Fighting Domestic Violence - Canada

7. Endnotes

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[1]    Anne Kingston, ["We Are the Dead"](https://www.macleans.ca/news/canada/we-are-the-dead/), MacLean's(17 September 2019).

[2]    Dubravka Šimonović as quoted in *Ibid.*

[3]    *Ibid*.

[4]    M. Burczycka, and S. Conroy, S. (2018). "Family violence in Canada: A statistical profile, 2016." Juristat, Canadian Centre for Justice Statistics, Statistics Canada, Catalogue No. 85-002-X. <https://www.canada.ca/en/public-health/services/health-promotion/stop-family-violence/problem-canada.html>.

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[8]    Brennan, 2011b.

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[10]    Most of the information in this Criminal Law section was taken from Jennifer Koshan, Janet Eaton Mosher and Wanda Anne Wiegers ["The Costs of Justice in Domestic Violence Cases: Mapping Canadian Law and Policy"](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598277) (11 May 2020) at 6-7.

[11]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/), RSC 1985, c C-46 at Sections 501(3)(d), (e), 515(3)(a), 516(2) (interim release); Section 732.1(3)(a.1) (probation); Section 742.3(2)(a.3) (conditional sentence orders); Section 810(3.2) (peace bonds).

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[14]    [Constitution Act, 1867](https://www.canlii.org/en/ca/laws/stat/30---31-vict-c-3/latest/30---31-vict-c-3.html),30 and 31 Victoria c 3 (UK) atSection 91(26).

[15]    [Civil Marriage Act](https://www.canlii.org/en/ca/laws/astat/sc-2005-c-33/latest/sc-2005-c-33.html#:~:text=The%20Civil%20Marriage%20Act%2C%20SC,to%20authorize%20same%2Dsex%20marriage.&amp;text=Religious%20officiants%20are%20free%20to,religious%20beliefs%20(section%203).),2005 SC c 33.

[16]    [Divorce Act](https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-3-2nd-supp/latest/rsc-1985-c-3-2nd-supp.html)*,* RSC 1985 c 3 (2nd Supp).

[17]    [Divorce Act](https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-3-2nd-supp/latest/rsc-1985-c-3-2nd-supp.html)*,* RSC 1985 c 3 (2nd Supp) at Section 16(3). Section 16(4) then lists the factors that a court should consider with respect to the impact of any family violence.

[18]    Most of the information contained in this Indians/Indian Reserves section was taken from Jennifer Koshan, Janet Eaton Mosher and Wanda Anne Wiegers, ["The Costs of Justice in Domestic Violence Cases: Mapping Canadian Law and Policy"](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598277) (11 May 2020) at 8-9.

[19]    [FHRMIRA](https://laws-lois.justice.gc.ca/eng/acts/F-1.2/), S.C. 2013, c.20.

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[21]    *Ibid* s. 92(13).

[22]    *Ibid*.

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[35]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/), RSC 1985, c C-46.

[36]    *Ibid* at Sections 265-268.

[37]    *Ibid* at Sections 271-273.

[38]    The [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/), RSC 1985, c C-46 recognizes this sentencing principle in Section 718.2(a)(ii): "a sentence should be increased or reduced to account for any relevant aggravating or mitigating circumstances relating to the offence or the offender, and, without limiting the generality of the foregoing, […] (ii) evidence that the offender, in committing the offence, abused the offender's intimate partner or a member of the victim or the offender's family, […]."

[39]    [Civil Code of Quebec](http://legisquebec.gouv.qc.ca/en/showdoc/cs/ccq-1991), CQLR c CCQ-1991 at Article 1457.

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[43]    [Divorce Act](https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-3-2nd-supp/latest/rsc-1985-c-3-2nd-supp.html)*,* RSC 1985 c 3 (2nd Supp) at Section 2.

[44]    For more information see Government of Canada, Department of Justice, ["Peace Bonds Fact Sheet"](https://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/peace-paix.html) Victims' Rights in Canada (2015).

[45]    Use of the term "restraining order" or "protection order" vary by jurisdictions. See Province of British Columbia, Protection Order Registry, [Information on Protective Orders](https://www2.gov.bc.ca/gov/content/safety/crime-prevention/protection-order-registry/qa)*.*

[46]    For the contact information of each province's legal aid program see Department of Justice, [Legal Aid Program](https://www.justice.gc.ca/eng/fund-fina/gov-gouv/aid-aide.html/).

