

***An Update has
Arrived in Your
Library for:***

**Please circulate this notice to anyone
in your office who may be interested
in this publication.**

Distribution List

	<input type="checkbox"/>

ONTARIO FAMILY LAW ACT MANUAL

Terry W. Hainsworth

Release No. 106, July 2018

What's New in this Update:

- **Exclusive possession — Best interest of the child** — In *P.C. v. C.C.*, 2018 CarswellOnt 6017 (Ont. S.C.J.), the court held that it would be “oppressive” to force the sale of the jointly-owned matrimonial home because the daughter, a 19-year-old agricultural student, was using the property to raise livestock and feed for the livestock. See Section 24§3.02.
- **Retrospective operation** — In *Negin v. Fryers*, 2018 CarswellOnt 2318, 2018 ONSC 959 (Ont. S.C.J.), the court had to consider the position of two students. The first had no contact with their father and, as a result, the court denied post-graduate support for her. The second child was awaiting acceptance from graduate programs. The court

THOMSON REUTERS CANADA

Customer Support

1-416-609-3800 (Toronto & International)
1-800-387-5164 (Toll Free Canada & U.S.)
Fax 1-416-298-5082 (Toronto)

Fax 1-877-750-9041 (Toll Free Canada Only)
Email CustomerSupport.LegalTaxCanada@TR.com

This publisher's note may be scanned electronically and photocopied for the purpose of circulating copies within your organization.

ruled that he was not, under the circumstances, still a “child”. See Section 29§2.03.

- **Indefinite Support** — In *Shaikh v. Shaikh*, 2016 CarswellOnt 18600 (Ont. S.C.J.), the parties were married, in a childless union, for 13 years. The wife had a degree in social work which was not recognized in Canada. She did not speak English. Under the circumstances, the court pronounced a support order against the husband but refused to place a duration limit on the order, leaving it to either party to apply for a review after five years. See Section 33§10.08.