



The Tort of Intimate Partner Violence (IPV) in Canada:

The Supreme Court's Landmark Ruling in
Ahluwalia v. Ahluwalia and What it Means for
Survivors of IPV

Responses to Questions from the
Learning Network and Knowledge Hub Webinar
October 2026

Introduction

About the Guest Authors:

This resource brings together questions submitted by participants during the webinar Q&A and written responses provided by legal experts Maneesha Mehra, Kirsten Mercer, and Emily Murray, who served as panelists for the event.

In May 2026, the Supreme Court of Canada issued its landmark decision in *Ahluwalia v. Ahluwalia*, recognizing a new tort of intimate partner violence (IPV). A tort is a civil legal claim through which a person may seek compensation for harm.

On June 11, 2026, the Learning Network and the Knowledge Hub at the Centre for Research & Education on Violence Against Women & Children hosted a webinar exploring the majority decision of the Supreme Court of Canada and its implications for survivors of IPV. Designed for non-legal professionals, this webinar helped participants understand how the new tort of IPV and the *Ahluwalia* decision will impact civil and family law cases, and other proceedings in court and beyond.

The webinar began with a reflection from Kuldeep Ahluwalia, the survivor whose case led to the Supreme Court of Canada's decision, followed by a panel discussion with legal experts [Kirsten Mercer](#), [Maneesha Mehra](#), and [Emily Murray](#).

The webinar generated a high volume of questions about how the decision may apply in practice. This resource shares responses from panelists to these questions to provide further context and clarity about the decision. Readers are encouraged to view the webinar recording prior to reviewing this resource to gain a foundational understanding of the decision and panel discussion.



[View the webinar recording](#)

Legal Disclaimer

The answers below provide general legal information only and should not be relied upon as legal advice. Only a lawyer who is aware of the facts of a situation can provide legal advice. We strongly encourage survivors to obtain legal advice from a lawyer whenever possible before making any major decisions about their case or agreeing to any suggestions made by their ex-partner or their lawyer. The information presented in this resource is accurate and current to the date of publication. Please be aware that laws, and their interpretation and application, can change over time.



Questions from Participants

Understanding the Tort and Key Legal Concepts

1. Do the courts consider “family violence” as distinct from “intimate partner violence”?
2. If the decision had been overturned against Kuldeep, even if on the basis of the need for a new tort and not about her own personal experience, would she not have been granted the damages at all? As in, would the whole case be overturned or just the tort part of it?
3. Can both torts be claimed?

Civil, Family, and Criminal Court Processes

4. Does this tort have to begin in a civil suit? Can it be included in family law cases?
5. What type of court (e.g. family, civil, criminal) was Kuldeep’s original filing brought to?
6. If trial has concluded, and appeal is still pending, how is one able to bring forth the tort claim? Is one avenue through the family court in the current proceedings as a ‘motion to change’? Or like in Alberta, in a separate claim?
7. Which earlier court decisions provide context for *Ahluwalia*, and what should practitioners keep in mind when applying them?
8. Is the restriction of being forced into a civil claim and not heard within an existing family claim not contrary to the spirit and language of the ruling, especially for self-represented litigants?
9. What happens if there is a criminal charge against the perpetrator simultaneously?

Evidence

10. How would this case have turned out if there was no physical abuse?
11. How do you articulate emotional violence in court for family matters, when there’s no physical violence?
12. How does abuse which doesn’t show burns, scars, or bruises (absence of physical violence) hold in court? Would this become what he said vs she said?
13. I’m not familiar with the legal system. For a survivor who has initiated divorce proceedings, but could not flag her case as family violence because she was told that she did not have sufficient evidence to prove the violence, will this new tort be helpful?

14. How do you address situations where case law by the Supreme Court of Canada is quoted and the trial judge makes statements about how domestic violence is not relevant to a family case despite evidence being presented?

Limitation Period

15. Is there a statute of limitations on this if the abuse occurred pre- and post-divorce more than 30 years ago? Is arrears of support that is ongoing to the tune of \$150,000 considered coercive control if the pattern is clear through a long marriage and abuse of the court system?
16. Regarding the limitation period - what if more than 2 years has elapsed since the IPV happened? Should the victim attempt to proceed anyway?
17. Does the Supreme Court of Canada stating there is no limitation period override provincial limitation periods?

Screening, Risk Assessment, and Training

18. Were any IPV risk assessment tools used in this case?
19. Are there any recommended trainings for those within various systems?
20. Is there an active push to educate on this new tort?

Children, Parenting, and Family Court Implications

21. I've seen commentary, both from the "parental alienation" industry/advocacy sector, which is repackaging "parental alienation" as coercive control and from concerned protective parents, stating that this tort will be a vehicle for people to sue for "parental alienation"? To what extent is this possible?
22. What decision stated "harm to the parent is harm to the child"?
23. Is it true that once a Voice of the Child is completed, that if the children side with the perpetrator, the acts of IPV as it relates to coercive control, no longer matter?
24. This is definitely a significant improvement in IPV family law. Would this decision allow for reopening earlier court decisions that overruled the court ordered child support arrears as a hardship for the abusive partner (the courts accepted the abuses)?
25. Could the ruling open the door conceptually to arguments about coercive control interfering with parent-child bond, as part of a long-term pattern of psychological and emotional abuse of a protective parent?

