

Adoption Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act</p> <p>“extended family” includes, in addition to the persons in the definition of “family”, aunts, uncles and cousins of a birth parent, a spouse of any of those persons, and any unmarried adult who is cohabiting in a relationship of some permanence with any of those persons of the opposite sex who is an unmarried adult;</p>		<p>Definitions</p> <p>1 In this Act</p> <p>“extended family” includes, in addition to the persons in the definition of “family”, aunts, uncles and cousins of a birth parent, <u>and a spouse or common-law partner</u> of any of those persons, and any unmarried adult who is cohabiting in a relationship of some permanence with any of those persons of the opposite sex who is an unmarried adult;</p> <p>“common-law partner” of a person means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship;</p>
<p>Application for placement</p> <p>36 Where</p> <p>(a) a husband and wife;</p> <p>(b) a man and a woman who are not married but are cohabiting as spouses; or</p> <p>(c) a single adult;</p> <p>desire to have a child who is a permanent ward placed in their home with a view to adopting that child, they may make an application to the child and family services agency having jurisdiction in the areas where they reside for that purpose.</p>		<p>Application for placement</p> <p>36 Where</p> <p>(a) a husband and wife;</p> <p>(b) a man and a woman who are not married but are cohabiting as spouses <u>common-law partners</u>; or</p> <p>(c) a single adult;</p> <p>desire to have a child who is a permanent ward placed in their home with a view to adopting that child, they may make an application to the child and family services agency having jurisdiction in the areas where they reside for that purpose.</p>

Adoption Act

Current Act:	should read	Proposed Act:
<p>Application 73(1) An application for an order of adoption may be made in the prescribed form</p> <ul style="list-style-type: none"> (a) jointly by a husband and wife or by a man and woman who are not married but are cohabiting as spouses, where at the time the application is made <ul style="list-style-type: none"> (i) they are jointly caring for and maintaining the child, and (ii) either applicant has had care and control of the child and has maintained the child for a least two consecutive years; or (b) by a person who at the time the application is made <ul style="list-style-type: none"> (i) is caring for and maintaining the child; and (ii) has had care and control of the child and has maintained the child for at least two consecutive years. 		<p>Application 73(1) An application for an order of adoption may be made in the prescribed form</p> <ul style="list-style-type: none"> (a) jointly by a husband and wife or by a man and woman who are not married but are cohabiting as spouses <u>common-law partners</u> where at the time the application is made <ul style="list-style-type: none"> (i) they are jointly caring for and maintaining the child, and (ii) either applicant has had care and control of the child and has maintained the child for a least two consecutive years; or (b) by a person who at the time the application is made <ul style="list-style-type: none"> (i) is caring for and maintaining the child; and (ii) has had care and control of the child and has maintained the child for at least two consecutive years.

Adoption Act

Current Act:	should read	Proposed Act:
<p style="text-align: center;">Division 6 ADOPTION BY PERSON WHO HAS MARRIED CHILD'S PARENT</p>		<p style="text-align: center;">Division 6 ADOPTION BY <u>SPOUSE OR COMMON-LAW PARTNER OF</u> PERSON WHO HAS MARRIED CHILD'S PARENT</p>
<p>Application 88 A person who</p> <ul style="list-style-type: none"> (a) is married to the parent of a child; or (b) is cohabiting with the parent of a child and is of the opposite sex to the parent; <p>may, together with that parent or alone but with the consent of that parent, apply to the court in the prescribed form to adopt the child if the child is living with the applicants and is being cared for by them.</p>		<p>Application 88 A person who</p> <ul style="list-style-type: none"> (a) is married to the parent of a child; or (b) is cohabiting with a <u>common-law partner of</u> the parent of a child and is of the opposite sex to the parent; <p>may, together with that parent or alone but with the consent of that parent, apply to the court in the prescribed form to adopt the child if the child is living with the applicants and is being cared for by them.</p>
<p>Regulation A3-19/99 Form AA-14 2. We have been living together as though husband and wife continuously since the ____ day of _____, _____ and we are currently living together and intend to continue to live together as though husband and wife on a permanent basis.</p>		<p>Regulation A3-19/99 Form AA-14 2. We have been living together as though husband and wife <u>common-law partners</u> continuously since the ____ day of _____, _____ and we are currently living together and intend to continue to live together as though husband and wife <u>common-law partners</u> on a permanent basis.</p>

Agricultural Producer's Organization Funding Act

Current Act:	should read	Proposed Act:
<p>Definition of "dependant" 10(1) In this section, "dependant" means a person who resides with a member of the agency and who is</p> <p>(a) the spouse of a member, including a person who is not married to the member but whom the member represents as his or her spouse; or</p> <p>(b) a child of the member.</p>		<p>Definition of "dependant" 10(1) In this section, "dependant" means a person who resides with a member of the agency and who is</p> <p>(a) the spouse of a member, including a person who is not married to the member but whom the member represents as his or her spouse; or</p> <p>(b) a child of the member.</p> <p>Definitions 10(1) In this section</p> <p><u>(a) "immediate family" means a person who resides with a member of the agency and who is</u></p> <p style="margin-left: 20px;">(i) <u>the spouse of a member;</u></p> <p style="margin-left: 20px;">(ii) <u>the common-law partner of a member; or</u></p> <p style="margin-left: 20px;">(iii) <u>any child of a member;</u></p> <p><u>(b) "common-law partner" means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>

Agricultural Producer's Organization Funding Act

Current Act:	should read	Proposed Act:
<p>Disqualification of agency members 10(2) No member of the agency shall participate in a determination by the agency under Part 3 that an organization is a qualified organization or that a qualified organization is the certified organization if</p> <ul style="list-style-type: none"> (a) the member is, or has been within a period of six months immediately preceding the date on which the determination or certification is to be made by the agency, a member of the executive, or an employee of the organization or any qualified organization that is being considered for certification; (b) any of his or her dependants is a member of the executive, or is an employee of the organization or any qualified organization that is being considered for certification; or (c) the member has, within a period of six months immediately preceding the date on which the determination or certification is to be made by the agency, acted as solicitor, counsel or agent for the organization or any qualified organization that is being considered for certification. 		<p>Disqualification of agency members 10(2) No member of the agency shall participate in a determination by the agency under Part 3 that an organization is a qualified organization or that a qualified organization is the certified organization if</p> <ul style="list-style-type: none"> (a) the member is, or has been within a period of six months immediately preceding the date on which the determination or certification is to be made by the agency, a member of the executive, or an employee of the organization or any qualified organization that is being considered for certification; (b) any of his or her dependants <u>immediate family</u> is a member of the executive, or is an employee of the organization or any qualified organization that is being considered for certification; or (c) the member has, within a period of six months immediately preceding the date on which the determination or certification is to be made by the agency, acted as solicitor, counsel or agent for the organization or any qualified organization that is being considered for certification.

Animal Liability Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act</p>		<p>Definitions 1(1) In this Act <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Defence to claim re damage by livestock 2(3) In an action brought under this section against the owner of livestock for damages for harm alleged to have been caused by the livestock while running at large, it is a defence for the owner to prove that</p> <p style="padding-left: 40px;">(a) his or her control of the livestock was in accordance with generally accepted agricultural practices; or</p> <p style="padding-left: 40px;">(b) the livestock was at large due to an act of God or the act or default of a person other than</p> <p style="padding-left: 80px;">(i) the owner,</p> <p style="padding-left: 80px;">(ii) an employee of the owner acting within the scope of his or her employment, or</p> <p style="padding-left: 80px;">(iii) the spouse or child of the owner, who is not estranged from him or her.</p>		<p>Defence to claim re damage by livestock 2(3) In an action brought under this section against the owner of livestock for damages for harm alleged to have been caused by the livestock while running at large, it is a defence for the owner to prove that</p> <p style="padding-left: 40px;">(a) his or her control of the livestock was in accordance with generally accepted agricultural practices; or</p> <p style="padding-left: 40px;">(b) the livestock was at large due to an act of God or the act or default of a person other than</p> <p style="padding-left: 80px;">(i) the owner,</p> <p style="padding-left: 80px;">(ii) an employee of the owner acting within the scope of his or her employment, or</p> <p style="padding-left: 80px;">(iii) the spouse, <u>common-law partner</u>, or child of the owner, who is not estranged from him or her.</p>

Civil Service Act

Current Act:	should read	Proposed Act:
Definitions 1(1) In this Act		Definitions 1(1) In this Act <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u>
Preference to veterans, etc. 14(2) Preference shall be given to any person who (c) is a Canadian citizen and is a surviving spouse of a person who died from causes arising during service as described in clause (a), (b), or (c) and who was domiciled in Canada at the time of the death of his or her spouse.		Preference to veterans, etc. 14(2) Preference shall be given to any person who (c) is a Canadian citizen and is a surviving spouse <u>or common-law partner</u> of a person who died from causes arising during service as described in clause (a), (b), or (c) and who was domiciled in Canada at the time of the death of his or her spouse <u>or common-law partner</u> .

Communities Economic Development Fund Act

Current Act:	should read	Proposed Act:
Definitions 1 In this Act,		Definitions 1 In this Act, <u>"family" means the spouse, common-law partner, son, daughter, brother, sister, parent, or grandparent of an individual;</u> <u>"common-law partner" means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u>

Consumer Protection Act

Current Act:	should read	Proposed Act:
<p>Definitions 1 In this Act,</p>		<p>Definitions 1 In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Delivery of Notice, etc. 50(1) A notice required by section 46 and 47, and the copy of the order and notice required by section 49, may be given to the buyer</p> <p style="padding-left: 40px;">(a) by delivering it personally to the buyer or to his spouse; or</p> <p style="padding-left: 40px;">(b) if the goods are in a dwelling at the time of repossession, by delivering it to any adult person who is present at the time of repossession and appears to reside in the dwelling; or</p> <p style="padding-left: 40px;">(c) by mailing it, by registered mail, addressed to the buyer at his last known address, in which case it shall be deemed to be given on the next business day after the date of mailing.</p>		<p>Delivery of Notice, etc. 50(1) A notice required by section 46 and 47, and the copy of the order and notice required by section 49, may be given to the buyer</p> <p style="padding-left: 40px;">(a) by delivering it personally to the buyer or to his spouse <u>or common-law partner;</u> or</p> <p style="padding-left: 40px;">(b) if the goods are in a dwelling at the time of repossession, by delivering it to any adult person who is present at the time of repossession and appears to reside in the dwelling; or</p> <p style="padding-left: 40px;">(c) by mailing it, by registered mail, addressed to the buyer at his last known address, in which case it shall be deemed to be given on the next business day after the date of mailing.</p>

Consumer Protection Act

Current Act:	should read	Proposed Act:
<p>Prohibitions 98 No person, whether on his own behalf or on behalf of another, directly, or through others, shall with respect to any loan of money to which this Act applies, or to any hire-purchase or sale of goods or services, or both</p> <p style="padding-left: 40px;">(f) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of the debtor, his spouse or his family; or</p> <p style="padding-left: 40px;">(h) except with the leave of the court, remove any goods claimed under seizure or distress unless the debtor, his spouse, his agent or an adult having possession and use of the goods with the consent of the debtor, is present at the time and is aware of the removal; or</p>		<p>Prohibitions 98 No person, whether on his own behalf or on behalf of another, directly, or through others, shall with respect to any loan of money to which this Act applies, or to any hire-purchase or sale of goods or services, or both</p> <p style="padding-left: 40px;">(f) make telephone calls or personal calls of such nature or with such frequency as to constitute harassment of the debtor, his spouse, <u>common-law partner</u>, or his family; or</p> <p style="padding-left: 40px;">(h) except with the leave of the court, remove any goods claimed under seizure or distress unless the debtor, his spouse, <u>common-law partner</u>, his agent or an adult having possession and use of the goods with the consent of the debtor, is present at the time and is aware of the removal; or</p>

Consumer Protection Act

Current Act:	should read	Proposed Act:
<p>(l) give, by implication, inference, or statement, directly or indirectly, any false information to any person or agency that may be detrimental to a debtor or his spouse; or</p> <p>(n) make telephone calls or personal calls of such a nature or with such frequency as to constitute harassment of any person in an effort to determine the present whereabouts of a debtor, his spouse or his family.</p>		<p>(l) give, by implication, inference, or statement, directly or indirectly, any false information to any person or agency that may be detrimental to a debtor or his spouse <u>or common-law partner</u>; or</p> <p>(n) make telephone calls or personal calls of such a nature or with such frequency as to constitute harassment of any person in an effort to determine the present whereabouts of a debtor, his spouse, <u>common-law partner</u>, or his family.</p>
<p>Leave to seize 100(1) For the purposes of clause 98(h), a person may apply to the court for leave to remove goods claimed under seizure or distress in the absence of the debtor, his spouse, his agent or an adult having possession and use of the goods with the consent of the debtor and subsections 49(2), (3) and (4) apply to the application.</p>		<p>Leave to seize 100(1) For the purposes of clause 98(h), a person may apply to the court for leave to remove goods claimed under seizure or distress in the absence of the debtor, his spouse <u>or common-law partner</u>, his agent or an adult having possession and use of the goods with the consent of the debtor and subsections 49(2), (3) and (4) apply to the application.</p>

Cooperatives Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p>		<p>Definitions</p> <p>1 In this Act,</p> <p><u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Associates</p> <p>2(5) For the purposes of this Act, a person is an associate of</p> <p style="padding-left: 40px;">(a) a body corporate of which the person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than 10% of the voting rights under all circumstances or because of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such shares or such convertible securities;</p> <p style="padding-left: 40px;">(b) a cooperative entity of which the person beneficially owns more than 10% of the voting rights that can be case at a meeting of the cooperative entity;</p> <p style="padding-left: 40px;">(c) a partnership, other than a limited partnership, of which the person is a partner;</p>		<p>Associates</p> <p>2(5) For the purposes of this Act, a person is an associate of</p> <p style="padding-left: 40px;">(a) a body corporate of which the person beneficially owns or controls, directly or indirectly, shares or securities currently convertible into shares carrying more than 10% of the voting rights under all circumstances or because of the occurrence of an event that has occurred and is continuing, or a currently exercisable option or right to purchase such shares or such convertible securities;</p> <p style="padding-left: 40px;">(b) a cooperative entity of which the person beneficially owns more than 10% of the voting rights that can be case at a meeting of the cooperative entity;</p> <p style="padding-left: 40px;">(c) a partnership, other than a limited partnership, of which the person is a partner;</p>

Cooperatives Act

Current Act:	should read	Proposed Act:
<p>(d) a limited partnership of which the person is the operating partner of or which the person beneficially owns more than 10% of the partnership interests;</p> <p>(e) an unincorporated entity, other than a partnership, of which the person beneficially owns more than 10% of the ownership interests or of which the person is the chief operating officer or chief administrative officer;</p> <p>(f) a partner of a partnership of which the person is also a partner;</p> <p>(g) a trust or an estate or succession in which the person has a substantial beneficial interest or serves as a trustee, administrator, executor or liquidator of the trust or of the estate or succession or in a similar capacity;</p> <p>(h) a spouse of the person if the spouse and the person are not living separate and apart because of marital breakdown;</p>	should read	<p>(d) a limited partnership of which the person is the operating partner of or which the person beneficially owns more than 10% of the partnership interests;</p> <p>(e) an unincorporated entity, other than a partnership, of which the person beneficially owns more than 10% of the ownership interests or of which the person is the chief operating officer or chief administrative officer;</p> <p>(f) a partner of a partnership of which the person is also a partner;</p> <p>(g) a trust or an estate or succession in which the person has a substantial beneficial interest or serves as a trustee, administrator, executor or liquidator of the trust or of the estate or succession or in a similar capacity;</p> <p>(h) a spouse <u>or common-law partner</u> of the person if the spouse <u>or common-law partner</u> and the person are not living separate and apart because of marital-a breakdown <u>in their relationship</u>;</p>

Cooperatives Act

Current Act:	should read	Proposed Act:
<p>(i) a child, grandchild, parent or grandparent, brother or sister of the person;</p> <p>(j) a child, grandchild, parent or grandparent of the spouse of the person if the person and the spouse are not living separate and apart because of marital breakdown; and</p> <p>(k) a relative of the person or the spouse of the person if the relative and the person have the same residence.</p>		<p>(i) a child, grandchild, parent or grandparent, brother or sister of the person;</p> <p>(j) a child, grandchild, parent or grandparent of the spouse <u>or common-law partner</u> of the person if the person and the spouse <u>or common-law partner</u> are not living separate and apart because of marital a breakdown <u>in their relationship</u>; and</p> <p>(k) a relative of the person or the spouse <u>or common-law partner</u> of the person if the relative and the person have the same residence.</p>

Corporations Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act, “associate” when used to indicate a relationship with any person means</p> <ul style="list-style-type: none"> (d) a spouse or child of that person, or (e) a relative of that person or of his spouse if that relative has the same residence as that person;. 		<p>Definitions</p> <p>1 In this Act, “associate” when used to indicate a relationship with any person means</p> <ul style="list-style-type: none"> (d) a spouse, <u>common-law partner</u> or child of that person, or (e) a relative of that person or of his spouse <u>or common-law partner</u> if that relative has the same residence as that person;. <p><u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Interpretation</p> <p>342.1(5) For the purposes of this Division, a natural person is affiliated with a corporation where the person</p> <ul style="list-style-type: none"> (a) is an officer or employee of the corporation or of an affiliate of the corporation; (b) has a significant interest in a class of shares of the corporation; (c) has a substantial investment in an affiliate of the corporation; (d) is a significant borrower in respect of the corporation; (e) is an officer or employee of an entity that is a significant borrower in respect of the corporation; 		<p>Interpretation</p> <p>342.1(5) For the purposes of this Division, a natural person is affiliated with a corporation where the person</p> <ul style="list-style-type: none"> (a) is an officer or employee of the corporation or of an affiliate of the corporation; (b) has a significant interest in a class of shares of the corporation; (c) has a substantial investment in an affiliate of the corporation; (d) is a significant borrower in respect of the corporation; (e) is an officer or employee of an entity that is a significant borrower in respect of the corporation;

Corporations Act

Current Act:	should read	Proposed Act:
<p>(f) controls one or more entities of which the total indebtedness to the corporation or to an affiliate of the corporation would cause those entities, if treated as a single entity, to be a significant borrower of the corporation.</p> <p>(g) provides good or services to the corporation, or is a partner or an employee in a partnership that provides goods or services to the corporation or an officer or employee of, or a person who has a substantial investment in, a body corporate that provides goods or services to the corporation, if the total annual billings to the corporation in respect of the goods and services provided exceeds ten per cent of the total annual billings of the person, partnership or body corporate, as the case may be;</p> <p>(h) has a loan that is not in good standing from the corporation or from an affiliate of the corporation or is a director, an officer or an employee of, or a person who controls, an entity that has a loan that is not in good standing from the corporation or from an affiliate of the corporation;</p> <p>(i) is the spouse of a person described in any of the clauses (a) to (h).</p>	<p>should read</p>	<p>(f) controls one or more entities of which the total indebtedness to the corporation or to an affiliate of the corporation would cause those entities, if treated as a single entity, to be a significant borrower of the corporation.</p> <p>(g) provides good or services to the corporation, or is a partner or an employee in a partnership that provides goods or services to the corporation or an officer or employee of, or a person who has a substantial investment in, a body corporate that provides goods or services to the corporation, if the total annual billings to the corporation in respect of the goods and services provided exceeds ten per cent of the total annual billings of the person, partnership or body corporate, as the case may be;</p> <p>(h) has a loan that is not in good standing from the corporation or from an affiliate of the corporation or is a director, an officer or an employee of, or a person who controls, an entity that has a loan that is not in good standing from the corporation or from an affiliate of the corporation;</p> <p>(i) is the spouse <u>or common-law partner</u> of a person described in any of the clauses (a) to (h).</p>

Credit Unions and Caisses Populaires Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act,</p> <p>"immediate family" means the spouse, son, daughter, brother, sister, parent, or grandparent of an individual;</p>		<p>Definitions 1(1) In this Act,</p> <p>"immediate family" means the spouse, <u>common-law partner</u>, son, daughter, brother, sister, parent, or grandparent of an individual;</p> <p>"<u>common-law partner</u>" means a person <u>who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Interest in contracts of relatives 91(2) A director or officer shall be deemed to have a material interest in any material contract in which any of the following persons is a party or in which they have a material interest:</p> <p style="padding-left: 40px;">(a) the spouse of the director or officer; or</p> <p style="padding-left: 40px;">(b) the parent, child, grandparent, grandchild, brother or sister of the director or officer or of the spouse of the director or officer; or</p> <p style="padding-left: 40px;">(c) the spouse of any person mentioned in clause (b).</p>		<p>Interest in contracts of relatives 91(2) A director or officer shall be deemed to have a material interest in any material contract in which any of the following persons is a party or in which they have a material interest:</p> <p style="padding-left: 40px;">(a) the spouse <u>or common-law partner</u> of the director or officer; or</p> <p style="padding-left: 40px;">(b) the parent, child, grandparent, grandchild, brother or sister of the director or officer or of the spouse <u>or common-law partner</u> of the director or officer; or</p> <p style="padding-left: 40px;">(c) the spouse <u>or common-law partner</u> of any person mentioned in clause (b).</p>

Department of Health Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act,</p>		<p>Definitions 1(1) In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Remedies of government 7(1) In addition to the provisions contained in an other Act of the Legislature, where the government provide for, becomes liable for, or incurs expenses in connection with, any of the following services, namely, the custody, apprehension, removal, transportation, care, maintenance, relief, support, hospitalization, or burial of, or medical or other services to, a person, if the services or the cost thereof and the charges therefor are not provided or payable by the government under any other Act of the Legislature,</p> <p>(a) that person, his executors or administrators and the husband or wife of that person, and his or her executor or administrators, or if the person is an infant, his parent or guardian, or any other person legally liable to pay such expenses, is liable to the Crown for the cost or amount thereof, and the Crown may recover the cost of amount thereof as a debt due to it by him, her, or them and</p>		<p>Remedies of government 7(1) In addition to the provisions contained in an other Act of the Legislature, where the government provide for, becomes liable for, or incurs expenses in connection with, any of the following services, namely, the custody, apprehension, removal, transportation, care, maintenance, relief, support, hospitalization, or burial of, or medical or other services to, a person, if the services or the cost thereof and the charges therefor are not provided or payable by the government under any other Act of the Legislature,</p> <p>(a) that person, his executors or administrators and the husband or wife <u>spouse or common-law partner</u> of that person, and his or her executor or administrators, or if the person is an infant, his parent or guardian, or any other person legally liable to pay such expenses, is liable to the Crown for the cost or amount thereof, and the Crown may recover the cost of amount thereof as a debt due to it by him, her, or them and</p>

