|  | Archives of Ontario |
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| Finding York County Divorce Files  |  |
| 211 Research Guide |  Most Recent Update: October 2020 |

Divorce files are typically filed at the county or district courthouse where the divorce hearing took place. They may include the petition for divorce, affidavits, the degree nisi and the decree absolute (also referred to as the judgement absolute). Some files may also include examinations, documents relating to child custody, copies of marriage certificates and photographs of the people involved. For divorces occurring outside of York County, see Research Guide 210: Finding Divorce Files in Ontario*.*

#### Step 1: What are you looking for?

##### A divorce occurring prior to 1930?

We do not have these records. Until 1930, only the Federal Parliament could grant a divorce in Ontario through a Resolution or an Act of Parliament. Couples had to have a private member’s bill (a bill that a Member of Parliament presented to the House of Commons) requesting that their divorce be granted.

All divorces granted by the Federal Parliament are indexed. [Click here to access the index on the Library and Archives Canada website](http://www.collectionscanada.gc.ca/). Divorces granted between 1867 and 1930 are also indexed in a book titled Index to Canadian Parliamentary Divorces, 1867-1930, by J. Brian Gilchrist and Nancy J. Duffy. This book is available in the Archives of Ontario’s Reading Room and in major public libraries.

Resolutions and Acts of the Federal Parliament have been published, and most major libraries should hold a copy of them; [click here to access the Library and Archives Canada website for more information](http://www.collectionscanada.gc.ca/). For a certified copy of the Resolution or Act of Parliament for a divorce (needed for legal purposes), you must contact Office of the Law Clerk and Parliamentary Counsel:

**Senate of Canada**

**1310-40 Elgin Street**

**Ottawa ON K1A 0A4 – Telephone: 613-992-2416**

##### A certified copy of the court document granting the divorce for a divorce started between 1931-June 1981?

Do you only need a certified copy of the legal document that makes a divorce final? If so, please proceed to STEP 2. For divorces occurring outside of York County, but still in Ontario, please see Research Guide 210: Finding Divorce Files in Ontario.

##### A certified copy of the court document granting the divorce started between June 1981-1986?

Starting in June 1981, divorces for the Regional Municipality of York were processed by the Newmarket courthouse. Divorces for Metropolitan Toronto (now the City of Toronto) were still processed by the Toronto courthouse.

Do you only need a certified copy of the legal document that makes a divorce final? Please proceed to STEP 2.

##### An entire Divorce File for a divorce started between 1931-1986?

Divorce files may include the petition for divorce, affidavits, the degree nisi and the decree absolute. Some files may also include examinations, documents relating to child custody, copies of marriage certificates and photographs of the people involved.

Is this what you are looking for? If so, please proceed to STEP 3. For divorces occurring outside of York County, but still in Ontario, please see Research Guide 210: Finding Divorce Files in Ontario.

##### Documents for a divorce started after 1986

Divorce files for 1987 and after are available only through the local courthouse where the divorce was filed. Please contact the Newmarket courthouse (for the Regional Municipality of York) or the Toronto courthouse (for the City of Toronto) (see contact information at the end of this guide).

#### STEP 2: Obtaining certified copies of court documents from the divorce file

Until 1968, the court document granting a divorce was called a **judgment absolute**; the name was changed to **decree absolute** in 1969. Since 1986, courts issue **divorce certificates** to confirm a divorce has occurred. The Archives of Ontario can provide certified copies of these documents, if it holds the divorce file and it contains those documents, along with other records that may exist in the file.

Divorce files are stored at an off-site location. It may take up to 14 business days to retrieve, copy and certify records. There is a $33.00 fee (plus HST) for certification. The certified copy can be mailed to you or picked up in person. Please note that the Archives’ staff cannot indicate to you whether you require documents to be certified, or what documents you need to have certified; only the office you are submitting the copies to can answer this question.

If you know the file number, court location (town), year and the names of the two parties,click here to send an email to the Archives of Ontario and submit your request, or call 416-327-1600 (toll free 1-800-668-9933 in Ontario).  We will contact you regarding payment once the document is ready.

If you donot have the file number, court location, year and the names of the two parties,please proceed to STEP 3.

#### STEP 3: Gathering the required information to find a divorce file

For Archives’ staff to retrieve a file for you, you need to be able to provide the file number, court location, year and the names of the two parties.

