

## INDEX

**ADOPTION.** *See* **CHILD**

**ACTION.** *See* **DEATH, EQUALIZATION, PRACTICE**

**APPLICATION.** *See* **DEATH, EQUALIZATION, PRACTICE**

**APPEAL.** *See* **PRACTICE**

### **ARBITRATION**

*Arbitration Act, 1991*, conflicts, 59.1§1.01

**ARREARS.** *See* **DIVORCE**

**CAUSAL CONNECTION.** *See* **SUPPORT**

### **CHILD**

adoption, 29§2.02(*d*)

cohabitation agreement, limitation, 53§2.01

domestic contracts, limitation, 56§3.02, 58§1.03

    distinction abolished, 1(1)§1.01

    paternity agreement, 59§1.01

    presumptions of paternity, 1(1)§1.03

    support for, 1(1)§1.02, 31§5.01

marriage contract, limitation, 52§2.02

settled intention

    duration of, 1(1)§2.02

    financial provision, 1(1)§2.04

*in loco parentis*, 1(1)§2.05

    onus, 1(1)§2.08

    relationship, 1(1)§2.03

    test, 1(1)§2.07

    timing of, 1(1)§2.06

support *See* **SUPPORT FOR CHILDREN**

### **COHABIT**

cessation of, 1(1)§3.06, 29§2.02(*b*)

continuity of, 1(1)§3.06, 29§2.02(*b*)

credit, pledge of during, 45§1.01

defined, 1(1)§3.01

elements of

    conjugal relationship, 1(1)§3.02

    financial provision, 1(1)§3.04

    residency, 1(1)§3.05

    tests for, 1(1)§3.03

    timing of, 1(1)§3.06, 5§2.01

“relationship of some permanence”, 29§2.02(*c*)

**COHABIT** — *Continued*

resumption of, 4§5.02  
support, application for, 33§1.04  
triggering event, 5§2.01  
valuation date, 4§5.02

**COHABITATION AGREEMENT.** *See also DOMESTIC CONTRACT*

marriage, effect upon, 53§3.01  
parties, 53§1.01  
pre-Act contracts, 53§4.01  
subject matter, 53§2.01  
timing of, 53§1.01

**COMMON LAW SPOUSE.** *See COHABIT, SUPPORT*

**COMMUNITY OF PROPERTY.** *See NET FAMILY PROPERTY, PROPERTY*

**COMPENSATORY SUPPORT.** *See SUPPORT*

**CONFLICT OF LAWS**

foreign contracts, 58§1.01  
property rights, 15§1.01

**CONJUGAL RELATIONSHIP.** *See COHABIT*

**CONSTRUCTIVE TRUST.** *See PRESUMPTIONS*

**CONTRACT.** *See DOMESTIC CONTRACT*

**COSTS.** *See PRACTICE*

**COURTS**

defined, 1(1)§4.01  
domestic contracts,  
    exclusive jurisdiction, 35§1.02  
    variation of, 37§1.03  
Provincial Division  
    appeal from, 48§1.01  
    contempt, 49§1.01  
    limitation on jurisdiction  
        matrimonial home, 1(1)§4.02, 17§1.01  
        property, 1(1)§4.02  
        support, 1(1)§4.02, 17§1.01  
    orders restraining harassment, 46§3.01  
    support, child out of wedlock, 1(1)§1.02  
    transfer to General Division, 2(2)§1.03

**DAMAGES**

dependants' claims  
    contributory negligence, 61§1.06  
    damages, 61§1.05  
    derivative claim, 61§1.03  
    fault or neglect, defined, 61§1.04  
    insurance, 63§1.01  
    limitation period, 61§1.07  
    offer to settle, 62§1.01, PR§8  
    parties, 61§1.02, PR§2(b)  
excluded property, 4§13.01

**DEATH**

distribution of estate, 6§4.01  
election on death  
    as beneficiary, 6§2.02  
    entitlement under Act, 6§2.03  
    failure to elect, 6§2.05  
    making of election, 6§2.04  
    right to elect, 6§2.01  
possession of matrimonial home, 26§1.02  
severance of joint tenancy  
    matrimonial home, third person, 26§1.01  
    spouse, 21§1.02  
status to apply  
    equalization application, 7§1.01  
    question of title or possession, 10§1.01  
support order, effect on, 34§5.01  
triggering event, as, 5§2.02  
valuation date, 4§5.04

