Section 3: Family and Inheritance Law

In this section, I will set out aspects of family law that are relevant to the concerns raised during the course of my Review. I also hope to provide some background regarding the basic aspects of Ontario's family law regime.

Federal/Provincial jurisdiction

Family law is an area of shared jurisdiction between the federal and provincial governments. This division of responsibility is a result of the division of powers contained in sections 91 and 92 of the *Constitution Act, 1867*. Section 91 sets out the areas of exclusive federal jurisdiction, including marriage and divorce. Section 92 sets out the areas of exclusive provincial jurisdiction and includes the solemnization of marriage, and property and civil rights in the province.[51]

The federal *Divorce Act* applies not only to married people who want a divorce, but also to the custody, access, child and spousal support claims they make as part of the divorce.[52] Provincial law applies to all other family law matters. This includes the separation (as distinct from divorce) of married or unmarried couples, custody, access, support, division and possession of property, restraining orders, and related issues of child protection and enforcement of orders. Both the federal *Divorce Act* and the Ontario *Family Law Act* (FLA) explicitly permit mediation; however, neither of these acts discuss arbitration.[53]

When adults separate, the family law that applies to them and their children is determined by their marital status. Married people have the option of using the federal *Divorce Act* to apply for a divorce. They can use this same statute to establish their custody, access and support rights. Common law couples and married couples who choose not to divorce must turn to the provincial *Children's Law Reform Act* (CLRA) to determine custody and access, and the FLA for child and spousal support.

Division of Property

Provincial family law varies across the country, particularly in the area of division of property. In Ontario, property division deals with determining which property is shared, on what terms, whether people can contract out of provincial family law regimes, and how much discretion the court has to vary a presumptive "50/50" sharing of property to achieve a "fair" result. Not all provinces require the sharing of all property and most do not provide for property sharing between unmarried partners.

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[51] *Constitution Act, 1867* (U.K.), 30 & 31 Vict., c.3, s. 92, reprinted in R.S.C. 1985. App. II, No. 5.
[52] *Divorce Act,* R.S. 1985, c.3, (2nd Supp.).
[53] *Divorce Act,* R.S. 1985, c.3, (2nd Supp.), s. 9(2), *Family Law Act*, R.S.O. 1990 c.F.3, s. 3.

Ontarians have reason to be proud of the advances for women's equality that have been achieved through property regimes in this province. Ontario's statutes contain some of the strongest legislative statements about gender equality in Canadian law. For instance, the preamble of Ontario's *Family Law Act* states:

> Whereas it is desirable to encourage and strengthen the role of the family; and whereas for that purpose it is necessary to recognize the equal position of spouses as individuals within marriage and to recognize marriage as a form of partnership; and whereas in support of such recognition it is necessary to provide in law for the orderly and equitable settlement of the affairs of spouses upon the breakdown of their partnership, and to provide for other mutual obligations in family relationships, including equitable sharing by parents of responsibility for their children;[54]

This represents a concrete statement of equality with respect to the law's characterization of the equal importance of roles people play within their relationships.

Only married couples have a right to division of property under the FLA. Common law couples can make a claim against their partner's property, but this claim is not authorized by provincial statute. Rather, it is a constructive trust, which is permitted by the common law (law decided by judges in cases). All couples, however, have the option of entering into a domestic contract prior to marriage or co-habitation. Domestic contracts are discussed in more detail below.

Relationship breakdown

Not surprisingly, there is a spectrum of formality in the way couples approach their separation. The following sets out what typically may happen in the "mainstream" community. Many separating couples settle their affairs without the involvement of third parties. Some couples may have informal, unwritten or written agreements, while some may simply lose touch and never resolve any outstanding issues that might remain.

Still other couples reach an agreement with the help of a trusted advisor who may or may not be trained, such as a relative or a friend, a religious leader, or a counselor. Most couples receive some form of legal advice either from their lawyers, legal aid advice counsel, or employee legal service plans. The majority of these couples reach settlement without formal dispute resolution services, and in particular, without ever having to go to court.

When people do go to their lawyers, they may go already equipped with a plan for a separation agreement and simply might want legal advice to make the plan a legally enforceable agreement. In the event one or both people retain lawyers, the lawyers will negotiate between themselves, and in four way meetings with their clients, after an initial exchange of information.