26. Is maliciously fractured maternal attachment defined as IPV in the Supreme Court of Canada decision?

Feminist Analysis

27. How do you anticipate that the feminist analysis (while extremely important of course) might negatively impact male and other survivors of IPV?

Access to Justice, Legal Aid, and Financial Barriers

28. What legal supports are available for survivors/victims who don't qualify for legal aid and can't afford a lawyer?
29. Is it expensive to bring a claim like this against an ex-spouse?
30. Are there any analysis or initiatives to inform how this decision impacts legal aid organizations in terms of screening and assessing eligibility for legal aid, and supporting legal aid lawyers to get better outcomes for family violence survivors?
31. I believe Kuldeep mentioned that she was being asked to pay 30 000 dollars for legal fees. I am confused why this happened when she was accessing legal aid. Is this typical?

Application Across Provinces and Jurisdictions

32. How does this tort apply to victims of IPV in Quebec, which has its own Civil Law?
33. Can you please speak to any of the differences between the justice system concerning IPV in Ontario vs Alberta?

Understanding the Tort and Key Legal Concepts



QUESTION 1

Do the courts consider “family violence” as distinct from “intimate partner violence”?

Family violence is a term that encompasses intimate partner violence, but also includes violence perpetrated against other family members (e.g. against children or grandparents). Family law legislation uses the language of “family violence” as opposed to “intimate partner violence” and defines it broadly to include both physical and non-physical forms of violence perpetrated against a family member, including an intimate partner (e.g. see s. 2(1) of the *Divorce Act*).

QUESTION 2

If the decision had been overturned against Kuldeep, even if on the basis of the need for a new tort and not about her own personal experience, would she not have been granted the damages at all? As in, would the whole case be overturned or just the tort part of it?

The trial judge in this decision found that Mr. Ahluwalia would have been liable under the existing torts of assault, battery and intentional infliction of emotional distress had Her Honour not recognized a new tort. Mr. Ahluwalia did not appeal this part of the decision. He accepted liability under existing torts. He argued that there was no legal basis upon which to recognize a new tort. Thus, the issue before the Supreme Court of Canada wasn’t about whether Mr. Ahluwalia was liable under any torts, it was whether the trial judge should have recognized a new tort or applied existing torts.

If Mr. Ahluwalia had also appealed liability under existing torts, and the appellate court agreed with him/granted the appeal on that basis, then Mrs. Ahluwalia would no longer have been entitled to damages because there would have been no finding of liability on the part of Mr. Ahluwalia. However, that was not a live issue at the Court of Appeal or the Supreme Court of Canada.

QUESTION 3

Can both torts be claimed?

Yes, you can claim more than one tort at a time. For instance, you can claim the tort of intimate partner violence and also the tort of assault or battery. It is very common in litigation to claim more than one. Sometimes, they are claimed “in the alternative” and other times, they are cumulative claims.

One of the things that is still not totally clear is how the tort of intimate partner violence operates in relation to other torts such as battery and/or assault. We know that the harm which it seeks to address is the injury to a survivor’s autonomy, dignity and equality as a result of their partner’s abuse. However, when this overlaps with other forms of harm, we need to learn more about how the courts will navigate those overlapping claims.

Civil, Family, and Criminal Court Processes



QUESTION 4

Does this tort have to begin in a civil suit? Can it be included in family law cases?

Yes, a civil claim can be brought on its own, or as part of a family law proceeding (as was the case in this case!). Alberta seems to have a different view on this point (see below), but, in our view, that is not correct and does not align with the decision of the Supreme Court of Canada in this case.

QUESTION 5

What type of court (e.g. family, civil, criminal) was Kuldeep’s original filing brought to?

The claim was brought to family court as part of a family law case. In particular, the claim was made in the Superior Court of Ontario in response to her ex-spouse’s application for a divorce. It was part of the divorce proceeding.

Civil, Family, and Criminal Court Processes

QUESTION 6

If trial has concluded, and appeal is still pending, how is one able to bring forth the tort claim? Is one avenue through the family court in the current proceedings as a 'motion to change'? Or like in Alberta, in a separate claim?

If your family court case is finished and you have a final order and tort claims were not raised before, then you would not be filing a Motion to Change. A Motion to Change in Ontario is a motion to change a final order. There is no order to change in respect of the tort claim. Instead, in Ontario, you could file a new claim in either civil court or family court, subject to any time limits that may apply or any releases that you may have signed.

If your family case is still ongoing, and you want to add a tort claim, you can amend your pleading to add this claim. If you are the Applicant, this means you will have to amend your Application. If you are the Respondent, this means you will have to amend your Answer. Both require consent of the other party and/or leave of the Court after pleadings have been completed.

How and where to claim the new tort will depend on your jurisdiction. If you are in Alberta, a new practice direction requires all civil claims related to intimate partner violence to be brought in a separate civil case, not in a family court case.

QUESTION 7

Which earlier court decisions provide context for *Ahluwalia*, and what should practitioners keep in mind when applying them?

We have seen the evolution of our judicial understanding of family violence and IPV across seminal Supreme Court of Canada decisions starting with *R v. Lavallee* and how that understanding impacts all issues in a family law proceeding including tort claims, parenting and support. Additional court decisions include: *Contino v. Contino*, *Michel v. Graydon*, *Colucci v. Colucci*, *F v. N*, and *Barendregt v. Grebliunas*.