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[57]    Department of Justice, ["Peace Bond Fact Sheet"](https://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/peace-paix.html) (1 August 2017) Victims' Rights in Canada*.*

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[59]    If applying in the Supreme Court, the following documents are required: Notice of Family Claim (Form F3), unless one has already been filed; Notice of Application (Form F31); Affidavit (Form F30); Protection Order (Form F54); Requisition for Consent Order or for Order without Notice (Form F29). If applying in the provincial court, the following documentation is required: Application to Obtain an Order (PCF3 Form 1); Notice of Motion (PCFR Form 16); Affidavit (PCFR Form 17).See Government of British Columbia, Ministry of Public Safety and Solicitor General, [For Your Protection: Peace Bonds and Family Law Protection Orders](https://pubsdb.lss.bc.ca/resources/pdfs/pubs/For-Your-Protection-eng.pdf)(2017).

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[72]    Government of Northwest Territories, [Protection Orders](https://www.justice.gov.nt.ca/en/protection-orders/).

[73]    YWCA Canada, [Nunavut Legal Information Manual for Violence Support Services](https://ywcacanada.ca/wp-content/uploads/2018/10/Nunavut-Legal-Information-Manual-2014.pdf)(2014).

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[125]    In situations where there is evidence indicating that a domestic violence related offense occurred, police officers are generally encouraged to recommend criminal charges even if there are no apparent injuries to the victim and regardless of the victim's desire or willingness to lay charges and/or testify in a criminal prosecution. See for example Province of British Columbia, Ministry of Public Safety and Solicitor General, [Violence Against Women in Relationships (VAWIR) Policy](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/vawir.pdf) (December 2010) [<https://perma.cc/5HYX-CXGL>].

[126]    *Ibid* at page 34.

[127]    In the province of Quebec, members of the Chambre des notaires may act as legal advisers, but cannot represent victims in court*.*

[128]    A general national resource can be found at <https://www.domesticshelters.org/>. For provincial resources, see **Quebec:** Province of Quebec, [Domestic Violence](https://www.justice.gouv.qc.ca/en/victims/domestic-violence/), Sante Montreal, [Spousal Violence](https://santemontreal.qc.ca/en/public/advice-and-prevention/spousal-violence/)(Last updated May 2015); **Ontario:** Province of Ontario, [Get help if you are experiencing violence](https://www.ontario.ca/page/get-help-if-you-are-experiencing-violence) (last updated June 2020), [Violence in the Family](https://www.attorneygeneral.jus.gov.on.ca/english/family/violence.php)(last updated July 2019); **Manitoba:** Province of Manitoba, [Domestic Violence Support Service (DVSS)](https://www.gov.mb.ca/justice/crown/victims/dvss.html); **Saskatchewan:** Province of Saskatchewan, Interpersonal violence and abuse programs, [Domestic violence court](https://sasklawcourts.ca/index.php/home/provincial-court/adult-criminal-court/domestic-court); **Alberta:** Province of Alberta, [Family violence prevention](https://www.alberta.ca/family-violence-prevention.aspx); **British Columbia:** Province of British Columbia, [Gender-based violence, sexual assault, and domestic violence](https://www2.gov.bc.ca/gov/content/safety/public-safety/domestic-violence), BC Emergency Health Services, [Domestic Violence](http://www.bcehs.ca/health-info/support-for-bcehs-family-members/critical-incident-stress/domestic-violence); **New Brunswick:** Province of New-Brunswick, [Intimate partner violence](https://www2.gnb.ca/content/gnb/en/departments/public-safety/community_safety/content/intimate_partner_violence.html); **Nova Scotia:** <https://novascotia.ca/just/victim_Services/family_violence.as>, Nova Scotia Advisory Council on the Status of Women, [Nova Scotia Domestic Violence Resource Centre](https://www.nsdomesticviolence.ca/), The Courts of Nova Scotia, [Domestic Violence Court Program](https://www.courts.ns.ca/provincial_court/NSPC_domestic_violence_court.htm); **PEI:** Government of Prince Edward Island, [Supports for family violence](https://www.princeedwardisland.ca/en/information/social-development-and-housing/supports-family-violence) (May 2020), [Victims of Family Violence Act](https://www.princeedwardisland.ca/en/legislation/victims-family-violence-act), RSPEI 1988, c V-3.2; **Newfoundland and Labrador:** Supreme Court of Newfoundland & Labrador, [Family Violence](https://court.nl.ca/supreme/family/violence.html); **Yukon:** Government of Yukon, [Find out about Victim Services](http://www.justice.gov.yk.ca/prog/cor/vs/domestic_violence.html); **Northwest Territories:** Government of the Northwest Territories, Health and Social Services, [Family Violence](https://www.hss.gov.nt.ca/en/services/family-violence) (November 2019); **Nunavut:** Government of Nunavut, [Family Violence](https://www.gov.nu.ca/family-services/information/family-violence).

