

# SUPREME COURT OF YUKON

Citation: *Sacrey v. Johnson*, 2014 YKSC 01

Date: 20131204  
S.C. No. 13-B0054  
Registry: Whitehorse

BETWEEN:

**SHANDI DANIELLE SACREY**

Applicant

AND:

**ARMIN MERELE JOHNSON**

Respondent

Before: Mr. Justice J.W. Williams

Appearances:

Stephanie Schorr

Agent for Counsel for the Director of  
Maintenance Enforcement  
Counsel for the Respondent

Brook Land-Murphy

## **REASONS FOR JUDGMENT DELIVERED FROM THE BENCH**

[1] WILLIAMS J. (Oral): This is an application brought by Shandi Sacrey of Grande Prairie, Alberta. It is brought under the Inter-jurisdictional Support Order regime. She seeks an order for child support. The named respondent is Armin Johnson, a resident of Whitehorse. The parties were in a common-law relationship between October of 2005 and October 2009. There was a child born of that union in November 2006. The child resides with the mother in Grande Prairie. There is an arrangement between the parties providing for access from time to time. The child apparently travels to Yukon to visit with his father.

[2] Presently there is an order from the Provincial Court of Alberta. It is an interim without prejudice consent child support order. It was made July 24, 2012. It is based on an imputed guideline income of \$42,100 for the respondent. The order requires monthly child support payment of \$350 commencing August 1 of 2012. My understanding is that the respondent has made most of the payments, although the material is not perfectly clear. It may be not all of those payments are made; I am not certain from the material.

[3] There is also evidence that the respondent's parents have paid sums of money to the applicant in respect of providing for the child.

[4] At any rate, the Alberta order remains in force. The Alberta Maintenance Enforcement Branch is engaged in the enforcement and collection of that order.

[5] The application before this Court seeks to have the respondent imputed income in the order of \$110,000 per annum, with an order for child support accordingly. The application also seeks to have that order made retroactively and seeks an order that the respondent pay retroactively and going forward a portion of child care costs as well as one specified psychological fee and certain school and skiing charges.

[6] The respondent is quite ardently opposed to the application. He has filed material claiming that his current income is the order of \$8,800 per year, that he is now married and has responsibility for a child of that marriage, and that his now spouse is employed at a job where her income is in the order of \$24,750. The respondent's counsel has also advanced other submissions, principally to the effect that he has a hardship claim to be considered and that the applicant's retroactive claim is without merit.

[7] Having reflected upon the matter, I have concluded that there is not a proper evidentiary basis upon which to decide this application. Accordingly, the application will stand dismissed. I make that order without prejudice to the applicant's right to bring this application at some subsequent time. My sense is that a proper adjudication of the matter would require further evidence. It may well be that cross-examination of the affiants would be necessary. However, that is a matter for the discretion of counsel and I will say no more in that regard. My task is to deal with the application which is before this court; that application stands dismissed.

---

WILLIAMS J.