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ONTARIO FAMILY LAW ACT: LAW AND PRACTICE

**MacDonald & Weiler
Release No. 6, August 2024**

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.

This release features updates to Chapter 2-FLA Part I Family Property.

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Highlights

- Thorough update of cases on valuation, including disposition costs and contingent liabilities.
- The computation of disposition costs is not transferable between businesses. See *Khaira v. Ghumman*, 2022 ONSC 7165, 2022 CarswellOnt 18410 (Ont. S.C.J.), additional reasons 2023 ONSC 3094, 2023 CarswellOnt 7914 (Ont. S.C.J.).
- When vesting title to satisfy a payment of equalization of net family property or support, the court had discretion to determine the amount of net equity with respect to any notional disposition costs, which could include the cost of discharging a joint mortgage and transferring title, so long as it was the value of the property at the time of the transfer, not the value on the date of separation. See *Levy v. Williams*, 2023 ONSC 4164, 2023 CarswellOnt 10683 (Ont. S.C.J.).
- Where the wife was not purchasing the matrimonial home on consent but was obtaining a vesting order to transfer the home in order to enforce the payment of the husband's child obligations, there was no reason to deduct notional disposition costs. See *Khadra v. Khadra*, 2021 ONSC 3599, 2021 CarswellOnt 7463 (Ont. S.C. J.).
- A discount may be applied to corporate debt where one party is the director, the corporation is unable to pay the debt, and there is no evidence of any payments being made toward the debts. See *Hollies-Eigelshoven v. Eigenshoven*, 2024 ONSC 2568, 2024 CarswellOnt 6840 (Ont. S.C.J.).

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