



# Common-Law Partners Property and Related Amendments Act

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If you are in a common-law relationship, meaning you are living in an intimate relationship with a person to whom you are not married, you will have to make yourself aware of the new *Common-Law Partners Property and Related Amendments Act*.

This Act is in effect June 30, 2004. Laws in Manitoba which affect property rights of unmarried couples will be dramatically affected. Essentially, each partner is entitled to half the value of the property acquired by the couple during the time they lived together. As well, if one of the partners dies, the surviving common-law partner will have a claim to his or her estate.

The Law will apply to couples already living together on June 30, 2004. If you have lived together for three years or more you will automatically be considered a common-law couple. If you have a child together however you will be a common-law couple after only one year of cohabitation. There will also be a registry through the Vital Statistics Office where you can register your relationship if you wish to do so. Once you register, the property rights and

obligations apply to you as if you were married, regardless of how long you have lived together.

It is important that anyone in a common-law relationship speak to a lawyer to find out what their rights and obligations are. If you and your partner do not want the property sharing laws to apply to you, you can opt out by signing a written agreement.

Some issues you should address with your lawyer are:

- ⊙ Does the Act apply to your relationship? It will not always be easy to determine the start date of a cohabitation relationship, the separation date or even what the definition of “common-law relationship” is.
- ⊙ What are the benefits of registering your partnership?
- ⊙ What if any rights and obligations could you have to your partner’s children?
- ⊙ Will you have to share assets you had before the relationship began?
- ⊙ What will happen with your pension and employment benefits?
- ⊙ Is your Will still valid? Under the new legislation if your Will does not provide sufficiently for your common-law partner, he or she can apply for a division of assets regardless of your intentions.
- ⊙ How will your estate be divided if you have children and a common-law partner?
- ⊙ Could you have to pay spousal support to your partner?
- ⊙ Could you be responsible for your partner’s debts?
- ⊙ If you already have a cohabitation agreement, will it need to be updated?

It is imperative that you discuss your situation with a lawyer, and if you and your partner choose to, sign an agreement to opt out of the legislation.