[129]    [Canada Evidence Act](https://laws-lois.justice.gc.ca/eng/acts/c-5/)(R.S.C., 1985, c. C-5) at Section 28(9); see also [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 4(7).

[130]    The principles of proof beyond a reasonable doubt have been outlined by the Supreme Court of Canada in *R v. Lifchus* [1997] 3 S.C.R. 320, an important case that describes the process of defining this standard in jury instructions.

[131]    *R. v. Stone* [1999] 2 S.C.R. 290.

[132]    *R. v. Finck* [2003] O.J. No. 2692.

[133]    *R. v. Hemmerly* 1976 CarswellOnt 930; *R. v. Pappajohn,* [1980] 2 S.C.R. 120.

[134]    *R. v. Ryan* [2013] 1 S.C.R. 14.

[135]    *R. v. Ruzic* [2001] 1 S.C.R. 687.

[136]    *R. v. Ryan* [2013] 1 S.C.R. 14.

[137]    *R. v. Ruzic* [2001] 1 S.C.R. 687.

[138]    *R. v. Latimer* [2001] 1 S.C.R. 3; *Perka v. R.,* [1984] 2 S.C.R. 232.

[139]    *Perka v. R.* [1984] 2 S.C.R. 232.

[140]    *R. v. Pappas* [2013] 3 S.C.R. 452.

[141]    *R. v. Humaid* [2006] O.J. No. 1507.

[142]    *R. v. Sullivan* 2020 ONCA 333; *R. v. Tatton* [2015] 2 S.C.R. 574; *R. v. Daviault* [1994] 3 S.C.R. 63.

[143]    *R. v. McDowell* [1980] O.J. No. 488; *R. v. Chaulk* 2007 NSCA 84.

[144]    *R. v. Sullivan* 2020 ONCA 333; *R. v. Tatton* [2015] 2 S.C.R. 574; *R. v. Daviault* [1994] 3 S.C.R. 63; *R. v. Daley* [2007] 3 S.C.R. 523.

[145]    *Malanik v. R. (No. 3)* [1952] 2 S.C.R. 335.

[146]    *R. v. Daviault* [1994] 3 S.C.R. 63.

[147]    *R. v. Pappajohn* [1980] 2 S.C.R. 120.

[148]    *R. v. Sault Ste. Marie (City)* [1978] 2 S.C.R. 1299.

[149]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 273.1.

[150]    *R v. Ewanchuk* [1999] 1 S.C.R. 330.

[151]    *R v. A.(J.)* [2011] 2 S.C.R. 440.

[152]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 273.1(2).

[153]    *R. v. M. (M.L.)* [1994] 2 S.C.R. 3.

[154]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 273.2.

[155]    See *R v Jobiden* [1991] 2 S.C.R. 714, which discusses fist fights as a socially nonacceptable activity and, therefore, the harm is not consented to.

[156]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 16(1).

[157]    *Ibid* at s. 16(2)-(3).

[158]    *R. v. Chaulk* [1990] 3 S.C.R. 1303; *R. v. Dobson* [2015] ONSC 2865.

[159]    CBC, ["Not criminally responsible: 6 cases"](https://www.cbc.ca/news/canada/not-criminally-responsible-6-cases-1.2500574) (17 January 2014).

[160]    Zoran Miladinovic and Jennifer Lukassen, ["Verdicts of not criminally responsible on account of mental disorder in adult criminal courts, 2005/2006-2011/2012"](https://www150.statcan.gc.ca/n1/pub/85-002-x/2014001/article/14085-eng.htm#a2) Statistics Canada (18 September 2014).