**DEBTS. *See* DEBTS AND OTHER LIABILITIES, EQUALIZATION, JURISDICTION, NET FAMILY PROPERTY**

**DEBTS AND OTHER LIABILITIES**

equalization of, not permitted, 4§1.05  
excluded property, debts thereon, 4§10.01  
income taxes,  
    accrued taxes, 4§7.05(b)  
    notional taxes, 4§7.05(c)  
interspousal debts, 4§7.04  
matrimonial home, marriage, 4§9.04  
net family property,  
    statutory definition, 4§7.02  
    valuation date, 4§7.03

**DEBTS AND OTHER LIABILITIES** — *Continued*

“other liabilities”, 4§7.05  
parental loans, 4§7.02, 4§17.01  
proof of, 4§8.01

**DEDUCTIONS.** *See* **MARRIAGE, DEBTS AND OTHER LIABILITIES**

**DESIGNATION.** *See* **MATRIMONIAL HOME**

**DISBURSEMENTS.** *See* **PRACTICE**

**DISCLOSURE.** *See* **DOMESTIC CONTRACT, FINANCIAL STATEMENTS**

**DISCOVERY.** *See* **PRACTICE**

**DIVORCE**

arrears, determination of, 36§3.01  
support application, stay of, 36§1.01  
triggering event, as, 5§2.01  
valuation date, 4§5.02  
variation proceedings, effect on, 37§1.04

**DOMESTIC CONTRACT**

chastity, 56§2.01  
children, limitations, 56§1.01  
contact law applicable, 51§1.04, 56§3.04  
defined, 1(1)§5.01, 51§1.01  
exclusion of property by, 4§16.01, 52§3.01  
filing in court  
    effect of filing, 35§1.03  
    enforcement, 35§1.04  
    provisions to the contrary, 35§1.06  
    right to file, 35§1.02  
    variation, 35§1.05, 37§1.02  
foreign contracts  
    children, limitations, 58§1.04  
    limitations, 58§1.03  
    validity, under foreign law, 58§1.01  
    validity, under Ontario law, 58§1.02  
formalities of domestic contract  
    counsel, authority to bind client, 55§1.03  
    failure to comply, 55§1.02  
    requirements, 55§1.01  
gifts, donor of, 57§1.01  
incorporation into order  
    effect of, 2(9)§1.05

**DOMESTIC CONTRACT** — *Continued*

incorporation into order — *Continued*

- jurisdiction, 2(9)§1.02
- status to apply, 2(9)§1.03
- test, 2(9)§1.04

mentally incapable person, 55§3.01

minor, capacity, 55§2.01

prevails over Act

- exceptions to rule, 2(10)§1.02
- policy considerations, 2(10)§1.01
- provisions of contract, 2(10)§1.06
- reconciliation, effect of, 2(10)§1.07
- validity, as a requirement, 2(10)§1.05

pre-Act contracts

- interpretation of, 70§3.01
- made in contemplation, 60§1.02
- transfers of property, 60§1.03
- validity of, 60§1.02

removal of barriers, 56§4.01

setting aside contract or provision

- contract law, 56§3.04
- failure to disclose, 56§3.02
- statutory provision, 56§3.01
- understanding, lack of, 56§3.03

setting aside support provisions

- application, 33§3.01
- consent orders contrasted, 33§3.05
- default, 33§3.04
- qualification for public funds, 33§3.03
- unconscionable results, 33§3.02
- validity of contract, 33§3.01

what constitutes, 51§1.03

**ELECTION.** *See* **DEATH**

**EQUALIZATION**

debtor-creditor relationship, 4§1.04, 5§1.01

debts, no jurisdiction to equalize, 4§1.05

discretion, curtailment of, 5§1.02

equalization, the norm, 5§3.02

estate matters

- application for, 7§1.01
- liability of personal representative, 6§5.01
- limitation period, 7§1.02

**EQUALIZATION** — *Continued*

estate matters — *Continued*

priority over *Succession Law Reform Act*, 6§3.01

priority over will, 6§3.01

restriction on distribution, 6§4.01

orders in equalization applications. *See* POWERS OF COURT

ownership

preliminary question, 4§3.01, 5§1.03

unaltered by equalization, 5§1.03

support, equalization determined first, 33§6.05

triggering events

death, 5§2.02

divorce, 5§2.01

improvident depletion, 5§2.03

separation, 5§2.01

unequal division

debts and liabilities, 5§4.04, 5§4.08

depletion, 5§4.06

equalization, the norm, 5§3.02, 5§4.01

failure to disclose, 5§4.03

family support, 5§4.08, 5§4.10

interspousal gifts, 5§4.05

other circumstances, 5§4.10

period of cohabitation, 5§4.07

“unconscionable”, 5§4.02

written agreement, 5§4.09

**ESTATES.** *See* **DEATH, EQUILIZATION, POWERS OF COURT, SUPPORT**

**EVIDENCE**

hindsight evidence, 4§6.03

mediation, admissions during, 3§1.01

onus of proof

debts, 4§8.01

excluded property, 4§17.01

indexing, existing support order, 38§1.01

“settled intention”, 1(1)§2.08

value of property, 4§6.04

statement in deed or mortgage, 21§1.07

tax avoidance (preclusion), 4§11.02(e)

