courtready

Fang v. Lu, 2026 ONSC 3617

This decision forms part of Courtready.ca's Canadian Deepfake and Disputed Digital Evidence Database, which tracks Canadian court and tribunal decisions where the authenticity of a photo, video, audio recording or text message was disputed or decided. Inclusion in the database does not mean that any evidence in this decision was found to be fake. Courtready.ca obtained this decision from the Canadian Legal Information Institute (CanLII).

FULL DATABASE
https://courtready.ca/deepfake-evidence-in-canadian-courts/

CITATION: Fang v. Lu, 2026 ONSC 3617
COURT FILE NO.: FC-23-00000231-0000
DATE: July 30, 2026

ONTARIO
SUPERIOR COURT OF JUSTICE
FAMILY COURT

2026 ONSC 3617 (CanLII)

B E T W EE N:	)	
	)	
Yuquiong (Karen) Fang	)	Bayly Guslits,
	)	
	)	
Applicant	)	
	)	
- and -	)	
	)	
Xianliang Lu	)	Hamoody Hassan
	)	
	)	
Respondent	)	
	)	
	)	
	)	**HEARD:** April 7, 8, 9, 13, 14, 15, 16, 17,
	)	19 and 30, 2026; written submissions on
	)	the tort of intimate partner violence
	)	received June 1 and 2, 2026

TOBIN J.

REASONS FOR JUDGMENT

INTRODUCTION

[1] The applicant wife came to Canada in the fall of 2016 as a tourist from China. While here, she met the respondent husband online. After a brief courtship they began living together and married. Theirs was a happy relationship. The husband sponsored the wife's and her daughter's immigration applications so that they could remain in Canada together as a family. The happiness enjoyed by the parties ended when the husband came to believe that the wife married him solely and fraudulently to gain immigration status in Canada. Thereafter, their relationship was fraught with anger and allegations of family violence.

[2] The wife and her child left the matrimonial home in June 2021.

[3] The wife brings this application for an equalization of net family property, child support,

spousal support and tort damages.

BACKGROUND

[4] The following background facts are provided to give context to the issues to be decided in this case. When addressing each issue raised in this case, additional facts will be referred to.

[5] The applicant ("wife") is now 54 years old.

[6] The respondent ("husband") is now 60 years old.

[7] In October 2016, the wife, who had taken a leave of absence from her employment, traveled from China, where she lived, to Canada as a tourist. She stayed with her sister in Mississauga.

[8] The husband, who had been divorced in June 2016, posted on an online dating site that he was looking for a girlfriend. He wanted to meet someone with similar interests, who "would be able to get along with him, manage a family and live frugally."

[9] After a few weeks in Canada at her sister's home, the wife was bored. At her sister's suggestion, the wife found the website where the husband had posted his notice, looking-for-a-girlfriend.

[10] The wife responded. The parties then began texting one another, eventually met and began dating. They met for the first time in November 2016. They began spending more time together. The wife stated that she became "occupied with him most of the time." She was touched that he would come and visit her in the winter.

[11] One of the things they talked about while dating was future plans for their children. The wife is the mother of two children, a son, JF—who lives in China—and a daughter, ZF, who was born [in …] 2004. These children were in China. The wife felt that the husband was concerned about her children. He said he would help with the son's university costs and paid his tuition for one year. The wife's evidence, which I accept, is that the husband's conduct "touched" her. He treated her so kindly. She did not want to abandon her children to be with him. He said that he would sponsor them.

[12] On January 17, 2017, the wife moved into the husband's residence, which was located in Waterloo.

[13] The parties were married on April 28, 2017. The wife's evidence, which I accept, is that

2026 ONSC 3617 (CanLII)

the relationship was "really good" in the beginning. The husband treated her very well.

[14] On August 30, 2017, the husband signed an application to sponsor the wife so that she could remain in Canada.

[15] On January 17, 2018, the parties went to China. They wanted to let their families know about their marriage.

[16] In the spring of 2018, the husband lost his employment in Waterloo.

[17] In July 2018, the husband found employment, on a probationary basis, in St. Thomas. He would commute between St. Thomas and Waterloo.

[18] The parties relocated to St. Thomas in July 2018 to reduce travel costs and avoid the husband's tiring daily commute between Waterloo and St. Thomas.

[19] In January or February 2019, the wife returned to China to obtain her no-criminal-record certificate.

[20] In October 2019, the parties moved to a home in London. The home was registered in the husband's name alone.

[21] In November 2019, the wife was granted permanent residence status in Canada. In December 2019, the wife travelled to China, this time to bring back her daughter.

[22] The husband's position is that when she left, over his objections, the marriage was over and there was no chance of reconciliation. This is when the husband claims the parties separated. The husband believed that the wife married him solely and fraudulently to gain permanent residency in Canada.

[23] On February 22, 2020, the wife and her daughter returned to Canada and the parties' matrimonial home. The parties' relationship was a troubled one following the wife's return from China with her daughter.

[24] On June 18, 2021, the wife and her daughter moved out of the matrimonial home and into a shelter where they resided for approximately three months. This is the date the wife claims the parties separated and there was no reasonable prospect of resuming cohabitation.

ISSUES

[25] The issues to be decided in this case are as follows:

a. Is the parties' marriage to be declared a nullity?

2026 ONSC 3617 (CanLII)

b. If the marriage is not a nullity, what is the equalization payment to be made in this case?

c. Child support

d. Spousal support

e. Tort liability and damages

Issue No. 1 – Nullity

[26] Is the marriage a nullity?

[27] I find that the marriage is not a nullity. The wife did not engage in deceit or fraud.

[28] In his opening submissions, the husband's counsel noted that one of his claims was that the wife's

> "… marriage to the [husband] should be declared a nullity on the grounds it was a fraudulent marriage for immigration purposes."

[29] In his evidence, the husband asserted that the marriage was fraudulent. He claimed the wife married him so that she could immigrate to Canada.

[30] However, in his final submissions, the husband asked that the parties be divorced. He did not specifically ask that the marriage be declared a nullity. Instead, he asks that the court find that the wife's plan was to marry the husband to "fraudulently secure permanent residency in Canada." Further, if so found, this factor will inform "… a variety of issues including quantum, duration and type of support… as well as equalization…"

[31] I will address the issue of nullity based on fraud even though the husband is not now asking for a decree of nullity. He is asking for a finding that the wife fraudulently entered the marriage for immigration benefit. It is therefore necessary to assess this claim.

Legal considerations

[32] In *Fahim v. Bhatti*, 2025 ONSC 6178, the Court considered a request for a decree of nullity on the basis of incapacity. The legal considerations relating to nullity were discussed. The Court described there being two categories of nullity. One category of nullity arises when a marriage is entered for fraudulent purposes (para. 13). This is the category relevant in this case.

[33] In *Torfehnejad v. Salimi*, 2006 CarswellOnt. 7275, the Court considered a request for an

2026 ONSC 3617 (CanLII)

annulment based on fraud as the respondent used the marriage to enter and remain in Canada. The Court held that the effect of fraud is that "the marriage is valid, unless fraud induced a material mistake" (para. 87).

Discussion

[34] In the case at bar, I find that there was no fraud perpetrated by the wife to induce the husband to enter into their marriage. Specifically, I find that the wife did not enter into the marriage only to gain residency in Canada, rather, she wanted to be married to the husband to create a new and "normal" family.

[35] The most compelling basis upon which the husband asserts his claim, is that the wife pursued him. I find the opposite is true, the husband pursued her:

- He drove to see the wife during winter months.
- He was very nice to her.
- He said he would help pay for her son's education.
- Initially the wife did not have "a strong affection" for the husband; however, his "conduct toward her" changed her mind. "He treated me so kindly."
- The wife would not abandon her children for him.

[36] Both parties wanted children. The wife had gynecological surgery in support of this joint desire for children. Undergoing surgery of this type is inconsistent with the wife's sole motive being to marry so that she could stay in Canada. She sold her apartment in China. She used some of the funds ($6,000CDN) to have this surgery in China. While the operation was a success, the parties were not able to conceive a child.

[37] In addition to paying for the wife's surgery, the proceeds from the sale of her apartment were used, in part, to contribute towards the parties' living expenses in Canada.

[38] The wife continued to reside with the husband after her return from China in February 2020, despite his behaviour towards her. The details of the parties' relationship after her return from China will be dealt with below in these reasons.

[39] These factors militate against finding that the wife fraudulently induced the husband to enter into marriage so that she could gain permanent residence status in Canada for herself and the children.

[40] It is for these reasons that I find that the wife did not engage in deceitful or fraudulent

2026 ONSC 3617 (CanLII)

behaviour in entering into the marriage with the husband.

Issue No. 2 – What equalization payment is owed in this case?

[41] The issues linked to the determination of the equalization payment include:

a. What is the valuation date?

b. What is the equalization payment having regard to the values of certain assets and debts in dispute?

c. Should there be an unequal division of net family property?

d. Should the matrimonial home be transferred to the wife?

Positions of the Parties

[42] The wife argues that the date of separation was June 18, 2021. This is the day she and her daughter left the matrimonial home and went to a shelter. Based on this date of separation, she claims to be entitled to an equalization payment from the husband in the amount of $454,015.06. If the date of separation is December 9, 2019, as proposed by the husband, she calculates that she is entitled to an equalization payment of $229,126.73. In satisfaction of the equalization payment, she asks that the matrimonial home be transferred to her.

[43] The husband claims that the date of separation was December 9, 2019, which was when the wife left for China to bring her daughter back to Canada. He claims the wife owes him an equalization payment of $87,435.45. If the date of separation is found to be June 18, 2021, the husband acknowledges that he will owe an equalization payment of $115,184. He argues, however, that there should be an unequal division of net family property given the length of the relationship. He argues that he should pay $30,000 to the wife and assume responsibility for the debt owed to the wife's sister in the amount of $78,000.

[44] For the reasons that follow, I find that:

a. the valuation date is June 18, 2021;

b. the presumptive equalization payment owing by the husband to the wife is $411,499.45;

c. there is to be no unequal division of net family property; and

d. the matrimonial home should not be transferred to the wife in satisfaction of the equalization payment owed by the husband to her.

2026 ONSC 3617 (CanLII)

What is the valuation date?

Legal Considerations

[45] The *Family Law Act* s. 4(1) defines what is and how to calculate a party's net family property for equalization purposes.