[161]    [Canada Evidence Act](https://laws-lois.justice.gc.ca/eng/acts/c-5/)(R.S.C., 1985, c. C-5) at Section 14(1)*.*

[162]    *Ibid* at s. 16(3)*.*

[163]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 545(1).

[164]    [Canada Evidence Act](https://laws-lois.justice.gc.ca/eng/acts/c-5/)(R.S.C., 1985, c. C-5) at Section 4(2).

[165]    *Ibid* at Section 4(3).

[166]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 715.1.

[167]    See *R. v. F(CC)* [1997] 3 S.C.R. 1183.

[168]    Joseph Di Luca Erin Dann Breese Davies, Department of Justice, Family, Children and Youth Section, [Best practices where there is family violence (criminal law perspective)](https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/bpfv-pevf/bpfv-pevf.pdf)(2012).

[169]    *Ibid*.

[170]    *Ibid*. See for example [Child and Family Services Act](https://www.ontario.ca/laws/statute/90c11), R.S.O. 1990, c. C.11 at Section 40(10); See also Government of Canada, Public Health Agency of Canada, [Provincial and territorial child protection legislation and policy 2018](https://www.canada.ca/en/public-health/services/publications/health-risks-safety/provincial-territorial-child-protection-legislation-policy-2018.html#t4)*.*

[171]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Sections 486.1(1) and 486.2(1)*.*

[172]    Government of Canada, Department of Justice, [Family Violence Laws](https://www.justice.gc.ca/eng/cj-jp/fv-vf/laws-lois.html).

[173]    *Ibid.*

[174]    [Criminal Code](https://laws-lois.justice.gc.ca/eng/acts/c-46/) (R.S.C., 1985, c. C-46) at Section 127.

[175]    *Ibid* at Section 145(3)-(5).

[176]    *Ibid* at Section 733.1.

[177]    Government of Canada, Correctional Services Canada, [Information for victims](https://www.csc-scc.gc.ca/victims/003006-index-en.shtml)(last modified May 2019).

[178]    Government of Ontario, Ministry of the Solicitor General, Victims Services, [Victim Notification System](https://www.mcscs.jus.gov.on.ca/english/Corrections/VictimServices.html); [Police Services Act](https://www.ontario.ca/laws/statute/90p15), 1990, RSO 1990, c P15; Community Coordination for Women's Safety, [Crown Intimate Partner Violence Policy (IPV 1)](https://endingviolence.org/wp-content/uploads/2019/06/CCWS-Backgrounder-Crown-IPV-Policy_vF_31032019.pdf) (March 2019) at Section 7; Government of British Columbia, Victims Safety Unit [Help Starts Here: Information on victim notification](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/bc-criminal-justice-system/if-victim/publications/hsh-english-victim-notification.pdf)(revised July 2019); [(PIPEDA)](https://laws-lois.justice.gc.ca/ENG/ACTS/P-8.6/index.html), S.C. 2000, c-5 at Sections 7(2)(b) and 7(3)(e); La Re-Source, [What are my rights?](https://lare-source.org/en/what-are-my-rights); [Act respecting the Quebec Correctional System](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/S-40.1) chapter S-40.1 at Article 175; [An Act Respecting Assistance for Victims of Crime](http://legisquebec.gouv.qc.ca/en/ShowDoc/cs/A-13.2), chapter A-13.2, at Article 5; Government of Quebec, [Plan d'action gouvernementale en matière de violence conjugale 2018-2023](http://www.scf.gouv.qc.ca/fileadmin/Documents/Violences/plan-violence18-23-access.pdf) (2018); Government of Quebec, Ministère de la sécurité publique, [If you have been the victim of a crime, you have rights](https://www.securitepublique.gouv.qc.ca/fileadmin/Documents/services_correctionnels/publications/depliants/depliant-victimes-texte_en.pdf); Government of Alberta, Victims Services, [Help for Victims of Crime](http://www.alberta.ca/help-for-victims-of-crime.aspx); Government of Manitoba, [Victim Services](https://www.gov.mb.ca/justice/crown/victims/index.html).

[179]    See, for example, Amanda V. McCormick, Irwin M. Cohen, and Raymond R. Corrado, University of the Fraser Valley Centre for Public Safety & Criminal Justice Research, [Enhancing Surrey RCMP Detachment's Domestic Violence Unit](https://cjr.ufv.ca/wp-content/uploads/2017/07/Surrey-RCMP-Domesitc-Violence-Report.pdf).