[54] *Family Law Act*, R.S.O. 1990, c.F.3, Preamble.

It is interesting to note that some lawyers in Ontario have established collaborative family law practices. Under collaborative family law, clients must agree that they will change lawyers if they decide to go to court if a negotiation does not end in a settlement. Ideally this approach is thought to focus the clients on reaching a negotiated solution, as opposed to focusing on intimidating or bullying the other person with threatened court action. Interestingly, lawyers who practice collaborative family law report greater satisfaction with their work.

Domestic Contracts

The agreements reached with the help of lawyers, collaborative or not, are formalized in a separation agreement. The separation agreement is made under the authority of Part IV of the FLA; it is a contract between the separating couple. The main formal requirements for an enforceable agreement are: that the agreement be in writing; that it be signed by the parties; that the signature be witnessed; that the best interests of the child be respected; and that the agreement be in accordance with child support guidelines.[55]

The FLA contemplates the various contractual arrangements people may enter into as a result of the breakdown of their relationship. The FLA sets the public policy parameters for resolution of family disputes through agreements. For instance, domestic contracts prevail over the provisions of the FLA, except as provided for in the FLA.[56] This reflects a policy decision to place greater value on the agreements to which people mutually consent, rather than on the provisions of the Act, where the two exist simultaneously. The corollary to this policy choice is that the FLA permits a provision in a domestic contract to be incorporated into a court order, if it deals with a matter that can be addressed under the FLA itself.[57] This recognizes that, if contracts are the main means of settlement, they may require recognition by a court to permit their enforcement, even though these contracts have been made without the court's assistance.

The FLA permits spouses to contract out of sharing any, or all, of their property by excluding property from the calculation of "net family property".[58] Spouses are also allowed to contract out of spousal support. However, the FLA allows the court to set aside a support agreement or a waiver of support in a domestic contract under certain conditions. These circumstances include: where it results in unconscionable circumstances; if the person entitled to support is in receipt of social assistance; or if the support provision is in default.[59]

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[55] *Family Law Act*, R.S.O. 1990 c.F.3, ss. 55(1), 56(1)-(1.1)
[56] *Family Law Act*, R.S.O. 1990 c.F.3, s. 2(10)
[57] *Family Law Act*, R.S.O. 1990 c.F.3, s. 2(9)
[58] The FLA defines one category of excluded property as "property that the spouses have agreed by domestic contract is not to be included in the spouse's net family property." *Family Law Act*, R.S.O. 1990 c.F.3, s. 4.
[59] *Family Law Act*, R.S.O. 1990 c.F.3, s. 33(4)

A domestic contract may be filed with the court for the purpose of enforcing a support provision.[60] This section applies even where a party has waived the right to file it with the court for the purpose of enforcing the support provision. This makes it effectively impossible to waive the right to file with the court for enforcement of a support provision.

Contracting out of protections relating to the possession, sale or mortgage of the matrimonial home through a marriage contract is prohibited under the FLA.[61] However, this does not prohibit contracting out of sharing the value of the home. Likewise, one cannot contract about the custody and access of children before the relationship has broken down.[62] Contracts made outside Ontario may be valid in Ontario if they would be valid if made under the law of Ontario.[63]

The FLA contains a basic policy statement setting some explicit limits on domestic contracts, which permit a court to set these contracts aside.[64] For instance, the court may disregard any provision that a couple makes about their children's upbringing where the court believes it is in a child's best interest to do so.[65] This threshold (best interests of the child) is a low threshold for court intervention. It simply may be a policy restatement of the court's inherent authority over children and their welfare, referred to as *parens patriae* jurisdiction.

Beyond this, the FLA permits the court to disregard a provision relating to child support where the provision is unreasonable with regard to the child support guidelines.[66] Again, this is a very low threshold that gives broad scope for court intervention.

Part IV of the FLA also influences the way parties and lawyers behave when negotiating domestic contracts because they are aware of the court's power to set these contracts aside in certain circumstances.[67] For instance, if a party to a domestic contract failed to disclose significant assets, or significant debts or other liabilities, existing when the domestic contract was made, the court may set the contract aside. Court decisions have expanded this obligation to include full and frank financial disclosure, including disclosure of income and income sources. The court may also set the contract aside if a party did not understand the nature and consequences of the agreement. Courts have generally interpreted this to mean that the parties must have received independent legal advice from a lawyer familiar with Ontario family law. The court may set aside domestic contracts for other reasons according to the law of contract, including lack of capacity to contract, lack of consent, duress or mistake.

