



# Family Law

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YOUR EX DOES!

## A

No, it isn't, and you are confusing your rights and responsibilities regarding property division with your obligations concerning spousal support.

Ontario law is a "no-fault divorce" province; it means that the reasons why the marriage broke up do not matter in most cases.

Ontario is also a "joint family property" province; in simple terms that means that the value of the property that you and your wife acquired during the marriage should be split 50-50. This would mean that she would buy you out of half of the value of the matrimonial home and the income property, less any mortgages or lines of credit held against them. If she cannot afford to do so, the properties would be listed for sale, and

each of you would retain a half of the net sale proceeds.

Spousal support is a different issue; if you earn much more than your wife, you have an obligation to pay her spousal support. How much, and for how long, is dependent on a number of factors such as your ages, your relative incomes, and whether the marriage was of long duration. Instead of monthly support, you may decide that a lump sum of spousal support, set off against a portion of what she owes you in property equalization, is the best resolution of these issues.

The best advice I can give you is to seek out a family lawyer to assist you in a solution which works for both you and your wife.

Your friends at Shank Law.



Roxanne C. Shank  
LAWYER

## Q

My wife and I have split up and it's mostly my fault. She wants to keep the house and an income property. I basically keep my personal stuff. She doesn't want spousal support, so is this fair?



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