



THE RIGHTS OF COMMON-LAW PARTNERS IN CANADA

Laurence Breton and Margo Hilbrecht

The Vanier Institute of the Family is a national, independent, charitable organization committed to enhancing family wellbeing by making information about families accessible and actionable. Positioned at the centre of networks of researchers, educators, policymakers, and organizations with an interest in families, we share evidence and strengthen the understanding of families in Canada, in all their diversities, to support evidence-based decisions that promote family wellbeing.

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ABSTRACT

This report provides an in-depth look at the legal landscape surrounding common-law partnerships in Canada. The recognition and rights afforded to people in common-law relationships depend primarily upon the provincial or territorial jurisdiction. An array of scenarios such as health care decisions, property division upon separation, spousal support claims, inheritance rights, and special considerations for couples living on reserve contribute to the intricate tapestry of legal rights in these relationships.

A closer look at the provincial and territorial processes of establishing health care decision-making authority emphasizes that certain jurisdictions do not automatically recognize common-law partners to the same extent as married ones. Moreover, property division rights are absent in several jurisdictions following separation, amounting to different treatment of common-law and married couples. Interestingly, the availability of spousal support post-separation, as well as the guidelines followed by the judges allocating them, are shared by most jurisdictions, with the exception of Quebec.

Intestate (without a will) inheritance rights vary considerably, with some regions excluding common-law partners from automatic inheritance. A notable exception arises for couples living under the jurisdiction of the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (FHRMIRA), highlighting the interactions of federal and regional laws. After highlighting how the rights of common-law partners differ across Canada, this report concludes by raising some of the important dimensions of the current debates on safeguarding the rights of common-law couples.

INTRODUCTION

There is a commonly held assumption in Canada that common-law couples have the same rights as married couples. On the contrary, while there has been a general movement toward treating both types of couples the same under the law, common-law couples' rights and obligations are still different from those of their married counterparts. Even the definition of "common-law," as well as the rights and obligations associated with this relationship status, differ across the provinces and territories.

This resource provides an overview of the rights of people in common-law relationships across Canada. Comparisons focus on (1) health care decision-making in case of incapacity, (2) the division of family property in case of separation, (3) spousal support in case of separation, and (4) inheritance in case of death.

*It is important to note that this is not a comprehensive list of the rights and obligations held by common-law couples. **Certain programs and benefits in each province and territory may use different criteria to define common-law relationships.** Moreover, while many of the legal documents referred to in this document share similar names, each province and territory has its own law. This document does not constitute legal advice. Please refer to a lawyer to receive a professional opinion.*

Key Points

- The rights associated with being in a common-law relationship in Canada, as well as the definition of who is recognized as being part of such a relationship, are mostly determined by the provinces and territories.
- If a common-law partner becomes incapable of making personal health care decisions, all provinces and territories will automatically allow a common-law partner to make those decisions on behalf of their partner **except** in New Brunswick, Newfoundland and Labrador, the Northwest Territories, and Nunavut.
- If a common-law couple separates, there is no legal right or obligation in Ontario, Quebec, New Brunswick, Nova Scotia, Prince Edward Island, Newfoundland and Labrador, and Yukon for the partners to divide their property like a married couple.
- If a common-law couple separates, all provinces and territories **except** Quebec allow one partner to claim spousal support from their former common-law partner.
- If one partner dies without a will, their common-law partner will not automatically inherit from their estate in Nova Scotia, Ontario, Yukon, New Brunswick, Newfoundland and Labrador, and Quebec.
- Common-law couples composed of at least one "Status Indian" living on a reserve where the *Family Homes on Reserves and Matrimonial Interests or Rights Act* (FHRMIRA) applies have the right to the division of property in case of separation, and to inherit from a common-law partner who died without a will, notwithstanding the provincial or territorial legislation.

While most couples (77%) in Canada were married in 2021, the proportion of common-law couples has grown much faster over the last four decades. Indeed, while approximately 6% of couples lived common-law in 1981, this type of union accounted for nearly one-quarter (23%) of all couples four decades later.^{1,2}

Married people are automatically eligible for spousal support, division of property in case of separation and divorce, or inheritance in case of death, but the portrait is far more complex for people in common-law relationships. Since common-law unions fall under provincial and territorial jurisdiction for most purposes, the definition of a common-law relationship and its associated rights vary by jurisdiction, and even from one program to another within the same province or territory. For that reason, the criteria defining who is in a common-law union will be listed for each area of rights for each province and territory.

Table 1*Percentage of Couples Who Were Living Common-Law, Provinces and Territories, 2021*

Canada	BC	AB	SK	MB	ON	QC	NB	NS	PE	NL	NU	NT	YK
23%	18%	17%	17%	17%	16%	43%	23%	21%	18%	19%	52%	36%	33%

Source: Census of Population, 2021.

Terminology

Typically, a common-law relationship refers to a couple who is not married or who is in a civil union but has been living in a “marriage-like relationship” for a set number of years. For clarity, this overview uses the terms **common-law relationships**, **people living common-law**, **common-law partners**, and **common-law couples**. These are used to represent terms such as **partners**, **spouses**, or **de facto spouses** that are sometimes used in the different provincial and territorial legislation referred to in this document.

RIGHTS OF COMMON-LAW COUPLES THAT ARE SIMILAR ACROSS CANADA

Child Support After Separation or Divorce

Children across Canada have a legal right to financial support from both of their biological or adoptive parents. Whether parents are married, living together, or never cohabited at all does not affect the financial responsibility parents have for their children. Therefore, common-law parents have the same responsibility as their married counterparts toward their children.³

In all jurisdictions, with the exception of Quebec,⁴ if the common-law partner of a parent has treated a stepchild as their own, they could also be considered responsible for paying child support for their stepchild if the couple breaks up.⁵

The amount of child support will be determined either by the *Federal Child Support Guidelines*⁶ for married parents who are divorcing or the parallel provincial and territorial *Child Support Guidelines* that apply to all other parents, including common-law couples.⁷ Quebec has a distinctive set of child support guidelines that apply to divorcing parents in Quebec and all other Quebec parents. Thus, whether parents are married or not does not alter their responsibility for child support or the amount of support. All children are treated equally.

Public Pensions

Under the *Canada Pension Plan*⁸ and *Old Age Security Act*,⁹ common-law couples are treated the same as married couples if they have lived together in a conjugal relationship for a minimum of one year. For example, when a common-law couple separates, they can apply to divide their Canada Pension Plan (CPP) credits.¹⁰ Moreover, the common-law partner of a deceased contributor to CPP could ask for the survivor's pension, and the common-law partner of a deceased recipient of Old Age Security (OAS) could receive the Allowance for the Survivor.

In Quebec, the Quebec Pension Plan (QPP)¹¹ replaces the CPP and also recognizes common-law partners (called "de facto spouses" in Quebec) as eligible for certain benefits if they have lived together for at least three years, or at least one year if they have a child together. Among others, they are eligible to apply for the partition of their earnings under the QPP. Still, the partition is not automatic, and it must be requested jointly.¹² Another benefit for common-law couples is that they are also eligible for the surviving spouse's pension.

Taxes

For income tax purposes, for both rights and obligations, common-law couples are treated the same as married couples, once they "cohabit in a conjugal relationship" for 12 months or more, or if they cohabit for less than 12 months and have a child together. Like married spouses, common-law partners may choose to file separate tax returns or file a joint return.¹³

Moreover, there are important rules for common-law couples or married spouses when it comes to the transfer of property between them and the earning of income from sales of property. According to the *Income Tax Act*,¹³ if a person transfers their property to an unrelated person, the transferor must report any capital gain in their tax return. However, when the transfer is between spouses or common-law partners, the initial owner of the property does not have to report any capital gain. But, if the new owner partner decides to sell the property to a third party following the transfer, the initial owner will have to report the capital gain or loss resulting from the transaction in their tax return if the partners are still a couple.¹⁴ These automatic tax rules may surprise many common-law partners.

