



Common law property

A Canadian Bar Association series supporting legal wellness

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At the end of a live-in relationship, there may be rights and responsibilities between spouses, even if you are not married. Your situation, and your deadline for acting, will depend on the law in your province or territory.

- Do you fit your province or territory’s legal definition of a “spouse”? You may have a right to share whatever property was acquired during the relationship.
- Are you familiar with family and property laws in your province or territory? In some parts of Canada, the rights of unmarried spouses are the same or similar to those of married spouses, but not everywhere.
- Have you or your spouse moved within Canada? Deciding which jurisdiction’s laws apply can be complicated.
- Do you have property that might be treated differently according to the law? Some property has its own rules, like federal pensions, CPP, or land owned in foreign jurisdictions.
- Do you or your spouse have a pension? In many regions, you could be entitled to a division of pension benefits, but there may a deadline for making the claim. Don’t wait until you’re ready to retire to get this information!
- Has the relationship ended because of the death of your spouse? Property rights can also be triggered in that situation, whether or not there’s a will.
- Did you sign an agreement with your spouse? It can determine property rights on separation, but must be negotiated in good faith, with proper disclosure, and usually with legal advice

At the end of a relationship it is important to get legal advice. Enforcing your rights starts with knowing what they are – and how much time you have to deal with them.

LAW. YOU. CHECK IT OUT.



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