge rejects. |
| Debts, included | short | Hinton v. Hinton, 2008 ABQB 189 | Hinton v. Hinton | 2008 | QB | Macklin | | Pollock, Leonard | Anderson, Beverley | | 8(e) | 35 | | | Although s. 8(e) not at issue b/c of s. 37 agreement, short marriage has an effect on disposition of case. |

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| Debts, included | key man operation | Hirt v. Hirt, 2000 ABQB 350 | Hirt v. Hirt | 2000 | QB | Verville | | Brenda L. Stothert-Kennedy | Miller, Deborah A. | | | 19 | | | Judge finds business was a key man operation |
| Debts, included | date of trial | Hirt v. Hirt, 2000 ABQB 350 | Hirt v. Hirt | 2000 | QB | Verville | | Brenda L. Stothert-Kennedy | Miller, Deborah A. | | | 19 | Bracewell v. Bracewell, [1984] A.J. No. 312 | | date of separation argued. Judge opted for date of trial. |
| Debts, included | legal fees | Hirt v. Hirt, 2000 ABQB 350 | Hirt v. Hirt | 2000 | QB | Verville | | Brenda L. Stothert-Kennedy | Miller, Deborah A. | | | 39 | | | |
| Debts, included | lake lot | Hodgson v. Hodgson, 2002 ABQB 628 | Hodgson v. Hodgson | 2002 | QB | Ouellette | | Cochard, Renee | Pollock, M.L. | rev'd. 2005 ABCA 13 | | 37 | | | claim for exemption of purchase price denied based on constructive trust |
| Debts, included | royalty payments | Hodgson v. Hodgson, 2002 ABQB 628 | Hodgson v. Hodgson | 2002 | QB | Ouellette | | Cochard, Renee | Pollock, M.L. | rev'd. 2005 ABCA 13 | | 32 | | | claim for exemption of royalty monies used for mat. home denied because money intended for joint retirement. |
| Debts, included | date of separation | Hodgson v. Hodgson, 2002 ABQB 628 | Hodgson v. Hodgson | 2002 | QB | Ouellette | | Cochard, Renee | Pollock, M.L. | rev'd. 2005 ABCA 13 | | 28 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | D.B.C. v. R.M.W., 2004 ABQB 954 | Judge states rule in Mazurenko has relaxe and uses date of separation for valuation. Factors: length of separation, separate and independent lives since separation, change in financial circumstances. |

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|-----------------|----------|-----------------------------------|------------------------------------|------|----|-----------|--------------|----------------|---------------|---------------------|------|--------|-------------------|--------------------|--|
| Debts, included | by asset | Hodgson v. Hodgson, 2002 ABQB 628 | Hodgson v. Hodgson | 2002 | QB | Ouellette | | Cochard, Renee | Pollock, M.L. | rev'd. 2005 ABCA 13 | | passim | | | judge deals with each asset separately in determining distribution |
| Debts, included | | Hodgson v. Hodgson, 2002 ABQB 628 | Hodgson v. Hodgson | 2002 | QB | Ouellette | | Cochard, Renee | Pollock, M.L. | rev'd. 2005 ABCA 13 | | 37 | | | long relationship prior to marriage, including children, were basis for finding a constructive trust |

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| Debts, included | | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | | 18-22, 28 | | Oddan v. Oddan, 2005 ABQB 786; Hennesey v. Hennesey, 2005 ABQB 883; B.(W.P.) v. B.(D.M.), 2006 ABQB 333; Hornby v. Hornby, 2007 ABQB 464; Nasin v. Nasin, 2008 ABQB 219; .G.(W.D) v. G.(D.L.), 2009 ABQB 340; Warwoda v. Warwoda, 2009 ABQB 582; Horne v. Horne, 2010 ABQB 32; Laraque v. Laraque, 2010 ABQB 118; Behiels v. McCarthy, 2010 ABQB 281 | | Court outlines 4 step analytical framework for dividing property. |

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| Debts, included | date of trial | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | | 10, 28, 32 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Kazmierczak v. Kazmierczak 2001 ABQB 610 | 2005 ABQB 151; McKenzie v. McKenzie, 2005 ABQB 232; Johnston v. Johnston, 2005 ABQB 320; Vanderham v. Vanderham, 2005 ABQB 351; W.(K.E.) v. M.(C.R.), 2005 ABQB 426; M.(N.) v. M.(C.L.), 2005 ABQB 560; A. v. A., 2005 ABQB 607; Ellis v. Ellis, 2005 ABQB 697; Wright-Watts v. Watts, 2005 ABQB 708; S.W. v. J.W., 2005 ABQB 728; M.(N.) v. M.(C.L.), 2005 ABQB 724; Hennesey v. Hennesey, 2005 ABQB 883; Hughes v. Hughes, 2006 B.(S.I.) v. B.(M.D.), 2006 | Court states date of trial is a rule of division, not a rebuttable presumption, and a court may deal with any inequalities that may arise by using s. 8 factors. |

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| Debts, included | date of valuation | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | 37 | 29 | | | parties permitted to use another date of valuation or division via use of s. 37 |
| Debts, included | | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | 7(3) | 20 | | | Court states no presumption of equality exists for s. 7(3) property. |
| Debts, included | | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | 8 | 28 | W.(S.) v. W.(J.), 2005 ABQB 728; M.(N.) v.M.(C.L.), 2005 ABQB 724; G.(R.) v. G.(M.), 2007 ABQB 273; Campbell v. Campbell, 2007 ABQB 637; McAdam v. McAdam, 2009 ABQB 109 | | Court states that the judge is to use s. 8 factors to deal with any inequities that may arise in division and valuation |
| Definition of property | | Hodgson v. Hodgson, 2005 ABCA 13 | Hodgson v. Hodgson | 2005 | CA | Conrad, Picard, Paperny | | Cochard, Renee | Pollock, M.L. | rev'g. 2002 ABQB 628 | 7(4) | 21 | | | Court states judge should be reluctant to interfere w/principle of equality |

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| Definition of Property | prenuptial agreement | Hollingshead v. Hollingshead, 2008 ABQB 659 | Hollingshead v. Hollingshead | 2008 | QB | Wilson | | Albrecht, Gerene | Regan, Elizabeth | | 38 | 69 | Norberg v. Wynrib 1991 Carswell BC 155 | | Wife launches several arguments against s. 37 agreement, including that she had no free will at time of signing. All rejected. |
| Definition of Property | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | | 67 | Hodgson v. Hodgson 2005 ABCA 13 | | |
| Definition of property | double dipping | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | | 93 | | | husband objects to equal division of post-separation assets because he has been paying spousal/child support |
| Definition of Property | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 7(3) | 111 | | | gives entirety of 7(3) property to husband (ratio of increase based on 7(2) exemption) |
| Definition of Property | condominium | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 7(4) | 72 | Carmichael v. Carmichael, 2007 ABCA 3 | | judge states that mortgage reduction on s. 7(3) property is s. 7(4) property. |
| Disclosure | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(a) | 102 | Moge v. Moge, 1992 CanLII 25 (S.C.C.), [1992] 3 S.C.R. 813 | | Wife stayed at home. Husband worked. husband argues that his income increased after separation. Judge doubts relationship. |

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| Disclosure | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(a) | 88 | | Walker v. Walker, 2009 ABQB 209 | Judge states husband is a hard worker and contributed to reducing mortgage on condo. |
| Discontinuance of MPA action | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(c) | 86 | | | husband paid mtg. but judge notes wife was paying mortgage on mat. home. |
| Distribution of assets | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(d) | 107 | | | Judge notes significant income disparity between parties. |
| Distribution of assets | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(e) | 97 | | | judge notes parties were married 13 1/2 yrs., married 8. |
| Distribution of assets | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(f) | 83 | | | judge states he accorded little weight to this factor. Although condo purchased after separation, both spouses cared for property. |
| Distribution of assets | interdependence | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 8(m) | 94-95 | Wilson v. Wilson, (1986 ABCA) 2 R.F.L.(3d) | | judge notes parties have continued interdependence post separation |

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| Distribution of assets | | Hornby v. Hornby, 2007 ABQB 464 | Hornby v. Hornby | 2007 | QB | Foster | | Spitz, Peter | MacKay, Michelle | | 7(4) | 110 | | | judge divides increase in condo purchased after separation 45/55. |
| Distribution of assets | testamentary trusts | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 103 | Kazmierczak v. Kazmierczak 2003 ABCA 227 | | Judge includes increase in testamentary trust for purposes of distribution, then gives entire amount to wife, stating that husband did nothing to contribute to it. |
| Distribution of assets | date of trial | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 12 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Distribution of assets | legal fees | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 31 | | | legal fees not included in post separation debts. |
| Distribution of assets | post separation debt | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 30 | S.(E.) v. S.(J.S.), 2007 ABQB 321 | | judge states that post separation debt is to be valued as of date of trial and is matrimonial property. |
| Distribution of assets | contingent interests | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 69, 99 | Gardiner v. Gardiner (1996), 191 A.R. 139 | | Judge notes that MPA def. of property much broader than B.C.'s or Ontario's. States that had the legislature intended to exclude contingent interests, it would have done so expressly. At issue was a testamentary trust. |

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| Distribution of assets | | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | | 96 | Jensen v. Jensen, 2009 ABCA 272; Lowe v. Lowe, 2006 CanLII 804; Gardiner v. Gardiner (1996), 191 A.R. 139 | | Judge states that one purpose of the MPA is to distribute assets of the marriage, "which bear some relationship to the marriage partnership." Judge distinguishes between vested and contingent interest. |
| Distribution of assets | prenuptial agreement | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | 37 | 61 | Hulleman v. Hulleman, 1999 ABCA 366 | | judge states that such agreements may be nullified if the parties resume cohabitation after a separation and that property acquired after separation may be subject to division. |
| Distribution of assets | principles | Horne v. Horne, 2010 ABQB 32 | Horne v. Horne | 2010 | QB | Topolniski | | Tumbach, Dale | Snyder, Thomas | | 7(2) | 34 | | | judge reviews principles regarding s. 7(2) property. |
| Distribution of assets | disability payments | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 31 | Hamilton v. Hamilton [2005] O.J. No. 3050 | | disability payments to wife excluded from property division. |
| Distribution of assets | pension | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 30 | | | judge does not discount for post-separation additions |

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| Distribution of assets | by asset | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 35 | | | judge uses s. 8 to give \$3300 credit to husband for dissipation and s. 8(h) |
| Distribution of assets | | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 20 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | claimed, rejected |
| Division of assets | | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | 8(h) | 35 | | | Husband receives credit for judge-determined value of personal property wife threw or gave away |
| Division of assets | personal property | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 35 | | | Husband receives credit for judge-determined value of personal property wife threw or gave away |
| Division of assets | pet damage | Hotton v. Hotton, 2006 ABQB 10 | Hotton v. Hotton | 2006 | QB | Wilson | | Bayrak, Dennis | Brown, Grant | | | 14, 19 | | | husband argues spouse allowed dissipation of property from letting several pets destroy the interior of the house. House sold well. No dissipation permitted. |
| Division of assets | | Hughes v. Hughes 2003 CarswellAlt a 1605 | Hughes v. Hughes | 2003 | QB | Nation | | self | Brady, S. | See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159 | | 114 | | | Judge states wife's actions during marriage do not disentitle her from equal distribution |

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| Division of assets | legal fees | Hughes v. Hughes 2003 CarswellAlt a 1605 | Hughes v. Hughes | 2003 | QB | Nation | | self | Brady, S. | See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159 | | 113 | | | judge refuses to include legal fees for prior litigation re blood transfusion in matrimonial property. |
| Division of assets | | Hughes v. Hughes 2003 CarswellAlt a 1605 | Hughes v. Hughes | 2003 | QB | Nation | | self | Brady, S. | See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159 | 8(l) | 111 | | | clash of religious beliefs leading to lawsuits over husband's decision to approve blood transfusion for JW daughter is not held to be dissipation of funds. Judge awards equal division. |
| Division of assets | conduct | Hughes v. Hughes 2003 CarswellAlt a 1605 | Hughes v. Hughes | 2003 | QB | Nation | | self | Brady, S. | See also Hughes Estate v. Hughes, 2007 ABCA 277; 2006 ABQB 159 | 8(m) | 111, 114 | | | clash of religious beliefs leading to lawsuits over husband's decision to approve blood transfusion for JW daughter is not held to be dissipation of funds. Judge awards equal division. |
| Division of assets | severance | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 93 | Tabata v. Smith 2001 ABQB 776; Sutton v. Davidson 1999 ABCA 280; MacDonald v. MacDonald (1997), 209 A.R. 178 | | severance received after separation ruled income and excluded. |

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| Division of assets | stock shares | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 86 | | | wife held not entitled to any increase in number of shares after separation. |
| Division of assets | down payment | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 81 | | | husband receives 1/2 of down payment on house wife bought with future husband. |
| Division of assets | pension | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 25 | | | judge grants share in increase in pensions during cohabitation to both parties. |
| Division of assets | RRSPs | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 24 | | | judge states she would have included cohabitation period except for fact that parties valued pension at date of trial (had been separated 5 yrs.) |
| Division of assets | stock portfolio | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 27-28 | | | judge grants 1/2 of share of increase in portfolio to wife |
| Division of assets | date of separation | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 54 | | | judge chooses date of separation as date of division of property. |

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| Division of assets | multiple dates used | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | 34 | Hodgson v. Hodgson 2005 ABCA 13 | | States that Hodgson is the rule. However, given long period of separation, many assets are divided at separation. |
| Division of assets | | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 1(e) | 6 | Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83 | Swaren v. Swaren, 2007 ABQB 193; Shunamon v. Diegel, 2008 ABQB 291; | Does not include common law spouses. |
| Division of assets | tracing | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 36(1) | 42 | Jackson v. Jackson (1989), 97 A.R. 153; Harrower v. Harrower (1989), 97 A.R. 141 | | Husband's inheritance money held to lose half exemption when put into joint funds. |
| Division of assets | | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 7(3) | 54 | | | judge notes all relevant s. 8 factors before ruling that property will be divided equally. |
| Division of assets | stock portfolio | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 7(3)(a) | 38, 70 | | | Traces full amount of portfolio to down payment on mat. home. (note that wife received credit for 1/2 of increase via unjust enrichment) |
| Division of assets | pensions | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 8(k) | 71 | | | amount discounted for potential tax liability. |

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| Division of assets | date of separation | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 8(m) | 54 | | | long period of separation before divorce was the key factor in determining date of division of property. |
| Division of assets | | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | 7(4) | 54 | | | judge notes all relevant s. 8 factors before ruling that presumption of equal division holds. |
| Division of assets | | Hughes v. Hughes, 2006 ABQB 468 | Hughes v. Hughes | 2006 | QB | Greckol | | Pollock, Michael | Gilbert, Peter | | | | Peter v. Beblow, 1993 CanLII 126; Panara v. Di Ascenzo 2005 ABCA 47; Garland v. Consumers' Gas Co. 2004 SCC 25; McDougall v. Gesell Estate 1999 CanLII 14218; Kazmierczak v. Kazmierczak 2003 ABCA 227 | Brown v. Silvera, 2009 ABQB 523 | Wife sought equal division of assets during 1 1/2 yr. period prior to marriage. Used value survived approach. Judge used Kazmierczak to rule that contributions during period of cohabitation were not equal and wife was entitled to 50% of increase in Husband's assets during period of cohabitation. |

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| Division of assets | | Hulleman v. Hulleman, 2000 ABQB 390 | Hulleman v. Hulleman | 2000 | QB | Trussler | | Ares, Louise M | McNeilly, Shirley | | 37 | 15 | | Horne v. Horne, 2010 ABQB 32 | Reconciliation found to nullify s. 37 agreement. |
| Division of assets | reconciliation | Hulleman v. Hulleman, 2000 ABQB 390 | Hulleman v. Hulleman | 2000 | QB | Trussler | | Ares, Louise M | McNeilly, Shirley | | 37 | 15 | | Horne v. Horne, 2010 ABQB 32 | Reconciliation found to nullify s. 37 agreement. |
| Division of assets | lottery ticket | Hykawy v. Hykawy 2007 CarswellAlta 2317 | Hykawy v. Hykawy | 2007 | QB | Bensler | | Kerwin, L.; Flannigan, S. | Vallance, K. | rev'd. 2008 ABCA 324 | 10 | 24 | Cufler v. Baron Investments; Lambert v. Lomore (1997), 212 A.R. 182 | | Judge uses "probability of prejudice" test to deny application to examine parents separately re lottery ticket. |
| Division of assets | lottery winnings | Hykawy v. Hykawy 2007 CarswellAlta 2317 | Hykawy v. Hykawy | 2007 | QB | Bensler | | Kerwin, L.; Flannigan, S. | Vallance, K. | rev'd. 2008 ABCA 324 | 7(2) | 24 | Cufler v. Baron Investments; Lambert v. Lomore (1997), 212 A.R. 182 | | Judge uses "probability of prejudice" test to deny application to examine parents separately re lottery ticket. |
| Division of assets | | Hykawy v. Hykawy 2008 ABCA 324 | Hykawy v. Hykawy | 2008 | CA | Fraser | Martin, Watson | Flannigan, S. | Castle, D. | rev'g. 2007 CarswellAlta 2317 | 10 | 5 | Lambert v. Lomore (1997), 212 A.R. 182 | | s. 10 used to determine permitted scope of examination for discovery, reasonable apprehension of prejudice test used |

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| Enforceability of an order | farm property | J.(D.R.) v. J.(M.), 2008 ABQB 380 <i>a.k.a.</i> Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | | 13 | | | judge determines that land gifted from husband's parents was actually a resulting trust and excludes it from distribution |
| Equity – fit w/ MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 <i>a.k.a.</i> Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | | 15 | | | judge notes wife lacked credibility in testimony. |
| Equity – fit w/ MPA | gifted property | J.(D.R.) v. J.(M.), 2008 ABQB 380 <i>a.k.a.</i> Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | | 13 | | | judge holds that land gifted from husband's parents actually held as a resulting trust. Excluded from distribution. |

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|---------------------|------------------------|---|------------------------------------|------|----|----------|--------------|-------------|-------------------|--|---------|-------|--|--------------------|---|
| Equity – fit w/ MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | | 64 | Sparrow v. Sparrow, 2006 ABCA 15; Bodor v. Bodor, [1988] A.J. No. 147; Buhler v. Buhler, [1990] A.J. No. 1058; Panara v. Di Ascenzo, 2005 ABCA 47; M.(J.J.) v. M.(C.D.) (Estate), 2008 ABQB 116; LeBlanc v. LeBlanc, 1988 CanLII 196 | | judge finds unequal division is warranted, citing several cases. <i>He states at para. 64 "The cases above reflect the reality that the contribution of each spouse is not always equal, and matrimonial property should not be divided based on the fiction that it is."</i> |
| Equity – fit w/ MPA | cattle, farm equipment | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 7(3)(a) | 22 | Hughes v. Hughes, 1998 ABCA 409 | | judge accepts equipment, horses and cattle as 7(2) property with value traceable into other property (not specified). Judge notes they may also be dealt with under s. 8(m). |

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| Equity – fit w/ MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 7(2) | 22 | Hughes v. Hughes, 1998 ABCA 409 | | judge accepts all property brought into marriage as traceable property. Judge notes they may also be dealt with under s. 8(m). |
| Equity - fit with MPA | no priority to factors | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8 | 25 | Sparrow v. Sparrow, 2006 ABCA 15 | | Factor by factor analysis unnecessary but judge states he needs to look at factors raised in argument. |
| Equity - fit with MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(a) | 26 | | | Judge gives weight to wife's work caring for house and child. |
| Equity - fit with MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(a) | 29 | | | Judge states wife did not help develop family assets |
| Equity - fit with MPA | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(c) | 32 | | | judge states husband's work far outweighed wife's |

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| fiduciary duty | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(d) | 37 | | | judge notes disparity in holdings |
| income producing assets | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(e) | 41 | | | Judge notes "a long separation within the matrimonial home" when discussing this issue. |
| income producing assets | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(f) | 42 | | | Judge holds that increase in value of Myrthus lands should be given to husband since corp. paid for building of home. |
| income producing assets | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(g) | 44 | | | Agreement in place whereby wife would be transferred "Myrthus" lands. |
| income producing assets | | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. Jensen v. Jensen | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(i) | 47 | | | Judge notes previous distribution of property. Also notes that utilities and health care were paid for by corp. while she lived in mat. house following separation. |

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| income producing assets | assets acquired on basis of relationships | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i> | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(m) | 52 | M.(J.J.) v. M.(C.D.) (Estate), 2008 ABQB 116 | | states husband's relationship to family of ranchers is a factor weighing to unequal distribution. |
| income producing assets | Viability of ranching operations | J.(D.R.) v. J.(M.), 2008 ABQB 380 a.k.a. <i>Jensen v. Jensen</i> | J.(D.R.) v. J.(M.) | 2008 | QB | Sullivan | | Boyes, Judy | Dudelzak, Richard | rev'd. Jensen v. Jensen, 2009 ABCA 272 | 8(m) | 49 | | | husband argues that ranching required use of all lands |
| income producing assets | "Lifting the corporate veil" | Jamieson v. Denman, 2004 ABQB 593 | Jamieson v. Denman | 2004 | QB | Watson | | Palamar, Daniel | Brown, Chad | | | 147 | Broda v. Broda, (October 23, 2001) 306 A.R. 301 | | husband attempted to hide assets by storing them in corporate entity and claiming 3rd party interests were involved. |
| income producing assets | property taken | Jamieson v. Denman, 2004 ABQB 593 | Jamieson v. Denman | 2004 | QB | Watson | | Palamar, Daniel | Brown, Chad | 2006 ABQB 210 | | 69 | | | Tort action for wrongful removal of property. Judge defines property taken as falling under s. 1(b) MPA. |
| income producing assets | | Jamieson v. Denman, 2004 ABQB 593 | Jamieson v. Denman | 2004 | QB | Watson | | Palamar, Daniel | Brown, Chad | | 33 | 150, 159 | | | husband argues s. 33 in the alternative, refused as vexatious and an abuse of process. Judge also notes that this is properly part of a mat. prop. lawsuit, not sep. lawsuit. |
| judicial discretion | | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | | 15-16 | | | para. 15 - power of judge is limited to vary equal division; para. 16 - equality is the rule under the act |

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| judicial discretion | settlement agreement | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | 37 | 16 | | Smith v. Hayworth 2003 ABQB 477 | formalities not complied with |
| judicial discretion | acknowledgement | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | 38 | n/a | Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151, Corbeil v. Bebris (1993), 141 A.R. 215 | Kowalski v. Kowalski, 2002 ABQB 921; | Case used as precedent that an acknowledgement of s. 38 formalities is to take the form of a separate document. However, not stated in opinion. |
| jurisdiction | independent legal advice | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | 38 | 10 | Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151, Corbeil v. Bebris (1993), 141 A.R. 215 | Smith v. Hayworth 2003 ABQB 477, Miles v. Miles 2003 ABQB 688 | independent legal advice not required |
| Limitation Period | purpose | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | 38 | 16-17 | | Miles v. Miles, 2003 ABQB 688 | purpose of s. 38 is to ensure that parties executing the agreement understand their rights under the MPA and the consequences of opting out |

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| Limitation Period | | Jang v. Jang 2000 ABQB 607 | Jang v. Jang | 2000 | QB | Binder | | Klassen, Claire | Ares, Louise M | 2001 ABQB 351 | | 8(g) 10 | Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151 | Smith v. Hayworth 2003 ABQB 477, Kowalski v. Kowalski 2002 ABQB 921 | s. 38 formalities not complied with therefore, use s. 8(g) |
| Limitation Period | foreign jurisdiction order | Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494 | Jennings v. Alberta (Provincial Treasurer) | 2001 | QB | Trussler | | n/a | Pollock, M.L. | | | | Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.) | | case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation |
| Limitation Period | Family Relations Act, B.C. | Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494 | Jennings v. Alberta (Provincial Treasurer) | 2001 | QB | Trussler | | n/a | Pollock, M.L. | | | | Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.) | | case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation |
| Limitation Period | Special Forces Pension Plan Regulation | Jennings v. Alberta (Provincial Treasurer), 2001 ABQB 494 | Jennings v. Alberta (Provincial Treasurer) | 2001 | QB | Trussler | | n/a | Pollock, M.L. | | | | Morguard Investments Ltd. v. De Savoye, 1990 CanLII 29 (S.C.C.) | | case sought to determine if property division order from another act/jurisdiction was within meaning of "matrimonial property order" and therefore enforceable under the Special Forces Pension Plan Regulation |

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| Limitation Period | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | | 23 | | McIntosh v. McIntosh, 2010 ABQB 168; Behiels v. McCarthy, 2010 ABQB 281; Daved v. Daved, 2010 ABQB 447 | court states a microscopic analysis is not necessary. |
| Limitation Period | resulting trust | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | | 58 | Pecore v. Pecore, 2007 SCC 17; Madsen Estate v. Saylor, 2007 SCC 18 | | Court reviews law on resulting trusts and finds a reversible error. States that "a court should be wary of evidence that is self-serving when a resulting trust is asserted by one spouse, in order to defeat a matrimonial property claim." |
| Limitation Period | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | | 39 | | | Court returns disposition costs and cattle to value of corporation |

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| Method of valuation | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | | 1, 20 | Mazurenko v. Mazurenko (1981), 30 A.R. 34 | Horne v. Horne, 2010 ABQB 32; Daved v. Daved, 2010 ABQB 447 | Purpose of the MPA to "legally recognize marriage as an economic partnership, founded on the presumption that the parties intend to share the fruits of their labour during and as a result of it, on an equal basis" (para. 1) and also to "protect against inequities arising from dissolution of marriage and to recognize a social and economic partnership" (para. 20) |
| Method of valuation | interim agreements | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | 37 | 66 | | | Court states that interim agreements fall under s. 37 and therefore are binding. |
| Method of valuation | forgiven debt | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | 7(2) | 60 | Harrower v. Harrower 1989 CanLII 221; Jackson v. Jackson reflex, (1989), 68 Alta. L.R. (2d) 118 | | Court finds forgiveness of debt on land is a gift under s. 7(2) that was gifted to wife as well and orders 75/25 division. |

