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4-Part Series: Aspects of Separation & Divorce #4 – Division of Property

Before deciding which spouse will keep what property, spouses must determine whether their property is inside or outside the realm of “divisible” property. The determination may be different depending on which side of the Alberta / Saskatchewan border you are on. The one important difference is that the *Alberta Matrimonial Property Act* applies only to married couples, whereas the Saskatchewan *Family Property Act* applies to married and to unmarried spouses who have lived together as spouses for not less than 2 years. Unmarried couples in Alberta may also divide their property, but that topic is beyond the scope of this article.

Once you have determined the scope of the “divisible” property, you and your spouse must decide who will keep what property. In the legislation, there is a presumption that spouses will share this divisible property 50/50. An easy way to get started on dividing this property is to create a list of all the divisible property including dollar values, allocate each item to one spouse or to the other, then apply a total to each spouse’s column. Once all the kinks are worked out as to who will keep which property, a settlement payment may be payable from one spouse to the other to equalize each spouse’s property.

Feel free to contact Stephanie to answer your questions or to set up a consultation.



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