



Family Law

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YOUR EX DOES!



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LAWYER

Q

My partner and I are breaking up after 10 years. He says because we're common-law I have to get out of the house because he is on title and I get nothing, but I paid the mortgage same as him. He makes a lot more money than me but he says I don't get any spousal support because we are common law. Is this true?

A

The good news is that your partner seems to be living in the past, and the law has changed dramatically over the last few years with respect to how common-law couples are treated by the Court.

With respect to spousal support, the law does not discriminate between married and unmarried couples.

The calculation is a simple one: assuming there are no children, how old are each of you, how much does he make and how much do you make, and how long was the period of time that you lived together? These factors, assuming that neither of you are disabled, determines the amount of spousal support and the length of time spousal support will be paid.

With respect to the division of property, the law does

distinguish between married couples (which assumes joint family property), and common law couples, (which does not.)

However, this does not mean that you do not have a Joint Family Venture claim to a portion of the value of the home you are living in, and a claim to a portion of his other assets, such as his pension, earned during the course of the relationship.

Your smartest course is to book a consultation with a family lawyer sooner rather than later to avoid costly mistakes.

Your friends at Shank Law.



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