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| Method of valuation | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | 7(3) | 41 | | | Court states that while it may not have divided the percentage as did the TJ, no presumption applies, so it leaves lower judgment undisturbed. |
| Method of valuation | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | | 14 | Morton v. Morton, 2008 ABCA 144 | | must involve misdirection or be so clearly wrong as to amount to an injustice. |
| Method of valuation | | Jensen v. Jensen, 2009 ABCA 272 a.k.a. J.(D.R.) v. J.(M.) | Jensen v. Jensen | 2009 | CA | Paperny | Ritter, Rowbotham | Boyes, Judy | Castle, D.; Koul, N. | rev'g. J.(D.R.) v. J.(M.), 2008 ABQB 380 | 7(4) | 20, 36 | LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217; Elsom v. Elsom, 1989 CanLII 100; Crosby v. Crosby, 2007 ABQB 31; Cox v. Cox, 1998 ABQB 987; Hulleman v. Hulleman, 1999 ABCA 366 | McIntosh v. McIntosh, 2010 ABQB 168; Behiels v. McCarthy, 2010 ABQB 281; Daved v. Daved, 2010 ABQB 447 | Court states that there is no requirement that the parties' contribution be equal. States presumption "should not be disturbed lightly." |

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| Method of valuation | | Johnston v. Johnston, 2004 ABQB 221 | Johnston v. Johnston | 2004 | QB | Mahoney | | Smyth, Robert | Nicholson, Ruellen | | | 62 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | Judge states MPA mandates equal sharing of property |
| Method of valuation | | Johnston v. Johnston, 2004 ABQB 221 | Johnston v. Johnston | 2004 | QB | Mahoney | | Smyth, Robert | Nicholson, Ruellen | | 7(4) | 64 | | | judge orders sale of matrimonial home, stating that children adjust to change in response to wife's argument for an unequal distribution. |
| Method of valuation | post-separation property | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 71 | | | judge does not consider house purchased after separation to be matrimonial property. |
| Method of valuation | post-separation property | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 86 | Kazmierczak v. Kazmierczak 2003 ABCA 227 | Walker v. Walker, 2009 ABQB 209 | increase in value of PC from valuation date to date of trial credited to husband and divided 60/40 |
| Method of valuation | asset-based approach | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 29 | | | several methods for corporate asset valuations presented. Liquidation method chosen. |
| Method of valuation | dividend withdrawal | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 77 | | | dividend withdrawn from corporation during separation notionally put back into corp. for purposes of valuation. |

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| Method of valuation | date of trial | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 68 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Occupation Rent | mortgage | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 72 | | | mortgage placed on condo after separation excluded from division |
| Occupation Rent | taxes | Johnston v. Johnston, 2005 ABQB 320 | Johnston v. Johnston | 2005 | QB | Sulyma | | Cochard, Renee | Chan, Genevieve | | | 82 | | | tax liability for improperly withdrawing dividends of P.C. given solely to husband. |
| Occupation Rent | trust fund | Kachur v. Kachur, 2000 ABQB 709 | Kachur v. Kachur | 2000 | QB | Burrows | | Tumbach, Dale | Pan, Lillian Y. | | | 36-39 | Spiring v. Spiring, 2004 MBQB 55 | | case concerns husband's interest as a beneficiary in a trust established for the children for purposes of property division |
| Occupation Rent | | Kachur v. Kachur, 2000 ABQB 709 | Kachur v. Kachur | 2000 | QB | Burrows | | Tumbach, Dale | Pan, Lillian Y. | | | 24 | | | Judge notes failure of MPA to define property for purposes of the Act, contrasts to B.C.'s <i>Family Relations Act</i> |
| Occupation Rent | | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | passim | | | conduct of parties discussed extensively but property divided equally |
| Occupation Rent | date of trial | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | 66 | Hodgson v. Hodgson 2005 ABCA 13 | | |

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| Occupation Rent | legal fees | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | 70 | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | | |
| Occupation Rent | post separation debt | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | 71 | | | Judge divides husband's post separation debt 80/20. |
| Occupation Rent | in specie | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | 52 | | | judge gives each party the vehicle they drive. States that it avoids need to divide assets |
| Occupation Rent | spousal support order | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | | 98 | | | husband in arrears in spousal support. Judge recognizes wife wants to keep home so directs that wife may subtract payment from mat. equalization payment. |
| Occupation Rent | | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | 8(f) | 67 | Metz v. Metz, 2004 ABQB 528 | | wife argues taking on greater debt constitutes dissipation and should not be counted toward matrimonial property. Judge agrees and apportions debt 80/20. |
| Occupation Rent | | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | 8(h) | 59 | | | husband found to have sent money to sister in Lebanon. |
| Occupation Rent | debt | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | 8(l) | 69 | Metz v. Metz, 2004 ABQB 528 | | wife argues taking on greater debt constitutes dissipation and should not be counted toward matrimonial property. Judge agrees and apportions debt 80/20. |

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| Occupation Rent | | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | 7(4) | 76 | | | judge divides property equally, except for post-separation debt. |
| Occupation Rent | credibility | Katrib v. Katrib, 2007 ABQB 626 | Katrib v. Katrib | 2007 | QB | Read | | Patterson, David | Topp, Brooks | 2008 ABQB 162 | 8(m) | 48 | | | testimony of parties discussed extensively but equal division of assets |
| Occupation Rent | | Katrib v. Katrib, 2008 ABQB 162 | Katrib v. Katrib | 2008 | QB | Read | | Patterson, David | Topp, Brooks | 2007 ABQB 626 | | | Lawson v. Lawson, 2005 ABCA 253; C.(D.B.) v. W.(R.M.), 2005 ABQB 898 | | judge determines correct schedule to be used for mat. prop. action is not Schedule C. States that proceedings should be considered as a whole. |
| Occupation Rent | | Katrib v. Katrib, 2008 ABQB 162 | Katrib v. Katrib | 2008 | QB | Read | | Patterson, David | Topp, Brooks | 2007 ABQB 626 | | | Fott v. Fott 2000 ABQB 503 | | judge awards cost penalty against husband for unproven allegations of fraud. |
| Occupation Rent | pension | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | | McAlister v. McAlister (1982), 41 A.R. 277; Watrall v. Watrall (2000), 194 Sask. R. 38 | | pensions accrued during marriage included for purposes of division. |

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| Occupation Rent | date of trial | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | 70 | Mazurenko v. (1981) 23 R.F.L. (2d) 113; Tocker v. Tocker, (2000) Alta. L.R. (3d) 174 | Hodgson v. Hodgson, 2002 ABQB 628; Lecerf v. Lecerf, 2004 ABQB 501; Hodgson v. Hodgson, 2005 ABCA 13 | Judgment contains lengthy discussion of precedent for using date of trial as date of division, except in exceptional circumstances. Ultimately relies on the wording of the Act to rule that date of trial is the appropriate date. Some apparent confusion between "date of division" and "date of valuation" in the judgment. |
| Occupation Rent | by asset | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | 70 | | | Judge determines that property by property division makes the most sense to balance lengthy period of separation before trial. |

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| Occupation Rent | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | 18506 | Ziff, Principles of Property Law; Grinde v. Grinde (1977), 5 A.R. 561 | Cahill v. Weaver, 2005 ABQB 618; M.(N.) v. M.(C.L.), 2005 ABQB 724; McKee v. McKee, 2006 ABQB 196; Peltier v. Peltier, 2007 SKQB 264; Geddes v. Greeley, 2009 ABQB 354; Milne v. Milne, 2009 ABQB 361; Moore v. Moore, 2010 ONSC 663; Beaudry v. Beaudry, 2010 ABQB 119; Verburg v. Verburg, 2010 ABQB 201; Behiels v. McCarthy, 2010 ABQB 281 | judge states that occupation rent should only be awarded in a family law context "with great caution." Analogizes claim for occupation rent to claim for "capiazlized" child/spousal support. However, notes that notional occupation rent may be available in some cases due to federal child support guidelines. |

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| Occupation Rent | child support order, spousal support order | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | 84 | | | both parties made claims for support in arrears. Judge discusses appropriateness of "banking" support then making a claim for amount as capital. |
| Occupation Rent | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | 8(a) | 97 | | | Notes that husband had greater contribution to household but wife unable to contribute equally because of her circumstances. Does not penalize her. |
| Occupation Rent | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | 8(e) | 97 | | | States that 8(e) and 8(f) are overriding considerations in the case. |
| Occupation Rent | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | 8(f) | 97 | | | States that 8(e) and 8(f) are overriding considerations in the case. |
| Occupation Rent | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | 8(m) | 97 | | | Judge says this is a consideration but does not elaborate. |

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| Potential s. 8 factors | | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Kazmierczak v. Kazmierczak | 2001 | QB | Slatter | | Alyluia, K.J. | Ares, Louise M | affmd. 2003 ABCA 227 | | 46 | | | Rejected. Both parties claimed trusts. Judge stated claims were modest and cancelled each other out. Judge notes that he considers division of exempt funds to be "fair compensation." |
| Potential s. 8 factors | | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 13. 140 | | Walker v. Walker, 2009 ABQB 209 | States the 4 step analytical framework is merely one option for valuing assets. States that "in specie" is another acceptable method. |
| Potential s. 8 factors | date of trial | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 67, 146 | | Hodgson v. Hodgson, 2005 ABCA 13; McAdam v. McAdam, 2009 ABQB 109; G.(W.D.) v. G.(D.L.), 2009 ABQB 340 | Court states that MPA forbids valuation of exempt assets at any point other than date of marriage. |
| Potential s. 8 factors | post separation debt | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 59 | | Hennesey v. Hennesey, 2005 ABQB 883 | Court states that debts acquired during separation belong "on the shoulders of those who now owe them." |
| Potential s. 8 factors | | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 61 | | | Court defines debts as "assets lost" and states they are to be divided. |

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| Potential s. 8 factors | by asset | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 42 | | Johnston v. Johnston, 2005 ABQB 320; Campbell v. Campbell, 2007 ABQB 637 | court upholds TJ's division of asset by asset |
| Potential s. 8 factors | | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 15 | | | Wife argued that TJ allowed husband to keep valuable income-producing assets while she was given "useless" assets. |
| Potential s. 8 factors | current economic status | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | | 26, 61, 97-8 | | | wfie's counsel argues that current economic status of wife should be a factor in division. Court rejects at para. 61 although states that it may be a consideration @ para. 97. |
| Pre-judgment interest | | Kazmierczak v. Kazmierczak, 2003 ABCA 227 | Kazmierczak v. Kazmierczak | 2003 | CA | Cote, Russell, Smith | | Alyluia, K.J. | Ares, Louise M | affmg. 2001 ABQB 610 | 7(3) | 55 | | Horne v. Horne, 2010 ABQB 32 | court reiterates that presumption of equal division does not apply to increase in value of exempt property. |
| Pre-judgment interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | | 26 | | | judge considers division of property with regard to both constructive trust argument and MPA |
| Pre-judgment interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(a) | 21 | | | judge states this is a factor in decision. Does not elaborate. |

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| Property interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(b) | 24 | | | wife held to have contributed nothing to business. |
| Property interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(c) | 23 | | | husband held to have contributed significantly to increase in value of wife's property. Wife held to have contributed nothing to increase in value in husband's property. |
| Property interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(d) | 21 | | | judge states this is a factor in decision. Does not elaborate. |
| Property interest | short | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(e) | 26 | | | short marriage (2 yrs.) a significant factor |
| Property interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | 8(m) | 21 | | | judge states this is a factor in decision. Does not elaborate. |
| Property interest | | Kinch v. Kinch, 2003 ABQB 291 | Kinch v. Kinch | 2003 | QB | Clark | | Cochard, Renee | Lewis, Robert M. | 2003 ABQB 742 | | 25 | | | Judge fails to find unjust enrichment as argued by wife for share in business assets but finds unjust enrichment as argued by husband for share in wife's property. |
| Property interest | property increase | Kirk v. Kirk, 2006 ABQB 782 | Kirk v. Kirk | 2006 | QB | Marshall | | Torok-Both, Kerry | Briere, K.M. | | | 27 | | | previous distribution of property leads to exclusion of increase in property from division. Judge states s. 8(i) distribution is final order on property. |

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| Property interest | loans from family | Kirk v. Kirk, 2006 ABQB 782 | Kirk v. Kirk | 2006 | QB | Marshall | | Torok-Both, Kerry | Briere, K.M. | | | 22 | | | Loans from parents determined to be moral obligations. |
| Property interest | | Kirk v. Kirk, 2006 ABQB 782 | Kirk v. Kirk | 2006 | QB | Marshall | | Torok-Both, Kerry | Briere, K.M. | | 8(i) | 27 | | | previous distribution of property leads to exclusion of increase in property from division. Judge states s. 8(i) distribution is final order on property. |
| Property interest | non-economic value of property | Klinck v. Klinck 2010 ABCA 5 | Klinck v. Klinck | 2010 | CA | Hunt | Conrad, Paperny | Harder, D.C. | Campbell, L.P. | affmg. 2008 ABQB 526 | | 11 | | | property had been in family for over 100 yrs. |
| Property interest | | Klinck v. Klinck 2010 ABCA 5 | Klinck v. Klinck | 2010 | CA | Hunt | Conrad, Paperny | Harder, D.C. | Campbell, L.P. | affmg. 2008 ABQB 526 | 7(2) | 3 | | Beaudry v. Beaudry 2010 ABQB 119 | exempt asset is reduced by 1/2 value if placed in joint ownership |
| Property interest | depreciated asset | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | | 47 | Lovich v. Lovich, 2006 ABQB 736 | | Farm equipment that had depreciated only received proportional exemption to amount of depreciation. |
| Property interest | farm property | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | | 18-29 | | | parties make same argument re properties as in MJ v. DJ case but with opposite determinations by judge. Property in joint or husband's name not deemed to belong still to parents. |
| Property interest | tracing | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 36(1) | 12 | Harrower v. Harrower (1989), 97 A.R. 141 | Beaudry v. Beaudry, 2010 ABQB 119 | An exempt asset loses 1/2 exemption upon being placed in joint names. |

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| Property interest | | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 7(3) | 36 | | | Judge rules that parcel 4 accrued value only by inflation and does not distribute gain. |
| Property interest | depreciated asset | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 7(3)(a) | 10-12 | Lovich v. Lovich, 2006 ABQB 736 | | judge notes general principles for exemptions before beginning resolution of properties in dispute. |
| Property interest | money | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 7(3)(a) | 45 | Lovich v. Lovich, 2006 ABQB 736 | | money deposited into joint account loses exemption. |
| Property interest | gift | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 8(m) | 35 | Sparrow v. Sparrow 2006 ABCA 155 | | Sparrow used as authority for ruling that parents could have given property at death. |
| Purpose of the MPA | inflation | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 8(m) | 35 | Sparrow v. Sparrow 2006 ABCA 155 | | Sparrow also cited as authority that inflation can be a consideration in making mat. prop. division. |
| Purpose of the MPA | | Klinck v. Klinck, 2008 ABQB 526 | Klinck v. Klinck | 2008 | QB | Sulatycky | | Harder, D.C. | Campbell, L.P. | affmd. 2010 ABCA 5 | 7(4) | 31 | | | all parcels acquired during marriage divided equally. |
| Purpose of the MPA | pension | Koch v. Koch, 2002 ABQB 527 | Koch v. Koch | 2002 | QB | Sullivan | | Pantony, R. | Clark, James M.B. | | | 25-27 | | | nexus between s. 37 agreement, spousal support claim and pension. |
| Purpose of the MPA | spousal support order | Koch v. Koch, 2002 ABQB 527 | Koch v. Koch | 2002 | QB | Sullivan | | Pantony, R. | Clark, James M.B. | | | 27 | | | Judge states that had wife's claim for division of pension been successful, he would have ordered spousal support for husband. |

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| Purpose of the MPA | | Koch v. Koch, 2002 ABQB 527 | Koch v. Koch | 2002 | QB | Sullivan | | Pantony, R. | Clark, James M.B. | | 8(g) | 25-26 | | | 8(g) used to deny claim to pension based on invalid s. 37 agreement that had given wife most of matrimonial property. |
| Purpose of the MPA | | Kokesch v. Kokesch, 2005 ABQB 611 | Kokesch v. Kokesch | 2005 | QB | Foster | | Colquhoun, I. | Adamson, Victoria | | | 11 | | | judge states limitation argument has no merit. Does not elaborate. |
| Purpose of the MPA | | Kokesch v. Kokesch, 2005 ABQB 611 | Kokesch v. Kokesch | 2005 | QB | Foster | | Colquhoun, I. | Adamson, Victoria | rev'd. 2007 ABCA 296 | 16 | 8 | ALRI "Division of Matrimonial Property on Death." report no. 83 May 2000 | | Judge states estate may not commence action but may only continue action. Also states that legislative direction would be beneficial in this area. |
| Purpose of the MPA | | Kokesch v. Kokesch, 2005 ABQB 611 | Kokesch v. Kokesch | 2005 | QB | Foster | | Colquhoun, I. | Adamson, Victoria | rev'd. 2007 ABCA 296 | 3(2) | 7 | | | judge states estate may apply for a matrimonial property order under s. 16. |
| Purpose of the MPA | | Koorbatoff v. Koorbatoff, 2003 ABQB 189 | Koorbatoff v. Koorbatoff | 2003 | QB | Clarkson | | Dunlap, Timothy | Colquhoun, I. Thomas | | | 16 | | | Argument for distribution based on plans to upgrade education fails. However, judge finds deprivation/benefit and awards lump sum spousal support |
| Purpose of the MPA | date of separation | Koorbatoff v. Koorbatoff, 2003 ABQB 189 | Koorbatoff v. Koorbatoff | 2003 | QB | Clarkson | | Dunlap, Timothy | Colquhoun, I. Thomas | | | 2 | | | Parties agreed to date of separation for division (valuation). Judge agrees but states that date of trial is "the rule." |

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| Purpose of the MPA | car loan | Koorbatoff v. Koorbatoff, 2003 ABQB 189 | Koorbatoff v. Koorbatoff | 2003 | QB | Clarkson | | Dunlap, Timothy | Colquhoun, I. Thomas | | | 12, 13 | | | debt on car given to husband after judge does not accept exemption for value of car brought into marriage by wife. Judge also states that result removes uncertainty. |
| Purpose of the MPA | | Koorbatoff v. Koorbatoff, 2003 ABQB 189 | Koorbatoff v. Koorbatoff | 2003 | QB | Clarkson | | Dunlap, Timothy | Colquhoun, I. Thomas | | 8(g) | 5 | | | Parties disagreed on content of agreement re division of assets. |
| Purpose of the MPA | credibility | Koorbatoff v. Koorbatoff, 2003 ABQB 189 | Koorbatoff v. Koorbatoff | 2003 | QB | Clarkson | | Dunlap, Timothy | Colquhoun, I. Thomas | | 8(m) | 6 | | | s. 8(m) becomes key factor to determine s. 8(g) agreement. Property divided per agreement |
| Purpose of the MPA | BIA | Kopr v. Kopr 2006 ABQB 405 | Kopr v. Kopr | 2006 | QB | Slatter | | Penny, Michael; Kraus, Michael | Reeson, R.T.G.; Goldsman, Alvin | new action: 2009 ABQB 93 | | | Tinant v. Tinant, 2003 ABCA 211, 15 Alta. L.R. (4th) 225, 330 A.R. 148, Lecerf v. Lecerf, 2004 ABQB 501, 33 Alta. L.R. (4th) 151, 378 A.R. 69 | | |

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| Purpose of the MPA | RRSP | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | | 45 | | | Wife's RRSP excluded. Cashied during separation to pay for living expenses. |
| Reconciliation | multiple dates used | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | | 44 | | | RRSP valued at date RRSP withdrawn. Remaining assets valued at time of trial. |
| Reconciliation | by asset | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | | 52 | | | Sausage business kept separate from distribution due to s. 8(g) agreement. Remaining assets totalled and divided. |
| Reconciliation | prenuptial agreement | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | 38 | 19 | Morozuk v. Morozuk (1988), 13 R.F.L. (3d) 151; Jang v. Jang 2000 ABQB 607 | Miles v. Miles, 2003 ABQB 688 | failure to draft acknowledgement on separate piece of paper results in agreement held not to fulfill formalities of s. 38. |
| Reconciliation | | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | 8(g) | 25 | Norberg v. Wynrib 1992 CanLII 65 (S.C.C.) | | neither undue influence nor unconscionability found. Agreement held enforceable despite absence of formalities. |
| Relationship b/w MPA and other acts, orders | RRSP | Kowalski v. Kowalski, 2002 ABQB 921 | Kowalski v. Kowalski | 2002 | QB | Dea | | Podemski, Edwina | Cochard, Renee | | 8(l) | 44 | | | Husband's RRSP withdrawn before trial. Judge valued at date of withdrawal to mitigate dissipation. |

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| Relationship b/w MPA and other acts, orders | pension | Kuszka v. Kuszka, 2006 ABQB 169 | Kuszka v. Kuszka | 2006 | QB | Thomas | | Makuch, Nester | Relland, Amanda | | | 48 | McAlister v. McAlister (1982), 41 A.R. 277 | | McAllister formula used. |
| Relationship b/w MPA and other acts, orders | airplane points | L (A.C.) v L.(C.D.), 2010 ABQB 140 | L (A.C.) v L.(C.D.) | 2010 | QB | Hembroff | | Spitz, Peter | Bayrak, Dennis | | | 59 | Law v. Law, 2005 ABQB 723 | | For points that can't be transferred, judge states each party must be willing to book flights for the other party. |
| Relationship b/w MPA and other acts, orders | | LaCroix v. LaCroix, 2008 ABQB 534 | LaCroix v. LaCroix | 2008 | QB | McMahon | | Ellert, Dale | McGurk, Heather | | 8(l) | 37 | Cox v. Cox, 1998 ABQB 987 | | Although Judge notes evidence of negative intent, judge states detriment essential to claim of dissipation (Cox). Wife fails to prove. |
| Relationship b/w MPA and other acts, orders | | Laraque v. Laraque, 2010 ABQB 118 | Laraque v. Laraque | 2010 | QB | Lee | | self | Yungwirth, Debbie | | | 49 | Hodgson v. Hodgson 2005 ABCA 13 | | Judge notes Hodgson framework as correct approach to mat. prop. division. |
| Relationship b/w MPA and other acts, orders | depreciated asset | Laraque v. Laraque, 2010 ABQB 118 | Laraque v. Laraque | 2010 | QB | Lee | | self | Yungwirth, Debbie | | 7(3)(a) | 57 | B.(S.I.) v. B.(M.D.), 2006 ABQB 557; Lovich v. Lovich, 2006 ABQB 736 | | Judge restates principles of pro rata consumption of s. 7(2) property. |
| Relationship b/w MPA and other acts, orders | at trial | Lavrovski v. Lavrovskaja, 2008 ABQB 388 | Lavrovski v. Lavrovskaja | 2008 | QB | Mahoney | | Shibley, Valerie | unrepresented, not present | | | 8 | | | Wife chastised for failing to appear. |

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|---|-----------------|---|--|------|----|----------|--------------|------------------|----------------------------|-------------------|------|-------|-------------------------------------|--------------------|---|
| Relationship b/w MPA and other acts, orders | post separation | Lavrovski v. Lavrovskaja, 2008 ABQB 388 | Lavrovski v. Lavrovskaja | 2008 | QB | Mahoney | | Shibley, Valerie | unrepresented, not present | | | 15 | | | Wife ordered to pay for 1/2 mortgage, legal fees and property inspection on house that fell into foreclosure after separation |
| Relationship b/w MPA and other acts, orders | | Lavrovski v. Lavrovskaja, 2008 ABQB 388 | Lavrovski v. Lavrovskaja | 2008 | QB | Mahoney | | Shibley, Valerie | unrepresented, not present | | 7(4) | 14 | | | property divided equally but judge also charges wife with 1/2 share of expenses relating to house post separation |
| Relationship b/w MPA and other acts, orders | airplane points | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | | 19 | L.(A.C.) v. L.(C.D.), 2010 ABQB 140 | | judge rules them to be divided. |
| Relationship b/w MPA and other acts, orders | HELOC | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | | 15 | | | Heloc ruled to be wife's alone. |
| Relationship b/w MPA and other acts, orders | taxes | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | | 14 | | | judge declines to adjust value of matrimonial property based on likely tax and commission on sale of property. |
| Relationship b/w MPA and other acts, orders | | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | 8(f) | 10 | | | argued that wife deserved unequal division because her investments did better than husband's after separation. Rejected |
| Relationship b/w MPA and other acts, orders | | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | 8(l) | 17 | | | judge rules there were offsets in dissipation of assets by both parties. |
| Relationship b/w MPA and other acts, orders | health | Law v. Law, 2005 ABQB 723 | Law v. Law | 2005 | QB | Clackson | | Goldsmann, Alvin | Young, Hu Eliot | | 8(m) | 11 | | | judge states that health will not be considered when making ruling. |

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| Relationship b/w MPA and other acts, orders | date of trial | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | 22-25 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | wife mistakenly argues for date of separation, believing that it will benefit her to escape bankruptcy proceeding against husband. Judge states proper date is date of trial. |
| Relationship b/w MPA and other acts, orders | post separation debt | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | 56 | | | post separation debt excluded on basis of settlement agreement. |
| Relationship b/w MPA and other acts, orders | bankruptcy | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | 44 | Nelson v. Nelson, 2001 ABQB 732; Tinant v. Tinant, 2003 ABCA 211 | Tinant v. Tinant, 2004 ABQB 908; Bellamy v. Hill, 2005 SKQB 333 | judge finds that the right to seek an MPA exemption was property w/in meaning of BIA and vested in Trustee in Bankruptcy on date of bankruptcy. |
| Relationship b/w MPA and other acts, orders | by asset | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | 54 | | | husband given \$3000 credit for difference between wife's old business and her new one. |
| Relationship b/w MPA and other acts, orders | | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | 21 | Alberta Hansard, May 15 1978, page 1223 | | judge quotes Attorney General's statement on the purpose of the MPA to include expanded definition of property |

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| Relationship b/w MPA and other acts, orders | BIA | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | | | Deloitte Haskins & Sells (1983), 42 A.R. 76; Blowes v. Blowe (1993), 21 C.B.R.(3d) 276 ; Dinnapoli v. Yeung 2002 ABQB 714; Tinant v. Tinant 2003 ABCA 211; Maroukis v. Maroukis [1984] 2 S.C.R. 137 | | judge reviews relationship b/w BIA and MPA in caselaw. Judge also finds that agreement reached by parties does not fit definition of settlement under BIA. |
| Relationship b/w MPA and other acts, orders | tracing | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | 36(1) | 29 | | | registration in joint title reduces amount traced by 1/2. |
| Relationship b/w MPA and other acts, orders | down payment | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | 7(3)(a) | 28 | | | down payment on couple's first home traced to matrimonial home. |

