

## Publisher's Note

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Holland, Stalbecker-Pountney

## Cohabitation: The Law in Canada

This unique looseleaf is specifically focused on legislation and case law regulating domestic relations between unmarried spouses, including same-sex couples. Prepared by experts in the law of cohabitation and aided by contributions from experts from across Canada, each chapter deals with a particular topic and analyzes both the legislation and case law pertinent to that topic in the common law provinces and Quebec.

### What's New in this Update

This release features updates to the case law and commentary in Chapters 1 (Introduction), 2 (Property Rights in the Common Law Provinces), 3 (Support Obligations), 5 (Cohabitation Agreements) and 6 (Children).

### Highlights

Cases discussed in this release include the following:

- *Davies v. Chantree*, 2018 CarswellBC 2892 (B.C. S.C.), dealt with a woman's claim for division of assets in accordance with the *Family Law Act* (B.C.). The man's assertion that the woman was merely a tenant for

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the six years of their cohabitation was rejected by the court, which set out a number of indications that they were in a marriage-like relationship as defined by the Act.

- *Stapleton v. Stapleton*, 2018 CarswellBC 2782 (B.C. S.C.), dealt with ownership and possession of a home where each of the cohabiting couple claimed possession of the home; and the mother of the husband, whose name was on title along with the husband, claimed partition and sale of the home on the basis of moneys she had provided for its purchase. The court stayed the matter to allow the parties to settle their interest by February 1, 2019, at which time the house would be listed for sale if no agreement had been reached.
- *Bishop v. Wang*, 2018 CarswellBC 1164 (B.C. S.C.), additional reasons 2018 CarswellBC 3293 (B.C. S.C.), considered how debts should be divided upon separation of the couple who had been cohabiting for seven years and had one child.
- In *Skolney v. Nisha*, 2018 CarswellAlta 2552 (Alta. C.A.), the issue of validity of a domestic agreement was raised to the Court of Appeal and the wife's claims of undue influence, lack of independent legal advice, forgery amongst other claims were rejected both at trial and on appeal. The case dealt with a cohabitation and property agreement for a couple who subsequently married.