



Family Law

CALL US - BEFORE
YOUR EX DOES!

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The good news for you is since you are married and this is the matrimonial home, you cannot be evicted from the home without your consent or a Court Order.

This applies whether or not you are actually on title.

Even if you decide to move out, the matrimonial home is still considered a joint family asset when property equalization is calculated, and you will receive half the net value of the home.

In rare cases you will have signed away the right to stay in the matrimonial home in a pre-nuptial or co-habitation agreement; this varies case by case and I encourage you to seek the advice of a family lawyer before you move out of the home.

If you are common-law, the situation is quite different;

if you are not on title, your partner can force you out of the home against your wishes.

If you can prove that you contributed to the purchase and/ or costs of the home—the mortgage, the property taxes, the utilities and repairs, you could have a constructive trust or restitutionary trust claim. This is complicated and I urge you to see a family lawyer when the issue of your being forced out of the home first arises.

Finally, in the event of a domestic violence call to the home, married or not, the police will usually require one person to leave the home. The end result of a Restraining Order is that if you are charged, you will probably be out of the home because of it, for a year.

Your friends at Shank Law.



Roxanne C. Shank
LAWYER

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My Husband has told me that I have to get out of our home. Is this true?



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