[46] Net family property is defined as follows:

> "net family property" means the value of all the property, except property described in subsection (2), that a spouse owns on the valuation date, after deducting,
>
> (a) the spouse's debts and other liabilities, and
>
> (b) the value of property, other than a matrimonial home, that the spouse owned on the date of the marriage, after deducting the spouse's debts and other liabilities, calculated as of the date of the marriage

[47] Included in that definition is the term "valuation date." For the purposes of this case, s. 4(1) defines valuation date as follows:

> "valuation date" means …
>
> 1. The date the spouses separate and there is no reasonable prospect that they will resume cohabitation.

[48] As stated above, the parties disagree on what valuation date to use in this case.

[49] The definition of valuation date contains two parts: (1) the date the spouses separate; and (2) when there was no reasonable prospect that they will resume cohabitation.

[50] In *Kassabian v. Marcarian*, 2025 ONCA 239, the Court of Appeal set out factors the court should consider in determining when the valuation date occurred. At para. 24, the Court consolidated the list of relevant factors as follows:

> [24] I would consolidate the list of relevant factors as follows. The categories necessarily overlap and are not exhaustive.
>
> a. Nature of the relationship
> b. Financial arrangements
> c. Interaction with third parties
> d. Formal steps taken to end the marriage or relationship
> e. Any steps taken to resume cohabitation

2026 ONSC 3617 (CanLII)

[51] The Court also specified a number of principles that should guide the approach when considering the factors (para. 31). One of the guiding principles, as the Court reiterated in *Blevins v. Lindsay*, 2026 ONCA 299, is that the factors are not a checklist. No single factor is determinative. Not all factors may be relevant.

[52] I have carefully considered the evidence of the parties as well as the corroborating evidence provided by them.

Discussion

[53] For the reasons that follow, I find that the valuation date in this case is as claimed by the wife, that is, June 18, 2021.

[54] As noted earlier in these reasons, I reject the husband's assertion that the wife entered into their relationship and marriage for the fraudulent purpose of gaining permanent residence status in Canada.

[55] From the date they began living together until the fall of 2019, the parties had a positive relationship. They shared similar values and goals. They believed in thrift and family. They wanted to be, as the husband described it, a "normal family." He wanted to support the wife being able to remain in Canada and bringing her children to live with them. They struggled together when their financial circumstances were difficult. With the help of the wife's sister and brother-in-law, they were able to purchase a home in London. The wife took great pride in making this property their home.

[56] The husband assumed the role of financial provider through his employment income and eventually rental income. The wife remained at home as a homemaker.

[57] In November 2019, the wife was granted her permanent residence status.

[58] The wife then wanted to return to China to bring her daughter to Canada. Her son chose to remain in China. The husband had agreed to be the daughter's immigration sponsor.

[59] The wife arranged to go to China and return with her daughter. In addition to bringing back her daughter, the wife wanted to see her father who, according to her brother, was in poor condition.

[60] The husband did not want the wife to go. He refused to pay for the travel. He said they could not afford it.

[61] The wife knew of the financial pressures that arose following the purchase of the house in London, but she felt that she had to go back. Her family paid for her transportation costs to

2026 ONSC 3617 (CanLII)

and from China.

The wife travels to China

[62] The husband's evidence is that he said to the wife that if she went to China, the marriage was over.

[63] The wife's evidence was that he never said that.

[64] I accept the wife's evidence in this regard. When it was time for the wife to travel to China, he drove her to the airport in Toronto. They hugged each other. She told him she will return soon and "we will have a new life." She told him not to worry about finances.

[65] Covid 19 was then becoming an issue in China. The husband told the wife not to come back until there was "zero Covid in China."

[66] The wife and child were scheduled to return to Canada sometime in January 2020. The wife wanted to get back so that her daughter could be enrolled in school.

[67] However, because of the Covid situation in China, her return flight was cancelled a number of times. The wife and child were finally able to return to Canada on February 22, 2020.

[68] The parties arranged for the husband to pick up the wife and child at the airport in Toronto on their return.

[69] On this evidence, I find that when the wife left for China in December 2019, the parties were not living separate and apart without a reasonable prospect of resuming cohabitation.

The wife and child return from China

[70] The parties disagree on the events that took place when the wife and child arrived in Toronto on February 22, 2020. I accept the wife's version of events that occurred that day where they differ from the husband's. I am convinced that her version of events of what took place that day is more likely when considering all the circumstances of that day.

[71] The wife and child arrived in Toronto with four large suitcases after a long period of traveling. The wife's evidence was that she had not slept in about four days by the time she returned to Canada.

[72] The husband's evidence is that when she returned, he hugged her.

[73] He then presented the wife with a document for her to sign. She did not know what it was

2026 ONSC 3617 (CanLII)

about. She asked him, and he said she was to sign it; “nothing has changed, you won’t lose anything.”

[74] The document he wanted her to sign concerned his property in Waterloo. He wanted the wife to agree that the property could only be inherited by his biological child. He was worried and wanted to ensure that if he died because of Covid, the property in question would go to his daughter.

[75] The wife did not sign as he asked. The wife’s evidence was that he was rushing her. He pushed her to sign while they were on their way to the parking lot.

[76] Before they got to the car and loaded the luggage, the husband said, if you do not sign you are not going to London. He said he would go back himself. As the wife did not sign, he drove away, leaving her and child behind in the airport parking lot.

[77] The child’s evidence is that the mother was left at the airport without support.

[78] The husband’s evidence is that the wife and child left him. They returned to the airport. He looked for but could not find them, so he left. I do not accept this evidence. In all the circumstances described in the evidence, this version is much less plausible than is the wife’s.

[79] After they returned to the airport, mother and daughter eventually found two seats. I accept the wife’s evidence that she was stunned. Eventually, and with the help of others, she found out about a bus that they could take to London. That bus was scheduled to leave a few hours later at around 6:00 p.m. to 7:00 p.m. They did take the bus to London and arrived at approximately 9:00 p.m. It was very cold outside that night. They took a taxi to the matrimonial home.

[80] When they arrived, the wife, who did not have a key, rang the doorbell. The husband answered and was surprised to see them. He again wanted her to sign the document before he would let her in. She again tried to have the husband let her in but he would not. She went to a neighbour’s home. The person at that home was of no help. He suggested she call the police or a hotel.

[81] The wife then returned to the matrimonial home and persisted in knocking on the door. The husband eventually let them in as far as the coatroom. They argued. The wife filed a video in evidence. The video shows part of their interaction in the coatroom. It demonstrates that the husband was upset with her for not signing the paper. Eventually, the wife ignored the husband and sent the daughter upstairs to her room, and she then went as well. The video is consistent with the wife’s evidence about what happened in the coatroom.

2026 ONSC 3617 (CanLII)

[82] On the wife's return, the husband quarantined himself in the basement for one month to protect himself from possible Covid 19 infection. After that, the parties remained in the home together. The husband lived primarily in the basement. He worked from there as well. He expected the wife to resume her domestic duties. She again cooked three meals a day, kept the house clean and did laundry.

[83] The parties carried on as an unhappily married couple following the wife's return from China in February 2020. As the court in *Kassabian* noted, a "bad marriage, or a marriage that disappoints, does not necessarily mean that parties have separated" (para. 39).

[84] The wife was subjected to rude, and belligerent behaviour by the husband until she decided to leave on June 18, 2021.

[85] The parties disagree on whether they engaged in sexual relations. The husband said they did not. The wife said they did.

[86] I accept the wife's evidence. Her evidence is compelling and detailed. She described that sometimes the husband slept in the basement and sometimes upstairs. There was no routine. It depended on his mood. She also described the last time they had sexual relations. This occurred some time in May 2021. "He came upstairs to have sex. I felt so ashamed."

[87] The wife presented text messages indicating that the husband wanted sexual relations with her. The husband denied sending the messages. I am not persuaded on the husband's evidence that the wife fabricated the WeChat exchange at Exhibit 44.

[88] After the wife and child returned from China, the husband continued to pay all of the expenses for the three of them. He did all of the grocery shopping. He did not give her money for that. He said that he paid because he was obliged to do so under his sponsorship agreement.

[89] In her 2019 and 2020 income tax returns (Exhibit 27), the wife described herself as married. The husband did not put a copy of his 2019 or 2020 income tax returns in evidence at the trial.

[90] The parties' evidence was similar in that most of the time they did not interact in a cordial manner. However, this was not always the case. The three of them took a trip to Niagara Falls in the fall of 2020.

[91] Neither party provided evidence that was helpful in determining how they represented themselves to others.

[92] In undated text messages, the parties discussed the possibility of divorce. However, neither

2026 ONSC 3617 (CanLII)

party took formal legal steps to end the marriage until the respondent had her application issued March 2, 2023.

[93] Having regard to the context of the parties' relationship, the process of their separating continued until the wife left the matrimonial home with the child and moved to a shelter on June 18, 2021. At that point, I find that it is clear that there was no reasonable prospect that the parties would resume cohabitation.

[94] Approximately one month after the wife and child moved out of the matrimonial home, the husband wrote to the wife saying he had Covid. He was sick. She wrote back and said for him to take care, she was not coming back. I find that is clear and unequivocal evidence that there was no reasonable prospect that the parties would resume cohabitation.

What is the equalization payment?

[95] The parties provided their respective net family property and equalization calculations based on the valuation date being June 18, 2021. They also provided a Comparison of Net Family Property Statements document.

[96] I will consider those assets and debts where the parties differ and then calculate the parties respective net family properties and the equalization payment.

[97] When determining issues of value, each spouse has the onus of establishing the value of their assets and debts both at valuation date and date of marriage. They must do so by providing credible evidence in support of the value claimed: *Virc v. Blair*, 2017 ONCA 194, at para. 59, leave to appeal refused [2017 S.C.C.A. No. 37678].

(i) The matrimonial home

[98] The matrimonial home is located at 6 Colonial Crescent, London. It was purchased on August 19, 2019. The property was registered in the husband's name alone.

[99] The wife obtained an appraisal report from an accredited appraiser who valued the matrimonial home as at the valuation date at $850,000. This report was admitted in evidence on consent. The appraiser was not required to attend for cross-examination.

