Divorce & Division of Matrimonial Property
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IMAGES
Getting a Divorce

The Divorce Act

Choose your province
To get a divorce in AB you, or your spouse, must have been ordinarily resident here for 1 year

Choose a ground for divorce
There are 3 grounds for divorce in AB: separation for 1+ year, adultery, or cruelty

Start with a Statement of Claim for Divorce
File this document at the Courthouse and have it served on your spouse

Receive your Divorce Judgment
Once it is approved, the Justice will sign the Divorce Judgment and send it back to you

File the remaining documents
Depending on your spouse’s response you will need to file more paperwork that will be looked over by a Justice

Wait for a response
Your spouse has 20 days (if they are in AB) to respond to your claim

Wait 31 days
Get your Divorce Certificate
Dividing Property After Marriage Separation

In Alberta, an application can be made to the Courts for a Matrimonial Property Order, which divides the property of married individuals, whether or not the property is in both of their names. The Alberta law that deals with the division of matrimonial property is the:

Matrimonial Property Act ("MPA")

To use the MPA, you must show that:
- Both spouses are living in Alberta, together or separately; OR
- The spouses last lived together in Alberta; OR
- At the time of marriage, the parties were each living in Alberta but since they have gotten married, they have not established a joint residence in a province; OR
- The divorce was filed for and is being dealt with in Alberta; OR
- The divorce was finalized in Alberta.

Some types of property that may be divided upon separation include the home, household goods, RRSPs, business interests, pensions, debts, bank accounts etc. It can also include increases in value for property that existed before the marriage. This is NOT an exhaustive list and can be different for each family.

NOTE: Property is not necessarily divided equally and not all property can be divided.

Property Outside Alberta

Albertan Courts can't make Orders that deal with property outside of Alberta but they can consider this other property when deciding how to divide up the remaining property/goods.

The Matrimonial Home

The Matrimonial Home means the home that the family lived in, whether that is a house they own or rent, a mobile home, a condo, a suite etc. There are a number of options available for remaining in the matrimonial home.
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I AM THINKING OF GETTING A DIVORCE, WHAT’S FIRST?
If you and your spouse decide to separate, there is no need to start divorce proceedings right away. Because divorce changes your rights and responsibilities as they relate to your spouse, you should consider the matter seriously and speak to someone who may be able to go over your options with you, for example a professional counsellor, a lawyer, or an employee with Family Justice Services.

Couples often choose to remain separated for a period of time before they start the divorce process. Time apart may give the two of you a chance to work out some of your concerns.

Choosing to separate without getting a divorce right away does not mean that you cannot deal with child support/custody, property, or spousal support right away. You can apply for court orders regarding these matters under the Family Law Act. These orders may remain valid even after you file for divorce, as they are absorbed into the divorce proceedings. These orders can be varied through the divorce proceedings, or even after.

It is possible to get orders which can be used during the period of time between when you separate and when you choose whether to divorce or to get back together (reconcile). You can apply for these under the Alberta Family Law Act.

CAN I GET A DIVORCE?
If you do choose to get a divorce then you will follow the process from the Divorce Act, which is the federal law that deals with how divorces can occur throughout Canada. In the Divorce Act, there is only one official reason for a divorce: marriage breakdown. According to this statute, there are 3 ways that marriage breakdown can happen:

1. Separation;
2. Adultery; or
3. Cruelty.

1. Separation
You and your spouse must have lived separate and apart for at least one year prior to a Divorce Judgment. The divorce action may be started before the one-year period has ended, which means that you can file all your paperwork and forms during that year, but must still wait the full year before the divorce judgment will be granted. This is the final document that finalizes your divorce and would allow for you to re-marry etc.
In many cases, during a separation spouses will live in two different places however, this is not required. Due to financial or other family circumstances, spouses may decide to reside in the same home during the year of separation.

Under certain circumstances, it is possible to live separate and apart even though both spouses live under the same roof. This can happen if:

- a. Spouses sleep in separate bedrooms;
- b. There is little or no communication between the spouses;
- c. Spouses do not have sexual relations with each other;
- d. Spouses do not perform domestic services (i.e. cooking or cleaning) for each other unless there is a contract for those services;
- e. Spouses eat their meals separately; and/or
- f. Spouses do not share any social or recreational activities.