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| Relationship b/w MPA and other acts, orders | | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | 8(g) | 63 | Marzetti v. Marzetti [1994] 2 S.C.R. 765 | | non standard agreement a consideration under s. 8(g). However, judge rejects agreement, finding that parties did not understand its full ramifications. |
| Relationship b/w MPA and other acts, orders | | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | 8(l) | 50 | | | wife's expenditure of joint child tax credit not held to be dissipation, used for living expenses. |
| Relationship b/w MPA and other acts, orders | move | Lecerf v. Lecerf, 2004 ABQB 501 | Lecerf v. Lecerf | 2004 | QB | Topolniski | | self | self | | 8(m) | 53 | | | judge awards unequal distribution of wife's business assets based on sudden move to B.C. w/o warning husband. |
| Relationship b/w MPA and other acts, orders | | Lee v. Obermeyer, 2005 ABQB 480 | Lee v. Obermeyer | 2005 | QB | Park | | Russell, J.E. | Davison, J.E. | | 36(2)(a) | 63 | | | Presumption rebutted. House ruled to have been placed in joint names only for purposes of granting mortgage. |
| Relationship b/w MPA and other acts, orders | depreciated asset | Lee v. Obermeyer, 2005 ABQB 480 | Lee v. Obermeyer | 2005 | QB | Park | | Russell, J.E. | Davison, J.E. | | 7(3)(a) | 67 | | B.(S.I.) v. B.(M.D.), 2006 ABQB 557 | exemption for a depreciated asset is given a prorated value to original exemption. |
| Relationship b/w MPA and other acts, orders | | Lee v. Obermeyer, 2005 ABQB 480 | Lee v. Obermeyer | 2005 | QB | Park | | Russell, J.E. | Davison, J.E. | | s. 8(d) | 41, 64 | | | Judge concerned about economic situation of husband and orders equal division of all assets, minus exemptions. |
| Relationship b/w MPA and other acts, orders | | Lee v. Obermeyer, 2005 ABQB 480 | Lee v. Obermeyer | 2005 | QB | Park | | Russell, J.E. | Davison, J.E. | | s. 8(f) | 64 | | | Wife argues that she should receive unequal distribution of property based on fact that she made all mortgage payments post separation. Judge disagrees. |

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| Relationship b/w MPA and other acts, orders | | Little v. Little, 2004 ABQB 812 | Little v. Little | 2004 | QB | Marceau | | Miller, D.A. | Zadworny, W.N.B. | | 7(3) | 29 | Mallette v. Robertson, 2004 ABQB 696 | | increase on property not brought into matrimonial regime distributed equally |
| Relationship b/w MPA and other acts, orders | | Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160 | Loates v. Loates | 2001 | QB | Murray | | Davies, Christine; Pollock, L.J. | Cochard, Renee | | 8(a) | 16 | | | Judge appears to recognize that conduct may be a valid consideration for s. 8(a) |
| Relationship b/w MPA and other acts, orders | future employment | Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160 | Loates v. Loates | 2001 | QB | Murray | | Davies, Christine; Pollock, L.J. | Cochard, Renee | | 8(m) | 16 | | | judge notes that negative impact of marriage on employment could be a s. 8(m) factor. |
| Relationship b/w MPA and other acts, orders | | Loates v. Loates 2001 CarswellAlt a 350; [2001] A.J. No. 160 | Loates v. Loates | 2001 | QB | Murray | | Davies, Christine; Pollock, L.J. | Cochard, Renee | | 7(4) | 16 | | | Judge notes that wifes conduct has negatively contributed to marriage but does not move from presumption of equal distribution. |
| Relationship b/w MPA and other acts, orders | disability payments | Locke v. Locke, 2006 ABQB 417 | Locke v. Locke | 2006 | QB | Watson | | Seitz, Carolyn | Frost, C. Edward | | 7(2) | 31 | B. (M.) v. British Columbia (Attorney General), [October 2, 2003] 2 S.C.R. 477 | | Judge determines that the pension paid to the husband is an insurance disability payment and is not eligible for division. |

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| Relationship b/w MPA and other acts, orders | | Lord v. Bell-Lord, 2007 ABQB 274 | Lord v. Bell-Lord | 2007 | QB | Chrumka | | Stopa, J. Patrick | Scheible, Cynthia | | | 56 | | | Judge rules more than 5 years have passed since last "thing" done to advance action. Therefore, action dismissed under R244.1. |
| Relationship b/w MPA and other acts, orders | Divorce action | Lord v. Bell-Lord, 2007 ABQB 274 | Lord v. Bell-Lord | 2007 | QB | Chrumka | | Stopa, J. Patrick | Scheible, Cynthia | | | 29 | Hubar v. Barron reflex, (1993) 7 Alta. L.R.; King v. Mohan, (2001) 29 A.R. 119 | | Joinder of actions does not result in 2 actions becoming 1 and a "thing" done to advance one does not automatically advance the other. |
| Relationship b/w MPA and other acts, orders | personal injury settlement | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | | 57 | | | settlement went into matrimonial home and lost exempt quality |
| Relationship b/w MPA and other acts, orders | post separation debt | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | | 60 | Hodgson v. Hodgson 2005 ABCA 13 | | husband argues he should receive credit for having paid down debt post-separation. Refused. |
| Relationship b/w MPA and other acts, orders | farm related debts | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | | 58 | | | wife argues farm debts are business debts and should not be included. Refused. |
| Relationship b/w MPA and other acts, orders | | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | | 45 | | | husband argues that farm equipment are income-producing assets and need to be valued accordingly. |

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| Relationship b/w MPA and other acts, orders | principles | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | 7(2) | 38 | Harrower v. Harrower (1989), 97 A.R. 141; Troppmann v. Troppmann, 2000 ABQB 61 | Klinck v. Klinck, 2008 ABQB 526; Gardner v. Gardner, 2008 ABQB 527; Beaudry v. Beaudry, 2010 ABQB 119 | Judge reviews principles of exempt property from Harrower. |
| Relationship b/w MPA and other acts, orders | depreciated asset | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | 7(3)(a) | 44 | Harrower v. Harrower (1989), 97 A.R. 141; Troppmann v. Troppmann, 2000 ABQB 61 | Klinck v. Klinck, 2008 ABQB 526; Gardner v. Gardner, 2008 ABQB 527; Beaudry v. Beaudry, 2010 ABQB 119 | judge discusses how to value depreciating property, in this case, farm equipment. Rules that correct approach is to value pro-rata based on trade-in value for new equipment. |
| Relationship b/w MPA and other acts, orders | depreciated asset | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | 7(3)(a) | 46 | | | Value of partially consumed property allowed to be carried forward into new property on a pro-rata basis based on trade-in value. |
| Relationship b/w MPA and other acts, orders | | Lovich v. Lovich, 2006 ABQB 736 | Lovich v. Lovich | 2006 | QB | Slatter | | Ares, Louise M | Martin, E. L. | 2006 ABQB 797 | 7(4) | 69 | | | long term marriage result in equal division of assets. |

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| Relationship b/w MPA and other acts, orders | RRSPs, horse | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | | 124, 126 | | | value of horse included but not maintenance and care |
| Relationship b/w MPA and other acts, orders | adultery | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | | 109 | Fletcher v. Sullivan | McCulloch v. McCulloch, 2003 ABQB 432; Nuttall v. Rea, 2005 ABQB 151 | judge states that leg. intended conduct not to be a factor under s. 8, unless it results in negative economic consequences |
| Relationship b/w MPA and other acts, orders | credit card, income tax | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | | 126 | | | |
| Relationship b/w MPA and other acts, orders | loans from family | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | | 125 | | | judge ordered repayment of loan into RESP for children on request of grandparents |
| s. 1(e) Definition of spouse | inheritance | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | 7(3)(a) | 95 | Jackson v. Jackson (1989), 97 A.R. 153 | | money from inheritance traced and given 50% exemption |
| s. 10 return of gift or property | no priority to factors | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | 8 | 114 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | awards unequal division (55/45) based on contributions to house, aid to development of D's career, inheritance brought to marriage |
| s. 10 return of gift or property | | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | 7(4) | 99 | Katay v. Katay (1995), 168 A.R. 31 | | |

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| s. 10 return of gift or property | | Low v. Robinson, 2000 ABQB 60 | Low v. Robinson | 2000 | QB | Johnstone | | McBean, Jean | Pollock, Michael | | | 101 | | | unjust enrichment based on adulterous conduct fails. Judge notes that argument has succeeded elsewhere. |
| s. 10 return of gift or property | "lifting the corporate veil" | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 82 | | | judge states action does not concern corporate entity at all |
| s. 10 return of gift or property | valuation | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 100 | | | midway (between capital gains and personal tax rate) dividend tax rate used |
| s. 10 return of gift or property | date of separation | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 99 | | | date of separation used, goes against precedent |
| s. 10 return of gift or property | | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | passim | | | |
| s. 10 return of gift or property | income-producing asset | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 89 | Bodor v. Bodor, [1988] A.J. No. 147 | | inappropriate to sell or liquidate a corporate asset that is a source of income |

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| s. 10 return of gift or property | disability | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 76 | | | noted in relationship to s. 8(g). not an 8(d) factor |
| s. 10 return of gift or property | MPA | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | | 81 | | | Judge states that no beneficial or legal interest in any particular asset created by MPA |
| s. 11 Application by spouse of deceased | no priority to factors | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8 | 40 | Hodgson v. Hodgson, 2005 ABCA 13 , Mazurenko v. Mazurenko (1981), 30 A.R. 34 | | |
| s. 11 Application by spouse of deceased | short | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(e) | 98(3) | | | 8 years held to be a marriage of short duration. Also, duration of marriage counted to date of separation |
| s. 11(3) benefit received by surviving spouse. | offers to settle | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(g) | 60-61 | | | proposed even 1/3 split between spouses and child |

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| s. 16 Actions continued by estate | | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(h) | 62 | | | buying drugs with jewelry included |
| s. 16 Actions continued by estate | | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(i) | 63 | | | funding of time in treatment centre included |
| s. 16 Actions continued by estate | valuation of assets | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(k) | 66-67 | | | wife's death limits options on distribution of corporate assets |
| s. 20 factors re matrimonial home | | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 8(l) | 68 | | | includes money spent by husband in care of wife |
| s. 20 factors re matrimonial home | | M. (J.J.) v. M. (C.D.) Estate 2008 ABQB 116 | M. (J.J.) v. M. (C.D.) Estate. | 2008 | QB | Kenny | | Best, Wendy | Willis, Bradley | 2008 ABQB 235; affmd. 2009 ABCA 96 | 7(4) | 86-7 | LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217; Baker v. Baker Estate, [1992] A.J. No. 1160, | J.(D.R.) v. J.(M.), 2008 ABQB 380 | turned on its head, despite noting quote from <i>Silverstein v. Silverstein</i> (1978) 20 O.R. 2nd 185 "the court should be loath to depart from the basic rule [of equal division]." |

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| s. 20 factors re matrimonial home | disability | M. (J.J.) V. M. (C.D.) Estate, 2009 ABCA 96 | M. (J.J.) V. M. (C.D.) Estate | 2009 | CA | Slatter | Fraser, Piccard | Best, Wendy | Boyden, R.V.T. | affmg. 2008 ABQB 116 | | | LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217 | | Court states that addiction is a disease but that its effect on assets can be considered in dividing property. Notes that TJ division might not be what they would have done but that decision is entitled to deference. |
| s. 20 factors re matrimonial home | | M. (P.M.) v. M. (R.W.) 2000 CarswellAlt a 870; [2000] A.J. No. 976 | M. (P.M.) v. M. (R.W.) | 2000 | QB | Lee (chambers) | | Stothert-Kennedy, Brenda L. | Stark, Lorraine A. | 2000 ABQB 624 | | 129 | | | Chambers judge refuses to rule on date of valuation, stating that the issue needs to be decided by the trial judge. |
| s. 20 factors re matrimonial home | interim distribution | M. (P.M.) v. M. (R.W.) 2000 CarswellAlt a 870; [2000] A.J. No. 976 | M. (P.M.) v. M. (R.W.) | 2000 | QB | Lee (chambers) | | Stothert-Kennedy, Brenda L. | Stark, Lorraine A. | 2000 ABQB 624 | | 100-101 | | | Judge orders inerim distribution in order to place wife on "equal financial footing" with husband "and to relieve dependency." States purpose is to fund litigation. |
| s. 20 factors re matrimonial home | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | | 42 | | | conduct ruled irrelevant to division of assets. |

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| s. 21 effect of sale of home on order for possession | date of separation | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | | 111 | | | judge accepted parties' joint request for valuation as of date of separation. |
| s. 21 effect of sale of home on order for possession | interest | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 8(g) | 109 | | | judge declines to include interest on promissory note in property division. |
| s. 21 effect of sale of home on order for possession | employment bonus | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | | 92 | McDonald v. McDonald, 1998 ABCA 241 | | judge rules that employment bonus is income and therefore exempt from distribution. |
| s. 21 effect of sale of home on order for possession | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | | 106 | | | judge states limitation period has no relevance re s. 8(g) agreements and their effect of distribution of matrimonial property |

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| s. 3(2) application for a matrimonial property order | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i> | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | | 36 | | | fluctuations in value of an asset during marriage are irrelevant. |
| s. 31 disclosure of property | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i> | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 7(2) | 66 | | | Wife given full exemption for money from proceeds of sale of prior house. Presumption of advancement rebutted by promissory note from husband |
| s. 31 disclosure of property | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i> | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 7(2) | 56 | | | Husband given full exemption for money used for down payment of house, despite potential s. 36 argument as property was placed in both names. |
| s. 31 disclosure of property | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 <i>a.k.a. Miller v. Miller</i> | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 7(2) | 35 | | | judge states that transference of an interest from legal to beneficial does not affect exempt status of interest |

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| s. 31 disclosure of property | shares | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 7(3)(a) | 34 | | Felker v. Felker, 2005 ABQB 365 | tracing not lost by change in status of interest from legal to beneficial |
| s. 31 disclosure of property | | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 8(c) | 123 | | | judge refuses to grant unequal division based on money spent by husband to renovate house post-separation to prepare it for sale. |
| s. 33 dispositions during proceedings | promissory note | M.(D.G.) v. M.(K.M.), 2002 ABQB 225 a.k.a. Miller v. Miller | M.(D.G.) v. M.(K.M.) | 2002 | QB | Bielby | | Ares, Louise M | Cochard, Renee | affmd. Miller v. Miller, 2004 ABCA 257 | 8(g) | 106 | | | judge gives effect to s. 8(g) agreement by awarding an amount equal to promissory note |
| s. 35 certificate of lis pendens | mobile home | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | | 56 | | | Judge distributes mobile home to husband. States wife had received unequal distribution upon separation. |
| s. 35 certificate of lis pendens | RRSPs | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | | 56 | | | Judge states that RRSP money will be divided as of date of separation due to wife's "financial misconduct." |

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| s. 35 certificate of lis pendens | date of separation | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | | 57 | | | Judge states that RRSP money will be divided as of date of separation due to wife's "financial misconduct." |
| s. 35 certificate of lis pendens | date of trial | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | | 55 | Hodgson v. Hodgson, 2005 ABCA 13 | | states date of valuation is date of trial but divides RRSP money as of date of separation. |
| s. 35 certificate of lis pendens | | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | 8(c) | 56 | | | Judge states wife had nothing to do with purchase or maintenance of mobile home, given 100% to husband. |
| s. 36(1) presumption of advancement | | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Kiriak, Jerry | Bruyer, Laura or Kiriak, Jerry | | 8(f) | 56 | | | mobile home acquired after separation given to husband |
| s. 36(1) presumption of advancement | | M.(G.A.) v. M.(C.A.), 2008 ABQB 375 | M.(G.A.) v. M.(C.A.) | 2008 | QB | Shelley | | Bruyer, Laura or Jerry Kiriak | Bruyer, Laura or Jerry Kiriak | | 7(4) | 56 | | | Judge distributes mobile home to husband. States wife had received unequal distribution upon separation. |
| s. 36(1) presumption of advancement | punitive | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 89 | | | wife awarded punitive costs for husbands bad behavior. |
| s. 36(1) presumption of advancement | date of trial | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 67 | Hodgson v. Hodgson, 2005 ABCA 13 | | |

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| s. 36(1) presumption of advancement | division of debt | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 75 | | | judge states that because wife awarded balance of assets, she is responsible for all matrimonial debt. <i>However, 60/40 division occurs after debt is subtracted.</i> |
| s. 36(1) presumption of advancement | in specie | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 73-74 | | | distributes property by asset, which gives wife nearly 75% of property, then uses child support set-off to equalize distribution. Very strange. |
| s. 36(1) presumption of advancement | McAllister formula | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 69 | | | husband requests that McAllister formula be used for pensions but presents no evidence on which to found the claim. |
| s. 36(1) presumption of advancement | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | | 68 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | wife living in home with children. Husband not granted occupation rent. |
| s. 36(2)(a) presumption of joint ownership | no priority to factors | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8 | 67 | Hodgson v. Hodgson, 2005 ABCA 13 | | No priority to factors. |
| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8(a) | 65 | LeBlanc v. LeBlanc, [1988] 1 S.C.R. 2176; Gardner v. Gardner, 1999 ABQB 544 | | judge quotes from Gardner that parents are obliged to maximize their income for the benefit of their children. Rules that husband did not. |

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| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8(c) | 65 | | | states wife contributed to property |
| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8(d) | 65 | | | states that wife has significantly lower income potential. |
| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8(e) | 65 | | | includes 6 year period of cohabitation in length. |
| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 8(f) | 65 | | | considers that Jeep was acquired by wife when separate and apart |
| s. 36(2)(a) presumption of joint ownership | | M.(N.) v. M.(C.L.), 2005 ABQB 724 | M.(N.) v. M.(C.L.) | 2005 | QB | Acton | | self | Barnes, Basil | rev'd. in part 2008 ABCA 108 | 7(4) | 71 | | | judge divides property 60/40 in wife's favour. |
| s. 36(2)(a) presumption of joint ownership | property taxes | M.(N.) v. M.(C.L.), 2008 ABCA 108 | M.(N.) v. M.(C.L.) | 2008 | CA | Hunt, Slatter, Hillier | | self | Alyluia, K.J. | rev'g. in part 2005 ABQB 724 | | 8 | | | Court states that property taxes after separation accrued solely to wife, who had full possession of house. |
| s. 36(2)(a) presumption of joint ownership | double | MacDonald v. Galley, 2005 ABQB 287 | MacDonald v. Galley | 2005 | QB | Wilson | | Boyes, Judy | Thornborough, James; Styczen, Carrie | 2005 ABQB 38 | | 8 | | | duration of marriage used to determine costs, double costs awarded in a subsequent decision |
| s. 36(2)(a) presumption of joint ownership | offers to settle | MacDonald v. Galley, 2005 ABQB 38 | MacDonald v. Galley | 2005 | QB | Wilson | | Boyes, Judy | Thornborough, James; Styczen, Carrie | 2005 ABQB 287 | 8(g) | 3 | | | |

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| s. 36(2)(a) presumption of joint ownership | RRSP | MacEwan v. MacEwan, 2003 ABQB 966 | MacEwan v. MacEwan | 2003 | QB | Acton | | Hennessey, Shaun | Davies, Kathleen | | | 9,10 | | | per marriage agreement |
| s. 36(2)(a) presumption of joint ownership | date of trial | MacEwan v. MacEwan, 2003 ABQB 966 | MacEwan v. MacEwan | 2003 | QB | Acton | | Hennessey, Shaun | Davies, Kathleen | | | 14 | | | first date of trial (also date of divorce) held to be date of division |
| s. 36(2)(a) presumption of joint ownership | | MacEwan v. MacEwan, 2003 ABQB 966 | MacEwan v. MacEwan | 2003 | QB | Acton | | Hennessey, Shaun | Davies, Kathleen | | 8(l) | 10 | | | judge rules that placing money in RRSP after separation does not count as dissipation. |
| s. 36(2)(a) presumption of joint ownership | inheritance | Malette v. Robertson, 2004 ABQB 696 | Malette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 7(2) | 15 | | | judge finds neither gift nor gain was brought into matrimonial regime. |
| s. 36(2)(a) presumption of joint ownership | | Malette v. Robertson, 2004 ABQB 696 | Malette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 7(3) | 23 | | Little v. Little, 2004 ABQB 812 | judge awards 1/4 of increase in value of property to husband based on s. 8 factors, particularly s. 8(d). States it would be inequitable not to award a portion of increase due to large disparity that would result. |
| s. 36(2)(a) presumption of joint ownership | | Malette v. Robertson, 2004 ABQB 696 | Malette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 8(a) | 18 | St. Jacques v. St. Jacques (1982), 29 R.F.L. (2d) 195 | | each party contributed to marriage |

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| s. 37 contracting out | | Mallette v. Robertson, 2004 ABQB 696 | Mallette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 8(c) | 19 | | | judge states neither spouse did anything to enhance value of property. |
| s. 37 contracting out | | Mallette v. Robertson, 2004 ABQB 696 | Mallette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 8(d) | 20 | | | both parties near retirement and their income-earning capacity is limited |
| s. 37 contracting out | long | Mallette v. Robertson, 2004 ABQB 696 | Mallette v. Robertson | 2004 | QB | Martin | | Mahoney, P.F. | Boyden, R.V.T. | | 8(e) | 18 | | | long-term marriage |
| s. 37 contracting out | post separation debt | Marler v. Marler, 2007 ABQB 429 | Marler v. Marler | 2007 | QB | Lee | | Gosselin, Diana | MacKay, Frank | | | | Busenius v. Busenius, [2006] A.J. No. 238 | | States it is debt that both parties "implicitly agreed to incur while married" (Busenius) |
| s. 37 contracting out | | Marler v. Marler, 2007 ABQB 429 | Marler v. Marler | 2007 | QB | Lee | | Gosselin, Diana | MacKay, Frank | | | | Braglin v. Braglin, [2002] A.J. No. 1198 | | Cites Braglin as stating that spousal support is better equipped to deal w/ occupation rent than MPA. |
| s. 37 contracting out | matrimonial home | Marler v. Marler, 2007 ABQB 429 | Marler v. Marler | 2007 | QB | Lee | | Gosselin, Diana | MacKay, Frank | | 7(4) | 153 | | | wife seeks unequal distribution to mitigate rapid inflation of house. Judge refuses. |
| s. 37 contracting out | | Marler v. Marler, 2007 ABQB 429 | Marler v. Marler | 2007 | QB | Lee | | Gosselin, Diana | MacKay, Frank | | 9 | 182 | | | Wife proposes long term payment to husband in lieu of lump sum equalization payment. States she is unable to obtain a mortgage for full amount. Refused. |

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| s. 37 contracting out | prenuptial agreement | Mastalerz v. Mastalerz, 2007 ABQB 416 | Mastalerz v. Mastalerz | 2007 | QB | Shelley | | Daunais, Patricia | Allen, Laurie | | 37 | 25 | Roberts v. Salvador, 2006 ABQB 400 | | Wife argues that since she was newly arrived from Poland, she did not understand legal effect of the agreement. Also argued unconscionability, duress, change in circumstances. Agreement upheld. |
| s. 37 contracting out | home improvements | Masur v. Madiros 2000 CarswellAlta 1039 | Masur v. Madiros | 2000 | QB | Ritter | | O'Dell, Elizabeth R. | Hinz, H. | | | 60 | | | Husband given partial (1/3) exemption for money paid towards improvements to house made before marriage. |
| s. 37 contracting out | mortgage payments | Masur v. Madiros 2000 CarswellAlta 1039 | Masur v. Madiros | 2000 | QB | Ritter | | O'Dell, Elizabeth R. | Hinz, H. | | | 59 | | | Husband given exemption for portion of mortgage payments applied to principal before marriage. |
| s. 37 contracting out | pet damage | Masur v. Madiros 2000 CarswellAlta 1039 | Masur v. Madiros | 2000 | QB | Ritter | | O'Dell, Elizabeth R. | Hinz, H. | | 8(l) | 58 | | | Judge includes exemption for pet damage |
| s. 37 contracting out | | Mauil v. Mauil, 2002 ABQB 387 | Mauil v. Mauil | 2002 | QB | Burrows | | Ewasko, Gary W. | LeDrew, Wayne | | 35 | 11 | P.D.Y. Management Services Ltd. v. MacMullin, 2010 ABQB 173; Adair Homes Ltd. v. Desjardine, 2006 ABQB 373 | | procedure for removing lis pendens said to be linked inextricably to action unless voluntarily removed by claimant |

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| s. 37 contracting out | | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 18-23 | Hodgson v. Hodgson, 2005 ABCA 13 | | Judge notes Hodgson framework as correct approach to mat. prop. division. |
| s. 37 contracting out | pension | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 51 | | | wife's pension currently being paid included for division. Judge determines that 1/2 belonging to husband should be returned to wife as spousal support. |
| s. 37 contracting out | RRSPs | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 47 | Bakken v. Bakken (1992), 132 A.R. 356; Reid v. Reid (1993), 99 D.L.R. (4th) 722 | | money withdrawn from RRSPs and used for living expenses deemed to have been mat. prop. available for distribution. amount after taxes (and payment of condo fees) returned for division. |
| s. 37 contracting out | date of trial | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 16 | Mazurenko v. Mazurenko (1981), 30 A.R. 34; Kazmierczak v. Kazmierczak, 2003 ABCA 227; Hodgson v. Hodgson, 2005 ABCA 13 | | judge notes that MPA does not specify a date of valuation but cites 3 precedential cases establishing date at trial. |

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| s. 37 contracting out | post separation debt | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 57 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | Milne v. Milne, 2009 ABQB 361 | debts acquired after separation excluded from property division. |
| s. 37 contracting out | | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 42 | Spicer v. Spicer 1985 CanLII 839 (BC C.A.) | | Judge states that husband was not "driven from home" and therefore does not grant claim. |
| s. 37 contracting out | spousal support order | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | | 52 | | | wife's pension currently being paid included for division. Judge determines that 1/2 belonging to husband should be returned to wife as spousal support. |
| s. 37 contracting out | | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | 7(3)(a) | 27 | Harrower v. Harrower (1989), 97 A.R. 141; Busenius v. Busenius, 2006 ABQB 162 | | Judge states exempt assets must be traced to an identifiable asset or tracing not possible. |
| s. 37 contracting out | no priority to factors | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | 8 | 16 | Hodgson v. Hodgson, 2005 ABCA 13 | | no priority to factors. |

