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ENFORCEMENT OF FAMILY LAW ORDERS AND AGREEMENTS: LAW AND PRACTICE

**Wilton & Miyauchi
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This practice-oriented manual details the full range of family law enforcement remedies available under federal and provincial legislation. The work is divided into three parts: Support, Custody Orders and Separation Agreements. Under each part, available enforcement remedies are described in detail with an emphasis on practice and procedure points. The full text of all relevant federal, provincial and territorial enforcement legislation is included.

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What's New in this Update

In this release cases on actions for damages have been updated. The most notable case is the 2026 Supreme Court of Canada case of *Ahluwalia v. Ahluwalia* in which the Supreme Court recognized a new tort of intimate partner violence. This new tort differs from the existing torts of battery, assault and intentional infliction of emotional distress relied on by the Ontario Court of Appeal in that, in addition to including physical acts of violence and psychological abuse, the tort of intimate partner violence considers tactics of isolation, manipulation, humiliation, surveillance, economic abuse, sexual coercion, and intimidation that can control and entrap intimate partners. The Supreme Court further found that a new tort of family violence as proposed by the trial judge was too broad and would not address the specific wrongful conduct and unique character of coercive control between intimate partners. The wrongful conduct perpetrated by the husband in *Ahluwalia* was specific to the parties' intimate relationship and would not apply to all family relationships.

Also updated is the enforcement of extra-provincial parenting orders. Notable cases include:

- Hague Convention orders, which are not orders similar in nature to those respecting guardianship, parenting arrangements or contact with a child, are not extra-provincial orders and recognition under s. 75 of the *British Columbia Family Law Act* is not possible. See *S.S.C.M. v. A.C.W.*, 2025 CarswellBC 2059, 2025 BCSC 1331 (B.C. S.C.).
- Where the father had not pled for the court to recognize the Swiss court order, the court could not enforce the terms of the order, including pursuant to R. 1(8) of the Ontario *Family Law Rules*. See *Nguyen v. Holmeyer*, 2025 CarswellOnt 3640, 2025 ONSC 1682 (Ont. S.C.J.), additional reasons at 2025 CarswellOnt 10145, 2025 ONSC 3713 (Ont. S.C.J.).
- The portion of an extra-provincial order that changed the children's residency and effectively changed the primary caregiver was superseded; the logical result of the order was not a scenario that either the Texas court or the British Columbia court had determined would be in the children's best interests. See *S.S.C.M. v. A.C.W.*, 2024 CarswellBC 2065, 2024 BCSC 1296 (B.C. S.C.).
- An extra-provincial order that is, in effect, a collateral attack against the judgment of the Supreme Court of Canada, will not be recognized. See *J.D. v. B.J.T. et al*, 2022 CarswellPEI 55, 2022 PESC 38 (P.E.I. S.C.).