



# Family Law

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YOUR EX DOES!



Roxanne Shank  
LAWYER

## Q

My wife and I have separated and she is in the house with the kids. We got the house appraised last summer but now identical houses are selling on our street for much more. She wants to buy me out at the original appraised price and I want to sell the house, what can I do?

## A

In the past, a house appraisal was treated as a golden standard of determining value; however the Covid 19-fuelled demand for housing outside of the GTA has driven housing prices up in our area 17%, to an average sale of \$766,083. The number of houses sold has also increased 21% from the same time last year.

From your ex-wife's perspective, her best option is keeping the home, and paying you out in property equalization for the least amount possible.

Your best solution is to retain a Family Lawyer, who can initiate litigation to proceed on the sale of the matrimonial home. Generally speaking, the law is on your side: Section 2 of the Partition Act empowers the Court to order the sale of a matrimonial home. A joint tenant [that is you assuming that

you are both on title] has a prima facie [first right] to an Order for the partition and sale of the property. A Court is required to compel partition and sale unless the opposing party has demonstrated that such an Order should not be made, such as a demonstration of malicious, vexatious or oppressive conduct relating to the partition and sale issue.

So, if you haven't threatened her in any way concerning the sale of the home, the odds are on your side that the Court will grant your request to list the home for sale and require her to cooperate with the sale.

Your friends at Shank Law.



Phone: 705-435-5055  
Email: [lynn@shanklawoffice.com](mailto:lynn@shanklawoffice.com)  
Web: [shanklawoffice.com](http://shanklawoffice.com)