

A Primer on the Tort of Intimate Partner Violence

Revised – July 26, 2026

On May 15, 2026, the Supreme Court of Canada (“SCC”) released their landmark decision in *Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), which created the new tort of Intimate Partner Violence (“IPV”). It should now be non-controversial that family law practitioners ought to screen for family violence, including coercive control, in every case. Coercive control is an extremely serious, gendered wrong linked to risk of death and harm to children. Historically, damage awards in the family law context have been too low; in cases of IPV, the baseline for compensation should be higher than damage awards under existing torts. The SCC clearly intended to facilitate access to family law justice for survivors. This Tip Sheet offers practical guidance to family law practitioners in the hope that they feel better equipped to advise clients about family violence.

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Elements of the Tort of IPV

1. The abusive conduct arose in an intimate partnership or its aftermath.

A defining feature of IPV is the intimate nature of the relationship. Abuse in this context violates the trust between partners and undermines the dignity, autonomy, and equality inherent in intimate relationships (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [185](#)). A non-exhaustive list of relevant aspects of an intimate partnership include (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [102](#)):

- Close personal connection
- Sustained relationship
- Mutual care, commitment, or interdependence
- Emotional, financial, domestic, or physical intimacy
- Independence from formal legal status (e.g., marriage or cohabitation)
- It may not be restricted to sexual and physical intimacy but may include psychological intimacy (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 387)

 **Practice Tip:** The court recognized that coercive control does not necessarily end at date of separation and can continue in the aftermath of an intimate relationship. IPV includes post-separation abusive conduct such as litigation abuse.

2. The defendant intentionally engaged in that conduct.

The victim needs to prove that the perpetrator *intended* to engage in abusive and controlling conduct. However, they do not need to prove that the defendant subjectively intended to exercise coercive control over them through the abuse or intended to cause specific harm (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [186](#)). For further discussion of the “intention” element of this novel tort, see Professor Mary-Jo Maur’s forthcoming article on *Ahluwalia* in the *Canadian Family Law Quarterly*.

3. The conduct, on an objective measure, constitutes coercive control.

Intimate partner violence relates to systemic power imbalances of gender, race, disability, sexual orientation, and Indigeneity. Women are disproportionately affected by intimate partner violence, most often perpetrated by male partners (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [122-124](#)).

Intimate partner violence is not confined to assault or battery but is focused on abusive conduct that coerces and controls the other and deprives them of their autonomy (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [120](#)). The key feature of coercive control is the breakdown of the plaintiff's will, manifested through a diminished ability to make important decisions about their own life or to meaningfully participate in decisions affecting the intimate partnership (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [198](#)). Coercive control directly interferes with the plaintiff's dignity, autonomy, and equality. While coercive control will often consist of a pattern of conduct, it may also arise from a single act that objectively has the effect of subordinating one partner to the other's control (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [120](#)).

A single act of abuse may be sufficient to satisfy the elements of the tort of IPV if that act has “the effect of “teaching” the vulnerable intimate partner that if she falls out of line again, worse will happen.” (*Mitchell v Mitchell*, 2026 ONSC 4259 at paras 380 & 450). Individual incidents may also be assessed cumulatively to determine whether they objectively form a pattern of coercive control (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [207](#)). Not all misconduct arising in an intimate relationship (i.e. dishonesty, infidelity, emotional neglect, and disagreements) will constitute coercive control (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [121](#)).

Some (non-exhaustive) indicators of coercive control include (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [187](#); *Mitchell v Mitchell*, 2026 ONSC 4259, at para 386; & *Smith v. Seyoum*, [2026 ONSC 3397 \(CanLII\)](#), at paras 114-175; & Bill C-16, [Protecting Victims Act](#), 1st Sess, 45th Parl, 2025-2026 (assented to June 18, 2026)):

- Physical, sexual, emotional, psychological, or verbal abuse
- Controlling, monitoring, stalking, or surveillance behaviours
- Intimidation, threats, or fear-based tactics
- Gaslighting behaviour
- Harassment, humiliation and denigration;
- Financial abuse or economic control
- Social isolation from family, friends, or supports
- Restrictions on work, education, access to health care, or activities
- Litigation abuse or strategic misuse of legal processes
- Threats involving children, self-harm, or suicide
- False allegations or unfounded claims used to manipulate or exert control (i.e., to CAS or police)
- Denying access to a family residence and a child

- Communicating in a manner which is rude, belittling, threatening, critical, and controlling

The inquiry is objective: would a reasonable person, informed of the relevant context, perceive the defendant's conduct as amounting to an assertion of control over the plaintiff? (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [189](#)). Consistent with the approach in *R v Tran*, [2010 SCC 58 \(CanLII\)](#), at para [34](#), citing *R v. Hill*, [1986 CanLII 58 \(SCC\)](#), [\[1986\] 1 SCR 313](#), the reasonable person standard must be informed by contemporary social norms and fundamental values, including the commitment to substantive equality in the *Canadian Charter of Rights and Freedoms*.