It should be noted that this list is not complete because every separation is different, but the idea is that you are living as roommates rather than as a family.

**Reconciliation**

A spouse who is seeking a divorce based on a one-year separation may reconcile (get back together) with his or her spouse without disrupting the one-year time period as long as they are back together for **no longer than 90 days**.

If there is reconciliation between spouses that is longer than ninety days, the one-year separation period will be interrupted and the spouses will no longer have grounds for divorce. If this occurs, the separation period will have to begin again, and the spouses will have to wait another twelve months from the date of their last separation before receiving a divorce judgment.

**2. Adultery**

The law defines adultery as an event when either spouse has cheated by engaging in acts of an intimate nature with a third party during the marriage. Only the spouse who did **not** commit adultery can file for divorce if you are choosing to use this as your reason for the divorce.

A spouse cannot use his or her own adultery as grounds for a divorce. This means that you cannot say that you cheated and argue that this should allow you to get a divorce.

If you choose to use adultery, rather than separation for 1+ year(s) as your grounds for divorce it must be proven in the Court of Queen's Bench to a Justice. Normally, it will be very difficult,
expensive and time-consuming for the spouse filing for divorce to prove the other spouse’s adultery in court, unless the adulterer is willing to admit to their infidelity in a sworn court document.

If you are the one using adultery as the reason you are getting a divorce, you do not have to wait a year before completing the divorce proceedings. However, the Justice may decide not to grant the divorce if you have either encouraged or forgiven your spouse’s adultery. An example of this is where the adultery occurred a number of years ago and since then you have gotten back together as a couple. Generally, Courts will say that the adultery must be your reason for getting a divorce.

3. Cruelty

The third ground for divorce is the occurrence of physical or mental cruelty. Cruelty only needs to happen once before a spouse may ask a Justice for a divorce. However, in order to qualify as a reason for divorce, the law says that the other spouse’s cruelty must be so severe that it makes living together intolerable.

Examples of mental cruelty include a spouse consistently coming home drunk, constant verbal abuse, or excessive drug use. Only the spouse complaining of the cruelty can file for divorce. Like adultery, cruelty must be proven, and it is normally very difficult to do so.

If you are using cruelty as the reason you are getting a divorce, you do not have to wait a year before completing the divorce proceedings.

It is highly recommended that anyone who is filing for divorce on the grounds of either cruelty or adultery consult with a lawyer before starting divorce proceedings. These grounds are difficult, time consuming and expensive to prove. It is often better to start the divorce proceedings (such as filing all of the required paperwork) and then just wait the full year of separation to get your final divorce judgment.

WHAT ARE THE STEPS IN A DIVORCE?

1. A divorce is started with a document called a “Statement of Claim for Divorce”. If you are the person starting the divorce, you will be the Plaintiff and your spouse will be the Defendant. If your spouse is starting the divorce action, he or she is the Plaintiff and you are the Defendant. You can also use a similar document which is called a “Statement of Claim for Divorce and Division of Matrimonial Property”. This second type will deal with property division at the same time – but it is not required.
a. You can get these documents online at the Alberta Courts website (https://albertacourts.ca/qb/areas-of-law/family/divorce-forms) or at the Edmonton Resolution Support Centre in the John E. Brownlee Building (Room 8124, 8th Floor, 10365 97 Street NW, Edmonton).

2. Once the Statement of Claim for Divorce is completed, it must be signed and taken to the Courthouse. You should have three copies of all of your forms whenever you go to the Courthouse: one copy for yourself, one for the other party, and the original copy for the Court.

3. Once the Statement of Claim for Divorce is filed at the Courthouse, it must be “served” on the Defendant (your spouse). This means that it must be personally delivered to the Defendant. Please note that the Statement of Claim MUST be delivered to the Defendant by someone OTHER than you. This can be a friend, family member, or a professional process server that you can hire to serve documents for you. If it will be too difficult, or impossible, to serve the Defendant personally, you can ask the Court for an Order for Substitutional Service which will allow you to serve them in a different way. As well, if the Defendant lives outside of Canada, you will need to ask the Court for an Order to serve them outside of Canada.

