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legal matters | LITIGATION

ASK THE PROFESSIONAL

Q

If I am cohabiting with someone, does that entitle me to spousal support?

A

The issue of "cohabitation" has recently been examined in the courts, particularly what is referred to as the "low water mark" to disprove cohabitation. The "high water mark" has received a lot more attention it seems, i.e. how to prove cohabitation. Under the legislation, "cohabit" means to live together in a conjugal relationship, whether within or outside marriage. There are a number of factors the court will look at to try and determine if the parties cohabit together, including, but not limited to: whether the parties lived under the same roof, what were the sleeping arrangements, did they connect and communicate on a personal level, did they socialize and holiday together, what were the financial arrangements between them, and did they share household tasks. In fact, the considerations get a lot more detailed, as to fully understand the nature and extent of a party's relationship with another, and all of its elements -- it is not always so easy to say on the face of it after only a cursory observation. We do a lot of family/divorce law, with offices in Georgetown, Brampton and Caledon East. In light of COVID-19, we are doing most everything virtually. So we are happy to have a Zoom meeting or a telephone call without charge to you to see if we can assist you. Have a great weekend.

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Todd C. Hein
Partner
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