



ʔaqam Matrimonial Real Property Law, 2015

Summary

The *ʔaqam Matrimonial Real Property Law, 2015* ("MRP") is a law that applies to spouses in common-law relationships or marriages who live on ʔaqam Reserve lands together where one or both of the spouses are members. This law governs how the family home will be divided if the marriage breaks down and permits the court to make emergency protection orders in the case of family violence.

The MRP has been developed based on consultation with the Lands Committee, the community, and Council. The following is a summary of the recommendations received and incorporated into the MRP:

Common-law

- the MRP only applies to married or common-law spouses
- the definition of common-law in the MRP is different than off Reserve, it requires couples to live together for five years or have a child together

Interspousal Contracts

- spouses can make their own written agreements about what they wish to have happen to the family home on the breakdown of a relationship or death of a spouse
- a court will be able to enforce these agreements
- this means if you are married to a non-member you write that you wish your spouse to remain in the family home for the rest of their life and this could be enforced
- you could also agree to value your family home differently than in the MRP or that one spouse has no interest in the family home if the marriage breaks down

Division of Property upon Breakdown of Marriage or Death of a Spouse

- spouses are each entitled to one half of the fair market value (what a buyer would pay) of the appreciation in the family home during the relationship, less any debts owed to buy, improve or maintain the home

Orders for Exclusive Occupation upon Breakdown of Marriage or Death of a Spouse

- either spouse may apply to court to stay in a family home that is not owned by ʔaqam and to have the other spouse leave, the court will consider many factors including the best interests of the children, if any
- a surviving spouse may stay in the family home that is not owned by ʔaqam for six months and may apply to a court to stay for longer
- occupation of houses owned by ʔaqam are governed by housing policies and rental agreements instead

Emergency Protection Orders

- in the case of family violence a spouse may apply to court for an emergency protection order that would exclude the spouse who has been violent from the home for a period of time
- the ability to apply for an emergency protection order applies to all family homes on Reserve, including rental homes