Practitioners need to focus on understanding the factual matrix to help us understand the nuances of the particular family, the existing dynamics, how those played out before and how they play out or could play out post-separation, what relief is needed to remedy the issues identified, etc.

Civil, Family, and Criminal Court Processes

QUESTION 8

Is the restriction of being forced into a civil claim and not heard within an existing family claim not contrary to the spirit and language of the ruling, especially for self-represented litigants?

Yes, the spirit of the decision by both the Ontario Court of Appeal and the Supreme Court of Canada is that survivors should be able to bring these claims in civil court or family court. This is critical to the accessibility of this legal remedy.

In Ontario and other jurisdictions across Canada, a tort claim can be made in family court.

QUESTION 9

What happens if there is a criminal charge against the perpetrator simultaneously?

The existence of criminal proceedings is certainly a factor to consider when deciding whether and when to bring a tort claim. They are different kinds of claims with different evidentiary thresholds, different courts, different processes, different rights and different tests. A civil case or family law case may be delayed while a criminal case is proceeding.

Some survivors whose abuse has been prosecuted successfully or who have seen their abuser plead guilty to some or all of the allegations arising from their abuse find that outcome to be helpful in the civil claim or in the context of the family law proceeding generally. It may make it more likely for the abuser to settle a civil claim, rather than fight it in court.

Many survivors are simultaneously navigating different court systems at the same time. The survivor needs to understand that anything they say in one proceeding (or in public, the media, etc.) may come up in the other proceeding and could negatively impact their credibility if the statements are contradictory.

Evidence



QUESTION 10

How would this case have turned out if there was no physical abuse?

While we cannot speculate on the outcome if there were different facts, the Supreme Court of Canada has made it clear that liability under this new tort can be based on non-physical forms of violence. In fact, the Supreme Court of Canada very clearly articulates some examples of what constitutes violence under this tort, many of which are not physical:

“*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; litigation abuse; and preventing the victim from seeing family and friends, working, or participating in other educational or recreative activities.*” (para 187)

That said, we know that courts have historically privileged intimate partner violence cases where some element of physical or sexual violence is proven.

Making sure that courts understand the severity of the harm caused by non-physical forms of abuse, as well as the length of the impact, is an important aspect of our continued work in this area of law.

QUESTION 11

How do you articulate emotional violence in court for family matters, when there's no physical violence?

You want to tell a compelling story to a judge that helps demonstrate the behaviour and the impact that it had on you. Give examples with as much detail as you can provide. For instance, if one of the abuse tactics was to denigrate you and make disparaging comments about you, what were those comments? How often were they made? Were they made in front of others, for instance, were the comments made in front of the children? What impact did this have on you?

Evidence

Generally, you want to make sure that your description of the violence you have been subjected to helps the judge understand:

- The pattern of abuse (how often it happened, what triggered it).
- How long it has been going on.
- Whether it is getting worse.
- What the children have seen, heard or are otherwise aware of.
- The impact of the abuse on you and on the children.
- What kind of abuse has happened since you left your partner.
- Any current safety concerns based on past or ongoing abuse.

See [Luke's Place Family Court & Beyond Website](#) for more information on gathering evidence of abuse, including a [Gathering Evidence Checklist](#).

Often, violence happens behind closed doors, and there may not be any other source of evidence to corroborate or support your evidence about what happened. But sometimes there is other evidence you can introduce in your court case that will help your case. If possible, think about other ways to demonstrate the emotional violence to the court. For instance, were there other people around who heard how he spoke to you? If so, these third parties may be able to provide evidence directly to the court. Did he send you threatening, harassing or demeaning emails or text messages? If so, these can be printed and provided to the court as evidence in your case. Also, think about how your behaviour changed over time to try to avoid or reduce the frequency and/or intensity of the abuse – give examples of this. This is evidence that the court should hear as well.

Perhaps you contacted a support person, a counsellor, a religious leader or a family member over text or email, telling them about what you experienced. These messages can also be used to corroborate your account of what happened to you.

You do not have to prove every comment you describe, but being able to corroborate some of what you say can help the judge see your evidence as reliable and trustworthy.

QUESTION 12

How does abuse which doesn't show burns, scars, or bruises (absence of physical violence) hold in court? Would this become what he said vs she said?

We know it has been very hard for survivors to get non-physical forms of harm recognized in court cases. We share the hope that the Supreme Court of Canada decision in *Ahluwalia* will help to break down that barrier. But we know there is still work to do on this front.

Evidence

The Supreme Court of Canada stated in various places throughout the decision that intimate partner violence is not always physical, and that non-physical forms of violence can cause significant harm and justify a finding of liability under this new tort. This language will hopefully serve as a powerful precedent in tort cases, but also other cases involving issues like parenting time, decision-making and/or restraining orders.

QUESTION 13

I'm not familiar with the legal system. For a survivor who has initiated divorce proceedings, but could not flag her case as family violence because she was told that she did not have sufficient evidence to prove the violence, will this new tort be helpful?