Department of Health Act

Current Act:	Should read	Proposed Act:
<p>(b) the minister may register a statement showing the address for service of notices upon the minister, the costs and expenses that have been incurred on behalf of that person and the name of that person in any Land Titles Office in the province, and, from the time of the registration thereof, the statement binds and forms a lien and charge in favour of the Crown in right of Manitoba for the amount so certified on all lands of the debtor against which the certificate is registered by instrument charging specific land, and if registered in the general register, against all lands of the debtor in the Land Title District in which the certificate is registered that are held in a name identical to that of the debtor set forth in the certificate whether or not the lands are registered under <i>The Real Property Act</i>; and the statement when so registered has the same effect as if the debtor had under its hand and seal executed a lien charging the lands in favour of the minister.</p>		<p>(b) the minister may register a statement showing the address for service of notices upon the minister, the costs and expenses that have been incurred on behalf of that person and the name of that person in any Land Titles Office in the province, and, from the time of the registration thereof, the statement binds and forms a lien and charge in favour of the Crown in right of Manitoba for the amount so certified on all lands of the debtor against which the certificate is registered by instrument charging specific land, and if registered in the general register, against all lands of the debtor in the Land Title District in which the certificate is registered that are held in a name identical to that of the debtor set forth in the certificate whether or not the lands are registered under <i>The Real Property Act</i>; and the statement when so registered has the same effect as if the debtor had under its hand and seal executed a lien charging the lands in favour of the minister.</p>

Department of Health Act

Current Act:	Should read	Proposed Act:
<p>Additional advances paid included in lien 7(3) The statement mentioned in clause (1)(b) when registered shall, from the time of its being so registered, be held to cover all moneys paid out or expended by the government in connection with any of the services mentioned in subsection (1), not provided or payable as therein mentioned, and rendered or given to or on behalf of the person or his or her spouse or his or her child under the age of 18 years, after the date of registration thereof as well as before; and the statement and the lien or charge created thereby remains in force without renewal until discharged.</p>		<p>Additional advances paid included in lien 7(3) The statement mentioned in clause (1)(b) when registered shall, from the time of its being so registered, be held to cover all moneys paid out or expended by the government in connection with any of the services mentioned in subsection (1), not provided or payable as therein mentioned, and rendered or given to or on behalf of the person or his or her spouse <u>or common-law partner</u> or his or her child under the age of 18 years, after the date of registration thereof as well as before; and the statement and the lien or charge created thereby remains in force without renewal until discharged.</p>

Development Corporation Act

Current Act:	Should read	Proposed Act:
Definitions 1 In this Act		Definitions 1 In this Act <u>"family" means the spouse, common-law partner, son, daughter, brother, sister, parent, or grandparent of an individual;</u> <u>"common-law partner" means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u>

Elderly and Infirm Person's Housing Act

Current Act:	Should read	Proposed Act:
<p>Married person living separate 2 For the purposes of the definition "elderly persons", a married person who is living separate and apart from his or her spouse shall be deemed to be an unmarried person.</p>		<p>Married person living separate 2 For the purposes of the definition "elderly persons", a married person who is living separate and apart from his or her spouse shall be deemed to be an unmarried person.</p>

Elections Act

Current Act:	Should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act</p>		<p>Definitions</p> <p>1 In this Act</p> <p><u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Rules of residence</p> <p>35(1) In determining a person’s residence for the purposes of this Act, the following rules apply:</p> <p>Rule 5 The premises where a person’s spouse and infant children, if any, reside shall be deemed to be that person’s place of residence unless the person has taken up and continues a home at some other place with the intention of living there for an indefinite period separate and apart from the spouse and infant children, if any, in which case that other place shall be deemed to be that person’s place of residence.</p>		<p>Rules of residence</p> <p>35(1) In determining a person’s residence for the purposes of this Act, the following rules apply:</p> <p>Rule 5 The premises where a person’s spouse <u>or common-law partner</u> and infant children, if any, reside shall be deemed to be that person’s place of residence unless the person has taken up and continues a home at some other place with the intention of living there for an indefinite period separate and apart from the spouse or common-law partner and infant children, if any, in which case that other place shall be deemed to be that person’s place of residence.</p>

Employment and Income Assistance Act

Current Act:	Should read	Proposed Act:
<p>Definitions 1 In this Act</p>		<p>Definitions 1 In this Act</p> <p><u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Common law relationships 5(5) Where a man and a woman who are not legally married to each other are living together under circumstances that indicate to the director that they are living together as if they were married to each other, they shall, for the purposes of this Act and the regulations, be considered as legally married to one another and any application by either or both of them for income assistance or general assistance shall be dealt with in every respect as thought they were married to one another.</p>		<p>Common law relationships 5(5) Where a man and a woman <u>two persons</u> who are not legally married to each other are living together under circumstances that indicate to the director that they are living together as if they were married to each other <u>common-law partners</u>, they shall, for the purposes of this Act and the regulations, be considered as legally married to one another and any application by either or both of them for income assistance or general assistance shall be dealt with in every respect as thought they were married to one another.</p>

Family Farm Protection Act

Current Act:	Should read	Proposed Act:
<p>Definitions 1 In this Act,</p>		<p>Definitions 1 In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u></p>
<p>Disqualification of board members 3(13) No member of the board shall hear or participate in the making of a decision by the board in any matter in which the member</p> <p style="padding-left: 40px;">(a) is related by blood or marriage to any of the parties to the matter before the board; or</p> <p style="padding-left: 40px;">(b) has a pecuniary interest; or</p> <p style="padding-left: 40px;">(c) has, within a period of 6 months immediately preceding the date on which the matter was submitted to the board, acted as solicitor, counsel or agent for any of the parties to the matter before the board.</p>		<p>Disqualification of board members 3(13) No member of the board shall hear or participate in the making of a decision by the board in any matter in which the member</p> <p style="padding-left: 40px;">(a) is related by blood or marriage to, <u>or is a common-law partner of,</u> any of the parties to the matter before the board; or</p> <p style="padding-left: 40px;">(b) has a pecuniary interest; or</p> <p style="padding-left: 40px;">(c) has, within a period of 6 months immediately preceding the date on which the matter was submitted to the board, acted as solicitor, counsel or agent for any of the parties to the matter before the board.</p>

Family Maintenance Act

Current Act:	should read	Proposed Act:
<p>Occupancy of family residence 13(1) Where under this Part a court makes an order containing a provision under clause 10(1)(b), it may include in the order a provision that one of the spouses has the right to continue occupying the family residence, notwithstanding that the other spouse alone is the owner or lessee of the residence or that both spouses together are the owners or lessees of the residence, for such length of time and subject to such conditions as the court may order.</p>	should read	<p>Occupancy of family residence <u>home</u> 13(1) Where under this Part a court makes an order containing a provision under clause 10(1)(b), it may include in the order a provision that one of the spouses <u>or common-law partners</u> has the right to continue occupying the family residence <u>home</u>, notwithstanding that the other spouse <u>or common-law partner</u> alone is the owner or lessee of the residence <u>home</u> or that both spouses <u>or common-law partners</u> together are the owners or lessees of the residence <u>home</u>, for such length of time and subject to such conditions as the court may order.</p>
<p>Postponement of sale 13(2) Where an order made under this Part grants to one spouse the right under subsection (1) to continue occupying the family residence, the court may include in the order a provision that such rights as the other spouse may have as owner or lessee to apply for partition and sale or to sell or otherwise dispose of the residence be postponed subject to the right of occupancy contained in the order.</p>		<p>Postponement of sale 13(2) Where an order made under this Part grants to one spouse <u>or common-law partner</u> the right under subsection (1) to continue occupying the family residence <u>home</u>, the court may include in the order a provision that such rights as the other spouse <u>or common-law partner</u> may have as owner or lessee to apply for partition and sale or to sell or otherwise dispose of the residence <u>home</u> be postponed subject to the right of occupancy contained in the order.</p>

Family Maintenance Act

Current Act:	should read	Proposed Act:
<p>Right of occupancy restricted 13(3) No right of occupancy of a spouse ordered under this section shall continue after the rights of the other spouse as owner or lessee or of both spouses as owners or lessees, as the case may be, are terminated.</p>		<p>Right of occupancy restricted 13(3) No right of occupancy of a spouse <u>or common-law partner</u> ordered under this section shall continue after the rights of the other spouse <u>or common-law partner</u> as owner or lessee or of both spouses <u>or common-law partners</u> as owners or lessees, as the case may be, are terminated.</p>
<p>Unmarried cohabitation 14(1) Where common-law partners have cohabited for a period of at least one year and they are together the parents of a child, this Act applies with such modifications as the circumstances require.</p>		<p>Unmarried cohabitation 14(1) Where common law partners have cohabited for a period of at least one year and they are together the parents of a child, this Act applies with such modifications as the circumstances require.</p>

Farm Lands Ownership Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act</p>		<p>Definitions 1(1) In this Act <u>“common-law partner” means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</u> <u>(a) for a period of not less than 3 years, or</u> <u>(b) for a period of at least one year and they are together the parents of a child.</u></p>
<p>Meaning of “persons related to farmers” 1(4) For the purposes of this Act, a person is related to a farmer if he or she is</p> <p>(a) a spouse, child, father, mother, brother, sister, uncle, aunt, nephew, niece or first cousin of a farmer;</p> <p>(b) a child, father, mother, brother, sister, niece or nephew of a farmer’s spouse;</p> <p>(c) a son-in-law or daughter-in-law of a farmer;</p> <p>(d) a grandfather, grandmother, great-grandfather or great-grandmother of a farmer; or</p> <p>(e) a grandchild or great-grandchild of a farmer or a spouse of such a grandchild or great-grandchild.</p>		<p>Meaning of “persons related to farmers” 1(4) For the purposes of this Act, a person is related to a farmer if he or she is</p> <p>(a) a spouse <u>or common-law partner</u>, child, father, mother, brother, sister, uncle, aunt, nephew, niece or first cousin of a farmer;</p> <p>(b) a child, father, mother, brother, sister, niece or nephew of a farmer’s spouse <u>or common-law partner</u>;</p> <p>(c) a son-in-law or daughter-in-law of a farmer;</p> <p>(d) a grandfather, grandmother, great-grandfather or great-grandmother of a farmer; or</p> <p>(e) a grandchild or great-grandchild of a farmer or a spouse <u>or common-law partner</u> of such a grandchild or great-grandchild.</p>

Farm Lands Ownership Act

Current Act:	should read	Proposed Act:
<p>Relatives, etc. 3(14) A natural person, wherever resident, may take, acquire, receive or hold an interest in farm land if the interest is conveyed to the natural person by an eligible individual who has prior to the conveyance farmed the farm land for at least 10 years, or the spouse of an eligible individual who has farmed the farm land for at least 10 years, and if the natural person is the spouse, child, grandchild, brother, sister, nephew or niece of the person conveying the interest.</p> <p>Joint interest of spouse 3(15) A spouse of a person entitled to hold an interest in farm land under section 4 may hold an interest in the entitled person's interest in farm land as a joint tenant or as a tenant in common.</p>		<p>Relatives, etc. 3(14) A natural person, wherever resident, may take, acquire, receive or hold an interest in farm land if the interest is conveyed to the natural person by an eligible individual who has prior to the conveyance farmed the farm land for at least 10 years, or the spouse <u>or common-law partner</u> of an eligible individual who has farmed the farm land for at least 10 years, and if the natural person is the spouse <u>or common-law partner</u>, child, grandchild, brother, sister, nephew or niece of the person conveying the interest.</p> <p>Joint interest of spouse <u>or common-law partner</u> 3(15) A spouse <u>or common-law partner</u> of a person entitled to hold an interest in farm land under section 4 may hold an interest in the entitled person's interest in farm land as a joint tenant or as a tenant in common.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
Definitions 1 In this Act		Definitions 1 In this Act <u>“common-law partner”</u> means a person <u>who, not being married to the other person, cohabited with him or her in a conjugal relationship</u> (a) <u>for a period of not less than 3 years, or</u> (b) <u>for a period of at least one year and they are together the parents of a child,</u> <u>which person has not been living separate and apart from the other person for a period of more than one year due to a breakdown in the relationship;</u>
“election” means an election by an owner’s spouse under section 8;		“election” means an election by an owner’s spouse <u>or common-law spouse</u> under section 8;

<p>“homestead” means</p> <p>(a) in the case of a residence in a city, town or village occupied by the owner and the owner’s spouse as their home, the residence and the land on which it is situated, consisting of</p> <p>(b) in the case of a residence outside a city, town or village occupied by the owner and the owner’s spouse as their home, the residence and the land on which it is situated, consisting of not more than 320 acres or a half section, subject to the following conditions;</p> <p>(c) a unit and common interest within the meaning of <i>The Condominium Act</i>, occupied by the owner and the owner’s spouse as their home;</p>		<p>“homestead” means</p> <p>(a) in the case of a residence in a city, town or village occupied by the owner and the owner’s spouse <u>or common-law spouse</u> as their home, the residence and the land on which it is situated, consisting of</p> <p>(b) in the case of a residence outside a city, town or village occupied by the owner and the owner’s spouse <u>or common-law spouse</u> as their home, the residence and the land on which it is situated, consisting of not more than 320 acres or a half section, subject to the following conditions;</p> <p>(c) a unit and common interest within the meaning of <i>The Condominium Act</i>, occupied by the owner and the owner’s spouse <u>or common-law spouse</u> as their home;</p>
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Homesteads Act

