

**Fairway**  
divorce | solutions

**THE MOST  
IMPORTANT THINGS  
YOU NEED TO KNOW  
WHEN GETTING  
A DIVORCE**

# DIVORCE IS AN EVENT IN YOUR LIFE



How you choose to move through it will define the next chapter of your life.

Many people think that hiring a divorce lawyer will get you better results; that is often not the case. The laws in Canada are reasonably straightforward, so the goalposts for negotiation are not far apart, regardless of what the professionals and your friends are telling you.

Many couples end up in mediation only after spending thousands on legal bills with the hope of “winning.” Fighting in divorce is a zero-sum game, and no one wins.

Do your research, and do not let your emotions get in the way of sound decision-making. You may be at one of the most important forks in the road. There is hope for great new beginnings.



**The clear road to a new life is within your grasp.**



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**We care** about you and want you to know the following points that will help you navigate through this time.

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**Recent changes in The Divorce Act mandate that you must try alternative dispute resolution** to resolve conflict before you can be seen in front of a judge. This reflects how straightforward the laws are and how the system recognizes the wasted resources spent on fighting. The Provincial and Federal laws predetermine most outcomes. The only exception is if there are safety or other concerns that would make alternative dispute resolution inappropriate.

**Canadian Divorce Law is a no-fault system.** This means there doesn't need to be a "matrimonial offence," like adultery, to allow a divorce. It also means that your spouse's behaviour during your marriage, i.e. conflict, affairs, verbal abuse, is not relevant to the division of assets. There is no point sticking it to each other except to rack up costs and deplete your own net worth.

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In Canada, **you do not need a lawyer** to get divorced.

**Getting legal advice** is smart before you sign off on your separation agreement. This can help ensure that your interests and legal rights have been protected and you understand exactly what you are signing. Using lawyers to help in this way makes good sense. In some provinces, independent legal advice is required to make a separation agreement binding.

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Often, cases get stalled or derailed during the process of **gathering financial information**. Financial disorganization or lack of trust can wreak havoc. The process, however, is relatively straightforward regardless of investments, debt, or businesses. It does not have to be a daunting or scary task.

Going to **trial may cost you in excess of \$100,000** and over three years of fighting. Most cases do not go to trial as people run out of money, time, and patience.

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**Perception is not fact**, yet most matrimonial cases are fought based on attempting to turn perception into fact. Judges will make decisions based on perceptions presented by lawyers.

# Here are the ways you can get a divorce in Canada

## Online and Do It Yourself (DIY)

**Pros:** Cheap. Good for people who have no assets or dependent children. You may still need a separation agreement, and some online services will help you draft one.

**Cons:** You may miss important terms and protection, so this is only suitable for very simple cases. Many financial institutions will not accept a DIY separation agreement.

## Med/Arb (Mediation/Arbitration)

**Pros:** When you hire the mediator, you also sign an agreement so that the mediator can make the final decision (act like the judge) if the parties cannot agree. This means there will be a guaranteed decision made whether you agree or not.

**Cons:** Most Med/Arb contracts result in arbitration, partly because it is easier for the mediator to just make a decision as opposed to moving two people forward and working through all the issues. You are giving the power of a judge to someone who is not a judge. Most people in a Med/Arb hold back information because they do not want it to be used against them in the final decision, so it is really not mediation but rather just arbitration. This process can be as expensive as going to trial.

## Mediation (rising in popularity)

**Pros:** Less expensive and less stress. A non-binding way for you and your spouse to make decisions around money and children with a professional, well-trained mediator. The final step is the drafting of a separation agreement and getting independent legal advice to ensure nothing important was missed or that the outcome was biased in any way.

**Cons:** You must ensure you're working with a qualified mediator who has a process and is focused on making decisions. Otherwise, you could spend a lot of money going around and around, never achieving a resolution. If mediation fails, then you will have to go another route. Usually, you are still ahead financially because of the groundwork that has been laid.

## Hire a Lawyer From the Get-Go

**Pros:** When there is domestic violence, or one spouse is out of the country or just will not participate in any form of mediation, hiring a lawyer makes sense. Getting legal advice from an independent lawyer is smart before signing anything binding.