Public and Private Benefits

Most public benefits at the provincial, territorial, and federal levels are accessible to both married and common-law couples if they meet the minimum period of cohabitation. For example, the benefits granted by the federal government to a Veteran's spouse are also available to a Veteran's common-law partner if they have been living together in a conjugal relationship for a minimum of one year.¹⁵

One of the most significant federal benefits is the Canada child benefit (CCB).¹⁶ In this case, common-law status will usually mean a lower CCB, as the amount is determined by the "adjusted family net income" (AFNI). A parent who cohabits for at least one year in a conjugal relationship with another person or who cohabits with the other parent of the child must include the partner's net income in their AFNI.¹⁶ The same rules apply to the calculation of the GST/HST credit, as only one credit payment is made per family.¹⁷

Another example is the workers' compensation statutes of the different Canadian jurisdictions, which usually recognize common-law partners as entitled to the same rights as married ones. Regarding social assistance, the test for cohabitation is usually much less demanding than under conventional family law support rules, thereby forcing the cohabitants to file for assistance together, immediately or after a delay. Social assistance rules typically give considerable discretion to the worker in making a judgement about what constitutes "cohabitation."

Concerning the private benefits accessed through employment, there is usually no difference between married and common-law couples. Those private benefits are, for example, private health insurance, private dental insurance, or any other benefits received at the private level.

Common-Law Couples Living on Reserve

Most of the rights of common-law partners living on reserve are established by provincial or territorial laws. However, according to FHRMIRA,¹⁸ individual First Nations can legislate on matters of division of family property in case of separation and inheritance in case of death. Until a First Nation enacts its own matrimonial real property law under the Act, the rules laid out in the FHRMIRA will apply by default in the community.¹⁹

According to FHRMIRA,¹⁸ people living common-law are eligible to demand the division of the family property in case of separation. As for the right of a common-law partner to inherit from their partner who died without a will, the *Indian Act*²⁰ establishes that common-law partners have priority in inheriting from the estate. The definition of common-law partners used in both Acts is found in the *Indian Act*, which means that to be recognized as a common-law couple, two people must have been cohabiting in a "conjugal relationship" for a minimum of one year.

Importantly, those provisions only apply if at least one of the partners is a First Nation member or a "Status Indian" (as per the *Indian Act*)²¹ and if the First Nation in question does not have a self-government agreement or its own property law.

Being recognized as part of a common-law couple is important when it comes to sponsoring one's partner. Immigration, Refugees and Citizenship Canada (IRCC)²² has defined two categories of unmarried partners that can be sponsored:

1. An eligible Canadian citizen, a registered person under the *Indian Act*, or a permanent resident can sponsor **their common-law partner** if they have been living together in a "marriage-like relationship" for at least 12 consecutive months.
2. An eligible Canadian citizen, a registered person under the *Indian Act*, or a permanent resident can sponsor **their conjugal partner** if they have been in a "conjugal relationship" for at least one year, but their partner lived outside of Canada, **and** they could not live "as a couple because of reasons beyond their control."

RIGHTS OF COMMON-LAW COUPLES THAT VARY ACROSS CANADA

Health Care Decision-Making in Case of Incapacity

Table 2

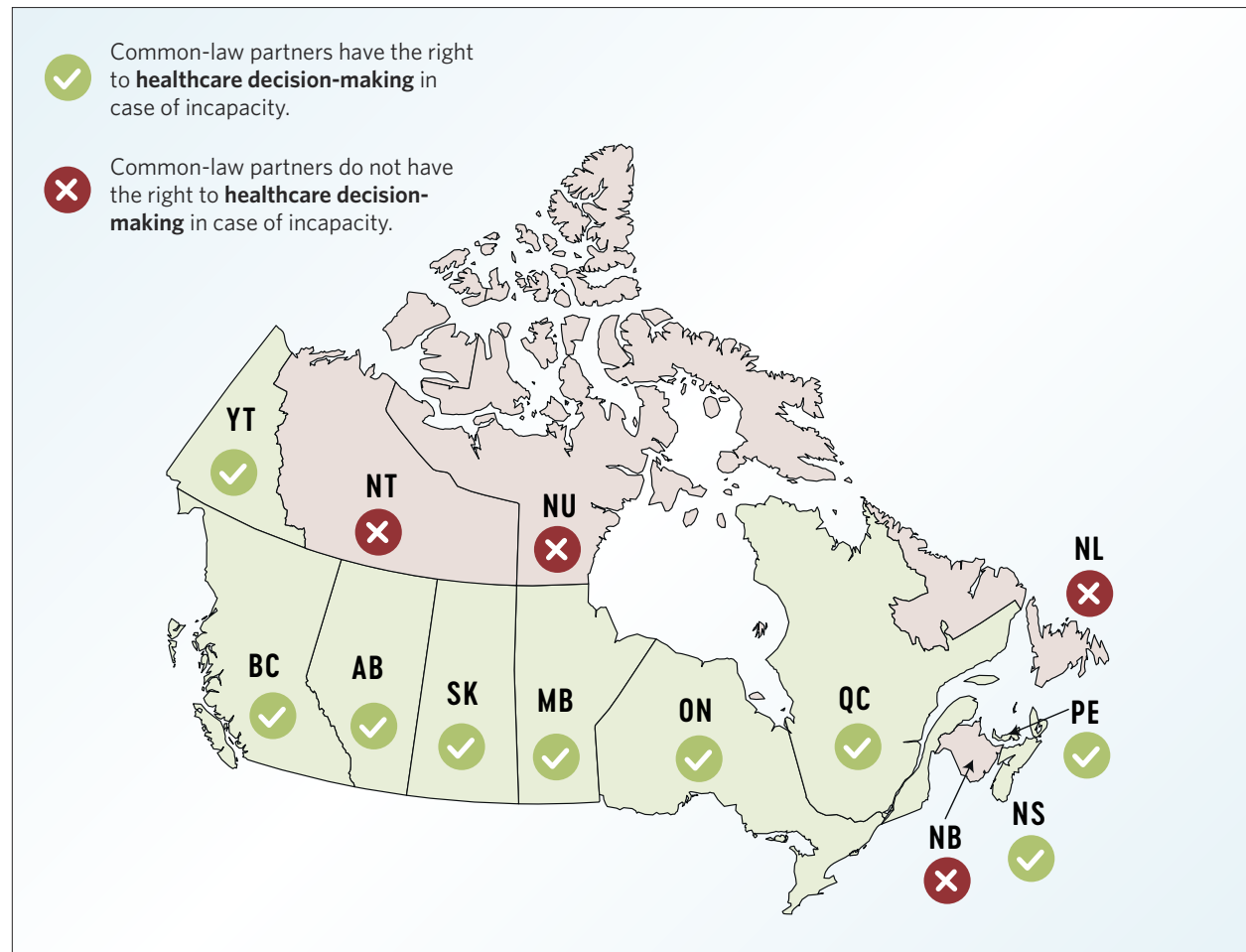
Rights of Common-Law Partners in Terms of Health Care Decision-Making in Case of Incapacity Across Provinces and Territories

Province/ territory	What the law says
BC	According to the <i>Health Care (Consent) and Care Facility (Admission) Act</i> , ²³ if someone becomes incapacitated before having designated their temporary decision-maker, the person's spouse will be the first person considered to become the temporary substitute decision-maker. Common-law partners are recognized as spouses if they are living with the incapacitated person in a "marriage-like relationship" without minimum duration.
AB	According to the <i>Adult Guardianship and Trusteeship Act</i> , ²⁴ if a person loses the ability to consent to health care and has not delegated that authority to anyone before losing capability, their spouse or common-law partner (or "adult interdependent partner") will be the first person to be considered to become the specific decision-maker. In Alberta, the <i>Adult Interdependent Relationships Act</i> ²⁵ states that to be recognized as a common-law couple (or "adult interdependent partners"), the partners must have lived in a relationship of interdependence for three years , or have a child together and live "with some degree of permanence," or have entered into an Adult Interdependent Partner Agreement.
SK	According to the <i>Health Care Directives and Substitute Health Care Decision Makers Act</i> , ²⁶ if a person becomes incapacitated without having made a health care decision directive or designated a proxy or personal guardian, their spouse is the first person considered to become responsible for making health care related decisions on their behalf. Common-law partners are considered spouses if they have been cohabiting "in a relationship of some permanence."
MB	According to the <i>Mental Health Act</i> , ²⁷ if a person becomes incapacitated without having designated a proxy or committee of property or personal care, their spouse or common-law partner will be the first person considered to become responsible for making their health care-related decision. To be recognized as common-law partners, two people must have been registered under the <i>Vital Statistics Act</i> , ²⁸ or they must have been cohabiting "in a conjugal relationship" for a minimum of six months immediately before the person's admission to the health facility.
ON	According to the <i>Health Care Consent Act</i> , ²⁹ if a spouse is incapable of making their health care decisions and does not have a guardian, an attorney for personal care, or a representative, their spouse will be the first person considered to make the decision for them. Under this Act, common-law couples are considered spouses if they are living in a "conjugal relationship" and have cohabited for one year, have a child together, or have a cohabitation agreement together.
QC	According to the <i>Civil Code of Québec</i> , ³⁰ if a person is incapable of making their health care decisions and has not named a mandatary or a tutor through advance medical directives, their common-law partner (or "de facto spouse") will be the first person considered to make the decision for them. However, because the <i>Civil Code of Québec</i> does not recognize the existence of "de facto spouse," there are no criteria establishing who is in a common-law relationship.