Current Act:	should read	Proposed Act:
“ owner ” means a married person who is an owner of a homestead;		“ owner ” means a married person <u>or common-law partner</u> who is an owner of a homestead;
“ release ” means a release by an owner’s spouse of rights in a homestead under section 11;		“ release ” means a release by an owner’s spouse <u>or common-law partner</u> of rights in a homestead under section 11;
<p>Application of Act to persons under 18</p> <p>3 This Act applies to all married persons whether or not they are under the age of 18 years, and anything done under or by virtue of this Act by a married person under the age of 18 years is deemed to have been done by an adult.</p>		<p>Application of Act to persons under 18</p> <p>3 This Act applies to all married persons <u>or common-law partner</u> whether or not they are under the age of 18 years, and anything done under or by virtue of this Act by a married person <u>or common-law partner</u> under the age of 18 years is deemed to have been done by an adult.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Disposition prohibited without consent</p> <p>4 No owner shall, during his or her lifetime, make a disposition of his or her homestead unless</p> <p>(a) the owner's spouse consents in writing to the disposition;</p> <p>(b) the disposition is in favour of the owner's spouse;</p> <p>(c) the owner's spouse has released all rights in the homestead in favour of the owner under section 11;</p> <p>(d) the owner's spouse has an estate or interest in the homestead in addition to rights under this Act and, for the purpose of making a disposition of the spouse's estate or interest, is a party to the disposition made by the owner and executes the disposition for that purpose; or</p> <p>(e) the court has made an order dispensing with the consent of the owner's spouse under section 10.</p>		<p>Disposition prohibited without consent</p> <p>4 No owner shall, during his or her lifetime, make a disposition of his or her homestead unless</p> <p>(a) the owner's spouse <u>or common-law partner</u> consents in writing to the disposition;</p> <p>(b) the disposition is in favour of the owner's spouse <u>or common-law partner</u>;</p> <p>(c) the owner's spouse <u>or common-law partner</u> has released all rights in the homestead in favour of the owner under section 11;</p> <p>(d) the owner's spouse <u>or common-law partner</u> has an estate or interest in the homestead in addition to rights under this Act and, for the purpose of making a disposition of the spouse's <u>or common-law partner's</u> estate or interest, is a party to the disposition made by the owner and executes the disposition for that purpose; or</p> <p>(e) the court has made an order dispensing with the consent of the owner's spouse <u>or common-law partner</u> under section 10.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Proof of non-application of Act 5(1) Proof as to</p> <p>(a) whether a person who executes a document or instrument respecting a disposition is or is not married;</p> <p>(b) whether a person who consents to a disposition is the owner's spouse; or</p> <p>(c) whether land is or is not a homestead;</p> <p>may be made by affidavit, statutory declaration or a statement authorized under section 194 of <i>The Real Property Act</i>.</p>		<p>Proof of non-application of Act 5(1) Proof as to</p> <p>(a) whether a person who executes a document or instrument respecting a disposition is or is not married <u>or is or is not a common-law partner</u>;</p> <p>(b) whether a person who consents to a disposition is the owner's spouse <u>or common-law partner</u>; or</p> <p>(c) whether land is or is not a homestead;</p> <p>may be made by affidavit, statutory declaration or a statement authorized under section 194 of <i>The Real Property Act</i>.</p>
<p>Change of residence does not change homestead</p> <p>7 Even if an owner changes his or her residence, the homestead of the owner continues to be his or her homestead until</p> <p>(a) the owner's spouse consents in writing in the prescribed form to the change of homestead;</p> <p>(b) the owner's spouse releases his or her rights in the homestead in favour of the owner under section 11; or</p> <p>(c) the homestead is sold in accordance with this Act.</p>		<p>Change of residence does not change homestead</p> <p>7 Even if an owner changes his or her residence, the homestead of the owner continues to be his or her homestead until</p> <p>(a) the owner's spouse <u>or common-law partner</u> consents in writing in the prescribed form to the change of homestead;</p> <p>(b) the owner's spouse <u>or common-law partner</u> releases his or her rights in the homestead in favour of the owner under section 11; or</p> <p>(c) the homestead is sold in accordance with this Act.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Election after death of owner 8(1) If an owner and his or her spouse had, at the time of the owner's death, left the homestead and occupied another residence as their home without the spouse's written consent to a change of homestead, the spouse may elect that the residence occupied at the time of death shall be the homestead.</p> <p>When election must be made 8(2) No election shall be made after the earlier of</p> <p>(b) one month after notice is served on the spouse by the owner's personal representative requiring the spouse to make an election under this section.</p>		<p>Election after death of owner 8(1) If an owner and his or her spouse <u>or common-law partner</u> had, at the time of the owner's death, left the homestead and occupied another residence as their home without the spouse's <u>or common-law partner's</u> written consent to a change of homestead, the spouse <u>or common-law partner</u> may elect that the residence occupied at the time of death shall be the homestead.</p> <p>When election must be made 8(2) No election shall be made after the earlier of</p> <p>(c) one month after notice is served on the spouse <u>or common-law partner</u> by the owner's personal representative requiring the spouse <u>or common-law partner</u> to make an election under this section.</p>
<p>Election must be in writing 8(3) An election shall be made in writing in the prescribed form and be signed by the owner's spouse.</p>		<p>Election must be in writing 8(3) An election shall be made in writing in the prescribed form and be signed by the owner's spouse <u>or common-law partner</u>.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>If surviving spouse does not elect 8(5) When, in a case to which subsection (1) applies,</p> <p>(a) the owner's spouse does not make an election within the time referred to in subsection (2); or</p> <p>(b) the owner's spouse notifies the owner's personal representative in writing that he or she does not wish to make an election;</p> <p>the spouse is not entitled to a life estate in the residence occupied by the owner and the owner's spouse at the time of the owner's death.</p>		<p>If surviving spouse <u>or common-law partner</u> does not elect 8(5) When, in a case to which subsection (1) applies,</p> <p>(a) the owner's spouse <u>or common-law partner</u> does not make an election within the time referred to in subsection (2); or</p> <p>(b) the owner's spouse <u>or common-law partner</u> notifies the owner's personal representative in writing that he or she does not wish to make an election;</p> <p>the spouse <u>or common-law partner</u> is not entitled to a life estate in the residence occupied by the owner and the owner's spouse <u>or common-law partner</u> at the time of the owner's death.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Consent to include acknowledgement by spouse 9(4) The form of consent to a disposition or a change of homestead shall include an acknowledgement by the owner's spouse, made apart from the owner,</p> <p>(a) that the spouse is aware that <i>The Homesteads Act</i> gives the spouse a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent;</p> <p>(b) that the spouse is aware that the effect of the consent is to give up, to the extent necessary to give effect to the disposition or change of homestead, his or her life estate in the homestead; and</p> <p>(c) that the spouse executes the consent freely and voluntarily without any compulsion on the part of the owner.</p>		<p>Consent to include acknowledgement by spouse <u>or common-law partner</u> 9(4) The form of consent to a disposition or a change of homestead shall include an acknowledgement by the owner's spouse <u>or common-law partner</u>, made apart from the owner,</p> <p>(a) that the spouse <u>or common-law partner</u> is aware that <i>The Homesteads Act</i> gives the spouse <u>or common-law partner</u> a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent;</p> <p>(b) that the spouse <u>or common-law partner</u> is aware that the effect of the consent is to give up, to the extent necessary to give effect to the disposition or change of homestead, his or her life estate in the homestead; and</p> <p>(c) that the spouse <u>or common-law partner</u> executes the consent freely and voluntarily without any compulsion on the part of the owner.</p>
<p>Consent as conclusive evidence 9(6) A consent made in accordance with this section is conclusive proof of the truth of the statements contained in it and of the fact that the spouse who executed it was at the date of execution the spouse of the owner named in it, except against a person acquiring an interest under the disposition who has actual knowledge to the contrary or who participated or colluded in fraud in respect of the disposition.</p>		<p>Consent as conclusive evidence 9(6) A consent made in accordance with this section is conclusive proof of the truth of the statements contained in it and of the fact that the spouse <u>or common-law partner</u> who executed it was at the date of execution the spouse <u>or common-law partner</u> of the owner named in it, except against a person acquiring an interest under the disposition who has actual knowledge to the contrary or who participated or colluded in fraud in respect of the disposition.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Court may dispense with consent 10(1) If an owner wishes to dispose of the homestead and the owner's spouse</p> <p>(a) has been living separate and apart from the owner for six months or more; or</p> <p>(b) is mentally incapable of giving consent;</p> <p>the court may, on application by any person interested in the disposition, make an order dispensing with the consent of the owner's spouse if it appears fair and reasonable under the circumstances to do so.</p>		<p>Court may dispense with consent 10(1) If an owner wishes to dispose of the homestead and the owner's spouse <u>or common-law partner</u></p> <p>(a) has been living separate and apart from the owner for six months or more; or</p> <p>(b) is mentally incapable of giving consent;</p> <p>the court may, on application by any person interested in the disposition, make an order dispensing with the consent of the owner's spouse <u>or common-law partner</u> if it appears fair and reasonable under the circumstances to do so.</p>
<p>Terms and conditions 10(3) The court may make an order under subsection (1) subject to any terms and conditions relating to notice, payment to the owner's spouse, or otherwise, that the court considers appropriate.</p>		<p>Terms and conditions 10(3) The court may make an order under subsection (1) subject to any terms and conditions relating to notice, payment to the owner's spouse <u>or common-law partner</u>, or otherwise, that the court considers appropriate.</p>
<p>Spouse may release rights 11(1) An owner's spouse may, in writing in the prescribed form and for valuable consideration, release in favour of the owner all rights under this Act in respect of the homestead.</p>		<p>Spouse <u>or common-law partner</u> may release rights 11(1) An owner's spouse <u>or common-law partner</u> may, in writing in the prescribed form and for valuable consideration, release in favour of the owner all rights under this Act in respect of the homestead.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Release to include acknowledgement by spouse 11(3) The form of release shall include an acknowledgement by the owner's spouse, made apart from the owner,</p> <p>(a) that the spouse is aware that <i>The Homesteads Act</i> gives the spouse a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent;</p> <p>(b) that the spouse is aware that the effect of the release is to give up the life estate in the homestead; and</p> <p>(c) that the spouse executes the release freely and voluntarily without any compulsion on the part of the owner.</p>		<p>Release to include acknowledgement by spouse <u>or common-law partner</u> 11(3) The form of release shall include an acknowledgement by the owner's spouse <u>or common-law partner</u>, made apart from the owner,</p> <p>(a) that the spouse <u>or common-law partner</u> is aware that <i>The Homesteads Act</i> gives the spouse a life estate in the homestead and the right to prevent disposition of the homestead by withholding consent;</p> <p>(b) that the spouse <u>or common-law partner</u> is aware that the effect of the release is to give up the life estate in the homestead; and</p> <p>(c) that the spouse <u>or common-law partner</u> executes the release freely and voluntarily without any compulsion on the part of the owner.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Release as conclusive evidence 11(4) A release made in accordance with this section is conclusive proof</p> <p>(a) of the truth of the statements contained in the release;</p> <p>(b) of the fact that the spouse who executed the release was at the date of execution the spouse of the owner named in it; and</p> <p>(c) that the spouse received valuable consideration for giving the release;</p> <p>except against a person acquiring an interest under a disposition who has actual knowledge to the contrary.</p>		<p>Release as conclusive evidence 11(4) A release made in accordance with this section is conclusive proof</p> <p>(a) of the truth of the statements contained in the release;</p> <p>(b) of the fact that the spouse <u>or common-law partner</u> who executed the release was at the date of execution the spouse <u>or common-law partner</u> of the owner named in it; and</p> <p>(c) that the spouse <u>or common-law partner</u> received valuable consideration for giving the release;</p> <p>except against a person acquiring an interest under a disposition who has actual knowledge to the contrary.</p>
<p>Effect of registration of release in L.T.O. 12 On the registration of a release in the appropriate land titles office, the land described in the release ceases to be a homestead, and the owner's spouse ceases to have any rights under this Act in the land described in the release.</p>		<p>Effect of registration of release in L.T.O. 12 On the registration of a release in the appropriate land titles office, the land described in the release ceases to be a homestead, and the owner's spouse <u>or common-law spouse</u> ceases to have any rights under this Act in the land described in the release.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Consent to terminate release 13 An owner and the owner's spouse may terminate a release by each of them signing a written consent to terminate in the prescribed form, and on the registration of the consent in the appropriate land titles office, the land to which the consent relates is again the homestead, subject to any rights that have arisen since the giving of the release.</p>		<p>Consent to terminate release 13 An owner and the owner's spouse <u>or common-law partner</u> may terminate a release by each of them signing a written consent to terminate in the prescribed form, and on the registration of the consent in the appropriate land titles office, the land to which the consent relates is again the homestead, subject to any rights that have arisen since the giving of the release.</p>
<p>Order terminating release 14(1) The court may, on application by either an owner or an owner's spouse, make an order terminating a release and directing the district registrar to discharge the release if the court is satisfied that</p> <p>(a) the release was given without adequate valuable consideration;</p> <p>(b) the release was given by reason of the spouses having been separated;</p> <p>(c) the spouses have reconciled and resumed cohabitation; and</p> <p>(d) the rights or interests of any third party will not be adversely affected by a termination of the release.</p>		<p>Order terminating release 14(1) The court may, on application by either an owner or an owner's spouse <u>or common-law partner</u>, make an order terminating a release and directing the district registrar to discharge the release if the court is satisfied that</p> <p>(a) the release was given without adequate valuable consideration;</p> <p>(b) the release was given by reason of the spouses <u>or common-law partners</u> having been separated;</p> <p>(c) the spouses <u>or common-law partners</u> have reconciled and resumed cohabitation; and</p> <p>(d) the rights or interests of any third party will not be adversely affected by a termination of the release.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>REMEDY OF SPOUSE</p> <p>Liability for fraudulent disposition 16(1) An owner who makes a fraudulent or wrongful disposition of the homestead by failing to obtain</p> <p>(a) the consent of his or her spouse as required by this Act; or</p> <p>(b) an order dispensing with the spouse's consent under section 10;</p> <p>is liable to the spouse in an action for damages.</p> <p>Limitation period 16(4) No action shall be commenced under this section after the earlier of</p> <p>(a) six months from the discovery by the owner's spouse of the disposition; or</p> <p>(b) six months from the date of death of the owner.</p>		<p style="text-align: center;"><u>REMEDY OF SPOUSE OR COMMON-LAW PARTNER</u></p> <p>Liability for fraudulent disposition 16(1) An owner who makes a fraudulent or wrongful disposition of the homestead by failing to obtain</p> <p>(a) the consent of his or her spouse <u>or common-law partner</u> as required by this Act; or</p> <p>(b) an order dispensing with the spouse's <u>or common-law partner's</u> consent under section 10;</p> <p>is liable to the spouse <u>or common-law partner</u> in an action for damages.</p> <p>Limitation period 16(4) No action shall be commenced under this section after the earlier of</p> <p>(a) six months from the discovery by the owner's spouse <u>or common-law partner</u> of the disposition; or</p> <p>(b) six months from the date of death of the owner.</p>
<p>Damages 16(5) The court may, in its discretion, determine the amount of a spouse's damages under this section, subject to such terms and conditions as the court considers appropriate.</p>		<p>Damages 16(5) The court may, in its discretion, determine the amount of a spouse's <u>or common-law partner's</u> damages under this section, subject to such terms and conditions as the court considers appropriate.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Claim on assurance fund 17 If</p> <p>(a) an owner's spouse recovers damages under section 16 which cannot be satisfied in whole or in part out of the property of the owner; and</p> <p>(b) the requirements of subsection 16(2) have been met;</p> <p>the provisions of <i>The Real Property Act</i> respecting actions against district registrars and recovery from the assurance fund apply, with necessary modifications.</p>		<p>Claim on assurance fund 17 If</p> <p>(a) an owner's spouse <u>or common-law partner</u> recovers damages under section 16 which cannot be satisfied in whole or in part out of the property of the owner; and</p> <p>(b) the requirements of subsection 16(2) have been met;</p> <p>the provisions of <i>The Real Property Act</i> respecting actions against district registrars and recovery from the assurance fund apply, with necessary modifications.</p>
<p>Registration of judgment 18 If an owner's spouse recovers a judgment against the owner under section 16 and the judgment has been fully paid,</p> <p>(a) the owner's spouse ceases to have any rights under this Act in any land registered or to be registered in the owner's name; and</p>		<p>Registration of judgment 18 If an owner's spouse <u>or common-law partner</u> recovers a judgment against the owner under section 16 and the judgment has been fully paid,</p> <p>(a) the owner's spouse <u>or common-law partner</u> ceases to have any rights under this Act in any land registered or to be registered in the owner's name; and</p>
<p>Right to register homestead notice 19(1) An owner's spouse who is entitled to rights in a homestead under this Act may register a homestead notice in the prescribed form in the appropriate land titles office claiming an interest in the homestead.</p>		<p>Right to register homestead notice 19(1) An owner's spouse <u>or common-law partner</u> who is entitled to rights in a homestead under this Act may register a homestead notice in the prescribed form in the appropriate land titles office claiming an interest in the homestead.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Vacating of notice 20(2) A homestead notice shall be vacated by the district registrar</p> <p>(a) on the registration of a consent by the owner's spouse to a disposition that disposes of all of the owner's interest in the entire homestead;</p> <p>(b) on the registration of a consent by the spouse to a change of the homestead;</p> <p>(c) on the registration of a release by the spouse, in favour of the owner, of the spouse's rights in respect of the homestead;</p> <p>(d) on the filing of proof, satisfactory to the district registrar, of the death of the spouse;</p> <p>(e) on the filing of an order of the court under section 10 dispensing with the consent of the spouse to a disposition of the homestead;</p> <p>(f) on the filing of proof, satisfactory to the district registrar, that the spouses are divorced; and</p> <p>(g) on registration of a transfer or conveyance to complete a sale of the homestead by a disposition to which the spouse has consented.</p>		<p>Vacating of notice 20(2) A homestead notice shall be vacated by the district registrar</p> <p>(a) on the registration of a consent by the owner's spouse <u>or common-law partner</u> to a disposition that disposes of all of the owner's interest in the entire homestead;</p> <p>(b) on the registration of a consent by the spouse <u>or common-law partner</u> to a change of the homestead;</p> <p>(c) on the registration of a release by the spouse <u>or common-law partner</u>, in favour of the owner, of the spouse's <u>or common-law partner's</u> rights in respect of the homestead;</p> <p>(d) on the filing of proof, satisfactory to the district registrar, of the death of the spouse <u>or common-law partner</u>;</p> <p>(e) on the filing of an order of the court under section 10 dispensing with the consent of the spouse <u>or common-law partner</u> to a disposition of the homestead;</p> <p>(f) on the filing of proof, satisfactory to the district registrar, that the spouses are divorced <u>or the common-law partners have ceased cohabitation for at least one year</u>; and</p> <p>(g) on registration of a transfer or conveyance to complete a sale of the homestead by a disposition to which the spouse <u>or common-law partner</u> has consented.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Effect of consent where homestead notice registered 20(3) Notwithstanding that a homestead notice has been registered, if</p> <p>(a) the owner's spouse has consented to a disposition of the homestead that does not dispose of all of the owner's interest in the entire homestead; or</p> <p>(b) the court has made an order under section 10 dispensing with the consent of the spouse to a disposition of the homestead that does not dispose of all of the owner's interest in the entire homestead;</p> <p>the district registrar may complete registration of the disposition free of the homestead notice, but the notice is not thereby vacated or made ineffective in respect of any legal or equitable title or interest of the owner in the homestead that is not affected by the disposition.</p>		<p>Effect of consent where homestead notice registered 20(3) Notwithstanding that a homestead notice has been registered, if</p> <p>(a) the owner's spouse <u>or common-law partner</u> has consented to a disposition of the homestead that does not dispose of all of the owner's interest in the entire homestead; or</p> <p>(b) the court has made an order under section 10 dispensing with the consent of the spouse <u>or common-law partner</u> to a disposition of the homestead that does not dispose of all of the owner's interest in the entire homestead;</p> <p>the district registrar may complete registration of the disposition free of the homestead notice, but the notice is not thereby vacated or made ineffective in respect of any legal or equitable title or interest of the owner in the homestead that is not affected by the disposition.</p>
<p>Life estate on death of owner 21(1) When an owner dies leaving a surviving spouse, the spouse is entitled to a life estate in the homestead as fully and effectually as if the owner had by will left the spouse a life interest in the homestead.</p>		<p>Life estate on death of owner 21(1) When an owner dies leaving a surviving spouse <u>and/or common-law partner</u>, the spouse <u>or common-law partner who first acquired homestead rights in the property</u> is entitled to a life estate in the homestead as fully and effectually as if the owner had by will left the spouse <u>or common-law partner</u> a life interest in the homestead.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Disposition subject to a life estate 21(2) Any disposition of a homestead by the owner's will is subject to the spouse's entitlement to a life estate in that homestead under subsection (1).</p> <p>Consent to disposition after death of owner 22(1) An owner's spouse may consent to a disposition of his or her interest in the homestead after the death of the owner.</p>		<p>Disposition subject to a life estate 21(2) Any disposition of a homestead by the owner's will is subject to the spouse's <u>or common-law partner's</u> entitlement to a life estate in that homestead under subsection (1).</p> <p>Consent to disposition after death of owner 22(1) An owner's spouse <u>or common-law partner</u> may consent to a disposition of his or her interest in the homestead after the death of the owner.</p>
<p>Form and execution of consent 22(2) A consent under subsection (1) shall be in the prescribed form and be executed by the owner's spouse in the presence of a witness who shall</p> <p>(a) verify the signature of the spouse by an affidavit of execution; or</p> <p>(b) if the witness is a person described in subsection 72(4) of <i>The Real Property Act</i>, comply with the requirements of that subsection.</p>		<p>Form and execution of consent 22(2) A consent under subsection (1) shall be in the prescribed form and be executed by the owner's spouse <u>or common-law partner</u> in the presence of a witness who shall</p> <p>(a) verify the signature of the spouse <u>or common-law partner</u> by an affidavit of execution; or</p> <p>(b) if the witness is a person described in subsection 72(4) of <i>The Real Property Act</i>, comply with the requirements of that subsection.</p>

<p>Authority of spouse's attorney 23(1) A consent to a disposition, a consent to a change of homestead or a release may be executed by an attorney on behalf of an owner's spouse if the power of attorney expressly authorizes the attorney to execute a consent or release under this Act.</p>		<p>Authority of spouse's <u>or common-law partner's</u> attorney 23(1) A consent to a disposition, a consent to a change of homestead or a release may be executed by an attorney on behalf of an owner's spouse <u>or common-law partner</u> if the power of attorney expressly authorizes the attorney to execute a consent or release under this Act.</p>
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Homesteads Act

Current Act:	should read	Proposed Act:
<p>Owner cannot be attorney 23(2) Despite subsection (1), an owner shall not execute a consent, a release, a consent to terminate a release or a discharge of homestead notice as attorney for his or her spouse.</p>		<p>Owner cannot be attorney 23(2) Despite subsection (1), an owner shall not execute a consent, a release, a consent to terminate a release or a discharge of homestead notice as attorney for his or her spouse <u>or common-law partner</u>.</p>
<p>Spouse's acknowledgement of power by attorney apart from owner 23(3) An owner's spouse who appoints an attorney to give a consent or release under this Act shall, when executing the power of attorney, acknowledge apart from the owner</p> <p>(a) that the spouse is executing the power of attorney freely and voluntarily without any compulsion on the part of the owner; and</p> <p>(b) that the spouse is aware of the nature and effect of the power of attorney.</p>		<p>Spouse's <u>or common-law partner's</u> acknowledgement of power by attorney apart from owner 23(3) An owner's spouse <u>or common-law partner</u> who appoints an attorney to give a consent or release under this Act shall, when executing the power of attorney, acknowledge apart from the owner</p> <p>(a) that the spouse <u>or common-law partner</u> is executing the power of attorney freely and voluntarily without any compulsion on the part of the owner; and</p> <p>(b) that the spouse or common-law <u>partner</u> is aware of the nature and effect of the power of attorney.</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Acknowledgement by attorney 23(5) When a consent or release is executed by an attorney or a committee of or a substitute decision maker for property for an owner's spouse, the acknowledgement required under subsection 9(4) or 11(3) need not form part of the consent or release, by the attorney, committee or substitute decision maker for property shall execute the consent or release in the presence of a witness who shall</p> <p>(a) verify the signature of the attorney, committee or substitute decision maker for property by an affidavit of execution; or</p> <p>(b) if the witness is a person described in subsection 72(4) of <i>The Real Property Act</i>, comply with the requirements of that subsection.</p>		<p>Acknowledgement by attorney 23(5) When a consent or release is executed by an attorney or a committee of or a substitute decision maker for property for an owner's spouse <u>or common-law partner</u>, the acknowledgement required under subsection 9(4) or 11(3) need not form part of the consent or release, by the attorney, committee or substitute decision maker for property shall execute the consent or release in the presence of a witness who shall</p> <p>(a) verify the signature of the attorney, committee or substitute decision maker for property by an affidavit of execution; or</p> <p>(b) if the witness is a person described in subsection 72(4) of <i>The Real Property Act</i>, comply with the requirements of that subsection.</p>
<p>Owner cannot be attorney 24 An owner shall not execute a disposition referred to in clause 4(d) (spouse as a party to a disposition) as attorney for his or her spouse.</p>		<p>Owner cannot be attorney 24 An owner shall not execute a disposition referred to in clause 4(d) (spouse <u>or common-law partner</u> as a party to a disposition) as attorney for his or her spouse <u>or common-law partner</u>.</p>
<p>Authority of spouse's committee 25(1) The committee of a spouse may for the purpose of this Act, without an order of the court,</p>		<p>Authority of spouse's <u>or common-law partner's</u> committee 25(1) The committee of a spouse <u>or common-law partner</u> may for the purpose of this Act, without an order of the court,</p>

Homesteads Act

Current Act:	should read	Proposed Act:
<p>Authority of spouse’s substitute decision maker for property 25(2) The substitute decision maker for property of a spouse who has been granted power under clause 92(2)(1) of <i>The Vulnerable Persons Living with a Mental Disability Act</i> may, for the purpose of this Act, do any of the matters set out in subsection (1) without an order of the court.</p> <p>Order validating defective document 26(2) The court, on application, may make an order validating a document that lacks any formality required by this Act if the court is satisfied that</p> <p>(a) the document was executed voluntarily of the spouse’s own free will and without compulsion on the part of the owner;</p> <p>(b) the spouse was aware of the nature and effect of the document; and</p> <p>(c) any consent or release required under subsection 9(4) or 11(3) was given by the spouse apart from the owner.</p>		<p>Authority of spouse’s <u>or common-law partner’s</u> substitute decision maker for property 25(2) The substitute decision maker for property of a spouse <u>or common-law partner</u> who has been granted power under clause 92(2)(1) of <i>The Vulnerable Persons Living with a Mental Disability Act</i> may, for the purpose of this Act, do any of the matters set out in subsection (1) without an order of the court.</p> <p>Order validating defective document 26(2) The court, on application, may make an order validating a document that lacks any formality required by this Act if the court is satisfied that</p> <p>(a) the document was executed voluntarily of the spouse’s <u>or common-law partner’s</u> own free will and without compulsion on the part of the owner;</p> <p>(b) the spouse or common-law partner was aware of the nature and effect of the document; and</p> <p>(c) any consent or release required under subsection 9(4) or 11(3) was given by the spouse <u>or common-law partner</u> apart from the owner.</p>
<p>Contracting out 28 Nothing in this Act prohibits a person, for valuable consideration, from releasing or contracting out of his or her rights under this Act, either before or after marriage.</p>		<p>Contracting out 28 Nothing in this Act prohibits a person, for valuable consideration, from releasing or contracting out of his or her rights under this Act, either before or after marriage <u>or cohabitation</u>.</p>

Insurance Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p>		<p>Definitions</p> <p>1 In this Act,</p> <p><u>A common-law partner of a member or former member means a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship</u></p> <p><u>(a) for a period of at least 3 years; or</u></p> <p><u>(b) for a period of at least one year if there is a child of the union.</u></p>
<p>Insurable interest defined</p> <p>156 Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and in the life of</p> <ul style="list-style-type: none"> (a) his child or grandchild; (b) his spouse; (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving support or education; (d) his employee; and (e) any person in the duration of whose life he has a pecuniary interest. 		<p>Insurable interest defined</p> <p>156 Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and in the life of</p> <ul style="list-style-type: none"> (a) his child or grandchild; (b) his spouse <u>or common-law partner</u>; (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving support or education; (d) his employee; and (e) any person in the duration of whose life he has a pecuniary interest.
<p>Contract exempt from seizure</p> <p>173(2) While a designation in favour of a spouse, child, grandchild or parent of a person whose life is insured, or any of them, is in effect, the insurance money and the rights and interests of the insured therein and in the contract are exempt from execution or seizure.</p>		<p>Contract exempt from seizure</p> <p>173(2) While a designation in favour of a spouse <u>or common-law partner</u>, child, grandchild or parent of a person whose life is insured, or any of them, is in effect, the insurance money and the rights and interests of the insured therein and in the contract are exempt from execution or seizure.</p>

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Insurable interest</p> <p>216 Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and well-being and in the life and well-being of</p> <ul style="list-style-type: none"> (a) his child or grandchild; (b) his spouse; (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving support or education; (d) his officer or employee; and (e) any person in whom he has a pecuniary interest. 		<p>Insurable interest</p> <p>216 Without restricting the meaning of the expression “insurable interest”, a person has an insurable interest in his own life and well-being and in the life and well-being of</p> <ul style="list-style-type: none"> (a) his child or grandchild; (b) his spouse <u>or common-law partner</u>; (c) any person upon whom he is wholly or in part dependent for, or from whom he is receiving support or education; (d) his officer or employee; and (e) any person in whom he has a pecuniary interest.
<p>Contract exempt from seizure</p> <p>228(2) While there is in effect a designation of beneficiary in favour of any one or more of a spouse, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.</p>		<p>Contract exempt from seizure</p> <p>228(2) While there is in effect a designation of beneficiary in favour of any one or more of a spouse <u>or common-law partner</u>, child, grandchild or parent of the person insured or group person insured, the rights and interests of the insured in the insurance money and in the contract so far as either relate to accidental death benefits are exempt from execution or seizure.</p>

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Death of a person named in owner's policy</p> <p>239(3) Where the insured named in an owner's policy dies, the following persons shall be deemed to be the insured under the policy:</p> <ul style="list-style-type: none"> (a) the spouse of the deceased insured if residing in the same dwelling premises at the time of his death; (b) in respect of the described automobile, a newly acquired automobile that was acquired by the deceased insured prior to his death and a temporary substitute automobile, all as defined by the policy <ul style="list-style-type: none"> (i) any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured, (ii) the personal representative of the deceased insured. 		<p>Death of a person named in owner's policy</p> <p>239(3) Where the insured named in an owner's policy dies, the following persons shall be deemed to be the insured under the policy:</p> <ul style="list-style-type: none"> (a) the spouse <u>or common-law partner</u> of the deceased insured if residing in the same dwelling premises at the time of his death; (b) in respect of the described automobile, a newly acquired automobile that was acquired by the deceased insured prior to his death and a temporary substitute automobile, all as defined by the policy <ul style="list-style-type: none"> (i) any person having proper temporary custody thereof until grant of probate or administration to the personal representative of the deceased insured, (ii) the personal representative of the deceased insured.