The Role of Family Lawyers

Family Violence Training & Screening

Family violence training is essential for competent legal practice. It equips legal professionals with the skills necessary to understand and respond to intimate partner violence and coercive control using trauma-informed approaches (see [Appendix #1](#) for a list of several Family Violence Training opportunities for legal professionals).

Screening for family violence is also necessary, and screening must be an ongoing process throughout the life of a family law file. For further discussion, see the works of Deanne Sowter, *Intimate Partner Violence and Ethical Lawyering: Not Just Special Rules for Family Law* (2024) 102:1 Can Bar Rev 130, [2024 CanLIIDocs 886](#); “[Lawyers' Incivility in Family Law and the Question of Systems Abuse](#)”, (2025) 47:2 Man L J 77; & “[The Fabrication Myth: Intimate Partner Violence and Lawyers' Advocacy in Family Law](#)”, (2026) TMU L Rev (forthcoming; available on SSRN).

See also [Appendix #2](#) for several Family Violence Screening Tools.

 **Practice Tip:** It is expected that survivors of abuse may not be able to recount the history of their abuse promptly, and in a linear fashion, even with their own counsel.

Providing Referrals

Research indicates that survivors greatly appreciate when legal professionals provide them with referrals to services, programs, and websites. See, for example, the [HELP toolkit](#) and [Appendix #3](#) for Resources for Survivors. [Appendix #4](#) includes Resources for Parents Who Have Perpetrated IPV and/or Abuse.

Pursuing the Tort Claim in Family Proceedings

Family courts can consider tort claims within family law proceedings (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [44](#)). From an access to justice standpoint, it is generally unrealistic to expect survivors to pursue parallel family and civil proceedings to obtain financial relief (*Ahluwalia v Ahluwalia*, [2022 ONSC 1303 \(CanLII\)](#), at para [47](#) & *Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [35](#)). It is therefore important for family lawyers to understand how to properly screen for IPV, plead, and advance tort claims within family law proceedings. Doing so can help ensure that survivors have access to the full range of remedies without the added cost, delay, and burden of needing to commence a separate civil proceeding.

Pleading the Tort of IPV

The SCC was clear that it is not necessary to label the “tort of IPV” in pleadings (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [17](#)). Rather, it is sufficient to plead the material facts showing a pattern of abuse and coercive control. The court is then responsible for applying the appropriate legal label and framework to the facts. Not requiring litigants to plead the specific name of the tort can improve access to justice, particularly for self-represented litigants, who may not be aware of the legal label for their experiences. In *Mitchell v Mitchell* (2026), Justice Vella concluded that since the respondent was not caught by surprise, and all elements and facts had been addressed, she would formally amend the Application *nunc pro tunc* to add the tort of IPV out of an abundance of caution (*Mitchell v Mitchell*, 2026 ONSC 4259, at paras 8-10).

There is no need to plead specific monetary amounts for damages in a family law case (*Mitchell v Mitchell*, 2026 ONSC 4259, at paras 230 & 232) so long as the responding party is not taken off guard. Even if the damages have been particularized, it is typically unnecessary that the quantum of damages itself be particularized, with civil courts allowing plaintiffs to increase their claim for damages at trial (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 234).

Pleading Existing Torts

Where appropriate, survivors may want to plead traditional torts alongside the tort of IPV (including assault, battery, or Intentional Infliction of Emotional Distress (“IIED”)). For further discussion, an excellent resource is Professor Mary-Jo Maur’s chapter in N. Bala, et al., *Understanding Family Violence in Family Court Proceedings*.

Traditional torts that may also be pleaded include:

Assault (see *Warman v Grosvenor*, [2008 CanLII 57728 \(ON SC\)](#), at para [58](#)).