**EXCLUSIVE POSSESSION.** *See* **POSSESSION OF MATRIMONIAL HOME**

**EXCLUSIONS**

damages, personal injury, 4§13.01  
definition of, 4§10.01  
domestic contract, 2(10)§1.03, 4§16.01  
gifts and inheritances  
    exclusion, 4§11.02  
    matrimonial home, 4§11.03  
income from gifts and inheritances, 4§12.01  
life insurance, 4§14.01  
proof of, 4§17.01  
traced property  
    intermingling, 4§15.02  
    matrimonial home, 4§15.05  
    property on valuation date, 4§15.03

**FAMILY ARBITRATION**

Arbitrations Act, 59.2§2.01  
contracting out, 59.3§1.01  
enforcement, 59.6§1.01, 59.8§2.01  
formalities, 59.6§1.02  
independent advice, 59.2§3.01  
pension awards  
    division of pension payments, 59.4§1.01, 10.1§1.05  
    lump sum transfers, 59.4§1.01, 10.1§1.02  
    transition, 59.4§1.01, 10.1§1.06  
    valuation, 59.4§1.01, 10.1§1.02  
prior agreements, 59.1§1.01  
proper law, 59.2§2.01  
secondary arbitration  
    formalities, 59.7§1.02  
    meaning of, 59.7§1.01

**FILING IN COURT. See DOMESTIC CONTRACT**

**FINANCIAL STATEMENT**

confidentiality, PR§5  
equalization proceedings, 8§1.01  
practice, PR§5  
support proceedings, 41§1.01  
valuation, duty, 4§6.04  
variation proceedings, 41§1.01

