



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 *If my spouse and I are legally married and she leaves the house, can I change the locks?*

A No, you are not legally entitled to change the locks without your spouse's consent. The Family Law Act is very clear that if the parties are legally married, each has a right to occupy the matrimonial home, regardless of who owns the property.

The only way to legally remove your spouse from the house is by way of a court order, which requires you to successfully apply for 'exclusive possession' of the matrimonial home. Once you have 'exclusive possession,' you can legally change the locks.

Unless there has been an incident or history of domestic violence involving police, you will not be able to seek an order for exclusive possession until after a Case Conference in your Application.

When deciding whether to grant such an order, the judge will consider such factors as the ability of the spouse to find alternate accommodation as well as the impact of the Order on the children, whose best interests may trump all other considerations.

The family law lawyers at Kelly Greenway Bruce understand the difficulties associated with ending a marriage. If you want to stay in the house with your children but your partner refuses to leave and you cannot continue to live under the same roof together, contact us today for advice.



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