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### ONTARIO FAMILY LAW ACT: LAW AND PRACTICE

MacDonald & Weiler  
Release No. 4, April 2022

#### Publisher's Special Release Note 2021

The pages in this work were reissued in October 2021 and updated to reflect that date in the release line. Please note that we did not review the content on every page of this work in the October 2021 release. We will continue to review and update the content according to the work's publication schedule. This will ensure that subscribers are reading commentary that incorporates developments in the law as soon as possible after they have happened or as the author deems them significant.

Changes to chapter and heading numbering may have occurred. Please refer to the Correlation Table in the front matter if you wish to confirm references.

This is the definitive guide to both the substantive law and practice under Ontario's *Family Law Act*. Far more than just a collection of case summaries, this service offers detailed analysis of both statute and case law alike and tackles the difficult problems head-on.

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This release features updates to Appendix WPJ: Words and Phrases and Appendix WPL: Defined Terms.

## Highlights

- **Assumption — British Columbia** — The primary meaning given to the word “assume” in the Concise Oxford English Dictionary, 11th ed, revised, is to “accept as true without proof.” . . . [A]s a practical matter, this is not how the word “assumption” is generally used in the authorities that address this issue. In most cases, trial judges have made decisions based on the evidence before them. The new evidence, which is relied on appeal, reveals that there has been a change in circumstances. The judges, however, made no “assumptions,” but rather based their decisions on the evidence before them: *Barendregt v. Greblunas*, 2021 CarswellBC 46, 2021 BCCA 11.
- **Natural Child — Federal** — The term “natural child” has an ordinary meaning. Now more commonly referred to as a “biological child”, it references descendancy or the biological relationship between the offspring and parent, and its usage is not limited to only people under a certain age. The term natural child contrasts with the term adopted child, a distinction reflected in the jurisprudence . . . : *Peters First Nation v. Engstrom*, 2021 CarswellNat 6015, 2021 FCA 243.
- **Proportionate Disclosure — Ontario** — Proportionate disclosure is what falls between the two extremes of inadequate disclosure and excess demands for disclosure. It consists of the information or documents that give a clear and concise path to determining the facts that are relevant to the issues: *McDowell v. McDowell*, 2021 CarswellOnt 3575, 2021 ONSC 1954.

## 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