**FORMALITIES. See DOMESTIC CONTRACT**

**GIFTS. See DOMESTIC CONTRACT, EXCLUSIONS**

**HARASSMENT.** *See* **POWERS OF COURT**

**INDEXING**

marriage date deduction, 4§10.01

support order

existing orders, 38§1.01

upon pronouncement, 34§6.01

**INHERITANCES.** *See* **EXCLUSIONS**

**INTEREST.** *See* **PRACTICE**

**INTERIM DISBURSEMENTS.** *See* **PRACTICE**

**INTERIM RELIEF.** *See* **POWERS OF COURT, PRACTICE**

**INTERPRETATION**

damages, exclusion for, 4§13.01

domestic contracts

chastity, 56§2.01

foreign contracts, 58§1.03

prior contracts, 70§3.01

equalization, purpose of, 5§5.01

preamble

guide to interpretation, Pre§1.01

remedial legislation, Pre§1.02

actions outstanding, 70§1.01

credit, agency of spouse, 45§1.01

domestic contracts, 70§3.01

extended definitions of spouse, 29§2.02

filing domestic contracts, 35§1.07

Part I, 16§1.01, 70§1.01

Part II, 28§1.01, 70§2.01

presumptions, 16§1.01

support, purposes of order

child support, 33§5.01

spousal support, 33§6.01

**JOINT TENANCY.** *See* **DEATH, MATRIMONIAL HOME, PRESUMPTIONS**

**JURISDICTION.** *See also* **COURT, POWERS OF COURT**

application

multiplicity of, 2(2)§1.02

stay of, 2(1)§1.02

domestic contract prevails, 2(10)§1.03

equalization proceedings



INDEX

---

**JURISDICTION.** *See also* **COURT, POWERS OF COURT** — *Continued*

equalization proceedings — *Continued*

debts, no jurisdiction to equalize, 4§1.05

equalization, 5§1.02, 5§3.01

net family property, 4§7.02

incorporation of contact, 2(9)§1.02

place of hearing, 2(2)§1.04

preservation orders, 12§1.03

suspending estate administration, 6§6.01

variation proceedings, 37§1.03

**LIMITATION PERIOD.** *See* **TIMES**

**MARRIAGE**

cohabitation agreement, effect on, 53§3.01

gift or inheritance, 4§11.03

marriage date deduction

debts, 4§9.04

*(The next page is IN-9)*

**MARRIAGE** — *Continued*

marriage date deduction — *Continued*

defined, 4§9.02

excluded property, 4§10.01

matrimonial home, 4§9.03, 4§9.04

subsequent growth, 4§9.05

spouse, 1(1)§8.02

**MARRIAGE CONTRACT**

cohabitation agreement, marriage, 53§3.01

common law, altered by Act, 52§1.04

enforceability, 52§1.05

matrimonial home, 52§3.01

parties to contract, 52§1.01

subject-matter, 52§2.02

timing of, 52§1.02

what constitutes, 52§1.03

**MATRIMONIAL HOME**

alienation of

court order, 21§1.04, 23§1.03

designation of other property, 21§1.05

legal aid liens, 21§1.08

prohibition, 21§1.01

separation agreement, 21§1.03

spousal consent, 21§1.02

statement in transaction, 21§1.08

definition of

“family residence”, 18§1.05

interest in property, 18§1.02

multiple-use property, 18§2.02

occupation at separation, 18§1.06

“ordinarily occupied”, 18§1.03

property, real or personal, 18§1.01

shares, 18§2.01

simultaneous homes, 18§1.04

spousal status, 19§1.04, 21§1.01

designation of

cancellation of, court, 23§1.06

cancellation of, spouse, 20§1.04

contiguous property, 20§1.02

registration, 20§1.03

right to designate, 20§1.01

determination of by court, 23§1.02

**MATRIMONIAL HOME** — *Continued*

exclusion

- by domestic contract, 4§16.01, 52§3.01
- gift or inheritance, exception, 4§11.03
- tracing, exception, 4§15.05

false statement, 24§2.08

joint tenancy

- occupation rent, 24§2.04
- partition, *Partition Act*, 21§1.04
- purchase by spouse, 21§1.04
- third party, severance, death, 26§1.01

marriage date deduction, 4§9.03

Ontario property, 28§1.01

retrospective operation, 70§2.01

right of redemption and notice

- dispensing with notice, 23§1.04
- payment by spouse, 22§1.03
- right of redemption, 22§1.01
- right to notice, 22§1.01
- service upon spouse, 22§1.02

vesting in spouse

- lump sum support, 34§2.02(e)
- power of court, 9§5.01, 34§2.02(f)
- priorities, 4§1.01

**MEDIATION**

appointment of mediator, 3§1.01

costs of, 3§1.01

duty of, 3§1.01

report, 3§1.01

**MINORS.** *See* **PARTIES**

**MOLESTATION.** *See* **POWERS OF COURT**

**MORTGAGE.** *See* **MATRIMONIAL HOME, POWERS OF COURT**

**NET FAMILY PROPERTY**

after-acquired property, 4§3.03

debts *See* **DEBTS AND OTHER LIABILITIES**

defined, 4§2.01

marriage date deduction. *See* **MARRIAGE**

negative value, zero, 4§17.03

no creation of property rights, 4§2.01

value, generally, 4§6.01

valuation date. *See* **VALUATION**

**OFFER TO SETTLE.** *See* **PRACTICE**

**ONUS OF PROOF.** *See* **EVIDENCE**

**ORDERS.** *See* **POWERS OF COURT**

**PARENT**

child support

    apportionment between, 33§5.02, 33§5.03

    obligation, 31§1.02

credit, liability for child, 45§1.01

defined, 1(1)§6.01

foster parent, 1(1)§6.02

right to support, 32§1.02

status as 1(1)§6.03

**PARTIES**

adding parties, 33§4.01

cohabitation agreement, 53§1.01

conveyance, encumbrance

    attorney, 21§1.07

    spouse, 21§1.07

dependants' claims, 61§1.02, PR§2(b)

disability, capacity

    bankrupts, PR§2(a)

    mental incompetent, 55§3.01

    minors, 55§2.01, 59§1.01, PR§2(b)

equalization proceedings, 7§1.01

gifts, donor of, 57§1.01

harassment, order restraining, 46§2.01

marriage contact, 52§1.01

paternity agreement, 59§1.01

questions of title or possession

    estates, 10§1.01

    former spouses, 10§1.01

    spouses, 10§1.01

separation agreement, 54§1.01

support, application for

    agency, 33§2.01

    child, 31§1.02, 33§2.01

    dependant, 33§2.01

**PATERNITY AGREEMENT**

defined, 1(1)§7.01

incorporation into order, 59§1.01

parties, 59§1.01

**PATERNITY AGREEMENT** — *Continued*

retroactive effect, 59§1.01  
setting aside support provision, 33§3.01

**PARTITION.** *See* **MATRIMONIAL HOME, POWERS OF COURT**

**PENSIONS.** *See* **POWERS OF COURT, PROPERTY, VALUATION**

**POSSESSION OF MATRIMONIAL HOME**

death of spouse, 26§1.02  
equal right, 19§1.02  
exclusive possession  
    criteria for, 24§3.02  
    contents, 24§2.05  
    contravention of order, 24§4.01  
    payments to maintain, 24§2.06  
    periodic payments to spouse, 24§2.04  
    termination, 24§3.03  
occupation rent, 24§2.04  
personal right, 19§1.03  
support order, as, 34§2.02(g)

