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JULY 2022

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& parenting time**

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Ontario estate law changes

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In today's fast paced world, where almost everyone now has the internet in the palm of their hand, finding the relevant information and assistance you require has never been easier.

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Facelaw magazine is published monthly and always available online to read or to download for your future review. Our magazine is available in both English and Farsi versions and explore current legal issues and perspectives.

We strive to maintain a variety of perspectives from various areas of law. We actively encourage our readers to subscribe to the Facelaw magazine by visiting our website at Facelaw.ca and submit a request, so you will not miss any of our future publications.

We also invite you to visit our online legal directory to review the current list of lawyers, paralegals, and immigration consultants which can assist you with your legal needs.





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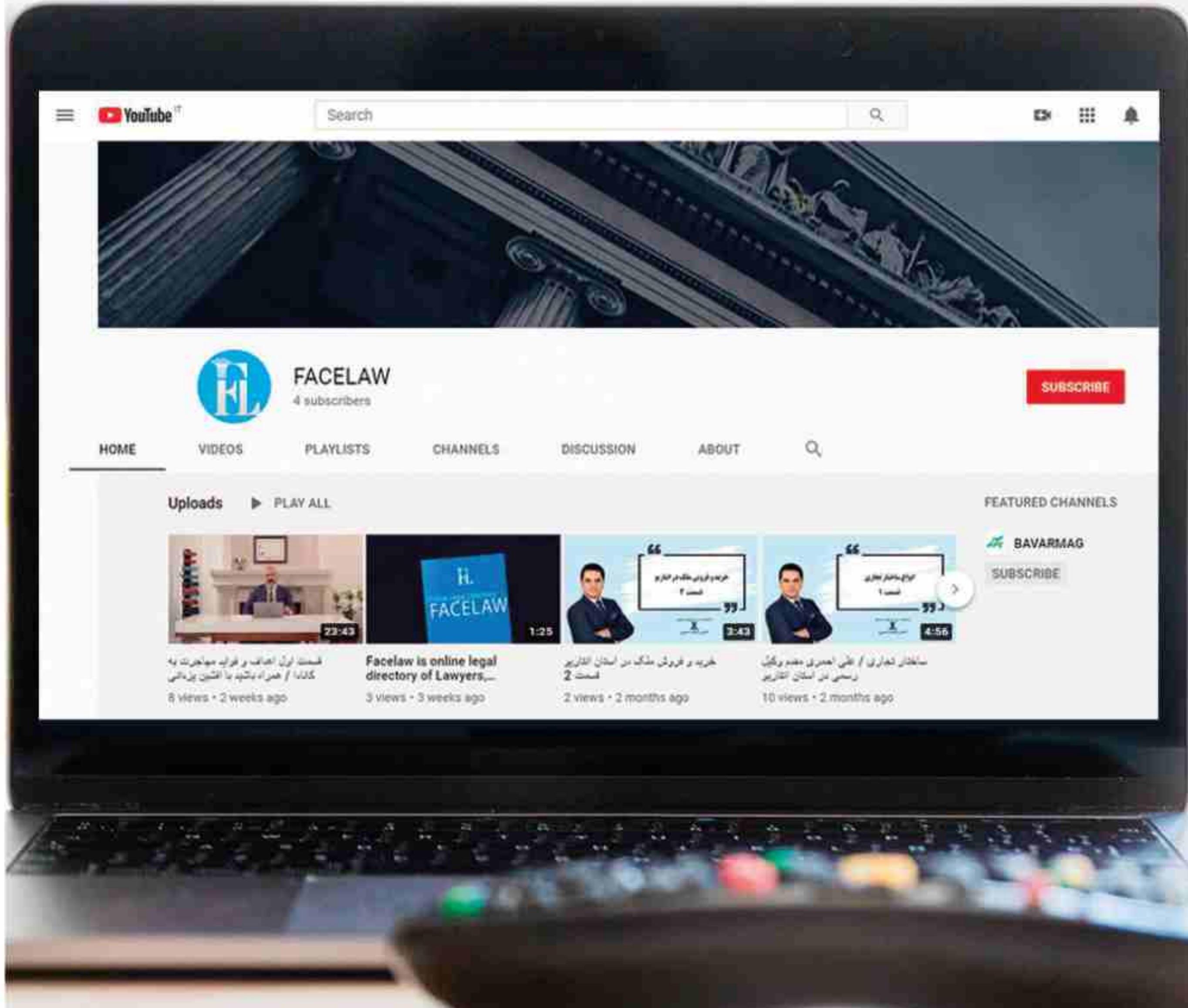
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In today's technologically advanced world, social media has become the new phenomenon to connect the world on all levels. The world has technologically moved forward in a way that people no longer just rely on radio or TV to access their favorite program.