[180]    CBC News Saskatoon, ["Clare's Law coming into force in Sask. without RCMP participation"](https://www.cbc.ca/news/canada/saskatoon/clare-s-law-coming-into-force-without-rcmp-1.5622139) (22 June 2020).

[181]    Dan Brisebois, ["Domestic violence victim advocates concerned as RCMP non-committal to upholding Clare's Law"](https://www.coldlakesun.com/news/provincial/domestic-violence-victim-advocates-concerned-as-rcmp-non-committal-to-upholding-clares-law) Cold Lake Sun (3 July 2020); Sammy Hudes, ["Domestic violence victim advocates concerned as RCMP non-committal to upholding Clare's Law"](https://calgaryherald.com/news/politics/domestic-violence-victim-advocates-concerned-as-rcmp-non-committal-to-upholding-clares-law) Calgary Herald (28 June 2020).

[182]    RCMP, [Saskatchewan RCMP is committed to supporting victims and survivors of domestic violence](https://www.rcmp-grc.gc.ca/en/news/2020/saskatchewan-rcmp-is-committed-supporting-victims-and-survivors-domestic-violence) Press Release (22 June 2020); CBC News Saskatoon, ["Clare's Law coming into force in Sask. without RCMP participation"](https://www.cbc.ca/news/canada/saskatoon/clare-s-law-coming-into-force-without-rcmp-1.5622139) (22 June 2020); Dan Brisebois, ["Domestic violence victim advocates concerned as RCMP non-committal to upholding Clare's Law"](https://www.coldlakesun.com/news/provincial/domestic-violence-victim-advocates-concerned-as-rcmp-non-committal-to-upholding-clares-law) Cold Lake Sun (3 July 2020); Sammy Hudes, ["Domestic violence victim advocates concerned as RCMP non-committal to upholding Clare's Law"](https://calgaryherald.com/news/politics/domestic-violence-victim-advocates-concerned-as-rcmp-non-committal-to-upholding-clares-law) Calgary Herald (28 June 2020); Stephanie Taylor, ["Saskatchewan governments says RCMP declining to participate in anti-domestic violence measure"](https://www.thestar.com/news/canada/2020/06/22/saskatchewan-governments-says-rcmp-declining-to-participate-in-anti-domestic-violence-measure.html) The Canadian Press (22 June 2020).

[183]    *R. v. Lavallee* [1990] 1 SCR 852.

[184]    [IRPA](https://laws-lois.justice.gc.ca/eng/acts/i-2.5/) (S.C. 2001, c. 27) and [Immigration and Refugee Protection Regulations](https://laws-lois.justice.gc.ca/eng/regulations/sor-2002-227/) SOR/2002-227.

[185]    Government of Canada, Immigration, Refugees and Citizenship Canada, [Notice – Government of Canada Eliminates Conditional Permanent Residence](https://www.canada.ca/en/immigration-refugees-citizenship/news/notices/elminating-conditional-pr.html) (April 2017).

[186]    See "Does domestic violence law discuss asylum accessibility?" below.

[187]    Government of Canada, Immigration, Refugees and Citizenship Canada, [Humanitarian and compassionate consideration](https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/permanent-residence/humanitarian-compassionate-consideration.html).

[188]    [IRPA](https://laws-lois.justice.gc.ca/eng/acts/i-2.5/) (S.C. 2001, c. 27).

[189]    Government of Canada, Immigration and Refugee Board of Canada, [Chairperson Guidelines 4: Women Refugee Claimants Fearing Gender-Related Persecution](https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/GuideDir04.aspx).

[190]    *Canadian Council for Refugees v. Canada (Immigration, Refugees and Citizenship),* [2020] F.C.J. No. 795.

[191]    Re X,2019 CarswellNat 10854 at paragraph 16.

[192]    Government of Canada, Department of National Defence, [DAOD 5044-4, Family Violence](https://www.canada.ca/en/department-national-defence/corporate/policies-standards/defence-administrative-orders-directives/5000-series/5044/5044-4-family-violence.html) (31 January 1993).

[193]    [National Defence Act](https://urldefense.com/v3/__https:/laws-lois.justice.gc.ca/eng/acts/n-5/FullText.html__;!!Hj9Y_P0nvg!Ghoh63SntY4REkh7WoOJyTS16SFLwICt9iFngHH6j3sV1GrVWAVj26NbXqaiYh7UBt4LVMXsow$), R.S.C., 1985, c. N-5.