**POWERS OF COURT**

divorce actions  
    arrears, determination of, 36§3.01  
    release of stay of support, 36§2.01  
enforcement, domestic contract, 35§1.04  
equalization of net family property  
    limited discretion, 5§1.02, 5§3.02, 5§4.01  
    statutory mandate, 4§7.02, 4§7.03  
equalization orders  
    operating business or farm, 11§1.01  
    partition, 9§4.05, 9§5.01  
    payment orders, 9§2.01, 9§2.02  
    payment orders, adjustments, 9§2.03  
    payment order, deferral, 9§4.01  
    payment order, limitation or deferral, 9§4.02, 9§4.03  
    payment order, variation, 9§4.06  
    pensions, “if and when”, 9§4.04  
    property orders, 9§5.01  
    remedies, 9§1.01  
    sale of property, 9§5.01  
    security, 9§3.01

**POWERS OF COURT** — *Continued*

- estates
  - authorizing distribution, 6§4.01
  - suspension of administration, 6§6.01
- exclusive possession
  - contents, 24§2.05
  - order for, 24§3.01
  - payment to other spouse, 24§2.04
  - repair and maintenance, 24§2.06
- extension of times, 2(8)§1.01
- ex parte* orders
  - preservation of property, 12§1.01
  - restraining harassment, 46§5.01
  - support, 34§1.02
- harassment, restraining, 46§4.01
- incorporation of contract
  - domestic contract 2(9)§1.02
  - paternity agreement, 59§1.01
- indexing support. *See* INDEXING
- information from third parties
  - discovery of, PR§7(a)
  - production from, PR§7
  - return by employer, 42§1.01
  - whereabouts, 42§2.01
- interim orders
  - disbursements, PR§4(b)
  - exclusive possession, 24§2.09
  - preservation, 12§1.01
  - restraining harassment, 46§5.01
  - support, 24§1.01
  - variation, 37§1.03(c)
  - variation applications, 37§1.03(b)
- matrimonial home
  - authorizing disposition or encumbrance, 21§1.04, 23§1.03
  - designation, cancelling, 23§1.06
  - determination if matrimonial home, 23§1.02
  - partition, 21§1.04
  - releasing property as, 21§1.04
  - setting aside disposition, 21§1.06, 23§1.05
  - substituting property, 24§2.07
- pensions, “if and when” division, 9§4.04
- punishment
  - contempt, Provincial Division, 49§1.01
  - contravention, exclusive possession, 24§4.01

**POWERS OF COURT** — *Continued*

punishment — *Continued*

contravention, restraining harassment, 46§6.01

preservation

matrimonial home, 24§2.02

property, 12§1.03

support, restraining depletion, 40§1.01

questions of title or possession, 10§1.01

setting aside

disposition or encumbrance, matrimonial home, 21§1.06, 23§1.05

domestic contract, 56§3.01

support provision of contract, 32§1.01

support orders

birth of child, 34§2.02(*k*)

designation as beneficiary, 34§2.02(*l*), (*m*)

directing payments, 34§2.02(*n*)

event-limited orders, 34§2.02(*c*)

exclusive possession, 34§2.02(*g*)

fixed term, 34§2.02(*b*)

lump sum, 34§2.02(*e*)

nominal orders, 34§2.02(*a*)

periodic payments, 34§2.02(*d*)

property transfers, 34§2.02(*f*)

provisional orders, 44§1.01

reimbursement of agency, 34§2.02(*j*)

retroactive orders, 34§2.02(*i*)

security, 34§2.02(*n*)

variation orders

exclusive possession, 25§1.01

security, 13§1.01

support. *See* VARIATION

**PRACTICE**

appeals

exclusive possession, 24§3.04

interim support, 34§1.05

Provincial Division, 48§1.01

stay pending, PR§12

triggering event, 5§2.01

commencement of proceedings

manner of, 2(3)§1.01, PR§2

notice of action, 41§1.01

costs, PR§11

discovery, PR§7

**PRACTICE** — *Continued*

interim relief  
    exclusive possession, 24§3.02  
    generally, PR§4  
    preservation of property, 12§1.01  
    support, 34§1.05  
interest, PR§9  
judgments, PR§10  
offers to settle,  
    dependants' claims, 62§1.01  
    generally, PR§8  
pleadings, PR§6  
production of documents, PR§7(a)  
service  
    generally, PR§3  
    matrimonial home, security, 22§1.01