Province/ territory	What the law says
NB	If a spouse is incapable of making their health care decisions and has not previously selected an attorney or proxy, there is currently no priority order established to make health care decisions for the incapacitated. Therefore, a common-law partner will not automatically become their partner's decision-maker. ³¹
NS	According to the <i>Personal Directives Act</i> , ³² if someone is incapable of making their health care decisions and has not appointed a guardian, their spouse will be the first person considered to make the decision for them. Under this Act, common-law couples are considered spouses if they have been cohabiting in a "conjugal relationship" for at least one year.
PE	According to the <i>Consent to Treatment and Health Care Directives Act</i> , ³³ if a spouse is incapable of making their health care decisions and does not have a proxy or guardian, their spouse will be the first person considered to make the decision for them. To be considered spouses, a common-law couple must have been cohabiting in a "conjugal relationship" continuously for three years or cohabiting in a "conjugal relationship" and have a child together. ³⁴
NL	According to the <i>Advance Health Care Directives Act</i> , ³⁵ if a person who loses the capacity to make health care decisions has not named a substitute decision-maker, and was not appointed a guardian by a court, their spouse will be the first person considered to act as their substitute decision-maker. But, according to the definition of "spouse" found in the <i>Family Law Act</i> , ³⁶ common-law partners are not considered to be spouses, so they do not have the automatic right to become their partner's substitute decision-maker.
YT	According to the <i>Care Consent Act</i> , ³⁷ if a person is incapable of making their health care decisions and does not have a guardian or a proxy, their spouse will be the first person considered to make the decision for them. Common-law couples are considered "spouses" if they have been cohabiting "as a couple" for the last 12 months.
NT	According to the <i>Guardianship and Trusteeship Act</i> , ³⁸ common-law partners do not have priority when in need of choosing a temporary guardian for a person who has lost the capacity to make their own decisions. This Act states that anyone can apply to the Court to become a temporary guardian. Still, if someone applies for the position, the common-law partner is recognized as the nearest relative who needs to be notified of the application. They are considered as living in a common-law relationship if they have cohabited for at least one year or if they have a child together.
NU	According to the <i>Guardianship and Trusteeship Act</i> , ³⁹ common-law partners do not have priority when in need of choosing a temporary guardian for a person who has lost the capacity to make their own decisions. This Act states that anyone can apply to the Court to become a temporary guardian. Still, if someone applies for the position, the common-law partner is recognized as the nearest relative who needs to be notified of the application. They are considered as living in a common-law relationship if they have cohabited for at least one year or if they have a child together.
Reserves	Same as in the province or territory

Figure 1

Right to Health Care Decision-Making in Case of Incapacity for Common-Law Couples



Division of Family Property in Case of Separation

Family property generally refers to the assets (family home, household contents, pensions, bank accounts, investments, vehicles, businesses, etc.) and debts (credit, loans, mortgages, etc.) a couple acquired during a relationship. To know more about what is included in a couple's family property, refer to the appropriate legislation, as each jurisdiction defines shareable family property a bit differently.

In some jurisdictions, there is a time limit for former eligible common-law partners to claim half of the family property. Certain statutes sometimes allow courts to extend this time limit.

For those common-law partners who do not have access to the family property regime, the property (e.g., a house) will be kept after separation by whoever holds "title" or is the owner of the property. In some cases, a partner who is not the owner might still be able to obtain compensation by making a claim of "unjust enrichment," claiming that the legal owner of the property has been enriched by their contributions of money or labour.⁴⁰

Table 3

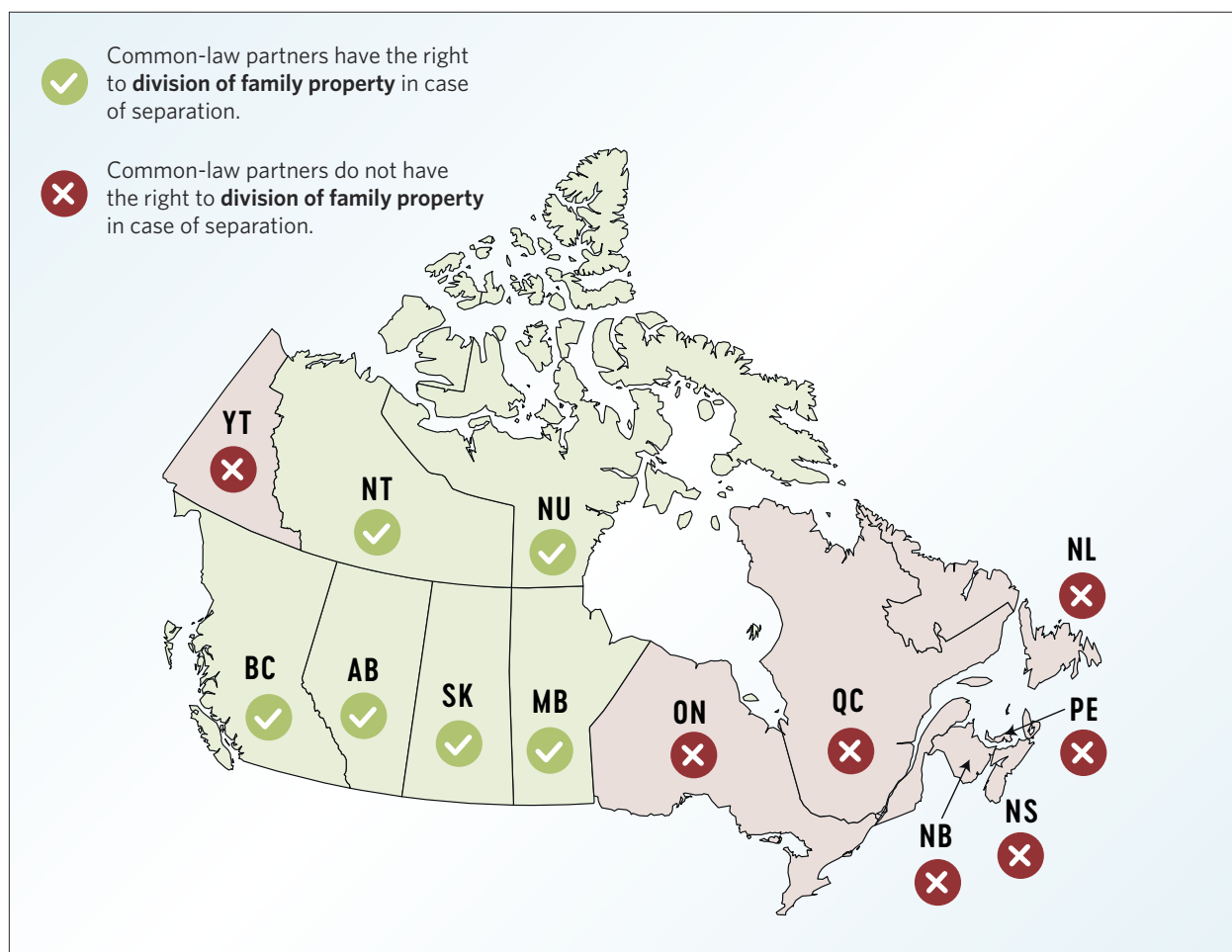
Rights of Common-Law Partners in Terms of Division of Family Property in Case of Separation in the Provinces and Territories