[194]    [*R. v. Moriarity*, [2015] 3 SCR 485](https://urldefense.com/v3/__https:/scc-csc.lexum.com/scc-csc/scc-csc/en/item/15628/index.do__;!!Hj9Y_P0nvg!Ghoh63SntY4REkh7WoOJyTS16SFLwICt9iFngHH6j3sV1GrVWAVj26NbXqaiYh7UBt5uS6qZ3w$), at paragraph 51.

[195]    [*R. v. Stillman*, 2019 SCC 40](https://urldefense.com/v3/__https:/scc-csc.lexum.com/scc-csc/scc-csc/en/item/17891/index.do__;!!Hj9Y_P0nvg!Ghoh63SntY4REkh7WoOJyTS16SFLwICt9iFngHH6j3sV1GrVWAVj26NbXqaiYh7UBt6_qL-snw$).

[196]    *R. v. Levi-Gould,* 2016 CM 4002.

[197]    Government of Canada, Department of Justice, ["Peace Bonds Fact Sheet"](https://www.justice.gc.ca/eng/cj-jp/victims-victimes/factsheets-fiches/peace-paix.html) Victims' Rights in Canada (2015).

[198]    Most of the information in this family law section was taken from Jennifer Koshan, Janet Eaton Mosher and Wanda Anne Wiegers ["The Costs of Justice in Domestic Violence Cases: Mapping Canadian Law and Policy"](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3598277) (11 May 2020) at 7-8 and 15-16.

[199]    *Supra* note 16 at Section 16 (3).

[200]    *Ibid*. at 8.

[201]    **British Columbia:** Family Law Act, SBC 2011, c 25 Part 4; **Alberta:** Family Law Act, SA 2003, c F-4.5 at s. 18; **Manitoba:** The FamilyMaintenance Act, CCSM c F20 at Section 39(3); **Ontario:** Children's Law Reform Act, RSO 1990, c C.12 at Sections. 24(4)–(5); **Nova Scotia:** Parenting and Support Act*,* RSNS 1989, c 160 at Sections. 2(da), 18(6)(j), (7)–(8); **Newfoundland and Labrador:** Children's Law Act, RSNL 1990, c C-13 at Section 31(3); **Northwest Territories:** Children's Law Act, SNWT 1997, c 14 at Section 17(3); **Nunavut:** Children's Law Act, SNWT 1997, c 14 at Section 17(3). In **Saskatchewan**, the provisions of Bill 205, An Act respecting Certain Family Law Mattersconcerning Children and making consequential amendments to other Acts, 4th Sess, 28th Leg, 2019 (assented to 16 March 2020), will, when in force, mirror the amendments to the Divorce Actin mandating consideration of family violence in assessing the best interests of children.

[202]    **Alberta:** Family Law Act, SA 2003, c F-4.5 at Section 21(2); The Children's Law Act, 1997*,* SS 1997, c C-8.2; **Manitoba:** The FamilyMaintenance Act, CCSM c F20 at Section 39(1); **Ontario:** Children's Law Reform Act, RSO 1990, c C.12 at Sections. 20(1), (4); **Quebec:** Civil Code of QuebecCQLR c CCQ-1991 at Article 606; **New Brunswick:** Family Services Act*,* SNB 1980, c F-2.2 at Section 129(1); **PEI:** CustodyJurisdiction and Enforcement Act, RSPEI 1988, c C-33 at Section 3; **Nova Scotia:** Parenting and Support Act*,* RSNS 1989, c 160 at Section 18(4); **Newfoundland and Labrador:** Children's Law Act, RSNL 1990, c C-13 at Section 26(1); **Yukon:** Children's Law Act,RSY 2002, c 31 at Section 31; **Northwest Territories:** Children's Law Act, SNWT 1997, c 14 at Section 18; **Nunavut:** Children's Law Act, SNWT 1997, c 14 at Section 18.