The court may set aside all or part of a domestic contract or settlement if the court is satisfied that one spouse used the removal of religious barriers to remarriage as part of

[60] *Family Law Act*, R.S.O. 1990 c.F.3, s. 35(1)
[61] *Family Law Act*, R.S.O. 1990 c.F.3, s. 52(2)
[62] *Family Law Act*, R.S.O. 1990 c.F.3, ss. 52(2)(c), 53(1)(c)
[63] *Family Law Act*, R.S.O. 1990 c.F.3, s. 58
[64] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56
[65] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(1)
[66] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(1.1)
[67] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(4)

the bargain during the negotiation.[68] This provision applies to all religions. In fact, the court can set aside any settlement of a family matter if it was negotiated with reference to removal of religious barriers.[69] It is important to note that the court has this discretion regardless of the form the settlement takes. This section of the FLA refers to "consent orders, notices of discontinuance and abandonment and other written or oral arrangement".[70] In the case of settlements contracted with reference to religious barriers to remarriage, the court has the widest available scope for intervention in this type of situation. This policy choice of the broadest possible court power in the context of religious barriers to remarriage reflects an understanding that negotiating in the context of religious principles may be different than in a non-religious context.

Arguably only this one section of Part IV (section 56(5)) currently applies to arbitral awards, since they would qualify as an "other written or oral arrangement".[71] Generally, Part IV apply only to domestic contracts which are specifically defined as marriage contracts, co-habitation agreements, separation agreements and paternity agreements.[72]

When negotiation between lawyers does not reach an agreement, or leave some issues outstanding, many family lawyers recommend mediation as an alternative to going directly to court. Increasingly, lawyers are also using arbitration as an alternative to resolving issues that have not been resolved by mediation. As we know, settlement of any legal dispute usually involves compromise. When negotiating, couples operate in the shadow of the law, but most often without in-depth understanding of what the law requires or permits.

We should not lose sight of the fact that people can give up their entitlement to claim any of the benefits of the *Family Law Act*. Often a separation agreement benefits one spouse more than the other for reasons of personal choice; such as guilt on the part of the leaving spouse, a wish to maintain the standard of living of children, or a desire to settle matters in an expeditious manner. There are many reasons why people forsake their entitlements in favour of arriving at a resolution of their dispute. All that the *Family Law Act* creates is an entitlement to make a claim. Some people do not want the conflict or expense of participating in the system, and so simply walk away. Like all civil law, individuals are responsible for bringing their own court action if they want to achieve a particular result. In this sense, the family law system in Ontario is a self-enforced system.

Recent decisions from the Supreme Court of Canada emphasize that people must abide by their personal choice. Even in situations of apparently unequal bargaining power, the court has ruled that personal choices must be followed. For example, in *Walsh*, a case that arrived at the Supreme Court from Nova Scotia, a woman who

[68] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(5)
[69] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(6)
[70] *Family Law Act,* R.S.O. 1990, c.F.3, s. 56(6)
[71] *Family Law Act*, R.S.O. 1990 c.F.3, s. 56(5)
[72] *Family Law Act*, R.S.O. 1990 c.F.3, s. 51.

"chose" not to marry was not allowed to make a claim for property division.[73] In the case of *Miglin*, a woman who signed a waiver of spousal support, but accepted a time-limited position as a consultant in the family business instead, was held to her agreement.[74] Finally, a lawyer who signed a pre-nuptial agreement on the day of her wedding, after being told by a legal colleague that the agreement would not be upheld, was held to that agreement in *Hartshorne.*[75]

In all of these cases, the Supreme Court determined that the exercise of personal choice was made within the acceptable limits of contractual law, and that the people making those choices had to be responsible for them.

Polygamy

Another issue that falls under the rubric of family law is polygamy (being married to more than one person). In an effort to demonstrate that Islam as a religion is fundamentally unfair to women, many contributors mentioned that Islam allows polygamy. They asserted that Islam's tolerance for men having more than one wife is a clear indication that women are viewed as inferior in that religion. Some explanation about the status of polygamous marriage in Ontario and Canadian law may assist in understanding this concern.