Now more than ever, smartphones, tablets, laptops, computers, and any device that connects to the internet have the ability to provide us with the latest information on a given topic within seconds. Likewise, social media platforms, such as internet, TV and radio, are now instrumental for businesses to advertise their services to the public. This process is not only less costly than conventional methods of advertising such as radio or TV, but also provides an opportunity for businesses to maintain direct relationship with their audience.

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In this regard, Facelaw has launched its online TV and radio, with the objective of providing reliable legal information, prepared by our members who are trained legal professionals. Information will be provided via video, audio and podcasts to the public on a timely basis.

If connecting with legal professionals in divergent fields and learning more about their services is of interest to you, you are encouraged to follow our social media, website, and YouTube channel to have access to our professional programs. Facelaw is excited to introduce this new medium for legal professionals to educate and connect with the public.



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PARENTING DECISION-MAKING & PARENTING TIME

Parenting Decision Making

One of the most contentious issues that arise during a separation or divorce is child-related decisions, including:

- Where will the child live?
- How much time will each parent spend with the child?
- How will parents make major decisions about how to care for and raise the child?

Decision-making responsibility is the right to make major decisions about how to care for and raise your child. Decision-making responsibility was formerly referred to as 'custody'. **The parent with decision-making responsibility has the right to make important decisions about:**

- The child's education
- The child's medical care
- The child's religion
- Welfare

Decision-making responsibility can be divided in a number of ways, including:

1. One parent has the sole decision-making responsibility, and may or may not need to consult the other parent prior to making any major decisions;
2. Both parents have decision-making responsibility; or
3. Each parent is responsible for different areas. For example, one parent makes decisions about the child's health and another parent makes decisions about the child's education.

Parents may resolve parenting disputes through parenting plans or litigation.

Parenting Time

The time that a child spends in the care of a parent is called parenting time. Parenting time was formally referred to as 'access'. When a child lives with one parent, the non-custodial parent has the right to spend time with the child considering the child's best interests.

There are various types of parenting arrangements, including:

Liberal Parenting Time: where separating parents have had an amicable separation, or can cooperate with one another, parenting-time arrangements can be left open instead to be decided on an ad-hoc basis, rather than having a formalized schedule;

Fixed Parenting Time: in a fixed access arrangement, the length of visits, frequency of visits, time of visits, and sometimes even location of visits can be pre-determined. This arrangement is necessary when parents need a rigid framework to avoid ongoing conflict; or,

Supervised access: in some circumstances, access may need to be supervised by another person or institution. The purpose of supervised access is to protect a child from the risk of harm and it is generally meant to be a temporary remedy, rather than a long-term solution.

Child related issues may be resolved through a parenting plan or by way of a court Order.

The Divorce Act says that judges have to consider the "best interests of children" when they make decisions about parenting arrangements for children after a separation or divorce.

It is essential to consult a family lawyer on your rights and obligations in relation to parenting decision-making and parenting time.