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| s. 37 contracting out | gambling | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | 8(l) | 34 | Metz v. Metz, 2004 ABQB 528 | | In this excellently rendered decision clearly laying out the current law on the MPA, judge states wife's gambling <i>during marriage</i> was tacitly condoned by husband and does not constitute dissipation. |
| s. 37 contracting out | | McAdam v. McAdam, 2009 ABQB 109 | McAdam v. McAdam | 2009 | QB | Mahoney | | Goold, Linda | Matkovic, Matia; Allen, Carolyn | | 7(4) | 15, 18 | | | Judge states the the presumption of equal division. |
| s. 37 contracting out | Consulting practice | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 56 | | | judge states that it is too speculative to include. |
| s. 37 contracting out | interim costs | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 135 | McDonald v. McDonald, 1998 ABCA 241 | | judge classifies 2 \$20,000 as costs not property. States husband had greater control and access to finances. |
| s. 37 contracting out | pension | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 51 | | | Husband argues that date of separation should be used, since his salary went up significantly post-separation. Judge rejects, states that wife contributed to his success and should share in it. |

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| s. 37 contracting out | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 30, 32 | Low v. Robinson, 2000 ABQB 60 | Nuttall v. Rea, 2005 ABQB 151 | Husband argues that an informal agreement existed in marriage that if wife's affair did not end, she would get nothing. Rejected. Judge states that without a link to financial consequence, conduct not relevant. |
| s. 38 formalities | "Lifting the corporate veil" | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 168 | | | judge grants exemption for amount of inheritance husband gave up upon exercising option to purchase. Says husband's exemption was "sweat equity." |
| s. 38 formalities | date of trial | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 36 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | Judge states that Mazurenko is the rule. |
| s. 38 formalities | future disposition costs | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 126 | Cador v. Chichak, [2000] ABCA 10; Laskosky v. Laskosky, [1999] ABQB 78 | | judge refuses to allow as being impossible to quantify |
| s. 38 formalities | future tax and sale costs | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 112-14 | | | Judge disallows tax of speculative sale of properties held by corporation. |

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| s. 38 formalities | legal fees | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 83 | | | legal fees excluded because they have not crystalized at time of trial. |
| s. 38 formalities | taxes | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 120 | | | judge values RRSPs on date of mandatory retirement from firm. |
| s. 38 formalities | taxes | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 144 | Rooney v. Wingham, 2007 ABCA 188 | | post-separation tax debt may be included in matrimonial debt where income insufficient to meet expenses. |
| s. 38 formalities | taxes, sale costs | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 100 | Sengmueller v. Sengmueller 1994 CanLII 8711 (ON C.A.); | | Notional tax and sale costs included based on projected "winding up" of corporation |
| s. 38 formalities | hindsight valuation of property | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 158 | Campbell, Ian R., The Valuation of Business Interests (Toronto: Canadian Institute of Chartered Accountants, 2001) | | judge discusses difficulty of valued assets in hindsight. Values by amount of estate husband gave up in electing to purchase property, termed "original value." |

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| s. 38 formalities | trust fund | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | | 80 | | | Judge states that trust fund set up to pay for spousal support has taken on character of matrimonial property and may be included for distribution |
| s. 38 formalities | tracing | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 36(1) | 159-60 | | | property traceable to corporation given exemption for amount husband gave up in inheritance at time he exercised option. Property traceable to matrimonial funds given half exemption based on s. 36(1). |
| s. 38 formalities | inheritance | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 7(3)(a) | 159-60 | | | property traceable to corporation given exemption for amount husband gave up in inheritance at time he exercised option. Property traceable to matrimonial funds given half exemption based on s. 36(1). |
| s. 38 formalities | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(a) | 27 | | | 8(a) used to reinforce s. 7(4) presumption. Judge also notes ss. 8(b) and 8(c) in passing. |
| s. 38 formalities | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(h) | 63 | | | Investment in corporation post-separation held to be dissipation by husband. Wife given 1/2 total of both husband's interest and interest gifted to children and adult friend. |

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| s. 38 formalities | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(k) | 98 | Sengmueller v. Sengmueller 1994 CanLII 8711 (ON C.A.); | | Judge states Act does not limit tax liability to that required to make an equalization payment. |
| s. 38 formalities | interim distribution | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(l) | 139 | | | judge finds ispending of interim distribution to wife didn't constitute dissipation and was used to pay legal fees. |
| s. 38 formalities | legal fees | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(l) | 144-46 | | | judge fails to find dissipation re husband's greater legal fees. States that since he controlled greater share of assets, higher legal fees likely. |
| s. 38 formalities | shareholder loan account | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(l) | 142 | | | judge states intent required for a finding of dissipation. |
| s. 38 formalities | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 8(l) | 61 | | | Investment in corporation post-separation held to be dissipation by husband. Wife given 1/2 total of both husband's interest and interest gifted to children and adult friend. |
| s. 38 formalities | | McCulloch v. McCulloch, 2003 ABQB 432 | McCulloch v. McCulloch | 2003 | QB | Smith | | Pieschel, William | Ares, Louise M | | 7(4) | 33 | | | Judge states that nothing in s. 8 would cause displacement from s. 7(4) presumption. N.B. This logic is backwards from wording of s. 7(4). |

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| s. 38 formalities | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | | | Jensen v. Jensen, 2009 ABCA 272 | | judge reviews Jensen as current statement on MPA. |
| s. 38 formalities | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | | | Jensen v. Jensen, 2009 ABCA 272 | | "Marriage creates legal and moral obligations between the parties. The courts and the Matrimonial Property Act view matrimony as a social and economic partnership. No template exists that can adequately govern all marital relationships. " |
| s. 5 Conditions precedent to application | settlement agreement | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 37 | 45 | | | legal kit purchased at Staples does not pass requirements of s. 38. |
| s. 5(1)(e) Matrimonial property order if one spouse dissipating property | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 38 | 45 | | | legal kit purchased at Staples does not pass requirements of s. 38. |
| s. 6 Time for application | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(a) | 48 | | | wife found to have made greater contribution to marriage. |

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| s. 7(2) definition of gift | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(c) | 50 | | | wife found to have made greater contribution to property |
| s. 7(2) definition of gift | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(d) | 51 | | | "Her innate ability in handling finances appears to be vastly superior to his." |
| s. 7(2) definition of gift | short | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(e) | 52 | | | marriage of short duration. |
| s. 7(2) definition of gift | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(g) | 53 | | | judge willing to consider legal kit purchased at Staples among s. 8 factors. |
| s. 7(2) definition of gift | inflation | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 8(m) | 55 | | | judge states that huge increases in housing values a consideration. |
| s. 7(2) definition of gift | | McIntosh v. McIntosh, 2010 ABQB 168 | McIntosh v. McIntosh | 2010 | QB | Sanderman | | Pollock, Michael | Ares, Louise M | | 7(4) | 56, 63 | | | Rebutted. Judge deducts wife's improvements to house and mortgage payments since separation then divides remaining equity equally. |

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| s. 7(2) exempt property scope of | dividend | McKay v. McKay 2004 ABQB 974 | McKay v. McKay | 2004 | QB | Clarke | | Pollock, Leonard | Viccars, Thomas | | | 9 | | | judge determines dividend payment by company to be salary, not assets. Therefore, not matrimonial property. |
| s. 7(2) exempt property scope of | equipment | McKee v. McKee, 2006 ABQB 196 | McKee v. McKee | 2006 | QB | Binder | | Glass, James | Adair, Brian | | | 23 | | | value of farm equipment owned at time of marriage exempt from distribution. |
| s. 7(2) exempt property scope of | property damage | McKee v. McKee, 2006 ABQB 196 | McKee v. McKee | 2006 | QB | Binder | | Glass, James | Adair, Brian | | | 20 | | | wife's failure to repair water leak is held to be her responsibility alone. |
| s. 7(2) exempt property scope of | | McKee v. McKee, 2006 ABQB 196 | McKee v. McKee | 2006 | QB | Binder | | Glass, James | Adair, Brian | | | 22 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | children residing with mother in mat. home. Claim by husband for occupation rent denied. |
| s. 7(2) exempt property scope of | tracing | McKee v. McKee, 2006 ABQB 196 | McKee v. McKee | 2006 | QB | Binder | | Glass, James | Adair, Brian | | 36(1) | 15-16 | Stewart v. Stewart (1992), 130 A.R. 293 (Q.B.) | | gift from grandmother placed in joint names given 1/2 exemption |
| s. 7(2) exempt property scope of | goodwill | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 66 | | | husband's corporate goodwill exempted |

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| s. 7(2) exempt property scope of | resulting trust | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 35 | Re Roberts Estate 1996 CanLII 8264; Niles v. Lake, 1947 CanLII 5 (S.C.C.) | | Wife's parents argued that husband gifted property to them by placing them on title. Judge states that they were merely holding property in trust for husband and wife. |
| s. 7(2) exempt property scope of | "Lifting the corporate veil" | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 57 | | | company incorporated but treated as a single proprietorship. Amount prior to marriage exempt. All increase occurring during marriage is divided equally. |
| s. 7(2) exempt property scope of | goodwill | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 66 | | | husband's corporate goodwill exempted |
| s. 7(2) exempt property scope of | date of trial | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 45 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| s. 7(2) exempt property scope of | | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 79 | | | wife claims occupation rent as an alternative to spousal support. Refused. |
| s. 7(2) exempt property scope of | | McKenzie v. McKenzie, 2005 ABQB 232 | McKenzie v. McKenzie | 2005 | QB | Verville | | self | McCrae, John | | | 81 | | | judge declines to award pre-judgment interest since wife had enjoyed increase as a result of advance equalization payment |

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| s. 7(2) exempt property scope of | | Mesmar v. Mesmar, 2009 ABQB 32 | Mesmar v. Mesmar | 2009 | QB | Veit | | self | Mishna, Brooks | | | 58 3 | Carmichael v Carmichael 2007 ABCA | | Judge states that Carmichael stands for the principle that debts may be divided where there are no net assets. |
| s. 7(2) exempt property scope of | | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | | 44 | | | judge totals up assets and liabilities, then divides evenly. |
| s. 7(2) exempt property scope of | other | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | | 49 | | | judge sets valuation date of RRSPs at date in wife's brief - 6 mos. prior to trial. Comments that moving date forward would complicate matters. |
| s. 7(2) exempt property scope of | method of distribution | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | | 48 | | | judge suggests method of distribution as transfer of husband's interest in property but states he cannot order it, per Divorce Act. |
| s. 7(2) exempt property scope of | | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | | 41 | Dwelle v. Dwelle (1982), 31 R.F.L. 14 (2d) 113 (Alta.C.A.) | | praises role of judicial discretion in determining s. 8 factors |
| s. 7(2) exempt property scope of | | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, Diann | | | 40 | LeBlanc v. LeBlanc, [1988] 1 S.C.R. 217 | | Purpose is to recognize that couple act as a single economic unit while married. |

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| s. 7(2) exempt property scope of | | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | 8(1) | 37 | Leonard Pollock, Q.C., "The Factors in Section 8(1)" in Matrimonial Property Law in Canada | Nuttall v. Rea, 2005 ABQB 151; Wright-Watts v. Watts, 2005 ABQB 708; Katrib v. Katrib, 2007 ABQB 626; Nasin v. Nasin, 2008 ABQB 219; McAdam v. McAdam, 2009 ABQB 109; Beaudry v. Beaudry, 2010 ABQB 119 | judge states bad faith or neglect is necessary for a finding of dissipation, does not find it here. |
| s. 7(2) exempt property scope of | | Metz v. Metz, 2004 ABQB 528 | Metz v. Metz | 2004 | QB | Mahoney | | Hryniuk, Peter | Castle, D. | | 7(4) | 42 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | judge bolds section of Mazurenko emphasizing presumption of equal division. |
| s. 7(2) exempt property scope of | foreign property | Meyer v. Mayer, 2006 ABQB 112 | Meyer v. Mayer | 2006 | QB | Kenny | | Forsyth-Nicholson, R. | Soby, J.C. | | | 15 | | | speculative claim for property in Germany as part of post-WWII restitution ruled to offset claimed loan from brother |
| s. 7(2) exempt property scope of | "Lifting the corporate veil" | Meyer v. Mayer, 2006 ABQB 112 | Meyer v. Mayer | 2006 | QB | Kenny | | Forsyth-Nicholson, R. | Soby, J.C. | | | 18 | | | judge states it is impossible to distinguish corp from husband |

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| s. 7(2) exempt property scope of | asset-based approach | Meyer v. Mayer, 2006 ABQB 112 | Meyer v. Mayer | 2006 | QB | Kenny | | Forsyth-Nicholson, R. | Soby, J.C. | | | 20 | | | expert states value of business is primarily value of land. Land held in corp's name, value discounted for tax consequences of sale |
| s. 7(2) exempt property scope of | loans from family | Meyer v. Mayer, 2006 ABQB 112 | Meyer v. Mayer | 2006 | QB | Kenny | | Forsyth-Nicholson, R. | Soby, J.C. | | | 6, 11 | | | judge disputes likelihood that husband will repay "loans" received from brother. No evidence that payment has been made on them. |
| s. 7(2) exempt property scope of | post separation debt | Meyer v. Mayer, 2006 ABQB 112 | Meyer v. Mayer | 2006 | QB | Kenny | | Forsyth-Nicholson, R. | Soby, J.C. | | | 24-26 | | | judge accepts large amount of husband's debt as living expenses. Does not consider dissipation. |
| s. 7(2) exempt property scope of | | Miles v. Miles, 2003 ABQB 688 | Miles v. Miles | 2003 | QB | Verville | | Smith, Jeffrey L. | Baker, Geoffrey D. | | 38 | 50 | Corbeil v. Bebris (1993), 141 A.R. 215; Jang v. Jang 2000 ABQB 607 (CanLII); Botros v. Botros, [2002] A.J. No. 1500; Kowalski v. Kowalski, [2002] A.J. No. 1371 | Voll v. Voll, 2008 ABQB 89 | agreement held to be merely an offer. In the alternative, its failure to comply with s. 38 formalities rendered agreement unenforceable. |

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| s. 7(2) exempt property scope of | bankruptcy | Miller v. Miller, 2000 ABQB 24 | Miller v. Miller | 2000 | QB | Nash | | Elander, Roy W. | Davies, Kathleen E. | | | 16 | | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | spouse did not automatically receive property interest. |
| s. 7(2) exempt property scope of | BIA | Miller v. Miller, 2000 ABQB 24 | Miller v. Miller | 2000 | QB | Nash | | Elander, Roy W. | Davies, Kathleen E. | | | 16 | | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | Property given to Trustee in Bankruptcy over distribution to spouse. Spouse argued that order not to divest MP meant that it could not go to Trustee. |
| s. 7(2) exempt property scope of | interest | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | | 26 | Dwelle v. Dwelle (1983), 46 A.R. 1 (C.A.) | | court declines to overturn judge's decision not to include interest in division of assets. |
| s. 7(3) property | employment bonus | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | | 29 | | C.(D.B.) v. W.(R.M.), 2004 ABQB 954 | court states that status of bonus as asset or income depends on whether it has been received prior to separation. |
| s. 7(3) property | | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | | 25 | | Dwelle v. Dwelle (1983), 46 A.R. 1 (C.A.) | MPA held to give wide discretion to judges and to call for intervention only in cases of clear error |

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| s. 7(3) property | beneficial interest | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | | 18 | | | CA upholds trial judge's determination that husband retained beneficial interest in shares. Change in status from legal to beneficial did not change quality of exemption. |
| s. 7(3) property | shares | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affmg. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | 7(3)(a) | 16 | Jackson v. Jackson (1989), 97 A.R. 153; Brokopp v. Brokopp (1996), 181 A.R. 91; Roenisch v. Roenisch (1991), 115 A.R. 255; Harrower v. Harrower (1989), 97 A.R. 141; Hughes v. Hughes 1998 ABCA 409 | Felker v. Felker, 2005 ABQB 365; Wright-Watts v. Watts, 2005 ABQB 708 | Beneficial interest in shares sufficient to establish tracing |

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| s. 7(3) property | | Miller v. Miller, 2004 ABCA 257 a.k.a. M.(D.G.) v. M.(K.M.) | Miller v. Miller | 2004 | CA | Berger | Russell, Whittman | Ares, Louise M | Stothert-Kennedy, B.L. | affing. M.(D.G.) v. M.(K.M.), 2002 ABQB 225 | 8(g) | 24 | | Walker v. Walker, 2009 ABQB 209 | Court states that a judge is not bound by specific terms of a s. 8(g) agreement but may consider it in context of the relationship between the parties. |
| s. 7(3) property | | Milne v. Milne, 2007 ABQB 641 | Milne v. Milne | 2007 | QB | Veit | | self | Snyder, Thomas | 2008 ABQB 270 | | 118 | | | judge denies claim for occupation rent but credits husband with 1/2 mortgage payments made while separated. |
| s. 7(3) property | tracing | Milne v. Milne, 2007 ABQB 641 | Milne v. Milne | 2007 | QB | Veit | | self | Snyder, Thomas | 2008 ABQB 270 | 36(1) | 94 | Quigg v Quigg [1993] A.J. 488 (C.A.) | | judge rules transfer of joint property was a gift and reduces exemption by 1/2. |
| s. 7(3) property | jewellery | Milne v. Milne, 2007 ABQB 641 | Milne v. Milne | 2007 | QB | Veit | | self | Snyder, Thomas | 2008 ABQB 270 | 7(3) | 125 | P.(T.L.) v. P.(F.J.) [2007] A.J. No. 1114; Ross v Ross [2007] A.J. No. 2196 | | jewellery presumed to have been gifted. Each party permitted to keep own jewellery |
| s. 7(3) property | | Milne v. Milne, 2007 ABQB 641 | Milne v. Milne | 2007 | QB | Veit | | self | Snyder, Thomas | 2008 ABQB 270 | 7(3) | 16, 107 | | | Judge states that s. 7(3) property acquired shortly before marriage did not arise independently of the marriage and therefore should be treated like 7(4) property and distributed equally. |
| s. 7(3) property | cattle | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 90 | | | judge states it is not possible to distinguish wife's cows from her father's. Does not find dissipation. |

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| s. 7(3) property | RESP | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 60 | | | RESP money excluded from distribution. However, judge states that if wife cashes them in before, 65% of money will go to husband. |
| s. 7(3) property | surface lease payments | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 58 | | | wife argues surface leases entered into after separation constitute s. 7(2) property as "settlement in damages in favour of one spouse" and are exempt. Judge rejects but only includes amount held in trust as remainder was not argued. However, they are a consideration in division of assets. |
| s. 7(3) property | post separation debt | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 93 | S.(E.) v. S.(J.S.), 2007 ABQB 321 | | judge includes wife's post separation debt then states that it is the responsibility of the wife alone. |
| s. 7(3) property | post separation debt | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 71 | McAdam v. McAdam, 2009 ABQB 109 | | Judge cites precedent for excluding post separation debt, then determines that since amount of debt at separation is unknown, wife's debts are to be included. |
| s. 7(3) property | | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | | 84 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | husband seeks occupation rent. Rejected: wife in occupation with children, wife paying mortgage. However, judge notes claim for spousal support may be a factor. |

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| s. 7(3) property | | Milne v. Milne, 2009 ABQB 361 | Milne v. Milne | 2009 | QB | Acton | | Morck, Janet | self | | 7(4) | 96 | | | judge awards unequal division based on revenue received by wife after separation. |
| s. 7(3) property | joint tenancy | Minaei v. Brae Centre Ltd., 2004 ABQB 597 | Minaei v. Brae Centre Ltd. | 2004 | QB | Kent | | self | Matkovic, Matia; Colborne, Daniel | | | 30 | | | severance of joint tenancy during a matrimonial property dispute may not result in equal division of matrimonial home. Dependent on resolution of mat. prop. analysis using ss. 7 and 8. Creditors must wait until resolution of dispute to determine share. |
| s. 7(3) property | LTA | Minaei v. Brae Centre Ltd., 2004 ABQB 597 | Minaei v. Brae Centre Ltd. | 2004 | QB | Kent | | self | Matkovic, Matia; Colborne, Daniel | | | 19, 20, 391 | Holt Renfrew & Co. v. Henry Singer Ltd. et al reflex, (1982), 135 D.L.R. (3d) | | Caveat filed by creditors trumps wife's uncaveated interest and orders by judge attaching payment of child support arrears to sale of house. |
| s. 7(3) property | | Minaei v. Brae Centre Ltd., 2004 ABQB 597 | Minaei v. Brae Centre Ltd. | 2004 | QB | Kent | | self | Matkovic, Matia; Colborne, Daniel | | 35 | 19 | | Barnes v. Barnes, 2006 ABQB 855 | MPA does not trump filing of caveat by creditors if spouse has failed to file a lis pendens. |
| s. 7(3) property | | Mitrovic v. Mitrovic, 2007 ABQB 107 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 44 | | 8 | Broda v. Broda 2003 ABQB 257 | Gardner v. Gardner, 2008 ABQB 750 | Test for costs in mat prop matters is substantial success, not absolute success. |

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| s. 7(3) property | foreign property | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | | 26 | | P.(T.L.) v. P.(F.J.), 2007 ABQB 600 | judge states that mother's home purchased by husband is s. 7(4) property because it was purchased subsequent to marriage. Notes that jurisdiction over the parties gives him jurisdiction over the property |
| s. 7(3) property | double dipping | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | | 43 | | | loan from brother not included. Seen as distribution of corporate assets, cannot be counted twice. |
| s. 7(3) property | | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | | 37 | | | failure to provide financial statement results in adverse inference against husband re value of corp. |
| s. 7(3) property | taxes | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | | 44 | | Daved v. Daved, 2010 ABQB 447 | potential tax on mat. home excluded in absence of evidence that sale is forthcoming. |
| s. 7(3) property | | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | | 23 | Duke v. Andler, 1932 CanLII 32; J.G. MacLeod, The Conflicts of Laws Calgary: Carswell, 1983 | | sister's beneficial interest in Croatian property prevents it being sold. |

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| s. 7(3) property | foreign funds | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | 7(3)(a) | 28 | | | husband unable to establish amount of money brought from Croatia. Therefore property assumed to have entered mat. regime. |
| s. 7(3) property | personal injury settlement | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | 7(3)(a) | 29 | | | husband unable to trace funds. Therefore, deemed to have entered mat. regime |
| s. 7(3) property | | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | 8(k) | 38 | | | lack of evidence that corp. will be dissolved. Therefore, no discount for tax liability |
| s. 7(3) property | | Mitrovic v. Mitrovic, 2007 ABQB 44 | Mitrovic v. Mitrovic | 2007 | QB | Veit | | Patterson, David | Cochard, Renee | 2007 ABQB 107 | 8(l) | 34 | | | interest in B.C. property too minimal to constituted dissipation. |
| s. 7(3) property | BIA | Moore (Bankrupt) (Re), 2006 ABQB 581 | Moore (Bankrupt) (Re) | 2006 | QB | Laycock | | Rath, Raymond | Thorsteinson, Wilton | | | | Lecerf v. Lecerf (2004) 2 C.B.R. (5th) 260; Tinant v. Tinant, 2003 ABCA 211 | | bankrupt's rights under MPA are property under the BIA |
| s. 7(3) property | BIA | Moore (Bankrupt) (Re), 2006 ABQB 581 | Moore (Bankrupt) (Re) | 2006 | QB | Laycock | | Rath, Raymond | Thorsteinson, Wilton | | | | Gibson (Re) 2005 ABQB 1116 | | Trustee in Bankruptcy has right to intervene in MPA action to protect creditor's rights. |

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| s. 7(3)(a) tracing | failure to disclose | Moore v. Moore, 2000 ABCA 102 | Moore v. Moore | 2000 | CA | Berger | McFayden, Fruman | Wise, J. | McMurchie, L.J. | previous judgment by Phillips, J. is not in a database | 37 | 11 | | Souder v. Wereschuk, 2003 ABQB 258; Brown v. Silvera, 2009 ABQB 523 | wife awarded damages equal to proper MPA claim |
| s. 7(3)(a) tracing | beneficial interest | Moreau v. Moreau, 2004 ABQB 660 | Moreau v. Moreau | 2004 | QB | Veit | | Seifner, Gerhard | Davies, Kathleen | | | | Bergman v Bergman [2004] A.J. 4 No. 783 | | judge unable to make distribution of matrimonial home because it is co-owned with husband's parents. Spouses only able to register a charge against each other's interests. |
| s. 7(3)(a) tracing | | Morris v. Morris, 2006 ABQB 915 | Morris v. Morris | 2006 | QB | Veit | | Snow, Debra | Woods, Roger S. | | 10 | 14 | | | Sets out test for adding a litigant: 1. apply for an order requesting return of property; 2. person receiving notice deemed a litigant. Onus on that person to remove themselves as a litigant. |
| s. 7(3)(a) tracing | 3rd party | Morris v. Morris, 2006 ABQB 915 | Morris v. Morris | 2006 | QB | Veit | | Snow, Debra | Woods, Roger S. | | | 19 | | | 3rd party added to proceedings after having been gifted \$50,000 by husband. |
| s. 7(3)(a) tracing | RRSPs | Morton v. Morton, 2008 ABCA 144 | Morton v. Morton | 2008 | CA | Coté, Ritter, Watson | | Sadownik, Rostyk | Topp, Brooks | affmg. 2007 ABQB 240 | | 13 | | | husband argues RRSP withdrawals were double counted as income and asset, or alternatively, were converted into another asset so were double counted as assets. Court finds no error |

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| s. 7(3)(a) tracing | | Morton v. Morton, 2008 ABCA 144 | Morton v. Morton | 2008 | CA | Coté, Ritter, Watson | | Sadownik, Rostyk | Topp, Brooks | affing. 2007 ABQB 240 | | | Abbott v. Abbott, 2006 ABCA 204 | Jensen v. Jensen, 2009 ABCA 272 | must involve either misdirection or be so clearly wrong as to amount to injustice |
| s. 7(3)(a) tracing | by asset | N.(T.A.) v. N.(R.G.), 2003 ABQB 920 | N.(T.A.) v. N.(R.G.) | 2003 | QB | Lee | | Stothert-Kennedy, Brenda L. | Bubel, Lydia | 2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811 | | 37 | | | judge trades off husband's claim for "equity preservation" against wife's claim for occupation rent. |
| s. 7(3)(a) tracing | McAllister formula | N.(T.A.) v. N.(R.G.), 2003 ABQB 920 | N.(T.A.) v. N.(R.G.) | 2004 | QB | Lee | | Stothert-Kennedy, Brenda L. | Schaffter, Jackqueline | 2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811 | | 34 | | | McAllister formula used to divide pension |
| s. 7(3)(a) tracing | | N.(T.A.) v. N.(R.G.), 2003 ABQB 920 | N.(T.A.) v. N.(R.G.) | 2003 | QB | Lee | | Stothert-Kennedy, Brenda L. | Bubel, Lydia | 2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811 | | 37 | | | judge trades off husband's claim for "equity preservation" against wife's claim for occupation rent. |
| s. 7(3)(a) tracing | tracing | N.(T.A.) v. N.(R.G.), 2003 ABQB 920 | N.(T.A.) v. N.(R.G.) | 2003 | QB | Lee | | Stothert-Kennedy, Brenda L. | Bubel, Lydia | 2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811 | 36(1) | 31 | Jackson v. Jackson (1989), 97 A.R. 153 | | half of traced amount given to wife |

