

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

September 2023 Issue

Case Law Commentary

- **Ousting equalization in an out-of-province marriage contract:** The ONCA recently released its decision in *Torgersrud v. Lightstone*, [2022 ONSC 7084 \(CanLII\)](#), but declined to address when a Quebec marriage contract will prevail over the equalization provisions in the *Family Law Act*. Check out our blog to learn more: [An Update on Torgersrud v. Lightstone and the “High Threshold” for Ousting Equalization in a Foreign or Out-of-Province Marriage Contract](#)
- **Child support obligations on the payor's estate:** The ONCA confirmed in *Blacklock v. Tkacz*, [2021 ONCA 630 \(CanLII\)](#), that there remains an important distinction between child support orders made under the provincial *Family Law Act* and the federal *Divorce Act*. Check out our blog post to learn more: [Does a Child Support Order Automatically Bind the Estate of the Payor? Yes, If Made Under the Family Law Act; No, If Made Under the Divorce Act](#)
- **Best interests of the Indigenous child:** In the recent decision of *C.N.L. v. G.A.M.*, [2023 ONSC 3397 \(CanLII\)](#), the Ontario Superior Court of Justice confirmed that various legislation in addition to the *Children's Law Reform Act* must be considered when determining the best interests of an Indigenous child. Check out our blog to learn more: [Best Interests of the Indigenous Child, and Irrelevant Factors for Determining Urban v. Reserve Residence](#)

In Case You Missed It

- The Courts will honour the 2023 National Day for Truth and Reconciliation on Monday, October 2nd, 2023. The [Public Statement](#) by Ontario's three Chief Justices sets out the Court schedules for the day.

- The Ontario Court of Justice has made changes with respect to mode of appearances for Family Law Matters. Click [here](#) for details.

Toronto-specific updates:

- Effective September 1, 2023, the Binding Judicial Dispute Resolution (Binding JDR) pilot project came into effect in Toronto. Click [here](#) for more information.
- Commencing September 1, 2023, no regular motions will be heard during the last full week of every month in Toronto. That week will be dedicated to family conferences, which will be scheduled Monday through Friday. Trials and long motions will continue to be scheduled during that week. Any motion deemed urgent by a judge or at TBST Court will still be heard during the dedicated family conferencing week. Click [here](#) for more information.

Brampton-specific updates:

- In this [Notice to the Profession](#), there are several updates for the Brampton area, including:
 - Commencing September 1, 2023, Calendly is being used to schedule Family Case Conferences in Brampton.
 - Effective immediately, settlement conferences in Brampton can no longer be scheduled through the Trial Coordinator's Office. Settlement conference hearing dates can be obtained at a DRO conference, case conference, or on a 14B motion.

Free Resources

- Vanessa Lam's [Family Law Appeal Routes Chart](#) gives you a visual guide on which court to bring your appeal in, and whether leave is required. This document is part of the "Family Law Appeals" documents, published on LexisNexis Practical Guidance as part of the Family Law Litigation Resource Kit (Ontario). But this Chart is provided free of charge (and with CanLII links to the relevant legislation).

Bonus

- Don't forget to sign up for the [Fourteenth Annual Bread and Butter Issues in Family Law](#), happening on October 6th, 2023. Vanessa Lam and Michael Zalev will be giving a refresher on starting, restarting, and moving your case.

- Sign up for the replay of [Ethical Considerations in Family Law: Codifying Changes in the Model Code and Beyond](#), which happened on September 20, 2023. Vanessa Lam and John-Paul Boyd, KC, led the discussion on why family law is different and raises unique ethical considerations.

Our Appeal Services

Did you know that Lam Family Law provides appeal services to family law lawyers and select direct appeal clients? Lam Family Law strongly believes in providing access to justice for families in the context of appeals, and provides the following services with that goal in mind:

- ✓ Consulting services and/or formal written opinions to help clients assess the potential merits of an appeal, and/or to explain the steps, procedure, and likely costs of an appeal.
- ✓ Strategic advising on key appeal decision points, on an “unbundled/limited scope” services basis.
- ✓ 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), on an “unbundled/limited scope” services basis.
- ✓ Appearing in court as our client’s agent, on an “unbundled/limited scope” services basis.
- ✓ Full representation on an appeal, including appearing in court on our client’s behalf and corresponding with the other parties/lawyers and the court, as needed.

Yours Truly,
The Lam Family Law Team
([Vanessa Lam](#), [Maria Golarz](#), [Rebecca Winninger](#), and [Kayleigh Pink](#))

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