



Family Law

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YOUR EX DOES!

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In Ontario, under the Family Law Act (FLA) any property that is acquired during the course of a marriage is considered to be joint family property. This includes the matrimonial home even if only one person paid for it or is on title.

When the married couple breaks up, the value of all of the assets and liabilities – in particular, the matrimonial home – is divided.

Sometimes as this is the largest asset the couple has, the only way to make the 50-50 split work is to sell the matrimonial home.

If you want to make sure that the gifts you give your children stay with them upon marriage break up,

you will want to work with a family lawyer to make a new will which includes the following clause: Exclusion from Community of Property.

This clause specifically directs that “All property passing to any person, whether as a result of my death or as a result of a gift made by me during my lifetime...” is NOT considered to be joint family property under the Family Law Act. Simple, straightforward, and a solid fix for your peace of mind. The new will provides a natural opportunity for you to update any other needed changes.

Your friends at Shank Law.



Roxanne C. Shank
LAWYER

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My neighbour bought her son a home. She has passed on, and now her son's marriage is ending, and he told me he has to sell the house in order to give his wife half the value of the home. Why does he have to do that, and how can I avoid that happening to my children if their marriages break up?



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