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### **FAMILY PROPERTY LAW AND PRACTICE IN CANADA**

**Wilton & Joseph  
Release No. 2, April 2024**

This unique work delivers both a thorough introduction to matrimonial property law and a detailed examination of the specific issues arising in every province which practitioners must be familiar with. This resource discusses: unequal divisions of property, excluded property, the valuation of the various kinds of property including pensions and the specific legislation and case law pertinent to each jurisdiction.

### **What's New in this Update:**

This release features updates to Appendix D (Proof of Facts), Appendix SLL (Selected Legal Literature) and Appendix WP (Words and Phrases).

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## Highlights

- **Proof of Facts — Proof of Valuation of Closely Held Business in Divorce** — In Canada, approximately four out of every ten marriages will end in divorce within 30 years from the date of marriage. Issues about the appropriate value to assign to assets, and in particular, closely-held businesses, can be a contentious set of questions in trials and settlement negotiations between divorcing spouses. Valuation issues are important subjects in family law litigation. They are complex issues about which expert testimony and reports are frequently sought. This article considers the valuation of a closely held business in family property proceedings ancillary to divorce. This article has been updated to reflect legislative amendments and recent case law.
- **Words and Phrases — § WP:203.50 OVERRIDING ERROR — Ontario** An “overriding” error is an error that is sufficiently significant to vitiate the challenged finding of fact. (*Childs v. Childs* (2017), 31 E.T.R. (4th) 33, 2017 ONCA 516, 2017 CarswellOnt 9394 (Ont. C.A.) at para. 52 Gillese, Trotter and Huscroft J.J.A.) — An overriding error is one that “is sufficiently significant to vitiate the challenged finding of fact” (at para. 297) [*Waxman v. Waxman*, 2004 CarswellOnt 6048 (Ont. C.A.)].

## ProView Developments

Your ProView edition of this product now has a new, modified layout:

- The opening page is now the title page of the book as you would see in the print work
- As with the print product, the front matter is in a different order than previously displayed
- The Table of Cases and Index are now in PDF with no searching and linking
- The Table of Contents now has internal links to every chapter and section of the book within ProView
- Images are generally greyscale and size is now adjustable
- Footnote text only appears in ProView-generated PDFs of entire sections and pages