**PRESERVATION OF PROPERTY**

certificate of pending litigation, PR§4(d)  
injunctions, 12§1.03, 12§1.05  
matrimonial home and contents, 24§2.02  
property,  
    effect of order, 12§1.05  
    jurisdiction, 12§1.03  
    order for preservation, 12§1.04  
    test for, 12§1.02  
support  
    absconding debtor, 43§1.01  
    restraining depletion, 40§1.01

**PRESUMPTIONS**

constructive trust  
    ownership, 4§3.01, 4§3.02  
    question of title, 10§1.01  
    survival of doctrine, 4§3.02  
joint tenancy, 14§1.03  
paternity, 1(1)§1.03  
resulting trust, 14§1.02  
retrospective operation, 16§1.01

**PROPERTY**

debts not property, 4§1.05  
definition  
    broadly defined, 4§4.03  
    definition, 4§4.02



**PROPERTY** — *Continued*

definition — *Continued*

- extended definition, 4§4.10
- interest in property, 4§4.04
- degrees, qualifications, licences, 4§4.06
- employment rights, 4§4.07
- equalization
  - creates no property rights, 4§1.02
  - does not divide property, 5§1.03
  - no negative property, 4§17.03
- family assets, 4§1.03
- income streams, 4§4.05
- legal rights as property, 4§4.09
- ownership, 4§3.01
- pension entitlements, 4§4.07(b), 4§4.10
- separate property regime, 4§1.01
- severance benefits, 4§4.07(c)
- transfers prior to 1978, 60§1.03
- Workers' Compensation, 4§4.08

**PROVINCIAL DIVISION.** *See* COURTS

**PUTATIVE FATHER.** *See* CHILD, PATERNITY AGREEMENT

**RECONCILIATION.** *See* COHABIT, DOMESTIC CONTRACT, SUPPORT

**REDEMPTION.** *See* MATRIMONIAL HOME

**REGISTRATION**

- designation of matrimonial home, 21§1.03
- orders
  - failure to register, 2(11)§1.01
  - matrimonial home, 27§1.01

**REMARRIAGE**

- removal of barriers to
  - actions, 2(4)-(7)§1.01
  - domestic contracts, 56§5.01
- support, effect on, 37§4.01

**RESTRAINING ORDER.** *See* POWERS OF COURT, PRESERVATION OF PROPERTY

**RESULTING TRUST.** *See* PRESUMPTIONS

**RETROACTIVITY.** *See* INTERPRETATION, TIMES

**SAME SEX PARTNERS**

cohabitation agreements, 53§1.01  
defined, 29§2.02  
harassment, order restraining, 46§2.01  
pledge of credit, 45§1.01  
separation agreements, 54§1.01  
support  
    limitation period, 50§1.01  
    obligation, 30§1.01  
    tort, right of dependent to sue, 61§1.02

**SEPARATE PROPERTY.** *See* PROPERTY

**SEPARATION AGREEMENT**

matrimonial home, release of rights, 21§1.03  
parties, 54§1.01  
reconciliation, 2(10)§1.07, 54§1.04  
subject-matter  
    children, 54§2.03  
    property, 54§2.01  
    releases, 54§2.04  
    support, 54§2.02  
timing of, 54§1.02  
what constitutes, 54§1.03

**SETTING ASIDE.** *See* POWERS OF COURT

**SETTLED INTENTION.** *See* CHILD

**SPOUSE**

definitions of  
    differing definitions, 1(1)§8.04  
    extended definition, 29§2.02, 30§1.02  
    general definition, 1(1)§8.01  
    married persons, 1(1)§8.02  
    void marriage, 1(1)§8.03  
polygamous marriage, 1(2)§1.01  
property rights of  
    none created by statute, 4§1.02  
    separate property regime, 4§1.01

**STAY**

pending appeal, PR§12  
pending other determination, 2(1)§1.01  
support  
    custody determination, 47§1.01

