



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

November 2023 Issue

Case Law Commentary

- **Delayed Spousal Support Claims:** Several courts have recently applied the refined factor of delay – and specifically, a lack of emotional means – to retroactive spousal support claims. Check out our blog post to learn more: [Delay Due to “Lack of Emotional Means” Does Not Bar a Claim for Spousal Support](#).
 - **The Impact of Creditor-Proofing on Resulting Trust Claims:** In *Holtby v. Draper*, [2017 ONCA 932 \(CanLII\)](#), the Ontario Court of Appeal held that a motive to shield property from creditors does not itself rebut the resulting trust presumption. Several lower court decisions have since considered the impact of creditor-proofing on a party's resulting trust claim. Check out our blog post to learn more: [An Update on Resulting Trust Claims in the Context of Creditor-Proofing](#).
 - **How to choose between a motion to change and an appeal with a motion to admit fresh evidence:** In *Barendregt v Grebliunas*, [2022 SCC 22 \(CanLII\)](#), the SCC discussed the distinct purposes of variations and appeals, and the limited circumstances where an appellate court will consider post-trial evidence. Check out our blog post to learn more: [Appeal vs. Variation: What to do When Circumstances Change after Trial](#).
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In Case you Missed It

- Virtual Verification Requirements: **Effective January 1, 2024**, the Law Society of Ontario will continue to permit virtual verification but will require “authentication using a process or method to determine whether the individual’s government-issued photo identification document is true and genuine.”: [Notice to the Profession](#), dated July 17, 2023. The LSO has provided a [directory of authentication services](#) to help licensees find appropriate services. For more information about these new requirements, go to the LSO’s [Virtual Verification of Client Identity](#) webpage.
- In light of the many legislative amendments made to Part I of the [Family Orders and Agreements Enforcement Assistance Act](#) (FOAEAA) by the former Bill C-78, changes to the regulations made under Part I of the FOAEAA were required. The new Regulations, which repealed and replaced the old Regulations under Part I, came into force by Order in Council on **November 15, 2023**. For more information regarding the amendments, go to [Canada Gazette, Part II, Volume 157, Number 13](#).
- Access to Justice Week took place from October 23 to 27, 2023. If you didn't get a chance to watch it live, the recordings will be made available at [LSO.ca/theactiongroup](#).
- Lam Family Law is on LinkedIn. By following our [page](#), you will stay up to date with our firm's newsletters, blog posts, presentations, publications, and more.

Free Resources

- [AccessCLE](#) publishes CPD materials that you can access and download for free, including programs such as the Six-Minute Family Law Lawyer (now Eight-Minute Family Law Lawyer) and the Annual Family Law Summit.

Our Services

Interested in research-related services (e.g. drafting, advising)? Here is the typical process for starting to work with us:

1. **Contact:** Email or call [Vanessa Lam](#), [Maria Golarz](#), [Rebecca Winninger](#), or [Kayleigh Pink](#).
2. **Conflict check:** Provide us with the names of your client, the other party(ies), and the other lawyer(s) (if any).
3. **Discuss:** We will obtain your instructions, including confirming scope, timeline, and budget.
4. **Retainer letter:** After obtaining instructions, we will send you a short retainer letter.
5. **Optional:** Sometimes we ask for documents that might be useful, such as pleadings or orders. We find these documents often save you time from having to give us a memo or summary of facts.

It is already that time of year - happy holidays from all of us here at Lam Family Law! We hope this holiday season brings you good health, happiness, and relaxation. We will be open over the holidays (except the statutory holidays) but at a reduced capacity. If we don't connect in the next few weeks, we look forward to connecting with you in 2024!

Yours Truly,

The Lam Family Law Team

([Vanessa Lam](#), [Maria Golarz](#), [Rebecca Winninger](#), and [Kayleigh Pink](#))