4. After service of the Statement of Claim, the Defendant has 20 days (1 month if he or she is out of province but still in Canada, and 2 months if outside of Canada) to dispute the Statement of Claim. If the Defendant does not file a dispute (Statement of Defence), then you can go on with the other forms. If you are using one year of separation as your grounds for divorce, make sure that one year has passed before moving on to this step. If the Defendant does not respond within the appropriate time period the Plaintiff may file a sworn Affidavit of Service, Noting in Default, Request for Divorce, Affidavit of Applicant, and a proposed Divorce Judgment. Your affidavit should include:

   a. Your original Marriage Certificate;
   b. A copy of any orders or agreements pertaining to your divorce, and

Note: If you do not have your Marriage Certificate, you can order it from the Department of Vital Statistics. In Edmonton and area, you may call [780] 427-7013 or go to any Registry Agent.

If you have children you should also include Child Support Data Sheets, a Parenting After Separation Certificate or Exemption Form, and a Divorce Judgment that includes arrangements for the children.
5. The Clerk will then give the divorce file to a Justice to look at. Once the Justice is satisfied with the documents and evidence presented, he or she will sign the Divorce Judgment. The Judgment will then be returned to the Clerk, who will mail one copy each to the Plaintiff and the Defendant at the addresses given in the Request for Divorce. This process usually takes 4-6 weeks.

6. Thirty-one days after the Divorce Judgment has been signed, it becomes final and the parties can make a request for a Certificate of Divorce from the Courthouse, which is the final document of the divorce action. This is an important document for both the plaintiff and defendant to keep because it proves that they are no longer married. You will also need this certificate if you want to re-marry.

Other steps may be needed if the defendant lives outside of Canada, if the defendant cannot be located, or if the plaintiff is asking for maintenance (support) or other costs.

**WHAT ARE SOME REASONS WHY A JUSTICE MAY NOT LET YOU GET A DIVORCE?**

There are situations where a Justice may not let you get a divorce. These include:

1. Spouses who intentionally mislead the Court will not be allowed to divorce. An example would be two spouses agreeing to state that they have been separated for one year when in fact they have only been separated for one month.

2. You and your spouse have children for which you have not worked out a parenting arrangement or child support for. The Justice must be satisfied that reasonable arrangements have been made to take care of and support the children financially after the divorce. What is reasonable will depend on each couple’s circumstances, but the Justice will decide if the arrangements that have been made are fair.

You must ensure these issues are dealt with before going to Court for a divorce application or else you may have to go back again after having dealt with any issues that were found.

**CAN I GET A DIVORCE IN ALBERTA?**

Under the *Divorce Act*, one spouse must be “ordinarily resident” in Alberta. This means you or your spouse must have lived in Alberta for one year immediately before the divorce action is begun. If you have children, it is usually best to file your divorce action in the province where your children live.
DOES IT MATTER WHERE I WAS MARRIED?
You may be able to get divorced in Alberta no matter where you were married. If you were married outside of Canada, the Court will need some proof that the marriage was valid according to the law of that country. If this applies to you, you will need a marriage certificate and an affidavit proving the marriage was in solemn form (valid). If you were married in a Canadian province other than Alberta, a marriage certificate issued by the government of the province where you married would be sufficient proof of an out-of-province marriage. Please remember that you must still meet the “ordinarily resident” requirement (lived in Alberta for one year before your divorce action) no matter where you were married.

WHAT IF I CANNOT FIND MY SPOUSE?
You must make all reasonable efforts to locate your spouse, such as calling relatives, mutual friends, or their last known workplace, as well as checking the telephone directory, Internet, Facebook and so on. If you absolutely cannot find your spouse, then you may be allowed to apply to a Justice of the Court of Queen’s Bench of Alberta for an ‘Order for Substitutional Service’. This order will give you the ability to notify your spouse that you have filed for divorce by some alternative method. It would be best to discuss your options with a lawyer.

HOW LONG WILL IT TAKE?
The length of time from start to finish for a divorce action depends upon how quickly you (or your lawyer) finish the paperwork, how easy it is to locate and serve the documents on your spouse, and how many complications there are in the case. An uncontested divorce will generally take between 4 months to a year. A contested divorce could take several years.