[100] In his net family property statement dated April 27, 2026, the husband included a value for the matrimonial home in the amount of $772,500 and divided that equally between the parties. The valuation relied upon by the husband was prepared by his real estate agent. The valuation is contained in the email dated April 6, 2026, and is found at Case Center B1013-1015.

2026 ONSC 3617 (CanLII)

[101] This valuation report was not entered as an exhibit in the trial. I will consider this an oversight as it was referred to during the trial and in submissions.

[102] In any event, I prefer the appraisal relied upon by the wife. It was prepared by an accredited real property appraiser, which report discloses the methodology and analysis used in arriving at the opinion of value.

[103] The valuation relied upon by the husband does not include details that explain how the opinion provided was arrived at. I am also concerned that the real estate agent was not an independent person. She was described as the husband's real estate agent.

[104] Accordingly, I find that the value of the matrimonial home on valuation date was $850,000 and that it was solely owned by the husband.

(ii) 415 Tamarack Drive, Waterloo (the Waterloo property)

[105] The Waterloo property was owned by the husband on valuation date. On the date of marriage, it was jointly owned by the husband and his former spouse. The husband acquired sole ownership of this property on October 18, 2017. This is the property that was referred to in the document the husband insisted the wife had to sign on her return from China on February 22, 2020.

[106] This property provides the husband with rental income.

[107] The husband claims that the property was worth $645,000 on the valuation date. This value was based on a realtor opinion of value completed by Scott Bruinsma, real estate agent, dated April 27, 2026. This report was not put in evidence at the trial. Again, I will consider this as an oversight.

[108] The wife claims that the value of the Waterloo property on the valuation date was $775,000. This value is based upon a report provided by Tim Thiessen, a real estate broker and retired Canadian residential appraiser. This report was admitted in evidence on consent. Mr. Thiessen was not required to be produced for cross-examination.

[109] The evidence presented regarding the value of this property was not helpful in determining which valuation was more reliable. I assign equal weight to both. Consequently, I will value this property as being the average of the two values. I find therefore that the value of the Tamarack property on valuation date was $710,000.

(iii) Household contents

[110] The wife claims that the husband retained bedding, curtains and kitchen supplies, mostly

2026 ONSC 3617 (CanLII)

brought from China to Canada, valued at $12,000. There was no corroborating evidence which supports this value other than the statement of the wife which was not corroborated by any receipts or other documents. There was no compelling basis on which the court could consider the property referred to being valued, on the balance of probabilities, as $12,000.

[111] The husband's net family property calculation does not include these items. In the wife's financial statement, sworn February 20, 2026, no value was included for household contents at the valuation date.

[112] I find that the wife has not met her onus in establishing a value of household contents as at the valuation date.

(iv) Vehicle: 2009 Toyota

[113] The wife estimated the value of the vehicle owned by the husband at $3,500. This is the amount paid to purchase it in 2019.

[114] The husband estimated the value of the vehicle at $1,750 on the valuation date. The husband provided a page from an undated Used Vehicle Information Package. The document shows a wholesale value of $2,204 and a retail value of $2,885.

[115] I find that the fair value of the vehicle for the purpose of the equalization calculation is the midpoint between the two values found in the Used Vehicle Information Package relied upon by the husband, which is $2,625.

(v) Wife's personal jewelry

[116] The wife claims she left her jewelry in the matrimonial home and valued it at $3,000.

[117] The husband claimed that this is a new claim and that the value was not proven. This asset was not included in the wife's financial statement.

[118] I find the wife has not met her onus in establishing a valuation date value for her jewelry left behind at the matrimonial home.

(vi) Appliances, furniture and furnishings

[119] The husband submitted that the value of appliances, furnishings and blinds purchased between 2019 and January 2021 was $2,500 on valuation date. He produced receipts evidencing the following purchases:

a. Appliances which when purchased cost $5,378.21;

2026 ONSC 3617 (CanLII)

b. Furniture which when purchased in 2020 cost $1,195.54;

c. Furniture which when purchased in 2020 costs $1,342.38; and

d. Four blinds which when purchased on January 3, 2021, cost $1,557.05.

[120] The wife valued the appliances on valuation date at $5,000.

[121] Neither party provided an independent valuation of these household items. In this circumstance, I am left with little evidence from the parties to assist me in determining the fair value of these items as at valuation date. However, having regard to the amounts disclosed on the invoices and the passage of time from their purchase until separation, I find that the husband's estimate of value to be more likely than the wife's. As the husband retained these items, I include his suggested value of $2,500 as part of his net family property.

(vii) Personal interest collection and souvenirs

[122] The wife claims the husband's collection of these items was worth $3,000 on valuation date. The husband submits this is a new claim made without evidence. I agree.

[123] Again, the wife has not met her onus in proving the valuation date value of personal interest items.

(viii) Bank accounts and savings

[124] Most of these values were agreed on by the parties. I rely upon the comparative net family property statements referred to in submissions as well as the documents related to each account.

(ix) Debts

[125] As was the case with bank accounts and savings, there was little dispute with respect to debts owing at the date of separation. I relied upon the comparative net family property statements referred to in submissions as well as the documents related to each account.

[126] I find that the wife has not proved the debt she claimed in respect of monies owing to her brother in the amount of $16,000. In her financial statement, she stated that the monies advanced were from "family for living and travel expenses post-separation."

(x) Assets and debts at the date of marriage

[127] The husband is entitled to claim one half of the value of the Waterloo property that he owned

2026 ONSC 3617 (CanLII)

jointly with his former spouse at the date of marriage. He valued this property at $480,000. The wife valued this property at $400,000. Neither party provided a property valuation as of the date of marriage. In support of his claim, the husband relied on a TD home equity statement showing the amount outstanding on September 23, 2017, was $460,000. In his financial statement sworn April 15, 2026 (Exhibit 41), the husband swore that the date of marriage value of the property was $460,000. The wife did not challenge this evidence. Therefore, I find that the best evidence I have as to the value of the husband's half interest in the property on the date of marriage was $230,000.

[128] In the same financial statement, the husband swore that the value of household contents at the date of marriage was $5,000 and that they were jointly owned by the parties. In her financial statement, the wife did not include a value for these assets at the date of marriage. Neither party cross-examined the other on this evidence. I find, therefore, that the fair value of the household contents of the parties on the date of marriage was $2,500 each.

[129] The husband did provide documents evidencing the value of his savings at the date of marriage. The husband asserts that these values are agreed to by the wife. The wife did not make submissions to the contrary. Therefore, I find that the amount of the husband's date of marriage savings was $30,949.54. Neither party claimed notional taxes should be deducted as at the date of marriage, therefore I have not done so.

[130] In his comparative net family property statement, the husband claimed date of marriage debts in the amount of $134,852. Having reviewed his source documents and attributing one half of the Waterloo property mortgage to the husband, I find that his indebtedness at the date of marriage in respect of this property was $62,850.61.

Presumptive equalization payment

[131] Based on these findings, the husband owes the wife a presumptive equalization payment of $411,499.45, as calculated in the net family property statement attached hereto as Appendix A.

[132] If I have made any calculation or arithmetic errors or misstated the value of assets and debts based on the evidence presented, counsel are to contact the trial coordination office and arrange to appear before me virtually to address these issues.

Should there be an unequal division of net family properties?

[133] The husband argues that there should be an unequal division of net family property because the parties lived together less than five years.

[134] Section 5(6) of the *Family Law Act* allows the court to award an amount that is more or

2026 ONSC 3617 (CanLII)

less than one half of the difference between the parties' respective net family properties.

[135] Section 5(6) provides as follows:

> (6) The court may award a spouse an amount that is more or less than half the difference between the net family properties if the court is of the opinion that equalizing the net family properties would be unconscionable, having regard to,
>
> (a) a spouse's failure to disclose to the other spouse debts or other liabilities existing at the date of the marriage;
>
> (b) the fact that debts or other liabilities claimed in reduction of a spouse's net family property were incurred recklessly or in bad faith;
>
> (c) the part of a spouse's net family property that consists of gifts made by the other spouse;
>
> (d) a spouse's intentional or reckless depletion of his or her net family property;
>
> (e) the fact that the amount a spouse would otherwise receive under subsection (1), (2) or (3) is disproportionately large in relation to a period of cohabitation that is less than five years;
>
> (f) the fact that one spouse has incurred a disproportionately larger amount of debts or other liabilities than the other spouse for the support of the family;
>
> (g) a written agreement between the spouses that is not a domestic contract; or
>
> (h) any other circumstance relating to the acquisition, disposition, preservation, maintenance or improvement of property.

[136] The court's discretion to order an unequal division of net family property is limited. In order to succeed in having an unequal division ordered, one of the enumerated considerations in (a)–(h) must be engaged. As well, the court must find that it would be unconscionable to equalize the parties' net family properties.

[137] For the reasons that follow, I find that this is not a case where there should be an unequal division of net family property. While the parties cohabited for less than five years, ordering the equalization of the parties' net family properties would not be unconscionable.

[138] In this case, I found that the parties cohabited from January 2017 until June 18, 2021. This is a period of 53 months. The husband has established that the enumerated consideration in (e) has been engaged.

[139] Though not referred to by either party, in the well-known case of *Serra v. Serra*, 2009

2026 ONSC 3617 (CanLII)

ONCA 395, the Ontario Court of Appeal at paras. 47–48 held that to cross the unconscionability threshold, an equal division of net family property in the circumstances must "shock the conscience of the court."

[140] The husband argues that during this short-lived period of cohabitation, he was the one who paid to acquire, maintain and preserve the real properties which comprise the bulk of the growth in his net worth. He claims the wife did not provide any financial assistance and only minimal help in maintaining these assets.

[141] The husband also asserts that during the relationship he supported the wife out of "principle" as her immigration sponsor and out of "practical necessity."

[142] The husband also relies on the wife's choice not to seek employment "though the sponsorship application presumed she would…"

[143] The husband's submissions were based upon the court finding that the valuation date was in December 2019. Nonetheless, I will consider the husband's argument in relation to the period of cohabitation as found in this case.

[144] I accept that it was the husband who provided financially for the parties and the wife's child through the period of cohabitation. He was the sole income earner.

[145] The purpose of providing for the equalization of net family property is addressed at s. 5(7) of the Act: it is to recognize that child care, household management and financial provision are the joint responsibilities of the parties, and that inherent in the marital relationship there is equal contribution, whether financial or otherwise, by the spouses to the assumption of these responsibilities. It is on this basis that each spouse is entitled to the equalization of net family properties.

