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PARENTING LAW AND PRACTICE IN CANADA

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Parenting Law and Practice in Canada guides the practitioner through all aspects of law and practice related to custody and access in Canada, including the impact of the changes to the *Divorce Act*. The expert commentary covers the stages of a custody access proceeding including interim proceedings, and decisions on the merits, enforcement, variation, and appeals. This work examines the substantive and procedural law as well as negotiation, tactical, and advocacy skills. Alternative dispute resolution methods are considered, as are other topics of current interest such as the expansion of access rights, including access for grandparents, child representation, mobility rights, and the effect of religion upon custody and access.

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What's New in this Release:

In this release case law in Chapter 17. Alternative Dispute Resolution has been updated. Notable cases include:

Highlights:

Arbitration

The removal of a term that was given some, but not determinative, weight does not undermine the entire arbitration award. See *Botten v. Dupuis*, 2024 CarswellBC 2242, 2024 BCCA 284 (B.C. C.A.), affirming 2024 CarswellBC 52, 2024 BCSC 39 (B.C. S.C.).

In commercial arbitration an arbitrator can elect to proceed by summary judgment absent the consent of one of the parties. *Optiva Inc. v. Tbaytel*, 2022 CarswellOnt 12964, 2022 ONCA 646 (Ont. C.A.), affirming 2021 CarswellOnt 5689, 2021 ONSC 2929 (Ont. S.C.J.).

The issuance of an interpretation of an arbitration award does not automatically extend an appeal period. *Nordine v. Nordine*, 2025 CarswellBC 1333, 2025 BCSC 829 (B.C. S.C.).

The resignation of the arbitrator did not terminate the arbitration process. *Belanger v. Pokol*, 2024 CarswellAlta 2824, 2024 ABKB 646 (Alta. K.B.).

An explanation note is not an arbitration award and cannot be appealed separated from the award. *Kininsberg v. Meerapfel*, 2024 CarswellOnt 19732, 2024 ONSC 7086 (Ont. S.C.J.).

Imprisonment for husband who repeatedly disobeyed an arbitration award and the enforcement order. *Stokes v. Heck*, 2023 CarswellAlta 215, 2023 ABKB 58 (Alta. K.B.).

Mediation

“Subject to exceptional circumstances, agreements reached through mediation in which both parties are represented by counsel with an intention to settle, are binding and enforceable.” See *Toal v. Podlubny*, 2025 CarswellAlta 254, 2025 ABKB 71 (Alta. K.B.).

Judicial Dispute Resolution

No appeal as of right from the consent judgment arising from binding judicial dispute resolution. *Strawson v. Strawson*, 2024 CarswellAlta 844, 2024 ABCA 126 (Alta. C.A.).

ProView Developments

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