

**BALBI**

**& COMPANY**

**LEGAL CENTRE**

**Family Law**

**Lawyers**

# NEWSLETTER

1501 MACLEOD TRAIL SE, CALGARY, AB T2G 2N6

PHONE: 403.269.7300 FAX: 403.269.9790

ISSUE NO. 37

SUMMER 2015

## FOCUS, FOCUS, FOCUS

**O**ur client had lived with a woman for about 10 years in a common law relationship. When they separated, the woman claimed half the value of the property and spousal support. Matters quickly escalated into a lot of conflict.

Our client had originally retained a lawyer to defend the action. They had attended Court on several occasions, and the lawyers had conducted



Questioning under oath of each of the parties. However, no progress was made and tensions were increasing. The

client decided to switch lawyers.

We met with the client and developed a strategy from start to finish. The law in this area is very complicated, particularly around property rights for common law couples. We explained the law to our client so that we could focus on each of the elements needed to prove his case.

We were initially met with significant resistance when the lawyer for the woman announced he did not care what the law said, it should be changed and he would take the matter all the way to the Supreme Court of Canada!

Despite a number of setbacks, we remained focused on our strategy and worked hard to have the matter resolved without going to Court. In the end, we negotiated a settlement where the woman received no property and a relatively modest lump sum spousal support amount.

Although family law disputes can take dips and turns unexpectedly, having a strategy and remaining focused will usually win the day!

## WIFE'S LEGAL FEES

**W**e originally represented the Wife in relation to a divorce and a final Separation Agreement. One of the terms of that Agreement was that if either party breached the Agreement, and the other spouse had to spend more money on a lawyer to enforce the Agreement, the other party would have to pay all of the legal fees of enforcement.

Our client came to us for help to enforce that Separation Agreement. The Husband did not live up to his obligations under the Agreement and although effort was made to settle the matter outside of Court, the Husband was not receptive and we had to make several Court applications to enforce the Agreement. We were successful at Court and the Husband was ultimately forced to live up to his end of the Agreement AND he had to pay all of our client's legal costs for making our client go to Court in the first place.



It is always important to live up to your agreements. But having everything in writing and a clause requiring the other side to pay your lawyer's costs can turn out to be a real saving in the event of a dispute.

## HUMOUR

A man hears from a doctor that his end is near so he heads over to a lawyer to write a Will. The secretary watches as the man walks into the Lawyer's office. Three minutes later the man walks off in a huff. "Can I help you?" asks the secretary, dashing after the obviously upset man. "HELP ME? THIS GUY IS CRAZY! I asked him to help me write a Will and he says to me: 'sure, let me just ask you a few questions and then leave it all to me.'"



**BALBI L.A.W.**  
**(LEGAL ADVISORY WORKSHOP)**  
**SEMINARS**

Recent Balbi L.A.W. Seminars include the following:

**“New Rules on Child Support Recalculation”**

Hosted by Ceri Chwieros with special guest speaker  
Angela Kerr.

**“Domestic Violence”**

Hosted by Tera Yates.

**“New Year’s Tune-Up”**

Hosted by Lonny Balbi, Q.C. with special guest speaker  
Scott Booth.

*If you missed any of our recent seminars, we have  
posted these archived recordings on our website at  
[www.familylaw-balbi.com](http://www.familylaw-balbi.com).*

Information about the Seminars, including dates,  
topics and call-in numbers is sent to you via email. If  
we don’t have your email address and you’d like to be  
added to our distribution list, please forward your  
email address to [balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com), or call  
403.269.7300.

**EXTERNAL RESOURCES**

**FAMILY LAW INFORMATION CENTRE  
FAMILY JUSTICE SERVICES**

General Info: 403.297.6981

Information can also be accessed through the internet  
under Court of Queen’s Bench Calgary.



**BIKE TO WORK DAY!**

Bike to Work Day took place on Friday, May 1, 2015.  
This year’s event was a huge success bringing in the  
highest attendance record to date which was 3,914  
participants! As founder of Bike to Work Day, Lonny  
Balbi kept his promise to donate \$1 for every bike  
participant to the Nathan O’Brien Children’s  
Foundation.

***We look forward to the 10<sup>th</sup> Annual Bike to Work  
Day on Friday, May 6, 2016!***



**BALBI & COMPANY TEAM**

**LAWYERS**

LONNY BALBI, QC  
[lonnybalbi@familylaw-balbi.com](mailto:lonnybalbi@familylaw-balbi.com)

CERI CHWIEROS  
[ceri@familylaw-balbi.com](mailto:ceri@familylaw-balbi.com)

TERA YATES  
[tyates@familylaw-balbi.com](mailto:tyates@familylaw-balbi.com)

LILY RABINOVITCH  
[lilyrabinovitch@familylaw-balbi.com](mailto:lilyrabinovitch@familylaw-balbi.com)

**OFFICE MANAGER**

DANA EASON  
[danaeason@familylaw-balbi.com](mailto:danaeason@familylaw-balbi.com)

JAMIE NORTH  
[jamienorth@familylaw-balbi.com](mailto:jamienorth@familylaw-balbi.com)

**PARALEGALS**

VERONICA FOLEY  
[ronnie@familylaw-balbi.com](mailto:ronnie@familylaw-balbi.com)

BETH MANSFIELD  
[bethmansfield@familylaw-balbi.com](mailto:bethmansfield@familylaw-balbi.com)

**LEGAL ASSISTANTS**

YVONNE SMITH  
[yvonesmith@familylaw-balbi.com](mailto:yvonesmith@familylaw-balbi.com)

NAOMI OSBORNE  
[naomiosborne@familylaw-balbi.com](mailto:naomiosborne@familylaw-balbi.com)

JACKIE FRALICK  
[jackiefralick@familylaw-balbi.com](mailto:jackiefralick@familylaw-balbi.com)

**EVENT COORDINATOR**

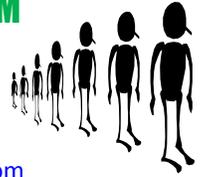
ALI MACISAAC  
[alimacisaac@familylaw-balbi.com](mailto:alimacisaac@familylaw-balbi.com)

**MATRIMONIAL ASSESMENT COORDINATOR**

CHRISTINE SHIRT  
[christineshirt@familylaw-balbi.com](mailto:christineshirt@familylaw-balbi.com)

**RECEPTIONIST**

JODIE JOHNSTON  
[balbico@familylaw-balbi.com](mailto:balbico@familylaw-balbi.com)



**HAVE A GREAT SUMMER!**