

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.

**May 2026 Issue**

### **Case Law Commentary**

- **The Tort of Intimate Partner Violence:** The family law world is still buzzing from this newest addition, recently handed down from the Supreme Court of Canada in *Ahluwalia v. Ahluwalia*. Check out our blog post: [The Newest Addition to the Family: The Tort of Intimate Partner Violence](#).
- **Costs:** Need a refresher on the basics of costs following a hearing or appearance? Check out our blog post: [Back to Basics: Costs Orders in Ontario](#).
- **Whose RESP Plan Is It Anyway?:** Recent cases have clarified that RESPs usually belong to the subscriber, except where the evidence establishes a valid trust for the beneficiary. Check out our blog post: [Whose Plan Is It Anyway? Recent Case Law Clarifies the Treatment of RESPs](#).

### **In Case You Missed It – Amendments to the *Family Law Act***

- Effective May 1, 2026, a family arbitration award for support can be filed with the court and enforced as if it were a court order. A new provision, s. 59.9, was added to allow a party who is entitled to the enforcement of a family arbitration award that contains a provision for support to file the award with the clerk of the SCJ or the Family Court. The section sets out (1) what the party filing the qualifying arbitration award must submit to the court, (2) the effects of filing, and (3) that filing does not affect the right of a party to apply to set aside the award. Note the conditions for enforceability in s. 59.6 of the *Family Law Act*. Minor amendments were also made to reflect this new section in the *Family Law*

*Rules and the Family Responsibility and Support Arrears Enforcement Act, 1996.*

### **In Case You Missed It – Updated/New Family Law Forms**

- Effective May 1, 2026, changes were made to three family law forms:
  - “Form [26B](#): Affidavit for Filing Domestic Contract with Court” was updated to require details about spousal support provisions in the contract/agreement;
  - “Form [26D](#): Affidavit for Filing Family Arbitration Award for Support with Court” was added to give effect to the new s. 59.9 of the *Family Law Act*, discussed above; and
  - “Form [32.1](#): Request to Enforce a Family Arbitration Award” was amended to reflect the addition of s. 59.9 to the *Family Law Act*.

### **In Case You Missed It – SCJ Southwest: Restructuring of Rule 39/First Attendance Court in London Family Court**

- Effective March 31, 2026, Rule 39/First Attendance Court in London Family Court, scheduled for Tuesday each week, has been restructured: see the Notice to the Public and Profession [here](#).
- Here is a summary of the changes:
  - a) There will be a clerk/courtroom registrar-led Rule 39 (R39) court commencing at 9:30 a.m. on Tuesday mornings and a separate judge-led TBST court commencing at 2:00 p.m. on Tuesday afternoons.
  - b) During the R39 morning session, the judge scheduled to preside over the afternoon judge-led TBST will conduct conferences – either three case conferences or two settlement conferences or some combination of the two.
  - c) At the outset of the afternoon session court, the clerk will deal with any adjournment requests in the absence of the presiding judge. That may mean that the presiding judge will not be called upon/requested to join the proceedings until, perhaps, 2:15 p.m. or 2:30 p.m. or whenever the clerk has dealt with the adjournment requests.
  - d) Both the R39 court and the judge-led TBST will, presumptively, be conducted by virtual (Zoom) hearing, subject to the direction of the presiding judge and/or Local Administrative Judge.

## In Case You Missed It – SCJ Brampton and Milton: Regular Family Law Motions Presumptively In-Person

- Effective June 1, 2026, regular (short) civil and family law motions will be heard **in person**: see the announcement [here](#).
- This notice applies to all motions scheduled to proceed on or after June 1, 2026. Any motions scheduled under the presumptive virtual mode of appearance will be converted to proceed in person.
- Requests to change the presumptive mode must be made following the process set out in the [Consolidated Practice Direction](#).
- Changes to the mode of proceeding will be granted ONLY in exceptional circumstances. Where a request to change the mode of hearing is granted, the motion may be adjourned to a later date to accommodate virtual scheduling.

