

## Legal Moments

### Kim Doucett - Legal Moment – What determined common law in the eyes of the courts? (Jul 2019)

[phone ringing]

Receptionist: Cohen Highley

Announcer: And now the Cohen Highley Legal Moment on Fresh Radio.

Announcer: I'm here with Kim Doucett from Cohen Highley Lawyers. At what point are two people who live together considered common-law in the eyes of the courts?

Kim Doucett: As long as you both live in the same residence for 3 years and neither of your has a separate residence, you are considered common-law.

Announcer: Now what if you have another residence but you rent it out?

Kim Doucett: That's fine. Also if you have a child together and have resided together in a relationship of some permanence, you are also considered common-law.

Announcer: So, no three-year window in that scenario?

Kim Doucett: No. It is important to point out that common-law only applies to support rights, not to division of property. If you are not married, the person whose name is on title for the house for example is protected. Having said that, there is something called unjust enrichment in which one party has made substantial contributions to the property of another and seeks compensation, but that is a more complex issue than time allows for here.

Announcer: Thanks Kim. This has been the Cohen Highley Legal Moment.

[Music]

Singers: Cohen Highley, we're listening.

Announcer: [cohenhighley.com](http://cohenhighley.com)