Province/ territory	What the law says
BC	According to the <i>Family Law Act</i> , ⁴¹ those recognized as spouses are eligible to claim half of the family property within two years after the end of the relationship. Common-law couples are recognized as spouses if they have lived in a “marriage-like relationship” for at least two years.
AB	According to the <i>Family Property Act</i> , ⁴² common-law couples (or “adult interdependent partners”) are eligible to claim half of the family property within two years after the end of the relationship. The <i>Adult Interdependent Relationships Act</i> ²⁵ states that to be recognized as a common-law couple (or “adult interdependent partners”), the partners must have lived in a relationship of interdependence for three years, or have a child together and live “with some degree of permanence,” or have entered into an Adult Interdependent Partner Agreement.
SK	According to the <i>Family Property Act</i> , ⁴³ spouses are eligible to claim half of the family property within two years after the end of the relationship. Common-law couples are recognized as spouses if they have “cohabited [...] as spouses continuously” for at least two years.
MB	According to the <i>Family Property Act</i> , ⁴⁴ common-law partners are eligible to claim half of the family property within three years after the end of the relationship. To be recognized as common-law partners, they must have been registered under the <i>Vital Statistics Act</i> ²⁸ or have been cohabiting with each other “in a conjugal relationship” for at least three years.
ON	According to the <i>Family Law Act</i> , ⁴⁵ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.
QC	According to the <i>Civil Code of Québec</i> , ³⁰ common-law couples are not entitled to divide the family property equally like married couples.
NB	According to the <i>Family Services Act</i> , ⁷⁶ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.
NS	According to the <i>Matrimonial Property Act</i> , ⁴⁷ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.
PE	According to the <i>Family Law Act</i> , ⁴⁸ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.
NL	According to the <i>Family Law Act</i> , ³⁶ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.
YT	According to the <i>Family Property and Support Act</i> , ⁴⁹ common-law couples are excluded from the definition of spouses and are therefore not entitled to divide the family property equally like married couples.

Province/ territory	What the law says
NT	According to the <i>Family Law Act</i> , ⁵⁰ common-law partners are eligible to claim half of the family property within two years after the end of the relationship. To be recognized as a common-law couple, the partners must have lived in a “conjugal relationship” for two years, or for less than two years and have had a biological or adopted child together.
NU	According to the <i>Family Law Act</i> , ⁵¹ common-law partners are eligible to claim half of the family property within two years after the end of the relationship. To be recognized as a common-law couple, the partners must have lived in a “conjugal relationship” for two years, or for less than two years and have had a biological or adopted child together.
Reserves	See Public and Private Benefits (p. 4).

Figure 2

Right to Division of Family Property in Case of Separation for Common-Law Couples



Spousal Support in Case of Separation

Spousal support refers to the money paid by one partner to another after they divorce or separate. Provincial and territorial legislations determine whether former common-law partners are entitled to spousal support.⁵²

When it comes to determining the amount and duration of spousal support for both divorcing spouses and separating common-law partners, judges in all jurisdictions except Quebec follow the *Spousal Support Advisory Guidelines* (SSAG) written by Professor Carol Rogerson of the Faculty of Law at the University of Toronto and Professor Rollie Thompson from Dalhousie Law School.⁵³ Unlike the *Federal Child Support Guidelines*, the SSAG are not legislated, but judges across the country have been using them to guide their decisions in the courts since 2005.⁵³ When it comes to the spousal support of divorcing couples in Quebec, it is still possible to use the SSAG if appropriate, but they are not as widely used by judges in Quebec as in the rest of the country.⁵⁴

In some jurisdictions, there is a time limit for former eligible common-law partners to claim spousal support. Certain statutes sometimes allow courts to extend this time limit.

Table 4

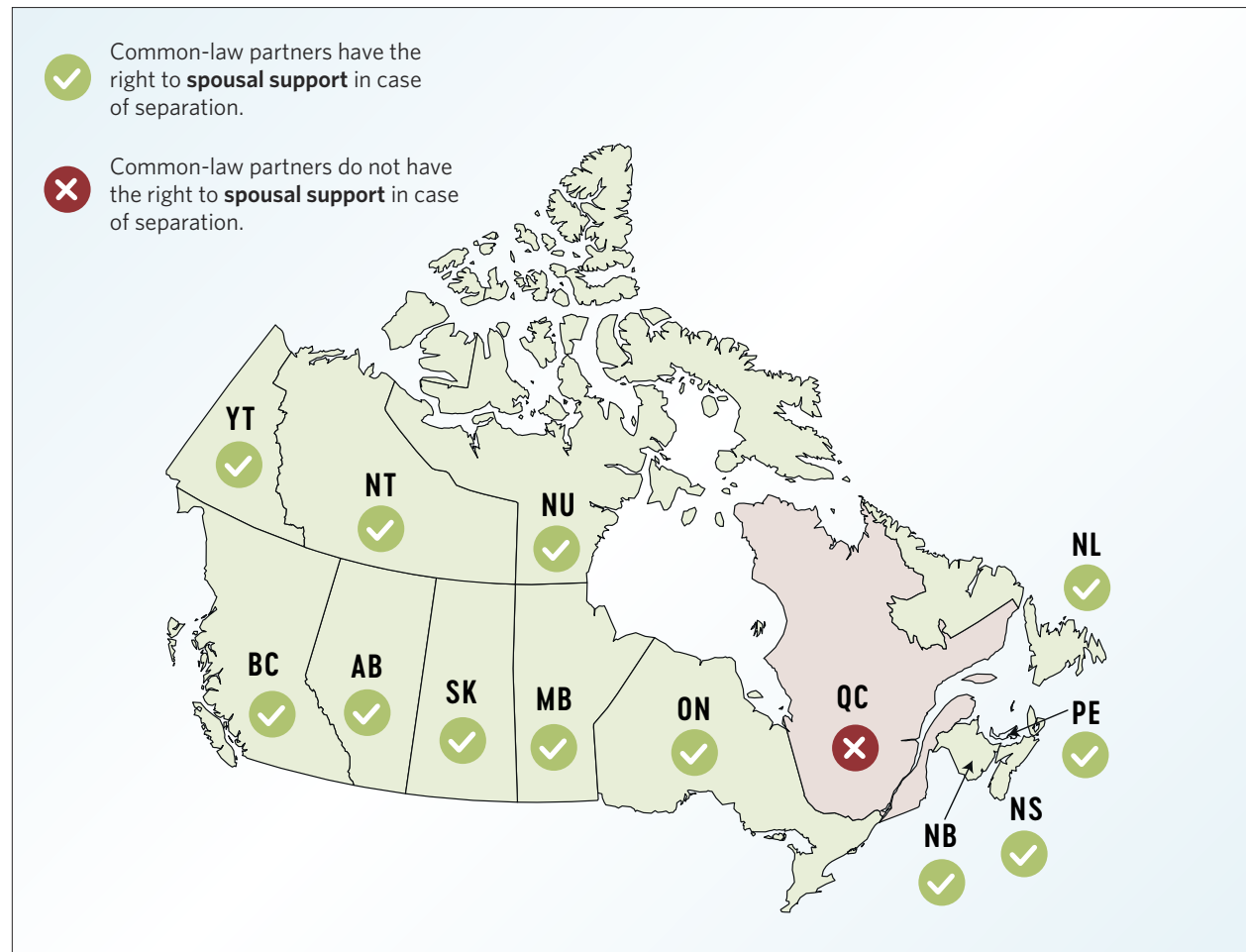
Rights of Common-Law Partners in Terms of Spousal Support in Case of Separation in the Provinces and Territories

Province/ territory	What the law says
BC	According to the <i>Family Law Act</i> , ⁴¹ partners recognized as spouses are eligible to claim spousal support from their former partner within two years after the end of the relationship. Under this Act, common-law couples are recognized as spouses if they have lived in a “marriage-like relationship” for at least two years or if they have lived together for less than two years and have a child together.
AB	According to the <i>Family Law Act</i> , ⁵⁵ common-law partners are eligible to claim spousal support from their former partner at any time after the end of the relationship. The <i>Adult Interdependent Relationships Act</i> ²⁵ states that to be recognized as a common-law couple (or “adult interdependent partners”), the partners must have lived in a relationship of interdependence for three years, or have a child together and live “with some degree of permanence,” or have entered into an Adult Interdependent Partner Agreement.
SK	According to the <i>Family Maintenance Act</i> , ⁵⁶ partners recognized as spouses are eligible to claim spousal support from their former partner at any time after the end of the relationship. Under this Act, common-law couples are recognized as spouses if they cohabited continuously for two years or if they had a child together while cohabiting in a “relationship of some permanence.”
MB	According to the <i>Family Law Act</i> , ⁵⁷ former common-law partners are eligible to claim spousal support from their former partner at any time after the end of the relationship. Under this Act, partners are recognized as common-law couples if they are registered under the <i>Vital Statistics Act</i> , ²⁸ or have a child together and have cohabited for one year, or have cohabited in a conjugal relationship for three years.
ON	According to the <i>Family Law Act</i> , ⁴⁵ partners recognized as spouses are eligible to claim spousal support from their former partner at any time after the end of the relationship. In this section of the law, the definition of spouses includes unmarried couples who have cohabited for three years or who are in a “relationship of some permanence” and have a child together.
QC	According to the <i>Civil Code of Québec</i> , ³⁰ common-law partners are not eligible to claim spousal support from their former partner.

