

Law Offices of Howard S. Dymant

Winter Newsletter December 2010



Dear Howard,

As we celebrate the 33rd anniversary of the opening of this Office and welcome in the new year, we would like to take the opportunity to thank each and every one of our loyal clients for their devotion and faith in us. We will continue to work with you to resolve any issues you may have in the areas of Real Estate, Wills and Powers of Attorney, Estate Law, and Family Law or refer you to experts in fields of law we do not specialize in. We use all the modern tools available to work quickly and efficiently as well as the most current techniques in mediation, arbitration and collaborative law.

Family Law is constantly evolving and there are many aspects of support and custody that have changed in the last year. Our web site has many new and informative articles, which reflect these changes. We have highlighted several articles in our quarterly electronic newsletters. However, we would strongly urge you to look through the full list of articles on our website by clicking [here](#) to learn how they might affect you. If you have any questions or concerns regarding your family issues, we encourage you to call us for a brief consultation, which may save you untold months of anguish and financial hardship in the future.

In This Issue

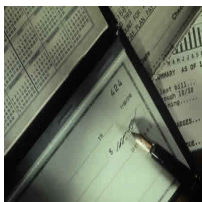
GETTING YOUR FAIR SHARE
CAN YOU AFFORD TO HAVE YOUR CAR SEIZED?
THE BLACKMAILER'S PARADOX
MORE IMPORTANT THAN GIFTS

Quick Links

[Will Form](#)
[Will Checklist](#)
[Real Estate Estimator](#)
[Check Your Title](#)
[Form 13.1: Financial Statement](#)

GETTING YOUR FAIR SHARE:

From Unjust Enrichment to Money in your Pocket



Although the law now treats common law spouses and married spouses the same in almost all respects when they choose to separate, this is not the case when it comes to dividing up property. Married spouses have a right to claim for a division of family property upon a

breakdown of the marriage. Subject to some exclusions and deductions, the value of all property existing at the date the parties separated must be shared. This is true regardless of who may legally own that property. In contrast, no such right exists for common law spouses who must divide their property based upon legal ownership at the end of the relationship. Click [here](#) to see the full article and get your fair share.

CAN YOU AFFORD TO HAVE YOUR CAR SEIZED:

Outstanding support payment gives the Family Responsibility Office the right to order your car seized.



Between April 2009 and March 2010, the province says that the Family Responsibility Office (FRO) handed out 3,965 suspensions on licenses to parents who continually miss their support payments. The FRO keeps track of all court-ordered child and spousal support payments, and under the current law, has the right to ask the Ministry of Transportation to suspend licenses.

Starting December 1, 2010 people caught driving with a blood alcohol concentration beyond the legal limit, will have their vehicles impounded for seven days. This applies whether it is their car or a car that has been borrowed by a friend. In a new twist, the same punishment will apply for people caught driving with a suspended license for failing to pay child and/or spousal support. Click [here](#) to see the full article and how you can remedy this situation before it hits you.

THE BLACKMAILER'S PARADOX

or How to Resolve Conflicts with the Intransigent Spouse During the Marriage/Relationship Or After Separation



Israel's leading expert and Nobel Prize Laureate on Game Theory as it applies to Conflict is Prof. Yisrael Aumann. His vision can be applied directly to spouses before or after separation where one party takes a wholly intransigent position and the other wants to resolve the issues on a reasonable basis.

Taking repetition into account, Game theory relates to "onetime situations" differently than to situations that repeat themselves. A situation that repeats itself over any length of time, creates, paradoxically, strategic parity that leads to cooperation between the opposing sides. This cooperation occurs when both sides realize that the game is going to repeat itself, and that since they must weigh the influence present moves will have on future games, there is a balancing factor at play.

We highly recommend that you review his example and conclusions by clicking [here](#), as related by [Naomi Ragen](#) on October 29, 2010 and

apply his Game Theory to the resolution of such issues arising during your marriage or after your separation and/or divorce.

MORE IMPORTANT THAN GIFTS:

Expressions of Love to your Spouse this Season.



A recent study of Facebook status updates during the month of December shows some surprising results. As any Family Law lawyer can tell you, the percentage of breakups and divorces that occur during the year rises during certain months and falls during others. As this study can corroborate, the month of December, especially the two weeks prior to December 25th, produce the highest risk for relationships. To find out more on the study as well as the recommendation of this Office to avoid such an outcome, click [here](#).

CATHOLIC FAMILY SERVICES OF TORONTO:

You Don't Have To Deal With Abuse Alone



Time and again, clients have stepped across the threshold of these Offices and have become an Applicant or a Respondent in a Divorce or Common Law proceeding. Quite frequently, abusive relationships are what drives our clients to our Offices and all too often even after Separation or the institution or defense of an Application the abuse continues. It is our policy to resolve the Application within a few short months, but the abuse can continue thereafter. We try to address that in our settlements but the root cause of the abuse usually needs to be weeded out by professional help, which is the subject matter of this article.

Abuse does not only exist if serious physical violence is present. Other forms of abuse include: emotional, sexual, social, verbal, financial, isolation, intimidation and neglect - each just as devastating as physical abuse, eroding away the victim's self-confidence and self-esteem. All abuse involves a power imbalance between the victim and the perpetrator and the perpetrator can use a variety of strategies, or tactics, to gain and maintain control over his or her partner. The element of fear is crucial to the abuser maintaining control.

There are people, however, as well as organizations that specialize in assisting victims of abuse, regardless of gender. One such organization is the Catholic Family Services of Toronto, an accredited family service agency by Family Service Ontario. With their programs and classes, they can help not only with dealing with the abuse, but how to handle a wide variety of issues such as anger management so that the abuse does not rear its ugly head again in the future.

To view the full calendar of courses the Catholic Family Services of Toronto has to offer between January and June 2011, please click [here](#). We also recommend that you read through this legal rights handbook meant for women, but which can be applied to any victim of abuse. To view this handbook please click [here](#).

IN SUMMARY:

It has always been the mandate of these Offices to provide you with the best service and advice available in the area of Family Law; inclusive of Separation, Divorce, Custody, Child and Spousal Support, Property Division, Marriage and Cohabitation Agreements. It is the objective of these Offices to use our collective talents to help our clients to review their marriages, partnerships and common law relationships and, if there is no alternative, to prepare our clients to obtain the best possible resolution on separation/divorce.

We hope this Newsletter finds you well and we send you our very best wishes as we head into the new year. As we have your email address already in our database, you have automatically been subscribed to these emails. Should you wish, you may unsubscribe at any time by following the instructions at the bottom of this or future emails. If you have any questions or concerns, please do not hesitate to contact our Offices.

Sincerely,

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