[203]    [Divorce Act](https://www.canlii.org/en/ca/laws/stat/rsc-1985-c-3-2nd-supp/latest/rsc-1985-c-3-2nd-supp.html)*,* RSC 1985 c 3 (2nd Supp)*,* Section 16(10); and see Alberta's Family Law Act, SA 2003, c F-4.5 at Section 18(2)(b)(viii)(B); **Saskatchewan:** The Children's Law Act, 1997, SS 1997, c C-8.2 at Section 6(5); **Manitoba:** The Family Maintenance Act, CCSM c20 at Section 39(2.1)(d),(e); **Nova Scotia:** Parenting and Support Act*,* RSNS 1989, c 160 at Sections. 18 (6)(b), (8); **Newfoundland and Labrador:** Children's Law Act, RSNL 1990, c C-13 at Section 26(5);**Yukon:** Children's Law Act*,* RSY 2002, c 31 at Section 30(1)(g); **Northwest Territories:** Children's Law Act, SNWT 1997, c 14 at Section 17(2)(k); **Nunavut:** Children's Law Act, SNWT 1997, c 14 at Section 17(2)(k).

[204]    [Family Law Act](https://www.bclaws.ca/civix/document/id/complete/statreg/11025_01), SBC 2011, c 25 at Sections. 40, 62. For a discussion of the application of these sections, see Susan B Boyd and Ruben Lindy, "Violence Against Women and the B.C. Family Law Act: Early Jurisprudence" (2016) 35 an Fam LQ 101. Note that where court proceedings are undertaken in the Yukon, there is a rebuttable presumption that care should be awarded to one parent and that all other parental rights are shared jointly: [Children's Law Act](https://www.canlii.org/en/yk/laws/stat/rsy-2002-c-31/latest/rsy-2002-c-31.html)*,* RSY 2002, c 31 at Section 30(4).

[205]    [Family Law Act](https://www.canlii.org/en/bc/laws/stat/sbc-2011-c-25/latest/sbc-2011-c-25.html), SBC 2011, c 25.

[206]    [Province of Alberta Family Law Act](https://www.canlii.org/en/ab/laws/stat/sa-2003-c-f-4.5/latest/sa-2003-c-f-4.5.html), SA 2003 c F-4.5.

[207]    The Queen's Bench (Family Law Division) Amendment Act, SS 1994, c 27.

[208]    [The Family Maintenance Act](https://www.canlii.org/en/mb/laws/stat/ccsm-c-f20/latest/ccsm-c-f20.html), C.C.S.M. c. F20.

[209]    [Children's Law Reform Act](https://www.ontario.ca/laws/statute/90c12), R.S.O. 1990, c.12.

[210]    [Rules of practice of the Superior Court of Quebec in family matters](http://legisquebec.gouv.qc.ca/en/ShowDoc/cr/C-25.01,%20r.%206), chapter C-25.01, r. 6.

[211]    [An Act Respecting the Parenting and Support of Children and the Support of Spouses](https://www.canlii.org/en/ns/laws/stat/rsns-1989-c-160/latest/rsns-1989-c-160.html), 1990, c. 5 at Section 107.

[212]    [Family Law Act](https://www.canlii.org/en/pe/laws/stat/rspei-1988-c-f-2.1/latest/rspei-1988-c-f-2.1.html), RSPEI 1988, c F-2.1.

[213]    [Family Abuse Intervention Act](https://www.canlii.org/en/nu/laws/stat/snu-2006-c-18/latest/snu-2006-c-18.html)*,* SNu 2006, c 18.

[214]    [Children's Law Act](https://www.canlii.org/en/yk/laws/stat/rsy-2002-c-31/latest/rsy-2002-c-31.html), RSY 2002, c 31.

[215]    Government of Canada, Department of Justice, [Strengthening and modernizing Canada's family justice system](https://www.justice.gc.ca/eng/fl-df/cfl-mdf/01.html) (Last revised June 2020).

[216]    *Supra* note 16 at Section 16 (4).

[217]    Government of Canada Department of Justice, [The Divorce Act Changes Explained](https://www.justice.gc.ca/eng/fl-df/cfl-mdf/dace-clde/div60.html) (March 2021).

[218]    *Supra* note 214.

[219]    *Supra* note 216.

