

Welcome to the **Lam Family Law Newsletter**, a bi-monthly endeavour with timely and relevant updates on family law and practice.

### Case Law Commentary

- **Tort update:** For a summary of the ONCA's much-awaited decision in *Ahluwalia v. Ahluwalia*, [2023 ONCA 476 \(CanLII\)](#), a list of 10 existing torts that may arise in cases of family violence, and general tips for raising tort claims in family law cases, check out our blog post: [ONCA Finds No Tort of Family Violence: Where Does that Leave Tort Claims in Family Law Cases Now?](#)
- **Proprietary estoppel:** The ONCA dealt with a married spouse's proprietary estoppel claim to the matrimonial home in *Madi v. King*, [2023 ONCA 443 \(CanLII\)](#). Check out our blog to learn more: [Married Spouses and Equitable Claims: Recent ONCA Decision Narrows Availability of Proprietary Estoppel in Family Cases.](#)
- **Imputing income:** In *Osanebi v Osanebi*, [2023 ONSC 2546 \(CanLII\)](#), the Ontario Superior Court of Justice confirmed that minimum wage is not the default position when imputing income. Check out our blog post to learn more: [Imputation of Income: Debunking the Minimum Wage Myth.](#)

### In Case You Missed It

- Effective June 15, 2023, the **SCJ Practice Directions** were updated, including the [Consolidated Provincial Practice Direction for Family Proceedings at the Superior Court of Justice](#). Visit the SCJ [website](#) for Practice Directions for other areas of law (criminal, civil, commercial, as well as the Divisional Court).
- Effective July 1, 2023, **service of a document may be proved by a lawyer or paralegal's certificate of service (Form 6C)**, if, (i) the document was served by the lawyer or paralegal, or (ii) the lawyer or paralegal caused the document to be served and is satisfied that service was effected: [Rule 6\(19\)\(f\)](#) of the *Family Law Rules*.

- Effective August 1, 2023, the current Practice Advisory Concerning the Superior Court of Justice's **Binding Judicial Dispute Resolution (JDR)** Pilot Project is being amended. The SJC has extended Binding JDR and is contemplating expansion in several regions. The major changes to the [Practice Advisory](#) are explained in [Chief Justice Morawetz's letter](#).

## Free Resources

- Advance your legal research skills with our CanLII tips and tricks: [Top 5 Benefits \(and Bonus Tricks\) to CanLII for Legal Research](#).
- The Disclosure Clinic offers a free [Court Calculator](#) to help you stay on track with all of your deadlines.
- Justice Canada has published several new family law-related research [reports and publications](#). They plan for six more family law publications to be released Aug-October 2023, with more to come in late fall and winter 2023/24. Justice Canada is also developing a distribution list if you are interested in receiving notifications of new family justice research publications, and/or want to be consulted on select family justice research projects. To be added to the publication and/or consultation lists, email [Cherami.wichmann@justice.gc.ca](mailto:Cherami.wichmann@justice.gc.ca).

## Our Services

Lam Family Law provides family law lawyers with valuable and strategic advice and research-related services, including:

- ✓ Litigation and dispute resolution strategies, brainstorming potential resolutions, and assessing the strengths and weaknesses of a case
- ✓ Drafting factums, statements of law, annotated case books, submissions, and other court documents
- ✓ Drafting appeal materials (e.g., seeking or opposing leave to appeal, stay pending appeal materials, further evidence on appeal materials, and substantive appeal materials including the notice of appeal and factum)
- ✓ Lengthier legal opinions / research memos
- ✓ Shorter emails / informal memos highlighting legislation / cases / secondary sources

**Yours Truly,**  
**The Lam Family Law Team**  
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