If you were told by a lawyer in the past not to raise family violence in a divorce application because of a lack of evidence, it would be important to get some new legal advice based on this new tort. It is also important to understand that we have some helpful legal precedents now that recognize how hard it is to prove family violence. Often, there is no other corroborating evidence except for the survivor's own testimony. In a past Supreme Court of Canada decision, the majority had this to say about the lack of evidence:

“ Domestic violence allegations are notoriously difficult to prove: P. G. Jaffe, C. V. Crooks and N. Bala, “A Framework for Addressing Allegations of Domestic Violence in Child Custody Disputes” (2009), 6 J. Child Custody 169, at p. 175; A. M. Bailey, “Prioritizing Child Safety as the Prime Best-Interest Factor” (2013), 47 Fam. L.Q. 35, at pp. 44-45. As the interveners West Coast LEAF Association and Rise Women's Legal Centre point out, family violence often takes place behind closed doors and may lack corroborating evidence: see S. B. Boyd and R. Lindy, “Violence Against Women and the B.C. Family Law Act: Early Jurisprudence” (2016), 35 C.F.L.Q. 101, at p. 115. Thus, proof of even one incident may raise safety concerns for the victim or may overlap with and enhance the significance of other factors, such as the need for limited contact or support.” ([para 144, Barendregt v. Grebliunas, 2022 SCC 22](#))

This quote is important. Just because you do not have corroborating evidence of the violence does not mean you should not raise it. Family violence is a relevant consideration when it comes to a number of orders in family court, including tort claims.

Evidence

This new tort can be claimed in an existing family law case that is still before the courts. Each jurisdiction in Canada will have specific rules on how to amend pleadings to include this claim in the section about orders being requested. You will then need to amend your pleadings to also include the facts that support this claim.

If you chose not to include a tort claim in your existing divorce application, you still have the option to commence a separate civil claim. However, if you are already in family court, this may be the most logical place for you to bring the tort claim. It also helps to prevent a multitude of legal cases in different courts dealing with the same people and potentially similar legal issues.

If you are already in family court and have not yet raised the violence in your court case, the other side may use this against you to make your claims seem less credible. It will be important for you to address this in your case by explaining to the court why you did not raise the violence earlier in your court case.

QUESTION 14

How do you address situations where case law by the Supreme Court of Canada is quoted and the trial judge makes statements about how domestic violence is not relevant to a family case despite evidence being presented?

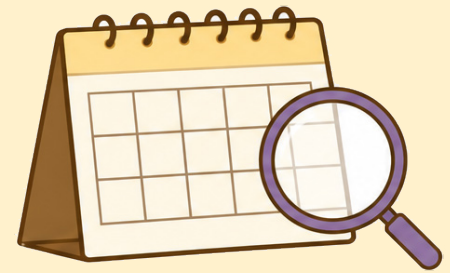
Family court judges are required to consider family violence when it comes to making various orders. If a judge states that this violence is not relevant to a family law case, it may, depending on the facts, amount to a reversible error on appeal because evidence of violence is relevant to determining a number of family law issues.

In terms of quoting from the *Ahluwalia* decision in Ontario, we have already seen *Ahluwalia* quoted in a decision involving the issue of urgency in a situation of intimate partner violence (see [*Abu Kibash v. Gamal*, 2026 ONSC 2969](#)). The decision makes several powerful statements about intimate partner violence that can and should be quoted in non-tort-related cases.

For example, if you wanted to quote parts of the decision about litigation abuse, you can say something like, “As the Supreme Court of Canada recently stated at paragraph 194 of the majority decision in *Ahluwalia v. Ahluwalia*, litigation abuse is a well-documented tactic frequently employed by abusers to control survivors”.

The *Ahluwalia* decision was relied upon and applied in another important family law case: [*Mitchell v. Mitchell*, 2026 ONSC 4259](#). Luke’s Place recently wrote about the Mitchell decision on their website: [Ahluwalia Applied in Mitchell v Mitchell](#).

Limitation Period



QUESTION 15

Is there a statute of limitations on this if the abuse occurred pre- and post-divorce more than 30 years ago? Is arrears of support that is ongoing to the tune of \$150,000 considered coercive control if the pattern is clear through a long marriage and abuse of the court system?

In many cases, there is no limitation period on claims of family violence, particularly where the claim “relates to” assault, sexual assault or (in some circumstances) misconduct of a sexual nature.

There are some questions about whether causes of action (types of claims) that may not “relate to” an assault, for example, would still benefit from not having a limitation period. It is clear from the Supreme Court of Canada decision that the court sees an ongoing concern with the way a limitation period will apply to the new tort. At paragraph 159 of the majority decision, the Supreme Court of Canada wrote: “Extending existing exemptions from limitation periods to the new tort may require legislative action, as was done for civil claims of assault or battery arising from intimate partnerships.”

A note of caution about claims arising from historical abuse: Not having a limitation period does not necessarily mean that you will be able to bring a claim based on events that happened many years ago. Courts will still be concerned about the erosion of evidence over time: declining quality of physical evidence, lost or damaged documents and records; and fading memories are all factors that might lead a court to find that a fair trial is not possible due to the passage of time, even though the Limitations Act does not bar the claim.

QUESTION 16

Regarding the limitation period - what if more than 2 years has elapsed since the IPV happened? Should the victim attempt to proceed anyway?

