

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.

Hockey: a ‘special’ expense?

Question: I pay my proportionate share (70 percent) of my younger child’s day care expenses, my older child’s orthodontic bills and summer camp. After my \$927 in monthly child support and \$1000 in monthly spousal payments, our “net disposable incomes” are about the same, equalized. My older boy has just started playing competitive hockey as a goalie: \$1,500 in expensive goalie equipment, winter and summer hockey camp schools, an expensive hockey league, uniforms, travel expenses around the province- the works. His mother says this is not part of the child’s normal expenses that she should have to bear on her own. She claims the Child Support Guidelines allows her to ask me to share this expense as “special and ordinary.” I say it’s part of her regular expenses since most boys play hockey in this country. I’m now remarried with a new child and a second family. Am I not paying enough already?

Answer: In Ontario, unlike some other provinces, a judge would likely order you to contribute to at least part of the hockey expenses in proportion to your respective gross incomes: 70%. Much depends on how much the total of these expenses entails in relation to your budget and your former wife’s. Under Canadian law, having a second family in itself does not excuse you from your obligation to your first family. If there were a number of such extracurricular activities for both children and if the expenses seriously interfered with your ability to pay your bills after your other support payments, then a judge would likely hesitate or would at least reduce the level of your contribution. However, in a number of reported cases, depending on the facts, such as a higher table amount, judges have refused to order contributions on normal extra curricular activities on the basis they are already covered by basic payment. For instance, in one reported case, a judge ordered that the husband would not have to contribute to skating lessons but would have to pay towards the special travel costs of the child’s skating competition overseas. Under section 7 of the Child Support Guidelines, much depends on the facts of each case: the number of children, the income of each of the parents, who has what kind of custody, the type of expense, which province, and whether the expense was paid for at the time of separation. For any specific situation, call my assistant Karen and ask about my “Section 7 Extraordinary Expense Database.” Call (416)496-8880 or 1-888-776-2701 and check out the Database at <http://www.spousalsupport.com/index.shtml>.

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