Province/ territory	What the law says
NB	According to the <i>Family Law Act</i> , ⁵⁸ common-law partners are eligible to claim spousal support from their former partner at any time after the end of the relationship. To be considered as eligible common-law partners, they must have cohabited continuously for three years “during which time one person has been substantially dependent on the other” or they must have “cohabited in a situation of some permanence” and have a child together.
NS	According to the <i>Parenting and Support Act</i> , ⁵⁹ partners recognized as spouses are eligible to claim spousal support from their former partner at any time after the end of the relationship. Under this Act, common-law couples are recognized as spouses if they are considered as “domestic partners” under the <i>Vital Statistics Act</i> , ⁶⁰ or if they have lived together in a “conjugal relationship” continuously for a minimum of two years, or if they have lived together in a “conjugal relationship” and have a child together.
PE	According to the <i>Family Law Act</i> , ⁴⁸ partners recognized as spouses are eligible to claim spousal support from their former partner within two years after the end of the relationship. Under this Act, common-law couples are recognized as spouses if they have been cohabiting in a “conjugal relationship” continuously for three years or if they have been cohabiting in a “conjugal relationship” and are the parents of a child.
NL	According to the section that regulates spousal support in the <i>Family Law Act</i> , ³⁶ partners recognized as partners are eligible to claim spousal support from their former partner within two years after the end of the relationship. They are recognized as partners if they have cohabited in a “conjugal relationship” for at least two years, or for at least one year if they have a child together.
YT	According to the <i>Family Property and Support Act</i> , ⁴⁹ common-law partners are eligible to claim spousal support from their former partner at any time after the end of the relationship. They are eligible if they “have cohabited in a relationship of some permanence.”
NT	According to the <i>Family Law Act</i> , ^{48, 50} partners recognized as spouses are eligible to claim spousal support from their partner within two years after the end of the relationship. Under this Act, common-law couples are considered spouses if they have lived in a “conjugal relationship” for two years, or for less than two years and have had a child together.
NU	According to the <i>Family Law Act</i> , ⁵¹ partners recognized as spouses are eligible to claim spousal support from their partner within two years after the end of the relationship. Under this Act, common-law couples are considered spouses if they have lived in a “conjugal relationship” for two years, or for less than two years and have had a child together.
Reserves	Same as in the province or territory

Figure 3

Right to Spousal Support in Case of Separation for Common-Law Couples



Inheritance in Case of Death of a Partner Who Died Without Making a Will

Table 5

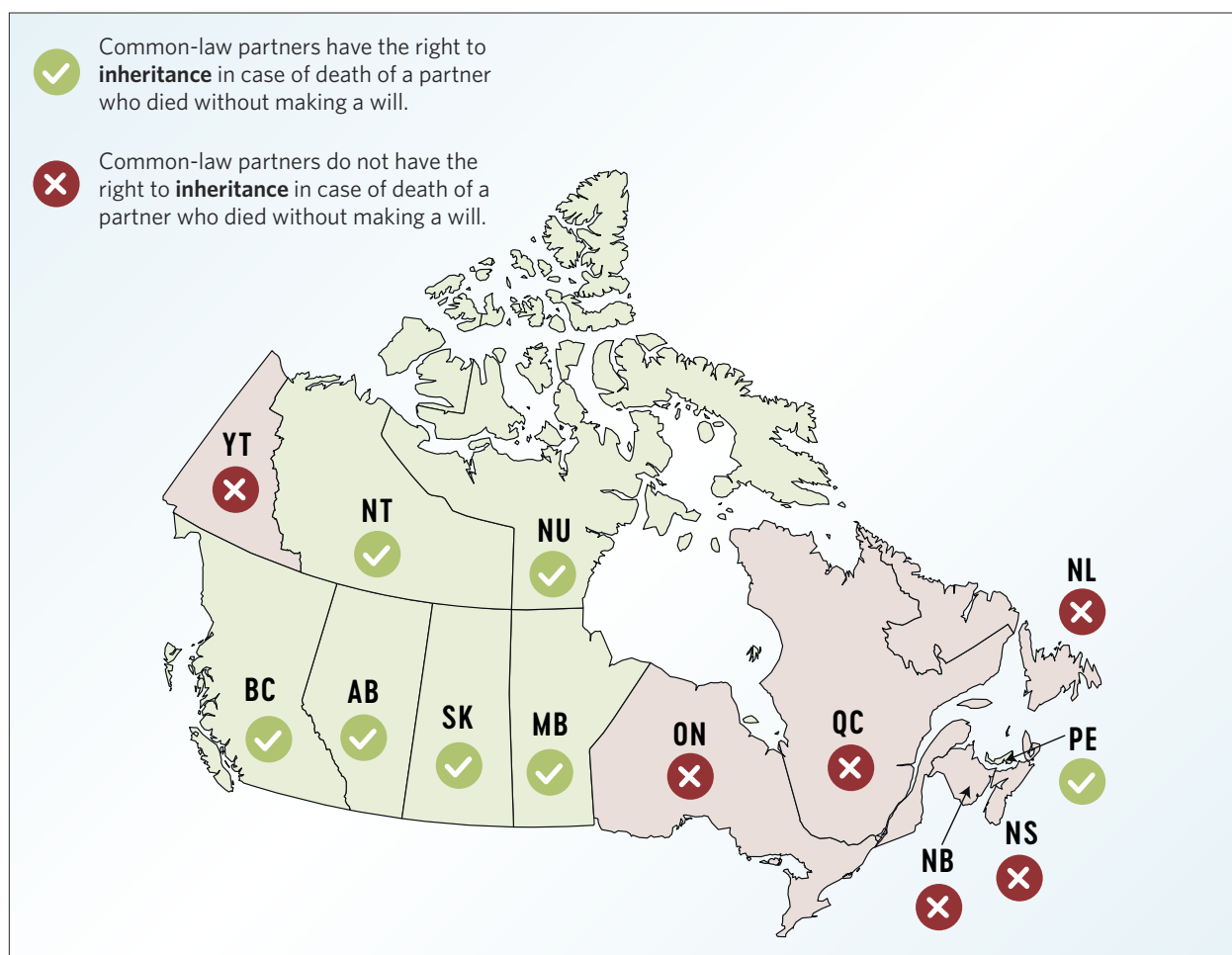
Rights of Common-Law Partners in Terms of Inheritance in Case of Death of a Partner Who Died Without Making a Will in the Provinces and Territories

Province/ territory	What the law says
BC	According to the <i>Estate Administration Act</i> , ⁶¹ a common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive. Under this Act, a couple can be recognized as common-law if they had been living in “a marriage-like relationship” for at least two years immediately before the person’s death.
AB	According to the <i>Wills and Succession Act</i> , ⁶² if someone dies without making a will, their common-law partner (or “adult interdependent partner”) will be automatically considered in the division of the estate. In Alberta, the <i>Adult Interdependent Relationships Act</i> ²⁵ states that to be recognized as a common-law couple (or “adult interdependent partners”), the partners must have lived in a relationship of interdependence for three years, have a child together and live “with some degree of permanence,” or have entered into an Adult Interdependent Partner Agreement.
SK	According to the <i>Intestate Succession Act</i> , ⁶³ the common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive. To be considered in a common-law relationship under this Act, the partners must have cohabited for at least two years.
MB	According to the <i>Intestate Succession Act</i> , ⁶⁴ the common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive. To be considered in a common-law relationship, the partners must be registered under the <i>Vital Statistics Act</i> , ²⁸ have a child together, and have cohabited for one year, or have lived together for three years.
ON	According to the <i>Succession Law Reform Act</i> , ⁶⁵ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.
QC	According to the <i>Civil Code of Québec</i> , ³⁰ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.
NB	According to the <i>Devolution of Estates Act</i> , ⁶⁶ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.
NS	According to the <i>Intestate Succession Act</i> , ⁶⁷ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.
PE	According to the <i>Probate Act</i> , ⁶⁸ the common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive. To be considered spouses under this Act, people living common-law must have been cohabiting in a “conjugal relationship” continuously for three years, or cohabiting in a “conjugal relationship” and have a child together. ⁶⁹
NL	According to the <i>Intestate Succession Act</i> , ⁷⁰ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.