In Ontario, and most of Canada, a civil claim that relates to assault or sexual assault by an intimate partner may not be subject to any limitation period. But this exemption from the standard two-year limitation period for certain kinds of abuse, and how that exemption interacts with the tort of intimate partner violence, is something that we will be watching in both the courts and the legislature in the coming months and years.

Even when a claim might appear to be “out of time”, there may be circumstances when a court would still allow the claim to proceed, particularly if there is a reason why the claim was not discoverable at an earlier time, or if the claimant was unable to initiate the claim for a good reason.

Please note: The application of limitation periods, the discoverability of claims and the availability of these arguments about possible exceptions to the normal 2-year limitation period are something that would need to be considered with a lawyer, in light of the specific facts and the evidence in the case.

QUESTION 17

Does the Supreme Court of Canada stating there is no limitation period override provincial limitation periods?

While the Supreme Court of Canada is able to overturn provincial legislation that it finds to be unconstitutional, it has not done so with the *Limitations Act* in Ontario as it relates to the tort of intimate partner violence.

The Supreme Court of Canada reference to the provincial limitation period refers to the fact that, in Ontario, many forms of intimate partner violence are not subject to any limitation period. Tort claims that relate to an assault or sexual misconduct between intimate partners are not subject to any limitation period in Ontario. However, as the court describes in paragraph 159 of the judgment, there may be some claims arising between intimate partners, or some aspects of the tort of family violence that may not be covered by the statutory exemption within the *Limitations Act*.

Screening, Risk Assessment, and Training



QUESTION 18

Were any IPV risk assessment tools used in this case?

The trial decision in *Ahluwalia* does not include any mention of IPV risk assessment tools.

Screening, Risk Assessment, and Training

QUESTION 19

Are there any recommended trainings for those within various systems?

Many different organizations across Canada offer training and resources for legal system professionals. We are not aware of any centralized hub that contains a list of all recommended or available training.

When it comes to a screening tool, a good place to start would be the Department of Justice's [HELP Toolkit](#) for family law professionals.

QUESTION 20

Is there an active push to educate on this new tort?

There are organizations, law associations, law societies and other continuing professional development bodies creating content about this new tort for lawyers and other legal professionals. Some of these sessions may be recorded, so even if you missed the live presentation, you may still be able to access a recording. Connect with your local law association, law society or the Canadian Bar Association to ask about upcoming sessions.

A helpful toolkit on this new tort was created by an Ontario family law lawyer, Joanna Radbord, which can be found [here](#).

In terms of information sessions for non-lawyers, the options are fewer. It may be helpful to connect with one of the gender-based violence organizations in your local community to ask whether they plan to offer or know of another organization that may be offering resources or training opportunities on this new tort. In the meantime, you can check out Luke's Place's summary of the *Ahluwalia* decision on their [blog](#).

Education, generally, about how intimate partner violence is perpetrated and experienced is ever evolving for many professionals and service providers – lawyers, judges, mental health professionals, etc. - this decision, and the ones that follow, will also provide “education”.

Children, Parenting, and Family Court Implications



QUESTION 21

I’ve seen commentary, both from the “parental alienation” industry/ advocacy sector, which is repackaging “parental alienation” as coercive control and from concerned protective parents, stating that this tort will be a vehicle for people to sue for “parental alienation”? To what extent is this possible?

The Supreme Court of Canada, in crafting this legal remedy, was cautious about misuse. What the Supreme Court of Canada attempted to do was distinguish the violence covered by this new tort from high-conflict relationship dysfunction that isn’t directed at subverting another person’s dignity, autonomy, and equality. Like all new court decisions, we will have to see how lower courts apply it.

Some perpetrators of violence intentionally undermine and interfere with the survivor’s relationship with the children as a form of post-separation violence and part of a larger pattern of coercive control. Where the “parental alienation” is part of a larger pattern of coercive, controlling violence, then yes, in theory, this tort could be claimed. The Supreme Court of Canada very clearly cautioned against the tort being weaponized against survivors. (see para 195).

This decision highlights the importance of ongoing training and education for judges and lawyers to ensure this decision has maximum impact for survivors and to avoid situations in which this new tort may be weaponized against the very survivor it is meant to recognize and protect.

QUESTION 22

What decision stated “harm to the parent is harm to the child”?

The Supreme Court of Canada made it clear in the 2022 decision of *Barendregt v. Grebliunas* that intimate partner violence is harmful to a child. This decision has since been cited in many parenting and relocation cases.

Children, Parenting, and Family Court Implications



The suggestion that domestic abuse or family violence has no impact on the children and has nothing to do with the perpetrator's parenting ability is untenable. Research indicates that children who are exposed to family violence are at risk of emotional and behavioural problems throughout their lives: Department of Justice, Risk Factors for Children in Situations of Family Violence in the Context of Separation and Divorce (February 2014), at p. 12. Harm can result from direct or indirect exposure to domestic conflicts, for example, by observing the incident, experiencing its aftermath, or hearing about it: S. Artz et al., "A Comprehensive Review of the Literature on the Impact of Exposure to Intimate Partner Violence for Children and Youth" (2014), 5 I.J.C.Y.F.S. 493, at p. 497." ([para 143](#))

QUESTION 23

Is it true that once a Voice of the Child is completed, that if the children side with the perpetrator, the acts of IPV as it relates to coercive control, no longer matter?