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Certain rules excepted 248(4) Clause (1)(c) does not include,</p> <ul style="list-style-type: none"> (a) the use by a person of his automobile for the carriage of another person in return for the formers carriage in the automobile of the latter; (b) the occasional and infrequent use by a person of his automobile for the carriage of another person who shares the cost of the trip; (c) the use by a person of his automobile for the carriage of a temporary or permanent domestic servant of the insured or his spouse; or (d) the use by a person of his automobile for the carriage of a client or customer or a prospective client or customer; or (e) the occasional and infrequent use by the insured of his automobile for the transpiration of children to or from school or school activities conducted within the education program. 		<p>Certain rules excepted 248(4) Clause (1)(c) does not include,</p> <ul style="list-style-type: none"> (a) the use by a person of his automobile for the carriage of another person in return for the formers carriage in the automobile of the latter; (b) the occasional and infrequent use by a person of his automobile for the carriage of another person who shares the cost of the trip; (c) the use by a person of his automobile for the carriage of a temporary or permanent domestic servant of the insured or his spouse <u>or common-law partner</u>; or (d) the use by a person of his automobile for the carriage of a client or customer or a prospective client or customer; or (e) the occasional and infrequent use by the insured of his automobile for the transpiration of children to or from school or school activities conducted within the education program.

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Uninsured motorist cover</p> <p>263(1) Where an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile where,</p> <ul style="list-style-type: none"> (a) there is legal liability of another person for the injury or death; and (b) the other person has no insurance against his liability therefore or that person cannot be identified; <p>that insurance applies only in respect of,</p> <ul style="list-style-type: none"> (c) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from the described automobile in respect of which insurance of the class mentioned in clause (a) of the definition ‘automobile insurance’ is provided under the contract; and (d) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving being carried in or upon or entering or getting on to or alighting from or s a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance. 		<p>Uninsured motorist cover</p> <p>263(1) Where an insurer provides in a contract insurance against loss resulting from bodily injury to or the death of a person insured arising out of an accident involving an automobile where,</p> <ul style="list-style-type: none"> (a) there is legal liability of another person for the injury or death; and (b) the other person has no insurance against his liability therefore or that person cannot be identified; <p>that insurance applies only in respect of,</p> <ul style="list-style-type: none"> (c) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from the described automobile in respect of which insurance of the class mentioned in clause (a) of the definition ‘automobile insurance’ is provided under the contract; and (d) the insured named in the contract and his or her spouse or common-law partner and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving being carried in or upon or entering or getting on to or alighting from or s a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Medical expense coverage</p> <p>263(1) Where in a contract an insurer provides insurance against expenses for medical, surgical, dental, ambulance, hospital, professional nursing or funeral services, that insurance applies only in respect of reasonable expenses,</p> <p style="padding-left: 2em;">(a) of or incurred for any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause (a) of the definition “automobile insurance” is provided under the contract and</p> <p style="padding-left: 2em;">(b) of the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.</p>	<p>Should read</p>	<p>Medical expense coverage</p> <p>263(1) Where in a contract an insurer provides insurance against expenses for medical, surgical, dental, ambulance, hospital, professional nursing or funeral services, that insurance applies only in respect of reasonable expenses,</p> <p style="padding-left: 2em;">(a) of or incurred for any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause (a) of the definition “automobile insurance” is provided under the contract and</p> <p style="padding-left: 2em;">(b) of the insured named in the contract and his or her spouse <u>or common-law partner</u> and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the contract for the purposes of that insurance.</p>

Insurance Act

Current Act:	Should read	Proposed Act:
<p>Accident benefits</p> <p>265(1) Where in a contract an insurer provides accident insurance benefits in respect of the death of, or injury to, an insured person arising out of an accident involving an automobile, the insurance applies only in respect of ,</p> <p style="padding-left: 2em;">(a) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause (a) of the definition “automobile insurance” is provided under the contract and</p> <p style="padding-left: 2em;">(b) the insured named in the contract and his or her spouse and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the policy for the purposes of that insurance.</p>		<p>Accident benefits</p> <p>265(1) Where in a contract an insurer provides accident insurance benefits in respect of the death of, or injury to, an insured person arising out of an accident involving an automobile, the insurance applies only in respect of,</p> <p style="padding-left: 2em;">(a) any person who sustains bodily injury or death while driving, being carried in or upon or entering or getting on to or alighting from or, if not the occupant of another automobile, as a result of being struck by an automobile owned by the insured named in the contract in respect of which insurance of the class mentioned in clause (a) of the definition “automobile insurance” is provided under the contract and</p> <p style="padding-left: 2em;">(b) the insured named in the contract and his or her spouse <u>or common-law partner</u> and any dependent relative residing in the same dwelling premises as the insured named in the contract who sustains bodily injury or death while driving or being carried in or upon or entering or getting on to or alighting from or as a result of being struck by any other automobile that is defined in the policy for the purposes of that insurance.</p>

Intestate Succession Act

Current Act:	should read	Proposed Act:
<p>Interpretation 1(1) In this Act,</p>		<p>Interpretation 1(1) In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</u> (d) <u>for a period of not less than 3 years, or</u> (e) <u>for a period of at least one year and they are together the parents of a child.</u></p>
<p>Share of spouse if no issue 2(1) If an intestate dies leaving a surviving spouse and no issue, the entire intestate estate goes to the surviving spouse.</p>		<p>Share of spouse <u>or common-law partner</u> if no issue 2(1) If an intestate dies leaving a surviving spouse <u>or common-law partner</u> and no issue, the entire intestate estate goes to the surviving spouse <u>or common-law partner</u>.</p>
<p>Share of spouse if all issue of both intestate and surviving spouse 2(2) If an intestate dies leaving a surviving spouse and issue, and all of the issue are also issue of the surviving spouse, the entire intestate estate goes to the surviving spouse.</p>		<p>Share of spouse <u>or common-law partner</u> if all issue of both intestate and surviving spouse <u>or common-law partner</u> 2(2) If an intestate dies leaving a surviving spouse <u>or common-law partner</u> and issue, and all of the issue are also issue of the surviving spouse <u>or common-law partner</u>, the entire intestate estate goes to the surviving spouse <u>or common-law partner</u>.</p>

Intestate Succession Act

Current Act:	should read	Proposed Act:
<p>Share of spouse if issue of intestate but not surviving spouse 2(3) If an intestate dies leaving a surviving spouse and issue, and one or more of the issue are not also issue of the surviving spouse, the share of the surviving spouse is</p> <p style="padding-left: 40px;">(a) \$50,000, or one-half of the intestate estate whichever is greater, and</p> <p style="padding-left: 40px;">(b) one-half of any remainder of the intestate estate after allocation of the share provided by clause (a).</p>		<p>Share of spouse <u>or common-law partner</u> if issue of intestate but not surviving spouse <u>or common-law partner</u> 2(3) If an intestate dies leaving a surviving spouse or common-law partner and issue, and one or more of the issue are not also issue of the surviving spouse <u>or common-law partner</u>, the share of the surviving spouse <u>or common-law partner</u> is</p> <p style="padding-left: 40px;">(a) \$50,000, or one-half of the intestate estate whichever is greater, and</p> <p style="padding-left: 40px;">(b) one-half of any remainder of the intestate estate after allocation of the share provided by clause (a).</p>
<p>Reduction of preferential share in cases of partial intestacy 2(4) The maximum entitlement set out in clause (3)(a) shall be reduced by an amount equal to the value of any benefits received by the surviving spouse under a will of the deceased.</p>		<p>Reduction of preferential share in cases of partial intestacy 2(4) The maximum entitlement set out in clause (3)(a) shall be reduced by an amount equal to the value of any benefits received by the surviving spouse <u>or common-law partner</u> under a will of the deceased.</p>

Intestate Succession Act

Current Act:	should read	Proposed Act:
<p>Rights of separated spouse 3 If, at the time of the intestate's death, the intestate and his or her spouse were living separate and apart from one another, and one or both of the following conditions is satisfied:</p> <p style="padding-left: 40px;">(a) during the period of separation, one or both of the spouses made an application for divorce or an accounting or equalization of assets under <i>The Marital Property Act</i> and the application was pending or had been dealt with by way of final order at the time of the intestate's death;</p> <p style="padding-left: 40px;">(b) before the intestate's death, the intestate and his or her spouse divided their property in a manner that was intended by them, or appears to have been intended by them, to separate and finalize their affairs in recognition of their marriage breakdown;</p> <p>the surviving spouse shall be treated as if he or she had predeceased the intestate.</p>		<p>Rights of separated spouse <u>or common-law partner</u> 3 If, at the time of the intestate's death, the intestate and his or her spouse <u>or common-law partner</u> were living separate and apart from one another, and one or both of the following conditions is satisfied:</p> <p style="padding-left: 40px;">(a) during the period of separation, one or both of the spouses <u>or common-law partners</u> made an application for divorce or an accounting or equalization of assets under <i>The Family Property Act</i> and the application was pending or had been dealt with by way of final order at the time of the intestate's death;</p> <p style="padding-left: 40px;">(b) before the intestate's death, the intestate and his or her spouse <u>or common-law partner</u> divided their property in a manner that was intended by them, or appears to have been intended by them, to separate and finalize their affairs in recognition of their marriage breakdown;</p> <p>the surviving spouse <u>or common-law partner</u> shall be treated as if he or she had predeceased the intestate.</p>
<p>Share of kindred 4(1) The part of the intestate estate not included in the share of the surviving spouse, or the entire estate if there is no surviving spouse, shall be distributed in accordance with this section.</p>		<p>Share of kindred 4(1) The part of the intestate estate not included in the share of the surviving spouse <u>or common-law partner</u>, or the entire estate if there is no surviving spouse <u>or common-law partner</u>, shall be distributed in accordance with this section.</p>

Intestate Succession Act

Current Act:	should read	Proposed Act:
<p>Neither spouse nor issue 4(3) If there is no surviving issue, the estate goes to the parents of the intestate in equal shares or to the survivor of them.</p>		<p>Neither No spouse, <u>common-law partner</u> nor issue 4(3) If there is no surviving issue, the estate goes to the parents of the intestate in equal shares or to the survivor of them.</p>
<p>No spouse, issue or parents 4(4) If there is no surviving issue or parent, the estate goes to the issue of the parents of the intestate or either of them to be distributed per capita at each generation as provided in section 5.</p>		<p>No spouse, <u>common-law partner</u>, issue or parents 4(4) If there is no surviving issue or parent, the estate goes to the issue of the parents of the intestate or either of them to be distributed per capita at each generation as provided in section 5.</p>
<p>Application of Homesteads Act 10 The rights of a surviving spouse under this Act are in addition to the spouse's entitlement to a life estate in the homestead under <i>The Homesteads Act</i>.</p>		<p>Application of Homesteads Act 10 The rights of a surviving spouse <u>or common-law partner</u> under this Act are in addition to the spouse's <u>or common-law partner's</u> entitlement to a life estate in the homestead under <i>The Homesteads Act</i>.</p>

Law of Property Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p>		<p>Definitions</p> <p>1 In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</u> <u>(a) for a period of not less than 3 years, or</u> <u>(b) for a period of at least one year and they are together the parents of a child.</u></p>
<p>Partition or sale without Homesteads Act consents</p> <p>19(2) Where a person to whom subsection (1) applies is a married man or a married woman, an action for partition or sale of the land may be brought by or against him or her; and</p> <p>(a) partition; or</p> <p>(b) where in the opinion of the court, the land cannot reasonably be partitioned, sale thereof in lieu of partition;</p> <p>may be ordered by the court without the consent of any party to the action, and without the consent of his or her spouse having been obtained as provided in <i>The Homesteads Act</i>.</p>		<p>Partition or sale without Homesteads Act consents</p> <p>19(2) Where a person to whom subsection (1) applies is a married man or a married woman or a <u>common-law partner</u>, an action for partition or sale of the land may be brought by or against him or her; and</p> <p>(a) partition; or</p> <p>(b) where in the opinion of the court, the land cannot reasonably be partitioned, sale thereof in lieu of partition;</p> <p>may be ordered by the court without the consent of any party to the action, and without the consent of his or her spouse <u>or common-law partner</u> having been obtained as provided in <i>The Homesteads Act</i>.</p>

Law of Property Act

Current Act:	should read	Proposed Act:
<p>Value of inchoate homestead right and payment thereof</p> <p>24 Where a married man or a married woman is a party to the action, the court shall, in case of sale, determine the value of any rights under <i>The Homesteads Act</i> of his or her spouse according to the principles applicable to deferred annuities and survivorships, and shall order the amount of that value to be paid out of the share of the purchase money to which the married man or the married woman is entitled, or shall order the payment to the spouse of the married man or the married woman out of the share of the purchase money to which the married man or the married woman is entitled, of an annual sum, or of such income or interest as is provided in section 23; and the payment shall be a bar to any right or claim under <i>The Homesteads Act</i>.</p>		<p>Value of inchoate homestead right and payment thereof</p> <p>24 Where a married man or a married woman or a common-law partner is a party to the action, the court shall, in case of sale, determine the value of any rights under <i>The Homesteads Act</i> of his or her spouse <u>or common-law partner</u> according to the principles applicable to deferred annuities and survivorships, and shall order the amount of that value to be paid out of the share of the purchase money to which the married man or the married woman <u>or common-law partner</u> is entitled, or shall order the payment to the spouse of the married man or the married woman <u>or to the common-law partner</u> out of the share of the purchase money to which the married man or the married woman <u>or the common-law partner</u> is entitled, of an annual sum, or of such income or interest as is provided in section 23; and the payment shall be a bar to any right or claim under <i>The Homesteads Act</i>.</p>

Law of Property Act

Current Act:	should read	Proposed Act:
<p>Written consent of spouse 32(3) In the case of cohabiting spouses, no assignment made by either spouse of wages to be earned by that spouse in the future is valid unless the written consent of the other spouse to the making of the assignment is attached thereto or endorsed thereon.</p>		<p>Written consent of spouse or <u>common-law partner</u> 32(3) In the case of cohabiting spouses No assignment made by either a spouse <u>or a common-law partner</u> of wages to be earned by that spouse <u>or common-law partner</u> in the future is valid unless the written consent of the other spouse <u>or common-law partner</u> to the making of the assignment is attached thereto or endorsed thereon.</p>
<p>Unmarried cohabitants included 32(4) The expression “cohabiting spouses” in subsection (3) includes a man and woman who, not being married to each other,</p> <p>(a) have cohabited continuously for three years or more in a relationship in which one of them has been substantially dependent upon the other for support; or</p> <p>(b) have cohabited for one year or more and have a dependent child born of their relationship.</p>		<p><u>Unmarried cohabitants included</u> <u>32(4)</u> The expression “cohabiting spouses” in subsection (3) includes a man and woman who, not being married to each other,</p> <p>(a) have cohabited continuously for three years or more in a relationship in which one of them has been substantially dependent upon the other for support; or</p> <p>(b) have cohabited for one year or more and have a dependent child born of their relationship.</p>

Legislative Assembly Act

Current Act:	should read	Proposed Act:
<p>Definitions 69(1) In this Part</p> <p>“common-law partner” of a person means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</p> <p>(a) for a period of at least 3 years; if either of them is married, or</p> <p>(b) for a period of at least one year, if neither of them is married</p> <p>as shown by written evidence satisfactory to the administrator.</p>		<p>Definitions 69(1) In this Part</p> <p>“common-law partner” of a person means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</p> <p>(c) for a period of at least 3 years; if either of them is married, or</p> <p>(d) for a period of at least one year, if neither of them is married</p> <p>(f) <u>for a period of not less than 3 years, or</u></p> <p>(g) <u>for a period of at least one year and they are together the parents of a child,</u></p> <p>as shown by written evidence satisfactory to the administrator.</p>

Legislative Assembly Act

Current Act:	should read	Proposed Act:
<p>Division of pension benefits on break-up</p> <p>90(1) Subject to subsections (2) to (7), where</p> <p>(a) pursuant to an order of the Court of Queen’s Bench made under <i>The Marital Property Act</i>, the family assets of a member are required to be divided between the member and his or her spouse;</p> <p>(b) pursuant to a written agreement between a member and his or her spouse, family assets of the member and spouse are divided between them; or</p> <p>(c) pursuant to a written agreement between the member and the member’s common-law partner who have been parties to a common-law relationship that has been terminated, assets that would have been family assets of the parties if the parties had been married to each other are divided between them;</p> <p>the pension benefit credit of a member under this Part shall be divided between the member and the spouse or common-law partner and the division shall be made in the manner provided in this Part and directed by the administrator notwithstanding that the order or agreement, as the case may be, may require the division to be made in a different manner.</p>		<p>Division of pension benefits on break-up</p> <p>90(1) Subject to subsections (2) to (7), where</p> <p>(a) pursuant to an order of the Court of Queen’s Bench made under <i>The Marital Family Property Act</i>, the family assets of a member are required to be divided between the member and his or her spouse <u>or common-law partner</u>;</p> <p>(b) pursuant to a written agreement between a member and his or her spouse <u>or common-law partner</u>, family assets of the member and spouse <u>or common-law partner</u> are divided between them; or</p> <p>(c) pursuant to a written agreement between the member and the member’s common law partner who have been parties to a common law relationship that has been terminated, assets that would have been family assets of the parties if the parties had been married to each other are divided between them;</p> <p>the pension benefit credit of a member under this Part shall be divided between the member and the spouse or common-law partner and the division shall be made in the manner provided in this Part and directed by the administrator notwithstanding that the order or agreement, as the case may be, may require the division to be made in a different manner.</p>

Legislative Assembly Act

Current Act:	should read	Proposed Act:
<p>Application of subsection (1) 90(2) Subsection (1) does not apply except in the case of spouses or common-law partners who began living separate and apart from each other after December 31, 1983.</p>		<p>Application of subsection (1) 90(2) Subsection (1) does not apply except in the case of spouses or common-law partners who began living separate and apart from each other after December 31, 1983, <u>or common-law partners who began living separate and apart from each other after December 31, 2001.</u></p>
<p>Common-law parties – opting in 90(3) Subsection (1) does not apply in respect of a common law relationship unless the member makes and executes a written declaration, in a form prescribed by the administrator, (a) identifying an individual and showing that the individual is his or her common-law partner; (b) specifying the commencement date of the common-law relationship; and stating that subsection (1) shall apply.</p>		<p>Common-law parties – opting in 90(3) Subsection (1) does not apply in respect of a common law relationship unless the member makes and executes a written declaration, in a form prescribed by the administrator, (a) identifying an individual and showing that the individual is his or her common-law partner; (b) specifying the commencement date of the common-law relationship; and stating that subsection (1) shall apply.</p>
<p>Filing of Declaration or agreement 90(6) A declaration or agreement under subsection (3), (4) or (5) shall be filed with the administrator, but a declaration under subsection (3) is of no force or effect unless it is filed with the administrator before the member receives any pension</p>		<p>Filing of Declaration or agreement 90(6) A declaration or agreement under subsection (3), (4) or (5) shall be filed with the administrator, but a declaration under subsection (3) is of no force or effect unless it is filed with the administrator before the member receives any pension.</p>

Legislative Assembly and Executive Council Conflict of Interest Act

Current Act:	Should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p> <p>"dependant" means</p> <p>(a) the spouse of a member or minister, including a person who is not married to the member or minister but whom the member or minister represents as his spouse, and</p> <p>(b) any child, natural or adopted, of a member or minister,</p> <p>who resides with the member or minister;</p>		<p>Definitions</p> <p>1 In this Act,</p> <p>"dependant" means</p> <p>(a) the spouse of a member or minister, including a person who is not married to the member or minister but whom the member or minister represents as his spouse, and</p> <p>(b) any child, natural or adopted, of a member or minister,</p> <p>who resides with the member or minister;</p> <p><u>"immediate family"</u> means</p> <p>(a) <u>the spouse of a member or minister;</u></p> <p>(b) <u>the common-law partner of a member or minister; and</u></p> <p>(c) <u>any child of a member or minister,</u></p> <p><u>who resides with the member or minister;</u></p> <p><u>"common-law partner"</u> means a person who, not being married to the other person, <u>cohabits with him or her in a conjugal relationship;</u></p>

Legislative Assembly and Executive Council Conflict of Interest Act

Current Act:	should read	Proposed Act:
<p>Meetings involving members</p> <p>4(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a member or any of his dependants has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a member or any of his dependants has a direct or indirect pecuniary liability; <p>the member shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter. 		<p>Meetings involving members</p> <p>4(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a member or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a member or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary liability; <p>the member shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter.

Legislative Assembly and Executive Council Conflict of Interest Act

Current Act:	should read	Proposed Act:
<p>Cabinet meetings 7 Where during any meeting of the Executive Council or a committee there arises</p> <ul style="list-style-type: none"> (a) a matter in which a minister or any of his dependants has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a minister or any of his dependants has a direct or indirect pecuniary liability; <p>the minister shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter. 		<p>Cabinet meetings 7 Where during any meeting of the Executive Council or a committee there arises</p> <ul style="list-style-type: none"> (a) a matter in which a minister or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a minister or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary liability; <p>the minister shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter.