- The intentional creation of the apprehension of imminent harmful or offensive contact, even if contact never actually occurs.

Battery (see *Norberg v. Wynrib*, [1992 CanLII 65 \(CanLII\)](#), 1992 CarswellBC 155 (WL), at para 26).

- A battery is the intentional infliction of unlawful force on another person.

Intentional Infliction of Emotional Distress (IIED) (see *Prinzo v Baycrest Centre for Geriatric Care*, [2002 CanLII 45005 \(ON CA\)](#), at para 48 & *Mitchell v Mitchell*, 2026 ONSC 4259, at paras 421-435)

- 1) Flagrant or outrageous conduct;
- 2) That is calculated to produce harm; and
- 3) Which results in a visible and provable illness.

False Imprisonment (see *Mughal v Medd*, [2012 CarswellOnt 7064](#), at para 28, citing *Kovacs v. Ontario Jockey Club* (1995), [CanLII 7397 \(ON CTGD\)](#), at para 45).

- 1) The plaintiff must have been totally deprived of liberty;
- 2) This deprivation must have been against the plaintiff's will; and
- 3) Must be caused by the defendant.

Intrusion Upon Seclusion (see *Jones v Tsige*, [2012 ONCA 32 \(CanLII\)](#), at para 71).

- 1) The defendant's conduct must be intentional (including reckless);
- 2) The defendant must have invaded, without lawful justification, the plaintiff's private affairs or concerns; and
- 3) A reasonable person would regard the invasion as highly offensive, causing distress, humiliation or anguish.

Intimidation (see *Weisenburger v College of Naturopathic Physicians of British Columbia*, [2024 BCSC 1047 \(CanLII\)](#), at para 97, citing *Skybridge Investments Ltd. v Metro Motors Ltd.*, [2006 BCCA 500 \(CanLII\)](#), at paras 27-28 & *Sauve v Canada*, [2011 FC 1074 \(CanLII\)](#), at para 44).

- 1) The defendant threatens unlawful acts in order to coerce the plaintiff into doing or not doing certain acts;
- 2) The defendant intends that the plaintiff will suffer injury as a result;
- 3) The plaintiff submits to the threat by doing or not doing certain acts they were entitled to do; and

- 4) As a result, the plaintiff suffers actual damage.

Some other possible torts?

- 1) False light claims
- 2) Public disclosure of private facts
- 3) False imprisonment
- 4) Economic interference
- 5) Cyber Torts / Internet Harassment
- 6) Misappropriation of Personality / Identity Theft
- 7) Defamation
- 8) Extortion
- 9) Negligence
- 10) Conspiracy

Evidence & Challenges of Proof

The Burden of Proof

As with other intentional torts, the burden of proof for the tort of IPV lies with the plaintiff on the civil standard of a balance of probabilities (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [205](#)).

Adducing Evidence of Coercive Control

A plaintiff must provide specific evidence of abusive conduct, but the court should assess that conduct cumulatively, as a pattern of coercive control, rather than isolated incidents that may appear less serious on their own (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [207](#)). The focus of the tort is whether the defendant's conduct was intended to control or restrict the plaintiff, and liability does not depend on proof of consequential harms such as a diagnosable injury or economic loss (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [209](#)).

While expert evidence, including testimony from therapists or physicians, may be helpful, such evidence should not be required to prove the tort of IPV. It had already been established that, even in relation to IIED, “the requirement of “visible and provable illness” no longer requires a formal

medical or psychiatric diagnosed ailment or disorder, nor is expert evidence required.” (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 423). Requiring expert evidence risks increasing costs and undermining access to justice, particularly for self-represented litigants who do not have financial resources. At trial, Ms. Ahluwalia did not adduce expert evidence or call her physician or counsellor yet was ultimately successful in her claims (*Ahluwalia v Ahluwalia*, [2022 ONSC 2169 \(CanLII\)](#), at para [14](#) [trial decision]). In *Mitchell*, the survivor called the evidence her family doctor and naturopathic doctor as participant experts. (*Mitchell v Mitchell*, 2026 ONSC 4259).

Relevant evidence may include testimony from witnesses, journal entries, medical or mental health records, police reports, photographs, and written or recorded communications. Justice Vella notes that, in relation to IPV, “public policy favours the admission of recordings, surreptitious or not (provided they are reliable and authenticated), of events of alleged family violence. (*Mitchell v Mitchell*, 2026 ONSC 4259).

