

Did you know?

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COMMON-LAW RELATIONSHIPS

Many people who live in a common-law relationship believe that after a period of time, the law considers them to be “officially married”. This is not true. To be legally married, you must have a legal marriage ceremony, which can be religious or civil. In B.C., if you are not legally married, but have lived together as a couple for two years or longer, you are considered “spouses” and the provincial *Family Law Act* will treat you the same way it does married couples. For the purposes of income tax, couples who have lived together in an intimate relationship for at least twelve continuous months will be treated as “equivalent to spouses” when they file income tax returns.

Property and Debt

Family property and debt can be divided between spouses through an agreement made before or after separation, or by order of the Supreme Court of BC. See the fact sheet “Common-Law and Division of Property” for more information.

Child Guardianship

When a spousal relationship breaks up, if both parents lived with the child, they are both considered the child’s guardians. Parental responsibilities and parenting time can be shared or divided in whatever way works best for the child.

Child Support

Parents have a legal duty to support their children, even if they don’t see them or take care of them. Child support is the legal right of the child.

The obligation is identical in common-law relationships and marriages. Children must be supported in accordance with the needs of the children and the parents’ ability to pay.

Spousal Support

Depending on your circumstances, you may be able to ask your spouse for financial help with your living expenses after you separate. Common-law couples have an obligation to pay spousal support to each other on the breakdown of their relationship if:

- a) the support is needed,
- b) the partners have been together for at least two years (or less than two years, but have a child together), and
- c) the application for spousal support is made within two years of the separation date.

Income Tax

Common-law couples who have lived together for at least 12 months will be treated as “equivalent to spouses” when they pay income tax.

CPP (Canada Pension Plan)

If you are separated from your common-law partner, you may qualify for a CPP credit split if all of the following three things are true:

- a) you lived with your partner for at least 1 year
- b) you separated on or after Jan. 1, 1987, and
- c) you have been separated for at least 1 year, or your partner died less than 1 year after you separated.

You must apply in writing within 4 years of the date you began living apart.

For More Information

Dial-a-Law:

Greater Vancouver: 604-687-4680

Elsewhere: 1-800-565-LAWS

Family Law website: www.familylaw.lss.bc.ca