No, this is not true. The views and preferences of the children, as demonstrated through a Voice of the Child report, are one of various factors a court will consider when determining what parenting order is in the best interests of a child. The judge will have to consider these views and preferences in relation to all of the other best interest factors, including the presence and impact of family violence. The court will also have to consider the age and maturity of the child and whether their views and preferences are truly independent.

Also, the Voice of the Child report is only relevant to parenting orders. It does not impact a tort claim and the relevance of assessing claims of IPV in relation to this tort claim.

QUESTION 24

This is definitely a significant improvement in IPV family law. Would this decision allow for reopening earlier court decisions that overruled the court ordered child support arrears as a hardship for the abusive partner (the courts accepted the abuses)?

While we cannot comment on specific cases, the general proposition when it comes to changing a final family court order is that there has to be a material change in circumstances warranting the court making a new court order. Since the Supreme Court of Canada's decision in *Ahluwalia* is not specifically about child support, it would likely be hard to demonstrate why this recent case is grounds for reopening a court case about the arrears

Children, Parenting, and Family Court Implications

of child support, particularly if violence was already considered and found in that case. Meaning, the judge took this violence into consideration when making its decision. Also, a “hardship” claim about arrears would likely be in relation to “financial” hardship of the payor. If hardship of the recipient was raised – and violence was addressed in that context – it would be difficult to seek to appeal the decision.

A helpful decision from the Supreme Court of Canada on retroactive decreases in child support arrears is [*Colucci v. Colucci*, 2021 SCC 24](#). Luke’s Place wrote a blog on this decision on their website: [Important Supreme Court child support decision](#).

Even though not directly related to the question, we want to highlight another good Supreme Court of Canada decision to keep in mind when it comes to child support, family violence and the financial barriers for women after separation: [*Michel v. Graydon*, 2020 SCC 24](#). This case involved a mother who sought a retroactive increase in child support after the child was already an adult because, for many years, the father earned more than he claimed. In confirming the mother’s right to retroactively increase the father’s support application even though the child was an adult, the Court made some important statements about the impact of family violence on women’s ability to bring forward claims in family court, including claims related to changing child support, and the resultant impact that this has on the financial insecurity women experience after separation:



Women in relationships are more likely to suffer intimate partner violence than their male counterparts (see Statistics Canada, Family violence in Canada: A statistical profile, 2018 (December 2019), at p. 24, indicating that in 2018, women accounted for 79 percent of intimate partner violence victims in police-reported assaults). As a result, they are more likely to leave their home and belongings — and their financial security — behind and to seek shelter or become homeless. A 2014 Statistics Canada analysis reported most women in shelters for abused women in Canada identified their abuser as a current or former partner; just over half of these were admitted with their children (Shelters for abused women in Canada, 2014 (2015), at p. 6). The impact of unstable housing and the lack of legal or financial resources on a person’s ability to bring any kind of legal claim is evident. The impact of a history of violence on a person’s emotional health and their consequent potential fear, unwillingness to engage with their past abuser, or inability to do so are just as apparent. In addition to this, “some abusive fathers may use the child support process as a way to continue to exercise dominance and control over their ex-wives” (D. Bonnet, “Recalculating D.B.S.: Envisioning a Child Support Recalculation Scheme for Ontario” (2007), 23 Can. J. Fam. L. 115, at p. 144).

Children, Parenting, and Family Court Implications

*Given these circumstances, women will often face financial, occupational, temporal, and emotional disadvantages. Moreover, access to justice in family law is not always possible due to the high costs of litigation. In this larger social context, women who obtain custody are often badly placed to evaluate their co-parent's financial situation and to take action against it. Measures that place further barriers on their ability to claim and enforce their rights, like a jurisdictional bar, inhibit their ability to improve their circumstances and those of their children. Yet, as this Court stated in *Hryniak v. Mauldin*, 2014 SCC 7, [2014] 1 S.C.R. 87, at para. 1: "Without an effective and accessible means of enforcing rights, the rule of law is threatened."" (Paras 95 and 96)*

QUESTION 25

Could the ruling open the door conceptually to arguments about coercive control interfering with the parent-child bond, as part of a long-term pattern of psychological and emotional abuse of a protective parent?

Yes, we are hopeful that this decision will help judges be more attuned to non-physical forms of violence that are part of a larger pattern of coercive and controlling violence. As indicated above, intentional interference with a survivor's relationship with the children is a tactic that abusive ex-partners use after separation to maintain power and control.

QUESTION 26

Is maliciously fractured maternal attachment defined as IPV in the Supreme Court of Canada decision?

While the court doesn't officially use the language of "maliciously fractured maternal attachment", it does explicitly recognize post-separation violence and how the co-parenting relationship after separation can create opportunities for violence to continue ([see para 185](#)). The Supreme Court of Canada states on various occasions throughout the decision that intimate partner violence does not have to be physical and includes a non-exhaustive list of types of conduct that can be considered as constituting coercive control. While this list does not specifically include intentional interference in the mother-child relationship, it does include various non-physical forms of conduct, including conduct that involves the children, like threatening to take the children away (e.g. see [para 207](#)).

Feminist Analysis



QUESTION 27

How do you anticipate that the feminist analysis (while extremely important of course) might negatively impact male and other survivors of IPV?

