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The Supreme Court of Canada Recognizes a New Tort of Intimate Partner Violence

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Introduction

On May 15, 2026, the Supreme Court of Canada ("SCC") released its landmark decision in *Ahluwalia v Ahluwalia*, 2026 SCC 16, recognizing, for the first time, a common law tort of Intimate Partner Violence ("IPV").

The decision marks one of the most significant developments in Canadian tort law in recent years, acknowledging that traditional causes of action, such as assault, battery and intentional infliction of mental suffering, do not fully capture the cumulative, coercive and often invisible nature of IPV.

This decision reshapes the legal landscape for survivors seeking civil remedies and reflects a significant evolution in how Canadian courts understand and redress **intimate partner violence**.

The tort of intimate partner violence

The SCC in ***Ahluwalia v Ahluwalia*** declined to recognize the broader tort of family violence adopted by the trial judge. Instead, it created the narrower tort of IPV, limiting its application to intimate relationships and their aftermath.

Central to the tort is the concept of coercive control. Coercive control may arise through both overt acts of violence and subtler forms of domination. The focus is not on any single act but on whether the defendant's conduct, viewed as a whole, objectively amounts to coercive and controlling behaviour.

Conduct capable of supporting a claim may include:

- physical or sexual violence;
- emotional or psychological abuse;
- intimidation or humiliation;
- financial abuse or economic control;
- surveillance or stalking;

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- isolation from friends, family or employment;
- threats involving children or self-harm;
- litigation abuse or other forms of coercive control.

Elements to prove intimate partner violence

To establish liability under the new tort, a plaintiff must prove:

1. the abusive conduct occurred during an intimate relationship or its aftermath;
2. the defendant intentionally engaged in that conduct; and
3. viewed objectively, the conduct constituted coercive and controlling behaviour.

The third element is particularly significant. The court applies an objective test: Would a reasonable person, viewing the relationship, conclude that the defendant engaged in coercive and controlling conduct that deprived the plaintiff of their dignity, autonomy and equality?

The plaintiff does not need to prove that the defendant specifically intended to dominate or control them. It is enough that the defendant intentionally engaged in the conduct and that, assessed objectively, the conduct constituted coercive control. This distinction is important because coercive control is often proved through a pattern of conduct rather than a single incident or express statement of intent.

It is important to note that not all intimate partner misconduct will qualify as IPV. Although the tort is broad and intended to capture a wide range of conduct, *Ahluwalia* notes that it does not extend to ordinary relationship conflict or every instance of hurtful behaviour. Conduct such as dishonesty, infidelity, emotional neglect and disagreements may contribute to the breakdown of an intimate relationship but will not, without more, amount to coercive control. Rather, the conduct must be assessed objectively and in the context of the relationship as a whole to determine whether it deprived one partner of their dignity, autonomy and equality.

Damages

The recognition of the new tort provides survivors of IPV with a distinct civil remedy that better reflects the nature of the harm they have suffered.

Mr. and Ms. Ahluwalia were married for more than 16 years. During the marriage, Mr. Ahluwalia subjected Ms. Ahluwalia to ongoing physical and emotional abuse, sexual coercion and financial control. Before the appeal reached the SCC, however, the parties settled the issue of damages at $100,000. As a result, the SCC’s primary task was to determine the legal basis for liability rather than reassess the appropriate amount of compensation.

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Going forward, damages under the new tort will likely depend on the seriousness, duration and impact of the coercive and controlling conduct; the extent of the physical or psychological harm suffered; and whether aggravated or punitive damages are warranted in the circumstances.

What this decision means going forward

As the decision was issued by the SCC, the new tort now forms part of the common law and is binding on courts across Canada's common law provinces and territories, including Manitoba.

A unique feature of this new tort is that parties may seek damages under this cause of action now in the course of family proceedings by filing a claim alongside pleadings for divorce, support and other family law remedies. Conversely, parties may file a claim for damages arising out of IPV on a stand-alone basis separate and apart from any family law proceedings. This could have significant effects on family litigation going forward.

As lower courts begin interpreting and applying this new tort, the decision will influence how family violence claims are advanced, defended and assessed across Canada for years to come. Individuals experiencing abusive or controlling conduct within an intimate relationship should **seek legal advice** to better understand the protections and remedies that may now be available.

Emerging jurisprudence following *Ahluwalia*

Since *Ahluwalia*, reported decisions are beginning to apply its framework. The earliest reported applications indicate that courts are using the decision in two related ways: first, to adjudicate damages claims under the new tort itself, and second, more broadly, to assess allegations of family violence and coercive control in parenting, relocation and other family law disputes.

Ontario appears to have produced the first reported decision imposing liability under the new tort. In *Mitchell v Mitchell*, 2026 ONSC 4259, the Ontario Superior Court considered a wife's claim for damages under *Ahluwalia*, alongside property-equalization issues. The court found the husband liable under the tort after examining the prolonged pattern and seriousness of the abuse. The court awarded $400,000 in compensatory damages, including $100,000 to recognize the distinct harm to her dignity, autonomy and equality arising from coercive control within the relationship. It also awarded $25,000 in punitive damages to denounce the husband's conduct and deter similar behaviour. By comparison, damages under the traditional torts of assault, battery and intentional infliction of emotional distress would have been $300,000, including aggravated damages.

In *Stevens v Stevens*, 2026 MBKB 98, the Manitoba Court of King's Bench relied

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on ***Ahluwalia*** when assessing family violence and the children's best interests in a relocation dispute. Although the claimant did not seek damages under the new tort, the Court adopted *Ahluwalia*'s contextual and cumulative approach to coercive control, finding that the father had engaged in a pattern of coercive and controlling conduct relevant to relocation, the parties' capacity to communicate and cooperate, and decision-making authority.

Given the decision's recent release, reported consideration of the new tort outside Ontario and Manitoba remains limited. Nevertheless, *Ahluwalia* is likely to serve as the leading analytical framework for courts across the common law provinces and territories as litigants seek to advance IPV claims.

If you (or someone you know) is experiencing intimate partner violence or any measure of coercive control in a domestic relationship, once the affected individual has secured safety, you may wish to reach out to **a lawyer for advice** on whether a claim under the new tort of IPV is possible.

Related resource: Guide to Protection Orders and Peace Bonds

Are you interested in booking a 30-minute consultation? Please contact **Neil P. Steen** at **nsteen@tdslaw.com**, and somebody will contact you shortly.

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