



**The Supreme Court of Canada recognizes a new legal basis of claim of intimate partner violence.**

This case is about whether a person can claim damages (money) for the tort of intimate partner violence. A tort is a type of civil legal claim where a person asks for damages because someone else caused them harm. In this case, the Court had to decide whether existing torts, such as assault and intentional infliction of emotional distress, are enough to address the harm caused by coercive and controlling conduct in an intimate relationship, and whether a new tort should be recognized.

Ms. Ahluwalia and Mr. Ahluwalia were married for 16 years. Throughout the marriage, Mr. Ahluwalia abused his then-wife physically and emotionally. His conduct limited her ability to make choices in the relationship.

Mr. Ahluwalia started divorce proceedings. Ms. Ahluwalia agreed to the divorce and asked for sole decision-making authority for the children, child support, spousal support, equalization of family property, and the sale of the matrimonial home. She also asked for damages for the abuse she suffered. The judge recognized a new tort of family violence and awarded Ms. Ahluwalia compensatory, aggravated and punitive damages. If she had not recognized this new tort, the judge indicated that she would have awarded the same amount under the existing torts of assault and intentional infliction of emotional distress.

Mr. Ahluwalia appealed. Before the Court of Appeal, Mr. Ahluwalia conceded that his abusive conduct gave rise to liability under existing torts. The Court of Appeal agreed. It concluded that a new tort of domestic violence or coercive control should not be recognized. It reduced the damages awarded by the judge to Ms. Ahluwalia. She then appealed to the Supreme Court of Canada.

The Supreme Court allowed the appeal in part.

**Existing torts do not fully address the harm caused by coercive control in intimate relationships.**

Writing for a majority of the judges, Justice Kasirer determined that a new tort of intimate partner violence should be recognized. He explained that intimate partner violence is best understood as coercive and controlling conduct. This kind of conduct can limit a person's dignity, autonomy, and equality in the relationship. It is not limited to separate acts of physical violence. It may also include conduct such as isolation, humiliation, surveillance, financial control, sexual coercion, and intimidation.

Justice Kasirer concluded that existing torts are not enough to address the full harm caused by intimate partner violence. For example, assault may address certain acts of physical or threatened harm. Intentional infliction of emotional distress may address serious emotional or psychological harm. However, these torts do not fully address the separate harm of coercive control, which limits a person's ability to make choices and can make them unequal in the relationship.

Justice Kasirer also set out the elements of the new tort of intimate partner violence. A person must show that the wrongful conduct happened during an intimate relationship or after it ended, that the other person intentionally engaged in abusive conduct, and that the conduct amounted to coercive control when viewed in context.

In this case, Ms. Ahluwalia had established these elements. Mr. Ahluwalia's conduct controlled her and undermined her dignity, autonomy, and equality in the relationship. The harm she suffered therefore fell within the scope of the new tort of intimate partner violence. She is entitled to damages under this new tort.

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**Breakdown of the decision:** *Majority:* Justice [Kasirer](#) allowed the appeal in part (Chief Justice [Wagner](#) and Justices [Martin](#), [O'Bonsawin](#) and [Moreau](#) agreed) | *Concurring:* Justice [Karakatsanis](#) would have also allowed the appeal in part | *Dissenting:* Justice [Jamal](#) would have dismissed the appeal (Justices [Côté](#) and [Rowe](#) agreed)

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