Legislative Assembly and Executive Council Conflict of Interest Act

Current Act:	should read	Proposed Act:
<p>Performance of responsibilities by minister</p> <p>8. Where, during the exercise of any official power or the performance of any official duty or function by a minister, there arises</p> <ul style="list-style-type: none"> (f) a matter in which the minister or any of his dependants has a direct or indirect pecuniary interest; or (g) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which the minister or any of his dependants has a direct or indirect pecuniary liability; <p>the minister shall</p> <ul style="list-style-type: none"> (h) delegate the power, duty, or function to the Executive Council or a committee thereof; (i) refrain at all times from attempting to influence the matter; and (j) at any subsequent meeting of the Executive Council or a committee thereof which considers the matter, disclose the general nature of the direct or indirect pecuniary interest or liability and withdraw from the meeting without voting or participating in the discussion. 	<p>should read</p>	<p>Performance of responsibilities by minister</p> <p>8. Where, during the exercise of any official power or the performance of any official duty or function by a minister, there arises</p> <ul style="list-style-type: none"> (f) a matter in which the minister or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary interest; or (g) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which the minister or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary liability; <p>the minister shall</p> <ul style="list-style-type: none"> (h) delegate the power, duty, or function to the Executive Council or a committee thereof; (i) refrain at all times from attempting to influence the matter; and (j) at any subsequent meeting of the Executive Council or a committee thereof which considers the matter, disclose the general nature of the direct or indirect pecuniary interest or liability and withdraw from the meeting without voting or participating in the discussion.

Manitoba Public Insurance Corporation Act

Current Act:	Should read	Proposed Act:
Definitions 1(1) In this Act, unless the context otherwise requires,		Definitions 1(1) In this Act, unless the context otherwise requires, <u>"family" means the spouse, common-law partner, son, daughter, brother, sister, parent, or grandparent of an individual;</u> <u>"common-law partner" means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act "spouse" where used in relation to another spouse means the person who is married to that other spouse, and "spouses" means two persons who are married to each other;</p>		<p>Definitions 1(1) In this Act "spouse" where used in relation to another spouse means the person who is married to that other spouse, and "spouses" means two persons who are married to each other;</p> <p><u>"common-law partner"</u> means a person who, not being married to the other person, cohabited with him or her in a <u>conjugal relationship</u> <u>(a) for a period of not less than 3 years, or</u> <u>(b) for a period of at least one year and they are together the parents of a child;</u></p> <p><u>"common-law partner"</u> where used in relation to another common-law partner means the person who is cohabiting with that other common-law partner, and <u>"common-law partners"</u> means two persons who are cohabiting together;</p> <p><u>"common-law relationship"</u> means the relationship between two persons who are common-law partners of each other;</p>
<p>"asset" means any real or personal property or legal or equitable interest therein including, without restricting the generality of the foregoing, a chose in action, money, jewelry and a marital home, but not including any article of personal apparel;</p>		<p>"asset" means any real or personal property or legal or equitable interest therein including, without restricting the generality of the foregoing, a chose in action, money, jewelry and a <u>family</u> home, but not including any article of personal apparel;</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>"family asset" means an asset owned by two spouses or either of them and used for shelter or transportation, or for household, educational, recreational, social or aesthetic purposes, including, without restricting the generality of the foregoing,</p> <p>(a) a marital home,</p> <p>(b) money in a savings account, chequing account or current account with a bank, trust company, credit union or other financial institution where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and saving bonds and deposit receipts intended to be used for those purposes.</p> <p>(c) where an asset owned by a corporation, partnership or trustee would, if it were owned by a spouse, be a family asset, shares in the corporation or an interest in the partnership or trust owned by the spouse having a market value equal to the value of the benefit the spouse has in respect of the asset,</p> <p>(d) an asset over which a spouse has, either alone or in conjunction with another person, a power of appointment exercisable in favour of the spouse, if the asset would be a family asset if it were owned by the spouse, and</p>		<p>"family asset" means an asset owned by two spouses <u>or common-law partners</u> or either of them and used for shelter or transportation, or for household, educational, recreational, social or aesthetic purposes, including, without restricting the generality of the foregoing,</p> <p>(a) a <u>family</u> home,</p> <p>(b) money in a savings account, chequing account or current account with a bank, trust company, credit union or other financial institution where the account is ordinarily used for shelter or transportation or for household, educational, recreational, social or aesthetic purposes, and saving bonds and deposit receipts intended to be used for those purposes.</p> <p>(c) where an asset owned by a corporation, partnership or trustee would, if it were owned by a spouse <u>or common-law partner</u>, be a family asset, shares in the corporation or an interest in the partnership or trust owned by the spouse <u>or common-law partner</u> having a market value equal to the value of the benefit the spouse <u>or common-law partner</u> has in respect of the asset,</p> <p>(d) an asset over which a spouse <u>or</u> common-law partner has, either alone or in conjunction with another person, a power of appointment exercisable in favour of the spouse <u>or common-law partner</u>, if the asset would be a family asset if it were owned by the spouse <u>or common-law partner</u>, and</p>

Marital Property Act

Current Act:	should read	Proposed Act:
(e) an asset disposed of by a spouse but over which the spouse has, either alone or in conjunction with another person, a power to revoke the disposition or a power to use or dispose of the asset, if the asset would be a family asset if it were owned by the spouse;		(e) an asset disposed of by a spouse <u>or common-law partner</u> but over which the spouse <u>or common-law partner</u> has, either alone or in conjunction with another person, a power to revoke the disposition or a power to use or dispose of the asset, if the asset would be a family asset if it were owned by the spouse <u>or common-law partner</u> ;
"marital home" means property in which a spouse has an interest and that is or has been occupied by the spouses as their family residence and, where the property that includes the family residence is normally used for a purpose other than residential only, includes only the portion of the property that may reasonably be regarded as necessary to the use and enjoyment of the residence, and where the property is owned by a corporation in which a spouse owns shares that entitle the spouse to occupy the property that spouse has an interest in the property;		"family home" means property in which a spouse <u>or common-law partner</u> has an interest and that is or has been occupied by the spouses <u>or common-law partners</u> as their family residence and, where the property that includes the family residence is normally used for a purpose other than residential only, includes only the portion of the property that may reasonably be regarded as necessary to the use and enjoyment of the residence, and where the property is owned by a corporation in which a spouse <u>or common-law partner</u> owns shares that entitle the spouse to occupy the property that spouse <u>or common-law partner</u> has an interest in the property;

Marital Property Act

Current Act:	should read	Proposed Act:
<p>"spousal agreement" means</p> <p>(a) any marriage contract or marital agreement, or</p> <p>(b) any separation agreement, or</p> <p>(c) release or quit claim deed,</p> <p>in writing, or any other written agreement or other writing between spouses, made within Manitoba or elsewhere before or after the coming into force of this Act and either during marriage or contemplation of marriage, affecting all or any of the assets of the spouses in a manner described in section 5;</p>		<p>"spousal <u>or cohabitation</u> agreement" means</p> <p>(a) any marriage contract, marital agreement or <u>cohabitation agreement</u>, or</p> <p>(b) any separation agreement, or</p> <p>(c) release or quit claim deed,</p> <p>in writing, or any other written agreement or other writing between spouses <u>or common-law partners</u>, made within Manitoba or elsewhere before or after the coming into force of this Act and either during marriage <u>or cohabitation</u>, or contemplation of marriage <u>or cohabitation</u>, affecting all or any of the assets of the spouses in a manner described in section 5;</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>PART 1</p> <p>APPLICATION OF ACT</p> <p>DIVISION 1</p> <p>APPLICATION TO SPOUSES</p> <p>Married persons 2(1) Except as herein otherwise provided, this Act applies to all spouses, whether married before or after the coming into force of this Act and whether married within Manitoba or a jurisdiction outside of Manitoba,</p> <p>(a) if the habitual residence of both spouses is in Manitoba; or</p> <p>(b) where each of the spouses has a different habitual residence, if the last common habitual residence of the spouses was in Manitoba; or</p> <p>(c) where each of the spouses has a different habitual residence and the spouses have not established a common habitual residence since the solemnization of their marriage, if the habitual residence of both at the time of the solemnization was in Manitoba.</p>		<p>PART 1</p> <p>APPLICATION OF ACT</p> <p>DIVISION 1</p> <p>APPLICATION TO SPOUSES <u>AND COMMON-LAW PARTNERS</u></p> <p>Married persons <u>and common-law partners</u> 2(1) Except as herein otherwise provided, this Act applies to all spouses <u>and common-law partners</u>, whether married <u>or cohabiting</u> before or after the coming into force of this Act and whether married within Manitoba or a jurisdiction outside of Manitoba,</p> <p>(a) if the habitual residence of both spouses <u>or common-law partners</u> is in Manitoba; or</p> <p>(b) where each of the spouses <u>or common-law partners</u> has a different habitual residence, if the last common habitual residence of the spouses <u>or common-law partners</u> was in Manitoba; or</p> <p>(c) where each of the spouses has a different habitual residence and the spouses have not established a common habitual residence since the solemnization of their marriage, if the habitual residence of both at the time of the solemnization was in Manitoba.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Spouses living separately on May 6, 1977 2(4) The provisions of this Act respecting an application for an accounting and equalization of the assets of spouses during the lives of the spouses do not apply to spouses who were living separate and apart from each other on May 6, 1977, unless those spouses, after that date, resume cohabitation for a period of more than 90 days.</p>		<p>Spouses <u>or common-law partners</u> living separately on May 6, 1977 2(4) The provisions of this Act respecting an application for an accounting and equalization of the assets of spouses <u>or common-law partners</u> during the lives of the spouses <u>or common-law partners</u> do not apply to spouses who were living separate and apart from each other on May 6, 1977, <u>and do not apply to common-law partners who were living separate and apart from each other on December 31, 2001,</u> unless those spouses <u>or common-law partners,</u> after <u>those dates</u> that date, resume cohabitation for a period of more than 90 days.</p>
<p>Assets generally 3 Where this Act applies to a spouse under section 2 it also applies to every asset of the spouse except as herein otherwise provided, and where this Act does not apply to a spouse by reason of any provision of section 2 it also does not apply to any asset of the spouse notwithstanding any other provision of the Act.</p>		<p>Assets generally 3 Where this Act applies to a spouse <u>or common-law partner</u> under section 2 it also applies to every asset of the spouse <u>or common-law partner</u> except as herein otherwise provided, and where this Act does not apply to a spouse <u>or common-law partner</u> by reason of any provision of section 2 it also does not apply to any asset of the spouse <u>or common-law partner</u> notwithstanding any other provision of the Act.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Assets acquired during marriage and cohabitation</p> <p>4(1) This Act does not apply to any asset acquired by a spouse</p> <p>(a) while married to but living separate and apart from the other spouse; or</p> <p>(b) while married to a former spouse unless the asset was acquired while living separate and apart from the former spouse and it can be shown that the asset was acquired in contemplation of marriage to the present spouse; or</p> <p>(c) while unmarried.</p>		<p>Assets acquired during marriage <u>and or</u> cohabitation</p> <p>4(1) This Act does not apply to any asset acquired by a spouse <u>or common-law partner</u></p> <p>(a) while married to but living separate and apart from the other spouse <u>or common-law partner</u>; or</p> <p>(b) while married to a former spouse <u>or cohabiting with a former common-law partner</u> unless the asset was acquired while living separate and apart from the former spouse <u>or former common-law partner</u> and it can be shown that the asset was acquired in contemplation of marriage <u>or cohabitation</u> to the present spouse <u>or common-law partner</u>; or</p> <p>(c) while unmarried <u>and not in a common-law relationship</u>.</p>
<p>Assets acquired before marriage</p> <p>4(2) Notwithstanding clause 1(c), this Act applies to any asset acquired by a spouse prior to but in specific contemplation of the marriage to the other spouse.</p>		<p>Assets acquired before marriage <u>or cohabitation</u></p> <p>4(2) Notwithstanding clause 1(c), this Act applies to any asset acquired by a spouse <u>or common-law partner</u> prior to but in specific contemplation of the marriage to the other spouse <u>or cohabitation with the common-law partner</u>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Appreciation, depreciation, income 4(3) Where by reason of any provision of subsection (1) this Act does not apply to an asset of a spouse, then, with respect to all assets other than those exempted from the application of this Act by section 7, in any accounting under Part II, notwithstanding that provision,</p> <p>(a) any appreciation in the value of the asset that occurred while the spouse was married to and cohabiting with the other spouse shall be added to the inventory of assets of that spouse;</p> <p>(b) any depreciation in the value of the asset that occurred while the spouse was married to and cohabiting with the other spouse shall be deducted from the inventory of assets of that spouse; and</p> <p>(c) any income from the asset earned while the spouse was married to and cohabiting with the other spouse shall be treated in the same way as income from an asset to which this Act applies.</p>		<p>Appreciation, depreciation, income 4(3) Where by reason of any provision of subsection (1) this Act does not apply to an asset of a spouse <u>or common-law partner</u>, then, with respect to all assets other than those exempted from the application of this Act by section 7, in any accounting under Part II, notwithstanding that provision,</p> <p>(a) any appreciation in the value of the asset that occurred while the spouse <u>or common-law partner</u> was married to and cohabiting with the other spouse <u>or common-law partner</u> shall be added to the inventory of assets of that spouse <u>or common-law partner</u>;</p> <p>(b) any depreciation in the value of the asset that occurred while the spouse was married to and cohabiting with the other spouse <u>or common-law partner</u> shall be deducted from the inventory of assets of that spouse <u>or common-law partner</u>; and</p> <p>(c) any income from the asset earned while the spouse was married to and cohabiting with the other spouse <u>or common-law partner</u> shall be treated in the same way as income from an asset to which this Act applies.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Negative value 4(4) Where under subsection (3) the combined depreciation in all assets of a spouse exceeds the combined value of any appreciation in and income from those assets, the excessive portion of the depreciation shall not be deducted except pursuant to the order of the court made upon an application under Part III.</p>		<p>Negative value 4(4) Where under subsection (3) the combined depreciation in all assets of a spouse <u>or common-law partner</u> exceeds the combined value of any appreciation in and income from those assets, the excessive portion of the depreciation shall not be deducted except pursuant to the order of the court made upon an application under Part III.</p>
<p>Assets disposed of by spousal agreement 5(1) This Act does not apply to any asset disposed of by a spousal agreement or as to which the Act is made inapplicable by the terms of a spousal agreement, but where a spousal agreement is silent as to an asset this Act if otherwise applicable to the asset applies as if the spousal agreement did not exist.</p>		<p>Assets disposed of by spousal agreement 5(1) This Act does not apply to any asset disposed of by a spousal <u>or cohabitation</u> agreement or as to which the Act is made inapplicable by the terms of a spousal agreement, but where a spousal or cohabitation agreement is silent as to an asset this Act if otherwise applicable to the asset applies as if the spousal <u>or cohabitation</u> agreement did not exist.</p>
<p>Provision of Act made inapplicable by agreement 5(2) Where a spousal agreement by its terms makes a provision of this Act inapplicable to an asset, that provision does not apply to the asset but the remaining provisions of the Act if otherwise applicable to the asset apply as if the spousal agreement did not exist.</p>		<p>Provision of Act made inapplicable by agreement 5(2) Where a spousal or cohabitation agreement by its terms makes a provision of this Act inapplicable to an asset, that provision does not apply to the asset but the remaining provisions of the Act if otherwise applicable to the asset apply as if the spousal <u>or cohabitation</u> agreement did not exist.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Provision of Act varied by agreement 5(3) Where a spousal agreement by its terms varies any provision of this Act in its application to an asset, that provision if otherwise applicable to the asset applies as varied and the remaining provisions of the Act if otherwise applicable to the asset apply in unaltered form.</p>		<p>Provision of Act varied by agreement 5(3) Where a spousal <u>or cohabitation</u> agreement by its terms varies any provision of this Act in its application to an asset, that provision if otherwise applicable to the asset applies as varied and the remaining provisions of the Act if otherwise applicable to the asset apply in unaltered form.</p>
<p>Disposal of assets 6(1) No provision of this Act, nor the giving of an accounting under this Act, vests any title to or interest in any asset of one spouse in the other spouse, and the spouse who owns the asset may, subject to subsections (7), (8), (9) and (10) and to any order of the court under Part III or IV, sell, lease, mortgage, hypothecate, repair, improve, demolish, spend or otherwise deal with or dispose of the asset to all intents and purposes as if this Act had not been passed.</p>		<p>Disposal of assets 6(1) No provision of this Act, nor the giving of an accounting under this Act, vests any title to or interest in any asset of one spouse <u>or common-law partner</u> in the other spouse <u>or common-law partner</u>, and the spouse <u>or common-law partner</u> who owns the asset may, subject to subsections (7), (8), (9) and (10) and to any order of the court under Part III or IV, sell, lease, mortgage, hypothecate, repair, improve, demolish, spend or otherwise deal with or dispose of the asset to all intents and purposes as if this Act had not been passed.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Use of marital home 6(2) Notwithstanding subsection (1), spouses each have an equal right to the use and enjoyment of their marital home, but the right is subject to any order of a court</p> <p>(a) made under <i>The Family Maintenance Act</i>; or</p> <p>(b) made in or as incidental or ancillary to a proceeding in a family proceeding as defined in <i>The Queen’s Bench Act</i>;</p> <p>whereby one spouse is given possession of the marital home to the exclusion of the other.</p>		<p>Use of marital <u>family</u> home 6(2) Notwithstanding subsection (1), spouses <u>or common-law partners</u> each have an equal right to the use and enjoyment of their marital <u>family</u> home, but the right is subject to any order of a court</p> <p>(a) made under <i>The Family Maintenance Act</i>; or</p> <p>(b) made in or as incidental or ancillary to a proceeding in a family proceeding as defined in <i>The Queen’s Bench Act</i>;</p> <p>whereby one spouse <u>or common-law partner</u> is given possession of the marital <u>family</u> home to the exclusion of the other.</p>
<p>Use of other family assets 6(3) Notwithstanding subsection (1), spouses each have an equal right to the use and enjoyment of any family asset, other than their marital home, that is ordinarily used or enjoyed by both of them, subject to any order made in respect of the asset under</p> <p>(a) clause 17(b);</p> <p>(b) subsection 18.1(1); or</p> <p>(c) <i>The Domestic Violence and Stalking Prevention, Protection and Compensation Act</i>.</p>		<p>Use of other family assets 6(3) Notwithstanding subsection (1), spouses <u>or common-law partners</u> each have an equal right to the use and enjoyment of any family asset, other than their marital <u>family</u> home, that is ordinarily used or enjoyed by both of them, subject to any order made in respect of the asset under</p> <p>(a) clause 17(b);</p> <p>(b) subsection 18.1(1); or</p> <p>(c) <i>The Domestic Violence and Stalking Prevention, Protection and Compensation Act</i>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Dissipation of asset 6(7) Where (a) a spouse, before or after the coming into force of this Act but after May 6, 1977, dissipates an asset in whole or in part; and</p> <p>(b) the other spouse, before the expiry of two years from the date of the dissipation referred to in clause (a) or from the date of the discovery thereof, makes application to the court under this Act for an accounting and division of assets;</p> <p>the value of the dissipated asset or the dissipated portion thereof, as the case may be, shall be added to the inventory of assets of the spouse in the accounting.</p>		<p>Dissipation of asset 6(7) Where (a) a spouse <u>or common-law partner</u>, before or after the coming into force of this Act but after May 6, 1977, dissipates an asset in whole or in part; and</p> <p>(b) the other spouse <u>or common-law partner</u>, before the expiry of two years from the date of the dissipation referred to in clause (a) or from the date of the discovery thereof, makes application to the court under this Act for an accounting and division of assets;</p> <p>the value of the dissipated asset or the dissipated portion thereof, as the case may be, shall be added to the inventory of assets of the spouse <u>or common-law partner</u> in the accounting.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Excessive gift 6(8) Where</p> <p>(a) a spouse, before or after the coming into force of this Act but after May 6, 1977, transfers an asset to a third person by way of gift, and the gift is excessive in whole or in part; and</p> <p>(b) the other spouse, before the expiry of two years from the date of the transfer referred to in clause (a) or from the date of the discovery thereof, applies to the court under this Act for an accounting and division of assets;</p> <p>the value of the asset or the excessive portion thereof, as the case may be, shall be added to the inventory of assets of the spouse in the accounting.</p>		<p>Excessive gift 6(8) Where</p> <p>(a) a spouse <u>or common-law partner</u>, before or after the coming into force of this Act but after May 6, 1977, transfers an asset to a third person by way of gift, and the gift is excessive in whole or in part; and</p> <p>(b) the other spouse <u>or common-law partner</u>, before the expiry of two years from the date of the transfer referred to in clause (a) or from the date of the discovery thereof, applies to the court under this Act for an accounting and division of assets;</p> <p>the value of the asset or the excessive portion thereof, as the case may be, shall be added to the inventory of assets of the spouse <u>or common-law partner</u> in the accounting.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Transfer for inadequate consideration 6(9) Where</p> <p>(a) a spouse, before or after the coming into force of this Act but after May 6, 1977, transfers an asset to a third person for inadequate consideration;</p> <p>(b) the transfer referred to in clause (a) is effected by the spouse with the intention of defeating the rights of the other spouse under this Act; and</p> <p>(c) the other spouse, before the expiry of two years from the date of the transfer referred to in clause (a) or from the date of the discovery thereof, applies to the court under this Act for an accounting and division of assets;</p> <p>the amount of the inadequacy in the consideration shall be added to the inventory of assets of the spouse in the accounting.</p>		<p>Transfer for inadequate consideration 6(9) Where</p> <p>(a) a spouse <u>or common-law partner</u>, before or after the coming into force of this Act but after May 6, 1977, transfers an asset to a third person for inadequate consideration;</p> <p>(b) the transfer referred to in clause (a) is effected by the spouse <u>or common-law partner</u> with the intention of defeating the rights of the other spouse <u>or common-law partner</u> under this Act; and</p> <p>(c) the other spouse <u>or common-law partner</u>, before the expiry of two years from the date of the transfer referred to in clause (a) or from the date of the discovery thereof, applies to the court under this Act for an accounting and division of assets;</p> <p>the amount of the inadequacy in the consideration shall be added to the inventory of assets of the spouse <u>or common-law partner</u> in the accounting.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Recovery from recipient 6(10) In the circumstances described in subsection (8) or (9), where the spouse effecting the transfer is unable to satisfy any amount payable to the other spouse upon an equalization of assets under this Act, recovery of the value of the excessive gift or excessive portion of the gift or of the amount of the inadequacy in consideration, up to the total of the unsatisfied amount or unsatisfied portion of the amount payable upon the equalization, may be made from the transferee of the asset by application to the court.</p>		<p>Recovery from recipient 6(10) In the circumstances described in subsection (8) or (9), where the spouse <u>or common-law partner</u> effecting the transfer is unable to satisfy any amount payable to the other spouse <u>or common-law partner</u> upon an equalization of assets under this Act, recovery of the value of the excessive gift or excessive portion of the gift or of the amount of the inadequacy in consideration, up to the total of the unsatisfied amount or unsatisfied portion of the amount payable upon the equalization, may be made from the transferee of the asset by application to the court.</p>
<p>Gift, trust benefit 7(1) This Act does not apply to any asset acquired by a spouse by way of gift or trust benefit from a third person, unless it can be shown that the gift or benefit was conferred with the intention of benefiting both spouses.</p>		<p>Gift, trust benefit 7(1) This Act does not apply to any asset acquired by a spouse <u>or common-law partner</u> by way of gift or trust benefit from a third person, unless it can be shown that the gift or benefit was conferred with the intention of benefiting both spouses <u>or common-law partners</u>.</p>
<p>Gift of insurance premiums 7(2) This Act does not apply to the proceeds of the surrender or the cash surrender value of any insurance policy where the premiums of the policy were paid by a third person by way of gift in favour of a spouse, unless it can be shown that the premiums were paid with the intention of benefiting both spouses.</p>		<p>Gift of insurance premiums 7(2) This Act does not apply to the proceeds of the surrender or the cash surrender value of any insurance policy where the premiums of the policy were paid by a third person by way of gift in favour of a spouse <u>or common-law partner</u>, unless it can be shown that the premiums were paid with the intention of benefiting both spouses <u>or common-law partners</u>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Inheritance 7(3) This Act does not apply to any asset acquired by a spouse by way of inheritance, unless it can be shown that the inheritance was devised or bequeathed with the intention of benefiting both spouses.</p>		<p>Inheritance 7(3) This Act does not apply to any asset acquired by a spouse <u>or common-law partner</u> by way of inheritance, unless it can be shown that the inheritance was devised or bequeathed with the intention of benefiting both spouses <u>or common-law partners</u>.</p>
<p>Income, appreciation, depreciation 7(4) Any income from, or appreciation or depreciation in the value of, an asset acquired in the manner described in subsection (1), (2) or (3) shall not be included in any accounting under Part II, unless it can be shown that the gift was conferred or the inheritance devised or bequeathed, as the case may be, with the intention that the income or appreciation should benefit both spouses.</p>		<p>Income, appreciation, depreciation 7(4) Any income from, or appreciation or depreciation in the value of, an asset acquired in the manner described in subsection (1), (2) or (3) shall not be included in any accounting under Part II, unless it can be shown that the gift was conferred or the inheritance devised or bequeathed, as the case may be, with the intention that the income or appreciation should benefit both spouses <u>or common-law partners</u>.</p>
<p>Damage award for personal injury 8(1) This Act does not apply to the proceeds of any damage award or settlement or insurance claim made in favour of a spouse for personal injury, or disability, except to the extent that the proceeds are compensation for loss to both spouses.</p>		<p>Damage award for personal injury 8(1) This Act does not apply to the proceeds of any damage award or settlement or insurance claim made in favour of a spouse <u>or common-law partner</u> for personal injury, or disability, except to the extent that the proceeds are compensation for loss to both spouses <u>or common-law partners</u>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Asset already shared 10 This Act does not apply to any asset that has already been shared equally between spouses, or that is acquired by one spouse from the other by virtue of a sharing of assets under this Act.</p>		<p>Asset already shared 10 This Act does not apply to any asset that has already been shared equally between spouses <u>or common-law partners</u>, or that is acquired by one spouse <u>or common-law partner</u> from the other by virtue of a sharing of assets under this Act.</p>
<p>Liabilities 11(1) In an accounting under this Act, the liabilities of a spouse other than those relating to assets that are exempt from the accounting by sections 4 and 7 shall be deducted from the total inventory of the assets of that spouse.</p>		<p>Liabilities 11(1) In an accounting under this Act, the liabilities of a spouse <u>or common-law partner</u> other than those relating to assets that are exempt from the accounting by sections 4 and 7 shall be deducted from the total inventory of the assets of that spouse <u>or common-law partner</u>.</p>
<p>Right to accounting and equalization of assets 13 Spouses each have the right upon application to an accounting and, subject to section 14, an equalization of assets in accordance with this Part.</p>		<p>Right to accounting and equalization of assets 13 Spouses <u>or common-law partners</u> each have the right upon application to an accounting and, subject to section 14, an equalization of assets in accordance with this Part.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Discretion to vary equal division of commercial assets</p> <p>14(2) The court upon the application of either spouse under Part III may order that, with respect to the commercial assets of the spouses, the amount shown by an accounting under section 15 to be payable by one spouse to the other be altered if the court is satisfied that equalization would be clearly inequitable having regard to any circumstances the court deems relevant including</p> <p>(a) the unreasonable impoverishment by either spouse of the family assets;</p> <p>(b) the amount of the debts and liabilities of each spouse and the circumstances in which they were incurred;</p> <p>(c) any spousal agreement between the spouses;</p> <p>(d) the length of time that the spouses have cohabited with each other during their marriage;</p> <p>(e) the length of time that the spouses have lived separate and apart from each other during their marriage;</p>		<p>Discretion to vary equal division of commercial assets</p> <p>14(2) The court upon the application of either spouse <u>or common-law partner</u> under Part III may order that, with respect to the commercial assets of the spouses <u>or common-law partners</u> , the amount shown by an accounting under section 15 to be payable by one spouse <u>or common-law partner</u> to the other be altered if the court is satisfied that equalization would be clearly inequitable having regard to any circumstances the court deems relevant including</p> <p>(a) the unreasonable impoverishment by either spouse <u>or common-law partner</u> of the family assets;</p> <p>(b) the amount of the debts and liabilities of each spouse <u>or common-law partner</u> and the circumstances in which they were incurred;</p> <p>(c) any spousal <u>or cohabitation</u> agreement between the spouses <u>or common-law partners</u>;</p> <p>(d) the length of time that the spouses <u>or common-law partners</u> have cohabited with each other during their marriage <u>or cohabitation</u>;</p> <p>(e) the length of time that the spouses <u>or common-law partners</u> have lived separate and apart from each other during their cohabitation;</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>(f) whether either spouse has assets of an extraordinary value to which this Act does not apply by reason of their having been acquired by way of gift or inheritance;</p> <p>(g) the nature of the assets; and</p> <p>(h) the extent to which the financial means and earning capacity of each spouse have been affected by the responsibilities and other circumstances of the marriage.</p>		<p>(f) whether either spouse <u>or common-law partner</u> has assets of an extraordinary value to which this Act does not apply by reason of their having been acquired by way of gift or inheritance;</p> <p>(g) the nature of the assets; and</p> <p>(h) the extent to which the financial means and earning capacity of each spouse <u>or common-law partner</u> have been affected by the responsibilities and other circumstances of the marriage <u>or cohabitation</u>.</p>
<p>Conduct not a factor</p> <p>14(3) In exercising its discretion under this section, no court shall have regard to conduct on the part of a spouse unless that conduct amounts to dissipation.</p>		<p>Conduct not a factor</p> <p>14(3) In exercising its discretion under this section, no court shall have regard to conduct on the part of a spouse <u>or common-law partner</u> unless that conduct amounts to dissipation.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Accounting and division 15(1) In an accounting of assets between spouses under this Act, there shall be ascertained</p> <p>(a) the value of the total inventory of assets of each spouse, after adding to or deducting from the inventory such amounts as are required under this Act to be added or deducted;</p> <p>(b) the value of the share to which each spouse is entitled upon the division, to be determined by combining the values ascertained under clause (a) and dividing the total into two equal shares or, where the application for an accounting is not under Part IV, such other shares as the court may under section 14 order; and</p> <p>(c) the amount payable by one spouse to the other in order to satisfy the share of each spouse as determined under clause (b).</p>		<p>Accounting and division 15(1) In an accounting of assets between spouses <u>or common-law partners</u> under this Act, there shall be ascertained</p> <p>(a) the value of the total inventory of assets of each spouse <u>or common-law partner</u>, after adding to or deducting from the inventory such amounts as are required under this Act to be added or deducted;</p> <p>(b) the value of the share to which each spouse <u>or common-law partner</u> is entitled upon the division, to be determined by combining the values ascertained under clause (a) and dividing the total into two equal shares or, where the application for an accounting is not under Part IV, such other shares as the court may under section 14 order; and</p> <p>(c) the amount payable by one spouse <u>or common-law partner</u> to the other in order to satisfy the share of each spouse <u>or common-law partner</u> as determined under clause (b).</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Closing and valuation dates 16 In any accounting under section 15, the closing date for the inclusion of assets and liabilities in the accounting, and the valuation date for each asset and liability shall be as the spouses may agree and, in the absence of agreement,</p> <p>(a) the date when the spouses last cohabited with each other; or</p> <p>(b) where the spouses continue to cohabit with each other, the date either of them makes an application to the court under Part III for an accounting of assets.</p>		<p>Closing and valuation dates 16 In any accounting under section 15, the closing date for the inclusion of assets and liabilities in the accounting, and the valuation date for each asset and liability shall be as the spouses <u>or common-law partners</u> may agree and, in the absence of agreement,</p> <p>(a) the date when the spouses <u>or common-law partners</u> last cohabited with each other; or</p> <p>(b) where the spouses <u>or common-law partners</u> continue to cohabit with each other, the date either of them makes an application to the court under Part III for an accounting of assets.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Method of payment 17 The amount shown by an accounting under section 15 to be payable by one spouse to the other may be satisfied</p> <p>(a) by payment of the amount in a lump sum or by instalments; or</p> <p>(b) by the transfer, conveyance or delivery of an asset or assets in lieu of the amount; or</p> <p>(c) by any combination of clauses (a) and (b);</p> <p>as the spouses may agree or, in the absence of agreement, as the court upon the application of either spouse under this Act may order, taking into account the effect of any interim order made under section 18.1.</p>		<p>Method of payment 17 The amount shown by an accounting under section 15 to be payable by one spouse <u>or common-law partner</u> to the other may be satisfied</p> <p>(a) by payment of the amount in a lump sum or by instalments; or</p> <p>(b) by the transfer, conveyance or delivery of an asset or assets in lieu of the amount; or</p> <p>(c) by any combination of clauses (a) and (b);</p> <p>as the spouses <u>or common-law partners</u> may agree or, in the absence of agreement, as the court upon the application of either spouse <u>or common-law partner</u> under this Act may order, taking into account the effect of any interim order made under section 18.1.</p>
<p>Applicant's statement of assets and liabilities 18(3) A spouse shall at the time of making an application under this Part file with the court a sworn statement disclosing all assets and liabilities of that spouse whether or not they are shareable under this Act and a valuation thereof and shall serve the statement upon the respondent.</p>		<p>Applicant's statement of assets and liabilities 18(3) A spouse <u>or common-law partner</u> shall at the time of making an application under this Part file with the court a sworn statement disclosing all assets and liabilities of that spouse <u>or common-law partner</u> whether or not they are shareable under this Act and a valuation thereof and shall serve the statement upon the respondent.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Respondent's statement of assets and liabilities 18(4) The respondent shall within 14 days of being served with a statement under subsection (3), or within such further period as the spouses may agree to or a judge on application may allow, file and serve on the applicant a sworn statement disclosing all the respondent's assets and liabilities whether or not they are shareable under this Act and a valuation thereof.</p>		<p style="text-align: center;">Respondent's statement of assets and liabilities</p> <p>18(4) The respondent shall within 14 days of being served with a statement under subsection (3), or within such further period as the spouses <u>or common-law partners</u> may agree to or a judge on application may allow, file and serve on the applicant a sworn statement disclosing all the respondent's assets and liabilities whether or not they are shareable under this Act and a valuation thereof.</p>
<p>Limitation period after divorce 19(1) Subject to subsection (3), no application for an accounting and equalization of assets under this Act may be made after 60 days from the day a decree absolute of divorce is granted in respect of the marriage, or 60 days from the day on which the divorce takes effect.</p>		<p>Limitation period after divorce 19(1) Subject to subsection (3), no application for an accounting and equalization of assets under this Act may be made after 60 days from the day a decree absolute of divorce is granted in respect of the marriage, or 60 days from the day on which the divorce takes effect, <u>or one year after the common-law partners cease cohabiting.</u></p>