THE WAITING PERIOD
Several things might happen during the thirty-one day waiting period between the date of the Divorce Judgment and the date that an application for the Certificate of Divorce can be made:

1. You and your spouse might reconcile. If so, you should apply to set aside the Divorce Judgment. You would then once again be considered married to each other.

2. One spouse might appeal the Divorce Judgment. If so, no Certificate of Divorce can be issued.
   NOTE: An appeal cannot be started after the Certificate of Divorce has been issued.
3. An application might be made by anyone to set aside the Divorce Judgment because it was obtained as a result of fraud. This application would have to be finished before a Certificate of Divorce could be issued.
The thirty-one day waiting period may be waived if there are special circumstances that make it in the public interest to grant the divorce earlier. An example of special circumstances would be one spouse wanting to remarry within a short period of time due to the impending birth of a child or death of a family member.

Normally, none of these occur, and the Certificate of Divorce is granted 31 days after the Divorce Judgment, on application to the Clerk of the Court.

**WHAT IF I HAVE CHILDREN?**
There must be arrangements made for children under 18 whenever you are going through a divorce proceeding. These are known as Corollary Relief Orders.

Corollary Relief Orders are orders dealing with spousal support, child support, child custody, and access. Corollary Relief Orders can be made for a limited time (called an ‘Interim Order’) or they can be made as a final Order. They can be made after separation but before divorce finalization, or during the divorce process.

**Note:** If there are children, a Justice must see that there have been arrangements made for their support before granting a divorce judgment.

**The Parenting After Separation Seminar**
If you and your spouse have children under the age of 16, you **MUST** attend the *Parenting After Separation Seminar* before making any application to the court dealing with your children, or before applying for a Divorce Judgment. After completing the course, parents will receive a certificate of completion that will be filed with the courts.

The *Parenting After Separation* seminar is led by a legal professional and a mental health professional and is a **FREE** 6 hour seminar. If you are in this situation, the phone number to register is (780) 427-8343. You can also register to take this course online at the Alberta Courts website (http://pas.albertacourts.ab.ca). The course can be completed in 3 hours online.

**Focus On Communication In Separation (FOCIS) Course**

The *Focus on Communication in Separation (FOCIS) Course* is another **FREE** 6-hour course, however it is not mandatory. It is designed for separated or divorced parents of young children who are experiencing high levels of conflict. The purpose of the FOCIS Course is to teach parents how to communicate in order to parent their children effectively after separation or divorce.
The FOCIS Course is not mandatory, but it is strongly recommended for parents who are having problems communicating. For more information, contact Alberta Justice Family Mediation Services at 780-427-8329. In Edmonton, call (780) 644-5092 to register for the FOCIS course.

DIVISION OF MATRIMONIAL PROPERTY

PROPERTY AND MARRIAGE
It is possible for a couple to be granted a Divorce Judgment before they have dealt with the division of matrimonial property. This includes all of the property that they have acquired during their married life. However, most of the time, matrimonial property will be divided between the spouses during the divorce proceedings, either through an agreement or by following a Court Order.

In Alberta, a married couple that has separated can make an application to the Courts for a matrimonial property order. This order determines how the properties, whether owned by one or both of the spouses, will be divided. In Alberta, property division of married couples is generally guided by the Matrimonial Property Act.

Some common property types are:
- The matrimonial home;
- Household goods (this includes almost all personal property used by family members);
- R.R.S.P. and pensions;
- Business interests;
- Investments, stocks, bonds;
- Cars;
- Other property purchased during the marriage or brought into the matrimonial relationship, or used for the mutual benefit of the spouses;
- Debt; and
- Bank accounts.

OBTAINING A MATRIMONIAL PROPERTY ORDER
To make a valid application under the Matrimonial Property Act, the person applying for the division of property must first show that:
- Both spouses are living in Alberta, together or separately; OR
- The spouses last lived together in Alberta; OR
- At the time of marriage, the parties were each living in Alberta but since they have gotten married, they have not established a joint residence in a province; OR
- The divorce was filed for and is being dealt with in Alberta; OR
- The divorce was finalized in Alberta.
**Note:** The person applying for the division of property under the *Matrimonial Property Act* does not need to be the person who started the divorce proceedings. Additionally, the *Matrimonial Property Act* does not apply to unmarried couples.

