

**Attorney General
Minister Responsible for Native Affairs
Minister Responsible for Democratic Renewal**

720 Bay Street
11th Floor
Toronto ON M5G 2K1
Tel: 416 326-4000
Fax: 416 326-4016

**Procureur general
ministre delegue aux Affaires autochtones
ministre responsable du Renouveau democratique**

720, rue Bay
11^e etage
Toronto ON M5G 2K1
Tel.: 416 326-4000
Telec. : 416 326-4016



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Ms. Heather McGregor, Executive Director
YWCA Toronto
80 Woodlawn Avenue East
Toronto, ON
M4T 1C1

Dear Ms. McGregor:

Thank you for your recent thoughtful submission addressed to Mrs. Marion Boyd, regarding the law of arbitration in Ontario and its applicability to family disputes.

We recognize that the use of Islamic principles in arbitration continues to be the subject of considerable discussion in Ontario. Arbitration is of course only one in a range of methods that people have traditionally used to resolve their family disputes privately. People can also negotiate agreements directly between themselves or have mediators help them come to agreements. All of these methods of dispute resolution may or may not be influenced by religious principles.

These agreements are enforceable in principle, though particular agreements may be set aside or varied by a court if challenged. The agreements are not subject to prior approval by the courts. As well, Ontario law does not insist that the agreements produce an equal division of property or particular amounts of support payments. The courts will intervene - on application of a party to the agreement - to protect the best interests of children.

The *Family Law Act* does offer several protections to the parties to domestic contracts, in particular to promote informed consent to the agreement. The Act can also be invoked to overturn support agreements that produce "unconscionable results."

One question the government faces is whether arbitration agreements and awards in family matters should be subject to similar protections provided for domestic contracts generally. Another is whether arbitration is sufficiently different from domestic contracts that additional protections are required.

Our government is committed to increasing confidence in the arbitration process, strengthening our justice system, and ensuring that adequate safeguards are in place to protect those who are most vulnerable. Please be assured that we will take your views into consideration as we work to meet these priorities.

Marion Boyd was appointed to review the use of arbitration for family law and inheritance matters in June of 2004. Submissions for review were accepted until September of last year and her report was delivered to the government and made public on December 20 . It is now on the Ministry web site, <http://www.attornevgeneral.jus.gov.on.ca/english/about/pubs/boyd>. Mrs. Boyd has completed the terms of her agreement with the government. Therefore, correspondence addressed to her will not be forwarded.

Thank you again for sharing your views with me.

Yours truly,



Michael Bryant
Attorney General
Minister Responsible for Native Affairs
Minister Responsible for Democratic Renewal