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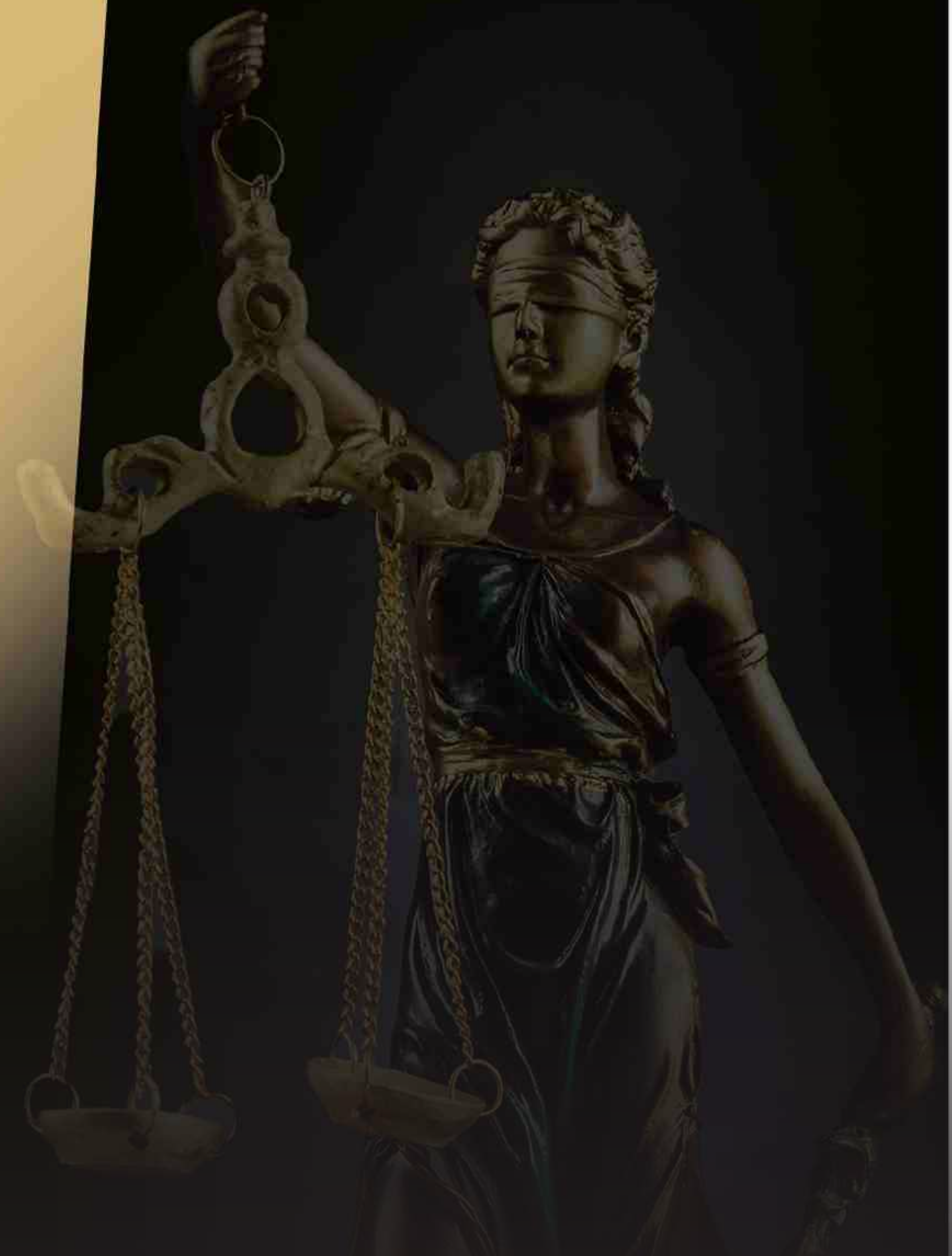
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Why launch a sexual abuse or sexual assault lawsuit?

Written By: Simona Jellinek, Counsel

The healing process after experiencing sexual violence will look different for each survivor. Many need a lot of time to work through this trauma on their own or with the help of counsellors and other support before deciding to do anything further.



In some cases, launching a civil lawsuit against an abuser is an option for a survivor. When considering whether this is the right choice for you, there are some important things to know. In this blog post, I will examine why a civil lawsuit can be a huge step in the healing journey for many survivors.