[146] I do not accept the husband's evidence that the wife did very little to help maintain both properties. I accept the wife's evidence that she kept the matrimonial home clean. She kept house. She helped maintain the grounds.

[147] I must also consider the circumstances of the parties. The husband was and is a hard-working person determined to meet his financial obligations.

[148] The husband would not have been able to acquire the matrimonial home without the $100,000 loan provided by the wife's sister. These funds allowed for the acquisition of a more valuable property. In the debt acknowledgement note signed by the husband evidencing the loan from the wife's sister, the husband acknowledged that the loan was to purchase the matrimonial home "by the husband and wife." The monthly repayment was

2026 ONSC 3617 (CanLII)

based on the "parties' family income." When the house was purchased, the husband had it put in his name alone because he told the wife she could not be on title as she was not yet a permanent resident. I infer that but for the husband's assertion, the wife would have been on title and expected to share in the growth in its value.

[149] The evidence did not indicate that the parties, or either of them, completed any substantial improvements to the matrimonial home.

[150] I find that until December 2019, the wife was the person primarily responsible for maintaining the matrimonial home. Once the husband quartered himself in the basement of the home, the wife still maintained the main and upper floors. She also cooked the majority of the meals had by the parties and child.

[151] The wife was also responsible for the care of her teenage daughter.

[152] With respect to the Waterloo property, I accept the wife's evidence that she helped maintain it while the parties resided there, as well as after they moved from it and it became a rental property.

[153] The wife also made sacrifices for this marriage. She left the life, including the career, she had in China. She sold her apartment located in China, which was her only significant asset. She used the money in part to help the parties while they were struggling financially. She also used the money in part for an operation that would enhance her ability to conceive a child.

[154] I find that in all these circumstances, the wife's efforts helped the husband's wealth increase. She contributed as best she could in the circumstances.

[155] Based on the foregoing, and despite the parties living together seven months short of five years, I find that ordering the husband to pay one half of the difference between their respective net family properties would not be unconscionable. It would not shock the conscience of the court.

Should the matrimonial home be transferred to the wife?

[156] The wife asks that the matrimonial home be transferred to her in satisfaction of the equalization payment owing by the husband to her.

[157] Section 9(1)(a) of the *Family Law Act* provides that the court may order one spouse to pay the other spouse the amount of the equalization payment found to be owing. That is the general rule. The scheme of the equalization concept is to share the value of increases in the parties' respective net family properties. The scheme is not to divide or share

2026 ONSC 3617 (CanLII)

property accumulated during the marriage: see *Berdette v. Berdette*, 1991 CarswellOnt 280, para. 31, and *Long-Newlands v, Newlands* 2026 ONCA 530 para. 11.

[158] However, the court does have the power under s.9(1)(d) to transfer property to a spouse, but only if appropriate to satisfy an equalization payment. This remedy requires evidence that would justify "exceptional and intrusive action." This remedy is only to be granted "if there is a real need and there are sound reasons on the record for doing so": see *Thibodeau v Thibodeau,* 2011 ONCA 110, paras. 39-42.

[159] In this case, the record does not support a finding that the husband will not likely comply with the equalization order absent the intrusive remedy of the property transfer. The evidence discloses that the husband has honoured his financial obligations in the past. In addition, the evidence discloses that he has deposited the money with his lawyer to retire the wife's sister's loan.

[160] In the circumstances I find that transferring the matrimonial home to the wife is not appropriate or necessary to ensure satisfaction of the equalization payment.

Issue No. 3 – Child Support

[161] The wife asks that the husband be ordered to pay child support for the child ZF. She does so on the basis that:

a. The husband held himself out to be the child's stepparent; and

b. The husband undertook to financially support the child through the sponsorship agreement he signed.

[162] The husband asks that no child support award be made.

[163] For the reasons that follow, I find that there is no entitlement to child support in this case.

Legal considerations

[164] The *Divorce Act* s. 15.1(1) provides that the court may make an order requiring a spouse to pay for the support of any child of the marriage.

[165] At s. 2(1), a "child of the marriage" is defined to include a child of two spouses who, at the material time, is under the age of minority and has not withdrawn from their charge.

[166] Section 2(2)(b) provides that a child of two spouses includes "any child of whom one is the parent and for whom the other stands in the place of a parent."

2026 ONSC 3617 (CanLII)

[167] The issue raised by the husband in this case is whether he "stands in the place of a parent."

[168] The onus is on the wife to prove that the husband stands in the place of a parent in order to obtain a child support order.

[169] In *Chartier v. Chartier* [1999] 1 S.C.R. 242, the Court proposed an objective multi-factorial test[1] when determining whether a person stands in the place of a parent. At para. 39 of the decision, the Court held:

> Whether a person stands in the place of a parent must take into account all factors relevant to that determination, viewed objectively. What must be determined is the nature of the relationship. The Divorce Act makes no mention of formal expres- sions of intent. The focus on voluntariness and intention in Carignan was dependent on the common law approach discussed earlier. It was wrong. The court must determine the nature of the relationship by looking at a number of factors, among which is intention. Intention will not only be expressed formally. The court must also infer intention from actions, and take into consideration that even expressed intentions may sometimes change. The actual fact of forming a new family is a key factor in drawing an inference that the step- parent treats the child as a member of his or her family, i.e., a child of the marriage. The relevant factors in defining the parental relationship include, but are not limited to, whether the child participates in the extended family in the same way as would a biological child; whether the per- son provides financially for the child (depending on ability to pay); whether the person disciplines the child as a parent; whether the person represents to the child, the family, the world, either explicitly or implicitly, that he or she is responsible as a parent to the child; the nature or existence of the child's relationship with the absent biological parent. The manifestation of the intention of the step- parent cannot be qualified as to duration, or be otherwise made conditional or qualified, even if this intention is manifested expressly. Once it is shown that the child is to be considered, in fact, a "child of the marriage", the obligations of the step-parent towards him or her are the same as those relative to a child born of the marriage with regard to the application of the Divorce Act. The step-parent, at this point, does not only incur obligations. He or she also acquires certain rights, such as the right to apply eventually

[1] Bala N., *Child Support Obligations of Stepparents in Canada: "Standing in the Place of a Parent" & the C.S.G. Section 5*, (2023) 42 CFLQ 197.

2026 ONSC 3617 (CanLII)

for custody or access under s. 16(1) of the Divorce Act.

[170] The factors identified by the Court in *Chartier* are non-exclusive. It is open to the court to consider other factors. In this case, the wife argues that the court should consider the terms of the sponsorship agreement signed by the husband as an indication of his intention to stand in the place of a parent.

[171] The undertaking given by the husband in the sponsorship application stated:

> "I undertake to provide for the basic requirements of the sponsored person and his or her family member who will accompany him or her to Canada, if they are not self-supported. I promise to provide food, clothing, shelter, fuel, utilities, household supplies, personal requirements, and other goods and services including dental care, eye care, and other health needs not provided by public healthcare. I understand that the money, goods or services provided by me must be sufficient for the sponsored people to live in Canada."

[172] The length of the undertaking in respect of the child was until the day she reached 22 years of age.

[173] In *Johnson v. Johnson*, 2005 ONCJ 325, the Court considered the existence of an immigration sponsorship agreement in determining a party's intention to act as a stepparent. This case was decided under the *Family Law Act* where s. 1(1) provides that for child support purposes, a "parent" includes "a person who has demonstrated a settled intention to treat a child as a child of his or her family…" In order that there is consistency between the two regimes (federal and provincial), the definitions are effectively treated as the same.

[174] In *Johnson*, the factors taken into account in addition to the sponsorship agreement included the parental activities in which the husband participated with the children. The husband in that case also made inquiries about enrolling the child in school. The Court also considered the parties' intimate correspondence with each other. This correspondence evidenced the husband's intention to act as a parent. As well, the husband knew that the wife was coming to Canada with her child.

[175] It is clear that the existence of a sponsorship agreement is a factor to consider when deciding whether a party stood in the place of a parent. See *Karkulowski v. Karkulowski*, 2015 ONSC 1057, at para. 17, and L.M.A. v. P.H., 2014 ONSC 1707, at para. 70. However, the existence of a sponsorship agreement is not a determinative factor.

2026 ONSC 3617 (CanLII)

Discussion

[176] In the early stage of the parties' relationship, the husband offered and did contribute to the cost of the wife's son's education. The husband also signed a sponsorship application with respect to the son. However, the son did not emigrate to Canada. No child support is sought on his behalf.

[177] In his evidence, the husband stated that when he signed the sponsorship application, the parties' relationship was "really good." They were going to be a "normal Canadian family… At that time, I was so happy I would do anything she asked me."

[178] The child ZF arrived with her mother on February 22, 2020. She was then 15 years old. The child's first interaction with the husband on that day was described earlier in these reasons. It was not a positive interaction.

[179] There was no evidence presented of any positive interactions between the child and the husband. The child arrived in Canada with the wife as the parties' relationship began to deteriorate. However, the parties and child had meals together. The parties and child took a trip to Niagara Falls together.

[180] There was no evidence that the husband was involved with the child's education, healthcare, or discipline.

[181] There was no evidence suggesting that the husband presented himself as a father figure to family, friends or neighbours.

[182] There is no evidence that the husband was involved in any decision-making concerning the child's upbringing.

[183] The child's evidence, which I accept, is that she was a quiet teenager who tried to avoid conflict. She observed the husband frequently shouting in the house, especially at the wife.

[184] The evidence does not allow the court to infer or conclude that the child viewed her relationship with the husband as an important one. To reiterate, she was present in the home of the parties during the period their relationship deteriorated. There is no evidence that she called him "dad" or any other positive or affectionate name.

[185] On occasion, when the wife was not home, the child's evidence is that the husband would speak with her, often negatively, about the wife. I accept the child's evidence that the husband made her feel uncomfortable and anxious.

[186] The husband did maintain the home where the child and the wife lived. He paid for

2026 ONSC 3617 (CanLII)

groceries.

[187] The evidence did not disclose what, if any, involvement the child continued to have with her biological father once she came to Canada.

[188] In cross-examination, the husband's counsel suggested to the child that her biological father was abusive towards her. This was denied by the child. She described her biological father as being strict but not that he was abusive. Prior to coming to Canada, she lived with her biological father.

