

Welcome to the **Lam Family Law Newsletter**, featuring timely and relevant updates on Ontario family law and practice. We send our newsletter out every two months.

September 2024 Issue

Case Law Commentary

- **Cell Phone Expenses:** Check out our blog post to find out how the courts are treating this “essential” teenage expense: [When are Cell Phones S. 7 Expenses?](#)
- **Interim Possession of Solely Owned Property by a Common Law Spouse:** Check out our blog post to find out [How a Non-Titled Common Law Spouse May Obtain Interim Possession to their Spouse’s Solely Owned Property.](#)
- **Day-to-Day Parenting Decisions: What Are They, and Who Gets to Make Them?:** Since the *Divorce Act* and *Children’s Law Reform Act* were amended in 2021, there has been a presumption that the party exercising parenting time has “exclusive authority” to make day-to-day decisions about the child’s care. Check out our blog post to learn more: ["Two Households, Both Alike in Dignity": Parenting Time and Day-to-Day Parenting Decisions.](#)

In Case You Missed It

- Effective September 1, 2024, there are new geographical boundaries for the 311 Jarvis St. and 47 Sheppard Ave. E. courthouses in Toronto. This [Practice Direction](#) outlines the changes, which are based on postal code and provincial electoral boundaries.
- Effective September 1, 2024, r. [4.06.1](#) was added to the *Rules of Civil Procedure*, setting out requirements for Factums and Books of Authorities.
- Effective September 1, 2024, r. [4.05.03\(7\)](#) of the *Rules of Civil Procedure* sets out compendium requirements, including mandatory contents and hyperlinking. Rules [61.10\(1.1\)](#) (Appeal Book and Compendium) and [61.12\(7.1\)](#) (Respondent’s Factum and Compendium) were amended to require compliance with r. [4.05.3\(7\)](#) for compendiums filed electronically in the Divisional Court.
- Effective October 15, 2024, [O. Reg. 322/24](#) amends the procedure for seeking a

vexatious litigant order under s. [140](#) of the [Courts of Justice Act](#). Judges of both the Superior Court of Justice and the Court of Appeal will now be allowed to make orders related to vexatious proceedings; a vexatious litigant claim may be sought on motion as well as on application; and a vexatious litigant order may be made on the judge's own initiative. The amendment also sets out rules regarding appeals and reviews of vexatious proceeding orders. For a detailed review of these amendments, see Maria Golarz's [blog post](#) from May 2024.

- In Ottawa, the Spring 2025 Trial List will be scheduled for June 2-20, 2025, not May as usual: [CCLA Ottawa Courthouse Trial List](#).

Speaking Events

- Vanessa Lam, Rebecca Winner, and the Honourable Justice Diamond, will be presenting at the [Fifteenth Annual Bread and Butter Issues in Family Law](#) event, hosted by the Ontario Bar Association, in Toronto, on September 20, 2024. They will be speaking on foreign divorces.

Free Resource

- The Canadian Bar Association has a [Tax Matters Toolkit: Separation & Divorce \(For Lawyers\)](#) and a [Tax Matters Toolkit: Separation & Divorce \(For Clients\)](#). These toolkits cover federal tax rules under the *Income Tax Act* and other federal legislation relevant to issues often arising from separation and divorce, including principal residence rules, spousal support, child support, child benefits, pensions, and registered accounts. The information in these Toolkits needs to be considered in context with provincial/territorial tax rules.

Sharing Our Newsletter

- If this newsletter has been shared with you by a colleague, and you would like to subscribe, simply click [here](#) or contact [Sierra Larmand](#).

Our Services

Yes, we do drafting! Lam Family Law regularly provides family law lawyers with drafts of:

- ✓ motion materials - Notice of Motion, Factum
- ✓ trial materials - Factum, Book of Authorities
- ✓ appeal materials - Notice of Appeal, Factum, seeking / opposing leave to appeal, motion materials (e.g., stay pending appeal, further evidence on appeal, quashing)
- ✓ preliminary drafting of affidavits, in some circumstances
- ✓ preliminary drafting of briefs (e.g., settlement conference briefs, mediation briefs), in some circumstances
- ✓ statements of law
- ✓ annotated case books
- ✓ submissions - opening, closing, costs
- ✓ offers to settle

- ✓ letters to counsel outlining the law
- ✓ parts of pleadings
- ✓ reviewing drafts of any of the above
- ✓ lengthier legal opinions / research memos
- ✓ shorter emails / informal memos highlighting legislation / cases / secondary sources

Yours Truly,

The Lam Family Law Team

([Vanessa Lam](#), [Maria Golarz](#), [Rebecca Winner](#),
[Kayleigh Pink](#), and [Sierra Larmand](#))