Before a matrimonial property order can be finalized and enforced, the Court must see that:

- There is a **judgment of divorce**; OR
- There is a **declaration of nullity** of marriage; OR
- There is a **judgment of judicial separation**; OR
- There is a **Declaration of Irreconcilability** made under the *Family Law Act*; OR
- The spouses were **living separate and apart** for a minimum period of at least **one year** before the application is made
  - **HOWEVER,** if the spouse applying for a matrimonial property order can show that the other spouse is intentionally hiding or getting rid of property so that the property can't be divided fairly between the spouses, the required minimum period of one year can be waived
  - The one year period is not considered interrupted if spouses tried to live together for a period of 90 days or less in an attempt to reconcile
  - Living separate and apart does not necessarily mean that the spouses live in separate homes. Spouses can be living separate and apart under the same roof if they intend to be separated as a couple and, in a general sense, maintain a relationship that is similar to that of roommates and do not share their lives like that of a married couple.

At times, spouses may obtain a matrimonial property order before they are granted a judgment of divorce or declaration of nullity but then they decide to try to work things out and move back in together. If they live together for more than 90 days in an attempt to work things out but are unable to do so and later separate again, an application can be made for another matrimonial property order.

**Important Timelines**

An application for the division of property **can be made** at the start of, or during, court proceedings for:

- Judgment of divorce;
- Declaration of nullity;
- Judgment of Judicial Separation; or
- A declaration of irreconcilability under the *Family Law Act*.

If a couple has separated but have not started any other court proceedings, they can still make an application for the division or property. **HOWEVER,** an application for the division of property **cannot be made** if:
• 2 years have passed since a court proceeding has been finalized and resulted in a:
  o Judgment of divorce;
  o Declaration of nullity;
  o Judgment of Judicial Separation; or
  o A declaration of irreconcilability under the Family Law Act; OR
• 2 years have passed since the spouses separated; OR
• 1 year has passed since property was transferred to a third party in an attempt to keep the property from being fairly divided between the spouses
  o If more than a year has passed, the property that had been transferred cannot necessarily be pursued but an application can still be made to divide the remaining property of the spouses.

DIVIDING PROPERTY

Generally, the division of property considers all property and debts owned by the spouses, whether it is owned by just one of them or by both of them. If a property is owned by a spouse and third parties, the spouse's portion of that property is generally still subject to division.

Division of property does not necessarily mean that the parties will be getting part ownership of each property. A Court can assign full ownership to one party but require that party to compensate the other person with cash or ownership of something else or even order a full sale of the property and the subsequent division of the sale proceeds.

Property is not necessarily divided equally. When and how property was obtained and maintained by the spouses will influence how each individual property is divided. The Court will consider many things to determine how property should be divided, including:
• Non-financial contributions of each spouse to the marriage and to the welfare of the family;
  o Eg. If one spouse stays home to raise the children so that the other spouse can pursue their career;
• Contributions, financial or non-financial, made by a spouse in regards to a property, business, farm, or other endeavor that is owned operated by one or both of the spouses, even if other parties share in the ownership or operation;
• The income, earning capacity, liabilities, obligations, property, and other financial resources of each spouse at the start of the marriage compared to what they are at the trial;
• The length of the marriage;
• Whether property was acquired after the spouses began to live separate
and apart;

- Whether there are any oral or written agreements regarding property;
- If a spouse has gotten rid of some property;
- Prior distributions of property between the spouses;
- Prior court orders regarding property; or
- Tax liabilities that can occur if property is transferred or sold.

The Court will not consider misconduct by a spouse (for example adultery or domestic abuse), unless it relates to the improper use or sale of matrimonial property.

**PROPERTY THAT CANNOT BE FULLY DIVIDED**

The market value of a property at the time it was acquired or at the time of marriage (whichever is later) ("exempt value") is not included in the calculation of divisible property if the property was:

- A gift to one spouse from a third party;
- Inherited by one spouse;
- Acquired by one spouse before the marriage;
- An award or settlement resulting from one spouse suing a third party for damages; OR
- The result of an insurance payout to one spouse for something that the other spouse is not involved in or affected by; OR
- Acquired through the exchange of one of the above types of property or the funds from the sale of one of the above types of property.

