

Law Offices of Howard S. Dymant

Summer Newsletter 2011



Dear Howard,

We hope this newsletter finds you well and that your summer months will be enjoyable. This newsletter marks the first anniversary of newsletters sent from our current email provider. We hope we have provided you with a useful tool to help stay connected and keep you updated with the latest changes in the areas of Family law, Real Estate, Wills and Powers of Attorney and Estate law.

Family Law as it applies to Common Law couples has just a few weeks ago been rewritten by the Supreme Court of Canada. If you are in a Common Law relationship or contemplating one, you must read our comments and reference to this Supreme Court decision below. The increase in value of your property is now up for grabs upon Separation. Our website has this and many new and informative articles, which reflect current changes in the law. We would strongly urge you to look through the full list of articles on our website by clicking [here](#) to learn how the issues they raise might affect you. If you have any questions or concerns regarding your family law issues, we encourage you to call us for a brief consultation, which may save you untold months of anguish and financial ruin.

In This Issue

PENSION DIVISION CHANGES FINALLY!
DOES THE LAW ENCOURAGE A NEVER ENDING
CHILDHOOD?
PROPERTY DIVISION BETWEEN UNMARRIED COUPLES
FINDING THE ROOT OF RELATIONSHIP TRAPS
PROBATE FEES

Quick Links

[Will Form](#)

[Will Checklist](#)

[Travel Consent Form](#)

[Financial Statement
Common Law
Couples](#)

[Financial Statement
Married Couples](#)

[Common Law
Articles](#)

PENSION DIVISION CHANGES FINALLY!

Passed In 2009 And Will Be Proclaimed January 2012



The announced effective date will affect any current case which involves a pension plan, including cases where a valuation is ongoing under the current methodology or has been completed but an agreement has not yet been reached. It is impossible to make a general assumption as to whether or not entering into an agreement before the legislation comes into effect, will be beneficial to one party or the other. Each case must be looked at on an individual basis and we can't more strongly suggest that you contact this Office to discuss this crucial change in Family Law. Click [here](#) to view the E-mail sent from the Attorney General.

DOES THE LAW ENCOURAGE A NEVER ENDING CHILDHOOD?

Paying Support for Adult Children



Ask people what they want to do before they turn 30 and their responses will be similar. They want to travel, complete their education and eventually obtain a steady well paying job. What they are not saying is, "I do." A CBC in-depth report conducted in 2005 said that "in 2000, first-time brides were 31.7 years old, while grooms proclaimed their first marriage vows at an average age of 34.3. Only two decades earlier, women and men were 25.9 and 28.5 years old, respectively, when they got married.". As young adults seem to remain dependent on their parents to a later age, the legal obligations imposed on parents continue to be extended by our Courts.

The Courts are now obligating parents to support a "child" well beyond the first post secondary degree, and well into an age where they themselves were already married and having children. It has become an onerous level of responsibility - especially at an age when many payor parents are facing insufficient savings for their own retirement. To learn more click [here](#).

PROPERTY DIVISION BETWEEN UNMARRIED COUPLES

How Are The Courts Dealing With This Issue?



Unjust enrichment occurs when one party benefits at the expense of the other party during a relationship, and usually is found in common-law relationships. Upon the breakdown of the relationship, the benefited party can be made to pay the other side thousands of dollars to redress the benefit



received. You should therefore know the factors the Courts look at when determining whether there has been such an unjust enrichment in the relationship. To read more how the Supreme Court of Canada has recently redefined this area of law click [here](#).

FINDING THE ROOT OF RELATIONSHIP TRAPS:

Discovering The Long-Term Effects Of Divorce



During divorces that deal with child custody and access, the term, "what's best for the child" is often used. Regardless of the underlying motives, each party strives to do what they believe are in the best interests of the child, be it the Mother, Father, or Courts. Few, however, stop to think of the long-term ramifications their divorce may have on their children later in life. Many of these children fall into relationship traps trying to fill a void of lost love left by their parents' divorce. Rather than a healthy relationship, they find or stay in unhealthy relationships where they attempt to mask feelings of low self-esteem and feelings of not being worthy of love.

Dr. Michelle Mitcham has set out 5 messages to help one develop their self-esteem and trust, so that they are able to develop a positive outlook, and healthy romantic relationships. To read the full article please click [here](#).

PROBATE FEES

Big Brother Is Now Watching



Bill 173 entitled the Better Tomorrow for Ontario Act, May 12, 2011 clearly is going to be better for the Government. The Act legislates by the use of forms and audit an "eye" over your declaration of estate assets for the calculation of probate fees. Rarely in the past, if ever, has the simple declaration of what your loved one's estate is worth been questioned by the Government. Now, not only will every declaration be scrutinized, but even four years after the estate is closed, the Government can audit your declaration, holding your executors liable. Click [here](#) for the full article.

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 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,

Law Offices of Howard S. Dymont

Howard S. Dymont

Our Law Offices

Law Offices of Howard S. Dymont

390 Bay Street, Suite 910

Toronto, Ontario M5H 2Y2

Tel: 416-861-0087

Fax: 416-946-1329

Email: howard@dymont.com

Web Site: www.dymont.com

