

CANADA / JUDGMENT

Blevins v. Lindsay

2026 ONCA 299

COURT

Court of Appeal for Ontario

DECIDED

27 April 2026

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Blevins v. Lindsay Collection Decisions of the Court of Appeal Date 2026-04-27 Neutral citation 2026 ONCA 299 Docket numbers COA-25-CV-0967 Judges George, Jonathon C.; Copeland, Jill M.; Gomery, Sally A. Subject Family Decision Content COURT OF APPEAL FOR ONTARIO CITATION: Blevins v. Lindsay, 2026 ONCA 299 DATE: 20260427 DOCKET: COA-25-CV-0967 George, Copeland and Gomery JJ.A. BETWEEN Shelly-Ann Gwendolyn Blevins Applicant (Respondent) and Michael Lindsay Respondent (Appellant) Sage Harvey, for the appellant James Bennett, for the respondent Heard and rendered orally: April 23, 2026 On appeal from the order of Justice Paul W. Nicholson of the Superior Court of Justice, dated June 23, 2025. REASONS FOR DECISION

- [1] The respondent brought an application for a divorce, equalization of net family property, and spousal support. A trial was held to determine the date of separation. The answer to this question impacts the yet to be determined equalization payment and the issue of spousal support
- [2] The appellant claimed that the date of separation was March 14, 2020. The respondent claimed that the date of separation was January 1, 2020. The trial judge ultimately agreed with the respondent and found that the parties separated on January 1, 2020.
- [3] The appellant argues that the trial judge made palpable and overriding errors of fact and misapplied this court's decision in *Kassabian v. Marcarian*, 2025 ONCA 239, 16 R.F.L. (9th) 33. The alleged errors of fact relate to the trial judge's findings that (i) the parties were regularly intimate with each other before January 1, 2020, but not after; (ii) the appellant "outright reject[ed]" the respondent's attempts to reconcile after January 1, 2020; and (iii) the parties did not "physically embrace" or otherwise express affection after January 1, 2020.
- [4] We reject these arguments.
- [5] The appellant's position is essentially that we should re-weigh the evidence and make different findings of fact. That is not the function of this court. All of the trial judge's findings were available to him on the record.

- [6] Furthermore, the trial judge's reasons demonstrate an understanding that the factors described in *Kassabian* are not a checklist, but rather a set of principles designed to guide his determination. A trial judge need not advert to every factor, only those that are relevant, and of those no single factor is determinative. The trial judge properly applied this court's direction in *Kassabian*. There is no basis for appellate intervention.
- [7] The appeal is dismissed.
- [8] Costs are payable by the appellant to the respondent in the all-inclusive amount of \$5,000. "J. George J.A." "J. Copeland J.A." "S. Gomery J.A."

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