



KELLY GREENWAY BRUCE  
BARRISTERS & SOLICITORS

## **AS A COMMON-LAW SPOUSE, DO I HAVE AN ABSOLUTE RIGHT TO A DIVISION OF PROPERTY OR SUPPORT?**

Persons who are not married do not have an absolute right to make a claim to divide their spouse's property upon separation. The Family Law Act of Ontario provides that only married couples may apply to divide their property.

A non-married spouse does have limited entitlement to a division of property under very strict circumstances of constructive or resulting trust, unjust enrichment, or a joint family venture. These grounds are very technical and should be explored with your Family Law lawyer to see if you qualify to make such a claim.

Persons in a common-law relationship, with a duration of over three years or where a child has been born from that relationship, may be entitled to spousal support. A lawyer would review the couple's relationship on a case by case basis, to determine if a property claim is justified. A lawyer would also advise you regarding your support obligations or entitlement.