

## THE TYPES OF DOCUMENTS THAT LAWYERS TYPICALLY LOOK FOR IN SUPPORT AND PROPERTY CASES

Below is a non-exhaustive list of the types of documents that your lawyer may ask you to produce or may ask the opposing party to produce in case involving property or support claims. It is a good idea to gather these documents so that you have them ready and as well, so that you can respond quickly, in the event that you are asked to produce them. You must remember that you have an obligation not to destroy, lose or damage any document that is relevant to an issue in your case regardless of whether it supports your claims or helps the other side against you and there can be severe consequences in your case, if you fail to honour this obligation. This does not mean that you should just “hand-over” the documents the opposing counsel or his lawyer asks you to provide. All documents to be given to the opposing party need to be checked first by your lawyer.

### 1. EVERY PARTY

- a) A copy of every personal income tax return, with all schedules, attachments and information slips, filed by the party with Canada Revenue Agency for the three most recent taxation years.
- b) A copy of every notice of assessment or re-assessment received from Canada Revenue Agency for the three most recent taxation years.
- c) A copy of all income slips (T4s, T4As, T5s, etc.) received for any of the three most recent taxation years for which a tax return has not been filed.
- d) Any documentary proof of the value of all assets and liabilities in the partner’s name alone or jointly held (*with any third party*) or owing on the date of marriage and the date of separation.
- e) Copies of any applications made and/or any statements of net worth provided to any financial institution or third party in relation to any personal loan or credit application made by the partner or any persons on his/her behalf.

- f) A listing of all personal and business bank accounts of the partner at the date of marriage, the date of separation and present. Including, any back up documentation, for example:
- Copies of all personal and/or business bank statements, passbooks, and/or investments statements for all bank accounts held by the partner, third parties on behalf of the partner, or jointly with the partner including copies of all cancelled cheques.
- g) A listing of any personal and/or business loans, mortgages, and/or credit card accounts of the partner (whether primary, secondary or as guarantor) at the date of marriage, the date of separation and present. Including any back up documentation, for example:
- Copies of all credit card statements, including department store card statements and gas card statements, in the partner's name alone or jointly with a third party. Copies of all IOUs, promissory notes and any other written confirmation of monies owing to and/or from the partner and/or any third party.
- h) Copies of all Wills and estate documents in which the partner has been named as a beneficiary.
- i) Back up documentation and particulars of all assets that the partner has disposed of since the date of separation and the particulars of the disposition, if applicable.
- j) Back up documentation and particulars as to whether the partner is a member of any organization/club.

## **2. EMPLOYED PARTY**

- a) A copy of the most recent pay stub or statement with year-to-date income for the current calendar year.
- b) A copy of all benefit information circulars or benefit booklets outlining all employee benefits for health care, dental care, prescriptions and life insurance. If no circular or booklet is available, a detailed statement from the employer or the group plan insurer outlining these benefits.
- c) A statement of income indicating the total amount of income, if any, from any of the following sources: employment insurance, social assistance, a pension, workers compensation, disability payments or any other source.

**3. SELF-EMPLOYED PARTY (SOLE PROPRIETOR)**

For the last 12 months and the five most recent taxation years:

- a) Year-end financial statements for all businesses, including income and expense statements and list of assets, liabilities and debts.
- b) The most recent monthly or quarterly income and expense statements and list of assets, liabilities and debts.
- c) A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, the party and persons or corporations with whom the party does not deal at arm's length.

**4. PARTY WHO IS A PARTNER IN A PARTNERSHIP**

For the last 12 months and the five most recent taxation years:

- a) A copy of the partnership agreement.
- b) Year-end financial statements for all businesses, including income and expense statements and list of assets, liabilities and debts.
- c) The most recent monthly or quarterly income and expense statement for all businesses and confirmation of the party's income and draw from, and capital in, the partnership for the current year.
- d) A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, persons or corporations with whom the partnership does not deal at arm's length.