**Cons:** Expensive (on average \$30,000 per couple) and destructive to relationships and co-parenting. In the past, hiring a good lawyer was the difference between a good settlement and a bad settlement. That is no longer the case, as the Canadian laws are very clear. They are paid better the longer it takes to resolve your case. Lawyers file affidavits\* to substantiate your position. These claims regarding money and parenting are in writing and filed publicly. There is no confidentiality.

*\*Affidavits are documents filed in the courts to prove you are right and your spouse is wrong.*

## Collaborative Law

**Pros:** You hire lawyers whose contract says that they cannot go to trial, so the lawyers are more committed to getting things done without going to court.

**Cons:** Often very expensive. The major downside is that if the parties cannot resolve the issues, you have to fire the collaborative lawyer and hire a completely different lawyer and start all over again. For this reason, this type of practice has lost popularity.

## Do It Alone (spouse will not do mediation)

**Pros:** Saves money and time. You can work with a company that specializes in helping you navigate through divorce so that you can reduce the time and money spent with your lawyer. It also gives you a chance to step back and evaluate different outcomes and settlements without pressure and will all the relevant information to make smart decisions.

**Cons:** Your spouse is not participating, so that causes challenges and is not ideal but better than other options. You have no control over what your spouse does or does not do.

Whatever path you select to navigate this tricky stage of life, Fairway's mission is to help as many families as we can to protect their children and their assets.



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# How do you choose where get help with the best outcome for your future?

Here is a **list of things to think about as you select the team** to help you transition through divorce.

- How many cases have they resolved peacefully?
- How do they make money? Is it in their best interest to get you and your ex to resolution as quickly as possible?
- What are they doing to protect your children?
- Are they part of the team of people who believe that parenting after divorce can be creative and help all parties thrive?
- Do they believe both parents should be involved in the children's lives after divorce?
- Do their parenting values align with yours?
- Do they have a flat rate solution that promises resolution?
- Do they have a proven process that helps resolution happen step by step?
- If you do speak to a lawyer, ask them to give you advice as if you were the other spouse, as there are many ways to twist things depending on what side you are on.
- Do they have experience working with your types of cases? If you own a business or have substantial assets, you need someone who has experience working with families like yours or has access to a network that has worked with people like you.

At **Fairway Divorce Solutions**, we are committed to helping people divorce in a better way. Just 30 to 60 minutes of your time and you'll have clarity as to whether Fairway may be right for you.

What do you have to lose?

Join the thousands of people who have chosen to divorce the fair way.



Find a location nearest you at  
[www.FairwayDivorce.com](http://www.FairwayDivorce.com)

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# MESSAGE FROM THE CEO AND FOUNDER



No breakdown of marriage is one-sided. While each case related to divorce is different with unique circumstances, both parties are responsible for moving through to the end in the best way possible. You are not alone in feeling confused and stressed. I know that you will be okay and you can build a great life with a new bright future. No one enters a marriage thinking that it will be in a divorce, but the reality is that almost half do, so you are not alone.

At Fairway, we care deeply about you, your children, and your future. We understand the fear and mistrust that you likely feel. My wish for you is that you choose a path focused on resolution and laying the foundation for a financially secure and prosperous future.

Since 2006, we have helped thousands of couples find a legal and peaceful resolution. They have achieved their final separation agreement and divorce with the combined benefits of mediation and legal advice in a way that has protected their assets and children. Our process ensures that emotions do not get in the way of sound decision-making.

If you are a fair-minded, kind-hearted person who wants to get divorced in a fair way and move on, then we may be the right fit for you. We prefer to work with both you and your spouse. However, if that is not feasible, we can work just with you.

There is light at the end of the tunnel – I promise.



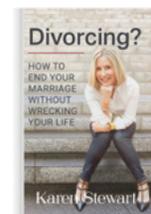
Divorce is costly in terms of time, money and heartache. There is a better way. In this book, Karen draws on her own costly divorce and provides a solid framework to help you divorce dignity and move on with your life.



This book will provide you with a step-by-step "how to" road map to divorce and kids, divorce and finances, and the tools to lay the foundation for a great life.



This guide to life after divorce for women will offer you a step-by-step, "how to" road map to divorce and finances, divorce and kids, and the tools to lay the foundation for a great life.



In a compelling, true-to-life story based on her own experience, Karen Stewart reveals the terrible damage that results from the present divorce system.

What you read here can transform your divorce into what it really should be – the end of one chapter in your life, and the positive beginning of another.