It's estimated that only about one in every 20 sexual assaults is reported to the police. Police will investigate these allegations and determine whether criminal charges can be laid in consultation with Crown prosecutors. Charges will be laid only in a handful of cases, and less than half of cases with criminal charges result in a guilty verdict.

It is extremely important to remember that being found "not guilty" is not the same as being "innocent" of the alleged crime. The burden of proof for a guilty verdict in criminal cases is high. A defendant must be found to have committed the crime beyond a reasonable doubt. In contrast, the civil standard is only a balance of probability (1+50).



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There are times when notwithstanding a not guilty verdict in the civil trial, the same fact situation will result in a defendant being found civilly liable. A further powerful tool in the civil justice system is that the defendant can be forced to give testimony under oath both before and at the trial. In a criminal case, the accused can choose not to undergo cross-examination. This cannot happen in a civil matter, and the defendant is put under rigorous cross-examination to test their credibility. Moreover, unlike criminal cases, most civil cases settle before a trial. Negotiated or mediated settlements are the norm for a civil lawsuit. Finally, the survivor is only treated as a witness to the crime in a criminal case. If everything goes well, the perpetrator is convicted. But the sentence is often minimal, and the victory can seem hollow to the survivor because they were put on the stand and walked away without any true change in their lives. However, in a civil case, a successful survivor walks away with some compensation to help rebuild their lives by being able to afford therapies and better provide for themselves and their families. While money is rarely the reason survivors begin lawsuits, it is an actual and direct benefit to the survivor at the perpetrator's expense.



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Ben's commitment to providing his clients with the best legal service they deserve has consistently led his existing and former clients to refer to him personal injury claims of their friends or loved ones, time and time again. His timely, transparent, and respectable approach in dealing with his clients has developed him the reputation as the **"Lawyer that cares"**.

It is well known and common knowledge that most personal injury cases settle, but in the event that an insurer is unwilling to resolve a file or claim on a reasonable basis, the team at Azimi Law will not hesitate to take the case to trial and/or arbitration.



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Ontario Estate Law Changes

In the last two years within Ontario, the law of estates has undergone some major legislative changes that could have an impact on individual estate planning, as well as the administration of estates. As of January 1, 2022 there have been new changes in the procedure related to the administration of estates with new statutory court forms for probate applications, as well as changes within the Succession Law Reform Act.

These new changes have sought to simplify and streamline the estate procedure in Ontario for estate administration, and help increase efficiency within the court system by improving guiding language and creating less requirements relating to the procedure of application for probate.

Probate Procedure Changes

Rule 74 of the Rules of Civil Procedure governs probate applications and has introduced new estate forms which are required to be used for Ontario probate applications as of January 1, 2022. There are several new forms that condense and combine various previously used forms to reduce the paperwork involved. The new forms are meant to introduce some clarity and streamlining to help ease the process within the court system and those seeking Application for Appointment of Estate Trustees with or without a Will.

The Ontario Court Form website contains a useful table that compares the new and old forms that can serve as an asset to assist individuals with navigating the new forms. The new Form 74A now covers three different types of applications (previously each application type had its own form), and the new form 74C replaces 9 previous forms that will help streamline the process of obtaining the Certificate of Appointment.



Ultimately, the goal of revising and creating new estate court forms is to simplify the estate application procedure in Ontario for estate trustees, other professionals involved, and members of the public who are involved in the application for Certificate of Appointment.

Changes to the Succession Law Reform Act

The estate law changes passed by Bill 245 (the Accelerating Access to Justice Act), in April 2021, also corresponded with the new form changes implemented in early 2022. With the new changes in place, it is important to review your estate plan and ensure your documents are up to date, and in accordance with your wishes and estate needs. **Below is a brief list of some of the following important estate law changes that may potentially have an impact on your estate plans:**

1. Marriage will no longer cause an automatic revocation of a previous Will.
2. A divorced spouse is not entitled to any portion of their former spouse's estate, unless their Will states otherwise.
3. If a Will has not been properly executed, the Court may order that the document be valid and effective as if it had been properly executed.
4. Remote witnessing of documents now permitted for the execution of Wills and Powers of Attorney, permanently, provided certain conditions are met.