**5. PARTY WHO CONTROLS A CORPORATION OR 10% OR MORE OF THE VOTING SHARES**

For the last 12 months and the five most recent taxation years:

- a. Copies of Articles of Incorporation/By-laws.
- b. A copy of the shareholders' agreement.
- c. Copies of all director and shareholder minutes of the companies.
- d. Copies of corporate share registers.

- e. Copies of any independent appraisals of any of the assets, including equipment, real estate, etc.
- f. Copies of any appraisals, valuation reports or analysis relating to the companies.
- g. Any pending agreements to purchase or sell property.
- h. A copy of every corporation tax return, with all schedules, attachments and information slips, filed by the corporation with Canada Revenue Agency.
- i. A detailed statement of all personal expenses paid by the corporation.
- j. A statement showing a breakdown of all salaries, wages, management fees or other payments or benefits paid to, or on behalf of, the party and persons or corporations with whom the corporation does not deal at arm's length.
- k. The year-end financial statements, including balance sheet and income statement or statement of profit and loss, of the corporation and of any related corporations or subsidiaries.

## **6. PARTY WHO IS A BENEFICIARY OR SETTLOR OF A TRUST**

For the last 12 months and the last five taxation years:

- a) A copy of the trust's financial statements, including statement of income and expense and statement of distributions.
- b) A copy of all income slips (T4s, T4As, T5s) received from the trust and, if the party is the settlor, all T5s or other tax information slips issued by the trust.
- c) A copy of the documents that establish the trust.

## **7. PARTY WHO RECEIVES INCOME FROM ANY OTHER SOURCE**

For the last 12 months and the last five taxation years:

- a) A letter from each income source setting out the party's total annual income and how the party's income is calculated.

**8. PARTY WHO HAS BEEN BANKRUPT OR HAS MADE A PROPOSAL TO CREDITORS WITHIN THE LAST FIVE YEARS**

- a) Proof of bankruptcy, including copy of assignment in bankruptcy or petition into bankruptcy, statement of affairs, and any discharge.
- b) A copy of any bankruptcy proposal signed by the party and the trustee under the Bankruptcy and Insolvency Act.
- c) A copy of the projected cash flow statement of the party signed by the party and filed by the trustee along with the final proposal.
- d) A copy of the trustee's cash flow statement, the trustee's report on reasonableness of cash flow statement and the trustee's report containing prescribed representations of the insolvent party regarding the preparation of the cash flow statement.

**9. PARTY WHO IS NOT WORKING OR WHOSE RESPONSIBILITIES HAVE BEEN LIMITED**

- a) A copy of the most recent Record of Employment issued to the party;
- b) A copy of any written communications tendered by the party or the party's employer or former employer which identifies the reason for the reduction or termination of employment and which deals in any way with the terms of enumeration or terms of termination such as termination pay to be paid, severance pay to be paid, period of notice provided, termination of entitlement to employment benefits such as extended health care plans, employee retirement plans;
- c) A detailed list of the party's education and skills training background including the name of any program of study, the length of study period, the institution attended; any degree or diploma or certificate or other certification or licensing document provided to the party;
- d) The party's personal resume, a list of all places or persons to whom the party has applied from the time when the parties met to date, with dates, and a copy of all responses received.
- e) A detailed list and copies of all documentation related to all job search efforts in the past 24 months, including all job applications, proposals tendered by the unemployed person, copies of any written responses from potential employers or offers of employment made to the individual;

- f) A detailed explanation as to the circumstances which resulted in the unemployment.
- g) Copies of any medical documentation verifying any inability or limited ability to work due to illness or disability.
- h) A copy of any application for illness or disability benefits submitted to the Canada Pension Plan, the Ontario Disability Support Program or any illness or disability insurer and the response to each application.
- i) Copies of all employment assessments;
- j) Copies of all medical assessments related to an inability or limited ability to work.

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Victoria Starr  
Starr Family Law  
Barristers & Solicitors  
112 Adelaide Street East  
Toronto, Ontario  
M5C 1K9

Tel: (416) 203-7474 ext. 222  
Fax: (416) 203-3663  
Email: [mail@starrfamilylaw.com](mailto:mail@starrfamilylaw.com)