# AGENDA FOR JUSTICE
# BACKGROUNDER

**CANADIAN BAR ASSOCIATION** ALBERTA BRANCH

## DISTRIBUTION OF PROPERTY - **UNMARRIED COUPLES**

**Background:** There are no legislated rules that define how accumulated property is distributed when unmarried couples separate. Accordingly, the process can be inconsistent, complicated, and can lead to increased conflict. Individuals struggling with issues related to the breakdown of their relationship are a heavy demand on an already taxed judicial system. Many other provinces have in the last 10 years enacted legislation to fill this void.

**The Issue:** CBA Alberta members have expressed concern about this legislative gap which causes protracted conflict and litigation. Separating unmarried couples need consistent and predictable rules to help them determine how to distribute their property.

**Why the CBA is Involved:** The purpose of the CBA is to promote and improve the administration of justice and participate in law reform. It benefits members of the CBA and the public to have a consistent and predictable set of rules based on values such as equality that decrease conflict and the need for court intervention in disputes.

**Desired Outcome:** The Government of Alberta should enact legislation to define more specifically the principles and rules that govern the distribution of property accumulated by unmarried couples upon the breakup of their relationship. It is acknowledged that this will require complex policy decisions with significant impacts on the people of Alberta. However, the CBA believes that the overall benefits to society of legal certainty will outweigh the challenges created by legislative action.