These significant legislative changes can potentially cause headaches and issues for individuals who are planning their estate and going through life changes, such as marriage or divorce. Furthermore, those individuals who have previously prepared Wills before the above legislative changes took place, and have since experiences

major life changes should take time to review and revise their estate planning documents accordingly to ensure that their testamentary wishes will be followed. It is important to speak and consult with a lawyer who can help you plan for these life changes as well as being up to date with the recent changes in the law. It is best to navigate these changes with a legal professional well versed with Ontario estate law, and the recent changes thereto.

It is imperative that you review your estate plan with a legal professional to ensure your plan is kept up to date and in accordance with the recent legislative changes in estate law.



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He is the founder of Yazdani & Associates Immigration Firm as well as YLG – Yazdani Law Group.

He received a Master's degree in Canadian Common Law at York University, and graduated from Osgoode Hall Law School in 2016.

He obtained his Certificate of Qualification from the National Committee on Accreditation (NCA).

He is the author of several articles on matters pertaining to Public International Law, Dubai Property, Arbitration Law, and Canada Immigration Law.

Mr. Yazdani is the only lawyer in Canada with an immigration consultant diploma and three law degrees. His high-profile and celebrated cases have attracted international attention, and he is frequently consulted as an immigration expert by journalists, government and non-governmental organizations (NGOs) on matters pertaining to immigration law and policy. He recently was a television host in a biweekly show known as "Canadian Immigration from Law's Point of View".

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Afshin Yazdani is a skilled advocate, trusted advisor, international barrister and solicitor with more than 20 years experience in the legal field. His career has taken him to great heights from being a law professor in Iran and the United Arab Emirates to growing Canada's largest Iranian-Canadian immigration law firm. After a six year stint in Dubai, UAE, Yazdani immigrated to Canada in 2012, where he received an immigration consulting diploma in Montreal in 2013.

In the same year, he founded Yazdani and Associates Consulting in Toronto, Ontario with primary focus on providing business and immigration consulting services to international companies. He became a regulated immigration consultant (ICCRC) member in 2016 and subsequently, he worked as an international lawyer and senior consultant for WWICS, Toronto branch - Canada's largest Indian immigration organisation with more than 20 branches worldwide, averaging about 25 000 Canadian visa applications annually.

After completing his postgraduate studies in Canadian Common Law at Osgoode Hall Law School and Ryerson Universities in 2018, he identified a need to represent the new generation of young, ambitious, individuals and entrepreneurs to realise their dreams in Canada and hence the concept of Yazdani Law Group (YLG) was born in 2019.

Yazdani actively participates in client cases, having advocated and consulted hundreds of successful cases and mentors a stellar team of over 200 employees with associate business in Tehran, Shiraz, Los Angeles, Toronto and Vancouver, to achieve their objectives in complex cases ranging from refugee hearings to angel investor visas, while maintaining an active and robust litigation practice to effectively resolve problems.

Afshin Yazdani has been certified as a distinguished 2021 member of Lawyers of distinction. The father of one holds a bachelors and masters degree in law from Iran and master's degree in law and an immigration consulting degree from Canada, and was the former member of the Iranian Bar and former practitioner in the united Arab Emirates. He is currently is currently a member of Ontario Law Society. As part of his astounding portfolio, Yazdani is also a regular columnist having written Canadian immigration articles for specialised publications such as Lawyers Daily, one of Ontario's most read legal publications by Lexis Nexis, was the producer of the 24-episode TV series Immigration to Canada from a Law Prospective and was featured in Law Times.




Dr. Naser Abedi

The Law Office of Dr. Naser Abedi was established in 2001 as a law firm operating from the Greater Toronto Area, Ontario, Canada and primarily practicing Family Law, Immigration Law, Business Law, and Wills and Power of Attorney. Our firm maintains many affiliates in other key areas of law, as well.


Our firm prides itself on its track record of expertise, dedication, and ethical responsibility. Our clients are very satisfied with their experience at our law firm, because we pay attention to the needs of our clients and provide friendly, honest, compassionate, and trustworthy legal representation. Nothing demonstrates this more than the fact that a great quantity of our clients are based on repeat representation and referrals from past clients.

