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ONTARIO FAMILY LAW ACT: LAW AND PRACTICE

**MacDonald & Weiler
Release No. 3, May 2025**

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.

In the release the unjust enrichment sections of Chapter 3—Property of Co-habitation Law in Ontario has been updated.

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Highlights

Notable cases that have been included are:

- There was unjust enrichment where the woman contributed to the man's acquisition of wealth and was not merely enjoying it. See *R.M. v. C.D.*, 2024 ONSC 5525, 2024 CarswellOnt 17008 (Ont. S.C.J.), additional reasons 2025 ONSC 552, 2025 CarswellOnt 1221 (Ont. S.C.J.).
- There was a juristic reason for the enrichment where the woman, in exchange for her services, had free "room and board" in the sense that she did not pay rent and food was paid for by the man. See *Tosine v. Furtado*, 2024 ONSC 1886, 2024 CarswellOnt 9254 (Ont. S.C.J.). See also *Huson v. Kirby*, 2023 ONSC 3190, 2023 CarswellOnt 10297 (Ont. S.C.J.), where the court stated "an obligation to pay rent, even in circumstances where parties are in a relationship, provides a juristic reason for the enrichment of one of the parties to that relationship."
- A proprietary award may be appropriate in the circumstances or necessary to achieve a just result where the woman did not commence proceedings until two years after separation and the man had already re-financed the property. See *Galbraith v. Kinsley*, 2023 ONSC 3332, 2023 CarswellOnt 8321 (Ont. S.C.J.).
- Although the parties agreed they were involved in a joint family venture, one-time payments by each party toward the acquisition or renovation of property in the other's name constituted unjust enrichment. See *Regier v. Bennett*, 2023 ONSC 2953, 2023 CarswellOnt 7374 (Ont. S.C.J.).
- A joint family venture existed between the parties from the time the woman gave up her employment in Canada to support the man's move to the UK. See *Brennan v. Fournie*, 2023 ONSC 4130, 2023 CarswellOnt 10693 (Ont. S.C.J.), additional reasons 2023 ONSC 4341, 2023 CarswellOnt 11333 (Ont. S.C.J.), additional reasons 2023 ONSC 5741, 2023 CarswellOnt 15477 (Ont. S.C.J.).
- The proportional division of the property should be determined on a 70/30 basis where the woman continued to contribute to the property at a higher rate than the man. See *Sorensen v. Wamsley*, 2024 ONSC 4955, 2024 CarswellOnt 13593 (Ont. S.C.J.).
- The court may award a constructive trust where there were concerns about the woman's ability to recover a monetary judgment. The evidence showed the woman made a sufficiently substantial and direct link to the purchase of the property. See *Aghdasi v. Asiyaban*, 2024 ONSC 3472, 2024 CarswellOnt 9156 (Ont. S.C.J.), additional reasons 2025 ONSC 1102, 2025 CarswellOnt 1888 (Ont. S.C.J.).

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