[189] There are factors, including the sponsorship agreement, that support the wife's position. There are also factors that support the father's position. However, the preponderance of the evidence leads me to conclude that the husband did not stand in the place of a parent. While he provided the child with a home and food, there was no parent-child relationship between them. They were not a "normal family." There is no indication that the husband represented to the world that he was her parent nor that the child considered him as such.

[190] When I take into account all these factors, I find that the wife has not met her burden of proving on the balance of probabilities that the child was a child of the marriage as defined in the *Divorce Act*.

Issue No. 4 – Is the wife entitled to spousal support and if so, in what amount and for how long?

[191] The wife argues that she is entitled to spousal support on the basis of need, compensation and contract. She asks for spousal support in the monthly amount of $2,935, which is at the high end of the "with child support" *Spousal Support Advisory Guidelines* (SSAG) formula.

[192] The husband argues that the wife is not entitled to spousal support. He claims he met his obligation to support the wife as provided for in their sponsorship agreement.

[193] For the reasons that follow I find that the wife is entitled to spousal support. However, I am not able to determine the quantum of spousal support to be paid without further submissions based on the findings made in these reasons. I am reluctant to make such an order without the parties providing these further submissions. The parties will be asked to provide SSAG calculations based on the "without child" formula and whether this is an appropriate case for a lump sum support payment.

Legal considerations

[194] The *Divorce Act*, R.S.C. 1985, c. 3 (2nd Supp.), s. 15.2(1)–(2), sets out the court's

2026 ONSC 3617 (CanLII)

jurisdiction to make a final spousal support order that it thinks reasonable.

[195] Section 15.2(4) sets out the factors the court is to consider as follows:

> **(4)** In making an order under subsection (1) or an interim order under subsection (2), the court shall take into consideration the condition, means, needs and other circumstances of each spouse, including
>
> **(a)** the length of time the spouses cohabited;
>
> **(b)** the functions performed by each spouse during cohabitation; and
>
> **(c)** any order, agreement or arrangement relating to support of either spouse.

2026 ONSC 3617 (CanLII)

[196] The objectives of a spousal support order are set out in s. 15.2(6) as follows:

> **(6)** An order made under subsection (1) or an interim order under subsection (2) that provides for the support of a spouse should
>
> **(d)** recognize any economic advantages or disadvantages to the spouses arising from the marriage or its breakdown;
>
> **(e)** apportion between the spouses any financial consequences arising from the care of any child of the marriage over and above any obligation for the support of any child of the marriage;
>
> **(f)** relieve any economic hardship of the spouses arising from the breakdown of the marriage; and
>
> **(g)** in so far as practicable, promote the economic self-sufficiency of each spouse within a reasonable period of time.

[197] In *R.L. v M.F.*, 2025 ONCA 595, the Court of Appeal reviewed the principles related to spousal support including entitlement. These principles included the following:

- There is no presumptive entitlement to spousal support: *R.L.*, at para. 36. See also *Kerr v. Baranow*. 2011 SCC 10, at para. 208.
- Income disparity alone does not determine entitlement to spousal support: *R.L.*, at para. 36.
- When considering an award of spousal support, the trial judge is obliged to consider all the factors listed in the *Divorce Act*. No one factor is paramount: *R.L.*, at paras. 26, 38.

[198] The existence of an undertaking in a sponsorship agreement is also a relevant factor in establishing entitlement to spousal support: *Nathoo v. Nathoo*, 2025 ABQB 175, at para. 6, and *Segal v. Qu*, 2001 CarswellOnt. 2304, at para. 84 where Himmel J. stated that *Divorce Act* s. 15(2)(4)(c) allows the court to consider any arrangement made in relation to the support of a spouse.

[199] In *Gaynor v. Cruz-Belliard*, 2024 ONSC 1661, at para. 126, Madsen J. (as she then was) held that the sponsorship agreement "has an aspect akin to a domestic contract between the parties… while the [wife] agreed to make her best efforts to contribute to her support."

[200] In *R.L.*, at para. 28, the Court of Appeal identified the difference between compensatory and non-compensatory support as follows

> …Non-compensatory support entitlement centres on the needs of the spouses and their respective means; compensatory support recognizes an entitlement to support as compensation for the economic disadvantages to the recipient spouse or the economic advantages conferred on the payor spouse as a result of the roles assumed by the parties during their marriage…

[201] In the *Spousal Support Advisory Guidelines: The Revised User's Guide English Edition* (April 2016), p. 5 ("*SSAG RUG*"), the authors described compensatory support claims as being based on one spouse's economic loss or disadvantage as a result of roles adopted during the marriage or on one spouse conferring an economic benefit to the other spouse without adequate compensation. A non-compensatory support claim involves claims based on need. An example of need is where a spouse experiences a significant decline in their standard of living from that enjoyed during the marriage.

Discussion

[202] The financial statement of the wife reveals that the wife has significant financial need. The wife's financial statement (Exhibit 13) discloses that she had income in 2025 of $14,080. Her current income is $14,400. In both years the funds came from OSAP. On this income, the wife supports herself and the child. They live in a modest apartment where the rent is $800 per month.

[203] At the same time, the husband's financial statement discloses that in 2025, he had total income of $98,291. In 2026, he expects his income to be $97,046.

[204] Under the sponsorship agreement, the husband was required to meet the wife's basic

2026 ONSC 3617 (CanLII)

needs, including financial.

[205] The wife has a strong claim for spousal support on a needs basis.

[206] At the time of trial, the wife was not yet able to become self-sufficient. This situation arises from the marriage relationship itself. The wife came to Canada having given up her life, including her home and employment, in China. She was employed as a geography information professional. It has been over a decade since she was so employed. At the time of trial, she was attempting to upgrade her skills so that she could gain employment in Canada. While she was out of the workforce, technology changed in her profession. It was reasonable for her to seek to retrain and upgrade her skills, including ensuring that she has the necessary language proficiency.

[207] The wife started her retraining in 2023 and was expected to complete her courses in May 2026. At trial, she expressed her concern about her ability to seek employment at this time due to her feelings of low confidence and low self-esteem.

[208] I am satisfied that the wife has and will take reasonable steps to secure employment after she completes her training. She will need some time to find suitable employment.

[209] The husband has been able to maintain the same standard of living he enjoyed during the marriage. The wife has not.

[210] The wife is also entitled to spousal support on a compensatory basis. Some of the same factors that applied to the needs-based claim apply to this analysis.

- The wife gave up her life including her assets and career in China so that she could marry the husband and live with him in Canada.

- During the period of their cohabitation, she was totally dependent on the husband for financial support.

- He was the breadwinner and she cared for him and their homes.

- She was not in a position to work outside of the home after returning from China in February 2020.

- She had no independent financial means except for the proceeds of sale of her apartment in China.

- The wife's reasonable expectation was that her basic needs were to be paid or contributed to by the husband under the terms of the sponsorship agreement.

- The conditions under which she lived following her return from China in February 2020 mitigated against her ability to seek employment.

2026 ONSC 3617 (CanLII)

- The husband paid all the expenses associated with the residence as well as other modest living expenses.

- The wife assumed responsibility for household matters in the manner described in these reasons, both before and after her return from China in February 2020.

[211] In summary, the wife was dependent upon the husband financially because (a) she was limited in her employability and (b) she cared for the home. The wife suffered economic disadvantages and hardship arising from the marriage breakdown that she has not yet overcome. The husband was able to maintain stable employment that has provided him with a steady income. She has not yet been able to regain what she lost when she moved from China to Canada to cohabit with the husband.

[212] In these circumstances, I find the wife has a modest compensatory claim for spousal support.

Amount and duration

[213] The calculation of the amount and duration of spousal support requires a consideration of the *Spousal Support Advisory Guidelines*, as well as the total means of the parties.

[214] The wife provided a "with child support" formula calculation as part of her submissions. As I found that the husband did not have a child support obligation, the child support calculation under the SSAG should be on the "without child" formula.

[215] The parties are encouraged to resolve the issues of the amount and duration of spousal support. However, if they are not able to do so, counsel are directed to provide written submissions of no more than five pages together with their SSAG calculations on the quantum and duration of spousal support, including the start date and any tax consequences that may arise. The parties respective sources and amounts of income are referred to above. The wife shall file her submissions within 14 days of the release of these reasons. The husband shall file his submissions within 14 days after being served with the wife's submissions. The wife may file a reply of no more than three pages within 5 days after the receipt of the husband's submissions.

Issue No. 5 – Tort liability and damages

[216] When final submissions in this case were made on April 30, 2026, the Supreme Court of Canada's decision in *Ahluwalia v. Ahluwalia*, 2026 SCC 16, had not yet been released. In her final submissions made on April 30, 2026, the wife's request was that she be awarded general damages (also called non-pecuniary damages), aggravated damages, as well as damages for loss of competitive advantage based on the torts of assault, battery and intentional infliction of emotional distress ("IIED" also known of intentional infliction mental suffering(IIMS)).

2026 ONSC 3617 (CanLII)

[217] In her draft order, the wife did not specify the amount of tort damages she sought.

[218] On May 15, 2026, while this matter was on reserve, the Supreme Court of Canada's decision in *Ahluwalia* was released.

[219] The parties were then asked to make further written submissions based on the *Ahluwalia* decision, and both did so. No further evidence was required to address this issue. Neither party asked for the opportunity to provide additional evidence.

[220] The wife now asks that she be awarded general and aggravated damages as compensation for the new tort of intimate partner violence (sometimes referred to as "IPV") she suffered as a result of the husband's behaviour towards her. The wife seeks damages in the "minimum amount of $100,000."

[221] The husband argues that the court should not consider these claims. He does so on the basis that:

a. The wife did not make a claim for damages based on a tort claim in her application;

b. The issue was not identified as one for trial in the Trial Scheduling Endorsement Form;

c. The wife did not seek leave pursuant to *Courts of Justice Act*, R.S.O. 1990, c. C.43, s. 21.9 to combine a tort claim with the family law issues raised;

d. The wife should not be believed.

A. <u>No claim for tort damages pleaded</u>

[222] I find that in dealing with this case justly (see r. 2(2)), the wife's tort claims will be considered.

- In her application, the wife did ask for damages as compensation for the husband's abusive behaviour towards her.

