



# Lam Family Law

a Professional Corporation

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## Family Law Strategy & Legal Research

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.

*November 2024 Issue*

### Case Law Commentary

- **How Long Do You Have to Appeal, and What if You Miss the Deadline?** It isn't always 30 days! Check out our list so you never miss the deadline to start an appeal. And if you need an extension, get a refresher on the test and other tips and tricks when starting an appeal. Check out our blog post to learn more [Starting an Appeal: Timeline and Getting an Extension of Time](#).
- **How to Characterize Financial Assistance from a Spouse's Parent:** Many couples receive help from their parents to purchase a home, or simply to fund living expenses. If they separate, how will the court determine whether the advances were gifts or loans? Check out our blog post to learn more: [Gifts or Loans? Decoding the Intent Behind Parental Generosity](#).
- **Navigating Occupation Rent Claims in Ontario:** It has been a little over one year since the Court of Appeal for Ontario released its decision in *Non Chhom v. Green*, [2023 ONCA 692 \(CanLII\)](#), confirming that an order for occupation rent need not be "exceptional". How have the Ontario courts treated occupation rent claims in subsequent decisions? Check out our blog post to learn more: [From Non Chhom v. Green to Today: Navigating Occupation Rent Claims in Ontario](#).
- **Enforcing Annual Adjustments to Child Support:** Where annual adjustments to child support pursuant to an agreement or an order don't end up happening, does this trigger a motion for retroactive support or a motion for enforcement? Check out our blog post clarifying the difference: [Enforcing Annual Adjustments in Child Support Orders](#).

### In Case You Missed It

- LSO Connects has replaced the LSO Portal. An LSO Connects account is necessary for licensees and licensing candidates to complete administrative and regulatory requirements and to receive important information and updates from the LSO. If you do

not have an account yet, use these [instructions](#) to create one.

- On October 31, 2024, LSO Convocation approved:
  - (i) amendments to the Law Society's By-Law 4 and the *Paralegal Rules of Conduct* to expand the services paralegals can offer in family law, including preparing applications for name changes, filing domestic contracts, and arguing motions to change child support in certain circumstances. To see the full list of additional family legal services, see Tab [3.1.1](#) of the [Report to Convocation](#); &
  - (ii) an increase in the annual fees for lawyers from \$1,956 to \$2,039, and for paralegals from \$990 to \$1,023. Due to the paralegal compensation fund surplus, paralegals will receive credit of \$27, bringing their total annual fee down to \$996. See Tab [2.1](#) of the [Report to Convocation](#).
- Effective December 1, 2024, the following rules of the [Rules of Civil Procedure](#), which affect some family law appeals, were added or amended:
  - Subrule [4.06.1\(2.1\)](#) requires that a factum include a statement by the party's lawyer certifying that the lawyer is satisfied as to the authenticity of every authority cited in the factum.
  - Subrule [4.06.1\(2.2\)](#) confirms that an authority published on a government website or otherwise by a government printer, on the Canadian Legal Information Institute website (CanLII), on a court's website, or by a commercial publisher of court decisions, is presumed to be authentic for the purpose of the statement required by subrule [\(2.1\)](#), absent evidence to the contrary.
  - Subrules [61.11\(1\)\(e\)](#) and [61.12 \(3\)\(f\)](#) clarify that the certificate that must be included in the appellant's and respondent's factums, must include the enumerated items at (i) to (v), in addition to the statement required by r. [4.06.1](#).
- Starting January 1, 2025, lawyers and paralegals in private practice must develop and maintain a client contingency plan for the carrying on or winding up of their professional business. The plan must contain the information set out in [By-law 7.1](#) and appoint one or more licensees as the plan administrator. Resources and optional templates, designed by the LSO, can be found [here](#).
- Effective January 1, 2025, the *General Matters under the Authority of the Lieutenant Governor in Council*, [Règl de l'Ont 155/18](#), under the *Child, Youth, and Family Services Act*, [2017 SO 2017, c. 14, Sch. 1](#), will be amended to include sections [116-131](#), regarding Police Record Checks.

### Speaking Events

- Vanessa Lam will be recording a session on family law updates for mediators, which will soon be available for free to mediators on the mediate393 roster.

### Free Resource

- The Canadian Bar Association has created [Legal Health Checks](#) – a tool to help people

recognize their legal problems early and to take action, and to help lawyers start conversations with their clients about the law and how to work effectively with a lawyer. Within the topic of [Relationships, separation and divorce](#), there are a variety of one to two-page documents explaining basic family law concepts and providing helpful resources for clients and lawyers.

### 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

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.

### Happy Holidays!

As we head into the last month of 2024, 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) at a reduced capacity. If we don't connect over the next few weeks, we look forward to connecting with you in 2025!

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