[220]    See for example **British Columbia:** Family Law Act, SBC 2011, c 25 at Section 90; **Alberta:** Family Property Act*,* RSA 2000, c F‑4.7 at Sections. 19, 21, 22; **Saskatchewan:** The Family Property Act*,* SS 1997, c F-6.3 at Section 5; **Manitoba:** The Family Maintenance Act, CCSM c20 at Section 10(1)(b.2); **Ontario:** Family Law Act, RSO 1990, c F.3 at Section 24(3); **New Brunswick:** Marital Property Act*,* SNB 2012, c 107 at Section 23; **Nova Scotia:** Matrimonial Property Act, RSNS 1989, c 275 at Section 11(1)(a) (NS); **PEI:** Family Law Act, RSPEI 1988, c F-2.1 at Section 25; **Newfoundland and Labrador:** Family Law Act, RSNL 1990, c F-2 at Section 15; **Yukon:** Family Property and Support Act,RSY 2002, c 83 at Section 27; **Northwest Territories:** Family Law Act,SNWT 1997, c 18 at Section 55(3); **Nunavut:** Family Law Act, SNWT 1997, c 18 at Section 55(3); FHRMIRA, S.C. 2013, c.20 at Sections. 28-32.

[221]    [FHRMIRA](https://laws-lois.justice.gc.ca/eng/acts/F-1.2/), S.C. 2013, c.20.

[222]    *Ibid* at Section 7 as referenced in Koshan, Jennifer et al. (2020), Materials from an Untitled Manuscript on the Laws of Domestic Violence in Canada. Manuscript submitted for publication.

[223]    [First Nations Land Management Act](https://laws-lois.justice.gc.ca/eng/acts/F-11.8/), SC 1999, c 24.

[224]    [Indian Act](https://laws-lois.justice.gc.ca/eng/acts/i-5/), RSC 1985, c I-5.

[225]    [Residential Tenancy Act](https://www.canlii.org/en/bc/laws/stat/sbc-2002-c-78/latest/sbc-2002-c-78.html), SBC 2002 c 78 at Section 47.

[226]    Jonnette Hamilton, "Reforming Residential Tenancy Law for Victims of Domestic Violence" Annual Review of Interdisciplinary Justice Research vol. 8, 2019 at 262.

[227]    [Residential Tenancies Act](https://www.ontario.ca/laws/statute/06r17), 2006, SO 2006, c 17.

[228]    *Ibid* at Section 83.

[229]    *Ibid*.

[230]    Jonnette Hamilton, "Reforming Residential Tenancy Law for Victims of Domestic Violence" Annual Review of Interdisciplinary Justice Research vol. 8, 2019 at 262.

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[232]    [Emergency Protection Orders Regulations](https://laws-lois.justice.gc.ca/eng/regulations/SOR-2014-266/index.html), SOR/2014-266 at Sections 1, 3 and 16.

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[235]    Applicable in British Columbia and Saskatchewan.

[236]    Applicable in Alberta and Manitoba.

[237]    See for example, *Kapalka v. Kapalka* [1994] NWTJ No 76.

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[245]    [PIPEDA](https://laws-lois.justice.gc.ca/ENG/ACTS/P-8.6/FullText.html), SC 2000, c 5.

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[247]    *Ibid* at Ch. 12.

[248]    *Ibid* at Ch 12.4.

[249]    [Personal Health Information Protection Act](https://www.ontario.ca/laws/statute/04p03), 2004 SO 2004, c 3, Sch A.

[250]    See [Police Services Act](https://www.ontario.ca/laws/statute/90p15), 1990, RSO 1990, c P15 at ss. 41(1.1)-(1.2).

[251]    For example, to ensure that children in care have the right to reasonable privacy, to privacy during discussions with members of their families and to privacy during discussions with a lawyer and certain public officials, and disclosure cannot be compelled (subject to certain exceptions) for information obtained in a family conference, mediation or other alternative dispute resolution mechanism. The most common exception where disclosure may be compelled without consent is when disclosure is necessary to ensure the safety or well-being of a child or the safety of another person.

[252]    See Government of Canada, Department of Justice, [Making the links in family violence cases: collaboration among the family, child protection and criminal justice systems](https://www.justice.gc.ca/eng/rp-pr/cj-jp/fv-vf/mlfvc-elcvf/p9.html)at ch. 7.

[253]    For jurisdictions with information sharing protocols, see for example Government of British Columbia, [Optional Notification Forms: Protocol for Highest Risk Domestic Violence Cases](https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/criminal-justice/victims-of-crime/vs-info-for-professionals/info-resources/vawir-optional-notification-forms-guide-high-risk-cases.pdf) (2010); Government of New Brunswick, [Woman  
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