

Legal Matters: The Benefits of a Cohabitation Agreement

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Q: My new common-law partner is living with me in my furnished home. How can I protect myself if it doesn't work out?

A: Furniture and other physical assets in the home are referred to as contents. While these are valuable, these are not the only assets you will want to protect if your new relationship does not work out. For example, your new partner could make an unjust enrichment claim against the increase in the value of your home for the time period that the two of you lived together, or she could claim spousal support. In circumstances where you have taken an active and parental role with her children, there is a possibility that she could claim child support.

While she cannot claim half of your RRSPs or workplace pension, fighting over who owns the new plasma TV or leather furniture can be painful and costly. In this case, an ounce of prevention is better than a pound of cure; work with a family law lawyer to draft a cohabitation agreement for the two of you. It will spell out the division of contents (what is yours and what is hers) and include a waiver against claims such as constructive trust and spousal and child support, among other things. The beauty of such cohabitation agreements are that you can tailor them to your specific circumstances and needs.

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