Avoiding Myths & Stereotypes

Coercive control must be assessed objectively based on the defendant’s conduct, not based on stereotyped assumptions about “normal” victim behaviour. A victim’s ability to make some independent decisions, including leaving or returning to the relationship, does not negate coercive control, nor does delay in bringing a claim (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [198](#) & [208](#)).

Defendants cannot rely on bald denials or rationalizations based on myths and stereotypes about intimate partner violence (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [225](#); *Lock v Lock* [2026 ONSC 4100 \(CanLII\)](#), at para [30](#); & *Mitchell v Mitchell*, 2026 ONSC 4259, at paras 360-377 & 445). Some of those myths and stereotypes are:

- (a) the alleged victim did not leave the relationship and therefore there was no abuse or mistreatment;
- (b) the alleged victim must have consented to the offensive treatment because she/he/they did not leave the intimate relationship;
- (c) the alleged victim did not tell anyone in authority, his/her/their family, or otherwise and therefore it did not happen;
- (d) the person did not behave in a certain manner in response to the alleged mistreatment and therefore cannot be believed;
- (e) women have a propensity to lie/ fabricate/ exaggerate; and
- (f) women are hysterical/ “crazy” and therefore inherently untrustworthy.

 **Practice Tip:** Reflect on literary and scholarly writing by survivors from marginalized communities to challenge your own discriminatory biases grounded in pervasive myths and stereotypes. Also consider developments in other areas of practice that address discriminatory myths and stereotypes and the requirements of substantive equality.

The Limitation Period

In Ontario, there is no limitation period for assault in an intimate relationship (*Limitations Act*, [SO 2002, c 24, Sch B](#), s [16\(1\)\(h.2\)](#)). However, surveillance, threats, and isolation tactics, which may collectively constitute coercive controlling behaviour, do not necessarily meet the test for assault or other tortious conduct. Therefore, some acts may be actionable while non-physical forms of abuse risk being treated as time barred. This raises access to justice concerns, since survivors may be left without legal recourse for the full pattern of coercive conduct.

The SCC attempted to address this concern by conceptualizing intimate partner violence as a “continuing injury” (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [158](#)). However, legislative amendment may still be necessary to extend limitation period exemptions beyond traditional assault-based claims.

 **Practice Tip:** Explore claims of family violence at the start of your mandate with a client to avoid possible limitation period issues.

Quantifying Damages

The SCC noted that coercive control “constitutes a serious breach of a victim’s intangible interests” and that the “[v]iolence that occurs at the hands of one’s intimate partner is arguably more harmful, or at least differently harmful, than violence at the hands of a stranger.” (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [227](#)). Once the elements of the tort are established, compensable harm is presumed and does not require separate proof of consequential loss (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [209](#)). The assessment is guided by a restorative function, aiming to place the plaintiff in the position they would have been in *but for* the coercive conduct (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [78](#)). However, damages are also to be “corrective and strongly denunciatory” (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [227](#)). The tort of IPV is an intentional tort, from which damages flow from the wrong itself; and given the seriousness of the harm of IPV, the quantum of damages is not limited to the amount deemed sufficient to restore victims under the traditional torts (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [239](#)).

IPV causes distinct, compensable harms (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [56](#) & [141-142](#)). That is, the “general damages award” in family law cases may include damages for coercive controlling conduct, as well as damages for other tortious harms, such as battery. IPV is recognized as an additional harm, and damages must not be discounted or minimized based on myths or stereotypes about such relationships (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [227](#)).

While there is no established body of precedent in relation to the tort of IPV, the parties in *Ahluwalia* agreed to fix damages at \$100,000. While this quantum was not part of the appeal at the SCC, the court was clear that historically, awards in relation to abuse by a spouse have been too low (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [224-227](#), [294](#), & [363](#)). Cases in 2024 such as *Barreto v Salema*, [2024 ONSC 4972 \(CanLII\)](#), at paras [441](#) & [460](#), and *Zunnurain v Chowdhury*, [2024 ONSC 5552 \(CanLII\)](#), at paras [215](#) & [253](#), had higher damage awards than in the past, but going forward, post-*Ahluwalia*, we should expect to much higher damage awards. As held in *Mitchell v Mitchell*, 2026 ONSC 4259, “earlier awards are not a good measure of future damage awards for the tort of IPV as they are too low.”