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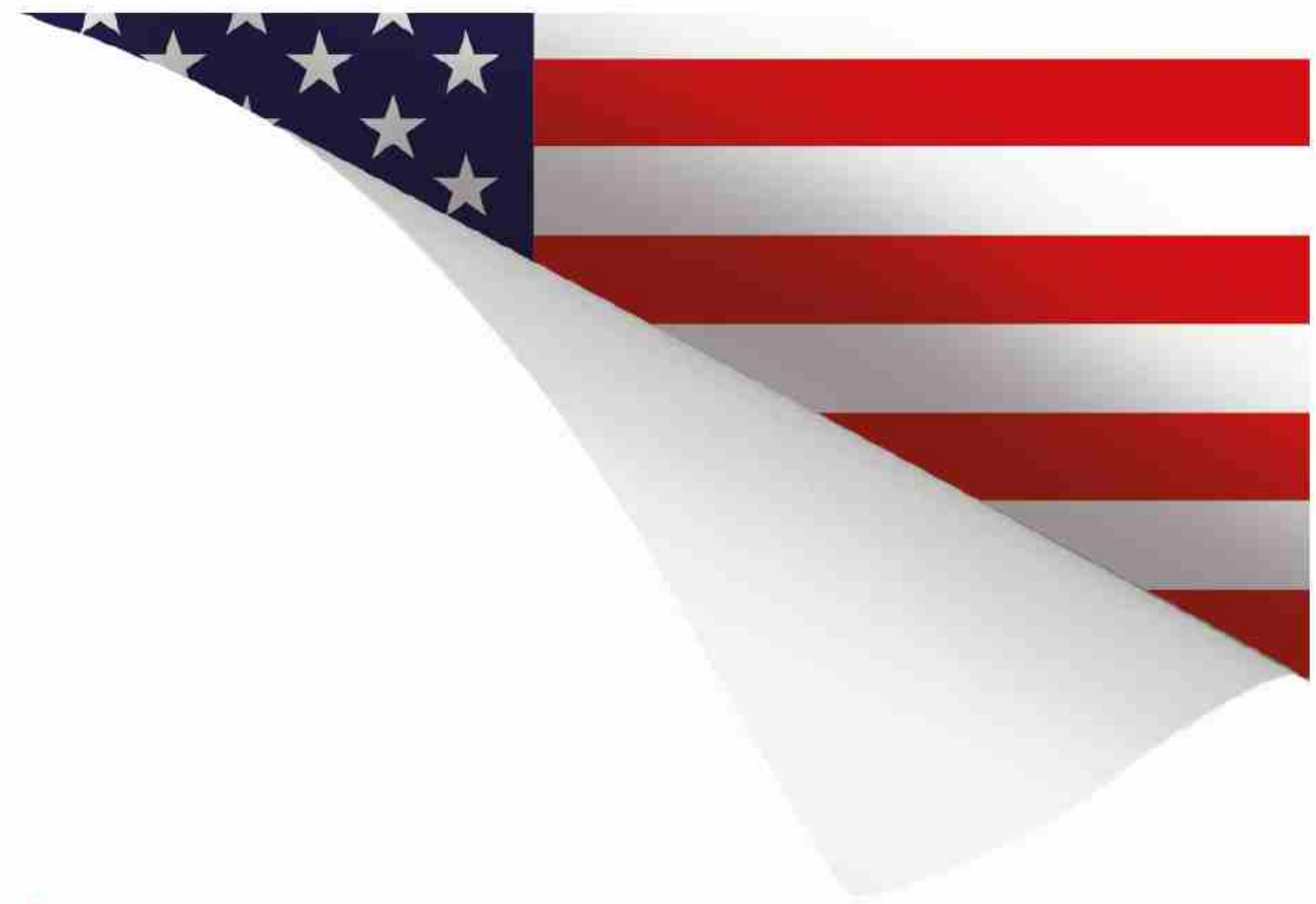
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