

MINDSENSE CASE HIGHLIGHT

Fang v Lu: One of Ontario's First Post-Ahluwalia IPV Tort Awards

Fang v Lu, 2026 ONSC 3617 | Ontario

When the Supreme Court of Canada released its landmark decision in *Ahluwalia v Ahluwalia* earlier this year, it created a new civil tort of intimate partner violence – recognizing, for the first time in Canadian common law, that coercive and controlling conduct within an intimate partnership can ground its own claim for damages. What has been less clear is how the new tort would actually operate in day-to-day family litigation.

Fang v Lu, 2026 ONSC 3617 is one of the first Ontario cases to give us that answer.

— The Case

The parties were married in 2018 and separated in June 2021. After the wife returned from a trip to China in early 2020, the court found the husband began engaging in a sustained pattern of abusive, controlling, and coercive conduct. This included verbal abuse, financial control (including restricting access to heat, hot water, and internet in the matrimonial home), threats around her immigration status and custody of her daughter, physical assaults, and at least one incident of unwanted sexual conduct.

The court accepted the wife's evidence over the husband's where the two conflicted, and heard corroborating evidence from both the parties' daughter and a neighbour.

— Applying the New IPV Tort

Following the framework set out in *Ahluwalia*, the court analysed whether the wife had established the three required elements of the new tort:

- **The conduct occurred within an intimate partnership** – despite the deteriorating relationship, the court found the parties remained in an intimate partnership until June 2021, given continued cohabitation, economic interdependence, and occasional sexual relations.
- **The conduct was intentional and abusive** – the judge found the husband's behaviour was deliberate, driven by his belief (rejected as unfounded) that the wife had married him for immigration status.

- **The conduct amounted to coercive control** – the court found the husband's behaviour objectively deprived the wife of dignity, autonomy, and equality within the relationship, which is the central concept underlying the new tort.

— The Award

The wife sought \$100,000 in damages under the new IPV tort. The court awarded **\$40,000 in general compensatory damages**, declining to award aggravated damages on the basis that the aggravating factors were already reflected in the compensatory award. Separately, she was awarded an equalisation payment of approximately \$411,500 and found entitled to spousal support (amount to be determined). A notable aspect of this decision is that neither party advanced any expert evidence to address the full extent of harm caused by coercive control. Based on the available evidence, the Court was still able to accept the plaintiff's own evidence of the harm she suffered, but the absence of supporting expert evidence may provide additional context into the quantum of the award for damages.

— What This Means in Practice

Fang v Lu is a genuinely useful early data point for practitioners in this space. A few things stand out:

- **Coercive control on its own is enough.** The court awarded damages for the tort without needing to satisfy the higher threshold of intentional infliction of emotional distress. Financial control, threats, and humiliation – the less visible dimensions of IPV – were treated as central to the claim, not peripheral.
- **The award is meaningful but measured.** \$40,000 is a serious sum but not extraordinary. It suggests Ontario courts are prepared to compensate IPV meaningfully, while quantum for these claims is still being calibrated.
- **The tort operates alongside family law remedies, not instead of them.** The wife also received a substantial equalisation payment and spousal support entitlement. The IPV award added to those remedies rather than substituting for them.

THE TAKEAWAY

For counsel working with survivors, *Fang v Lu* is an important reminder that the *Ahluwalia* framework is already being applied, and that the evidentiary record supporting an IPV tort claim needs to be built with the three-part test firmly in mind. We expect to see many more of these cases over the coming year, and the quantum question in particular is one to watch.

MINDSENSE

Expertise you can trust when it matters most.

WEBSITE

mindsensepsychiatry.ca

EMAIL

clientservices@mindsensepsychiatry.ca

PHONE

1 (833) 995-6565