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## ONTARIO FAMILY LAW ACT: LAW AND PRACTICE

**MacDonald & Weiler**

**Release No. 9, November 2026**

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

In this release, the Court of Appeal decision of *Lang-Newlands v. Newlands* has replaced that of the lower court. The Court of Appeal determined the shares the wife had received in a trust from her father prior to marriage were traceable to the family trust (NFT) created during the marriage. On the facts that all value had been given to the wife before marriage and her beneficial interest in the NFT arose from her own shares, the wife's interest in the NFT at separation, valued then at $134 million, was not excluded property under s. 4(2)1 of the *Family Law Act*. The Court of Appeal agreed with the lower court's determination that equal division would be unconscionable based on, among other factors, the husband's conduct and the wife's disproportionate assumption of the family's debts. The lower court's decisions as to spousal support and costs were unaltered. See *Lang-Newlands v. Newlands*, 2026 ONCA 530, 2026 CarswellOnt 11825 (Ont. C.A.), varying 2024 ONSC 6285, 2024 CarswellOnt 18066 (Ont. S.C.J.), additional reasons 2025 ONSC 2739, 2025 CarswellOnt 7130 (Ont. S.C.J.).

Also updated in this release are cases addressing issues of unjust enrichment, joint family ventures, constructive trusts and resulting trusts. Notable cases include:

- Where the husband's father had advanced 50 percent of the funds for an investment property, the wife held title in resulting trust for the father despite the fact the father could not hold title under the *Planning Act* without triggering a merger. See *Falsetto v. Falsetto*, 2024 ONCA 149, 2024 CarswellOnt 2444 (Ont. C.A.), reversing 2023 ONSC 1351, 2023 CarswellOnt 2377 (Ont. S.C.J.).
- In determining a joint family venture economic integration should not result in a reckoning of accounts between parties. It should be reflected in one party or the other paying bills without seeking contribution from the other or, be reflected in joint accounts out of which those household expenses are paid. Where no joint family venture existed, the woman was entitled to be compensated for childcare provided for the parties' children when she was on maternity leave. See *Gray v. Vossen*, 2026 ONSC 1731, 2026 CarswellOnt 4346 (Ont. S.C.J.).
- A spouse cannot assert a trust claim on behalf of the husband's estate against the third party where she or he is not the estate trustee. See *Verma v. Bhooi*, 2025 ONSC 4260, 2025 CarswellOnt 12589 (Ont. S.C.J.).
- Improvements made on behalf of a business situated on the matrimonial property but owned by the husband and his family did not warrant a finding of unjust enrichment. See *McAuley v. Petrenko*, 2025 ONSC 6783, 2025 CarswellOnt 22372 (Ont. S.C.J.).

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