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| s. 7(3)(a) tracing | | N.(T.A.) v. N.(R.G.), 2003 ABQB 920 | N.(T.A.) v. N.(R.G.) | 2003 | QB | Lee | | Stothert-Kennedy, Brenda L. | Bubel, Lydia | 2004 ABQB 583; 2004 ABQB 48; 2003 ABQB 988 8; 2003 ABQB 816; 2003 ABQB 811 | 8(l) | 39 | | | deregistered RRSP held to have flowed into general funds and not dissipated. |
| s. 7(3)(a) tracing | | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 26 | Hodgson v. Hodgson, 2005 ABCA 13 | | Judge states that for properties not valued at date of trial, she will attempt to find an appropriate division. |
| s. 7(3)(a) tracing | stock options | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 45 | Harrower v. Harrower, [1989] A.J. No. 629; Stewart v. Stewart, [1992] A.J. No. 531 | | stock options held not to be divisible property. |
| s. 7(3)(a) tracing | furnishings | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 51 | | | judge values furnishings for purposes of division under 7(4) |
| s. 7(3)(a) tracing | Mahr | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 25 | | | Husband argues that \$10,000 agreed to be paid in case of failure of marriage (Mahr) is matrimonial property. Wife argues it is a separate contract. Judge hold it is a separate contract but is unenforceable. |

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| s. 7(3)(a) tracing | matrimonial home | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 32 | | | judge states property need not be in both names to be divisible under act. |
| s. 7(3)(a) tracing | date of separation | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 103, 106 | W.(K.E.) v. M.(C.R.), 2005 ABQB 426 | Behiels v. McCarthy, 2010 ABQB 281 | judge determines it would be unfair to divide 7(3) property as of date of trial, given that it was a short term marriage. Divides equally as of date of separation. |
| s. 7(3)(a) tracing | date of trial | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 28 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| s. 7(3)(a) tracing | wedding | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 83 | | | judge finds husband solely responsible for cost of wedding. |
| s. 7(3)(a) tracing | wedding gifts | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | | 59 | | | |
| s. 7(3)(a) tracing | Mahr | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | 37 | 14 | Braker v. Marcovitz, [2007] S.C.J. No. 54 | A.K. c. I.B., 2008 NBBR 249 | Husband argues that \$10,000 agreed to be paid in case of failure of marriage (Mahr) is matrimonial property. Wife argues it is a separate contract. Judge holds it is a separate unenforceable contract |
| s. 7(3)(a) tracing | Mahr | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | 38 | 23 | | | Mahr held not to comply w/ s. 38 formalities and is unenforceable. |

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| s. 7(3)(a) tracing | short | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | 8(e) | 103 | | | s. 8(e) strong factor in division of 7(3) property. Short term marriage. |
| s. 7(3)(a) tracing | business | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | 8(l) | 57 | Metz v. Metz, 2004 ABQB 528; Wright-Watts v. Watts 2005 ABQB 708 | | business formed contemporaneously w/marriage failed to complete contracts once couples separated but loss does not constitute dissipation. |
| s. 7(3)(a) tracing | | Nasin v. Nasin, 2008 ABQB 219 | Nasin v. Nasin | 2008 | QB | Moen | | Patterson, David | Smith, Richard | | 7(4) | 109 | | | Divides all 7(4) property equally as of date of trial |
| s. 7(3)(a) tracing | prenuptial agreement | Neher v. Kossowan, 2008 ABQB 366 | Neher v. Kossowan | 2008 | QB | Acton | | Pollock, Leonard | Topp, Brooks | | 37 | 38 | | | Ambiguity in prenuptial agreement re assets acquired during marriage from assets previously owned. Judge rules these assets are also excluded from division but divides 1/2 of fixtures purchased for new house. |

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| s. 7(3)(a) tracing | assets seized by creditors | Nelson v. Nelson, 2001 ABQB 732 | Nelson v. Nelson | 2001 | QB | Lee | | Becker, Kelsey L. | Bristman, Natalie | 2001 ABQB 888 | | 47 | Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf); Miller v. Schacher, 2000 ABQB 24 | Coulthard (Bankrupt) (Re), 2003 ABQB 976; Lecerf v. Lecerf, 2004 ABQB 501; Barnes v. Barnes, 2006 ABQB 855; Bjornson v. Schacher, 2009 ABQB 84 | Wife's undeclared property interest in husband's RRSPs already seized by creditors held not to retroactively vest and deprive creditors of their interest in said property. |
| s. 7(3)(a) tracing | constructive or resulting trusts | Nelson v. Nelson, 2001 ABQB 732 | Nelson v. Nelson | 2001 | QB | Lee | | Becker, Kelsey L. | Bristman, Natalie | 2001 ABQB 888 | | 37 | Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf) | Coulthard (Bankrupt) (Re), 2003 ABQB 976 | judge suggests application for equitable remedy in response to failure of MPA to address problem of wife's potential interest in property seized by creditors. Suggests another option is a claim for unequal division of remaining property based on s. 8(1) |
| s. 7(3)(a) tracing | CEA | Nelson v. Nelson, 2001 ABQB 732 | Nelson v. Nelson | 2001 | QB | Lee | | Becker, Kelsey L. | Bristman, Natalie | 2001 ABQB 888 | | 47 | Maroukis v. Maroukis, 1984 CanLII 76 (S.C.C.) | Lecerf v. Lecerf, 2004 ABQB 501; Barnes v. Barnes, 2006 ABQB 855; Bjornson v. Schacher, 2009 ABQB 84 | Wife's undeclared property interest in husband's RRSPs already seized by creditors held not to retroactively vest and deprive creditors of their interest in said property. |

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| s. 7(3)(a) tracing | | Nelson v. Nelson, 2001 ABQB 732 | Nelson v. Nelson | 2001 | QB | Lee | | Becker, Kelsey L. | Bristman, Natalie | 2001 ABQB 888 | 35 | 35 | | | s. 35 extends to real property only. Judge states that security for personal property may be found through equitable remedies |
| s. 7(3)(a) tracing | constructive or resulting trusts | Nelson v. Nelson, 2001 ABQB 888 | Nelson v. Nelson | 2001 | QB | Lee | | Becker, Kelsey L. | Bristman, Natalie | 2001 ABQB 732 | | 37 | Robert A. Klotz, Bankruptcy, Insolvency and Family Law (looseleaf) | | Constructive trust argument fails. No causal connection between RRSP and detriment to wife |
| s. 7(3)(a) tracing | | Nordholt v. Nordholt, 2009 ABQB 600 | Nordholt v. Nordholt | 2009 | QB | Lee | | Bains, Sarbit | Goldsmann, Alvin | 2009 ABQB 699 | 7(3) | 63-64 | | | Judge states most of the assets of the marriage pre-existed marriage did not enter the matrimonial regime . Only house entered regime. |
| s. 7(3)(a) tracing | independence | Nordholt v. Nordholt, 2009 ABQB 600 | Nordholt v. Nordholt | 2009 | QB | Lee | | Bains, Sarbit | Goldsmann, Alvin | 2009 ABQB 699 | 8(m) | 60 | | | Judge states most of the assets of the marriage pre-existed marriage did not enter the matrimonial regime . Only house entered regime. |
| s. 7(3)(a) tracing | disability payments | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | | 267 | | | although used to assist family funds, portion that was later replaced retains exempt character. |
| s. 7(3)(a) tracing | Tort settlement | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | | 239-250-57 | Sutton v. Davidson 1999 ABCA 280 | | judge distinguishes future income portion of a settlement as not exempt. Paras. 250-57 present a methodological approach to division |

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| s. 7(4) property | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | | 67-70 | McCulloch v. McCulloch, 2003 ABQB 432; Low v. Robinson, 2000 ABQB 60 | Beaudry v. Beaudry, 2010 ABQB 119 | judge states there may be a role for consideration of "moralness and justness" of situations in s. 8 beyond 8(1). Must be shown to have a financial consequence. (has been interpreted later as a form of dissipation) |
| s. 7(4) property | date of trial | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | | 155 | Hodgson v. Hodgson, 2005 ABCA 13 | | states there may be special circumstances allowing for departure. |
| s. 8 factors | disability | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8 | 72-78 | | | health situations of both parties noted |
| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | | 69 | Leblanc v. Leblanc [1988] 1 S.C.R. 217 | | |

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| s. 8 factors | tort settlement | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 7(2) | 182 | Shaver v. Shaver 37 R.F.L. (3rd) 117; Kowalski v. Kowalski [1997] O.J. No. 4050; Lobo v. Lobo 1999 ABQB 107; Rohl v. Rohl 140 A.R. 229; Nesbitt v. Nesbitt 159 Sask.R. 252; Girouard v. Girouard 40 R.F.L. (3rd) 157; East v. East 2000 SKQB 557; Institute of Law Research and Reform. Report No. 18: Matrimonial Property (1975) | | debate on interp of s. 7(2)(d). Judge finds there is a loss to both parties when said loss affects the financial well-being of both parties. |
| s. 8 factors | cello | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 7(3) | 274 | | | increase in cello included in property division. |

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| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 7(3)(a) | 243 | Lobo v. Lobo 1999 ABQB 107; Harrower v. Harrower 97 A.R. 141; Brokopp v. Brokopp 19 R.F.L. (4th) 1 | | |
| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8 | 165 | Peter v. Beblow [1993] 1 S.C.R. 980 | | judge considers whether "contribution" means value survived or value received. Determines it means value survived. |
| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8 | 285 | | | wife argues husband should have brought s. 7(3) property into matrimonial regime and unequal division should result. |
| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8(d) | 292 | | | judge notes this factor but says it bears on spousal support. |
| s. 8 factors | long | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8(c) | 291 | | | long marriage (16 yrs.) |
| s. 8 factors | | Nuttall v. Rea, 2005 ABQB 151 | Nuttall v. Rea | 2005 | QB | Watson | | McBean, Jean | Zwaneapoel, Susan | | 8(f) | 293 | Souder v. Wereschuk, 2004 ABCA 339 | | Judge notes that fact that property acquired while separate and apart does not automatically create an exemption for said property |

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| s. 8 factors | | Oddan v. Oddan, 2005 ABQB 786 | Oddan v. Oddan | 2005 | QB | Martin | | Beswick, H.R. | Boyden, R.V.T. | | | 18 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| s. 8 factors | | Oddan v. Oddan, 2005 ABQB 786 | Oddan v. Oddan | 2005 | QB | Martin | | Beswick, H.R. | Boyden, R.V.T. | | | 19 | Hodgson v. Hodgson, 2005 ABCA 13; Mazurenko v. Mazurenko (1981) 30 A.R. 34 | | |
| s. 8 factors | | Oddan v. Oddan, 2005 ABQB 786 | Oddan v. Oddan | 2005 | QB | Martin | | Beswick, H.R. | Boyden, R.V.T. | | 7(3) | 27 | | | judge awards 30% to husband |
| s. 8 factors | work ethic | Oddan v. Oddan, 2005 ABQB 786 | Oddan v. Oddan | 2005 | QB | Martin | | Beswick, H.R. | Boyden, R.V.T. | | 8(m) | 27 | | | judge refers repeatedly to wife's stronger work ethic before dividing property unequally. |
| s. 8 factors | date of separation | Ouellette v. Ouellette, 2000 ABQB 448 | Ouellette v. Ouellette | 2000 | QB | Holmes | | Glod, T. | self | | | 12 | Mazurenko v. Mazurenko (1989) 23 R.F.L. 3 rd 265 | | counsel for husband argues for date of valuation to be date of separation. Judge rejects. |
| s. 8 factors | | P.(D.E.) v. P.(M.E.), 2001 ABQB 946 | P.(D.E.) v. P.(M.E.) | 2001 | QB | Lee | | Reeves, Michele | Jenkins, John | | | 28 | | | judge claims that occupation rent could be a consideration in this case re request for injunctive relief. |

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| s. 8 factors | foreign property | P.(T.L.) v. P.(F.J.), 2007 ABQB 600 a.k.a. Patton v. Patton | P.(T.L.) v. P.(F.J.) | 2007 | QB | Macklin | | Pollock, Leonard | Schwab, Karen | Patton v. Patton, 2008 ABCA 334 | | 28 44 | Mitrovic v. Mitrovic, 2007 ABQB | | States court has jurisdiction over division of U.S. property by its jurisdiction over the parties. Property in wife's name only. Judge directs that 1/2 of property is to be held in trust for the husband. |
| s. 8(a) contribution to marriage and family | jewellery | P.(T.L.) v. P.(F.J.), 2007 ABQB 600 a.k.a. Patton v. Patton | P.(T.L.) v. P.(F.J.) | 2007 | QB | Macklin | | Pollock, Leonard | Schwab, Karen | Patton v. Patton, 2008 ABCA 334 | 7(3) | 36 | | | judge states that each party may keep value of gifts they received from the other. |
| s. 8(a) contribution to marriage and family | matrimonial home | Paley v. Paley, 2007 ABQB 13 | Paley v. Paley | 2007 | QB | Wilson | | Rand, Richard | Makuch, Nester | | | 40 | | | Reason for divorce: 78 yo wife wanted to stay in home. 82 yo husband wanted to go to a retirement home. Judge states home must be sold to divide assets. |
| s. 8(a) contribution to marriage and family | pension | Paley v. Paley, 2007 ABQB 13 | Paley v. Paley | 2007 | QB | Wilson | | Rand, Richard | Makuch, Nester | | | 26 | McAlister v. McAlister (1982), 41 A.R. 277 | | judge uses McAlister formula to divide pension. |
| s. 8(a) contribution to marriage and family | | Paley v. Paley, 2007 ABQB 13 | Paley v. Paley | 2007 | QB | Wilson | | Rand, Richard | Makuch, Nester | | 7(4) | 28 | | | long term marriage leads to presumption of equal division |
| s. 8(a) contribution to marriage and family | goodwill | Panara v. Di Ascenzo 2000 CarswellAlt a 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(3) | 63 | | | Restaurant goodwill given solely to Husband. |

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| s. 8(a) contribution to marriage and family | inheritance | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(2) | 60-61 | | | Judge visibly unhappy with wife's treatment of inheritance money by not putting it towards business. |
| s. 8(a) contribution to marriage and family | income-producing assets | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(3) | 63 | | | Restaurant goodwill given solely to Husband. |
| s. 8(a) contribution to marriage and family | income-producing assets | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(3) | 64 | | | Assets purchased from corporation divided 75 husband/25 wife. |
| s. 8(a) contribution to marriage and family | subsistence assets | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(3) | 62 | | | subsistence assets divided equally |
| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 7(3) | 58 | | | Judge states he is not bound by the principle of equal distribution re 7(3) property. |
| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | 8(b) | 54 | | | Judge states business success entirely due to husband. |

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| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | | 8(c) 55 | | | Judge states business success entirely due to husband. |
| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | | 8(d) 55 | | | Judge comments that wife has done nothing since leaving marriage but husband has continued to run a thriving business. |
| s. 8(a) contribution to marriage and family | short | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | | 8(e) 56 | | | 6 year marriage determined to be of short duration. 6 year cohabitation period prior to marriage not counted. |
| s. 8(a) contribution to marriage and family | interim advance on matrimonial property | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | | 8(j) 57 | | | credited against wife. |
| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo 2000 CarswellAlta 1814 | Panara v. Di Ascenzo | 2000 | QB | Kent | | Wise, J. | Best, Wendy | rev'd. 2005 ABCA 47 | | 51 | Peter v. Beblow [1993] 1 S.C.R. 980; Harper v. Harper (1995), 166 A.R. 212 | | Unjust enrichment argued. Failed. |

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| s. 8(a) contribution to marriage and family | unjust enrichment | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman (concurra nce), Berger (dissent in part) | McMurchi e, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | | 40-41 | Peter v. Beblow, 1993 CanLII 126 (S.C.C.); Pettkus v. Becker, 1980 CanLII 22 (S.C.C.); Harper v. Harper (1995), 166 A.R. 212 | R.(F.D.) v. P.(M.D.), 2006 ABQB 202; Howard v. Sandau, 2008 ABQB 34; Parchewsky v. Kozakevich, 2008 ABQB 4; Davidson v. Loucks, 2008 ABQB 154; J.(D.R.) v. J.(M.), 2008 ABQB 380; Canniff v. Gardner, 2008 ABQB 523; McCormick v. The Estate of Gilles Doiron and Hilda Power, 2009 NBCA 19; Jensen v. Jensen, 2009 ABCA 272; Brown v. Silvera, 2009 ABQB 523; Anthony v. Berger, 2010 ABQB 3; Coghill v. Michalko, 2010 ABQB 59 | Interesting comment at para. 40 stating that relationship in marriage also existed during period of cohabitation. Reasonable expectation of share in profits noted. Berger dissents. |

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| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman (concurance), Berger (dissent in part) | McMurchie, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | | 22 | Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83 | Behiels v. McCarthy 2010 ABQB; Swaren v. Swaren, 2007 ABQB 193; Parchewsky v. Kozakevich, 2008 ABQB 4 | court states that MPA does not apply to period of cohabitation. |
| s. 8(a) contribution to marriage and family | goodwill | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman (concurance), Berger (dissent in part) | McMurchie, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | | 60 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | Nuttall v. Rea, 2005 ABQB 151; | Divides assets equally except for goodwill which is given to husband alone. |
| s. 8(a) contribution to marriage and family | inheritance | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman (concurance), Berger (dissent in part) | McMurchie, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | 7(2) | 66 | | | court states TJ erred in dividing investment assets unequally based on wife's actions re inheritance. Awards equal division of increase in investment assets. |

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| s. 8(a) contribution to marriage and family | | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman n (concurra nce), Berger (dissent in part) | McMurche, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | | 19 | | Abbott v. Abbott, 2006 ABCA 204; Carmichael v. Carmichael, 2007 ABCA 3; Chalifoux v. Chalifoux, 2008 ABCA 70; Morton v. Morton, 2008 ABCA 144; A.(S.M.) v. H.(S.F.), 2009 ABCA 123 | Court will only overturn division of property judgment if there was misdirection or a decision clearly amounting to injustice. |
| s. 8(b) contribution to business | | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman n (concurra nce), Berger (dissent in part) | McMurche, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | 7(4) | 60 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | Nuttall v. Rea, 2005 ABQB 151; | |
| s. 8(b) contribution to business | | Panara v. Di Ascenzo, 2005 ABCA 47 | Panara v. Di Ascenzo | 2005 | CA | Russell | Whittman n (concurra nce), Berger (dissent in part) | McMurche, L.J. | Foster, Ronald; Harms, D.L. | rev'g. 2000 CarswellAlta 1814 | | 52 | Pettkus v. Becker, 1980 CanLII 22 (S.C.C.) | Gordon v. Towell, 2009 ABQB 462 | court finds causal link between efforts and gain. States monetary award is sufficient and does not award constructive trust. Awards division of increase in value in restaurant during period as "value survived." Berger dissents. |

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| s. 8(b) contribution to business | pension | Paxton v. Paxton, 2009 ABQB 435 | Paxton v. Paxton | 2009 | QB | Strekaf | | self | Richardson, Rita | | 9 | 30 | | | Court states it has jurisdiction to order the division at source of non-registered plans. 3rd party's admin. policy played a role in distribution. |
| s. 8(b) contribution to business | corporate debt | Peleshaty v. Peleshaty, 2007 ABQB 598 | Peleshaty v. Peleshaty | 2007 | QB | Nielson | | Turner, Gregory D. | Gosselin, Diana | | | 111 | | | wife argues she had nothing to do with co-owned corporation. Judge rules that as a shareholder, she is equally responsible for corp's. debt. |
| s. 8(b) contribution to business | loans from family | Peleshaty v. Peleshaty, 2007 ABQB 598 | Peleshaty v. Peleshaty | 2007 | QB | Nielson | | Turner, Gregory D. | Gosselin, Diana | | | 133 | | | judge appears to accept validity of loans, pending proof. |
| s. 8(b) contribution to business | | Peleshaty v. Peleshaty, 2007 ABQB 598 | Peleshaty v. Peleshaty | 2007 | QB | Nielson | | Turner, Gregory D. | Gosselin, Diana | | | 122 | Carmichael v. Carmichael, 2007 ABCA 3 | | judge states debt may be included if it added to matrimonial assets or maintenance of lifestyle of parties. |
| s. 8(b) contribution to business | | Peleshaty v. Peleshaty, 2007 ABQB 598 | Peleshaty v. Peleshaty | 2007 | QB | Nielson | | Turner, Gregory D. | Gosselin, Diana | | | 127 | Busenius v. Busenius, 2006 ABQB 162 | | In a twist on Busenius, husband claims contribution to mortgage payments from wife during period he was in exclusive possession. Judge states that as she is not claiming occupation rent, this claim fails. |

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| s. 8(b) contribution to business | | Pfeil v. Pfeil, 2009 ABQB 431 | Pfeil v. Pfeil | 2009 | QB | Lee | | Ferguson-Switzer, Anne | Spitz, Peter | | 20 | 16 | | | judge calls s. 20 an "extraordinary" remedy and refuses to grant application stating that full disclosure is required before a s. 20 order can be made. |
| s. 8(b) contribution to business | Dower Act | Phan v. Eng 2005 ABCA 142 <i>subnom Phan v. Lee</i> | Phan v. Eng | 2005 | CA | Hunt | McFayden, Costigan | n/a | Avery, R.N. | affirming <i>Phan v. Eng</i> ((May 12, 2004)), Doc. Calgary 0401-03202 | | 21, 43 | | | Dower Act and valuation of dower rights |
| s. 8(b) contribution to business | cash payment | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 29 | | | money given to wife between separation and trial excluded because husband not paying maintenance |
| s. 8(c) contribution to property | corporate assets | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 46 | | | judge leaves company to husband due to incomplete evidence of value. Implication that company may have greater liabilities than assets. |
| s. 8(c) contribution to property | inherited property | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 37 | | | no valuation presented for Sask. Land, so judge orders land to remain with husband. |
| s. 8(c) contribution to property | "Lifting the corporate veil" | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 23 | | | judge states that one cannot take corporate assets/liabilities and treat them as if they were separate and personal. |

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| s. 8(c) contribution to property | goodwill | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 24 | | | judge states company's goodwill is personal and cannot be valued |
| s. 8(c) contribution to property | accounting reports | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 30 | | | Due to disarray of finances, husband held to shoulder cost of both reports himself. |
| s. 8(c) contribution to property | loans from family | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 26 | | | judge excludes these from matrimonial debts |
| s. 8(c) contribution to property | post separation debt | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 25 | | | judge excludes all debts accumulated after the sale of the matrimonial home |
| s. 8(c) contribution to property | rent | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 28 | | | husband made claim for rent from wife while she was living in a duplex he owned post separation. Judge rejects, stating she was not paid maintenance during this time. |
| s. 8(c) contribution to property | taxes | Placsko v. Placsko, 2004 ABQB 410 | Placsko v. Placsko | 2004 | QB | Nation | | self | Forsyth-Nicholson, R. | | | 32 | | | judge states that she cannot tell if amount charged against house for personal taxes was accumulated before or after separation. States debt is husband's alone |

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| s. 8(c) contribution to property | double | Potter v. Potter 2001 ABQB 810 | Potter v. Potter | 2001 | QB | Lewis | | McKall, Ramon T. | Tumbach, Dale | | | 104 | | | double costs awarded to wife for failure of husband to cooperate or abide by undertaking not to dispose of property |
| s. 8(c) contribution to property | date of trial | Potter v. Potter 2001 ABQB 810 | Potter v. Potter | 2001 | QB | Lewis | | McKall, Ramon T. | Tumbach, Dale | | | 70 | Mazurenko v. Mazurenko (1989) 23 R.F.L. 3rd 265 | | Judge states that deviation from date of trial only arises with special circumstances or compelling reasons and dissipation is best dealt with via s. 8. |
| s. 8(c) contribution to property | CORE commissions | Potter v. Potter 2001 ABQB 810 | Potter v. Potter | 2001 | QB | Lewis | | McKall, Ramon T. | Tumbach, Dale | | | 58 | McLeod v. McLeod (1990), 28 R.F.L. (3d) 65 | | judge determines that CORE is property and discounts 25%. States that he is treating Core in a manner similar to pension. |
| s. 8(c) contribution to property | | Potter v. Potter 2001 ABQB 810 | Potter v. Potter | 2001 | QB | Lewis | | McKall, Ramon T. | Tumbach, Dale | | 8(l) | 93 | Cox v. Cox, 1998 ABQB 987 | | Judge notes principles for determining dissipation at para. 92: intent to dissipate + actual detriment. Chooses to add 1/2 of amount found dissipated to payment to wife (per Cox). |
| s. 8(c) contribution to property | periodic distributions | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 37 | McLeod v. McLeod 1990 CarswellAlta 114 | | judge distinguishes wife's inheritance money from trust money (income). |

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| s. 8(c) contribution to property | inheritance | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 49-51 | | | monies used towards boat and husband's RRSP and business lose exempt status. |
| s. 8(c) contribution to property | RESP | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 67 | | | any remainder of RESP money to be divided the same as s. 7(3) money |
| s. 8(c) contribution to property | during marriage | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 56 | | | judge notes husband had advice on tracing and exemptions and "deliberately hid" money from wife |

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| s. 8(c) contribution to property | partnership | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 20 | | | Judge determines value of partnership based on price for a new partner to join the firm. |
| s. 8(c) contribution to property | taxes | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 23 | Sengmueller v. Sengmueller 1994 CarswellOnt 375 | | judge does not deduct taxes because realization of sale is not imminent |
| s. 8(c) contribution to property | date of trial | R.(A.I.) v. W.(M.P.) 2004 CarswellAlt a 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 11-15 | Faulkner v. Faulkner (1998), 228 A.R. 49 | | trial interrupted by several months. Judge chooses to value property as of date of first sitting, since P. closed her case then, later date would have led to increased costs, any offers would have been made based on first trial date. |