- As well, in her application, she alleged that the husband was abusive throughout the relationship and she suffered as a result.

- The husband was made aware of the wife's tort claims while this case was ongoing.

[223] In family law cases, courts are able to take a flexible approach with respect to pleadings. What the court must ensure is that the parties know the case they must meet: see *MacEwen*

2026 ONSC 3617 (CanLII)

v. Daljit, 2026 ONCA 398, at para. 50, and *Frick v. Frick*, 2016 ONCA 799, at paras. 16, 29.

[224] In this family law case, the husband was not taken by surprise at trial by the wife's claim for tort damages. He was aware of the evidence the wife intended to rely upon. He was able and did cross-examine and lead evidence on this issue. The elements of the tort claims were addressed generally in the pleadings, and as stated above, no new facts were required for a consideration of the IPV claim. In *Ahluwalia* at para. 180, the Court noted that "[w]hen a party succeeds in convincing the court that the facts cry out for a remedy, it falls to the court to inform itself of the arguments and the context, and to devise a proper answer that is reflective of the record and respects the principles of fairness."

B. Issue not identified in Trial Schedule Endorsement Form

While the tort claims were not specifically noted in the Trial Scheduling Endorsement Form, the issue of family violence was recognized by the husband as a consideration relevant to the wife's support and other claims

C. Leave not granted

[225] The issue of leave under CJA s. 21.9 not formally being requested and granted is not a basis, in this case, to refuse to consider the claim. The issue was a live one since this case started. If necessary, I grant the leave needed *nunc pro tunc*.

D. The wife should not be believed

[226] The husband also argues that the wife's evidence about his behaviour towards her should not be believed. He claims the wife "unfairly exaggerated the claim of IPV…" and deflects responsibility from her own conduct.

[227] The parties' evidence about their behaviour towards each other following the wife's return to Canada in February 2020 differs markedly. Consequently, the court is required to resolve the differences. This requires a credibility assessment.

[228] Where credibility has been put in issue, the court must consider the veracity and reliability of the evidence relied upon by the parties.

[229] Credibility has to do with a witness' veracity, that is, their willingness to tell the truth as they believe it to be.

[230] Reliability has to do with the accuracy of the evidence given.

[231] I find the wife to be the more credible witness with respect to evidence concerning

2026 ONSC 3617 (CanLII)

intimate partner violence. Where the parties' evidence concerning intimate partner violence differs, I accept that of the wife's.

[232] In her evidence, the wife would often give long answers to questions asked and sometimes go off topic. However, she was measured, thoughtful and consistent when giving her evidence. She was not prone to exaggeration. She did not try to deflect, nor was she evasive, when answering questions during the searching cross-examination conducted by the husband's counsel.

[233] The videos presented in court that depicted the interaction between the parties were consistent with her version of events related to the husband's behaviour towards her.

[234] I accept the wife's evidence that she would record the husband regularly with him knowing that she was doing so in an effort to have him moderate his behaviour, especially in front of the child.

[235] These videos were considered because they depict behaviour by the husband that was consistent with family violence. As was stated in *Barendregt v. Grebliunas*, 2022 SCC 22, at paras. 144 and 145, domestic violence allegations are notoriously difficult to prove. Violence often takes place behind closed doors and may lack corroborating evidence. Videos, like the ones produced, assist the court in assessing whether the behaviour alleged occurred and whether it amounted to family violence.

[236] I am satisfied on the evidence that following the wife's return from China in February 2020, the husband was consistently angry and resentful towards her, and that at times his anger was incandescent. He believed the wife tricked him into marriage so that she and her children could immigrate to Canada. This anger explains his behaviour towards the wife. The videos presented are consistent with the husband's anger being informed by his belief that he was tricked into marrying the wife.

[237] The wife's evidence was consistent with that of the child ZF. I accept ZF's evidence that she observed the husband's shouting in an aggressive tone towards her mother, the wife. In the weight to be given to this evidence, I also take into account that she is aligned with the wife. However, she was not shaken in cross-examination. She was measured and direct in her answers to questions put to her.

[238] The wife's evidence is also consistent with that of Mr. Liu, a neighbour, who on one occasion observed the wife crying, looking distressed, and having blood on her lip. I do not rely on the statements Mr. Liu said the wife made to him as they are in the nature of prior consistent statements that are presumptively inadmissible for the truth of what was said. At best, however, they can be considered as narrative to explain Mr. Liu's evidence

2026 ONSC 3617 (CanLII)

of his conversation with the husband that followed. In response to Mr. Liu asking the husband if he hit the wife, the husband replied that "it was an accident." Mr. Liu then told the husband that violence and aggressive behaviour are unacceptable in Canada. This evidence was not significantly challenged in cross-examination, nor as part of the husband's case. This evidence is consistent with the evidence given by the wife.

[239] The husband's denial of abusive behaviour in the manner described by the wife is not consistent with the videos, and evidence of ZF and the neighbour.

[240] The husband argues that the wife's evidence should not be believed. He describes her evidence as vague, dishonest and disingenuous. He claims she tried to mislead the court. The husband also claims the wife's corroborating evidence is "frail, unreliable, and inconsistent…"

[241] With respect, I am not persuaded by the husband's submissions in this regard. I find that the wife's evidence was remarkably consistent, both internally as well as in relation to the corroborating evidence relied upon. She was not shaken in any significant manner in cross-examination.

[242] The husband also challenges the wife's evidence that he engaged in intimate partner violence on the basis that if the wife was truly fearful, she would not have stayed in the matrimonial home or would have left after the London Police Service was called. This submission is not persuasive.

[243] With respect, this argument is founded on myths and stereotypes that are associated with family violence cases. This submission represents an assumption about the ways in which those who are subjected to intimate partner violence are expected to respond. As the Supreme Court of Canada recognized in *Barendregt, supra*, para. 186:

> "… cooperating, staying, or reconciling with a party does not necessarily indicate that an incident of abuse or violence was not serious…"

[244] In *Barendregt,* at para. 186, the court made reference to a paper written by D. Martinson and M. Jackson, "Family Violence and Evolving Judicial Roles: Judges as Equality Guardians in Family Law Cases", (2017) 30 Can. J. Fam. L. 11, at p. 34, where the authors wrote that:

> Women continue to raise concerns about their credibility being assessed based on myths and stereotypes in the justice system… Among unfounded/unproven assumptions are these: a credible woman would disclose violence early; a credible women would report the assault to the police; a credible women would leave the relationship…

2026 ONSC 3617 (CanLII)

The tort claim – legal considerations

[245] In her submissions made before the release of *Ahluwalia*, the wife relied principally on the tort of IIED in support of her claim for damages. This is a challenging case to make in the family law context.

[246] The claim for damages arising from IIED requires proof of three elements:

(i) flagrant and outrageous conduct;

(ii) calculated to produce harm; and

(iii) resulting in visible and provable illness.

See *Piresferreira v. Ayotte*, 2010 ONCA 384, at para. 27.

[247] IIED can be a difficult tort to prove in the family law context. The applicant must show that the conduct was intended to produce mental harm and that it did. The claimant must prove more than the respondent was reckless and should have known that harm would result, though intent may be inferred from the respondent's conduct: see *R.-S. v. S.*, 2026 ONSC 6737, at paras. 129, 139.

[248] In *Ahluwalia*, the Court addressed two limitations that the tort of IIED present in the family law context.

[249] First, the Court accepted that the "higher threshold of tortious conduct required to establish IIED will fail to capture the coercive control or chronic belittling" unless it is understood to be "extreme or exceptional." However, the Court accepted that "cases of … recurrent forms of abuse indicative of coercive control in intimate partnerships are often a frequent, recurrent and low-level action…" (para. 154)

[250] Second, under the tort of IIED, a victim of IPV must prove that they suffer a visible and provable illness that is "serious and prolonged and rises above ordinary annoyances, anxieties and fears that people living in society routinely, if sometimes reluctantly, accept…" (para. 155). For example, in *Costantini v. Constantini*, 2013 ONSC 1626, at para. 26, the court observed that claims based solely on IIED have been less prevalent and successful, "perhaps a reflection that mental suffering is hardly a unique circumstance among separating spouses."

[251] These limitations are relevant to the applicant's claim for damages arising under the tort of IIED. The wife's tort claim arising from the husband's behaviour towards her is better addressed by considering it under the new tort of IPV. In her submissions related to the

2026 ONSC 3617 (CanLII)

Ahluwalia decision, the wife now relies upon the new tort of IPV as the basis for her claim for damages.

[252] In *Ahluwalia*, at para. 184, the Court stated that under the new tort of IPV, an applicant must establish the following three elements:

(i) That the abusive conduct arose in an intimate partnership or its aftermath;

(ii) The respondent intentionally engaged in that conduct; and

(iii) The conduct, on an objective measure, constitutes coercive control. The harm associated with coercion flows from the proof of the wrongful conduct.

[253] In *Mitchell v. Mitchell*, 2026 ONSC 4259, Vella J. considered the purpose of this new tort at para. 380 as follows:

> "The purpose of this new intentional tort is to protect an intimate partner's dignity, autonomy, and equality within the intimate partner relationship. The tort provides a cause of action for compensatable the harm resulting from an intimate partner's interference with their partner's dignity, autonomy, and equality, within the intimate partnership through coercive control enabled by abusive conduct which can take a myriad of forms."

[254] This new tort does not require the plaintiff to prove any consequential harm separately. Once the three elements of the tort are established, the harm is necessarily present, and liability follows (para. 184).

[255] As stated above, I understand the wife now asks the court to consider her claim for tort damages under the new tort of IPV.

Application of Legal Principles

Liability

Element # 1: That the abusive conduct arose in an intimate partnership or its aftermath

[256] I will address both components of this element, namely whether there was abusive conduct and whether there was an intimate partnership.

i) Their relationship was an intimate partnership

2026 ONSC 3617 (CanLII)

[257] I find that the husband's impugned conduct did occur in the context of the parties' intimate relationship.

[258] The parties cohabited from January 17, 2018, until June 18, 2021. Prior to February 2020, the parties shared a home and a vision of their relationship. They wanted to be a "normal family." They supported each other in that relationship. The wife had surgery to enhance the prospect of the parties becoming parents of their own child. The husband agreed to financially help the wife's children, and he did so. He sponsored the immigration applications of the wife and her children so that they could live together.

