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FAMILY LAW IN ONTARIO

Michael G. Cochrane

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Written in a concise and easy-to-read manner, this resource offers a good balance of substantive and procedural elements of family law, illustrating how to run the family file on a day-to-day basis.

What's New in this Update:

This release features additions to the Words and Phrases section as well as new articles in the Issues in Focus section.

Highlights

- **Words and Phrases — “Approach”** — Section 3(2)(b) [of the *Federal Child Support Guidelines*, SOR/97-175] provides that the court may order a different amount for an adult child of the marriage only if the “approach” is inappropriate. What does the word “approach” mean in s. 3(2)(b)? ... it refers to the approach set out in s. 3(1), namely, setting child support for living expenses based on the table and setting child support for special expenses based on s. 7: *Lewi v. Lewi* (2006), 209 O.A.C. 344, 2006 CarswellOnt 2892, 28 R.F.L. (6th) 250, [2006] O.J. No. 1847, 267 D.L.R. (4th) 193, 80 O.R. (3d) 321 (Ont. C.A.) at para. 97 Gillese J.A. (dissenting)
- **Issues in Focus — Can a clause in a will be void for vagueness or uncertainty?** — Your client’s spouse passed away, following which it was discovered that her will does not mention your client at all. The will does name the testator’s children as the joint trustees of the will, but makes no specific bequests. There is a clause that makes a bequest with regard to the residue of the estate that reads, “Pay the residue of my estate to my son, to be distributed in accordance with the instructions I provided her while alive. However, regardless of such instructions she will have absolute and unfettered discretion in distributing the residue of my estate”. Generally speaking, a court will attempt to give effect to a testator’s wishes, looking at the entire Will to try to examine what those wishes were. The courts interpret Wills with a presumption against intestacy.

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