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| s. 8(d) income, earning capacity, liabilities, obligations, other resources | by percentage | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | | 66 | | | judge divides s. 7(4) assets equally but divides s. 7(3) assets unequally. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | tracing | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 36(1) | 47 | | | money used towards paying down mortgage of matrimonial home loses 1/2 exemption. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | inheritance | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 7(3)(a) | 44 | | | although money placed in family account, judge does not find inheritance necessarily lost exempt status. States that status depends on use of money. |

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| s. 8(d) income, earning capacity, liabilities, obligations, other resources | loans from parents | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 7(3)(a) | 41 | Harrower v. Harrower 1989 CarswellAlta 105; Roenisch v. Roenisch 1991 CarswellAlta 325; Hughes v. Hughes 1998 CarswellAlta 1206 | | judge accepts that money given to purchase matrimonial home was not a gift because it was deducted from wife's inheritance. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | long | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 8(e) | 66 | | | long-term marriage |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 8(l) | 62 | Cox v. Cox 1998 CarswellAlta 1080 | | judge fails to find dissipation. Notes dissipation must include intent but that reasonable expenditures will not be considered dissipation. |

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| s. 8(d) income, earning capacity, liabilities, obligations, other resources | disclosure | R.(A.I.) v. W.(M.P.) 2004 CarswellAlta 1924 a.k.a. Rooney v. Wingham | R.(A.I.) v. W.(M.P.) | 2004 | QB | Hughes | | Boyes, Judy | Stock, E. | rev'd.in part Rooney v. Wingham, 2007 ABCA 188 | 8(m) | 66 | | | hiding assets results in unequal division of s. 7(3) property |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | prenuptial agreement | R.(B.A.) v. S.(C.J.) 2006 ABQB 400; [2006] A.J. No. 715 | R.(B.A.) v. S.(C.J.) | 2007 | QB | Trussler | | self | Kousonsavath, Souriya | | 37 | 69, 75 | Miglin v. Miglin, [2003] 1 S.C.R. 303; Hartshorne v. Hartshorne, [2004] 1 S.C.R. 550 | Mastalerz v. Mastalerz, 2007 ABQB 416 | Judge states agreement must violate basic contractual principles to be invalid. Also states there may be contextual factors that give more deference to a prenup than to a settlement agreement. Finds agreement freely contracted and valid. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | legal fees | R.(K.M.) v. R.(S.), 2005 ABQB 441 | R.(K.M.) v. R.(S.) | 2005 | QB | Binder | | self | Crooks, Sharon | | | 37 | | | Strange comment: "the effect of this order is an inequitable division of assets in favour of K.M.R. in recognition of the fact that due to her responsibilities prior to and after separation (particularly her contribution as a homemaker and parent), and her income, earning capacity, liabilities and obligations, she has suffered a disproportionate economic disadvantage." |

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| s. 8(d) income, earning capacity, liabilities, obligations, other resources | student loan | R.(K.M.) v. R.(S.), 2005 ABQB 441 | R.(K.M.) v. R.(S.) | 2005 | QB | Binder | | self | Crooks, Sharon | | | 36 | | | wife's student loans not included in otherwise uncomplicated property division. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | | R.(K.M.) v. R.(S.), 2005 ABQB 441 | R.(K.M.) v. R.(S.) | 2005 | QB | Binder | | self | Crooks, Sharon | | | 39 | | | denied. KMR's house payments increased equity. Children living in home for majority of time. |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | | Rarog v. Rarog, 2007 ABQB 98 | Rarog v. Rarog | 2007 | QB | McDonald | | Tymchyshyn, James | Bodeux-Tang, Margaret | | 38 | 21 | Miles v. Miles 20 Alta. L.R. (4th) 26 | | Failure to comply with all formalities renders s. 38 agreement legally unenforceable. <i>Judge states Smith v. Haworth wrongly decided.</i> |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | double dipping | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affing. unpublished 2001 QB decision | | 14 | Boston v. Boston (2001), 201 D.L.R. (4th) 1 | Lawson v. Lawson 2004 ABQB 415 | at the discretion of the court, depends on whether method of evaluation includes future income stream |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | double | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affing. unpublished 2001 QB decision | | 18 | | | double costs based on offer of judgment |

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| s. 8(d) income, earning capacity, liabilities, obligations, other resources | other | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affmg. unpublished 2001 QB decision | | 12 | | | valuations done on a date other than date of trial |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | Divorce Act | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affmg. unpublished 2001 QB decision | | 14 | | | Double dipping and Divorce Act |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | distribution of assets | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affmg. unpublished 2001 QB decision | 8(k) | 10 | | | butterfly transaction |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | | Ravoy v. Ravoy 2002 ABCA 6 | Ravoy v. Ravoy | 2001 | CA | Paperny | Marshall, Cairns | Allen, Laurie | Groome, G.A. | affmg. unpublished 2001 QB decision | s(1) | 11 | | | money given to daughter without consent of wife |
| s. 8(d) income, earning capacity, liabilities, obligations, other resources | tracing | Rees v. Rees 2001 CarswellAlt a 266 | Rees v. Rees | 2001 | QB | Rawlins | | Aaron, W.T. | Vallance, D.P. | 1999 ABQB 536 | 36(2)(a) | 3 | | | Judge corrects earlier ruling that fully exempted Husband's assets brought into marriage and used for building matrimonial home with 1/2 exemption. |

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| s. 8(e) duration of marriage | inheritance | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | | 40 | | | judge includes increase in value of inheritance, accepting testimony of wife that it was intended for their joint retirement. |
| s. 8(e) duration of marriage | post separation | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | | 43 | | | judge finds both parties credible and refuses to draw adverse inference re intentional withholding of documents by wife. |
| s. 8(e) duration of marriage | inheritance | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | 7(3) | 40 | | | judge includes increase in value of inheritance, accepting testimony of wife that it was intended for their joint retirement. |
| s. 8(e) duration of marriage | inheritance | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | 7(3)(a) | 40 | | | judge refuses to trace inheritance and equally divides increase. |
| s. 8(e) duration of marriage | | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | | 8(1) | 44 | | judge fails to find dissipation of property re expenditures after separation. States both parties spent assets. |
| s. 8(e) duration of marriage | loans from family | Richards v. Richards, 2004 ABQB 263 | Richards v. Richards | 2004 | QB | Binder | | Hustwick, John | Andrew, W. Stephen | | | 49 | | Hennesey v. Hennesey, 2005 ABQB 883 | judge accepts wife's claim that debts to mother will be paid off |

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| s. 8(e) duration of marriage | | Richardson v. Canada Life Assurance Company, 2004 ABQB 805 | Richardson v. Canada Life Assurance Company | 2004 | QB | Veit | | Long, Linda | n/a | | 11 | 19-23 | | | Judge discusses applicability of s. 11, but it appears s. 16 is the correct section, since issue is whether the children can continue a mat. prop. action against husband after death of wife if he does not pay promised 1/2 of insurance proceeds. |
| s. 8(e) duration of marriage | | Richardson v. Canada Life Assurance Company, 2004 ABQB 805 | Richardson v. Canada Life Assurance Company | 2005 | QB | Veit | | Long, Linda | n/a | | 16 | 19-23 | | | Judge discusses applicability of s. 11, but it appears s. 16 is the correct section, since issue is whether the children can continue a mat. prop. action against husband after death of wife if he does not pay promised 1/2 of insurance proceeds. |
| s. 8(e) duration of marriage | method of distribution | Rolls v. Rolls, 2000 ABCA 18 | Rolls v. Rolls | 2000 | CA | Picard, Berger, Whittmann | | ShIPLEY, K. | Allen, L.E. | varying 1998 CarswellAlta 987 | | 8 | | | CA struck down decision by trial judge to give home quarter to wife as distribution for lump sum payment in arrears |
| s. 8(e) duration of marriage | | Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.) | Rooney v. Wingham | 2007 | CA | Ritter, Martin | Kent (dissenting in part) | self | Boyes, Judy | rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.) | | 50 | | | punitive costs reduced based on revision to trial judgment. |

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| s. 8(e) duration of marriage | income tax | Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.) | Rooney v. Wingham | 2007 | CA | Ritter, Martin | Kent (dissenting in part) | self | Boyes, Judy | rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.) | | 39 | McCulloch v. McCulloch, 2003 ABQB 432 (CanLII) | | post-separation tax debt may be included in matrimonial debt where income insufficient to meet expenses. In this case, TJ, though, unaware that wife had received a refund. Overturned. |
| s. 8(e) duration of marriage | legal fees | Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.) | Rooney v. Wingham | 2007 | CA | Ritter, Martin | Kent (dissenting in part) | self | Boyes, Judy | rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.) | | 40 | | | TJ had allowed some legal fees to be included, which had been paid by CC. Revised. |
| s. 8(e) duration of marriage | | Rooney v. Wingham, 2007 ABCA 188 a.k.a. R.(A.I.) v. W.(M.P.) | Rooney v. Wingham | 2007 | CA | Ritter, Martin | Kent (dissenting in part) | self | Boyes, Judy | rev'g. in part R. (A.I.) v. W. (M.P.) (2004), 2004 CarswellAlta 1924; varying R. (A.I.) v. W. (M.P.) 2005 ABQB 409; leave to appeal refused 2008 CanLII 18949 (S.C.C.) | 7(4) | 46 | | | Unequal division of assets upheld on basis of conduct by husband in hiding inheritance to maintain exemptions. |

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| s. 8(e) duration of marriage | | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 44 | | | judge states distinction must be made between divisible assets and distributable assets according to MPA. States s. 7(3) = distributable, 7(4) = divisible. |
| s. 8(e) duration of marriage | aunt's home | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 62 | | | Wife given beneficial interest in husband's 1/2 interest in his aunt's home. |
| s. 8(e) duration of marriage | investment properties | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 64-66 | | | wife given 1/2 interest in any proceeds from forced sale of condo properties after no evidence presented as to amt. of exemption |
| s. 8(e) duration of marriage | date of trial | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 8 13 | Hodgson v. Hodgson 2005 ABCA | | |
| s. 8(e) duration of marriage | loans from family | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 89 155 | A.(D.L.) v. A.(R.T.), 2004 ABQB 946; Sparrow v. Sparrow, 2006 ABCA | | loan from aunt excluded as gifts from aunt to husband |

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| s. 8(e) duration of marriage | loans from family | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 98 | A.(D.L.) v. A.(R.T.), 2004 ABQB 946; Sparrow v. Sparrow, 2006 ABCA 155 | | excluded as gifts. |
| s. 8(e) duration of marriage | | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 134 | | | court views debts with suspicion and gives husband minimal credit for them, except for proven debt on house |
| s. 8(e) duration of marriage | by asset | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | | 53 | | | |
| s. 8(e) duration of marriage | jewellery | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 7(3) | 49 | | | judge permits wife to keep jewelry given to her by husband. |
| s. 8(f) property acquired while separate and apart | | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 8(l) | 137 | Hauck v. Hauck, [1991] A.J. No. 1117; Cox v. Cox, [1998] A.J. No. 1282; Bzdziuch v. Bzdziuch, [2001] A.J. No. 471 | | Judge cites 3 factors for finding dissipation: 1. negative intention; 2. detriment to one spouse; 3. failure to account for fluctuation in assets will draw a negative inference. |

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| s. 8(f) property acquired while separate and apart | conduct | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 8(m) | 150 | Layden v. Layden, [1996] A.J. No. 489 | | failure to protect assets can result in unequal division of assets. |
| s. 8(f) property acquired while separate and apart | conduct | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 8(m) | 151 | Lobo v. Lobo, [1999] A.J. No. 113 | | unwarranted financial risks can also result in unequal division of assets |
| s. 8(f) property acquired while separate and apart | | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 7(4) | 135 | | | judge orders unequal division of assets based on ss. 8(l), (m). Unequal division reduces large equalization payment from wife to husband. |
| s. 8(f) property acquired while separate and apart | disclosure | Ross v. Ross, 2007 ABQB 167 | Ross v. Ross | 2007 | QB | Lee | | Bozic, Zoran | Thom, Leonard | | 8(m) | 152 | Cordwell v. Cordwell, [1996] A.J. No. 1127 | | husband forged documents and lied on affidavit. |
| s. 8(f) property acquired while separate and apart | punitive | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | | 91-94 | | | judge awards punitive costs against wife for behavior before trial. |
| s. 8(f) property acquired while separate and apart | date of trial | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | | 13 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | judge states no exceptional circumstances in this case warrant moving from date of trial |

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| s. 8(f) property acquired while separate and apart | legal fees | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | | 43 | Rosario v. Rosario, September 8, 1993, Doc No. Edmonton, ABCA 14715 | | deducting legal fees from property ruled inappropriate |
| s. 8(f) property acquired while separate and apart | loans from family | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | | 14 | | | wife's loans from parents conceded and included; husband's loans disputed then included |
| s. 8(f) property acquired while separate and apart | | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | 8(a) | 44 | | | Wife argues for unequal distribution based on having stayed home with children. Rejected. |
| s. 8(f) property acquired while separate and apart | | S.(C.) v. L.(T.), 2003 ABQB 1013 | S.(C.) v. L.(T.) | 2003 | QB | Topolniski | | Tumbach, Dale | self | | 8(l) | 36, 37 | | Hennesey v. Hennesey, 2005 ABQB 883 | wife held to have dissipated assets that are unaccounted for. As well, held to have dissipated assets by driving up husband's legal fees. |
| s. 8(f) property acquired while separate and apart | condominium | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | | 29 | | | Judge recognizes condo purchased after separation belongs primarily to wife. Gives deduction for all payments toward balance before distributing equity equally. |
| s. 8(f) property acquired while separate and apart | RRSPs | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | | 21 | | | husband's explanation re cashing out RRSP not credible. Judge rules asset is to be included as if it had not been cashed out. |

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| s. 8(f) property acquired while separate and apart | date of trial | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | | 26 | Busenius v. Busenius, [2006] A.J. No. 238 | Horne v. Horne, 2010 ABQB 32 | judge states matrimonial debt to be valued at date of trial, just like assets. |
| s. 8(f) property acquired while separate and apart | post separation debt | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | | 26 | | Milne v. Milne, 2009 ABQB 361; | post separation debt that does not enter matrimonial regime are the responsibility solely of the person incurring said debt. |
| s. 8(f) property acquired while separate and apart | | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | 8(g) | 28 | | | previous agreement re matrimonial home does not comply w/ s. 38 but upheld via s. 8(g) |
| s. 8(f) property acquired while separate and apart | credibility | S.(E.) v. S.(J.S.), 2007 ABQB 321 | S.(E.) v. S.(J.S.) | 2007 | QB | Clackson | | Willis, Bradley | Cochard, Renee | | 8(m) | 21 | | | judge calls husband's explanation of tax refund "incredible." equal division |
| s. 8(f) property acquired while separate and apart | legal fees | S.(K.L.) v. S.(T.E.), 2004 ABQB 728 | S.(K.L.) v. S.(T.E.) | 2004 | QB | Clarke | | Krause, Michael | Gilbert, Peter | | | 9 | | | |
| s. 8(f) property acquired while separate and apart | loans from family | S.(K.L.) v. S.(T.E.), 2004 ABQB 728 | S.(K.L.) v. S.(T.E.) | 2004 | QB | Clarke | | Krause, Michael | Gilbert, Peter | | | 9 | | | |

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| s. 8(f) property acquired while separate and apart | exempt property | S.(K.L.) v. S.(T.E.), 2004 ABQB 728 | S.(K.L.) v. S.(T.E.) | 2004 | QB | Clarke | | Krause, Michael | Gilbert, Peter | | 7(2) | 10 | | | defendant argues that value of property exemption would be greater if subdivision is assumed. Judge rejects this argument, stating that MPA says "market value at the time of marriage" |
| s. 8(f) property acquired while separate and apart | McAllister formula | S.(K.L.) v. S.(T.E.), 2004 ABQB 728 | S.(K.L.) v. S.(T.E.) | 2004 | QB | Clarke | | Krause, Michael | Gilbert, Peter | | | 12 | | | McAllister formula used. |
| s. 8(f) property acquired while separate and apart | cattle | S.(K.L.) v. S.(T.E.), 2004 ABQB 728 | S.(K.L.) v. S.(T.E.) | 2004 | QB | Clarke | | Krause, Michael | Gilbert, Peter | | 7(3)(a) | 7 | | | current cattle traced to original cattle brought to marriage. Exemption given for price of original cattle. |
| s. 8(f) property acquired while separate and apart | child support order, spousal support order | S.(P.E.) v. S.(A.Z.), 2002 ABQB 904 | S.(P.E.) v. S.(A.Z.) | 2002 | QB | Belzil | | self | Syme, Louise | | | 51 | | | proceeds from matrimonial home used to pay arrears in child/spousal support. No division/distribution of proceeds otherwise. |
| s. 8(f) property acquired while separate and apart | punitive | Schade v. Schade, 2000 ABQB 261 | Schade v. Schade | 2000 | QB | Clark | | Markey, J. Joseph | Kyme, Sharon A. | | | 41-43 | | | Judge awarded \$40,000 punitive costs for husband's bad conduct before and during trial. |
| s. 8(f) property acquired while separate and apart | occupation rent | Schade v. Schade, 2000 ABQB 261 | Schade v. Schade | 2000 | QB | Clark | | Markey, J. Joseph | Kyme, Sharon A. | | 27 | 27 | | | |

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| s. 8(f) property acquired while separate and apart | | Schade v. Schade, 2000 ABQB 261 | Schade v. Schade | 2000 | QB | Clark | | Markey, J. Joseph | Kyme, Sharon A. | | 8(l) | 29-31 | | | |
| s. 8(f) property acquired while separate and apart | disclosure | Schade v. Schade, 2000 ABQB 261 | Schade v. Schade | 2000 | QB | Clark | | Markey, J. Joseph | Kyme, Sharon A. | | 8(m) | 33 | | | judge states he will consider husband's failure to disclose when awarding costs. |
| s. 8(f) property acquired while separate and apart | arbitration | Schultz v. Schultz, 2000 ABQB 866 | Schultz v. Schultz | 2000 | QB | Nash | | Ares, Louise M | Price, Johanna | | 37 | 61 | | | Judge denies leave to appeal arbitration decision on the issue but states that had she ruled on the issue, she would rule that arbitrator did not have to apply s. 8 factors to s. 37 contract. |
| s. 8(f) property acquired while separate and apart | date of trial | Seeman v. Seeman, 2010 ABQB 30 | Seeman v. Seeman | 2010 | QB | Marceau | | Bayrack, Dennis | self | | | 17 | | | husband argues for order allowing him to purchase mat. home based on date of separation. Judge refuses and sets values as of trial date. |
| s. 8(f) property acquired while separate and apart | | Seeman v. Seeman, 2010 ABQB 30 | Seeman v. Seeman | 2010 | QB | Marceau | | Bayrack, Dennis | self | | | 15 | Busenius v. Busenius, 2006 ABQB 162 | Behiels v. McCarthy, 2010 ABQB 281 | Judge states that retroactive spousal support covers inequality of husband living in mat. home rent free for seven yrs. and declines to award occupation rent. |
| s. 8(g) oral or written agreements | inheritance | Selent v. Selent [2007] A.J. No. 899 | Selent v. Selent | 2007 | QB | Moen | | Thom, Leonard | Noel, Katie | | 7(3)(a) | 15 | | | judge finds amounts claimed by both spouses as inheritance went to benefiting family. Therefore lost exemption. |

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| s. 8(g) oral or written agreements | pension | Shipka v. Shipka, 2001 ABQB 135 | Shipka v. Shipka | 2001 | QB | Clarke | | Hinz, Harold | Torok-Both, Kerry | | | 15 | | | judge states that it is common ground that pension will be included from trime of marriage to time of trial. |
| s. 8(g) oral or written agreements | WCB payments | Shipka v. Shipka, 2001 ABQB 135 | Shipka v. Shipka | 2001 | QB | Clarke | | Hinz, Harold | Torok-Both, Kerry | | | 13 | | | money received for injury that occurred while married considered matrimonial property. |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | | 51 | | | No costs ordered to avoid bankrupting husband. |
| s. 8(g) oral or written agreements | by asset | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | | 47-50 | | | judge considers contributions of each spouse in dividing properties. |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(a) | 39 | | | judge finds that marriage was unequal |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(b) | 37 | | | judge finds wife underwrote all business ventures |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(c) | 40 | | | judge finds wife contributed solely to paying down home mortgage |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(g) | 44, 46 | | | judge uses later agreement to trump a matrimonial property agreement signed before marriage. |

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| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(l) | 49 | | | judge finds that husband dissipated property in pursuit of business ventures. |
| s. 8(g) oral or written agreements | | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 7(4) | 50 | | | judge states "it would be unconscionable to consider an equal distribution of property." |
| s. 8(g) oral or written agreements | credibility | Sittler v. Sittler, 2003 ABQB 945 | Sittler v. Sittler | 2003 | QB | Sanderman | | self | Von Wachem, Yolanda | | 8(m) | 4,5,6 | | | judge finds husband not credible. Probably a factor in an unequal division |
| s. 8(g) oral or written agreements | | Sivertsen v. Sivertsen, 2007 ABQB 610 | Sivertsen v. Sivertsen | 2007 | QB | Lee | | Frohlich, Krista | Pearson, Nancy | | 21 | 25 | Zaseybida v. Zaseybida, 2001 ABQB 640; Bennett v. Stoppler, 2003 ABQB 723 | | Judge states court should not order the sale of a matrimonial home if there are significant financial matters to be resolved. In this case, permits sale with holdback of money in dispute. |
| s. 8(g) oral or written agreements | | Sivertsen v. Sivertsen, 2007 ABQB 610 | Sivertsen v. Sivertsen | 2007 | QB | Lee | | Frohlich, Krista | Pearson, Nancy | | 8(l) | 23 | | | husband alleges dissipation in an attempt to keep property from being sold. Judge rejects. |
| s. 8(g) oral or written agreements | DRA | Skworoda v. Skworoda (Estate), 2008 ABQB 240 | Skworoda v. Skworoda (Estate) | 2008 | QB | Moen | | Jenkins, Douglas (for the estate) | Stadnyk, John | | | 28 | | | Wife held to have contracted out of legal obligations under DRA via s. 37 MPA. |

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| s. 8(g) oral or written agreements | settlement agreement | Smith v. Haworth 2003 ABQB 477 | Smith v. Haworth | 2003 | QB | Lee | | Brosseau, Dorothy | Klassen, Claire | | 37 | 28 | Jang v. Jang 2000 ABQB 60. Corbeil v. Bebris (1993), 141 A.R. 215 | | wife refuses to sign order until child support agreed upon. |
| s. 8(g) oral or written agreements | | Smith v. Haworth 2003 ABQB 477 | Smith v. Haworth | 2003 | QB | Lee | | Brosseau, Dorothy | Klassen, Claire | | 38 | 19 | Jang v. Jang 2000 ABQB 607, Corbeil v. Bebris (1993), 141 A.R. 215 | B.(S.L.) v. B.(G.F.), 2003 ABQB 506; Voll v. Voll 2008 ABQB 89 | absence of formalities does not permit a party to resile from a s. 37 agreement. |
| s. 8(g) oral or written agreements | lottery winnings | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 7(2) | 11 | Noel v. Noel (1998), 217 A.R. 201, 1998 ABQB 402 | | |
| s. 8(g) oral or written agreements | no priority to factors | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 8 | 15 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | W.(S.) v.W.(J.) 2005 ABQB 728 | must be some real imbalance in the contribution |
| s. 8(g) oral or written agreements | | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 8(f) | 16 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | Court states that s. 8(f) will always be an important consideration w/lottery winnings, but the fact that it came into existence or changed character after separation does not automatically create an exemption |

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| s. 8(g) oral or written agreements | | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 8(l) | 18 | | Walker v. Walker 2009 ABQB 209, Nuttall v. Rea 2005 ABQB 151, C.(D.B.) v. W.(R.M.) 2004 ABQB 954 | |
| s. 8(g) oral or written agreements | disability | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 8(d) | 9 | | | spouse had Crohn's disease |
| s. 8(g) oral or written agreements | disclosure | Souder v. Wereschuk 2004 ABCA 339 | Souder v. Wereschuk | 2004 | CA | Ritter | Hunt, Binder | Henderson, H.J.D. | Linton, K.S.V. | affmg. 2003 ABQB 258 | 8(m) | 20 | | | |
| s. 8(h) gifts and transfers to 3 rd parties | solicitor-client | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H.J.D. | Linton, K.S.V. | affmd. 2004 ABCA 339 | | 33 | | | solicitor/client costs awarded to penalize husband for failure to disclose, perjury and obstructive behavior |
| s. 8(h) gifts and transfers to 3 rd parties | post separation debt | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H.J.D. | Linton, K.S.V. | affmd. 2004 ABCA 339 | | 18 | | | husband's debts excluded. Judge states they "may have been incurred for legal bills or simply profligate spending" |
| s. 8(h) gifts and transfers to 3 rd parties | lottery winnings | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H.J.D. | Linton, K.S.V. | affmd. 2004 ABCA 339 | 7(2) | 19 | N.(R.A.) v. N.(L.A.) 1998 ABQB 402 | | judge relies on several s. 8 factors to award 25% of lottery winnings to wife. 7(2) argument not made at QB. |
| s. 8(h) gifts and transfers to 3 rd parties | | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H.J.D. | Linton, K.S.V. | affmd. 2004 ABCA 339 | 8(e) | 20 | | | judge considers this factor in determining 25%/75% division |

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| s. 8(h) gifts and transfers to 3 rd parties | | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H. | Linton, K. | affmd. 2004 ABCA 339 | | 8(f) 20 | N.(R.A.) v. N.(L.A.) 1998 ABQB 402 | | Judge relies on R.A.N v. L.A.N. as precedent for consideration of this factor. |
| s. 8(i) previous distribution of property | | Souder v. Wereschuk, 2003 ABQB 258 | Souder v. Wereschuk | 2003 | QB | Marshall | | Henderson, H.J.D. | Linton, K.S.V. | affmd. 2004 ABCA 339 | | 8(g) 15 | Moore v. Moore 2000 ABCA 102 | | Agreement set aside on grounds of material misrepresentation after husband discovered to have failed to have disclosed and to have lied about \$500,000 lottery winnings. |
| s. 8(i) previous distribution of property | loans from family | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | | 25 | Ross v. Ross, 2007 ABQB 167; | | money from parents ruled to be loan, not a gift. Judge states court must be suspicious in assessing evidence from relatives post-separation. |
| s. 8(i) previous distribution of property | taxes | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | | 24 | Carmichael v. Carmichael, 2007 ABCA 3; | | Court overturned TJ's ruling that husband's income tax liability constituted a "pattern of conduct" and was not a debt of the marriage. Court stated both parties benefit from diversion of funds. Therefore it is shared debt. Court also states there may be exceptions to this rule |
| s. 8(i) previous distribution of property | | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | | 7(3) 18 | | | Appeal from judgment mistreating 7(3) property as 7(4) property and dividing increase equally. Ruling is 70/30 division. |