[259] When the husband lost his employment in Waterloo, the wife supported his efforts to gain new employment.

[260] The wife sold her apartment in China and used some of the funds to meet family expenses.

[261] The parties were able to buy the home they did, in London, with the help of the wife's sister.

[262] After the wife's return to Canada from China in February 2020, the wife and husband remained in an intimate partnership, though one that was fraught. Following her return with her daughter, there was significant tension in the parties' relationship. At the same time, I find that the evidence establishes that there was an ongoing economic and emotional interdependence. They did not reside together as disinterested roommates. The husband continued to provide financially for the wife and child. The wife was without income or employment. The wife continued to undertake domestic chores including cooking and cleaning. They continued to engage in physical intimacy, on occasion.

[263] For the same reasons the date of separation in this case was found to be June 18, 2021, I find that there was a level of intimacy and mutual interdependence, though to varying degrees during the latter part of the relationship, such that the husband's and wife's relationship was an intimate partnership. Their relationship reflected an interdependence that was "relevant to both parties' agency, sense of self and personal dignity, as well as material and physical wellbeing…" (para. 102) .

ii) The husband's conduct was abusive

[264] The coercive and controlling conduct faced by the wife began following her return with her daughter from China in February 2020. The following examples were provided by the wife in evidence and which I accept as having occurred.

- The husband abandoned the wife and child at the Toronto airport as described

2026 ONSC 3617 (CanLII)

earlier in these reasons. He did so because the wife refused to sign a document he prepared.

– When the wife finally returned to the matrimonial home, the husband refused, initially, to allow her to enter despite the winter weather conditions. When finally let into the matrimonial home, the husband berated the wife for not signing the document.

– The wife was compelled to record on her telephone's video camera certain of their interactions in an effort to deter the husband's verbal abuse towards her while the child was present.

– The husband controlled the expenditure of monies to be used towards the purchase of groceries.

– The husband controlled the heat, water and internet in the matrimonial home. He interfered with the wife's use of these utilities. For example, he would limit the time the wife was able to use the hot water to shower. The evidence did not disclose how often this occurred.

– On one occasion, he chided the wife for being unwell.

– He made threats to hit the wife. These constituted actions that would give rise to the tort of assault.

– On one occasion, he grabbed the wife and pushed her down on a sofa.

– On one occasion, the wife described the husband attempted to have sexual relations with her which she resisted. His actions caused bruises and scratches on her leg.

– He would throw objects. On one occasion, he threw an object that broke and a piece hit her, causing her face to bleed. This and the two previous examples constituted actions that would give rise to the tort of battery.

– The examples of battery and assault also constitute abusive conduct within the meaning of the tort of IPV.

– The videos played in court and recorded by the wife depict the husband as aggressive, angry and belligerent towards her. In one particularly egregious exchange (see Exhibits 17 and 18), the husband spoke to the wife in an aggressive and demeaning manner. There was a dispute about the exact meaning of certain words spoken in Mandarin. The version put forward by the wife, in the translation

2026 ONSC 3617 (CanLII)

she filed, stated the husband called her a "cunt" a number of times. The translation suggested by the husband was that he called her a "bitch" or a "whore." I understood the Mandarin English translators who attended the trial to say that any of these translations could be used. Whatever the possible translation, the terms he called the wife were vile, degrading and despicable.

- He would threaten to have the wife deported or that she would lose custody of her daughter. The wife's evidence is that "basically, every day the language he used towards her was like this."

- He frequently told the wife to get out, that she will be homeless, or that the police would send her back to China.

- He told the wife that if she walked away quietly, all would be restored.

Element # 2: Did the husband intentionally engage in abusive conduct?

[265] I find that the husband did intentionally engage in abusive conduct directed towards the wife.

[266] In *Ahluwalia*, at paras. 187 and 188, the Court noted that:

> [187] … coercive conduct can take many forms, including those captured by existing torts such as battery, assault, and IIED… But coercive and controlling conduct faced by an intimate partner can also include: psychological, sexual or emotional violence; controlling behaviour such as stalking, monitoring activities and financial control; intimidation, threats to family members, or making false allegations to the police or to employers;
> …
>
> [188] The examples, which are not meant to be exhaustive, illustrate that the tort captures controlling conduct that may not otherwise rise to the level of tortious conduct under existing torts, which may have a different focus. The new tort dispels the mythology that intimate partner violence must be punctuated by egregious incidents of physical or psychological abuse… Intimate partner violence can comprise psychological interference or harassment that would not rise to the threshold of "flagrant or outrageous" required by IIED but, because it can be understood as part of a low-grade pressure that objectively brings about domination in the relationship, stands as wrongful under the new tort. What matters is not the number or frequency of incidents but the effect on the protected interests of the victim.

2026 ONSC 3617 (CanLII)

[267] Beginning in February 2020 the husband's conduct and actions towards the wife were not insignificant and did not occur on rare occasions. The husband's abusive conduct and actions after February 2020 were ongoing, serious and on many occasions occurred in front of ZF.

[268] An example of the husband's intentions can be seen in the transcript at Exhibit 18 of the video at Exhibit 17 which records the husband stating in part:

> "… Because my God is my witness—you'll die a miserable death. Those who cross me always end up badly… With you I have to be vicious, because I hate you to the bone, understand?"

[269] As stated earlier in these reasons, the husband's denials are inconsistent with the other evidence presented in this case and which have already been described.

Element # 3: Does the abuse, on an objective measure, constitute coercive control?

[270] In *Ahluwalia*, beginning at para. 197, the Court set out how this question should be analyzed:

> "… the question is whether a reasonable person, fully aware of the relevant context of the relationship, would have perceived the conduct as coercive control. For example, the victim's known vulnerability to the defendant will influence how a reasonable person perceives the impugned conduct…"

[271] Also, at para. 197, the Court stated that:

> "… the burden will ordinarily be readily met by the plaintiff, since a reasonable person would perceive abusive conduct to be fundamentally incompatible with an intimate partnership…"

[272] At para. 198, the Court continued with the inquiry that is to be undertaken as follows:

> "The coercive control lens calls for an inquiry that asks whether the defendant's conduct has objectively undermined the plaintiff's ability to make fundamental decisions pertaining to their own life or to meaningfully participate in decision making that concerns the intimate partnership."

[273] Also, at para. 198, the Court observed that:

> "Evidence adduced by a defendant showing that the victim could make some decisions for themselves — such as leaving the relationship… — does not preclude a finding of coercive control. The victim need not prove that

2026 ONSC 3617 (CanLII)

> they experienced a complete loss of autonomy, nor can the defendant be absolved of a past wrong by pointing to some notional reconciliation."

[274] And at para. 199, the Court wrote

> "… coercive control by an aggressor meaningfully constrains the victim's freedom to live their own life *within* the intimate partnership beyond the ordinary expectations of the relationship. Intimate partners have a right to be treated by one another as equals, and abusive conduct that serves to coerce or control one partner and places the other in a position of dominance constitutes a civil wrong under this new tort."

Discussion

[275] The cumulative effect of the husband's pattern of abusive behaviour amounted to coercive control of the wife.

[276] He carried out his behaviour intentionally. He wanted to punish the wife because he wrongfully thought that she married him solely to gain immigration status in Canada for her children and her. As found earlier in these reasons, I do not accept the husband's assertion in this regard.

[277] The husband knew that the wife was financially dependent on him. He was her immigration sponsor. She was without employment.

[278] The husband wanted the wife to live within the frugal financial constraints he imposed, continue to carry out needed domestic chores, and on occasion engage in sexual intimacy.

[279] The husband's actions had an adverse effect on the wife's mental and physical wellbeing. The wife was once an optimistic and confident person. She lost these qualities following her return to Canada in February 2020 because of the husband's behaviour. She testified, and I accept that the husband made her feel afraid and humiliated. She began suffering from high blood pressure, anxiety, and weight loss. She had difficulty with her memory and ability to concentrate. The wife has engaged in counselling to deal with the abuse she experienced following her return in February 2020.

[280] Another important effect on the wife was her concern about the effect the husband's behaviour was having on her daughter. The daughter's evidence, which I accept, is that the husband's behaviour made her feel anxious. She felt that she had no safe place in the home. She experienced physical symptoms from the stress in the house, including stomach pain, cold sweats, chest tightness and a sensitivity to light and sound. On one occasion, the husband said to the child that she would "end up just like your mother, tricking someone

2026 ONSC 3617 (CanLII)

into marriage and trying to take their property." His words made the daughter feel ashamed, scared and confused. The child struggled with thoughts of harming herself because she did not know what would happen to her mother and her or how to cope with the situation.

[281] Having regard to all these circumstances, I find that on an objective measure, the wife was deprived of her autonomy and was made subordinate to the husband in a manner that was incompatible with her rights to dignity, autonomy and equality in the parties' intimate partnership until she was finally able to physically extricate herself from the relationship in June 2021.

[282] In summary, I find that the wife has proven on the balance of probabilities all three elements of the new tort of IPV.

Damages

[283] The wife is asking for damages in the amount of $100,000, the same amount the parties agreed to in *Ahluwalia*. The husband did not make any submissions on the issue of quantum of damages, other than to ask that the wife's claim be dismissed.

[284] In *Ahluwalia*, the Court held that damages for the tort of intimate partner violence is subject to the principle of *restitutio in integrum* (para. 248). As well, the Court held that in that case, the resulting harm experienced by Ms. Ahluwalia was compensable as general compensatory damages.

[285] In cases where damages for IPV are to be awarded, the amount awarded is to reflect what the applicant, as the injured party, has lost, and what is required to put them back in the position they were prior to experiencing intimate partner violence. The Court recognized that quantifying the value of intangible losses associated with intimate partner violence is "a notoriously difficult task." (para. 222) The Court also recognized that "there is no body of Canadian precedents at this time with which to guide courts in awarding damages for the novel tort rooted in coercive control. Future damage awards must reflect the specific nature of the tort, its various manifestations, and the extent of harm it caused to the victim's dignity, autonomy, and equality." (para. 222)

[286] The Court then considered damage awards made in the family law context as compared to those made in non-family law cases. The Court concluded that they tend to be comparatively low (paras. 222–226).

