

# **How to Make (or Refute) a Spousal Support Application in Special Chambers – or At Least Go Down Trying**

Prepared For: Legal Education Society of Alberta

*Family Law Boot Camp*

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For Presentation In:

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**HOW TO MAKE (OR REFUTE) A SPOUSAL SUPPORT APPLICATION IN SPECIAL CHAMBERS  
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PREPARED FOR LEGAL EDUCATION SOCIETY OF ALBERTA  
FOR PRESENTATION IN FAMILY LAW BOOT CAMP  
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## INTRODUCTION

This paper is written from a practitioner's perspective as to what evidence and information to include in an application for spousal support, specifically:

1. **Special Family Law Chamber's Notice of Motion** – what goes in it – practical information re: securing dates/timelines
2. **Affidavit** – general information to be included – specific evidence presented from both the payor and payee's perspective
3. **Confirming letter**- organization/layout – content

Madam Justice Read and Mr. Justice Hawco were gracious enough to discuss the matter with the writer and offer comments from the Bench as to what makes an effective Special Chamber's application on this issue. I've also sought the feedback from the members of the Bar and asked each of those canvassed to provide me with 5 key points in drafting an application for spousal support. The comments of Madam Justice Read, Mr. Justice Hawco and members of the Bar are summarized in the heading "**Tips from the Bar and the Bench.**"

Any errors or omissions are solely those of the writer.

### 1. SPECIAL FAMILY LAW CHAMBER'S NOTICE OF MOTION

Assuming that all reasonable efforts to settle the matter have been exhausted, and Counsel has determined the need to proceed to Special Chambers with respect to the issue of spousal support, the first question is what "urgency" is there in having the matter heard (i.e. Is this a recent separation in which one of the parties is without any means of support? Or, is this a variation application with a looming deadline as to when the original Order or Agreement for support is to expire?)

- **Morning Chambers**

In the event that you are acting for a payee with no means to meet their day-to-day expenses, it may be necessary to take out two motions. The first application to be heard in morning Chambers on an "Interim Interim Without Prejudice" basis. Depending on the circumstances, this application may even need to be made prior to receipt of the full disclosure pursuant to the Notice to Disclose. In those circumstances, the application would also be on a "Pre-Disclosure basis". Effectively, it is a "stop gap" measure until you can have the matter more fully heard in Special Chambers.