Polygamy is an offence under the *Criminal Code of Canada*. Everyone who enters into "any form of polygamy" or any "conjugal union with more than one person at a time" is guilty of an offence.[76] There is also a separate offence for any person who "celebrates, assists or is a party to a rite" that sanctions a polygamous marriage.[77] Many participants mentioned that although polygamy and performing polygamous marriages are offences in the *Criminal Code,* police are reluctant to lay charges. The Review received anecdotal evidence from a number of sources that polygamous marriages are being performed in Ontario and concern was raised about the situation of women whose spouses marry more than once. In spite it being a *Criminal Code* offence, throughout Canada, it is possible to have more than one married spouse, as long as the marriages took place in a jurisdiction that recognized the ceremony. The FLA recognizes a marriage that is "actually or potentially polygamous, if it was celebrated in a jurisdiction whose system of law recognized it as valid".[78] People who are in such marriages can therefore claim a division of property from their married spouse.

Even people who have not married more than once can have two or more spouses according to Ontario law. This results from the definitions of spouse in many Ontario statutes. For example, s. 29 of the FLA defines spouse, for support purposes, to

[73] *N.S. (AG) v. Walsh* [2002] 4 S.C.R. 325.
[74] *Miglin v. Miglin* [2003] 1 S.C.R. 303.
[75] *Hartshorne v. Hartshorne* [2004] 1 S.C.R. 550.
[76] *Criminal Code*, R.S.C. 1985, c. C-46, s. 293(a).
[77] *Criminal Code*, R.S.C. 1985, c. C-46, s. 293(b).
[78] *Family law Act*, R.S.O. 1990 c. F3, s. 1(2)

include three categories; persons who are married, persons who have resided together for three years, and persons who have a relationship of some permanence, if they are the parents of a child.

Participants in the Review expressed concern that a woman could lose property, support, and inheritance rights if her husband chose to take a subsequent wife. However, in many instances, that is the result under Ontario law when a person takes a subsequent (common law) spouse. Consider the hypothetical case of Tim, who married Jane when he was 22, and separated from her at 24 when he went to live with Mika. He and Mika lived together for 4 years, during which time he had an affair with Laura. Laura became pregnant, and since the child's birth 8 months ago, he has been living with Laura and the child. If Tim and Jane have never divorced, Tim has three spouses for the purpose of spousal support obligations. Ironically, permitting polygamy would provide additional protection to Mika and Laura in this example, because they would also be able to claim a division of property, in addition to support rights.

The main difference between Ontario law and Islamic personal law in this instance appears to be that, under Ontario law, both men and women can have subsequent relationships, whereas under Islamic personal law only men have this option. This distinction may make sense in the context of Islamic personal law, under which only the husband has an obligation to support the wife while the wife does not have a corresponding obligation to support the husband.

Some Additional Information About Children

In Ontario, most laws relating to children are contained in two provincial statutes: the *Children's Law Reform Act* (CLRA) and the *Child and Family Services Act* (CFSA). The only exception is that child support provisions are located in the *Family Law Act*. As mentioned earlier, the federal *Divorce Act* can be used to determine custody, access and support of children whose parents are divorcing.

In Ontario the concept of illegitimacy (being born outside marriage) was abolished in 1978. This means that the definition of child in Ontario law includes children born both inside and outside of marriage. With respect to support, this means that support claims may be made on behalf of all children, regardless of whether they were born within or outside of marriage.

The most common way for parentage to be established is through the registration of the child's birth by the child's parents. However, a court also has the power to make an order declaring a person to be the parent of a child, even where that person or the other parent may not want to recognize their parentage.[79]

Parents must support their children whether they are born from a marriage, a common law relationship, or a casual encounter. Contractual arrangements that provide

[79] *Children's Law Reform Act*, R.S.O. 1990, c.C.12, ss. 4, 5, 6.

otherwise will always be subject to the court's inherent jurisdiction, which allows it to intervene in the best interests of the child. In the case of support, even stepparents (both married and common law) must support a child, where they have shown an intention to treat that child as part of their family.