**STAY** — *Continued*

support — *Continued*

divorce action, 36§1.01

**SUPPORT**

application for, 33§1.01

assignment of, 34§4.01

causal connection, 30§2.03

cohabitation, support during, 30§3.06, 33§1.04

compensatory support, 30§3.03, 33§8.10

divorce

automatic stay, 34§1.01

determination of arrears, 34§3.01

survival of orders, 34§4.01

duration. *See* quantum and duration below

entitlement, 37§5.01

estate, binding upon, 34§5.01

imputing income, 33§8.04(d), G8§6.01 *et seq.*

interim support

appeals, 34§1.05(d)

authority for, 34§1.01

considerations, 34§1.03

interim-interim orders, 34§1.05(a)

parent, 34§1.04(c)

practice, 34§1.05

spouse, 34§1.04(a)

limitation period, 50§1.01

orders for support. *See* POWERS OF COURT

parental support

definitions, 32§1.01

obligation for, 32§1.02

property, to be determined first, 33§6.05

provisional orders, 44§1.01

quantum and duration

ability to pay, 33§8.04

age, 33§8.05

circumstances of the parties, 33§7.01

cohabitation, duration of, 33§8.13

conduct, 33§8.17

contribution to career, 33§8.10

current assets and means, 33§8.01

future assets and means, 33§8.02

health, 33§8.05

measures available, 33§8.07

INDEX

---

**SUPPORT** — *Continued*

quantum and duration — *Continued*

obligation to support others, 33§8.08

*(The next page is IN-19)*

**SUPPORT** — *Continued*

- quantum and duration — *Continued*
  - self-support capacity, 33§8.03
  - standard of living, 33§8.06
- reconciliation, 30§3.06
- retroactive orders, 34§1.05(b), 34§2.02(i), 37§5.10
- spousal support, purposes
  - burden of child support, 33§6.03
  - relieve financial hardship, 33§6.05
  - self-sufficiency, 33§6.04
  - spousal contributions, 33§6.02
- spousal support, obligation for
  - ability to pay, 30§3.02, 30§3.04
  - causal connection, 30§2.03, 30§2.04
  - definition of spouse, 30§1.02
  - financial interdependence, 30§2.05
  - historical perspective, 30§2.01
  - mutuality of obligation, 30§1.03
  - need, 30§3.01
  - promotion of self-sufficiency, 30§1.04, 30§3.04, 33§6.04
  - Spousal Support Advisory Guidelines, 33§1.05
- termination of order, 30§3.06

**SUPPORT FOR CHILDREN**

- access, G5§3.02, G11§4.01
- “add ons”, *See* “extraordinary expenses”, below
- age of majority, G4§3.01
- agreements
  - child support, G1§1.06, G6§3.01, G11§2.01
  - disclosure, G10§7.01
- assumptions, G1§1.03
- budgets, G3§2.01
- child care expenses, G3§6.01
- consent orders, G6§4.01
- continuing disclosure. *See* “disclosure”, below
- contract, G1§1.06, G6§3.01, G11§2.01
- corporation, controlling shareholder
  - disclosure, G9§1.01
  - income, G8§5.01
- custody contribution, G2§1.02
  - shared, G4§3.01
  - split, G4§4.01
- debts, G5§3.01
- definition, 31§1.02

**SUPPORT FOR CHILDREN** — *Continued*

- delay, 31§1.03
- dental insurance, G6§2.01
- disclosure
  - claimant, G9§1.03
  - employer's statement, G9§1.01
  - failure to comply, G9§2.01, G10§6.01
  - income tax returns, G9§1.01
  - ongoing disclosure, G10§1.01
  - partners, G9§1.01
  - pay stubs, G9§1.01
  - restrictions, G10§7.01
  - self employed individuals, G9§1.01
  - shareholder, G9§1.01
  - time limits, G9§1.02, G10§5.01
- Divorce Act*
  - Provincial Guidelines, G1§1.02
  - Uniformity, G1§1.01
- economic assumptions, G1§1.03
- economic studies, G3§2.01
- education
  - expenses, G3§8.01, G31§9.01
  - "full time", 31§3.01
- extraordinary expenses
  - child's contribution, G4§3.01
  - child care, G3§6.01
  - education
    - post secondary, G3§9.01
    - primary, G3§8.01
    - secondary, G3§8.01
  - extracurricular activities, G3§10.01
  - "guiding" principle, G3§3.03
  - health expenses, G3§7.01
  - means, G3§4.01
  - necessity, G3§4.01
  - orders for, G3§12.01
  - proof of, G3§11.01
  - reasonableness, G3§4.01
  - status to apply, G3§3.02
  - statutory criteria, G3§4.01
- forty percent rule, G4§4.02
- health expenses, G3§7.01
- history, G1§1.01