In *Barreto*, Justice Vella had relied on a Court of Appeal decision which set out a range of general damages for adult-on-adult sexual assault as a range of \$144,000 to \$290,000 in 2017 dollars. Toronto litigators with experience in civil sexual assault cases suggest that, in 2026, the range is now \$200,000 - \$425,000 for *settlement purposes*. While this provides a “useful general framework for how to assess psychological impacts committed within a betrayal of trust” (*Barreto v Salema*, [2024 ONSC 4972 \(CanLII\)](#), at paras [440-441](#), citing *Zando v. Ali*, [2018 ONCA 680 \(CanLII\)](#), at paras [4](#), [15](#), & [20](#)), the SCC has recognized that the repeated ongoing harms of IPV are more damaging and should attract even higher damage awards.

The factors to be considered in determining the appropriate quantum are:

- (a) The circumstances of the victim at the time of the events, including factors such as age and vulnerability;
- (b) The circumstances of the assaults, including their number, frequency, and how violent, invasive and degrading they were;
- (c) The circumstances of the perpetrator, including age and whether they were in a position of trust; and
- (d) The consequences for the victim of the wrongful behaviour, including ongoing psychological injuries
- (e) in relation to aggravated damages on traditional torts, the circumstances or manner in which the abuse was committed (e.g., humiliating, undignified, or involving a betrayal of trust).

In the first case I have found awarding damages for the IPV tort, *Mitchell v Mitchell* (2026), Justice Vella would have awarded \$300,000 of aggravated general damages under traditional torts, but increased the damages for the IPV tort to \$400,000 plus punitive damages of \$25,000. (*Mitchell v Mitchell*, 2026 ONSC 4259, at paras 522 & 534-552). During the lengthy marriage, the victim lived in constant fear for herself and the children and experienced fear of ongoing retribution (paras 264-267). Justice Vella recognized that “whatever damages may be warranted under the pre-existing traditional (personal injury) tort claims, they will be higher under the new tort of IPV.” The tort of IPV addresses the newly recognized wrong of coercive and controlling behaviour as a distinct harm to the intimate partner’s dignity, autonomy, and equality within the intimate partnership (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 227).

“[T]here is no personal injury cap with respect to the tort of intimate partner violence.” (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 228). Any compensatory damages under the traditional torts “must be enhanced to reflect the additional harm caused by the exertion of coercive control and the consequent violation to the abused partner’s dignity, autonomy and equality.” (*Ahluwalia v. Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [222](#) & [239](#) & *Mitchell v Mitchell*, 2026 ONSC 4259, at para 397). The damages award needs to be significant to recognize the “deep affront to the abused intimate partner’s dignity, as well as the losses associated with dignity, autonomy and equality resulting from coercive control” (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 546, citing *Ahluwalia v. Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [222](#) & [227](#)).

Interaction with Other Family Law Entitlements

How does the tort of IPV interact with other family law entitlements?

Equalization under the *Family Law Act* is grounded in compensatory principles that focus on each spouse’s contribution to the acquisition and maintenance of family property (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [212](#)). Similarly, the purpose of spousal support is to recognize the economic advantages or disadvantages that arise from marriage or its breakdown, allocate the financial consequences of childcare responsibilities, and promote each spouse’s path toward economic self-sufficiency (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [213-214](#)).

Tort law remedies are designed to address wrongdoing by providing compensation to victims, deterring misconduct, and vindicating legal rights. Damages aim to place the injured party in the position they would have been in but for the wrongful act (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at para [215](#)).

It is imperative the courts avoid reinstating the “family discount” and that we recognize the necessity of providing appropriate redress to victims. Respectfully, survivors should not be

shortchanged by considering the payor's limited financial means following an equalization payment. But see, *Mitchell v Mitchell*, 2026 ONSC 4259 at para 551. As the SCC stated in *Andrews v Grand & Toy Alberta Ltd.*, [1978 CanLII 1 \(SCC\)](#), [\[1978\] 2 SCR 229](#), at paras [243-244](#), “An award must be fair to both parties but the ability of the defendant to pay has never been regarded as a relevant consideration in the assessment of damages at common law. The focus should be on the injuries of the innocent party. Fairness to the other party is achieved by assuring that the claims raised against him are legitimate and justifiable.” I concur with Mary Jo Maur (personal communication with the author) in recognizing, “the statutory entitlements are what they are, and the tort entitlement is what it is. If this results in the defendant owing more money than he has, that is the cost of his behaviour.”