Current Act:	should read	Proposed Act:
<p>Time for complying with order 20(1) Where under section 18 the court makes an order or gives judgment against a spouse for the payment of money or the transfer, conveyance or delivery of an asset and the court is satisfied that immediate compliance with the order or judgment will work a hardship upon the spouse or is otherwise inexpedient, the court may order that the payment be made by instalments, with or without interest, or may otherwise allow the spouse such time, with or without interest, in which to comply with the order or judgment as the court deems reasonable and may make such further orders as it thinks fit to secure the payment.</p>		<p>Time for complying with order 20(1) Where under section 18 the court makes an order or gives judgment against a spouse <u>or common-law partner</u> for the payment of money or the transfer, conveyance or delivery of an asset and the court is satisfied that immediate compliance with the order or judgment will work a hardship upon the spouse or <u>common-law partner</u> or is otherwise inexpedient, the court may order that the payment be made by instalments, with or without interest, or may otherwise allow the spouse <u>or common-law partner</u> such time, with or without interest, in which to comply with the order or judgment as the court deems reasonable and may make such further orders as it thinks fit to secure the payment.</p>
<p>Order for sale 20(2) Where under section 18 the court makes an order or gives judgment against a spouse for the payment of money, the court may further order that a specified asset or specified assets of the spouse be sold and that the payment be made out of the proceeds of sale.</p>		<p>Order for sale 20(2) Where under section 18 the court makes an order or gives judgment against a spouse <u>or common-law partner</u> for the payment of money, the court may further order that a specified asset or specified assets of the spouse <u>or common-law partner</u> be sold and that the payment be made out of the proceeds of sale.</p>

Current Act:	should read	Proposed Act:
<p>Interest where equitable 20(3) On making an order for one spouse to pay an amount under section 17 or on application the court, if satisfied that it is equitable under the circumstances, may order that spouse to pay interest on all or a portion of the amount at a rate fixed by the court and calculated from a date which is not earlier than the valuation date established under section 16.</p>		<p>Interest where equitable 20(3) On making an order for one spouse <u>or common-law partner</u> to pay an amount under section 17 or on application the court, if satisfied that it is equitable under the circumstances, may order that spouse <u>or common-law partner</u> to pay interest on all or a portion of the amount at a rate fixed by the court and calculated from a date which is not earlier than the valuation date established under section 16.</p>

<p>Order for preservation of assets 21(1) Upon an application to the court under section 18 alleging any of the grounds authorized under subsection (2), the court, for the purpose of preserving the assets of a spouse.</p> <p>(a) may make a receiving order against all or any of the assets; or</p> <p>(b) may make an order directing the spouse not to part with the possession of and to preserve the assets or any of them; or</p> <p>(c) where the application is made in the course of a pending action or proceeding under section 18 and any of the assets is in the form of a title to or an interest in land, may, notwithstanding that the title or interest is not being brought in question in the action or proceeding within the meaning of subsection 85(1) of <i>The Queen's Bench Act</i>, make an order for the issue of a certificate of lis pendens in respect of the title or interest; or</p> <p>(d) may make such other order as it thinks fit.</p>		<p>Order for preservation of assets 21(1) Upon an application to the court under section 18 alleging any of the grounds authorized under subsection (2), the court, for the purpose of preserving the assets of a spouse <u>or common-law partner</u>.</p> <p>(a) may make a receiving order against all or any of the assets; or</p> <p>(b) may make an order directing the spouse <u>or common-law partner</u> not to part with the possession of and to preserve the assets or any of them; or</p> <p>(c) where the application is made in the course of a pending action or proceeding under section 18 and any of the assets is in the form of a title to or an interest in land, may, notwithstanding that the title or interest is not being brought in question in the action or proceeding within the meaning of subsection 85(1) of <i>The Queen's Bench Act</i>, make an order for the issue of a certificate of lis pendens in respect of the title or interest; or</p> <p>(d) may make such other order as it thinks fit.</p>
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Current Act:	should read	Proposed Act:
<p>Grounds for order 21(2) An order under subsection (1) may be made by the court upon any ground alleged against a spouse that the court deems sufficient including, without restricting the generality of the foregoing, the ground</p> <p>(a) that the spouse has committed or is about to commit an act amounting to dissipation; or</p> <p>(b) that the spouse is about to abscond with assets.</p>		<p>Grounds for order 21(2) An order under subsection (1) may be made by the court upon any ground alleged against a spouse <u>or common-law partner</u> that the court deems sufficient including, without restricting the generality of the foregoing, the ground</p> <p>(a) that the spouse <u>or common-law partner</u> has committed or is about to commit an act amounting to dissipation; or</p> <p>(b) that the spouse <u>or common-law partner</u> is about to abscond with assets.</p>
<p>Burden of proof 22 In any proceeding under section 18, the spouse claiming that this Act or a provision thereof does not apply to an asset has the onus of so proving.</p>		<p>Burden of proof 22 In any proceeding under section 18, the spouse <u>or common-law partner</u> claiming that this Act or a provision thereof does not apply to an asset has the onus of so proving.</p>
<p>Onus of proof in dissipation proceeding 23 In any proceeding under section 18, the onus of proof that a spouse has committed an act amounting to dissipation is upon the spouse alleging it.</p>		<p>Onus of proof in dissipation proceeding 23 In any proceeding under section 18, the onus of proof that a spouse <u>or common-law partner</u> has committed an act amounting to dissipation is upon the spouse <u>or common-law partner</u> alleging it.</p>

Current Act:	should read	Proposed Act:
ACCOUNTING AND EQUALIZATION OF ASSETS ON THE DEATH OF A SPOUSE		ACCOUNTING AND EQUALIZATION OF ASSETS ON THE DEATH OF A SPOUSE <u>OR COMMON-LAW PARTNER</u>
<p>Application of Part on death of spouse 25 The provisions of this Part relating to an accounting and equalization of assets on the death of a spouse apply in respect of spouses or parties described in subsections 2(1) to (3) immediately before the death of one of the spouses, but only where the death occurs on or after the day this Part comes into force.</p>		<p>Application of Part on death of spouse 25(1) The provisions of this Part relating to an accounting and equalization of assets on the death of a spouse apply in respect of spouses or parties described in subsections 2(1) to (3) immediately before the death of one of the spouses, but only where the death occurs on or after the day this Part comes into force.</p> <p><u>25(2)</u> <u>The provisions of this Part relating to an accounting and equalization of assets on the death of a common-law partner apply in respect of common-law partners described in subsection 2(1) immediately before the death of one of the common-law partners, but only where the death occurs on or after the day this section comes into force.</u></p>
<p>Application of Parts I to III 26 Subject to this Part, Parts I to III apply with necessary modifications in respect of an accounting and equalization of assets after the death of a spouse.</p>		<p>Application of Parts I to III 26 Subject to this Part, Parts I to III apply with necessary modifications in respect of an accounting and equalization of assets after the death of a spouse <u>or common-law partner</u>.</p>