## In Case You Missed It – Updated Southwest Regional Practice Direction

- The [Consolidated Practice Direction for the Southwest Region](#) was amended, largely related to the presumptive mode of hearing for family cases in St. Thomas. The following paragraphs were amended (underlining added to show amendments; bolding and italics in original):
  - 10. In St. Thomas, Family Law Conferences scheduled before a ROTA judge on Mondays (or Tuesdays after a long weekend) will be held virtually.
  - 11. In London and St. Thomas, Family Law Trial Management Conferences, including those in Child Protection Proceedings (**CYFSA**), will be held in person, except in St. Thomas when scheduled before a ROTA judge on Mondays (or Tuesdays after a long weekend), where they will be held virtually.
  - 12. In London, all substantive Regular/Short or Long/Special Appointment Motions in Child Protection Proceedings (**CYFSA**) will be held virtually. In St. Thomas, all such Motions in *CYFSA Proceedings* are hybrid; parties may choose to attend virtually or in person.
  - 13. Regular/Short Family Motions (including Urgent Motions) will be held virtually in all Southwest Region court locations, **except** in London, Windsor (commencing

April 19, 2024) and St. Thomas (commencing October 22, 2025), where they will be held in person.

- 14. Long/Special Appointment Family Motions will be heard virtually in all Southwest Region court locations, except in St. Thomas, where they will be held in person.
- 15. Uncontested trials will be held virtually in all Southwest Region court locations, except in St. Thomas, where they will be held in person.

### **In Case You Missed It – The Ontario SCJ 2024-2025 Biennial Report**

- In May 2026, the SCJ released its 2024-2025 Biennial Report: [Ontario Superior Court of Justice: Progressing in the Public Interest](#)
  - Section 1 provides an overview of the Ontario SCJ;
  - Section 2 summarizes the different jurisdictions and courts within the SCJ;
  - Section 3 addresses the SCJ's key achievements and initiatives as they relate to the five objectives outlined in the SCJ's five-year strategic plan from 2025-2030, [Leading the Justice System into the Future](#);
  - Section 4 sets out the judiciary and judicial regions; and
  - Section 5 provides court statistics, with family-specific statistics starting on p. 66.

### **In Case You Missed It – Auditor's Report on Family Responsibility Office**

- The Office of the Auditor General of Ontario released a Performance Audit on the Family Responsibility Office ("FRO"): [Special Report 2026](#).
- The audit was conducted between December 2024 and February 2026: p. 49.
- The report's conclusions are summarized at p. 4, including:
  - "[M]any of FRO's systems, processes and policies to enforce child and spousal support obligations were not consistently effective."
  - "FRO's processes to accurately account for and distribute receipts from payors to recipients on a timely basis were not applied consistently."

- “FRO could not demonstrate an efficient use of human resources to meet its service delivery targets.”
  - “FRO had not established a process to evaluate and report on its effectiveness in enforcing support obligations.”
- The Report provided 11 recommendations. The FRO agreed with 10 of the 11 recommendations. The recommendations and FRO’s responses are at pp. 40-46.

### Podcast

- On May 15, 2026, the Supreme Court of Canada released the long-awaited decision in *Ahluwalia v. Ahluwalia*. Vanessa Lam, along with host Alison Crawford and fellow family law lawyer Shelley Hounsell, K.C., discussed why the Supreme Court of Canada’s decision to create a new tort of intimate partner violence is so significant, and what it might mean for victims and their lawyers. You can listen to this episode through the Modern Law: Verdicts and Voices [website](#), on Spotify [here](#), or on Apple podcasts [here](#).

### Upcoming Speaking Events

- The [Federation of Law Societies of Canada’s National Family Law Program](#) (NFLP) is back July 13-16, 2026, in Kelowna, British Columbia! Vanessa Lam and Maria Golarz will be presenting their paper “Mischief Managed: Dealing with Vexatious Litigation in Family Law”. The full [program agenda](#) has been released. Registration has reached capacity and a [waitlist](#) is now available. We look forward to seeing many of you in Kelowna!

### Free Resource

- [LSO CPD Materials](#) allows you to search LSO Continuing Professional Development articles from 2004 onwards. This catalogue replaces “Access CLE”, which we provided as a free resource in our November 2023 Newsletter.

### 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

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

1. **Contact:** Email [Vanessa Lam](#), [Maria Golarz](#), [Rebecca Winninger](#), or [Kayleigh Pink](#). Or email our new intake email at [hello@lamfamilylaw.ca](mailto:hello@lamfamilylaw.ca).
2. **Conflict check:** Provide us with the names of your client, the other party(ies), and the other lawyer(s) (if any). You can alternatively provide this info through our [intake form](#).
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.

**Yours Truly,**

**The Lam Family Law Team**

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

[Kayleigh Pink](#), and [Sierra Larmand](#))