In what order should judges address these entitlements?

Justice Kasirer, writing for the Majority of the SCC in *Ahluwalia*, noted that it will generally be helpful to address the tort claim first, as a finding of IPV and coercive control may be directly relevant to other determinations such as parenting orders, post-separation decision-making, and support entitlements (*Ahluwalia v Ahluwalia*, [2026 SCC 16 \(CanLII\)](#), at paras [218-220](#)).

In *Mitchell v Mitchell* (2026), Justice Vella addressed damages under traditional torts and then separately addressed damages under the tort of IPV. Rule [53.10](#) of the *Rules of Civil Procedure* sets out the presumptive prejudgment interest rate on non-pecuniary damages at 5% payable from the date the cause of action arose. Justice Vella stated that the cause of action for the tort of IPV did not arise until the SCC's decision in *Ahluwalia* (*Mitchell v Mitchell*, 2026 ONSC 4259, at para 572). Query whether this is correct, given that it involved a change to the common law, in accordance with *Charter* values, within a family law context in which remedies generally apply retrospectively.

Conclusion

The *Ahluwalia* decision is a testament to the bravery of Kuldeep Ahluwalia and Justice Mandhane. It also reflects the dedication of many survivors, intervener groups and their *pro bono* lawyers, academics, mental health professionals, and family lawyers who helped describe the harms of IPV.

As a self-represented litigant, Ms. Ahluwalia helped reshape the law. Her experience shows that family law lawyers should not be apprehensive about making tort claims part of their practice. They should rely on their existing knowledge and skills, engage widely across practice areas, and be open to listening to their clients' experiences of IPV and understanding its harm.

Survivors often do not disclose IPV because society still has a culture of skepticism and disbelief about gender-based violence and we too often subscribe to damaging myths and stereotypes. Legal

professionals need to make a practice of asking about IPV in every case, and that information should guide how the file is handled.

This is an important cultural moment. [Bill C-16](#) has received Royal Assent and now criminalizes coercive control; [Bill C-223](#), while controversial, seeks to strengthen protection for children impacted by family violence, and seeks necessary adaptations to court practices. Judges are already taking a new approach to family violence cases. For example, in *Abu Kibash v. Gamal*, [2026 ONSC 2969 \(CanLII\)](#), the court considered the modernization of the court's approach to urgency in the context of coercive control.

With family law evolving rapidly, lawyers must be proactive in learning and applying new developments in their practice. This Tip Sheet aims to provide practical guidance to family lawyers and contribute to the collaboration and mutual support within the legal profession.

Appendix #1: Family Violence Training Opportunities

Luke's Place online training:

Luke's Place is a leading Ontario organization specializing in the intersection of family law and violence against women. Luke's Place has a 4-to-5-hour lawyer-focused course, *Effective Lawyering with Clients Leaving Abusive Relationships*, which addresses challenges commonly encountered in family law files involving abuse. The course covers:

- Understanding intimate partner abuse
- Converging issues - cultural & legal
- Intake & screening
- Practice management
- Common issues in cases involving partner abuse
- Evidence
- Professional responsibility
- Emergency motions

Association of Family and Conciliation Courts (AFCC):

AFCC offers a variety of virtual training programs. From September 29-October 1, 2026, there will be a 3-day evidence-informed program on *Safety First: Family Violence in the Context of Family Law*.

10-Hour Update on IPV & Power Imbalance Screening for Family Arbitrators & Parenting Coordinators (2026 Edition):

An asynchronous CPD accredited program that provides family arbitrators, mediators and parenting coordinators with information and skills to comply with training obligations. Topics commonly include:

- New case law
- Emerging research on coercive control
- Updated screening methodologies
- Cultural and equity considerations
- Risk indicators and safety concerns
- Best practices in parenting coordination and arbitration involving IPV

Appendix #2: Family Violence Screening Tools

e-SAFer:

A comprehensive framework used to assess family violence in the context of family law litigation. It is intended to be used by family law professionals following a disclosure of family violence during screening with family law litigants. Users are required to attend a one-day training session prior to using e-SAFer.

Battered Women's Justice Project, Initial Domestic Abuse Screening Guide:

Designed to help family lawyers identify domestic abuse and coercive controlling behaviors in family law cases.