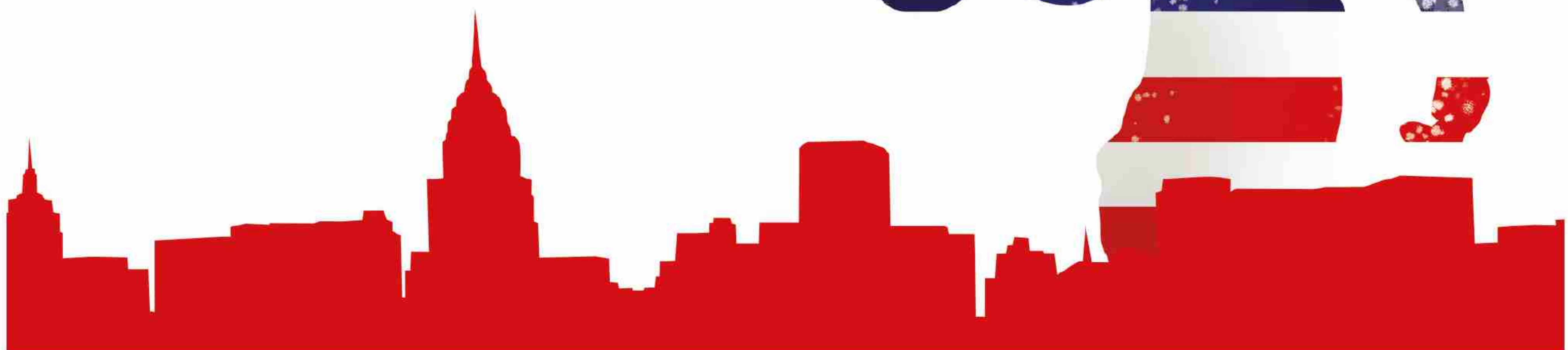
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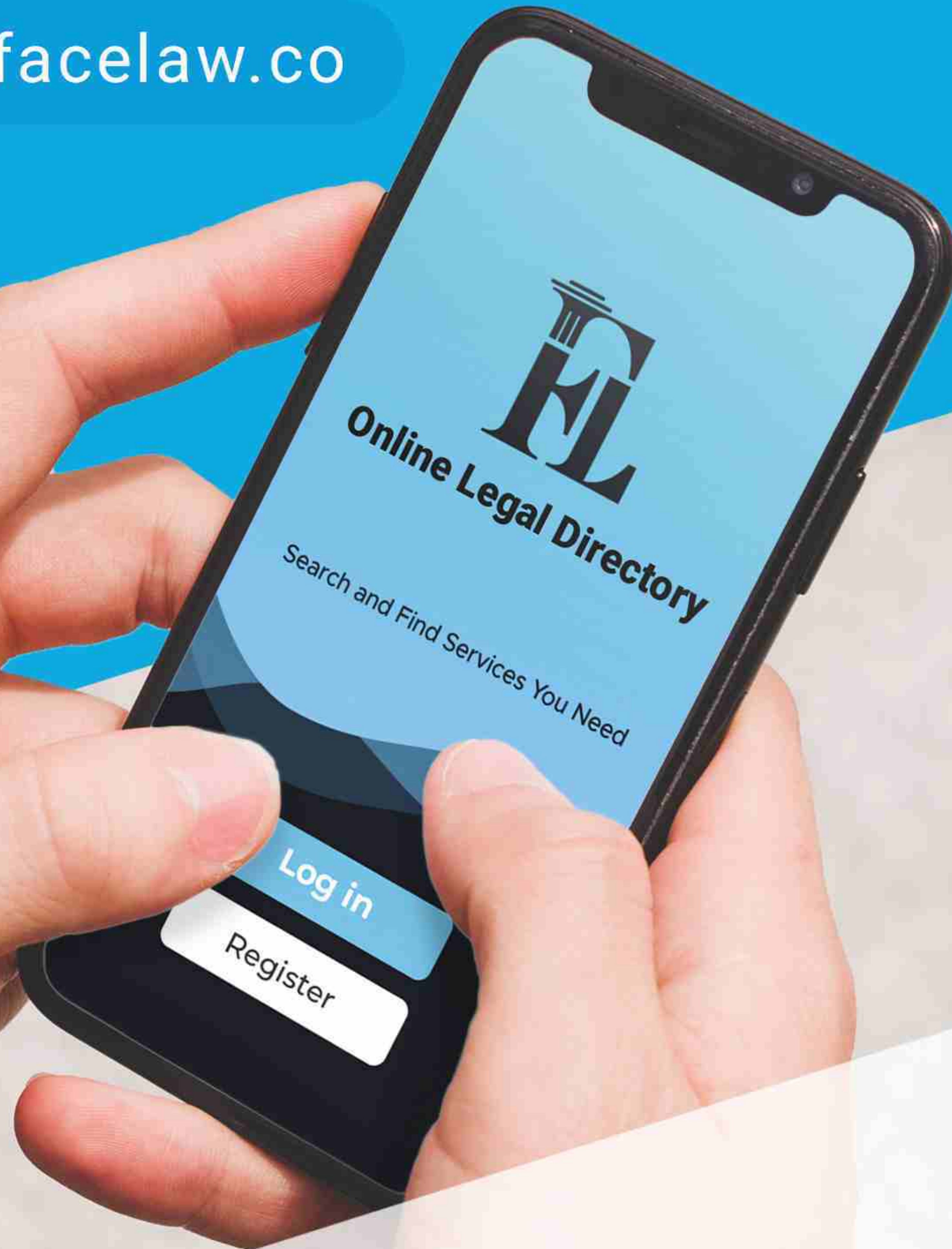


