



# Family Law

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YOUR EX DOES!

## A

First, I am going to assume that you are legally married to each other. In Ontario, right of title – the house being solely in your name – does not permit you to change the locks, or evict your wife from the matrimonial home.

The police will not assist you in removing her from the home when they know that you are married to each other. A strategy of forcing her out of the home by selling it out from underneath her won't work either, as she has a spousal right in half of the value of the matrimonial home.

Does this mean that you are stuck forever in the same house with her, and paying all the household bills? No. You need to retain a family lawyer, and obtain a court order for exclusive possession of the matrimonial home. The courts

may grant this if you meet the standard of "continued cohabitation has been rendered intolerable". In a worst-case scenario, the court process will proceed and this issue will be settled over time.

One word of caution: you did not mention any children. If there are children involved, there is a possibility that the courts would rule that the best interests of the children mean that she and the children stay in the home, and you move out, or that the two of you alternate your time in the home with the children in what is called a 'nested' arrangement. Finally, be alert to the threat of a domestic violence charge, as the police can remove you from the home if they believe that there is any violence or threats of same.

Your friends at Shank Law.

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Roxanne C. Shank  
LAWYER

## Q

My wife will not leave the house. I pay all the bills, and the house is in my name. Can I change the locks or call the police?

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