After 1930, the Supreme Court of Ontario has had the power to grant a divorce. The Archives of Ontario holds all 1931–June 1980 York County divorce files and all June 1980-1986 City of Toronto and Regional Municipality of York divorce files.

To find the File Number, Court Location and Year for a divorce:

##### For divorces started between 1931 and June 1968:

An index is available on microfilm in the Archives of Ontario Reading Room and through interloan up until 1978.

Entries in the index are arranged first by year, then by the initial letter of the surname, and then by the exact date that the Decree Absolute/Judgement Absolute was granted. See Table 1 listed below.

Table 1: Supreme Court Registrar’s Office Indexes to York County Final Divorce Judgements, Series RG 22-5815 (available on microfilm in the Archives’ Reading Room)

| **Year Divorce Granted** | **Microfilm Reel** |
| --- | --- |
| 1931-1940 | MS 5041 |
| 1941-1945 | MS 5042 |
| 1946-1949 | MS 5043 |
| 1950-1952 | MS 5044 |
| 1953-1954 | MS 5045 |
| 1955-1956 | MS 5046 |
| 1957-1958 | MS 5047 |
| 1959-1960 | MS 5048 |
| 1961-1962 | MS 5049 |
| 1963-1964 | MS 5050 |
| 1965-1966 | MS 5051 |
| 1967-1968 | MS 5052 |
| 1969-1970 | MS 5053 |
| 1971 | MS 5054 |
| 1972 | MS 5055 |
| 1973 | MS 5056 |
| 1974 | MS 5057 |
| 1975 | MS 5058 |
| 1976 | MS 5059 |
| December 1976-1977 | MS 5060 |
| 1978 | MS 7194 |
| 1979- June 1981 | Contact the City of Toronto courthouse for indexes (see contact information at the end of this guide) |
| June 1981-1986 | Contact the Newmarket courthouse (for the Regional Municipality of York) or the City of Toronto courthouse (for Toronto) for indexes (see contact information at the end of this guide) |

If you find the couple's name, record the:

* file number and year that the divorce case began from the “Writ. No.” column (e.g., 1234/70 = divorce file # 1234 of year 1970); and
* date that the Decree Absolute/Judgement Absolute was granted.

Once you have the file number, court location and year, proceed to STEP 4*.*

If you do NOT find the couple's name:

It may be because they were not divorced in York County. To check if they ever petitioned for a divorce in York County, see Step 5 of this guide. If the divorce occurred elsewhere in Ontario, consult Research Guide 210: Finding Divorce Files in Ontario.

There is also a small possibility that the divorce was granted through a resolution or act of Parliament. See the section on pre-1930 divorces above for more information.

##### For divorces started from July 1968 to the present:

If you are looking for the divorce of other individuals, go to the section of divorces started 1931-June 1968, above.

If you are looking for your own divorce records, or acting for the succession of a party to the divorce, contact the Central Registry of Divorce Proceedings (CRDP). This is a Canada-wide record of divorce proceedings filed in a Canadian Court from July 1968. You can phone them at the number below, and leave a message with your full name at birth and birth date as well as the name and birth date of your former spouse, the date of marriage and the approximate date of your divorce. You can also visit the CRDP website, print a search request for and mail it to the address below. [Click here to access the CRDP webpage](http://www.justice.gc.ca/eng/fl-df/divorce/crdp-bead.html),

Should the CRDP identify a record matching the information provided, it can supply the numberof the courthouse where the divorce took place, and the file number and year that you need to get your divorce file. Please note that the CRDP cannot confirm the status of a divorce proceeding or provide any legal document. Contact for the CDRP:

**Department of Justice**

**Central Registry of Divorce Proceedings**

**284 Wellington Street**

**Ottawa, Ontario, Canada K1A 0H8**

**613-957-4519**

Once you obtain this information from the CRDP, proceed to STEP 4.

#### Step 4: Ordering a 1931–1986 Divorce File at the Archives of Ontario

Once you have the file number, the year when the divorce case began, the date it was granted and the county or district where the divorce took place, you have the information to order a divorce file.

The Archives’ divorce files are stored at an off-site location. It takes a minimum of one business day to retrieve them. Please note that original files can be viewed only in the Archives’ Reading Room in Toronto. Copies and certification requests can be ordered by telephone, e-mail or mail if you know which documents are required.

To request a divorce file, contact the Archives of Ontario; contact information appears at the end of this guide.

#### Step 5: If You Can’t Find a York County Divorce Record

To find out if either spouse ever petitioned for a divorce in York County, follow the steps below. Once you have the year, location and file number, go to STEP 1 at the start of this guide.