Current Act:	should read	Proposed Act:
<p>Effect of division of assets before death of spouse 27(1) Subject to subsections (2) and (3), this Part does not apply in respect of spouses who, before one of them dies, divide their assets under a spousal agreement or this Act.</p>		<p>Effect of division of assets before death of spouse <u>or common-law partner</u> 27(1) Subject to subsections (2) and (3), this Part does not apply in respect of spouses <u>or common-law partners</u> who, before one of them dies, divide their assets under a spousal <u>or cohabitation</u> agreement or this Act.</p>
<p>Assets acquired during reconciliation 27(2) Where spouses resume cohabitation after a division of assets under Part III or a spousal agreement and one of them dies, the surviving spouse has, subject to this Act, the right to an accounting and equalization of assets acquired by the spouses during the period of resumed cohabitation, whether or not the spouses are cohabiting at the time the spouse dies.</p>		<p>Assets acquired during reconciliation 27(2) Where spouses <u>or common-law partners</u> resume cohabitation after a division of assets under Part III or a spousal agreement and one of them dies, the surviving spouse <u>or common-law partner</u> has, subject to this Act, the right to an accounting and equalization of assets acquired by the spouses <u>or common-law partners</u> during the period of resumed cohabitation, whether or not the spouses <u>or common-law partners</u> are cohabiting at the time the spouse <u>or common-law partner</u> dies.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Effect of spousal agreement on equalization 27(3) Notwithstanding section 5, where spouses enter into a spousal agreement before this Part comes into force and one of them dies after this Part comes into force, the surviving spouse has, subject to this Act, the right to an accounting and equalization of assets under this Part, unless the surviving spouse specifically waived or released his or her rights under <i>The Dower Act</i> or this Part in the spousal agreement.</p>		<p>Effect of spousal <u>or cohabitation</u> agreement on equalization 27(3) Notwithstanding section 5, where spouses <u>or common-law partners</u> enter into a spousal <u>or cohabitation</u> agreement before this Part comes into force and one of them dies after this Part comes into force, the surviving spouse <u>or common-law partner</u> has, subject to this Act, the right to an accounting and equalization of assets under this Part, unless the surviving spouse <u>or common-law partner</u> specifically waived or released his or her rights under <i>The Dower Act</i> or this Part in the spousal <u>or cohabitation</u> agreement.</p>
<p>Surviving spouse may make application 28(1) Subject to this Part, a surviving spouse may make an application under this Part for an accounting and equalization of assets, but the personal representative of a deceased spouse may not make such an application.</p>		<p>Surviving spouse <u>or common-law partner</u> may make application 28(1) Subject to this Part, a surviving spouse <u>or common-law partner</u> may make an application under this Part for an accounting and equalization of assets, but the personal representative of a deceased spouse <u>or common-law partner</u> may not make such an application.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Continuation of application after death of spouse 28(2) Where either spouse makes application for an accounting and equalization of assets under this Act and one or both of the spouses die before the accounting and equalization of assets is completed, the application may be continued by the surviving spouse or the personal representative of the estate of a spouse who dies.</p>		<p>Continuation of application after death of spouse <u>or common-law partner</u> 28(2) Where either spouse <u>or common-law partner</u> makes application for an accounting and equalization of assets under this Act and one or both of the spouses <u>or common-law partners</u> die before the accounting and equalization of assets is completed, the application may be continued by the surviving spouse <u>or common-law partner</u> or the personal representative of the estate of a spouse <u>or common-law partner</u> who dies.</p>
<p>Limitation period for making application 29(1) Subject to subsection (2), a surviving spouse may not make application for an accounting and equalization of assets under this Part in respect of the estate of the deceased spouse after six months from the grant of letters probate of the will or of letters of administration.</p>		<p>Limitation period for making application 29(1) Subject to subsection (2), a surviving spouse <u>or common-law partner</u> may not make application for an accounting and equalization of assets under this Part in respect of the estate of the deceased spouse <u>or common-law partner</u> after six months from the grant of letters probate of the will or of letters of administration.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Extension of time 29(2) The court may, upon application by the surviving spouse, extend the limitation period referred to in subsection (1) by such time as it considers appropriate in respect of the portion of the estate remaining undistributed at the date notice of the application for an extension of time is served on the personal representative, if the court is satisfied that the surviving spouse failed to make application for an accounting and equalization of assets within the limitation period for any of the following reasons:</p> <p>(a) the surviving spouse did not know of the death of the other spouse until after the limitation period expires;</p> <p>(b) the personal representative of the estate of the deceased spouse did not serve notice on the surviving spouse in accordance with section 31;</p> <p>(c) circumstances occur that are beyond the control of the surviving spouse;</p> <p>d) after the limitation period expired, assets are discovered that are or might be subject to equalization under this Act.</p>		<p>Extension of time 29(2) The court may, upon application by the surviving spouse <u>or common-law partner</u>, extend the limitation period referred to in subsection (1) by such time as it considers appropriate in respect of the portion of the estate remaining undistributed at the date notice of the application for an extension of time is served on the personal representative, if the court is satisfied that the surviving spouse <u>or common-law partner</u> failed to make application for an accounting and equalization of assets within the limitation period for any of the following reasons:</p> <p>(a) the surviving spouse <u>or common-law partner</u> did not know of the death of the other spouse <u>or common-law partner</u> until after the limitation period expires;</p> <p>(b) the personal representative of the estate of the deceased spouse <u>or common-law partner</u> did not serve notice on the surviving spouse <u>or common-law partner</u> in accordance with section 31;</p> <p>(c) circumstances occur that are beyond the control of the surviving spouse <u>or common-law partner</u>;</p> <p>d) after the limitation period expired, assets are discovered that are or might be subject to equalization under this Act.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Suspended payment of asset to third party</p> <p>30 A surviving spouse may make application to the court for an order directing a person who holds an asset of the deceased spouse referred to in subsection 35(1) to suspend the payment or transfer of the asset to a person other than the surviving spouse for such time and to such extent as the court directs, and the court may make such an order where it is satisfied that the estate of the deceased spouse might not be sufficient to pay the amount payable to the surviving spouse on an equalization of assets under this Part.</p>		<p>Suspended payment of asset to third party</p> <p>30 A surviving spouse <u>or common-law partner</u> may make application to the court for an order directing a person who holds an asset of the deceased spouse <u>or common-law partner</u> referred to in subsection 35(1) to suspend the payment or transfer of the asset to a person other than the surviving spouse <u>or common-law partner</u> for such time and to such extent as the court directs, and the court may make such an order where it is satisfied that the estate of the deceased spouse <u>or common-law partner</u> might not be sufficient to pay the amount payable to the surviving spouse <u>or common-law partner</u> on an equalization of assets under this Part.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Personal representative to serve notice</p> <p>31 Except where the surviving spouse has made or is continuing an application for an accounting and equalization of assets under this Part, the personal representative of a deceased spouse shall within one month after the grant of letters probate or letters of administration serve the surviving spouse, in accordance with the rules of the court, with a notice in the following form:</p> <p style="padding-left: 40px;">To (name of surviving spouse) In the matter of the estate of (name of deceased spouse).</p> <p>TAKE NOTICE that as the surviving spouse of (name of deceased spouse) you could have rights under <i>The Marital Property Act</i> to an accounting and equalization of assets. If you wish to make an application under that Act, you must do so within six months from (date), the day on which (letters probate or letters of administration) were granted. That is, you must make application before (date), unless you apply to the court for and are granted an extension of time. You should consult a lawyer with respect to your rights since <i>The Marital Property Act</i> could, in some circumstances, entitle you to a greater share of your spouse's estate than you are otherwise entitled to, whether or not your</p>		<p>Personal representative to serve notice</p> <p>31 Except where the surviving spouse <u>or common-law partner</u> has made or is continuing an application for an accounting and equalization of assets under this Part, the personal representative of a deceased spouse <u>or common-law partner</u> shall within one month after the grant of letters probate or letters of administration serve the surviving spouse, in accordance with the rules of the court, with a notice in the following form:</p> <p style="padding-left: 40px;">To (name of surviving spouse <u>or common-law partner</u>) In the matter of the estate of (name of deceased spouse <u>or common-law partner</u>).</p> <p>TAKE NOTICE that as the surviving spouse <u>or common-law partner</u> of (name of deceased spouse <u>or common-law partner</u>) you could have rights under <i>The Family Property Act</i> to an accounting and equalization of assets. If you wish to make an application under that Act, you must do so within six months from (date), the day on which (letters probate or letters of administration) were granted. That is, you must make application before (date), unless you apply to the court for and are granted an extension of time. You should consult a lawyer with respect to your rights since <i>The Family Property Act</i> could, in some circumstances, entitle you to a greater share of your spouse's <u>or common-law partner's</u> estate than</p>

spouse left a will.		you are otherwise entitled to, whether or not your spouse <u>or common-law partner</u> left a will.
<p>When personal representative may distribute estate</p> <p>32(1) The personal representative of the estate of a deceased spouse shall not proceed with the distribution of the estate until</p> <p>(a) subject to subsection (3), the surviving spouse consents in writing to the proposed distribution;</p> <p>(b) the time within which the surviving spouse may make application for an accounting and equalization of assets under this Part has expired and no such application has been made within that time; or</p> <p>(c) an application made or continued under this Part for an accounting and an equalization of assets is disposed of.</p>		<p>When personal representative may distribute estate</p> <p>32(1) The personal representative of the estate of a deceased spouse <u>or common-law partner</u> shall not proceed with the distribution of the estate until</p> <p>(a) subject to subsection (3), the surviving spouse <u>or common-law partner</u> consents in writing to the proposed distribution;</p> <p>(b) the time within which the surviving spouse <u>or common-law partner</u> may make application for an accounting and equalization of assets under this Part has expired and no such application has been made within that time; or</p> <p>(c) an application made or continued under this Part for an accounting and an equalization of assets is disposed of.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Liability of personal representative 32(2) If a personal representative distributes a portion of the estate of a deceased spouse contrary to this section and a payment is ordered by the court to be made out of the estate pursuant to an accounting and equalization of assets, the personal representative is personally liable to the surviving spouse for any loss suffered by the surviving spouse as a result of the distribution.</p>		<p>Liability of personal representative 32(2) If a personal representative distributes a portion of the estate of a deceased spouse <u>or common-law partner</u> contrary to this section and a payment is ordered by the court to be made out of the estate pursuant to an accounting and equalization of assets, the personal representative is personally liable to the surviving spouse <u>or common-law partner</u> for any loss suffered by the surviving spouse <u>or common-law partner</u> as a result of the distribution.</p>
<p>Statement of assets and liabilities 33 A personal representative of a deceased spouse who continues an application for an accounting and equalization of assets under this Part, or a surviving spouse, whether or not he or she makes or continues such an application,</p> <p>(a) may, within the time set out in or extended under section 29, or while an application under this Part is pending, request the other to provide a sworn statement disclosing the liabilities and assets of the surviving spouse or the estate of the deceased spouse, as the case may be, whether or not the assets are subject to an accounting and equalization under this Part; and</p> <p>(b) shall, on receiving a request under clause (a), provide the statement to the other person within 14 days after receiving the request.</p>		<p>Statement of assets and liabilities 33 A personal representative of a deceased spouse <u>or common-law partner</u> who continues an application for an accounting and equalization of assets under this Part, or a surviving spouse <u>or common-law partner</u>, whether or not he or she makes or continues such an application,</p> <p>(a) may, within the time set out in or extended under section 29, or while an application under this Part is pending, request the other to provide a sworn statement disclosing the liabilities and assets of the surviving spouse <u>or common-law partner</u> or the estate of the deceased spouse <u>or common-law partner</u>, as the case may be, whether or not the assets are subject to an accounting and equalization under this Part; and</p> <p>(b) shall, on receiving a request under clause (a), provide the statement to the other person within 14 days after receiving the request.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Closing and valuation dates after death of spouse</p> <p>34 In an accounting after the death of a spouse, the closing date for the inclusion of assets and liabilities in the accounting, and the valuation date for each asset and liability is</p> <p>(a) where the spouses were cohabiting with each other on the day of the death, the date of death; or</p> <p>(b) where the spouses were not cohabiting with each other on the day of the death, the date on which the spouses last cohabited with each other.</p>		<p>Closing and valuation dates after death of spouse <u>or common-law partner</u></p> <p>34 In an accounting after the death of a spouse <u>or common-law partner</u>, the closing date for the inclusion of assets and liabilities in the accounting, and the valuation date for each asset and liability is</p> <p>(a) where the spouses <u>or common-law partners</u> were cohabiting with each other on the day of the death, the date of death; or</p> <p>(b) where the spouses <u>or common-law partners</u> were not cohabiting with each other on the day of the death, the date on which the spouses <u>or common-law partners</u> last cohabited with each other.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Valuation of assets to be included in estate</p> <p>35(1) Where spouses were cohabiting with each other on the day one of them died, the value of each of the following shall be included, together with assets subject to an accounting under Part II, as an asset of the deceased spouse for the purpose of an accounting and equalization of assets under this Part, to the extent that the deceased spouse did not receive adequate consideration in respect of the asset:</p> <p>(a) a gift mortis causa by the deceased spouse to a person other than the surviving spouse;</p> <p>(b) subject to subsection (3), property that, at the time of the death of the deceased spouse, was held by the deceased spouse and a person other than the surviving spouse, with a right of survivorship;</p> <p>(c) a retirement savings plan, retirement income fund or annuity, of a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement for the benefit of employees or former employees, payable to a person other than the surviving spouse on the death of the deceased spouse;</p>		<p>Valuation of assets to be included in estate</p> <p>35(1) Where spouses <u>or common-law partners</u> were cohabiting with each other on the day one of them died, the value of each of the following shall be included, together with assets subject to an accounting under Part II, as an asset of the deceased spouse <u>or common-law partner</u> for the purpose of an accounting and equalization of assets under this Part, to the extent that the deceased spouse <u>or common-law partner</u> did not receive adequate consideration in respect of the asset:</p> <p>(a) a gift mortis causa by the deceased spouse <u>or common-law partner</u> to a person other than the surviving spouse <u>or common-law partner</u>;</p> <p>(b) subject to subsection (3), property that, at the time of the death of the deceased spouse <u>or common-law partner</u>, was held by the deceased spouse <u>or common-law partner</u> and a person other than the surviving spouse <u>or common-law partner</u>, with a right of survivorship;</p> <p>(c) a retirement savings plan, retirement income fund or annuity, of a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement for the benefit of employees or former employees, payable to a person other than the surviving spouse <u>or common-law partner</u> on the death of the deceased spouse <u>or common-law partner</u>;</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>(d) where a life insurance policy owned by the deceased spouse is payable to a person other than the surviving spouse, the cash surrender value of the life insurance policy immediately before the death of the deceased spouse;</p> <p>(e) the proceeds of a life insurance policy payable to the estate;</p> <p>(f) any other payment to the estate by reason of the death of the deceased spouse.</p>		<p>(d) where a life insurance policy owned by the deceased spouse <u>or common-law partner</u> is payable to a person other than the surviving spouse <u>or common-law partner</u>, the cash surrender value of the life insurance policy immediately before the death of the deceased spouse <u>or common-law partner</u>;</p> <p>(e) the proceeds of a life insurance policy payable to the estate;</p> <p>(f) any other payment to the estate by reason of the death of the deceased spouse <u>or common-law partner</u>.</p>
<p>Where life insurance is not asset of estate 35(2) The proceeds of a life insurance policy payable on the death of a spouse are not an asset of the deceased spouse for the purpose of an accounting and equalization of assets under this Part where the life insurance policy</p> <p>(a) is for a purpose referred to in subsection 1(3) (insurance for business purposes);</p> <p>(b) is in compliance with a court order made under the <i>Divorce Act</i> (Canada) or clause 10(1)(i) of <i>The Family Maintenance Act</i>; or</p> <p>(c) is in compliance with a maintenance agreement between the deceased spouse and a person other than the surviving spouse.</p>		<p>Where life insurance is not asset of estate 35(2) The proceeds of a life insurance policy payable on the death of a spouse <u>or common-law partner</u> are not an asset of the deceased spouse <u>or common-law partner</u> for the purpose of an accounting and equalization of assets under this Part where the life insurance policy</p> <p>(a) is for a purpose referred to in subsection 1(3) (insurance for business purposes);</p> <p>(b) is in compliance with a court order made under the <i>Divorce Act</i> (Canada) or clause 10(1)(i) of <i>The Family Maintenance Act</i>; or</p> <p>(c) is in compliance with a maintenance agreement between the deceased spouse <u>or common-law partner</u> and a person other than the surviving spouse <u>or common-law partner</u>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Interest of deceased spouse in joint asset</p> <p>35(3) Where a deceased spouse at the time of his or her death held real property, or funds in a bank account, jointly with a person other than the surviving spouse, the real property or funds shall be included in the inventory of assets of the deceased spouse</p> <p>(a) in the case of funds in a bank account, to the extent that the funds were the property of the deceased spouse immediately before the funds were deposited; and</p> <p>(b) in the case of real property, to the extent of the ratio of the contribution of the deceased spouse to the contribution of other parties, multiplied by the fair market value of the property on the day the spouse died.</p>		<p>Interest of deceased spouse <u>or common-law partner</u> in joint asset</p> <p>35(3) Where a deceased spouse <u>or common-law partner</u> at the time of his or her death held real property, or funds in a bank account, jointly with a person other than the surviving spouse <u>or common-law partner</u>, the real property or funds shall be included in the inventory of assets of the deceased spouse <u>or common-law partner</u></p> <p>(a) in the case of funds in a bank account, to the extent that the funds were the property of the deceased spouse <u>or common-law partner</u> immediately before the funds were deposited; and</p> <p>(b) in the case of real property, to the extent of the ratio of the contribution of the deceased spouse <u>or common-law partner</u> to the contribution of other parties, multiplied by the fair market value of the property on the day the spouse <u>or common-law partner</u> died.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Onus of proof respecting joint asset 35(4) In a proceeding under this Part respecting an accounting and equalization of assets after the death of a spouse, the onus of proving the extent of the interest of the deceased spouse in a bank account or real property held jointly with a person other than the surviving spouse is on the surviving spouse.</p>		<p>Onus of proof respecting joint asset 35(4) In a proceeding under this Part respecting an accounting and equalization of assets after the death of a spouse <u>or common-law partner</u>, the onus of proving the extent of the interest of the deceased spouse <u>or common-law partner</u> in a bank account or real property held jointly with a person other than the surviving spouse <u>or common-law partner</u> is on the surviving spouse <u>or common-law partner</u>.</p>
<p>Funeral and testamentary expenses 36 Notwithstanding subsection 11(1), the funeral and testamentary expenses of the estate of the deceased spouse shall not be included in the calculation of an equalization payment under this Part.</p>		<p>Funeral and testamentary expenses 36 Notwithstanding subsection 11(1), the funeral and testamentary expenses of the estate of the deceased spouse <u>or common-law partner</u> shall not be included in the calculation of an equalization payment under this Part.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Assets of surviving spouse exempt from accounting</p> <p>37 The following assets of a surviving spouse are not subject to an accounting for the purpose of an equalization of assets under this Part:</p> <p>(a) an asset owned jointly with the deceased spouse where the surviving spouse has a right of survivorship;</p> <p>(b) life insurance payable on the death of the other spouse;</p> <p>(c) a retirement savings plan, retirement income fund or annuity, or a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement for the benefit of employees or former employees payable to the surviving spouse on the death of the other spouse.</p>		<p>Assets of surviving spouse <u>or common-law partner</u> exempt from accounting</p> <p>37 The following assets of a surviving spouse <u>or common-law partner</u> are not subject to an accounting for the purpose of an equalization of assets under this Part:</p> <p>(a) an asset owned jointly with the deceased spouse <u>or common-law partner</u> where the surviving spouse <u>or common-law partner</u> has a right of survivorship;</p> <p>(b) life insurance payable on the death of the other spouse <u>or common-law partner</u>;</p> <p>(c) a retirement savings plan, retirement income fund or annuity, or a pension, retirement, welfare or profit-sharing fund, trust, scheme, contract or arrangement for the benefit of employees or former employees payable to the surviving spouse <u>or common-law partner</u> on the death of the other spouse <u>or common-law partner</u>.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Entitlement under Intestate Succession Act</p> <p>38 Where a surviving spouse is entitled to a share of the estate of the deceased spouse under <i>The Intestate Succession Act</i>, the amount of an equalization payment payable to the surviving spouse from the estate under this Act shall be reduced by the amount of the entitlement of the surviving spouse under <i>The Intestate Succession Act</i>.</p> <p>Deduction of certain gifts to a surviving spouse</p> <p>39 Subject to section 43, the value of a bequest, gift or devise to which a surviving spouse is entitled under the will of the deceased spouse, including any bequest, gift or devise renounced by the surviving spouse, and any gift mortis causa made to the surviving spouse by the deceased spouse, shall be deducted from any amount payable to the surviving spouse from the estate of the deceased spouse under this Act.</p>	should read	<p>Entitlement under Intestate Succession Act</p> <p>38 Where a surviving spouse <u>or common-law partner</u> is entitled to a share of the estate of the deceased spouse <u>or common-law partner</u> under <i>The Intestate Succession Act</i>, the amount of an equalization payment payable to the surviving spouse <u>or common-law partner</u> from the estate under this Act shall be reduced by the amount of the entitlement of the surviving spouse <u>or common-law partner</u> under <i>The Intestate Succession Act</i>.</p> <p>Deduction of certain gifts to a surviving spouse <u>or common-law partner</u></p> <p>39 Subject to section 43, the value of a bequest, gift or devise to which a surviving spouse <u>or common-law partner</u> is entitled under the will of the deceased spouse <u>or common-law partner</u>, including any bequest, gift or devise renounced by the surviving spouse <u>or common-law partner</u>, and any gift mortis causa made to the surviving spouse <u>or common-law partner</u> by the deceased spouse <u>or common-law partner</u>, shall be deducted from any amount payable to the surviving spouse <u>or common-law partner</u> from the estate of the deceased spouse <u>or common-law partner</u> under this Act.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Priority of equalization payment 41(1) Where a surviving spouse is entitled under this Act to an equalization payment from the estate of a deceased spouse, the equalization payment is deemed to be a debt of the deceased spouse, is payable after the other liabilities of the estate, and has priority over</p> <p>(a) a bequest, gift or devise contained in a will of the deceased spouse;</p> <p>(b) an obligation to pay maintenance under a maintenance agreement or an order of a court binding the estate of the deceased spouse; and</p> <p>(c) an order of a court under <i>The Dependants Relief Act</i>.</p>		<p>Priority of equalization payment 41(1) Where a surviving spouse <u>or common-law partner</u> is entitled under this Act to an equalization payment from the estate of a deceased spouse <u>or common-law partner</u>, the equalization payment is deemed to be a debt of the deceased spouse <u>or common-law partner</u>, is payable after the other liabilities of the estate, and has priority over</p> <p>(a) a bequest, gift or devise contained in a will of the deceased spouse <u>or common-law partner</u>;</p> <p>(b) an obligation to pay maintenance under a maintenance agreement or an order of a court binding the estate of the deceased spouse <u>or common-law partner</u>; and</p> <p>(c) an order of a court under <i>The Dependants Relief Act</i>.</p>
<p>Payment of deficit by beneficiaries 41(2) An equalization payment under this Part shall be paid from the interests of the persons, other than the surviving spouse, who are beneficiaries of the estate, in proportion to the value of their respective interests in the estate, unless the will of the deceased spouse specifically provides for the manner in which the interests of the beneficiaries are to be used to satisfy an equalization payment, in which case the provisions of the will apply.</p>		<p>Payment of deficit by beneficiaries 41(2) An equalization payment under this Part shall be paid from the interests of the persons, other than the surviving spouse <u>or common-law partner</u>, who are beneficiaries of the estate, in proportion to the value of their respective interests in the estate, unless the will of the deceased spouse <u>or common-law partner</u> specifically provides for the manner in which the interests of the beneficiaries are to be used to satisfy an equalization payment, in which case the provisions of the will apply.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Payment of deficit from other assets 41(3) Where the amounts payable under subsection (2) are not sufficient to satisfy the amount of an equalization payment under this Part, the deficit shall be paid by the persons entitled to the assets referred to in subsection 35(1), in proportion to and to the extent of the value of their respective interests in those assets less the value of any consideration provided by those persons respectively to or on behalf of the deceased spouse.</p>		<p>Payment of deficit from other assets 41(3) Where the amounts payable under subsection (2) are not sufficient to satisfy the amount of an equalization payment under this Part, the deficit shall be paid by the persons entitled to the assets referred to in subsection 35(1), in proportion to and to the extent of the value of their respective interests in those assets less the value of any consideration provided by those persons respectively to or on behalf of the deceased spouse <u>or common-law partner</u>.</p>
<p>Variation of trust in will for equalization payment 41(4) For the purpose of subsection (2), the court may on application vary the terms of a trust, that is established under the terms of the will of a deceased spouse and that is an asset of the deceased spouse for the purpose of an accounting and equalization of assets under this Part, in order to satisfy the share of the surviving spouse on an equalization of assets under this Part, and section 59 of <i>The Trustee Act</i> applies with necessary modifications to any such variation or proposed variation.</p>		<p>Variation of trust in will for equalization payment 41(4) For the purpose of subsection (2), the court may on application vary the terms of a trust, that is established under the terms of the will of a deceased spouse <u>or common-law partner</u> and that is an asset of the deceased spouse <u>or common-law partner</u> for the purpose of an accounting and equalization of assets under this Part, in order to satisfy the share of the surviving spouse <u>or common-law partner</u> on an equalization of assets under this Part, and section 59 of <i>The Trustee Act</i> applies with necessary modifications to any such variation or proposed variation.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
<p>Satisfaction of equalization payment 41(5) The amount that a beneficiary or a person entitled to an asset of a deceased spouse is required to pay to satisfy an equalization payment payable to a surviving spouse may be made</p> <p>(a) by payment of the amount in a lump sum or by instalments;</p> <p>(b) by the transfer, conveyance or delivery of an asset or assets in lieu of the amount; or</p> <p>(c) by a combination of clauses (a) and (b);</p> <p>as may be agreed or, in the absence of agreement, as the court may order upon the application of the surviving spouse, beneficiary or person.</p>		<p>Satisfaction of equalization payment 41(5) The amount that a beneficiary or a person entitled to an asset of a deceased spouse <u>or common-law partner</u> is required to pay to satisfy an equalization payment payable to a surviving spouse <u>or common-law partner</u> may be made</p> <p>(a) by payment of the amount in a lump sum or by instalments;</p> <p>(b) by the transfer, conveyance or delivery of an asset or assets in lieu of the amount; or</p> <p>(c) by a combination of clauses (a) and (b);</p> <p>as may be agreed or, in the absence of agreement, as the court may order upon the application of the surviving spouse <u>or common-law partner</u>, beneficiary or person.</p>
<p>Application to court to settle question 42 An application to the court under subsection 18(1) may be made by the surviving spouse, the personal representative of the estate of the deceased spouse, or a person who is or might be a beneficiary of the estate.</p>		<p>Application to court to settle question 42 An application to the court under subsection 18(1) may be made by the surviving spouse <u>or common-law partner</u>, the personal representative of the estate of the deceased spouse <u>or common-law partner</u>, or a person who is or might be a beneficiary of the estate.</p>

Marital Property Act

Current Act:	should read	Proposed Act:
Rights of surviving spouse under will 43 Nothing in this Act affects the right of a surviving spouse to take under the will of the deceased spouse and not under this Act.		Rights of surviving spouse under will 43 Nothing in this Act affects the right of a surviving spouse <u>or common-law partner</u> to take under the will of the deceased spouse <u>or common-law partner</u> and not under this Act.

