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DIVORCE ACT MANUAL T. Catherine Christopher Release No. 3, October 2026

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What's New in this Update

This release includes updates to Chapter 15 to include the Supreme Court of Canada's decision in *Ahluwalia v. Ahluwalia* (2026), 514 D.L.R. (4th) 1, 10 C.C.L.T. (5th) 1, 29 R.F.L. (9th) 1, 2026 CarswellOnt 7706, 2026 CarswellOnt 7707, 2026 A.C.W.S. 809, 2026 CSC 16, 2026 SCC 16 (S.C.C.).

In addition, the Words and Phrases and Select Legal Literature appendices have been updated.

Highlights

- In *Ahluwalia v. Ahluwalia* (2026), 514 D.L.R. (4th) 1, 10 C.C.L.T. (5th) 1, 29 R.F.L. (9th) 1, 2026 CarswellOnt 7706, 2026 CarswellOnt 7707, 2026 A.C.W.S. 809, 2026 CSC 16, 2026 SCC 16 (S.C.C.), the Supreme Court of Canada upheld the trial judge's decision creating a new tort, being the tort of family violence. Here the husband was found to be abusive to his spouse for the entirety of the 16-year marriage, abusing and controlling her, and seeking to bend her will to his from the start of the marriage. The majority decision described domestic conflict as a 'pernicious social ill deserving the full attention of the court' and further specified the process by which the tort of family violence was to be considered by a court in the context of a divorce action. This critically important decision of the Supreme Court of Canada is critically important for two reasons. First, the three elements of tort of family violence first identified by the trial judge are confirmed by the Supreme Court of Canada. Second, the procedure for advancing a claim for the tort of family violence in the context of divorce proceedings is specified, providing guidance to lower courts and litigants. At least one judicial district has issued a practice note further outlining the formal steps to be taken.