Province/ territory	What the law says
YT	According to the <i>Family Property and Support Act</i> , ⁴⁹ the rights granted to the spouse of a person who died without making a will are not granted to common-law partners.
NT	According to the <i>Intestate Succession Act</i> , ⁷¹ the common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive if their relationship matched the definition of spouses established in the <i>Family Law Act</i> . ⁵⁰ To be recognized as spouses under this Act, a common-law couple must have lived in a “conjugal relationship” for two years, or for less than two years and have had a child together.
NU	According to the <i>Intestate Succession Act</i> , ⁷² the common-law partner of a person who died without making a will is authorized the same share of the estate as a married partner would receive. To be recognized as spouses under this Act, people living common-law must have lived in a “conjugal relationship” for two years, or for less than two years and have had a child together.
Reserves	See Public and Private Benefits (p. 4).

Figure 4

Right to Inheritance in Case of Death of a Partner Who Died Without Making a Will for Common-Law Couples



- Some provinces, such as Quebec, have a high proportion of common-law couples (43%) but grant them few rights. Others, such as Manitoba, with a much smaller portion of common-law couples (17%), grant rights very similar to married couples. Even so, there **does not seem to be a correlation between** the rights granted to common-law couples and the prevalence of this type of union. This raises questions about what other factors influence the decision to form and stay in a common-law relationship.
- Surprisingly, the Supreme Court of Canada has twice ruled that the exclusion of common-law couples from family property laws that cover married persons **does not amount to discrimination** under the Canadian Charter of Rights and Freedoms: *Walsh v Bona*, 2002 SCC 83⁷³ and the Quebec case known as *Eric v Lola*, 2013 SCC 5.⁷⁴ In the Quebec case, the Court also ruled it was not unconstitutional discrimination to exclude common-law partners from claiming spousal support. Any changes in provincial and territorial laws thus result from political decisions by legislators and governments.
- It is tempting to argue that provinces should increase their legal recognition of common-law couples. Indeed, the lack of protection in certain jurisdictions can have significant consequences for people who are uninformed about their rights as common-law partners. For example, people in a long-time common-law relationship might omit to write a will, thinking that their belongings will automatically go to their surviving partner when they die, while this right is not granted to common-law partners where they live.
- Common-law couples **can use other legal strategies**, such as entering a cohabitation agreement, having a will, or acquiring property jointly, to protect themselves in provinces and territories where certain rights are not automatically granted to them. One could question the extent to which common-law couples are informed about those options and in what proportion they use them.
- Finally, with the rise of **alternative family structures** to monogamous relationships, it will be interesting to track how the current laws and policies regulating marriage and common-law couples will be put to the test. For example, one of the criteria for Albertan common-law couples to be recognized as forming a “relationship of interdependence” is to “function as an economic and domestic unit,” which is partially determined by the exclusivity of the relationship. This criterion might not be adapted to the situation of certain relationships, such as polyamorous couples.⁷⁵

ANNEXES

Table 6

Summary of the Rights of Common-Law Partners Across Provinces and Territories

Province/ territory	Rights			
	Health care decision-making in case of incapacity	Division of family property in case of separation	Spousal support in case of separation	Inheritance in case of death of an intestate partner
BC	✓	✓	✓	✓
AB	✓	✓	✓	✓
SK	✓	✓	✓	✓
MB	✓	✓	✓	✓
ON	✓	✗	✓	✗
QC	✓	✗	✗	✗
NB	✗	✗	✓	✗
NS	✓	✗	✓	✗
PE	✓	✗	✓	✓
NL	✗	✗	✓	✗
YT	✓	✗	✓	✗
NT	✗	✓	✓	✓
NU	✗	✓	✓	✓
Reserves ^a	Same as the province or territory	✓	Same as the province or territory	✓

^a Only if the First Nation does not have its own matrimonial real property law yet and that FHRMIRA applies instead. See Common-Law Couples Living on Reserve (p. 4) for more explanations.

Table 7

Summary of Criteria to Be Recognized as Common-Law Partners Across Provinces and Territories

Province/ territory	Rights			
	Health care decision-making in case of incapacity	Division of family property in case of separation	Spousal support in case of separation	Inheritance in case of death of an intestate partner
BC	Living together in a “marriage-like relationship” <i>Health Care [Consent] and Care Facility [Admission] Act</i> ²³	Living together in a “marriage-like relationship” for two years <i>Family Law Act</i> ⁴¹	Living together in a “marriage-like relationship” for two years OR having a child together <i>Family Law Act</i> ⁴¹	Living together in a “marriage-like relationship” for two years <i>Estate Administration Act</i> ⁶¹
AB	Three years together OR having a child together OR Adult Interdependent Partner Agreement <i>Adult Guardianship and Trusteeship Act</i> ²⁴	Three years together OR having a child together OR Adult Interdependent Partner Agreement <i>Family Property Act</i> ⁴²	Three years together OR having a child together OR Adult Interdependent Partner Agreement <i>Family Law Act</i> ⁵⁵	Three years together OR having a child together OR Adult Interdependent Partner Agreement <i>Wills and Succession Act</i> ⁶²
SK	Cohabiting in a “relationship of some permanence” <i>Health Care Directives and Substitute Health Care Decision Makers Act</i> ²⁶	Cohabiting “as spouses continuously” for two years <i>Family Property Act</i> ⁴³	Cohabiting “as spouses continuously” for two years OR having a child together while in a “relationship of some permanence” <i>Family Maintenance Act</i> ⁵⁶	Cohabited together for two years AND have not ceased to do so more than 24 months prior to the death <i>Intestate Succession Act</i> ⁶³
MB	Registered under the <i>Vital Statistics Act</i> OR “in a conjugal relationship” for six months <i>Mental Health Act</i> ²⁷	Registered under the <i>Vital Statistics Act</i> OR “in a conjugal relationship” for three years <i>Family Property Act</i> ⁴⁴	Registered under the <i>Vital Statistics Act</i> OR have lived together for one year and have a child OR have lived together for three years <i>Family Law Act</i> ⁵⁷	Registered under the <i>Vital Statistics Act</i> OR have lived together for one year and have a child OR have lived together for three years <i>Intestate Succession Act</i> ⁶⁴

Province/ territory	Rights			
	Health care decision-making in case of incapacity	Division of family property in case of separation	Spousal support in case of separation	Inheritance in case of death of an intestate partner
ON	Living in a “conjugal relationship” and have cohabited for one year OR living in a “conjugal relationship” and have a child together OR living in a “conjugal relationship” and have a cohabitation agreement together <i>Health Care Consent Act</i> ²⁹	Not entitled <i>Family Law Act</i> ⁴⁵	Having lived together for three years OR being in a “relationship of some permanence” and having a child together <i>Family Law Act</i> ⁴⁵	No automatic inheritance <i>Succession Law Reform Act</i> ⁶⁵ <i>Family Law Act</i> ⁴⁵
QC	Common-law has the priority, but no criteria established in the law <i>Civil Code of Québec</i> ³⁰	Not entitled <i>Civil Code of Québec</i> ³⁰	Not eligible <i>Civil Code of Québec</i> ³⁰	No automatic inheritance <i>Civil Code of Québec</i> ³⁰
NB	No order of priority established in the law	Not entitled <i>Marital Property Act</i> ⁴⁶	Cohabiting continuously for three years “during which time one person has been substantially dependent on the other” OR “cohabit[ing] in a situation of some permanence” and have a child together <i>Family Law Act</i> ⁵⁸	No automatic inheritance <i>Devolution of Estates Act</i> ⁶⁶
NS	Cohabiting in a “conjugal relationship” for at least one year <i>Personal Directives Act</i> ³²	Not entitled <i>Matrimonial Property Act</i> ⁴⁷	Being considered as domestic partners under the <i>Vital Statistics Act</i> OR living together in a “conjugal relationship” continuously for two years OR living together in a “conjugal relationship” and have a child together <i>Parenting and Support Act</i> ⁵⁹	No automatic inheritance <i>Intestate Succession Act</i> ⁶⁷