**Note:** These properties are those were acquired to benefit only one of the spouses. If property was acquired for the benefit of both spouses, then the exemption is not applied. Additionally, if an exemption could have been applied to a property but the property was then integrated into the marriage, the exemption may no longer apply.

If these properties have an increased market value at the time of trial compared to when they were first acquired, the value of the increase will be considered for division and distribution. Decreases in value will not be part of the division and distribution.

**Note:** If a property was exchanged for something else or sold, the exempt value will generally still be valid unless the money is mixed into the marital finances or for the benefit of the marriage, like buying a home. This is a more complicated area of matrimonial property division and you should speak with a lawyer if you have any questions.
Property Outside Alberta

The *Matrimonial Property Act* deals with property that is located in Alberta but it does allow the Courts to consider and take into account property that is outside of Alberta in determining how property is to be divided and distributed.

**AGREEMENTS REGARDING PROPERTY**

The *Matrimonial Property Act* may not apply if the spouses had made agreements regarding how properties would be dealt with. If one or more agreements are made regarding some but not all properties, then the *Matrimonial Property Act* would not be applied to any properties that are under an agreement but would still be applicable for all other properties.

In order for an agreement to be enforceable and exclude a property from the application of the *Matrimonial Property Act*, the agreement must:

- Be written
- Describe the status, ownership, and manner of division of that property
- Contain written acknowledgements from each spouse, or spouse-to-be, that:
  - They understand what the agreement is for and what it means
  - They understand that they are waiving certain rights under the *Matrimonial Property Act* regarding this property so that the agreement can be enforced
  - They are entering the agreement voluntarily and without undue influence
  - **Note:** Each party must make their acknowledgement in front of a lawyer who is not acting for the other party.

**THE MATRIMONIAL HOME**

“Matrimonial home” can mean a number of different things. It can be:

- A house,
- A part of a house,
- A part of a business that is being used as a house,
- A mobile home,
- A condominium, or
- A suite.

The matrimonial home must be owned or leased by one or both spouses and **must be occupied as the family home** (i.e. this does not include a summer cottage). The home must be located in Alberta. It does not have to be in both spouses names. To be considered the matrimonial home, it must only be **lived in as the family home**.
EXCLUSIVE POSSESSION ORDERS
If one spouse wants to be able to live in the matrimonial home after separation either alone or with children, one option is to ask the Court for an Order for Exclusive Possession. An Order for Exclusive Possession essentially allows one spouse to keep the other out of the house. This is given when spouses cannot live together peacefully, but neither is willing to leave the home. A spouse can also apply for an Order giving him/her exclusive use of household goods. “Household goods” are defined as personal property owned by at least one of the spouses and used or enjoyed by either spouse or the children - for transportation, household use, educational use, recreational use, social use, or aesthetic purposes. Household goods include motor vehicles, furniture, and appliances. The Court can make this order for any amount of time that the Court thinks is necessary.

An application for exclusive possession be made ‘ex parte’ (i.e. without telling the other spouse) if the Court finds that there is a potential danger to the spouse making the application or to a child living in the home. If the Court does not believe that there is danger in making the application, then the other spouse must be told about the application. A Court can grant an Order for Exclusive Possession even without a threat of danger present.

In granting the Order, the Court may do one or more of the following:
- Direct that a spouse be given exclusive possession of the home (regardless of whose name the property is in);
- Direct that a spouse be evicted from the matrimonial home;
- Stop a spouse from entering or going to the matrimonial home.

When deciding whether a possession Order will be granted, the Court can consider:
- Whether each spouse can find and maintain another place to live;
- The needs of any children living in the home;
- The financial position of each spouse;
- Property of either spouse; and
- Any existing Court orders regarding child or spousal support.

A Court Order for Exclusive Possession is not easy to get. The person applying for the Order must prove that the Matrimonial Property Act guidelines have been met and that there is good reason for the order (i.e. not that it is simply a matter of them not wanting to move out of the home because moving would be inconvenient).

An Exclusive Possession Order does not change legal ownership of the property. If the matrimonial home is owned by one or both of the spouses, it is still considered matrimonial property that may be divided in the final Matrimonial Property Order.
**Note:** Under the *Matrimonial Property Act* the Court can only grant an Order to prevent a person from *entering or visiting the home* but this does not prevent the spouses from contacting one another. If one spouse is harassing the other and they want to prevent contact, he/she has some other options such as an Emergency Protection Order or a Restraining Order.