In Ontario, any person can apply for custody of or access to a child. This approach contrasts with most other provinces, and the federal *Divorce Act*, where only people who are parents or have acted as parents may apply without court approval. Once again, the test that judges use when making decisions about children is the "best interests of the child". With slight variation, both custody and access and child welfare laws direct the judge to consider the child's best interests. As discussed in the case of domestic contracts, courts can make orders about children that differ from what their parents have agreed to if the court finds it is in the child's best interests.

Courts are prohibited from granting a divorce to married couples unless they are satisfied that reasonable arrangements have been made for the support of the children. When considering if arrangements are reasonable, the court must refer to the child support guidelines. The child support guidelines were developed co-operatively between the federal and provincial governments to ensure a predictable and consistent level of support for children.

Notwithstanding the flexibility the courts have with respect to the best interests of the child standard, parenting of children is an area of significant demand for public policy change. Non-custodial parents groups are concerned that the majority of children of separated couples live with their mothers, and only visit with their fathers. Advocates for women who have been abused submit that shared parenting, where all decisions and time are shared between the parents, might be used as a method of control by an abusive former spouse. They also express concern that reductions in child support, as a result of equal time sharing, could erode the standard of living of female-headed separated households.[80]

Section 46 of the CLRA incorporates the *Hague Convention on the Civil Aspects of International Child Abduction*, an international convention that provides for reciprocal assistance between countries when children are abducted across borders. It is important to note that this Convention only applies if both countries have signed and ratified the treaty. However, in Canada, sections 282 and 283 of the *Criminal Code* make it an offence to remove a child from his or her parent with the intention of depriving that parent of contact with the child.

The *Child and Family Services Act* (CFSA) is the provincial law that permits a Children's Aid Society to become involved if a child is being abused or neglected. Many participants in this review have raised concerns about child abuse. Violence against children is a criminal offence, and as such, falls under the category of matters that are not subject to arbitration.

[80] Submission of Ontario Women's Justice Network (2004).

Under the CFSA, any person, whatever the source of their knowledge, has a mandatory duty to report to a Children's Aid Society if they suspect that a child is being neglected, abused, sexually exploited, or otherwise not cared for in a manner that meets minimum parenting standards.[81] This is a legal obligation that applies to everyone. Beyond this, if you are a person who works with children, it is an offence not to report suspicions about child abuse or neglect. Many people fall into the category of those who may be charged with an offence for failing to report. They include health care professionals, lawyers, and "a teacher, school principal, social worker, family counselor, priest, rabbi, [or] member of the clergy."[82] While these sections do not explicitly apply to mediators and arbitrators, it is likely that most people who practice ADR would fall within one of the explicitly established professions. They would be bound by the same duty to report in their function as mediators or arbitrators.

The law relative to physical discipline of children became somewhat clearer since the Supreme Court of Canada's decision in *Canadian Foundation for Children, Youth and the Law v. Canada (A.G.)*.[83] In that case the court concluded that it is defensible only for parents to strike children who are between the ages of 2 and 12 as a form of correction, without an implement, and not on their head or face area. Teachers may use reasonable force to remove children from a classroom or to secure compliance with instructions, but may not strike children in their care.

Inheritance in Ontario

In Ontario, inheritance is divided into two areas: inheritance according to a will, or testate succession; and inheritance without a will, or intestate succession. A partial intestacy occurs where a will only covers part of the inheritance. The portion that is under a will is dealt with according to the will's instructions, and the portion that is not covered by the will is dealt with as an inheritance without a will, or intestacy. All successions, whether testate, intestate, or partially intestate, are subject to a claim under the FLA by the surviving spouse, where the net family property of the deceased spouse is greater than that of the surviving spouse.[84]

Simply put, if a person has a will, they may include or exclude anyone they wish, subject to the spouse's claim under the FLA or to the claims of dependants for support from the estate. Children born outside of marriage are included in the definition of dependants in the *Succession Law Reform Act*.[85] As such they are entitled to a priority claim on the estate for the purposes of support as dependants.

