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Spousal Support in OntarioEntitlement, Amount & Duration

When spousal support is owed in Ontario, how the Spousal Support Advisory Guidelines calculate amount and duration, and how courts decide. 2025 guide.

Spousal Support in Ontario Entitlement, Amount & Duration

Spousal support is not automatic in Ontario. Whether it is owed, how much, and for how long are determined by a combination of legal principles and the Spousal Support Advisory Guidelines. This guide explains entitlement, the SSAG ranges, and what happens when circumstances change.

What's in this guide

- Is spousal support owed?
- The three grounds for support
- The Spousal Support Advisory Guidelines
- How amount and duration are calculated
- Changing a support order
- Tax treatment
- Frequently asked questions

1. Is Spousal Support Owed?

Unlike child support — which is presumptively owed in any amount determined by the Guidelines — spousal support requires a finding of entitlement first. Not every separating couple owes spousal support. Entitlement depends on the facts of each case, evaluated against the legal grounds for support under the Divorce Act and Family Law Act .

2. The Three Grounds for Spousal Support

For short marriages without children, spousal support entitlement is less common. For long marriages — particularly where one spouse was primarily responsible for childcare and the other's career advanced significantly — spousal support is almost always in play.

3. The Spousal Support Advisory Guidelines (SSAGs)

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The Spousal Support Advisory Guidelines (SSAGs), published by the federal Department of Justice, provide ranges for the amount and duration of spousal support based on a formula. The SSAGs are advisory — not mandatory — but courts and lawyers use them as the primary framework for calculating support in most cases.

Two different formulas apply depending on whether there are children:

- Without Dependent Children formula: Based on the difference between spouses' incomes. The formula produces a percentage range of the income difference to be paid as monthly support.
- With Dependent Children formula: Applied after child support is calculated; based on net disposable income shares after tax and child support obligations.

4. How Amount and Duration Are Calculated

Under the Without Children formula, support is typically in the range of 1.5% to 2% of the difference in gross incomes per year of marriage — both for the amount and the duration. For example, for a 20-year marriage where one spouse earns $120,000 and the other $30,000:

- Income difference: $90,000
- Amount range: approximately $1,125 to $1,500/month
- Duration range: approximately 10 to 20 years

Indefinite support — support with no fixed end date — is typically awarded in long marriages (over 20 years) and in cases where the recipient spouse is unlikely ever to achieve economic self-sufficiency due to age or health.

5. Changing a Support Order

Spousal support orders can be varied if there is a material change in circumstances — such as the payor losing their job, the recipient remarrying or entering a new relationship and achieving greater self-sufficiency, a significant change in either party's health, or the recipient completing education and increasing their income.

6. Tax Treatment of Spousal Support

Spousal support has different tax treatment than child support. Periodic (monthly) spousal support payments made pursuant to a written separation agreement or court order are:

- Deductible from the payor's income for tax purposes
- Taxable income in the hands of the recipient

Lump sum spousal support payments do not receive this tax treatment — they are generally not deductible or taxable. This means periodic support is often more tax-efficient than a lump sum, and the

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after-tax cost to the payor is often significantly lower than the gross payment amount.

7. Frequently Asked Questions

No. Spousal support requires a finding of entitlement. Not every separating couple owes support. Entitlement depends on whether the marriage caused economic disadvantage to one spouse, whether one spouse has unmet needs the other can address, or whether there was an agreement to pay support.

The duration ranges from a short period (sometimes months for short marriages) to indefinite (for long marriages, particularly where one spouse will never achieve full economic self-sufficiency). The SSAG provides duration ranges roughly equal to half the length of the marriage for the Without Children formula — so a 10-year marriage typically generates support in the range of 5–10 years.

Remarriage does not automatically terminate spousal support under Ontario law. It is grounds for a variation application, but the court will look at whether the new marriage has actually improved the recipient's financial circumstances sufficiently to reduce or end support.

Yes. A lump sum payment can settle a spousal support obligation permanently. However, lump sums do not receive the same tax treatment as periodic payments (they are not deductible for the payor), and they must account for the possibility that circumstances will change — the payor may end up overpaying if the recipient's situation improves quickly, and underpaying if the recipient's needs continue longer than anticipated.

If spousal support is set out in a court order or a separation agreement filed with the court, the Family Responsibility Office (FRO) can enforce it — just as with child support. FRO can garnish wages, intercept tax refunds, suspend driver's licences, and take other enforcement steps. If support is only in a private separation agreement not filed with the court, enforcement requires a separate court proceeding.

Common-law partners in Ontario who have cohabited for at least three years (or for any period in a relationship of some permanence if there is a child) have the same spousal support rights as married couples under the Family Law Act . The same grounds, the same SSAG framework, and the same enforcement mechanisms apply.

Questions About Spousal Support?

Speak with a Toronto lawyer at Lexaltico LLP. No obligation. No pressure. Available 24/7.

NEED TO SPEAK WITH A LAWYER?

Every situation is different. If anything in this guide raises a question about your own matter, speak with a Lexaltico lawyer — the first 30-minute consultation is free and confidential.

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