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| s. 8(i) previous distribution of property | no priority to factors | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8 | 15 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) | J.(D.R.) v. J.(M.), 2008 ABQB 380; | Factor by factor analysis unnecessary but a judge should consider all factors raised in argument. |
| s. 8(j) prior order made by court | | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8(a) | 17 | | | Factor in division. However, husband credited with having helped out. |
| s. 8(j) prior order made by court | | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8(c) | 17 | | | Wife's contribution to property noted but stated that her contribution did not lead to increase in its value. |
| s. 8(k) potential tax liability | | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8(k) | 20 | | | TJ's failure to include cap. Gains liability not overruled because it was too speculative and may not be realized. |
| s. 8(k) potential tax liability | gift | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8(m) | 15 | | Klinck v. Klinck, 2008 ABQB 526; | Court states that it is permissible to consider whether the property was an advance on a testamentary gift. |
| s. 8(k) potential tax liability | inflation | Sparrow v. Sparrow, 2006 ABCA 155 | Sparrow v. Sparrow | 2006 | CA | McFadyen, Ritter, Coutu | | Jones, D.A. | Cooney-Burk, L.A. | rev'g. in part 2005 ABQB 216 | 8(m) | 15 | | Klinck v. Klinck, 2008 ABQB 526; | Courts states it is permissible to consider an inflationary increase in value of property after separation when determining division. |
| s. 8(k) potential tax liability | | Spiers v. Spiers, 2003 ABQB 830 | Spiers v. Spiers | 2003 | QB | Smith | | McBean, Jean | Miller, Deborah.; Huizinga, Tina | | | 37-8 | Lucas v. Lucas (1982), 35 R.F.L. (2d) 216 | | Judge states that the capacity of assets to produce income must be considered and accounted for when dividing assets. |

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| s. 8(k) potential tax liability | independent legal advice | Sporring v. Collins, 2009 ABQB 141 | Sporring v. Collins | 2009 | QB | Sisson | | Wanless, Gary | Thomas, Suzanne | | 38 | 134-35 | Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759 | | Judge states that there is no authority in Alta. requiring couples who enter into property agreements to obtain independent legal advice or permitting courts to set aside such agreements simply because independent legal advice was not obtained. |
| s. 8(k) potential tax liability | financial position of the parties, needs of children | Stanford v. Stanford 2005 ABQB 986 | Stanford v. Stanford | 2005 | QB | Lee | | McDonald, Chris | Bozic, Zoran | | 20 | 21 | | | Ex parte order giving husband exclusive possession of home overturned. Judge states that wife needs a house. Husband in better position to find housing. Grants primary residence to children as well. Husband claimed wife involved in illegal drug use, kept home in disarray. |
| s. 8(k) potential tax liability | | Swanson (Estate of) (Re), 2005 ABQB 826 | Swanson (Estate of) (Re) | 2005 | QB | Lee | | n/a | Roberts, Terry | | 11(3) | 14 | | | Judge notes ability to consider property distribution in favour of wife when considering estate property division. |
| s. 8(k) potential tax liability | | Swanson (Estate of) (Re), 2005 ABQB 826 | Swanson (Estate of) (Re) | 2005 | QB | Lee | | n/a | Roberts, Terry | | 35 | 19 | Prophet Capital Corp. v. Deer Valley Developments Ltd, 2009 ABQB 609 | | Lis Pendens placed on property by executors of husband's estate held to be invalid as husband had never filed or replied to MPA action by wife. Permitted to remain in place via s. 148 LTA |

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| Issue | Subissue | Case+cite | pdf | Year | Ct | Judge | Other judges | H's lawyer | W's lawyer | Other proceedings | Sec. | Para. | Cases relied upon | Cases relying upon | Notes/facts |
|---------------------------------|----------------------|------------------------------------|--------------------------------------|------|----|---------|--------------|-------------------|--------------------------------|------------------------------|------|-------|---|-----------------------------------|---|
| s. 8(k) potential tax liability | | Swaren v. Swaren, 2007 ABQB 193 | Swaren v. Swaren | 2007 | QB | Germain | | Pollock, Leonard | Rand, Richard; Turner, Gregory | 2008 ABQB 119; 2008 ABQA 339 | | 35 | Hughes v. Hughes, 2006 ABQB 468; Panara v. Di Ascenzo, 2005 ABQA 47; Nova Scotia (Attorney General) v. Walsh, 2002 SCC 83 | Desimone v. Straub, 2010 ABQB 462 | Despite having same last name, couple not married. Judge notes precedent for not including cohabitating couples under MPA. (this case cited as precedent for this issue and for unjust enrichment/constructive trust claims by formerly cohabitating couples) |
| s. 8(k) potential tax liability | inheritance | T.(B.L.) v. T.(R.J.), 2003 ABQB 68 | T.(B.L.) v. T.(R.J.) | 2003 | QB | Greckol | | McGrechie, Dennis | Gosselin, Diana | 2003 ABQB 89 | 7(2) | 29 | | | Judge refuses to allow an exemption for an inheritance based on argument made by husband's counsel that they would have made similar arguments had they been informed that the argument would be made. |
| s. 8(k) potential tax liability | | T.(B.L.) v. T.(R.J.), 2003 ABQB 68 | T.(B.L.) v. T.(R.J.) | 2003 | QB | Greckol | | McGrechie, Dennis | Gosselin, Diana | 2003 ABQB 89 | 7(4) | 31 | | | interim order to pay half mortgage payment held to include 1/2 taxes and interest. |
| s. 8(k) potential tax liability | settlement agreement | T.(D.) v. S.(I.R.), 2002 ABQB 364 | T.(D.) v. S.(I.R.) | 2002 | QB | Perras | | Young, Hu Elliot | Turner, Gregory D. | 2002 ABQB 803 | 37 | 10 | | | Court interventions re maintenance and support do not vitiate the agreement. Court retains jurisdiction. |

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| s. 8(k) potential tax liability | surplusage | T.(D.) v. S.(I.R.), 2002 ABQB 364 | T.(D.) v. S.(I.R.) | 2002 | QB | Perras | | Young, Hu Elliot | Turner, Gregory D. | 2002 ABQB 803 | 37 | 9 | | | handwritten additions constitute surplusage and can be ignored without invalidating agreement. |
| s. 8(k) potential tax liability | | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | | 44 | | | Framework: 1- matrimonial property; 2 - value; 3 - exemptions; 4 - reasons not to distribute equally |
| s. 8(k) potential tax liability | pension | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | | 46 | McAlister v. McAlister (1982), 41 A.R. 277 | | judge states "always difficult issue" divisible under a McAlister order but doesn't include in matrimonial property |
| s. 8(k) potential tax liability | s. 7(2) property | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | | 48 | Trenchie v. Trenchie 1987 12 R.F.L. (3d) 357, Brand v. Brand (1996), 186 A.R. 205 | | cohabitation period included in pension division |
| s. 8(l) dissipation of property | | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | | 48 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | cohabitation period included in pension division |
| s. 8(l) dissipation of property | | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | 8(j) | 61 | | | judge reverses prior order to fund lawsuit |
| s. 8(l) dissipation of property | | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | 36(1) | 55 | Jackson v. Jackson (1989), 97 A.R. 153 | | |

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| s. 8(l) dissipation of property | no priority to factors | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | 8 | 58 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | |
| s. 8(l) dissipation of property | | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | 8(j) | 61 | | | judge reverses prior order to fund lawsuit |
| s. 8(l) dissipation of property | valuation of assets | T.(J.G.) v. N.(T.) 2001 ABQB 949 | T.(J.G.) v. N.(T.) | 2001 | QB | Bensler | | self | Andreiuk, G.H. | rev'd. in part 2003 ABCA 195 | 8(k) | 44 | | | judge states rule is that property must assessed at after tax value |
| s. 8(l) dissipation of property | foreign property | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | | 97, 186 | | | judge states that husband has placed property beyond his jurisdiction but orders equal distribution of all property held prior to transfer |
| s. 8(l) dissipation of property | furnishings | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | | 133 | | | husband charges wife with bad conduct based on her sending furniture to mother in Saudi Arabia. Judge notes that after order forbidding transfer, no further furniture was transferred. |
| s. 8(l) dissipation of property | post separation | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | | 133 | | | husband's attempts to place property beyond reach of spouse noted in several places, as was failure to disclose or provide evidence to support claims. Husband attempted to highlight bad conduct of wife based on her sending furniture to mother in Saudi Arabia. |

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| s. 8(l) dissipation of property | | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 10 | 121 | | | judge notes power of court to order property to be returned |
| s. 8(l) dissipation of property | evidence | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 7(2) | 105 | Belgiorgio v. Belgiorgio (2000) O.J. No. 3246 | | Judge draws adverse inference based on failure of husband to provide evidence that certain property falls under s. 7(2) and can be traced. |
| s. 8(l) dissipation of property | | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 7(3)(a) | 104 | Harrower v. Harrower [1989] A.J. No. 629; Jackson v. Jackson [1989] A.J. No. 630 | | Judge states that some assumption of tracing is permitted but must be supported with evidence re source of money. |
| s. 8(l) dissipation of property | | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 8(h) | 119 | | | gift to daughter and mother held to be dissipation of property |
| s. 8(l) dissipation of property | | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 8(l) | 118, 159, m | Cox v. Cox 1998 ABQB 987 | | dissipation held to include wilful deception to divest spouse of interest in property |

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| s. 8(l) dissipation of property | disclosure | T.(S.A.) v. T.(A.A.), 2004 ABQB 36 | T.(S.A.) v. T.(A.A.) | 2004 | QB | Lee | | Kiriak, Jerry | Hardin, Zelma | 2004 ABQB 127 | 8(m) | 111, 121 | | | judge notes that s. 8(m) is a factor, notes failure to be truthful with immigration, failure to comply with court requests, failure to disclose |

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| s. 8(l) dissipation of property | "lifting the corporate veil" | T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. <i>Tarapaski v. Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | Wildman v. Wildman, 2006 CarswellOnt 6042; Lynch v. Segal, 2006 CarswellOnt 7929 | | Award property owned by corp. to husband for purposes of mat. prop. distribution. |

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| s. 8(l) dissipation of property | "lifting the corporate veil" | T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. <i>Tarapaski v. Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | | | | court states that certain properties are a funnel for income for parties and includes their assets in property division. |

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| s. 8(l) dissipation of property | | T.(S.L.) v. T.(A.K.), 2007 ABQB 701 <i>a.k.a.</i> <i>Tarapaski</i> v. <i>Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | Wildman v. Wildman, 2006 CarswellOnt | | Judge states how spouse sets up business affairs is a factor in resolving financial issues of MPA action but that it is not the controlling factor. |

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| s. 8(l) dissipation of property | income-producing asset | T.(S.L.) v. T.(A.K.), 2007 ABQB 701 a.k.a. <i>Tarapaski v. Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | | | | Wife requests in specie distribution of corp. property. Judge refuses stating it would be inequitable to do so. Orders liquidation of property for purposes of distribution. |

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| s. 8(l) dissipation of property | | T.(S.L.) v. T.(A.K.), 2007 ABQB 701 <i>a.k.a.</i> <i>Tarapaski</i> v. <i>Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v. T.(A.K.), 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | 8(l) | 58 410 | Burger v. Burger, 1987 CarswellAlta | | judge states any consideration of dissipation must begin with analysis of behavior prior to separation. |

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| s. 8(l) dissipation of property | interim distribution | T.(S.L.) v. T.(A.K.), 2007 ABQB 81 <i>a.k.a.</i> <i>Tarapaski</i> v. <i>Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Skovberg, Doug; Hinz, Harold | Foster, Ronald | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | 8 | 40 | | | husband argues s. 8 factors should be considered before making interim distribution. Judge refuses, stating that there are sufficient assets to compensate the distribution at trial if an unequal distribution is mandated then. |

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| s. 8(l) dissipation of property | interim distribution | T.(S.L.) v. T.(A.K.), 2007 ABQB 81 <i>a.k.a.</i> <i>Tarapaski</i> v. <i>Tarapaski</i> | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Skovberg, Doug; Hinz, Harold | Foster, Ronald | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | Katz v. Katz [1993] A.J. No. 554; Barnes v Barnes 2006 ABQB 855 | | Wife asks for interim distribution of 50% of shares of husband's company on a shotgun buy-sell agreement basis. Allowed based on s. 9(3) and inherent jurisdiction of the court. <i>Judge notes that there is little caselaw on authority of the court to order interim distributions .</i> |

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| s. 8(l) dissipation of property | 3rd party | T.(S.L.) v. T.(A.K.), 2007 ABQB 81 a.k.a. Tarapaski v. Tarapaski | T.(S.L.) v. T.(A.K.) | 2007 | QB | Veit | | Beresh, Brian; Skovberg, Doug; Barker, Christine | Foster, Ronald; Picard, Norm | Tycholis v. Teem Energy Ltd., 2007 ABCA 219; Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; T.(S.L.) v.T.(A.K.) 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | | | | | n/a | Husband's company added as 3rd party to proceedings |

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| s. 8(l) dissipation of property | pension | Tabata v. Smith, 2001 ABQB 776 | Tabata v. Smith | 2001 | QB | Bensler | | Forsyth-Nicholson, R. | Castle, D.; Hoffman, J.M. | | | 33 | McAlister v. McAlister (1982), 41 A.R. 277 | | Judge uses formula from McAlister: 1/2 the value multiplied by the ratio rep. by years of service during marriage divided by total years of service. |
| s. 8(l) dissipation of property | severance package | Tabata v. Smith, 2001 ABQB 776 | Tabata v. Smith | 2001 | QB | Bensler | | Forsyth-Nicholson, R. | Castle, D.; Hoffman, J.M. | | | 35 | Sutton v. Davidson 1999 ABCA 280 | Hughes v. Hughes, 2006 ABQB 468 | judge considers whether severance pkg. is income or property. Rules that it is property because it was immediately rolled into an RRSP |
| s. 8(l) dissipation of property | | Tabata v. Smith, 2001 ABQB 776 | Tabata v. Smith | 2001 | QB | Bensler | | Forsyth-Nicholson, R. | Castle, D.; Hoffman, J.M. | | 36(1) | 29 | | | Rebutted. Wife unsuccessfully argued that down payment on property placed in husband's name but used exclusively as a matrimonial home was intended as a gift to her. |
| s. 8(l) dissipation of property | proximity to termination of marriage | Tabata v. Smith, 2001 ABQB 776 | Tabata v. Smith | 2001 | QB | Bensler | | Forsyth-Nicholson, R. | Castle, D.; Hoffman, J.M. | | 8(m) | 37 | | | receipt of severance pkg. 1 mo. Before leaving marriage results in unequal distribution. |
| s. 8(l) dissipation of property | parts and equipment | Taferner v. Taferner, 2005 ABQB 475 | Taferner v. Taferner | 2005 | QB | Gill | | self | Gordon, Marie | | | 15 | | | husband refuses to provide list of corp. assets for valuation by wife. Judge accepts evidence of wife's expert who values corp. according to recent taxes. |
| s. 8(l) dissipation of property | punitive | Taferner v. Taferner, 2005 ABQB 475 | Taferner v. Taferner | 2005 | QB | Gill | | self | Gordon, Marie | | | 30 | | | punitive costs charged against husband on basis of failure to cooperate. |

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| s. 8(l) dissipation of property | prenuptial agreement | Tardif v. Campbell, 2008 ABQB 776 | Tardif v. Campbell | 2008 | QB | Erb | | Wise, J. | Dunais, P.L. | | 37 | 26 | | | Court states that the following factors may result in invalidating a s. 37 agreement: duress, undue influence, concealed facts. |
| s. 8(l) dissipation of property | prenuptial agreement | Tardif v. Campbell, 2008 ABQB 776 | Tardif v. Campbell | 2008 | QB | Erb | | Wise, J. | Dunais, P.L. | | 37 | 31-35 | | Melnyk v. Melnyk, 2010 MBQB 121 | Proximity of agreement to wedding date is not a form of duress sufficient to negate consent. |
| s. 8(l) dissipation of property | independent legal advice | Tardif v. Campbell, 2008 ABQB 776 | Tardif v. Campbell | 2008 | QB | Erb | | Wise, J. | Dunais, P.L. | | 38 | 25, 46 | Corbeil v. Bebris (1993), 49 R.F.L. (3d) 77 | | Failure to have independent legal advice does not nullify an agreement. Court finds neither duress nor lack of sufficiency in disclosure. Upholds agreement. |
| s. 8(l) dissipation of property | post-separation property | Thompson v. Thompson, 2006 ABQB 796 | Thompson v. Thompson | 2006 | QB | Read | | Boulton, John D'Arcy | self | 2007 ABQB 715 | | 43 | | | long separation (18 yrs.) between separation and division results in judge ruling all property acquired post-separation to be excluded. |
| s. 8(l) dissipation of property | by asset | Thompson v. Thompson, 2006 ABQB 796 | Thompson v. Thompson | 2006 | QB | Read | | Boulton, John D'Arcy | self | 2007 ABQB 715 | | 62 | | | long separation results in different division of different pieces of property. |
| s. 8(l) dissipation of property | | Thompson v. Thompson, 2006 ABQB 796 | Thompson v. Thompson | 2006 | QB | Read | | Boulton, John D'Arcy | self | 2007 ABQB 715 | 8(f) | 44 | | Gardner v. Gardner, 2008 ABQB 527 | long separation (18 yrs.) between separation and division results in judge ruling all property acquired post-separation to be excluded. |

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| s. 8(l) dissipation of property | | Thompson v. Thompson, 2006 ABQB 796 | Thompson v. Thompson | 2006 | QB | Read | | Boulton, John D'Arcy | self | 2007 ABQB 715 | 8(l) | 47 | | | wife argues dissipation of property during separation. Judge rejects. |
| s. 8(l) dissipation of property | | Thompson v. Thompson, 2006 ABQB 796 | Thompson v. Thompson | 2006 | QB | Read | | Boulton, John D'Arcy | self | 2007 ABQB 715 | 7(4) | 62 | | | judge departs from presumption of equal distribution for some property |
| s. 8(l) dissipation of property | cattle | Thurber v. Thurber, 2001 ABQB 908 | Thurber v. Thurber | 2001 | QB | Perras | | Gish, Corey L. | Mandick, James W. | | | 27 | | | value of cattle exempt only to extent that it could be traced to debt owed to father. Non-traceable portion included. |
| s. 8(l) dissipation of property | loans from family | Thurber v. Thurber, 2001 ABQB 908 | Thurber v. Thurber | 2001 | QB | Perras | | Gish, Corey L. | Mandick, James W. | | | 20 | | | judge finds loans from parents fall outside Limitations period and "look more like gifts." |
| s. 8(l) dissipation of property | | Thurber v. Thurber, 2001 ABQB 908 | Thurber v. Thurber | 2001 | QB | Perras | | Gish, Corey L. | Mandick, James W. | | | 16 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | Judge uses Kazmierczak as precedent for finding that claim for occupation rent not justified. |
| s. 8(l) dissipation of property | | Thurber v. Thurber, 2001 ABQB 908 | Thurber v. Thurber | 2001 | QB | Perras | | Gish, Corey L. | Mandick, James W. | | 36(1) | 25 | | | Husband claims property put in both names only for purposes of getting a loan. Rejected. |

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| s. 8(l) dissipation of property | insurance money | Tinant v. Tinant, 2001 ABQB 889 | Tinant v. Tinant | 2001 | QB | Dea | | Pollock, Michael | Ares, Louise M | See also 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047 | | 23 | | | judge refuses to give exemption for full value of property damaged by fire and reduces exemption by amount of insurance money paid for damage. |
| s. 8(l) dissipation of property | property | Tinant v. Tinant, 2001 ABQB 889 | Tinant v. Tinant | 2001 | QB | Dea | | Pollock, Michael | Ares, Louise M | See also 540613 Alberta Ltd. (Bankruptcy of) (Re), 2002 ABQB 1047 | 7(3)(a) | 33 | Hughes v. Hughes, 1998 ABCA 409 | | judge states that amount of sale of property and insurance proceeds cannot be traced to a specific assets so exempt status was lost. |
| s. 8(l) dissipation of property | bankruptcy | Tinant v. Tinant, 2003 ABCA 211 | Tinant v. Tinant | 2003 | CA | Ritter | | self | Ares, Louise M | affmg. 2004 ABQB 908 | | 18 | Lecerf v. Lecerf, 2004 ABQB 501; Kopr v. Kopr, 2006 ABQB 405; Moore (Bankrupt) (Re), 2006 ABQB 581; Dhala v. Dhala, 2008 ABCA 259; Deloitte and Touche Inc. v. Etsell, 2009 SKQB 226; Cunningham (Re), 2009 ABQB 758 | | Definition of property does not include right to commence or carry on actions under MPA if bankrupt. Judge notes need to beware of collusion between spouses in bringing MPA claim and trying to place property out of reach of creditors. |
| s. 8(l) dissipation of property | | Tinant v. Tinant, 2003 ABCA 211 | Tinant v. Tinant | 2003 | CA | Ritter | | self | Ares, Louise M | affmg. 2004 ABQB 908 | | 18 | | | States that MPA permits judges to take equitable principles into account but that once done they must make an order distributing matrimonial property |

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| s. 8(l) dissipation of property | | Tinant v. Tinant, 2003 ABCA 211 | Tinant v. Tinant | 2003 | CA | Ritter | | self | Ares, Louise M | affmg. 2004 ABQB 908 | | 18 | | | Overtuns Deloitte, Haskins & Sells Ltd. v. Graham (1983), 42 A.R. 76 by stating that purpose of MPA is distribution of matrimonial property and does not confer a special status on matrimonial property or permit a bankrupt to commence or carry on own actions under MPA. |
| s. 8(l) dissipation of property | BIA | Tinant v. Tinant, 2003 ABCA 211 | Tinant v. Tinant | 2003 | CA | Ritter | | self | Ares, Louise M | affmg. 2004 ABQB 908 | | 21 | | | concludes that an order relating to property falls under s. 30(1)(d) BIA and falls w/in exclusive capacity of trustee, including matrimonial property orders. |
| s. 8(l) dissipation of property | date of trial | Tocker v. Tocker [2000] A.J. No. 978 | Tocker v. Tocker | 2000 | QB | Nash | | self | McSween, J. | | | 52 | McWilliam v. McWilliam (1989), 23 R.F.L. (3d) 265, McGregor v. McGregor (1996), 183 A.R. 263, McAllister v. McAllister (1997), 201 A.R. 287 | Kazmierczak v. Kazmierczak, 2001 ABQB 610 | Judge reviews several instances of relevant caselaw (beyond Mazurenko) re this issue before determining that "the general rule in Alberta" is date of trial. |

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| s. 8(l) dissipation of property | in specie | Tocker v. Tocker [2000] A.J. No. 978 | Tocker v. Tocker | 2000 | QB | Nash | | self | McSween, J. | | | 75 | | | judge gives each claimant one property and vehicle. |
| s. 8(l) dissipation of property | | Tocker v. Tocker [2000] A.J. No. 978 | Tocker v. Tocker | 2000 | QB | Nash | | self | McSween, J. | | 8(l) | 77 | | | Judge states that each party has dissipated property. Subsequently orders unequal division based on s. 8(1). |
| s. 8(l) dissipation of property | debt | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | | 36 | | | judge allows only a 50/% recovery rate on indebtedness |
| s. 8(l) dissipation of property | corporate debt | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | | 36(3) | | | states this liability is only potential and is personal to husband as a result of his sole decision-making. |
| s. 8(l) dissipation of property | corporate guarantees | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | | 36(2) | | | States corp. guarantees are strictly personal |
| s. 8(l) dissipation of property | in specie | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | | 36(4) | | | judge distributes specific assets to wife in order to decrease amt. of equalization payment |

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| s. 8(l) dissipation of property | | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | 8(a) | 3 | | | |
| s. 8(l) dissipation of property | | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | 8(d) | 3 | | | |
| s. 8(l) dissipation of property | | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | 8(e) | 3 | | | |
| s. 8(l) dissipation of property | | Toews v. Toews 2005 CarswellAlt a 1885 | Toews v. Toews | 2005 | QB | Cairns | | Pantony, Red | self | | 7(4) | 4 | | | judge does not appear to start from the presumption but states instead how he reached the decision to divide assets equally |
| s. 8(l) dissipation of property | depreciated asset | Troppmann v. Troppmann, 2000 ABQB 61 | Troppmann v. Troppmann | 2000 | QB | Johnstone | | Stothert-Kennedy, Brenda L. | Hostyn, Cheryl L. | | | 37 | Almeida v. Almeida, (1995), 11 R.F.L. (4th) 131 | B.(S.I.) v. B.(M.D.), 2006 ABQB 557; Lovich v. Lovich, 2006 ABQB 736 | exempt value of a depreciated asset is the prorated amount of value of the current asset. |
| s. 8(l) dissipation of property | money | Troppmann v. Troppmann, 2000 ABQB 61 | Troppmann v. Troppmann | 2000 | QB | Johnstone | | Stothert-Kennedy, Brenda L. | Hostyn, Cheryl L. | | 36(2)(a) | 24 | Timms v. Timms (1997), 203 A.R. 81 | | money deposited into a joint account as a conduit for the purchase of an asset retains exempt character. S. 36(2) presumption rebutted. |

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| s. 8(m) other | | Troppmann v. Troppmann, 2000 ABQB 61 | Troppmann v. Troppmann | 2000 | QB | Johnstone | | Stothert-Kennedy, Brenda L. | Hostyn, Cheryl L. | | 8(g) | 32 | | | prior (oral?) agreement by spouses used to support equal division of house |