[287] At para. 227, the Court concluded with what must be taken into account in assessing damages as follows:

> [227] Intimate partner violence is a social ill and a deep affront

2026 ONSC 3617 (CanLII)

> to one's dignity. The common law's remedial response against it must therefore be corrective and strongly denunciatory. This cannot occur when even those plaintiffs who make out their claim in court are unable to fully recover their losses due to myths or stereotypes. However, loss of dignity is not simply an aggravating factor that justifies a higher quantum of damages. As previously discussed, in the context of intimate partner violence, the interference with dignity is a feature of the tort itself: it is inherent to, and indissociable from, the conduct and its harm as is evident in respect of the elements of the new tort identified here. General compensatory damages, therefore, must fully redress the injury to the victim's autonomy arising from a conduct amounting to coercive control. Violence that occurs at the hands of one's intimate partner is arguably more harmful, or at least differently harmful, than violence at the hands of a stranger. Where a court is satisfied that the defendant's tortious conduct arose in the context of intimate partner violence, the damages awarded must acknowledge and fully compensate the plaintiff for that harm, without discount or exceptionalism. It would be an error to presume that the violence that occurs in the context of an intimate partnership is somehow less damaging.

Discussion

[288] In assessing the quantum of general compensatory damages to be awarded in this case, I take into account the following:

- The wife was a vulnerable person in the context of the parties' relationship as described above in these reasons.

- The wife experienced intimate partner violence from February 2020 until June 2021, a period of 16 months.

- The intimate partner violence consisted primarily of psychological or emotional abuse, including threats of violence. However, there were incidents of physical violence, including sexual violence.

- The wife was not an equal partner in that relationship. The effect of the intimate partner violence experienced by the wife was exacerbated by her concern about its effect on her daughter.

- The wife described the continuing effects the husband's behaviour has had on her. She cannot forget the behaviour she experienced. The wife put it this way:

2026 ONSC 3617 (CanLII)

> This journey has lasted longer than expected. It has not yet ended.
>
> When you are hurt in your mind and heart, healing is hard to see in comparison to external injuries.

- The wife's ability to return to school and achieve success so that she could eventually obtain employment and self-sufficiency was impaired by her experience. She has difficulty concentrating. She failed her first year. Her organizational skills were impaired. Her self-confidence in her ability to succeed is diminished. She has concerns about how this will affect her ability to secure employment.

- The wife's motivation to succeed is that she needs to be strong and wants to be a role model for her daughter. She does this as best she can.

- The wife receives medical care for her high blood pressure and counselling for the trauma she experienced.

[289] I am persuaded by the mother that the harms she experienced were because of the husband's actions towards her. She suffered and continues to experience emotional harm caused by the husband's actions towards her. Whatever amount of damages is awarded cannot put the wife in the place she would have been but for the husband's abusive behaviour towards her.

[290] I would not award aggravated damages in this case. The factors that would give rise to such an award are included within the considerations giving rise to the general compensatory damages.

[291] I was not provided with any comparable cases arising within the jurisprudence related to family violence cases to assist in determining the appropriate amount of damages in this case. Nonetheless, and based on the considerations set out above, I assess the wife's general compensatory damages for the harm, injuries and losses suffered by her arising from the tort of intimate partner violence in the amount of $40,000. I took into account the circumstances and amounts awarded in *Ahluwalia* (being the amount agreed to by the parties) and *Mitchell supra*. This award of compensatory damages attempts to place the mother in the position she would have been but for the husband's tortious conduct.

DIVORCE

[292] The husband has met the requirements of the *Divorce Act* such that a divorce order may issue.

2026 ONSC 3617 (CanLII)

ORDER

[293] For these reasons, the following order shall issue:

1. A divorce order shall issue.

2. The court declares that the parties' marriage is not a nullity.

3. The husband shall pay to the wife an equalization payment of $411,499.45.

4. The wife's claim that the matrimonial home be transferred to her to satisfy the equalization payment is dismissed.

5. The court declares that the child ZF is not a child of the marriage.

6. The wife's claim for child support with respect to the child ZF is dismissed.

7. The wife's claim for spousal support is granted.

8. The husband shall pay to the wife $40,000 as general compensatory damages for the tort of intimate partner violence.

9. The parties are encouraged to settle the following issues. However, if they are unable to do so:

    (i) Counsel are directed to provide written submissions of no more than five pages on the quantum and duration of spousal support, including the start date, whether this is a case for a lump sum award and any tax consequences that may arise together with their SSAG calculations. The wife shall file her submissions within 14 days of the release of these reasons. The husband shall file his submissions within 14 days after being served with the wife's submissions. The wife may file a reply of no more than three pages within 5 days after the receipt of the husband's submissions.

    (ii) Counsel are directed to provide written submissions on the issues of prejudgment and postjudgment interest and costs. Prejudgment interest and postjudgment interest submissions are to be limited to three pages. The wife shall file her submissions within 14 days of the release of these reasons. The husband shall file his submissions within 14 days after being served with the wife's submissions. The wife may file a reply of no more than three pages within 5 days after the receipt of the husband's submissions.

2026 ONSC 3617 (CanLII)

10. Costs submissions will be requested once the remaining spousal support issues are determined.

"Justice B. Tobin"

Justice B. Tobin

Released: July 30, 2026

2026 ONSC 3617 (CanLII)

SIMPLIFIED NET FAMILY PROPERTY STATEMENT
of FANG v. LU

Date of marriage 28 Apr 2017

Date of separation 18 Jun 2021

2026 ONSC 3617 (CanLII)

TABLE 1: Value of assets owned on date of separation		
ITEM	**Applicant**	**Respondent**
MATRIMONIAL HOME		$850,000.00
OTHER PROPERTY: 415 Tamarack Drive, Waterloo, ON		$710,000.00
HOUSEHOLD GOODS & FURNITURE (brought from China)	$0.00	$0.00
APPLIANCES (2020), FURNITURE (2019), FURNISHINGS (2021)		$2,500.00
TOYOTA PURCHASED 2019		$2,625.00
JEWELLERY	$0.00	$0.00
OTHER: Respondent's personal interest collection		$0.00
CHEQUING ACCT - CIBC ***9890	$2,077.01	
SAVINGS ACCT - CIBC ***2031		$0.00
CHEQUING ACCT - TD Trust ***6289 (opened before marriage)		$4,000.00
RSP - TD Canada Trust ***7639		$18,158.67
RSP - TD Canada Trust ***4529 (Feb. 2021 value w. interest $16,191.42)		$0.00
TFSA - TD Canada Trust ***4040 (before marriage, liquidated 2018)		$0.00
RRSP - CIBC Mutual Funds ***3139 (June 2021)		$14,752.11
PENSION - Masco Non-Union Employees Industrial Alliance Insurance		$18,138.08
LUMOU SOFT INC.		$0.00
Total 1	**$2,077.01**	**$1,620,173.86**

TABLE 2: Value of debts and liabilities on date of separation		
ITEM	**Applicant**	**Respondent**
MATRIMONIAL HOME		$225,748.22
LINE OF CREDIT - TD Home Equity Flex Line ***4517-01		$137,160.32
LINE OF CREDIT - TD Home Equity Flex Line ***4517-02		$135,974.60
PERSONAL LOC - CIBC ***5235		($939.53)
MASTERCARD - Capital One Costco ***3071		$319.38
VISA - CIBC ***7773		$288.69
VISA - Scotiabank ***5014		$180.78
MASTERCARD - Amazon MBNA ***4172		$155.22
PERSONAL LOAN - From sister-in-law - balance as of June 2021		$82,000.00
PERSONAL LOAN - Cost of travelling paid by brother - CAD$16,000	$0.00	
Notional Taxes - RRSP CIBC Mutual Fund ***3139 - $14,751.11 @ 20%		$2,950.42
Notional Taxes - RSP TD ***7639 - $18,158.67 @ 20%		$3,631.75
Notional Taxes - Masco Pension - $18,139.08 @ 20%		$3,627.62
Total 2	**$0.00**	**$591,097.47**

TABLE 3: Value of assets and debts on date of marriage (excluding matrimonial home or associated debts)		
PROPERTY ITEM	**Applicant**	**Respondent**
MATRIMONIAL HOME OWNED ON DATE OF MARRIAGE - Tamarack Dr.		$230,000.00
PROPERTY OWNED IN CHINA	$40,000.00	
GENERAL HOUSEHOLD ITEMS & VEHICLES	$2,500.00	$2,500.00
BANK ACCTS, SAVINGS, SECURITIES, PENSIONS		$30,949.54
Total 3a	**$42,500.00**	**$263,449.54**
DEBT ITEM	**Applicant**	**Respondent**
MORTGAGE 415 Tamarack Drive		$62,850.00
CREDIT CARDS - B1118		($8,420.56)
CREDIT CARDS - B1119		$6.42
CREDIT CARDS - B1122		$221.94
CREDIT CARDS - B1126		$0.00
CREDIT CARDS - B1127		$2.25
CREDIT CARDS - B1129		$2,612.00
Total 3b	**$0.00**	**$57,272.05**
NET TOTAL 3 ([3(a) minus 3(b)])	**$42,500.00**	**$206,177.49**

TABLE 4: Value of property excluded under subsection 4(2) of the *Family Law Act*		
ITEM	**Applicant**	**Respondent**
Total 4	**$0.00**	**$0.00**

Total 2	$0.00	$591,097.47
Total 3	$42,500.00	$206,177.49
Total 4	$0.00	$0.00
TOTAL 5 ([Total 2] + [Total 3] +[Total 4])	**$42,500.00**	**$797,274.96**

Total 1	$2,077.01	$1,620,173.86
Total 5	$42,500.00	$797,274.96
TOTAL 6: NET FAMILY PROPERTY ([Total 1] minus [Total 5])	**$0.00***	**$822,898.90**

** value was negative and adjusted to zero*

Equalization Payments	**Applicant pays Respondent**	**Respondent pays Applicant**
	$0.00	**$411,449.45**

2026 ONSC 3617 (CanLII)

CITATION: Fang v. Lu, 2026 ONSC 3617
COURT FILE NO.: FC-23-00000231-0000
DATE: July 30, 2026

2026 ONSC 3617 (CanLII)

ONTARIO

SUPERIOR COURT OF JUSTICE
FAMILY COURT

B E T W E E N:

Yuquiong (Karen) Fang

Applicant

- and -

Xianliang Lu

Respondent

REASONS FOR JUDGMENT

TOBIN J.

Released: July 30, 2026