**PENSIONS**

Pensions are considered to be property under the *Matrimonial Property Act* but how they are divided depends on how they are classified and established, so it is important to speak with the pension plan administrator. Additionally, it is important to note that withdrawing money from pensions and other retirement savings programs can have significant tax implications. The Canada Pension Plan (CPP) has an program that allows separated or divorced couples to divide their Canada Pension Plan credits. It does not matter if only one of the spouses had contributed to their CPP. However, the division of the pension is not allowed:

- When the total yearly pension income of one party is less than twice the basic exemption for income taxes;
- For any pension contributions made by a party before they turned 18 or after they reached 70 years old; or
- For any period where one of the parties is receiving the benefits under the CPP or Quebec Pension Plan (QPP) other than their own pension (eg. Survivor's Pension, Disability Benefits).

There are other factors to be considered before CPP credits can be divided. You can access the online form at [http://www.servicecanada.gc.ca/fi-fi/index.jsp?app=prfl&frm=isp1901&lang=eng](http://www.servicecanada.gc.ca/fi-fi/index.jsp?app=prfl&frm=isp1901&lang=eng) to apply for a division. You can also contact Service Canada for assistance and information regarding pension division.
WHO CAN I CALL FOR MORE HELP OR INFORMATION?

**LEGAL RESOURCES**

| **Student Legal Services – Family Law Project** | **Ph:** 780-492-8244  
**Admin:** 780-492-2226  
**Fax:** 780-492-7574 |
|-------------------------------------------------|---------------------|
| 11036 88 Ave NW  
Edmonton, AB T6G 0Z2 |                      |

The Family Law Project of Student Legal Services consists of law students, who provide basic legal information on various topics in family law, such as divorce, separation, parenting time, child and spousal support ("maintenance"), matrimonial property, and adult interdependent relationships ("common law").

| **Edmonton Community Legal Centre (ECLC)** | **www.eclc.ca**  
**Ph:** 780-702-1725 |
|---------------------------------------------|---------------------|
| Telus House, South Tower  
Second Floor 10020 – 100 Street  
Edmonton, AB T5J 0N3 |                      |

Provides legal services for low-income Albertans in certain areas of family and civil law. These services include free legal information, referral, and legal education. ECLC may also be able to provide legal advice if you fall within their eligibility criteria. Much of their legal information can be found on their website, as well as the time, dates, and locations of their public legal education programs. Additionally, ECLC has a fee waiver program if your income and document fall within their guidelines.

<table>
<thead>
<tr>
<th><strong>Legal Aid Society of Alberta</strong></th>
<th><strong>Toll Free Ph:</strong> 1-866-845-3425</th>
</tr>
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</table>
| Revillon Building  
Suite 600 – 10320 102 Avenue  
Edmonton, AB T5J 4A1 |                      |

Provides assistance is provided through information, referrals, advice, and/or representation, depending on what your matter is and which eligibility guidelines you meet.

<table>
<thead>
<tr>
<th><strong>Lawyer Referral Service</strong></th>
<th><strong>Toll Free Ph:</strong> 1-800-661-1095</th>
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<tbody>
<tr>
<td></td>
<td>Can help you find out contact information for practicing lawyers as well as who an appropriate lawyer may be for your matter. Generally, lawyers can provide a 30 minute consultation over the phone.</td>
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<thead>
<tr>
<th><strong>Edmonton Resolution Support Services</strong></th>
<th><strong>Ph:</strong> 780-415-0404</th>
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</table>
| Rm 8124, 8th Floor - John E Brownlee Building  
10365 97 Street NW  
Edmonton, AB T5J 3W7 |                      |
Edmonton Resolution Support Services provides various services to assist individuals dealing with a family or civil matter. They have numerous free services, such as Family Court Counsellors, Family Mediation, Child Protection and Intervention Mediation, Civil Mediation, and assistance on Court Forms and Orders.

<table>
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<tr>
<th>Centre for Public Legal Education Alberta (CPLEA)</th>
<th>Ph: 780-451-8764</th>
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<tr>
<td><a href="http://www.cplea.ca">www.cplea.ca</a></td>
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CPLEA provides detailed legal information online to the Alberta public on various areas of the law.

