



WILLS

Matter

YOU'RE A COMMON LAW SPOUSE, SO WHAT?

In the last edition of *Wills Matter*, we discussed who qualifies as a “common law spouse”. In this edition, we discuss the consequences of being a common law spouse.

In the last 10 years, the law in Canada and British Columbia with respect to the legal rights and obligations of common law spouses has significantly expanded. Today, common law spouses, including spouses of the same sex, have virtually all the same rights and obligations that “legal” spouses have in our society.

For example, in British Columbia, just as with any “legal” marriage, a common law spouse is entitled to ask the court to change the Will of their spouse under the British Columbia *Wills Variation Act* if the Will does not make “adequate” provision for that spouse.

As another example, if a person dies without a Will, his or her common law spouse is entitled to a share of his or her property under the British Columbia *Estate Administration Act*, which deals with “intestacies”.

Finally, even if you are separated from your common law spouse, your spouse may still have rights to your Estate.

We will discuss “intestacies” and the case of the “separated spouse” in later editions of *Wills Matter*.

The bottom line is that the law regarding common law spouses is evolving, and you need the advice of an experienced Estate Lawyer to assist you in your Estate planning or in determining whether you have a legal claim against the Estate of your deceased common law spouse.

Contact *Fulton & Company's Wills & Estates Team*

if you have any questions regarding wills or estate matters.

To view past articles, visit our web site.



BY DONALD KNAPP



BY LYLE BACKMAN, Q.C.



BY DANIEL CARROLL



**FULTON &
COMPANY** LLP

LAWYERS & TRADE-MARK AGENTS

WILLS & ESTATES LAWYERS

DON KNAPP

DENNIS HORI

RICK HENEY

LYLE BACKMAN, Q.C.

NICK WEISER

DAN CARROLL

300 - 350 Lansdowne Street, Kamloops, BC Phone: 250-372-5542 Fax: 250-851-2300

*This article has been provided by Fulton & Company LLP for informational purposes only and is not to be relied upon as legal advice. For legal advice on specific cases, please contact Fulton & Company LLP.

www.fultonco.com