

Did you know?

Revised
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LIVING COMMON-LAW AND ON INCOME ASSISTANCE

The Ministry of Social Development and Social Innovation (MSDSI) considers a person to be living common-law if he or she lives with someone who shares the income and family responsibilities in the home.

Support and shelter allowance amounts are based on the number of recipients in the family unit. MSDSI defines a family unit as people who are married, two people living in a marriage-like relationship with or without dependent children, or sole persons with or without dependent children.

If two people of the same sex or opposite sex are living together as a couple but are not married, MSDSI considers them to be in a marriage-like common-law relationship or "spousal relationship."

How may the Ministry assess a relationship between two people living together?

If two adults live together and one or both of them separately apply for income assistance, MSDSI is required to review the nature of their relationship.

The Ministry will look at whether or not they share the income and family responsibilities. It will consider the following factors as signs of a "marriage-like" or spousal relationship:

- The parties have lived together longer than 3 months in a row, or 9 out of the previous 12 months.

- The parties share their income or divide their living costs equally in a way that is consistent with that of a "marriage-like" relationship.
- The parties share household facilities and responsibilities (i.e. childcare, laundry, shopping, cleaning, meal preparation) in the way that a married couple would.
- The parties use their time in the way that a married couple would, they participate in social and community activities as a couple.

For the purpose of the definition of "spouse," when assessing for a marriage-like relationship, the sexual nature of the relationship will not be considered.

What will happen if I get caught?

If you have applied as two single people but are considered by the Ministry to be living in a spousal relationship, you will currently be receiving more money than you would as a couple. You must reapply as a couple because if the Ministry finds out you are living in a spousal relationship you could be forced to repay any overpayment that has been made. You also risk being charged with fraud which could result in a fine and/or imprisonment.

Where do I go for help?

For further assistance contact an advocate through PovNet (www.povnet.org) or your local anti-poverty and welfare advocacy group.