Supreme Court of Canada recognizes tort of intimate partner violence: Ahluwalia v. Ahluwalia

May 15, 2026

In *Ahluwalia v. Ahluwalia*, 2026 SCC 16, the Supreme Court of Canada recognized a new tort of intimate partner violence, centred on coercive and controlling conduct within intimate relationships.

The case arose from a long-term marital relationship characterized by a pattern of abuse extending beyond discrete incidents of physical violence. The plaintiff sought damages not only for specific acts of assault, but a broader and sustained course of coercive, controlling, and psychologically harmful conduct.

At trial, the court recognized a novel tort of “family violence" and awarded damages in addition to family law remedies. The Ontario Court of Appeal upheld liability under existing torts but rejected the recognition of a new tort. The central issue before the Supreme Court was whether a new tort was necessary.

The majority: Recognizing a new tort of intimate partner violence

Justice Kasirer, writing for the majority of the Court, allowed the appeal in part and recognized a new tort. However, they reframed the tort more narrowly than the trial judge had.

The majority began from the premise that tort law must be responsive to the reality of the harms it seeks to redress. It accepted that intimate partner violence is not adequately reflected by an incident-based model of liability.

The majority held that the defining feature of the harm is its **patterned and cumulative nature**, a course of conduct marked by coercion, control, and the erosion of autonomy over time. In the majority's view, forcing plaintiffs to disaggregate such experiences into discrete torts misrepresents the nature of the wrong, and risks inadequate compensation.

The majority held that this mismatch revealed a gap in the law, and concluded that while existing torts remain available and capable of addressing particular incidents, they are not designed to capture the full relational and systemic character of intimate partner violence. The majority therefore concluded that incremental development of the common law was warranted.

As the majority recognized a tort of intimate partner violence, they rejected the trial judge's recognition of a broader tort of “family violence," finding it to be overbroad and insufficiently precise. That formulation captured a wide variety of family relationships without regard to their differing dynamics. The majority emphasized that doctrinal development must be tethered to the specific relational context before it.

The wrong in this case arose from an intimate partnership, which engages particular forms of vulnerability, dependency, and power imbalance. The intimate partner violence tort is grounded in the unique dynamics of intimate relationships, and encompasses both physical and non-physical forms of abuse. It captures conduct such as coercion, psychological control, financial control, isolation, and intimidation, where those acts form part of a sustained pattern of harmful behaviour. Coercive control constitutes a serious breach of a victim's intangible interests of dignity, autonomy and equality.

Establishing the tort: Three elements of intimate partner violence

The majority was careful to emphasize that this new tort does not displace existing causes of action. The new tort of intimate partner violence requires a plaintiff to demonstrate that:

1. the abusive conduct arose in an intimate partnership or its aftermath;
2. the defendant intentionally engaged in that conduct; and
3. the conduct, on an objective measure, constitutes coercive control.

The majority noted that the harm associated with coercion flows from proof of the wrongful conduct. Accordingly, a plaintiff is not required to prove any consequential harm separately. Once the three elements of the tort are established, the harm is necessarily present and liability follows. The majority noted that the quantum of damages must represent a meaningful response to the seriousness of the breach.

The majority held that Ms. Ahluwalia had established these three elements, and that 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.

Concurring and dissenting opinions: Where the Court diverged

Justice Karakatsanis, in a concurring opinion, was of the view that the tort of intimate partner violence should not be limited to cases where “coercive control" is established.

In a dissenting opinion, Justices Jamal, Côté and Rowe would have dismissed the appeal, finding that no new tort was warranted because the plaintiff was fully compensated under existing torts. In their view, existing torts are capable of addressing both individual acts and patterns of abuse. The dissent raised concerns that the new tort introduces uncertainty, and risks complicating access to justice.

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