**SUPPORT FOR CHILDREN** — *Continued*

income

- deductions from, G8§3.03(a), G8§3.03(c)
- determination of, G8§3.01
- imputed income, G8§5.01
- investment income, G8§3.03(b)
- fluctuations, G8§4.01
- over \$150,000, G4§1.01, G4§1.02, G4§1.03
- partnership, G8§3.03(e)
- self employment, G8§3.03(d)
- shareholder, G8§5.01
- stipulation, G8§2.01

insurance, G6§1.01

joint custody, G4§4.02

majority, child over age of, G4§3.01

medical insurance, G6§2.01

non-residents, G8§6.01

objectives, G2§1.01, 33§5.02

obligation of parent, G1§1.02, G1§1.03, G4§2.01, G5§3.04

orders, consent orders, G6§4.01

- content of, G6§1.01
- form of, G1§1.02, G6§1.01. *See* POWERS OF COURT
- payment of, G6§5.01

parent

- defined, 31§1.02
- spouse in place of, G4§2.01

partners

- disclosure, G9§1.01
- income of, G8§3.03(e)

payment, G6§5.01

priority of child support, G1§1.05, 38§1.01

public funds, receipt of, G6§4.01

reconciliation of parents, G11§4.02

regulations, G1§1.02

residency, G8§6.01

retroactive orders, 34§2.02(i), 37§5.10

right of child, G1§1.06

Schedule III

- self employment. *See* income
- income, G8§3.03(d)
- shared custody, G4§4.02
- special expenses. *See* extraordinary expenses
- split custody, G4§4.01

shareholder, disclosure, G9§1.01

**SUPPORT FOR CHILDREN** — *Continued*

standard of living, G5§3.05  
step-parent, G4§2.01  
support for others, G5§3.03, G5§3.04, G8§3.03(b)  
tables  
    application, G3§2.01  
    presumptive rule, G3§1.01  
undue hardship  
    debts, G5§3.01  
    legal duty to support others, G5§3.03, G5§3.04  
    standard of living test, G5§3.05  
    status to plead, G5§2.01  
uniformity, G1§1.01  
welfare benefits, G6§4.01  
“withdraw from parental control”, 31§4.01

**TIMES**

disclosure, child support, G9§1.02, G10§5.01  
extension of  
    good faith, 2(8)§1.03  
    grounds for relief, 2(8)§1.02  
    prejudice, 2(8)§1.04  
    when available, 2(8)§1.01  
limitation periods  
    dependants’ claims, 61§1.07  
    equalization, 7§1.02  
    support, 50§1.01  
retroactive effect  
    existing actions, 70§1.01  
    Part I, 16§1.01  
    Part II, 70§2.01  
    presumptions, 16§1.01  
variation applications, 37§6.01

**TRACING.** *See* **EXCLUSIONS**

**TRIGGERING EVENT.** *See* **COHABIT, DEATH, DIVORCE, EQUALIZATION**

**UNCONSCIONABILITY.** *See* **EQUALIZATION, SUPPORT**

**UNEQUAL DIVISION.** *See* **EQUALIZATION**

**VALUATION**

debts  
    income taxes, 4§7.05(b)



**VALUATION** — *Continued*

debts — *Continued*

- interspousal debts, 4§7.04
- marriage-date debts, 4§9.04
- valuation on valuation date, 4§7.03

evidence

- actuarial evidence, 4§6.05(c)
- commercial practice, 4§6.03
- debts, 4§7.02
- hindsight evidence, 4§6.03(a)
- onus of proof, 4§6.04, 4§8.01

other liabilities

- guarantees, indemnities, 4§7.05(a)
- notional income taxes, 4§7.05(c)

specific assets

- business interests, 4§6.05(a)
- mortgages, accounts receivable, 4§6.05

pensions

- actuarial evidence, 4§6.05(c)
- defined contribution plans, 4§6.05(c)
- money purchase plans, 4§6.05(c)
- retirement method, 4§6.05(c)

professional practices, 4§6.05(b)

- real estate, 4§6.05(g)
- retirement allowances, 4§6.05(d)
- severance pay, 4§6.05(d)
- trusts, 4§6.05(e)

valuation date

- death, 4§5.04
- declaration of nullity, 4§5.02
- definitions, 4§5.01
- divorce, 4§5.02
- improvident depletion, 4§5.03
- post valuation-date circumstances, 4§5.05
- reconciliation, 4§5.02
- separation, 4§5.02

value

- defined, 4§6.02
- exchange value, 4§6.02
- fair market value, 4§6.02
- fair value, 4§6.02

**VARIATION**

domestic contract, 35§1.05, 37§1.02(c), 37§1.03(b)

exclusive possession, 25§1.01

interim relief pending variation, 37§1.03(c)

interim support, 34§1.05(a)

security, 13§1.01

support

    appeals, 37§7.01

    application for, 37§1.01

    consent orders, 37§2.05

    considerations, 37§4.01

    defined, 37§1.02

    fresh evidence, 37§3.01

    imputed income, 37§2.06

    jurisdiction, 37§1.03

    material change, 37§2.04

    retroactive, 37§5.10

    review, contrasted, 37§1.05