Province/ territory	Rights			
	Health care decision-making in case of incapacity	Division of family property in case of separation	Spousal support in case of separation	Inheritance in case of death of an intestate partner
PE	Cohabiting in a “conjugal relationship” continuously for three years OR cohabiting in a “conjugal relationship” and are parents of a child <i>Consent to Treatment and Health Care Directives Act</i> ³³ <i>Family Law Act</i> ⁴⁸	Not entitled <i>Family Law Act</i> ⁴⁸	Having cohabited for three years OR having cohabited and having a child together <i>Family Law Act</i> ⁴⁸	Cohabiting in a “conjugal relationship” continuously for three years OR cohabiting in a “conjugal relationship” and are parents of a child <i>Probate Act</i> ⁶⁸ <i>Family Law Act</i> ⁴⁸
NL	Common-law partner does not have a priority <i>Advance Health Care Directives Act</i> ³⁵ <i>Family Law Act</i> ³⁶	Not entitled <i>Family Law Act</i> ³⁶	Cohabiting in a “conjugal relationship” for at least two years OR cohabiting in a “conjugal relationship” for at least one year and having a child together <i>Family Law Act</i> ³⁶	No automatic inheritance <i>Intestate Succession Act</i> ⁷⁰
YT	Cohabiting “as couple” for 12 months <i>Care Consent Act</i> ³⁷	Not entitled <i>Family Property and Support Act</i> ⁴⁹	Having “cohabited in a relationship of some permanence” <i>Family Property and Support Act</i> ⁴⁹	No automatic inheritance <i>Family Property and Support Act</i> ⁴⁹
NT	Common-law partner does not have a priority <i>Guardianship and Trusteeship Act</i> ³⁸	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Family Law Act</i> ⁵⁰	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Family Law Act</i> ⁵⁰	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Intestate Succession Act</i> ⁷¹ <i>Family Law Act</i> ⁵⁰

Province/ territory	Rights			
	Health care decision-making in case of incapacity	Division of family property in case of separation	Spousal support in case of separation	Inheritance in case of death of an intestate partner
NU	Common-law partner does not have a priority <i>Guardianship and Trusteeship Act</i> ³⁹	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Family Law Act</i> ⁵¹	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Family Law Act</i> ⁵¹	Living in a “conjugal relationship” for two years OR living in a “conjugal relationship” for less than two years and having a biological or adopted child together <i>Intestate Succession Act</i> ⁷² <i>Family Law Act</i> ⁵¹
Reserves^b	Same as the province or territory	Cohabiting in a “conjugal relationship” for one year <i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> ¹⁸	Same as the province or territory	Cohabiting in a “conjugal relationship” for one year <i>Indian Act</i> ²⁰

^b Only if the First Nation does not have its own matrimonial real property law yet and that FHRMIRA applies instead. See Common-Law Couples Living on Reserve (p. 4) for more explanations.

REFERENCES

- ¹ Statistics Canada. (2019, May 1). *Family Matters: Being common law, married, separated or divorced in Canada*. <https://www150.statcan.gc.ca/n1/daily-quotidien/190501/dq190501b-eng.htm>
- ² Statistics Canada. (2022). *State of the union: Canada leads the G7 with nearly one-quarter of couples living common law, driven by Quebec*. <https://www150.statcan.gc.ca/n1/daily-quotidien/220713/dq220713b-eng.htm>
- ³ Government of Canada. (2022). *Fact Sheet—Child Support*. <https://www.justice.gc.ca/eng/fl-df/fact1-fiches1.html>
- ⁴ Éducaloi. *Child Support: Common Questions*. <https://educaloi.qc.ca/en/capsules/child-support-common-questions/>
- ⁵ Department of Justice of Canada. (2001, March). *Putting Children's Interests First—Federal-Provincial-Territorial Consultation: Custody, Access and Child Support in Canada*. <https://www.justice.gc.ca/eng/rp-pr/fl-lf/famil/cons/pdf/consult.pdf>
- ⁶ Federal Child Support Guidelines, SOR/97-175. (1997, April 8). <https://laws.justice.gc.ca/eng/regulations/SOR-97-175/page-1.html>
- ⁷ Department of Justice Canada. (2022). *The Federal Child Support Guidelines: Step-by-Step*. <https://www.justice.gc.ca/eng/rp-pr/fl-lf/child-enfant/guide/step1-etap1.html>
- ⁸ Canada Pension Plan, c. C-8 RSC. (1985). <https://laws-lois.justice.gc.ca/eng/acts/c-8/FullText.html>
- ⁹ Old Age Security Act, c. O-9 RSC. (1985). <https://laws-lois.justice.gc.ca/eng/acts/o-9/FullText.html>
- ¹⁰ Employment and Social Development Canada. (2023). *Divorced or separated: Splitting Canada Pension Plan credits*. <https://www.canada.ca/en/services/benefits/publicpensions/cpp/cpp-split-credits.html>
- ¹¹ Retraite Québec. *Surviving spouse's pension*. https://www.rrq.gouv.qc.ca/en/programmes/regime_rentes/prestations_survivants/rente_conjoint_survivant/Pages/rente_conjoint_survivant.aspx
- ¹² Retraite Québec. *Partition of employment earnings between spouses*. https://www.rrq.gouv.qc.ca/en/retraite/retraite_a_deux/rupture/Pages/partage_gains.aspx
- ¹³ Income Tax Act, c. 1 RSC. (1985). <https://laws-lois.justice.gc.ca/eng/acts/l-3.3/FullText.html>
- ¹⁴ Canada Revenue Agency. (2023). *Transfers of property to your spouse or common-law partner or to a trust for your spouse or common-law partner*. <https://www.canada.ca/en/revenue-agency/services/tax/individuals/topics/about-your-tax-return/tax-return/completing-a-tax-return/personal-income/line-12700-capital-gains/transfers-capital-property/transfers-property-a-spouse-common-law-partner-a-trust-a-spouse-common-law-partner.html>
- ¹⁵ Veterans Affairs Canada. (2013, November 28). *Establishment of a Common-Law Partnership*. <https://www.veterans.gc.ca/eng/about-vac/legislation-policies/policies/document/1410>
- ¹⁶ Canada Revenue Agency. (2023, July 4). *Canada Child Benefit*. <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html>
- ¹⁷ Canada Revenue Agency. (2023, May 12). *GST/HST credit—How much you can expect to receive*. <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/gststc-amount.html>
- ¹⁸ Family Homes on Reserves and Matrimonial Interests or Rights Act, c. 20 SC. (2013). <https://laws-lois.justice.gc.ca/eng/acts/F-1.2/FullText.html>
- ¹⁹ Indigenous Services Canada. (2022). *The First Nations with Matrimonial Real Property Laws Under the Family Homes on Reserves and Matrimonial Interests or Rights Act*. <https://sac-isc.gc.ca/eng/1408981855429/1581783888815>
- ²⁰ Indian Act, c. I-5 RSC. (1985). <https://laws-lois.justice.gc.ca/eng/acts/i-5/FullText.html>
- ²¹ Indigenous Services Canada. (2023, January 11). *About Indian status*. <https://www.sac-isc.gc.ca/eng/1100100032463/1572459644986>
- ²² Immigration, Refugees and Citizenship Canada. (2023, May 30). *Sponsor your spouse, common-law partner, conjugal partner or dependent child—Complete Guide (IMM 5289)*. <https://www.canada.ca/en/immigration-refugees-citizenship/services/application/application-forms-guides/guide-5289-sponsor-your-spouse-common-law-partner-conjugal-partner-dependent-child-complete-guide.html>
- ²³ Health Care (Consent) and Care Facility (Admission) Act, c. 181 RSBC. (1996). https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/96181_01
- ²⁴ Adult Guardianship and Trusteeship Act, c. A-4.2 SA. (2008). https://kings-printer.alberta.ca/570.cfm?frm_isbn=9780779839544&search_by=link
- ²⁵ Adult Interdependent Relationships Act, c. A-4.5 SA. (2002). https://kings-printer.alberta.ca/570.cfm?frm_isbn=9780779811595&search_by=link
- ²⁶ Health Care Directives and Substitute Health Care Decision Makers Act, c. H-0.002 SS. (2005). <https://publications.saskatchewan.ca/#/products/84221>
- ²⁷ Mental Health Act, c. M110 CCSM. (1998). <https://web2.gov.mb.ca/laws/statutes/ccsm/m110.php>
- ²⁸ Vital Statistics Act, c. V60 CCSM. (2023). <https://web2.gov.mb.ca/laws/statutes/ccsm/v060.php?lang=en>
- ²⁹ Health Care Consent Act, c. 2 SO. (1996). <https://www.ontario.ca/laws/statute/96h02#BK26>