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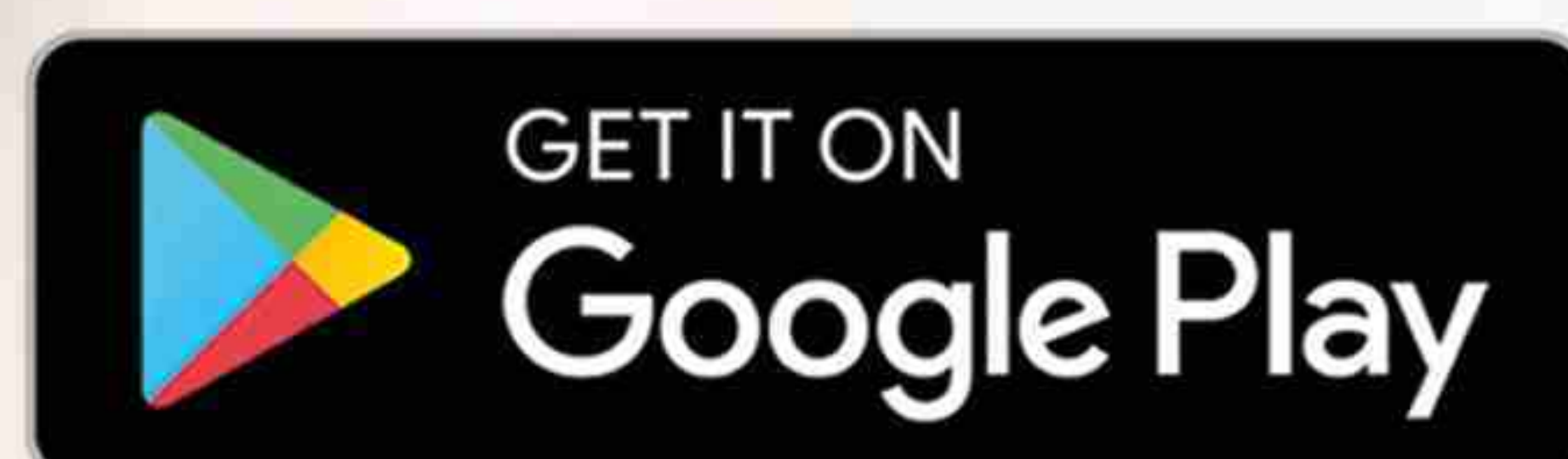
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