

ALIMONY FOR YOUR EX-GIRLFRIEND

In Canada having a girlfriend for some time is enough to automatically make you a "married couple" by law.

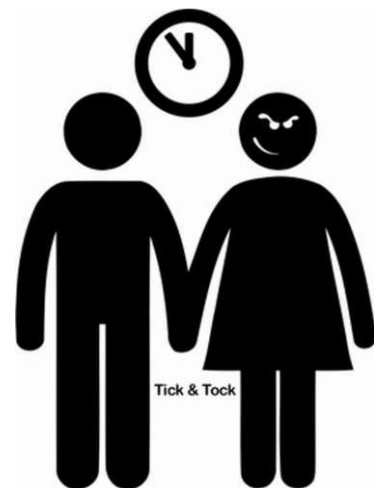
CITIZENSHIP & IMMIGRATION CANADA states that a common-law partner refers to a person who is living in a conjugal relationship **for one year***.

A conjugal relationship is established when the partners cohabit or support each other financially and emotionally or present themselves in public as a couple.

Common law couples have the same rights as married couples under federal law. From spousal support (alimony) to 50/50 split of assets*.

The law does not require both parties to give informed consent.


Common-law marriages have been ruled constitutional by Canada's Supreme Courts.



Automatic marriages (Common-law relationships) ensure that women get their fair share despite men's reluctance to marry

"Can dating or an affair make me a common-law spouse?" 

Yes. In the court case *Thauvette v Malvon*, the common law parties maintained separate residences. However, the man helped the woman purchase her home, and spent 4 or 5 nights per week at her home. The court found that the man and woman were cohabiting.

"Me and my girlfriend cohabited for 6 month, then we broke up for two years and then cohabited for another 6 months before finally breaking up. Have we been together for 1 year?" 

It depends on the province. In Ontario the law requires continuous cohabitation for there to be a common law relationship. In British Columbia, there is no requirement of continuity.

*The minimum number of months cohabiting required to established a common-law relationship varies from province to province. In Nova Scotia it's "2 years" in Newfoundland it's "1 year and a child together" in Yukon it's "relationship of some permanence". Specifics like property rights, inheritance rights and spousal support (alimony) for common-law couples also vary by province. For example in Saskatchewan married couples and common law couples have exactly the same legal rights and obligations, whereas in Ontario common-law spouses have less inheritance rights. Quebec is the only province that does not recognize common-law relationships.