- ³⁰ Civil Code of Québec, c. CCQ-1991 CQLR. (1991). <https://www.legisquebec.gouv.qc.ca/en/document/cs/ccq-1991>
- ³¹ Public Legal Education and Information Service of New Brunswick. (2017). *Living Common-Law: Rights and Responsibilities*. https://www.legal-info-legale.nb.ca/en/index.php?page=living_common-law
- ³² Personal Directives Act, c. 8 SNS. (2008). <https://nslegislature.ca/sites/default/files/legc/statutes/persdir.htm>
- ³³ Consent to Treatment and Health Care Directives Act, c. C-17.2 RSPEI. (1988). <https://www.princeedwardisland.ca/en/legislation/consent-to-treatment-and-health-care-directives-act>
- ³⁴ Consent to Treatment and Health Care Directives Act Regulations, EC356/00 PEI Reg. (1988). <https://www.princeedwardisland.ca/sites/default/files/legislation/C%2617-2G-Consent%20to%20Treatment%20and%20Health%20Care%20Directives%20Act%20Regulations.pdf>
- ³⁵ Advance Health Care Directives Act, c. A-4.1 SNL. (1995). <https://www.assembly.nl.ca/legislation/sr/statutes/a04-1.htm>
- ³⁶ Family Law Act, c. F-2 SNL. (1990). https://www.assembly.nl.ca/legislation/sr/statutes/f02.htm#35_
- ³⁷ Care Consent Act, c. 21 SY. (2003). <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2003/2003-023B/2003-023B.pdf>
- ³⁸ Guardianship and Trusteeship Act, c. 29 SNWT. (1994). <https://www.justice.gov.nt.ca/en/files/legislation/guardianship-and-trusteeship/guardianship-and-trusteeship.a.pdf>
- ³⁹ Guardianship and Trusteeship Act, c. 29 SNWT(Nu.). (1994). <https://www.nunavutlegislation.ca/en/consolidated-law/guardianship-and-trusteeship-act-consolidation>
- ⁴⁰ Kerr v. Baranow, 10 SCC 269. (2011, February 18). <https://canlii.ca/t/2fs3h>
- ⁴¹ Family Law Act, c. 25 SBC. (2011). https://www.bclaws.gov.bc.ca/civix/document/id/complete/statreg/00_11025_00_multi#section3
- ⁴² Family Property Act, c. F-4.7 RSA. (2000). <https://kings-printer.alberta.ca/documents/Acts/F04P7.pdf>
- ⁴³ Family Property Act, c. F-6.3 S.S. (1997). <https://publications.saskatchewan.ca/#/products/535>
- ⁴⁴ Family Property Act, c. F25 CCSM. (2023). <https://web2.gov.mb.ca/laws/statutes/ccsm/f025.php>
- ⁴⁵ Family Law Act, c. F.3 RSO. (1990). <https://www.ontario.ca/laws/statute/90f03#BK65>
- ⁴⁶ Marital Property Act, c. 107 RSNB. (2012). <https://canlii.ca/t/8rcm>
- ⁴⁷ Matrimonial Property Act, c. 275 RSNS. (1989). <https://canlii.ca/t/jq2h>
- ⁴⁸ Family Law Act, c. F-2.1 RSPEI. (1988). <https://www.princeedwardisland.ca/en/legislation/family-law-act>
- ⁴⁹ Family Property and Support Act, c. 83 RSY. (2002). <https://laws.yukon.ca/cms/images/LEGISLATION/PRINCIPAL/2002/2002-0083/2002-0083.pdf>
- ⁵⁰ Family Law Act, c. 18 SNWT. (1997). <https://www.justice.gov.nt.ca/en/files/legislation/family-law/family-law.a.pdf>
- ⁵¹ Family Law Act, c. F-30 C.S.Nu. (1998). <https://www.nunavutlegislation.ca/en/consolidated-law/family-law-act-official-consolidation>
- ⁵² Department of Justice Canada. (2022). *Spousal Support Advisory Guidelines*. <https://www.justice.gc.ca/eng/fl-df/spousal-epoux/ssag-ldfpae.html>
- ⁵³ Rogerson, C., & Thompson, R. (2008, July). *Spousal Support Advisory Guidelines*. https://www.justice.gc.ca/eng/rp-pr/fl-df/spousal-epoux/spag/pdf/SSAG_eng.pdf
- ⁵⁴ Éducaloi. *Financial Support for an Ex-Spouse*. <https://educaloi.qc.ca/en/capsules/financial-support-for-an-ex-spouse/>
- ⁵⁵ Family Law Act, c. F-4.5 SA. (2003). <https://kings-printer.alberta.ca/documents/Acts/F04P5.pdf>
- ⁵⁶ Family Maintenance Act, c. F-6.2 SS. (1997). <https://publications.saskatchewan.ca/#/products/534>
- ⁵⁷ Family Law Act, c. F20 CCSM. (2022). <https://web2.gov.mb.ca/laws/statutes/ccsm/f020.php?lang=en>
- ⁵⁸ Family Law Act, c. 23 SNB. (2020). <https://laws.gnb.ca/en/showfulldoc/cs/2020-c.23//20230616>
- ⁵⁹ Parenting and Support Act, c. 160 RSNS. (1989). <https://nslegislature.ca/sites/default/files/legc/statutes/parenting%20and%20support.pdf>
- ⁶⁰ Vital Statistics Act, c. 494 RSNS. (1989). <https://nslegislature.ca/sites/default/files/legc/statutes/vital%20statistics.pdf>
- ⁶¹ Estate Administration Act, c. 122 RSBC. (1996). https://www.bclaws.gov.bc.ca/civix/document/id/consol15/consol15/00_96122_01#part10
- ⁶² Wills and Succession Act, c. W-12.2 SA. (2010). https://kings-printer.alberta.ca/570.cfm?frm_isbn=9780779840328&search_by=link
- ⁶³ Intestate Succession Act, c. I-13.2 SS. (2019). <https://publications.saskatchewan.ca/#/products/102827>
- ⁶⁴ Intestate Succession Act, c. 185 CCSM. (2004). https://web2.gov.mb.ca/laws/statutes/ccsm/_pdf.php?cap=I85
- ⁶⁵ Succession Law Reform Act, c. 26 RSO. (1990). <https://www.ontario.ca/laws/statute/90s26>

- ⁶⁶ Devolution of Estates Act, c. D-9 RSNB. (1973). <https://laws.gnb.ca/en/showfulldoc/cs/d-9//20230619>
- ⁶⁷ Intestate Succession Act, c. 236 RSNS. (1989). <https://nslegislature.ca/sites/default/files/legc/statutes/intestat.htm>
- ⁶⁸ Probate Act, c. P-21 RSPEI. (1988). https://www.princeedwardisland.ca/sites/default/files/legislation/p-21-probate_act.pdf
- ⁶⁹ Community Legal Information. (2022). *Family Law Essentials*. <https://legalinfopei.ca/family-law-essentials/>
- ⁷⁰ Intestate Succession Act, c. I-21 RSNL. (1990). https://www.assembly.nl.ca/Legislation/sr/statutes/i21.htm#2_
- ⁷¹ Intestate Succession Act, c. I-10 RSNWT. (1988). <https://www.justice.gov.nt.ca/en/files/legislation/intestate-succession/intestate-succession.a.pdf>
- ⁷² Intestate Succession Act, c. I-10 RSNWT(Nu.). (1988). <https://www.nunavutlegislation.ca/en/consolidated-law/intestate-succession-act-consolidation>
- ⁷³ Nova Scotia (Attorney General) v. Walsh, 83 SCC 325. (2002, December 19). <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2026/index.do>
- ⁷⁴ Quebec (Attorney General) v. A, 5 SCC 61. (2013). <https://scc-csc.lexum.com/scc-csc/scc-csc/en/item/10536/index.do>
- ⁷⁵ Government of Alberta. *Dividing property between unmarried partners*. <https://www.alberta.ca/dividing-property-between-unmarried-partners.aspx>