[81] *Child and Family Services Act*, R.S.O. 1990, c. C.11, s. 72
[82] *Child and Family Services Act*, R.S.O. 1990, c. C.11, s. 72(5)(b)
[83] *Canadian Foundation for Children, Youth and the Law v. Canada (A.G.)*, [2004] 1 S.C.R. 76.
[84] *Family Law Act*, R.S.O. 1990 c. F3, s. 5(2)
[85] *Succession Law Reform Act*, R.S.O. 1990, c.S.26, s. 57.

In addition, categories of persons are interpreted to include those people in the category, whether or not they are related by marriage.[86] So for example, if a will reads, "I leave my savings to my nieces and nephews in equal shares," this will include nieces and nephews born outside marriage and unacknowledged. However, the will may specifically exclude people born outside of marriage. Then the will would read, for instance, "I leave my savings to my nieces and nephews born inside marriage in equal shares".

All children inherit from their biological or adoptive parents, unless the parent has a will that provides otherwise. If the child is still eligible for support (i.e. is still a dependant), that child has a first claim on the parents' estate before it is distributed. Stepchildren may be dependants, and make a support claim, but they do not automatically inherit from their stepparent.

Concerns that have been expressed by some participants regarding the possibility of excluding particular individuals from an inheritance under Islamic personal law lose their poignancy in the context of Ontario's succession regime. Inheritance law in Ontario already allows people to exclude whomever they want from their will, so long as the will is valid and provisions have been made for the married spouse and any dependants. Alternatively, where no will exists different rules apply. Here, the law seeks to make equitable distribution of the inheritance since it has no instruction from the deceased. This applies equally to all intestate successions.

In a situation where a person dies without a will, the *Succession Law Reform Act* acts as a code for the distribution of the inheritance. Accordingly, the first person to be considered next of kin is the legally married spouse of the deceased.[87] If the only next of kin is the spouse then the spouse inherits everything. If there are other next of kin, the spouse is entitled to the "preferential share", which is the first $200,000 of the value of the estate.

If the value to be inherited is less than the preferential share ($200,000), the spouse of the deceased inherits everything, even if there are other next of kin.[88] The division of what remains above the preferential share takes place as follows. If there is one child, the child and the spouse divide equally the remainder of the inheritance.[89] Where there is more than one child, the spouse gets one third of the remainder of the inheritance, over and above the preferential share, and the children divide the rest between them.[90] In the event of a partial intestacy, if the spouse inherits something, this will be taken into account for the calculation of the preferential share.[91]

[86] *Succession Law Reform Act*, R.S.O. 1990 c.S.26, s. 1(1), *Children's Law Reform Act*, R.S.O. 1990, c. C12, s. 1(1).
[87] *Succession Law Reform Act*, R.S.O. 1990, c. S26, s. 44.
[88] *Succession Law Reform Act*, R.S.O. 1990, c. S26, s. 45(1).
[89] *Succession Law Reform Act*, R.S.O. 1990, c. S26, s. 46(1).
[90] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 46(2)
[91] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 45(3)(a)

If there is no spouse and there are no children, then the inheritance goes to the parents of the deceased, in equal shares.[92] If there is no spouse, and there are no children or parents, then the inheritance goes to the deceased's siblings, or if they have died, the inheritance goes to the children of the siblings.[93] If there is no immediate family, the inheritance passes on to nieces and nephews in equal share per capita.[94] After that the inheritance passes on to the next level of next-of-kin in equal shares according to the table of consanguinity (relationships by blood).[95] Finally, if there is no one who stands to inherit from a deceased who does not have a will, the inheritance goes to the Crown.[96]

It is clear then, that under Ontario law, testate successions can be organized in any way, to the exclusion of anyone, provided that adequate provision is made for the married spouse and dependants. Therefore, if a will is drawn up according to the dictates of Islamic personal law, and it is a valid will under Ontario law, there is no reason to ignore it under Ontario law. Intestate successions are distributed according to the statutory provisions, provided the matter is brought to the court's attention. The law on intestacy establishes a regime of entitlements, but it does not prevent beneficiaries from making other, private arrangements. If beneficiaries want to arbitrate about an intestacy, they have a right to do so. In order for the courts to become involved , someone must bring a complaint, as is the case for any civil action.

[92] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 47(3)
[93] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 47(4)
[94] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 47(5)
[95] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, ss. 47(6), 47(8)
[96] *Succession Law Reform Act*, R.S.O. 1990, c. S.26, s. 47(8)