HELP Toolkit: Identifying and Responding to Family Violence For Family Law Legal Advisers:

Identifying and Responding to Family Violence for Family Law Legal Advisers: A Government of Canada resource that offers practical guidance to help legal advisers gather case information and connect clients to services that support their safety.

The Duluth Model - Power and Control Wheel:

A visual tool that illustrates the tactics used by abusers to maintain power control in abusive relationships.

The Women's Experiences with Battering Scale (WEB):

A 10-item screening tool that assesses a woman's perceived vulnerability to danger and loss of power and control in her relationship. Each statement is rated on a 1 to 6 scale (from strongly disagree to strongly agree), and the responses are summed into a total score. A score of 20 or higher indicates a positive screen for intimate partner violence (IPV). The WEB was designed as a public domain tool for use by any victim service provider or other client advocate.

Barbra Schlifer Commemorative Clinic, Intimate Partner Violence Risk Identification and Assessment Framework I: Risk Screening:

Designed to identify potential high-risk situations that may require more in-depth assessment and/or intervention to protect survivors from future harm. It consists of 13 yes-or-no questions based on 12 established risk factors.

Mediator's Assessment of Safety Issues and Concerns – Short (MASIC-S):

A screening tool used to identify abuse and related concerns between current or past intimate partners. The MASIC-S helps determine next steps after screening each party. These include whether a referral to a domestic violence advocate is needed, whether mediation is appropriate, and what conditions or accommodations are required to ensure a safe and voluntary process. It also guides decisions about the format of mediation, such as joint sessions, remote participation, or shuttle mediation.

Appendix #3: Resources for Survivors and Their Service Providers

Luke's Place:

A Canadian non-profit organization that supports women and their children who are navigating the family law system after experiencing intimate partner violence or abuse. It provides legal information, safety planning resources, family court support, training for service providers, and advocacy aimed at improving access to justice and safety outcomes.

Barbra Schlifer Clinic Risk Assessment Project - Safety Planning Tools:

The BSCC developed the Risk Identification and Safety Assessment (RISA) Tool, a research-informed resource for frontline service providers working with survivors of gender-based violence. The tool helps identify risk factors for future violence, supports individualized safety planning, and assists with case management.

Legal Aid Ontario – Domestic Violence Services:

Special services may be available to individuals who have experienced domestic abuse when they apply for legal aid. Domestic violence survivors in Ontario who need immediate advice and assistance in relation to family law matters can also receive two hours of free legal service from a certificate lawyer, and there is no financial eligibility requirement. Certificates may be available at some women's shelters, community legal clinics, and Family Law Services Centres.

iHEAL app:

A free, private, and secure app designed for women in Canada who have experienced abuse from a current or former intimate partner. The app provides self-assessments, safety-planning activities, health and well-being resources, and links to local support services.

Mulberry Finder:

An Ontario-based online platform that connects survivors, service providers, and community members with gender-based violence services and supports. Users can search for shelters, counselling services, sexual assault centres, Indigenous-focused supports, and other resources through a directory, interactive map, or guided questionnaire. The platform also provides safety-planning information and online safety resources.

Shelter Safe:

Provides a list of over 600 shelters across Canada that can support women experiencing abuse.

Assaulted Women's Helpline:

Offers a 24-hour telephone and TTY crisis line to all women who have experienced abuse. Provides counselling, emotional support, information and referrals.

Ontario Women's Justice Network – METRAC:

Provides information to help survivors of violence, and their supporters, better understand legal rights in Ontario.

Ontario Women's Legal Centre (Centre juridique pour femmes de l'Ontario):

Offers free legal information and general advice about family law in French to Francophone women in Ontario who are experiencing family violence.

Fem'aide:

Offers support, information, and referrals to French-speaking women in Ontario who have experienced gender-based violence.

Appendix #4: Resources for Parents Who Have Perpetrated IPV and/or Abuse

Caring Dads:

An evidence-based intervention designed for fathers whose behavior has harmed, frightened, neglected, or adversely affected their children or the children's mother. Its primary purpose is to improve child safety and well-being by helping fathers take responsibility for abusive, controlling, neglectful, or harmful parenting behaviors and develop healthier relationships with their children.

Changing Ways:

Helps men and women who are emotionally, psychologically, verbally, sexually and/or physically abusive to their partners. Topics include how to identify abusive behaviours, tools to prevent abuse, identifying the impact of abuse of partner and children, how to express feelings rather than acting them out, respectful communication, and developing a support and safety plan.