



Case in Brief: *Riddle v. ivari*

Judgment of April 10, 2026 | On appeal from the Court of Appeal of Quebec
Neutral citation: 2026 SCC 9

The Supreme Court of Canada clarifies the degree of proof required to establish the “return” of a person declared dead.

In Quebec civil law, when a person disappears and is not heard from again for seven years or more, a court can declare the person dead. This is called a declaratory judgment of death. This judgment makes it possible to settle the consequences of the disappearance, for example by opening the person’s succession or ending their marriage.

However, this judgment is based on a presumption that the person is dead. The judgment can therefore be annulled if it is shown that the person is in fact still alive. The *Civil Code of Québec* sets out the rules that apply where a person who has been declared dead reappears. This is referred to as the “return” of the person. This case is about what is meant by a return and about the evidence needed to establish it.

Hooshang Imanpoorsaid is originally from Iran. While residing in Quebec with his spouse, Ms. Riddle, he purchased a life insurance policy from a company called ivari. One morning, Mr. Imanpoorsaid told his spouse that he had to go to Toronto for work. He left his home but never came back. A police investigation revealed that he had not gone to Toronto. He disappeared and was not heard from again.

Eight years after her spouse disappeared, Ms. Riddle asked a court to declare him dead. Ivari opposed this, arguing that the circumstances surrounding Mr. Imanpoorsaid’s disappearance indicated rather that he had fled. Despite ivari’s opposition, the court issued a declaratory judgment of death. The Court of Appeal paused the case and held that it was no longer necessary to decide the appeal from the declaratory judgment of death. In the meantime, ivari presented new evidence indicating that Mr. Imanpoorsaid was in Iran and was still living there. It therefore applied to a court for the annulment of the declaratory judgment of death. The court allowed that application and found that Mr. Imanpoorsaid’s return had been established. The Court of Appeal upheld that decision. Ms. Riddle appealed the decision to the Supreme Court of Canada.

The Supreme Court has dismissed the appeal.

The “return” of a person declared dead can be established even in the absence of certainty.

Writing for a unanimous Court, Chief Justice Wagner explained that the *Civil Code* contains no special rule concerning the level of proof required to establish a person’s return. In Quebec civil law, the general rule is proof on a balance of probabilities. This means that it must be shown that something is more probable than not.

Chief Justice Wagner specified that it is not necessary to prove with certainty that the person is alive. It is enough if there is clear and convincing evidence supporting the conclusion that it is more probable than not that the person is alive. The person’s physical presence is the best proof that they are currently alive, but it is not mandatory. A court can rely on other evidence, for example where the circumstances indicate that the person disappeared voluntarily and continues to live elsewhere. In Mr. Imanpoorsaid’s case, several pieces of evidence indicated that he was still alive and residing in Iran. Accordingly, the annulment of the declaratory judgment of death is upheld.

Breakdown of the decision: *Unanimous*: Chief Justice [Wagner](#) dismissed the appeal (Justices [Karakatsanis](#), [Côté](#), [Rowe](#), [Martin](#), [Kasirer](#), [Jamal](#), [O’Bonsawin](#) and [Moreau](#) agreed)

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