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| s. 8(m) other | CEA | Tycholis v. Teem Energy Ltd., 2007 ABCA 219 | Tycholis v. Teem Energy Ltd. | 2007 | CA | Coté, Hunter, Ritter | | White, R.B. | n/a | Tarapaski v. Tarapaski 2006 ABCA 253; 2006 ABCA 314; 2006 ABQB 86; 2007 ABQB 179; 2007 ABQB 286; 2007 ABQB 288; 2009 ABCA 58; 2009 ABCA 212; 2009 ABCA 365; 2010 ABCA 170; S.L.T. v. A.K.T. 2007 ABQB 81; 2007 ABQB 322; 2007 ABQB 409; 2007 ABQB 446; 2007 ABQB 700; 2007 ABQB 701; 2007 ABQB 770; 2008 ABQB 22; 2008 ABQB 76; 2008 ABQB 156; 2008 ABQB 174; 2008 ABQB 196; 2008 ABQB 308; 2008 ABQB 449; 2008 ABQB 450; 2009 ABQB 134; 2009 ABQB 290; 2009 ABQB 473; 2010 ABQB 121; Skovberg Hinz v. Tarapaski, 2009 ABQB 272 | | | | | | Court states MPA does not override fundamental principles of s. 17(2)(b)(i). |

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| s. 8(m) other | severance, RRSP | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 29 | | | judge states that certain assets captured in spousal/child support claims and to include in matrimonial assets would amount to double dipping. |
| s. 8(m) other | matrimonial home | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 24 | | | judge awards 60/40 split of equity based on fact that husband has continued to make payments toward home and fact that house was purchased only 2 yrs. before separation (???) |
| s. 8(m) other | | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 27 | | | Couple lived together then separated for 6 mos. then lived together again before getting married. Judge dates wife's share of husband's pension from when they lived together after separation. |
| s. 8(m) other | double dipping | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 29 | | | judge states that certain assets captured in spousal/child support claims and to include in matrimonial assets would amount to double dipping. |
| s. 8(m) other | date of cohabitation | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 27 | | | Couple lived together then separated for 6 mos. then lived together again before getting married. Judge dates wife's share of husband's pension from when they lived together after separation. |

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| s. 8(m) other | McAllister formula | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 27 | | | judge uses McAllister formula to determine pension division, noting that because couple was separated for 6 mos. during cohabitation, division would begin after that separation. |
| s. 8(m) other | | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 21-22 | Hantel v. Hilscher 2000 ABCA 84; Kazmierczak v. Kazmierczak 2001 ABQB 610 | | judge declines to award occupation rent against husband. |
| s. 8(m) other | 3rd party | Underhill v. Underhill, 2005 ABQB 777 | Underhill v. Underhill | 2005 | QB | Clackson | | Cameron, Tamara | Bayrack, Dennis | | | 25 | | | judge states husband's 2 yr. CL wife may have an interest in home but is realizable only against husband's interest. |
| s. 8(m) other | corporation | Uniserve International Products Inc. v. Alberta Treasury Branches 2003 CarswellAlta 880 | Uniserve International Products Inc. v. Alberta Treasury Branches | 2003 | QB | Park | | n/a | n/a | | | 22 | | | Judge states that wife has property interest in corporation by virtue of MPA despite fact that there appears to be no matrimonial dispute between the spouses (does wife fit under def. of spouse in 1(e)?). |
| s. 8(m) other | lottery winnings | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | | 19 | | | lottery winnings included for purposes of distribution, subject to s. 8 factors. |

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| s. 8(m) other | conduct | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | | 93 | | | Despite greater success by husband, judge awards costs to wife for husband's deceptive behavior. |
| s. 8(m) other | by asset | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | | 5 | | | judge varies division of assets by asset. |
| s. 8(m) other | beneficial interest | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | | 15 | | | judge finds parents were beneficial owners of matrimonial home as they made all mortgage payments. |
| s. 8(m) other | lottery winnings | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 7(2) | 19 | Noel v. Noel 1998 ABQB 402 | | No claim made that lottery winnings won after separation are 7(2). Presumed to be 7(4) property. |
| s. 8(m) other | | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 8(c) | 25 | Noel v. Noel 1998 ABQB 402 | | wife held to have contributed nothing to acquisition of lottery winnings |
| s. 8(m) other | short | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 8(e) | 23 | Noel v. Noel 1998 ABQB 402 | | marriage of short duration. Separated longer than together |
| s. 8(m) other | lottery winnings | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 8(f) | 26 | Noel v. Noel 1998 ABQB 402 | | winnings acquired 26 mos. after separated |
| s. 8(m) other | business assets | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 8(i) | 31-32 | Noel v. Noel 1998 ABQB 402 | | Wife wrote herself check for 40% of value of business upon separation. |

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| s. 8(m) other | disclosure | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 8(m) | 37 | | | deception on part of husband for amount paid for car results in equal distribution of this property. |
| s. 8(m) other | | Unser v. Unser, 2002 ABQB 634 | Unser v. Unser | 2002 | QB | Burrows | | MacKay, Michelle L. | Colquhoun, I. Thomas | | 7(4) | 28 | | | s. 8 factors used to deny wife any share in dream home asset. |
| s. 8(m) other | post separation | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | | 30 | | | Wife argues that presumption of equal division rebutted by husband defaulting on house payments. Requests valuation based on date of default |
| s. 8(m) other | date of default | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | | 55 | | | mat. home divided as of date husband defaulted on loan. |
| s. 8(m) other | date of trial | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | | 45 | Hodgson v. Hodgson 2005 ABCA | | judge states that the rule for date of valuation is date of trial per Hodgson, then divides property as of date husband defaulted on loan. |
| s. 8(m) other | matrimonial home | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | 7(2) | 49 | | | judge notes that despite home having been in husband's name only and having been acquired before marriage, neither party made this argument, therefore property will be divided without exemption. |

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| s. 8(m) other | | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | 8(c) | 55 | | | although not expressly stated as s. 8(c), husband's failure to make mortgage payments a factor in unequal division. |
| s. 8(m) other | | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | 8(d) | 55 | | | although not expressly stated as s. 8(d), husband's failure to meet obligations re house results in unequal division of asset. |
| s. 8(m) other | conduct | V.(C.N.) v. V.(D.C.), 2009 ABQB 169 | V.(C.N.) v. V.(D.C.) | 2009 | QB | Greckol | | Brosseau, Dorothy or Mogdan, Stephen | Brosseau, Dorothy or Mogdan, Stephen | | 8(m) | 55 | | | husband's failure to make mortgage payments results in unequal division of property. Husband argues that he was financially incapable of doing so, but judge disagrees. |
| s. 8(m) other | personal property | Van Oirschot v. Van Oirschot, 2010 ABQB 211 | Van Oirschot v. Van Oirschot | 2010 | QB | Belzil | | Plumer, Ben | Robertson, Susan | | | 64 | | | judge orders distribution of property in specie |
| s. 8(m) other | method of distribution | Van Oirschot v. Van Oirschot, 2010 ABQB 211 | Van Oirschot v. Van Oirschot | 2010 | QB | Belzil | | Plumer, Ben | Robertson, Susan | | | 109 | | | Judge divides property equally then notes that distribution can be in specie plus a cash settlement if the parties desire. |
| s. 8(m) other | | Van Oirschot v. Van Oirschot, 2010 ABQB 211 | Van Oirschot v. Van Oirschot | 2010 | QB | Belzil | | Plumer, Ben | Robertson, Susan | | 7(2) | 50 | | | Judge finds that collapsed family trust and subsequent loan to son constitute gifts by both parties with no expectation of repayment. |

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| s. 8(m) other | | Van Oirschot v. Van Oirschot, 2010 ABQB 211 | Van Oirschot v. Van Oirschot | 2010 | QB | Belzil | | Plumer, Ben | Robertson, Susan | | 8(k) | 74 | McPherson v. McPherson, [1988] O.J. No. 283 | | judge determines tax liability too speculative and does not discount property values. |
| s. 8(m) other | during marriage | Verburg v. Verburg, 2010 ABQB 201 | Verburg v. Verburg | 2010 | QB | Binder | | Spitz, Peter | Cochard, Renee | | | 20-21 | | | Judge finds husband to have been controlling during marriage. |
| s. 8(m) other | | Verburg v. Verburg, 2010 ABQB 201 | Verburg v. Verburg | 2010 | QB | Binder | | Spitz, Peter | Cochard, Renee | | | 37-38 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | judge awards \$10,000 to wife based on husband's conduct re home. Kazmierczak noted but not followed. |
| s. 8(m) other | | Verburg v. Verburg, 2010 ABQB 201 | Verburg v. Verburg | 2010 | QB | Binder | | Spitz, Peter | Cochard, Renee | | 8(a) | 27 | | | judge finds husband contributed more financially but wife contributed to extent she was able. |
| s. 8(m) other | | Verburg v. Verburg, 2010 ABQB 201 | Verburg v. Verburg | 2010 | QB | Binder | | Spitz, Peter | Cochard, Renee | | 8(d) | 27 | | | wife's illness and difficulty meeting conflicting demands of husband noted. |
| s. 8(m) other | long | Verburg v. Verburg, 2010 ABQB 201 | Verburg v. Verburg | 2010 | QB | Binder | | Spitz, Peter | Cochard, Renee | | 8(e) | 28 | | | Length of marriage ruled to be long (10 yrs. married and 4 yrs. cohabted) |

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| s. 8(m) other | purpose | Voll v. Voll, 2008 ABQB 89 | Voll v. Voll | 2008 | QB | Bielby | | Neill, Graham | McNeilly, Shirley | | 38 | 12, 20 | Corbeil v. Bebris (1993) 105 D.L.R. (4th) 759; Jang v. Jang, 2000 ABQB 607; Miles v. Miles, 2003 ABQB 688 | | Judge notes s. 38 does not establish a specific form to comply with req. of s. 38 but states that purpose of s. 38 is "to offer some protection" Appears to recognize possibility of implicit compliance but states it was not met here. |
| s. 8(m) other | locked-in RRSP | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 41 | | | designated beneficiary was not wife |
| s. 8(m) other | severance package | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 31 | McDonald v. McDonald, 1998 ABCA 241; Sutton v. Davidson 1999 ABCA 280 | | Income which is saved becomes property |
| s. 8(m) other | severance benefits | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 33 | Sutton v. Davidson 1999 ABCA 280 | | Judge rules that only the part of the severance rolled into an RRSP qualifies for division. |

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| s. 8(m) other | | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 75 | J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141 | | |
| s. 8(m) other | date of separation | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 11 | Mazurenko v. Mazurenko (1989) 23 R.F.L. 3 rd 265; McAllister v. McAllister (1997) 201 A.R. 287 | Abbott v. Abbott, 2004 ABQB 233 | length of time between separation and date of trial a factor. Agreement by parties to use date of separation "a compelling reason" justifying departure from Mazurenko. |
| s. 8(m) other | | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 11 | | | occurs after separation before MPA action resolved |
| s. 8(m) other | | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 75 | J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141 | | |

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| s. 8(m) other | | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 72-75 | | | Using old Limitation of Actions Act. applies to constructive trusts but not express trusts |
| s. 8(m) other | McAllister formula | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 57 | McAlister v. McAlister (1982), 41 A.R. 277 | | Used McAllister formula |
| s. 8(m) other | disability | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 8 | | | husband was an alcoholic |
| s. 9 distribution | Pension Benefit Standards Act | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | | 53 | | | Made husband's locked-in RRSP an asset on separation |
| s. 9 distribution | locked-in RRSP | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | 10 | 71 | | | designated beneficiary was not wife |
| s. 9 distribution | testamentary gift | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | 10 | 71 | | | Testamentary gifts held not to be included under s. 10 gifts. Lack of distinction between mat prop and testamentary prop. |
| s. 9 distribution | tracing | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | 36(1) | 75 | J.L.O. Ranch Ltd. v. Logan (1987), 27 E.T.R. 1; Angeletakis v. Thymaras 1989 CanLII 3141 | | wife transferred her property into both names. Non-exempt balance part of distribution |

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| s. 9 distribution | | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | 8(g) | 14 | | | informal agreement not to use date of trial upheld |
| s. 9 distribution | executor | Vreim v. Vreim, 2000 ABQB 291 | Vreim v. Vreim | 2000 | QB | Dea | | Lewis, Robert M. | Colquhoun, I. Thomas | | 13-14 | 66 | | | executor personally liable for premature distribution of property |
| s. 9 distribution | during marriage | W.(J.) v. W.(W.L.), 2007 ABQB 681 | W.(J.) v. W.(W.L.) | 2007 | QB | Sullivan | | self | Hemington, Brent | | | 16 | | | judge states that an addict does not willfully inflict suffering upon other party and states that he does not blame addict for behavior. Divides all property 50/50 except for property acquired while addicted |
| s. 9 distribution | | W.(J.) v. W.(W.L.), 2007 ABQB 681 | W.(J.) v. W.(W.L.) | 2007 | QB | Sullivan | | self | Hemington, Brent | | 8(l) | 6 | | | husband found to have dissipated 1/2 assets of marriage while struggling with addiction. |
| s. 9 distribution | corporation | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | | 128 | | | judge declines to divide increase in husband's corp with wife. |
| s. 9 distribution | date of trial | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | | 119 | Hodgson v. Hodgson, 2005 ABCA | | |

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| s. 9 distribution | | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | | 129 | | | judge states debts of two parties roughly the same and ignores them |
| s. 9 distribution | property | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 7(3) | 127 | Nasin v. Nasin, 2008 ABQB 219; Behiels v. McCarthy, 2010 ABQB 281 | | Judge awards 30% of value of increase in wife's property to husband on basis of s. 8 factors |
| s. 9 distribution | | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 8(a) | 127 | | | husband found to have contributed to marriage by taking care of son. |
| ss. 13-14 | | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 8(c) | 127 | | | husband found to have helped pay mortgage on wife's property |

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| Standard of review | | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 8(d) | 127 | | | husband found to have contributed income while wife stayed at home |
| Standard of review | short | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 8(e) | 1 | | | very short term marriage - 18 months |
| Standard of review | | W.(K.E.) v. M.(C.R.), 2005 ABQB 426, a.k.a. Wallat v. Marshall | W.(K.E.) v. M.(C.R.) | 2005 | QB | Coutu | | self | Hoffman, Jane | | 8(l) | 127 | | | husband found to have dissipated income but this does not appear to be a factor. |
| Standing | corporation | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | | 34 | | | judge declines to include "personal benefits" obtained by husband from his corp. |
| standing | shareholder's loan | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | | 27 | | | divided 2/3 husband, 1/3 wife |

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| Standing | post separation debt | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | | 36 | | | judge declines to include loan to wife after separation, stating that she was living beyond her means. |
| Standing | motorcycle | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 7(2) | 23 | | | motorcycle purchased before marriage <i>but during period of cohabitation</i> exempt from distribution |
| Standing | quarter section | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 7(2) | 22 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113; Rosin v. Rosin (1984) 8 R.F.L. (4th) 319 | | judge rules property never entered matrimonial regime. All exempt. |
| standing | corporation | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 7(3) | 33 | | | divided 2/3 husband, 1/3 wife, after subtracting exempted value of business prior to marriage |
| Strength of s. 7(4) presumption | shareholder's loan | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 7(3) | 27 | | | divided 2/3 husband, 1/3 wife |
| Strength of s. 7(4) presumption | shareholder's loan | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 7(3)(a) | 27 | | | husband attempts to trace loan for exemption. Rejected. |

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| Strength of s. 7(4) presumption | | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 8(a) | 31 | | Walker v. Walker, 2009 ABQB 209 | Wife's contribution to business said to be not significant, justified unequal division of corporation. |
| strength of s. 7(4) presumption | loan | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | 8(l) | 36 | | | judge declines to include loan to wife after separation, stating that she was living beyond her means. |
| Strength of s. 7(4) presumption | | W.(M.J.) v. W.(B.J.), 2006 ABQB 19 | W.(M.J.) v. W.(B.J.) | 2006 | QB | Marshall | | Cochard, Renee | McNeilly, Shirley | | | 17-20 | | | judge dismisses claim for unjust enrichment by spouse re husband's business. Finds no deprivation and minimal enrichment |
| Strength of s. 7(4) presumption | | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | | 96 | | | judge appears to accept matrimonial home purchased in husband's name only while they were CL as s. 7(4) property. |
| Strength of s. 7(4) presumption | date of trial | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | | 78 | Hodgson v. Hodgson, 2005 ABCA 13 | | |
| Strength of s. 7(4) presumption | in specie | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | | 114 | | | judge distributes property by asset. |
| Strength of s. 7(4) presumption | no priority to factors | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8 | 113 | Souder v. Wereschuk 2004 ABCA 339 | | No priority to factors. |

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| Strength of s. 7(4) presumption | | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8(c) | 106 | | | judge appears to conflate ss. 8(c) and 8(f). |
| Strength of s. 7(4) presumption | | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8(d) | 107 | | | judge states each party was financially independent before and after marriage. |
| Strength of s. 7(4) presumption | short | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8(e) | 109 | | | short marriage noted. This is the key factor. |
| Strength of s. 7(4) presumption | | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8(f) | 106 | | | judge appears to conflate ss. 8(c) and 8(f). |
| Strength of s. 7(4) presumption | market upswing | W.(S.) v. W.(J.), 2005 ABQB 728 | W.(S.) v. W.(J.) | 2005 | QB | Topolniski | | Tensfelt, Sylvia | self | | 8(m) | 112 | | | judge considers change in property market may be a factor when determining distribution then rejects.. |
| Strength of s. 7(4) presumption | credibility | Walkden v. Walkden, 2004 ABQB 823 | Walkden v. Walkden | 2004 | QB | Kenny | | Forsyth-Nicholson, R. | Hannah, K.E. | | 8(m) | 36 | | | judge calls husband's testimony "one of the most blatant cases of dishonesty I have ever seen." |
| Strength of s. 7(4) presumption | disclosure | Walkden v. Walkden, 2004 ABQB 823 | Walkden v. Walkden | 2004 | QB | Kenny | | Forsyth-Nicholson, R. | Hannah, K.E. | | 8(m) | 36 | | | judge finds husband hid over \$2M in assets from wife. Orders 1/2 sum to her and all of Texaco pension, which was not disclosed. |

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| Strength of s. 7(4) presumption | | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | | 37 | Kazmierczak v. Kazmierczak 2001 ABQB 610 | | Court follows Kazmierczak, stating that division by percentage is only one possible method of valuation. |
| Strength of s. 7(4) presumption | matrimonial home | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | | 70 | Hornby v. Hornby, 2007 ABQB 464 | | husband rewarded for paying off mortgage, given 75% share in home. |
| Strength of s. 7(4) presumption | RRSPs | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | | 42 | | | RRSP money that wife cashed and spent held to have been dissipated and included for purposes of division. |
| Strength of s. 7(4) presumption | multiple methods of valuation | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | | 8 | | | judge discusses several methods of valuation. Wife proposes assets over liabilities approach, which judge uses but calls simplistic and deducts 25% for "other factors." |
| Strength of s. 7(4) presumption | | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8 | 64 | Hulleman v. Hulleman 1999 ABCA 366 | | judge discusses all s. 8 factors before determining an unequal division of property is warranted. |
| Strength of s. 7(4) presumption | | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8(a) | 66 | M.J.W. v. B.J.W., 2006 ABQB 19; ; Johnston v. Johnston, 2005 ABQB 320 | | precedents noted for unequal division of assets based on unequal contributions to business. |

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| Strength of s. 7(4) presumption | | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8(f) | 66 | Souder v. Wereschuk, 2004 ABCA 339 | | unequal division of assets that increased in value while separate and apart. |
| Strength of s. 7(4) presumption | | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8(g) | 36 | M. (D.G.) v. M. (K.M.) 2004 ABCA 257 | | Judge states s. 8(g) agreement will be a consideration under MPA division. |
| Strength of s. 7(4) presumption | RRSPs | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8(l) | 40 | | | allegations of drug use in wife argument re dissipation of RRSP money |
| Strength of s. 7(4) presumption | work ethic | Walker v. Walker, 2009 ABQB 209 | Walker v. Walker | 2009 | QB | Yamauchi | | Hennessy, Shaun | Spitz, Peter | | 8(m) | 70 | Hornby v. Hornby, 2007 ABQB 464 | | husband's efforts to free house of mortgage noted by court. |
| Strength of s. 7(4) presumption | | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | | 26 | Hodgson v. Hodgson 2005 ABCA 13 | | |
| Strength of s. 7(4) presumption | gifted property | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | | 35 | | | judge finds property given by husband's parents and placed in his name alone to be a joint gift. |

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| Strength of s. 7(4) presumption | writes on property | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | | 30 | | | judge includes writ placed post separation among matrimonial debts. |
| Strength of s. 7(4) presumption | | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | | 38 | Hantel v. Hilscher 2000 ABCA 84 | | judge declines to award occupation rent to husband on basis that he did not assist family after leaving residence. |
| Strength of s. 7(4) presumption | | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | 8(a) | 37 | | | husband failed to contribute to family after separation. |
| Strength of s. 7(4) presumption | | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | 8(c) | 37 | | | husband failed to contribute to property after separation |
| Strength of s. 7(4) presumption | work ethic | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | 8(m) | 37 | | | wife worked 2 jobs to keep mortgage from going into arrears. |
| Strength of s. 7(4) presumption | | Warwoda v. Warwoda, 2009 ABQB 582 | Warwoda v. Warwoda | 2009 | QB | Hughes | | Clark, Brian | Cooney-Burk, L.A. | | 7(4) | 37 | | Behiels v. McCarthy, 2010 ABQB 281 | judge awards unequal division of house based on failure of husband to contribute to property or family and contributions of wife to maintaining home. |

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| Issue | Subissue | Case+cite | pdf | Year | Ct | Judge | Other judges | H's lawyer | W's lawyer | Other proceedings | Sec. | Para. | Cases relied upon | Cases relying upon | Notes/facts |
|---------------------------------|---------------|-------------------------------------|---------------------------------------|------|----|---------|--------------|----------------|------------------|-------------------|------|-------|--|--|--|
| Strength of s. 7(4) presumption | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 28 | Hodgson v. Hodgson, 2005 ABCA 13 | | 4 step framework from Hodgson used |
| Strength of s. 7(4) presumption | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 17 | Molodowich v. Penttinen (1980), 17 R.F.L. (2d) 376 | Behiels v. McCarthy 2010 ABQB, Brown v. Silvera 2009 ABQB 523, Shunamon v. Diegel 2008 ABQB 291, | remedy for couples sharing assets before marriage is not in MPA. Must find unjust enrichment and remedy of constructive trust. |
| Strength of s. 7(4) presumption | party/party | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 82-3 | | | party/party costs because D had been overpaid |
| Strength of s. 7(4) presumption | date of trial | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 25 | Hodgson v. Hodgson, 2005 ABCA 13 | | says this is settled law but valuations from 14 mos. earlier used |
| Strength of s. 7(4) presumption | AIRA | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 13 | Spracklin v. Kichton, 345 A.R. 324, 2003 ABQB 992 | Bowles v. Beamish 2008 ABQB 395, Howard v. Sandau 2008 ABQB 34 | |

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| Strength of s. 7(4) presumption | DRA, DRAA | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 11 | | | |
| Unjust enrichment | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | 10 | 63 | | | intent to defeat emphasized |
| Unjust enrichment | valuation | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | 7(3) | 45 | Mazurenko v. Mazurenko (1981) 23 R.F.L. (2d) 113 | | judge states that increases after date of separation not to be shared |
| Unjust enrichment | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | 7(3)(a) | 36 | Harrower v. Harrower (1989), 97 A.R. 141; Miller v. Miller, 2004 ABCA 257 | | |
| Unjust enrichment | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | 8(l) | 57 | Cox v. Cox (1998), 233 A.R. 25; Metz v. Metz, 2004 ABQB 528 | Nasin v. Nasin, 2008 ABQB 219 | relies on Paperny's rules for dissipation in Cox, states that dissipation will always lead to an unequal division |

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| Unjust enrichment | | Wright-Watts v. Watts 2005 ABQB 708 | Wright-Watts v. Watts | 2005 | QB | McMahon | | Graham, Glenda | Andreachuk, Lori | | | 17 | Molodowich v. Penttinen (1980), 17 R.F.L. (2d) 376 | Behiels v. McCarthy 2010 ABQB, Brown v. Silvera 2009 ABQB 523, Shunamon v. Diegel 2008 ABQB 291 | remedy for couples sharing assets before marriage is not in MPA. Must find unjust enrichment and remedy of constructive trust. |
| Unjust enrichment | needs of children | Yamemchuk v. Yakemchuk 2000 ABQB 803 | Yamemchuk v. Yakemchuk | 2000 | QB | Veit | | Christenson, R.P. | McLaughlin, D.M. | 2000 ABQB 890 | 20 | 21 | | | judge awards interim exclusive possession of home to disabled daughter after death of mother |
| Unjust enrichment | | Yamemchuk v. Yakemchuk 2000 ABQB 803 | Yamemchuk v. Yakemchuk | 2000 | QB | Veit | | Christenson, R.P. | McLaughlin, D.M. | 2000 ABQB 890 | 21 | 23 | | | judge states that occupation issue takes precedence over ownership issue in awarding interim possession to daughter. |
| Unjust enrichment | pension | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | | 51 | | | pensions can be included even when it's become income |
| Unjust enrichment | solicitor-client | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | | 53 | | | solicitor-client costs awarded |
| Unjust enrichment | date of trial | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | | 10(3) | | | date of trial used. Stated as if it were law. |

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|-------------------|---------------|---------------------------------------|--|------|----|-------|--------------|--------------------|---------------------|-------------------|------|-------|---|------------------------------------|---|
| Unjust enrichment | by percentage | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | | 38 | | | |
| Unjust enrichment | | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | 10 | 9 | Statute of Elizabeth, Nay v. Nay (1981) 26 A.R. 333 | | s. 10 not pled but used by judge, used indicia from <i>Nay</i> and <i>Statute of Elizabeth</i> |
| Unjust enrichment | | Zacharuk v. Zacharuk 2004 ABQB 384 | Zacharuk v. Zacharuk | 2004 | QB | Acton | | Morrow, T.G. | Meunier, Michel | | 8(1) | 38 | | | s. 8(1) not specifically mentioned |
| Unjust enrichment | | Zaseybida v. Zaseybida, 2001 ABQB 640 | Zaseybida v. Zaseybida | 2001 | QB | Veit | | Klassen, Claire M. | Johnson, Natalie L. | | 21 | 16 | Kozyra v Kozyra [1998] A.J. No. 1512 | Bennett v. Stoppler, 2003 ABQB 723 | Judge states that a matrimonial home has a special character in Alta. Law. LTA subservient to MPA |