

Legally speaking.....

Did you know?

Revised August
2013

COMMON-LAW AND DIVISION OF PROPERTY

In British Columbia, the rules about how to divide property and debt apply to both married couples and couples who have lived together in a marriage-like relationship for at least two years (some people call this a common-law relationship, but “common-law” is not a legal term). The law calls both of these kinds of couples spouses.

How are property and debt divided between spouses?

Unless you have a written, signed agreement that says otherwise, the law assumes that all family property and debt will be divided equally.

When a couple separates, their family property includes all real and personal property owned by one or both spouses (such as the family home, pensions, an interest in a business, investments, RRSPs, bank accounts, etc).

Some property may not be included as family property. This is called excluded property. Excluded property is:

- 1) property that one of you owned before the relationship, or
- 2) gifts or inheritances given to only one of you during the relationship.

Family debt includes debts taken on by either spouse during the relationship, and debts taken on by either spouse after separation if the money was used to take care of family property. Creditors can demand payment only from the spouse who incurred the debt, so this area can be complicated. Notify your bank about joint accounts, cancel secondary credit cards, and seek legal advice about debt and spousal separation.

Can we make an agreement about dividing our property and debt?

You and your spouse can make an agreement to divide the property and debt according to your wishes and file it with the Supreme Court as a consent order. It is very important that you understand exactly what your agreement means and how it affects your legal rights and obligations. It is wise to get independent legal advice about the agreement before you sign it.

Where can I get more information?

Family LawLine: Provides brief “next step” advice over the phone for eligible clients:
604-408-2172

Legal Services Society Family Law website for self-help materials:
www.familylaw.lss.bc.ca

JP Boyd on Family Law website:
http://wiki.clicklaw.bc.ca/index.php/JP_Boyd_on_Family_Law



This information sheet is produced by

NORTH SHORE COMMUNITY RESOURCES SOCIETY with financial assistance from the **NOTARY FOUNDATION.**