

Family Law

Regarding division of property, what rights do unmarried partners have upon break-up?

Does it matter if I'm on the Saskatchewan or the Alberta side?

It definitely matters which side of the border you are on.

In **Saskatchewan**, the law is friendly towards unmarried partners. Once you have been living together as spouses for two years, you automatically become "spouses" under the *Family Property Act*. This means that you have all the advantages (and disadvantages) of dividing property that you acquired together from when you became spouses (the two-year mark) until you break-up. There are complex rules as to what property is included or excluded from this division.

On the **Alberta** side it is more complicated. The *Matrimonial Property Act* only applies to married spouses, therefore unmarried partners must go through additional hoops to qualify for a division of property. Jointly-held property may be divided between the unmarried spouses. For example, joint bank account, joint credit cards,

house held in joint tenancy, etc. If property is registered in one party's name alone, unless the other party agrees to divide property, the other party may be forced to start a court action to be compensated for their contribution to the property.

One either side of the border, if you have lived together for 12 months and have since been separated for 12 months, you may apply for a division of CPP credits.

To have Stephanie answer your question next month, write to her at the email address below.



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STEPHANIE DOBSON
Lawyer & Mediator

Kd

kindrachukdobson
LAWYERS & MEDIATORS

2nd Floor, 5014-48 Street, Lloydminster
(780) 875-6600

email: stephanie@kindrachukdobson.com
www.kindrachukdobson.com