



KELLY GREENWAY BRUCE

BARRISTERS & SOLICITORS

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# LEGAL MATTERS



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Joshua practices primarily in family law including collaborative family law, separation, divorce, custody, access, child and spousal support, division of family property and child protection matters. Joshua's hard work and dedication to his clients has enabled him to achieve excellent outcomes in all levels of court securing outstanding results for his clients.

**Q** *I have ended a common-law relationship after eight years. I own the home. How do I get her to leave?*

**A** Unlike married partners, common-law partners do not have automatic rights to an interest in the home they live in together. Generally, if one spouse owns the house, he/she has the right to occupy it and is entitled to proceeds from its sale.

However, in certain circumstances, your partner may be able to make a claim to the property through a concept called 'a joint family venture,' which basically means both partners lived as one economic unit.

Courts will look at things such as whether the partners pooled or inter-mingled finances (such as joint bank accounts) and whether one partner held a job while the other stayed home to care for children and maintain the household. The longer the relationship lasts, the more likely grounds for a joint family venture will be considered.

If you are thinking about separating from your common-law partner or have already done so, contact the experienced professionals at Kelly Greenway Bruce to discuss your legal rights and obligations as you work towards resolving these often complex issues.

In the event of domestic violence, extraordinary legal measures – such as a restraining order – could assist you in removing your partner from the home. Seek immediate police assistance if you have been physically or sexually assaulted.



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