###### For divorces started between 1931 and June 1968:

An index to all York County Supreme Court Civil Actions between 1931 and June 1968 is available in the Archives of Ontario Reading Room. See Table 2 below for the microfilm list.

For the years 1930 to 1968, the entries on the microfilm reel are arranged in alphabetical order, based on the first letter of the plaintiff’s surname. In later years, the names are placed in indented columns in alphabetical order, based on the first vowel that occurs after the first letter of the name, and then by the file number. This index includes all Superior Court civil actions, not just divorces. It is easy to find divorce cases because, in most (but not all) cases, the "Plaintiff" and "Defendant" columns will have the same surname.

Table 2: Court of Chancery and Supreme Court Central Office Indexes to Civil Actions and City Suits – series RG 22-5809 (available on microfilm in the Archives’ Reading Room)

| **Year Case Started** | **Microfilm Reel** |
| --- | --- |
| 1930-1932 | MS 2615 |
| 1933-1935 | MS 2616 |
| 1936-1938 | MS 2617 |
| 1939-1942 | MS 2618 |
| 1943-1946 | MS 2619 |
| 1947-1950 | MS 2620 |
| 1951-1953 | MS 2621 |
| 1954-1956 | MS 2622 |
| 1957-1958 | MS 2623 |
| 1959-1960 | MS 2627 |
| 1961-1962 | MS 4088 |
| 1963-1964 | MS 4088 |
| 1965-1966 | MS 4089 |
| 1967 | MS 4089 |
| 1968 | MS 4709 |

if you find the divorce case, write down the file number (located at the right of the entry), and the year (located at the top of the page).

These files are stored off-site. It takes at least one business day to retrieve them. Fill out and give the reference staff a Records Request Slip for RG 22-5800 Supreme Court Central Office Action Files, noting the file number, year and the names of the parties involved.

###### For divorces started between July 1968 and 1978:

**Indexes to Divorce Petitions** (**RG 22-5814**) are available for viewing in the Archives of Ontario reading room. Click here to e-mail us a request to have the indexes retrieved, quoting records series RG 22-5814, the years you want to search and when you want to visit the Archives. For each year, entries in the index are arranged by first letter of the couple’s surname. If you find the divorce case, record the **file number** (found on the right side of the entry) and the **year**.

###### For divorces started between 1979 and June 1981:

Contact the Toronto courthouse for information on accessing the indexes (see contact information at the end of this guide).

###### For divorces started between June 1981 and present:

Contact the Newmarket courthouse (for the Regional Municipality of York) or the Toronto courthouse (for the City of Toronto) for information on accessing the indexes (see contact information at the end of this guide).

#### Courthouse contact information

For **York County** indexes, 1979-June 1980, **Toronto** indexes, June 1980-1986 and **Toronto** indexes and divorce files, 1987-present, contact:

**City of Toronto courthouse**

Family Law Office

393 University Avenue

10th Floor

Toronto, Ontario

M5G 1E6 416-327-2064 2

For **York Regional Municipality** indexes, June 1980-1986, and indexes and divorce files, 1987-present, contact:

**Newmarket courthouse**

Civil Office

Superior Court of Justice

50 Eagle Street West

Room 2025

Newmarket, Ontario

L3Y 6B1

905-853-4809

### Making Contact

##### Ready and Willing

Although unable to do your research for you, our reference archivists are waiting to assist you. You may telephone or write to them by mail or email or — best of all — visit the Archives of Ontario.

##### Contact us

**Telephone: 416-327-1600 Toll free (Ontario): 1-800-668-9933**

**Email:** Click here to email the Archives of Ontario

**Address: Archives of Ontario, 134 Ian Macdonald Blvd., Toronto, ON M7A 2C5**

##### Website

For information about the Archives’ holdings, as well as access to research guides and other customer service materials available through the Archives of Ontario. [Click here to visit our website.](http://www.ontario.ca/archives)

##### Customer Service and Research Guides

The Archives of Ontario has published a series of in-depth research guides on a variety of specific topics. For more information, please see “Customer Service and Research Guides” under “Accessing Our Collection” on the home page of the Archives website.

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This information is provided as a public service. Although we endeavour to ensure that the information is as current and accurate as possible, errors do occasionally occur. Therefore, we cannot guarantee the accuracy of the information. Readers should where possible verify the information before acting on it.