**NOTE:** They do not provide legal assistance or advice or answer specific legal questions.

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<tr>
<th>Dial-a-Law</th>
<th>Toll-Free Ph: 1-800-332-1091</th>
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<tbody>
<tr>
<td><a href="http://clg.ab.ca/programs-services/dial-a-law/">http://clg.ab.ca/programs-services/dial-a-law/</a></td>
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</tr>
</tbody>
</table>

Dial-a-Law is provided by Calgary Legal Guidance for all Albertans. You can call the toll-free number to receive general information on a variety of legal topics. If you have access to a computer, you can go to their website and choose to either read or listen to the information.

**FINANCIAL RESOURCES**

<table>
<thead>
<tr>
<th>Alberta Supports Centre (Various Locations)</th>
<th>Ph: 1-877-644-9992</th>
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<tbody>
<tr>
<td>Edmonton Central Location</td>
<td></td>
</tr>
<tr>
<td>10242 105 Street NW</td>
<td></td>
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<tr>
<td>Edmonton, AB T5J 3L5</td>
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</tbody>
</table>

Assists individuals and families with accessing various financial, family, and social supports (Alberta Works and AISH).

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<tr>
<th>Service Canada (Various Locations)</th>
<th>Ph: 1-800-622-6232</th>
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<tbody>
<tr>
<td>Downtown Location:</td>
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<tr>
<td>Main Floor Canada Place</td>
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</tr>
<tr>
<td>9700 Jasper Avenue</td>
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<tr>
<td>Edmonton, AB T5J 4C1</td>
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</table>

Service Canada is a starting point for individuals seeking to access Federal government services and benefits, such as Employment Insurance and passports.

**OTHER RESOURCES**

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<tr>
<th>Provincial Court Clerks – Family</th>
<th>Edmonton: 1-855-738-4747</th>
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Clerks are able to assist in providing information for Provincial Court Family matters regarding judicial procedures, court appearances, trial dates, adjournments, outstanding warrants, summonses, subpoenas, witness fees, and payment of fines. It is not their role to provide you with legal advice.
Edmonton Resolution Support Services  
8th Floor - John E Brownlee Building  
10365 97 Street NW  
Edmonton, AB T5J 3W7  
Ph: 780-415-0404

Provides various services to assist individuals dealing with a family or civil matter. They have numerous free services, such as Family Court Counsellors, Family Mediation, Child Protection and Intervention Mediation, Civil Mediation, and assistance on Court Forms and Orders.

Maintenance Enforcement Program (MEP)  
Ph: 310-0000 ext 780-422-5555  
24h Tip Line: 310-0000 ext 780-401-8477

A government agency that acts as a third party in child, spousal, and partner support transactions. It collects and enforces court-ordered support from the payor and forwards the amount to the recipient. Either the payor or recipient can register for MEP. To register, you need to obtain a court order before filling out and submitting specific forms, found on their website: [https://justice.alberta.ca/programs_services/mep/Pages/default.aspx](https://justice.alberta.ca/programs_services/mep/Pages/default.aspx)

Emergency Protection Order Program  
Ph: 780-422-9222  
*If after business hours, contact local police*

For those who have been the recipient of family violence and are seeking immediate protection from further harm. The free program will provide help with risk assessments and safety plans, provide information, and provide a lawyer for the purpose of obtaining an Emergency Protection Order (EPO). This lawyer is not being provided to assist you with anything beyond the EPO.

Family Violence Info Line  
General Info Line - 24 Hour Toll-Free Ph: 310-1818 (no area code)  
Emergency Financial Support: 1-866-644-5135  
Family Violence and Tenancy Concerns: 1-877-644-9992  
Sexual Assault Centers: 780-482-4357

The Family Violence Info Line provides callers with an opportunity to speak with trained staff regarding their situation and options.

The Family Centre, Edmonton  
#20, 9912-106 Street  
Edmonton, AB T5K 1C5  
Ph: 780-423-2831

The Family Centre provides subsidized counselling services, parenting workshops, and therapy sessions. They also offer translation services, family support services, and a safe visitation site for parents with supervised access to their children.