To consider the gendered nature of intimate partner violence and the impact that this has on both the nature of the wrong and the resultant harm does not inherently disadvantage male and other non-women-identifying survivors. Instead, it means recognizing the unique ways in which intimate partner violence preys upon larger patterns of women's inequality. In this context, the Supreme Court of Canada recognized that existing tort remedies were inadequate because they failed to account for the unique ways intimate partner violence can exploit inequality and undermine autonomy within intimate relationships. As a result, the law was not fully capturing or recognizing many survivors' lived experiences of violence. This is the gap the Supreme Court of Canada was trying to fill. Filling it does not disadvantage other survivors. It simply means that, because of this decision, tort law is now more responsive to all forms of violence, including intimate partner violence.

Access to Justice, Legal Aid and Financial Barriers



QUESTION 28

What legal supports are available for survivors/victims who don't qualify for legal aid and can't afford a lawyer?

Our vantage point is Ontario, so our list of resources and legal service options is focused on that jurisdiction. If you are located outside of Ontario, you may want to reach out to a gender-based violence organization in your local community to ask what kinds of legal service options may be available to you and/or the survivors you support.

Access to Justice, Legal Aid, and Financial Barriers

Ontario-based resources include:

- 1. Ontario ILA Voucher Program:** Through this program, survivors of intimate partner violence in Ontario can access up to 8 hours of free legal advice from a lawyer who is on the program roster. There are civil and family lawyers on the roster who can advise on this new tort. To learn more about this program, which is administered through the Barbra Schlifer Clinic, visit [the voucher program](#).
- 2. Legal Aid Ontario's 2-hour Domestic Violence Certificates:** It is unclear whether Legal Aid Ontario will allow 2-hour Domestic Violence Certificates to be used for free summary legal advice about bringing a claim for this new tort in a family law case. While full family law certificates do not cover this issue, we await further information from Legal Aid about the 2-hour Domestic Violence Certificates. There is no financial eligibility threshold to qualify for these certificates and a survivor can get up to five of them in a calendar year. [Learn more about 2-hour legal aid certificates](#).
- 3. Gender-based violence organizations offering legal services:** There are some organizations across Ontario that provide summary advice by lawyers. For instance, survivors involved in family court can access free legal advice through the [Luke's Place Legal Clinic](#) about this new tort and how to claim it in family court. If there is another legal clinic in your local community, contact them to ask whether they will be able to provide summary legal advice to survivors about this new tort.
- 4. Limited scope retainers:** In family law, if a survivor is not able to afford a lawyer to fully represent them, there is always the possibility of hiring someone on a limited-scope basis, which means paying the lawyer to help with part of the case. When it comes to the new tort of IPV, a survivor could potentially hire a lawyer to help them determine what torts they should be claiming, how much they should be asking for in damages and what evidence they may need to introduce. The survivor could even pay a lawyer to help draft their pleadings for them. There is a website hosted through Osgoode Hall Law School that includes information about what limited scope legal services are, and has a directory of lawyers who are willing to work with clients in this way.
<https://www.yorku.ca/osgoode/flsd/directory/>

QUESTION 29

Is it expensive to bring a claim like this against an ex-spouse?

Litigation is expensive both financially and emotionally. If you have a lawyer, you have to pay for their time. Even if you don't have a lawyer, it may cost you money. In either case,

Access to Justice, Legal Aid, and Financial Barriers

it will take a lot of your time. You may have to take time away from work, pay for childcare, and, there is always the possibility that you may be ordered to pay part or all of your ex-partner's legal fees if you are not successful in proving your case. The financial and emotional cost of litigation is something that requires ongoing advocacy with the courts, the government and Legal Aid so that we can continue to improve access to justice for survivors, and work to ensure that this legal remedy and others are actually available to survivors.

QUESTION 30

Are there any analysis or initiatives to inform how this decision impacts legal aid organizations in terms of screening and assessing eligibility for legal aid, and supporting legal aid lawyers to get better outcomes for family violence survivors?

We are not aware of anything yet published that analyzes how this decision impacts legal aid organizations. However, in early discussions among advocates, it is fairly clear that this decision recognizes the growing rates of self-representation in family court and acknowledges the challenges unrepresented survivors face when bringing forward legal claims. We implore all Legal Aid programs across the country to:

- Expand financial eligibility criteria in cases involving intimate partner violence to help address this issue.
- Re-evaluate coverage of civil claims related to intimate partner violence to ensure survivors have access to representation.
- Prioritize mandatory and ongoing training and education for all lawyers and other staff who deliver Legal Aid services to ensure they are violence and trauma-informed.

Because different Legal Aid bodies may have different rules and policies about what can be funded, the consideration of how the decision impacts your organization may need to be specific to your province.

For more recommendations on ways in which the Legal Aid system in Ontario can better support survivors, please see the report by Luke's Place, "[Navigating Family Court Alone: Barriers and Gaps in Representation for Survivors of Intimate Partner Violence in Ontario](#)" and their [Letter to Legal Aid Ontario](#).

Access to Justice, Legal Aid, and Financial Barriers

QUESTION 31

I believe Kuldeep mentioned that she was being asked to pay 30 000 dollars for legal fees. I am confused why this happened when she was accessing legal aid. Is this typical?

Sometimes, Legal Aid in Ontario requires a person applying for the certificate program to sign a Contribution Agreement, whereby the person agrees to reimburse Legal Aid for some or all of the fees associated with the lawyer's services. This agreement may involve putting a lien on any property a person has an ownership interest in and then collecting money from its future sale, or it could involve a future lump sum payment to Legal Aid. These Agreements are usually required where a person applying for a certificate has assets or an interest in real property.

Kuldeep mentioned during the webinar that she was presented with this option from Legal Aid and made the decision not to pursue a certificate as a result. She explained that she was concerned about how she would financially manage and support her children if she had to pay back this amount of money to Legal Aid.

This is a challenge faced by many survivors, who are similarly forced to choose between signing this agreement and going to court alone, without the benefit of a lawyer.

For more information about Contribution Agreements, visit the [information page](#) on Legal Aid Ontario's website.

Application Across Provinces and Jurisdictions



QUESTION 32

How does this tort apply to victims of IPV in Quebec, which has its own Civil Law?

Unlike other jurisdictions in Canada, Quebec operates under the civil law system based on a *Civil Code* as opposed to the common law. This means that the new tort created in this decision is not directly applicable to survivors in Quebec. However, as identified in the Supreme Court of Canada's decision, Quebec's *Civil Code* already includes liability for patterns of coercive control in an intimate relationship. The *Ahluwalia* decision may be used by judges in Quebec when it comes to interpreting and applying the *Civil Code*.

QUESTION 33

Can you please speak to any of the differences between the justice system concerning IPV in Ontario vs Alberta?

The Supreme Court of Canada's decision to recognize a new tort of intimate partner violence is binding across all common law provinces and territories. That is part of what was so important about Kuldeep's brave decision to take the case all the way to the highest court in Canada.

However, how the tort is heard and implemented may differ across jurisdictions. In Ontario, survivors can bring a claim for the tort of intimate partner violence in either civil court or family court. Alberta has just issued a [practice direction](#) stating that survivors in Alberta cannot bring a claim for the new tort in a family law case. Instead, the tort has to be brought in a separate civil court case.

A helpful chart summarizing some of the family laws in Alberta and how they consider family violence can be found on Luke's Place's [After She Leaves website](#).

Resources for Continued Learning

Learning Network and Knowledge Hub

The Tort of Intimate Partner Violence (IPV) in Canada: The Supreme Court's Landmark Ruling in *Ahluwalia v. Ahluwalia*, and What it Means for Survivors of IPV

<https://gbvlearningnetwork.ca/webinars/recorded-webinars/2026/webinar-2026-6-11.html>

Kuldeep Ahluwalia

Survivor's Spirit, Strong Hands Stop Violence: Poetry Book Volume 9 (Pg. 113)

https://b4e22b9b-d826-44fb-9a3fafec0456de56.filesusr.com/ugd/4eaa9c_716599fc0b75417582674c595ac0d713.pdf

Joanna Radbord

A Primer on the Tort of Intimate Partner Violence. Revised July 26, 2026.

[Tort-of-IPV-Tip-Sheet-2026-07-28-FINAL.pdf](#)

Supreme Court of Canada

Case in Brief: *Ahluwalia v. Ahluwalia*, 2026

<https://www.scc-csc.ca/judgments-jugements/cb/2026/41061/>

Supreme Court of Canada

Ahluwalia v. Ahluwalia, 2026

<https://decisions.scc-csc.ca/scc-csc/scc-csc/en/item/21505/index.do>

Court of Appeal for Ontario

Ahluwalia v. Ahluwalia, 2023

<https://www.canlii.org/en/on/onca/doc/2023/2023onca476/2023onca476.html?resultIndex=10>

Ontario Superior Court of Justice

Ahluwalia v. Ahluwalia, 2022

<https://www.canlii.org/en/on/onsc/doc/2022/2022onsc1303/2022onsc1303.html>

Luke's Place

Supreme Court of Canada Recognizes Tort of Intimate Partner Violence

<https://lukesplace.ca/supreme-court-of-canada-recognizes-tort-of-intimate-partner-violence/>

Luke's Place

Luke's Place intervenes in the important decision of *Ahluwalia v. Ahluwalia*

<https://lukesplace.ca/lukes-place-intervenes-in-the-important-decision-of-ahluwalia-v-ahluwalia/>

Nicholas Bala, Peter Jaffe, Katreena Scott, and Lisa Heslop

Understanding Family Violence in Family Court Proceedings: Providing Effective Responses for Victims, Children, and Perpetrators

<https://utpdistribution.com/9781487567859/understanding-family-violence-in-familycourt-proceedings/>

Women's Legal Education & Action Fund (LEAF)

Case Summary: Ahluwalia v. Ahluwalia

https://www.leaf.ca/case_summary/ahluwalia-v-ahluwalia/

Women's Legal Education & Action Fund (LEAF)

Supreme Court delivers a landmark victory for survivors of intimate partner violence

<https://www.leaf.ca/news/supreme-court-delivers-a-landmark-victory-for-survivors-of-intimate-partner-violence/>

The views expressed in this resource are those of its contributors and do not necessarily reflect the views of the Government of Ontario or the Public Health Agency of Canada.



Financial contribution from the
Public Health Agency of Canada



Public Health
Agency of Canada

Agence de la santé
publique du Canada



Funded by the Government of Ontario