Mental Health Act

Current Act:	Should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p> <p>"nearest relative" means, with respect to a patient,</p> <p>(a) the adult person listed first in the following clauses, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of two or more relatives described in any clause being preferred to the other of those relatives, regardless of gender:</p> <p>(i) spouse, (ii) son or daughter, (iii) father or mother, (iv) brother or sister, (v) grandfather or grandmother, (vi) grandson or granddaughter, (vii) uncle or aunt, (viii) nephew or niece, or</p> <p>(b) the Public Trustee, if there is not nearest relative within any description in clause (a) who is apparently mentally competent and available and willing to act on the patient's behalf;</p>		<p>Definitions</p> <p>1 In this Act,</p> <p><u>"common-law partner"</u> means a person who, not being married to the other person, cohabits with him or her in a <u>conjugal relationship</u>.</p> <p>"nearest relative" means, with respect to a patient,</p> <p>(a) the adult person listed first in the following clauses, relatives of the whole blood being preferred to relatives of the same description of the half-blood and the elder or eldest of two or more relatives described in any clause being preferred to the other of those relatives, regardless of gender:</p> <p>(i) spouse <u>or common-law partner</u>, (ii) son or daughter, (iii) father or mother, (iv) brother or sister, (v) grandfather or grandmother, (vi) grandson or granddaughter, (vii) uncle or aunt, (viii) nephew or niece, or</p> <p>(b) the Public Trustee, if there is not nearest relative within any description in clause (a) who is apparently mentally competent and available and willing to act on the patient's behalf;</p>

Mental Health Act

Current Act:	Should read	Proposed Act:
<p>"spouse", with respect to a patient, includes a person who although not married to the patient cohabited with the patient as his or her spouse for at least six months immediately before the patient's admission to the facility, but does not include a spouse from whom the patient is living separate and apart.</p>		<p>"spouse", with respect to a patient, includes a person who although not married to the patient <u>common-law partner who</u> cohabited with the patient as his or her spouse for at least six months immediately before the patient's admission to the facility, but does not include a spouse <u>or common-law partner</u> from whom the patient is living separate and apart.</p>
<p>Persons prohibited as members 49(8) A member of the review board is not eligible to sit on a panel of the review board for an application relating to a person if he or she</p> <ul style="list-style-type: none"> (a) is the person's spouse; (b) is related to the person by blood or marriage; (c) is a psychiatrist or physician who is treating or has treated the person; (d) is an officer, employee or staff member of the facility in which the person is being treated; (e) is a lawyer who is acting for or has acted for the person or for the facility in which the person is being treated; 		<p>Persons prohibited as members 49(8) A member of the review board is not eligible to sit on a panel of the review board for an application relating to a person if he or she</p> <ul style="list-style-type: none"> (a) is the person's spouse <u>or</u> common-law partner; (b) is related to the person by blood or marriage; (c) is a psychiatrist or physician who is treating or has treated the person; (d) is an officer, employee or staff member of the facility in which the person is being treated; (e) is a lawyer who is acting for or has acted for the person or for the facility in which the person is being treated;

Mental Health Act

Current Act:	Should read	Proposed Act:
<p>(f) is a member of a law firm who is acting for the person or for the facility in which the person is being treated; or</p> <p>(g) is a lawyer who is acting for or has acted for a party opposite in interest to the person in nay proceeding in which the person was a party.</p> <p>Form of application: required documents 72(1) Unless the court directs otherwise, an application under section 71 shall include the following:</p> <p>(a) an affidavit by the applicant, the proposed committee, or another knowledgeable person, stating</p> <p style="padding-left: 40px;">(i) name and address of the person alleged to be incapable,</p> <p style="padding-left: 40px;">(ii) the circumstances that give rise to the application,</p> <p style="padding-left: 40px;">(iii) the name and address of the proposed committee,</p> <p style="padding-left: 40px;">(iv) the relationship, if any of the proposed committee to the person,</p>	Should read	<p>(f) is a member of a law firm who is acting for the person or for the facility in which the person is being treated; or</p> <p>(g) is a lawyer who is acting for or has acted for a party opposite in interest to the person in nay proceeding in which the person was a party.</p> <p>Form of application: required documents 72(1) Unless the court directs otherwise, an application under section 71 shall include the following:</p> <p>(a) an affidavit by the applicant, the proposed committee, or another knowledgeable person, stating</p> <p style="padding-left: 40px;">(i) name and address of the person alleged to be incapable,</p> <p style="padding-left: 40px;">(ii) the circumstances that give rise to the application,</p> <p style="padding-left: 40px;">(iii) the name and address of the proposed committee,</p> <p style="padding-left: 40px;">(iv) the relationship, if any of the proposed committee to the person,</p>

Mental Health Act

Current Act:	Should read	Proposed Act:
<p>(v) if the proposed committee is related to the person, the name and address of the person's spouse, children and any other relatives who are of equal or closer relationship than the proposed committee,</p> <p>(vi) if the proposed committee is not related to the person, the name and address of the person's spouse, children, parents and siblings,</p> <p>(vii) the proposed committee's consent to act as committee,</p> <p>(viii) evidence, including age, showing the proposed committee's capacity to act, and</p> <p>(ix) the value of the person's property;</p> <p>(b) if the person alleged to be incapable is competent to consent, a signed consent from that person to the appointment of the proposed committee and to dispensing with security under section 77;</p>		<p>(v) if the proposed committee is related to the person, the name and address of the person's spouse <u>or common-law partner</u>, children and any other relatives who are of equal or closer relationship than the proposed committee,</p> <p>(vi) if the proposed committee is not related to the person, the name and address of the person's spouse <u>or common-law partner</u>, children, parents and siblings,</p> <p>(vii) the proposed committee's consent to act as committee,</p> <p>(viii) evidence, including age, showing the proposed committee's capacity to act, and</p> <p>(ix) the value of the person's property;</p> <p>(b) if the person alleged to be incapable is competent to consent, a signed consent from that person to the appointment of the proposed committee and to dispensing with security under section 77;</p>

Mental Health Act

Current Act:	Should read	Proposed Act:
<p>(c) a signed consent from each person mentioned in subclause (a)(v) or (vi) to the appointment of the proposed committee and to dispensing with security under section 77;</p> <p>(d) affidavits by at least two physicians describing the mental condition of the person alleged to be incapable.</p>		<p>(c) a signed consent from each person mentioned in subclause (a)(v) or (vi) to the appointment of the proposed committee and to dispensing with security under section 77;</p> <p>(d) affidavits by at least two physicians describing the mental condition of the person alleged to be incapable.</p>

Municipal Act

Current Act:	Should read	Proposed Act:
Definitions 1(1) In this Act,		Definitions 1(1) In this Act, <u>“common-law partner” means a person who, not being married to the other person, cohabits with him or her in a conjugal relationship.</u> <u>“family” means the spouse, common-law partner, son, daughter, brother, sister, parent, or grandparent of an individual;</u>

<p>Prohibited bidders, purchasers and agents</p> <p>373 Unless acting as an agent of a municipality in a purchase by a municipality under section 374, the following persons must not bid for, buy, or act as an agent in buying a property offered for sale at an auction;</p> <p>(a) the auctioneer;</p> <p>(b) a member of council;</p> <p>(c) the administrative officer, or at the discretion of the municipality, a designated officer of the municipality;</p> <p>(d) a spouse or dependant family member residing with any of the persons described in clauses (a) to (c);</p> <p>(e) a person in which any of the individuals mentioned in clauses (a) to (c) has a pecuniary interest.</p>		<p>Prohibited bidders, purchasers and agents</p> <p>373 Unless acting as an agent of a municipality in a purchase by a municipality under section 374, the following persons must not bid for, buy, or act as an agent in buying a property offered for sale at an auction;</p> <p>(a) the auctioneer;</p> <p>(b) a member of council;</p> <p>(c) the administrative officer, or at the discretion of the municipality, a designated officer of the municipality;</p> <p>(d) a spouse, <u>common-law partner</u>, or dependant family member residing with any of the persons described in clauses (a) to (c);</p> <p>(e) a person in which any of the individuals mentioned in clauses (a) to (c) has a pecuniary interest.</p>
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Municipal Council Conflict of Interest Act

Current Act:	Should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p> <p>"dependant" means</p> <p>(a) the spouse of a councillor, including a person who is not married to the councillor but whom the councillor represents as his spouse, and</p> <p>(b) any child, natural or adopted, of the councillor who resides with the councillor;</p>		<p>Definitions</p> <p>1 In this Act,</p> <p>"dependant" means</p> <p>(a) the spouse of a councillor, including a person who is not married to the councillor but whom the councillor represents as his spouse, and</p> <p>(b) any child, natural or adopted, of the councillor who resides with the councillor;</p> <p><u>"immediate family"</u> means</p> <p>(a) <u>the spouse of a councillor;</u></p> <p>(b) <u>the common-law partner of a councillor; and</u></p> <p>(c) <u>any child of a councillor,</u></p> <p>who resides with the councillor;</p> <p><u>"common-law partner"</u> means a person <u>who, not being married to the other person, cohabits with him or her in a conjugal relationship;</u></p>

Municipal Council Conflict of Interest Act

Current Act:	Should read	Proposed Act:
<p>Disclosure during meetings</p> <p>5(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a councillor or any of his dependants has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a councillor or any of his dependants has a direct or indirect pecuniary liability; <p>the councillor shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter. 	Should read	<p>Disclosure during meetings</p> <p>5(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a councillor or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a councillor or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary liability; <p>the councillor shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter.

Pension Benefits Act

Current Act:	should read	Proposed Act:
<p>Definitions 1(1) In this Act</p> <p>“common-law partner” of a member or former member means a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship</p> <p>(a) for a period of at least 3 years; if either of them is married, or</p> <p>(b) for a period of at least one year, if neither of them is married.</p>		<p>Definitions 1(1) In this Act</p> <p>“common-law partner” of a member or former member means a person who, not being married to the member or former member, cohabited with him or her in a conjugal relationship</p> <p>(a) for a period of at least 3 years; if either of them is married, or</p> <p>(b) for a period of at least one year, if neither of them is married.</p> <p><u>(a) for a period of not less than 3 years, or</u></p> <p><u>(b) for a period of at least one year and they are together the parents of a child.</u></p>

<p>Division of pension benefits on marriage breakup</p> <p>31(2) Subject to subsections (3) to (8), where</p> <ul style="list-style-type: none"> (a) pursuant to an order of the Court of Queen’s Bench made under <i>The Marital Property Act</i>, family assets of a person are required to be divided; or (b) pursuant to a written agreement between spouses, family assets of the spouses are divided between the spouses; or (c) pursuant to a written agreement between two persons who have been parties to a common-law relationship and who have terminated the relationship, assets which, if the parties had been spouses, would have been family assets of the parties, are divided between the parties; <p>the pension benefit credit of the spouses or the parties, as the case may be, in a pension plan, or any payments due to them under a pension plan, shall be divided between them, and the division shall be made in the manner prescribed in the regulations notwithstanding that the order or the agreement, as the case may be, may require the division to be made in a different manner.</p>		<p>Division of pension benefits on marriage breakup</p> <p>31(2) Subject to subsections (3) to (8), where</p> <ul style="list-style-type: none"> (a) pursuant to an order of the Court of Queen’s Bench made under <i>The Marital Family Property Act</i>, family assets of a person are required to be divided; or (b) pursuant to a written agreement between spouses <u>or common-law partners</u>, family assets of the spouses <u>or common-law partners</u> are divided between the spouses <u>or common-law partners</u>; or (c) pursuant to a written agreement between two persons who have been parties to a common-law relationship and who have terminated the relationship, assets which, if the parties had been spouses, would have been family assets of the parties, are divided between the parties; <p>the pension benefit credit of the spouses or the <u>parties common-law partners</u>, as the case may be, in a pension plan, or any payments due to them under a pension plan, shall be divided between them, and the division shall be made in the manner prescribed in the regulations notwithstanding that the order or the agreement, as the case may be, may require the division to be made in a different manner.</p>
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Pension Benefits Act

Current Act:	Should read	Proposed Act:
<p>Effective date of subsection (2) 31(3) Subsection (2) does not apply except in the case of</p> <p style="padding-left: 40px;">(a) spouses; or</p> <p style="padding-left: 40px;">(b) parties to a common-law relationship;</p> <p>as the case may be, who began living separate and apart from each other after December 31, 1983.</p>		<p>Effective date of subsection (2) 31(3) Subsection (2) does not apply except in the case of</p> <p style="padding-left: 40px;">(a) spouses <u>who began living separate and apart from each other after December 31, 1983;</u> or</p> <p style="padding-left: 40px;">(b) parties to a common-law relationship <u>common-law partners who began living separate and apart from each other after December 31, 2001.</u></p> <p>as the case may be, who began living separate and apart from each other after December 31, 1983.</p>

Pension Benefits Act

Current Act:	Should read	Proposed Act:
<p>Common-law parties – opting in 31(5) Subsection (2) does not apply to a pension plan in the case of persons who are parties to a common-law relationship unless the party who is a member of the pension plan makes and executes a written declaration, in the form prescribed therefore in the regulations,</p> <ul style="list-style-type: none"> (a) Identifying the other party and showing that the other party is his or her common-law partner within the meaning of the definition of that term in subsection 1(1); (b) Specifying the commencement date of the common-law relationship; and <p>Stating that subsection (2) shall apply to the pension plan.</p>		<p>Common-law parties – opting in 31(5) Subsection (2) does not apply to a pension plan in the case of persons who are parties to a common law relationship unless the party who is a member of the pension plan makes and executes a written declaration, in the form prescribed therefore in the regulations,</p> <ul style="list-style-type: none"> (a) Identifying the other party and showing that the other party is his or her common law partner within the meaning of the definition of that term in subsection 1(1); (b) Specifying the commencement date of the common law relationship; and <p>Stating that subsection (2) shall apply to the pension plan.</p>
<p>Filing of declaration or agreement 31(8) A declaration or agreement under subsection (5), (6) or (7) shall be filed with the administrator of the affected pension plan, but the declaration under subsection (5) is of no force or effect unless it is so filed before the member making the declaration receives any payments under the pension plan.</p>		<p>Filing of declaration or agreement 31(8) A declaration or agreement under subsection (5), (6) or (7) shall be filed with the administrator of the affected pension plan. but the declaration under subsection (5) is of no force or effect unless it is so filed before the member making the declaration receives any payments under the pension plan.</p>

Powers of Attorney Act

Current Act:	Should read	Proposed Act:
<p>If donor cannot read or write 10(2) Despite clause (1)(b), where a donor is incapable of reading or signing an enduring power of attorney, an individual other than the attorney or the attorney's spouse may sign the power of attorney on the donor's behalf in the presence and at the direction of the donor, in which case</p> <p style="padding-left: 40px;">(a) the donor shall acknowledge the signature in the presence of an individual who is qualified under section 11 to be a witness; and</p> <p style="padding-left: 40px;">(b) the witness shall sign the enduring power of attorney in the presence of the donor.</p>		<p>If donor cannot read or write 10(2) Despite clause (1)(b), where a donor is incapable of reading or signing an enduring power of attorney, an individual other than the attorney or the attorney's spouse <u>or common-law partner</u> may sign the power of attorney on the donor's behalf in the presence and at the direction of the donor, in which case</p> <p style="padding-left: 40px;">(a) the donor shall acknowledge the signature in the presence of an individual who is qualified under section 11 to be a witness; and</p> <p style="padding-left: 40px;">(b) the witness shall sign the enduring power of attorney in the presence of the donor.</p>
<p>Attorney and spouse may not witness 11(2) The attorney appointed under the enduring power of attorney and his or her spouse may not act as witness to the donor's signature.</p>		<p>Attorney and spouse <u>or common-law partner</u> may not witness 11(2) The attorney appointed under the enduring power of attorney and his or her spouse <u>or common-law partner</u> may not act as witness to the donor's signature.</p>

Public Schools Act

Current Act:	Should read	Proposed Act:
<p>Definitions 36(1) In this section and in sections 36, 37, 38, 39.1, 39.2, 39.3, 39.4, 39.5, 39.6, 39.7 and 39.8,</p> <p>"dependant" means</p> <p>(a) the spouse of a trustee, including a person who is not married to the trustee but whom the trustee represents as the spouse; and</p> <p>(b) any child, natural or adopted of the trustee who resides with the trustee.</p>		<p>Definitions 36(1) In this section and in sections 36, 37, 38, 39.1, 39.2, 39.3, 39.4, 39.5, 39.6, 39.7 and 39.8,</p> <p>"dependant" means</p> <p>(a) the spouse of a trustee, including a person who is not married to the trustee but whom the trustee represents as the spouse; and</p> <p>(b) any child, natural or adopted of the trustee who resides with the trustee.</p> <p><u>"immediate family"</u> means</p> <p>(a) <u>the spouse of a trustee;</u></p> <p>(b) <u>the common-law partner of a trustee; and</u></p> <p>(c) <u>any child of a trustee,</u></p> <p><u>who resides with the trustee;</u></p> <p><u>"common-law partner"</u> means a person <u>who, not being married to the other person, cohabits with him or her in a conjugal relationship;</u></p>

Public Schools Act

Current Act:	Should read	Proposed Act:
<p>"Entitled person" includes a spouse 21.36(1) In this section, "entitled person" includes a spouse of an entitled person who is either legally married to the entitled person or, if not legally married, has cohabited with the entitled person for a period of at least 12 months immediately before the election.</p>		<p>"Entitled person" includes a spouse 21.36(1) In this section, "entitled person" includes a spouse <u>or common-law partner</u> of an entitled person who is either legally married to the entitled person or, if not legally married, has cohabited with the entitled person for a period of at least 12 months immediately before the election.</p>
<p>Disclosure during meetings 38(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a trustee or any of his dependants has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a trustee or any of his dependants has a direct or indirect pecuniary liability; <p>the trustee shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter. 		<p>Disclosure during meetings 38(1) Where during any meeting there arises</p> <ul style="list-style-type: none"> (a) a matter in which a trustee or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary interest; or (b) a matter involving the direct or indirect pecuniary interest of any person, corporation, subsidiary or a corporation, partnership, or organization to whom or which a trustee or any of his dependants <u>immediate family</u> has a direct or indirect pecuniary liability; <p>the trustee shall</p> <ul style="list-style-type: none"> (c) disclose the general nature of the direct or indirect pecuniary interest or liability; (d) withdraw from the meeting without voting or participating in the discussion; and (e) refrain at all times from attempting to influence the matter.

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Definitions</p> <p>1 In this Act,</p>		<p>Definitions</p> <p>1 In this Act,</p> <p><u>“common-law partner”</u> means a person who, not being married to the other person, cohabited with him or her in a conjugal relationship</p> <p>(h) <u>for a period of not less than 3 years, or</u></p> <p>(i) <u>for a period of at least one year and they are together the parents of a child.</u></p> <p><u>“common-law relationship”</u> means the relationship between two persons who are common-law partners of each other;</p>
<p>Gift to attesting witness</p> <p>12(1) Where a Will is attested by a person to whom or to whose then spouse, a beneficial devise, bequest, or other disposition or appointment of or affecting real or personal property, except charges and directions for payment of debt, is thereby given or made, the devise, bequest or other disposition or appointment is void so far only as it concerns the person so attesting, or the spouse or a person claiming under any of them; but the person so attesting is a competent witness to prove the execution of the will or its validity or invalidity.</p>		<p>Gift to Attesting witness</p> <p>12(1) Where a will is attested by a person to whom or to whose then spouse or <u>common-law partner</u>, a beneficial devise, bequest, or other disposition or appointment of or affecting real or personal property, except charges and directions for payment of debt, is thereby given or made, the devise, bequest, or other disposition or appointment is void so far only as it concerns the person so attesting, or the spouse <u>or common-law partner</u> or a person claiming under any of them; but the person so attesting is a competent witness to prove the execution of the will or its validity or invalidity.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Validation of gifts to witnesses 12(3) Where a person to whom or to whose spouse, a beneficial devise, bequest or other disposition or appointment of or affecting real or personal property is given or made by a will, attests the will, the court, on application, if satisfied that neither the person nor the spouse of the person exercised any improper or undue influence upon the testator, may order that notwithstanding subsection (1), the devise, bequest or other disposition or appointment is valid, and thereupon, the devise, bequest or other disposition or the appointment, as the case may be, is valid and fully effective as through the will had been property attested by other persons.</p>		<p>Validation of gifts to witnesses 12(3) Where a person to whom or to whose spouse <u>or common-law partner</u>, a beneficial devise, bequest or other disposition or appointment of or affecting real or personal property is given or made by a will, attests the will, the court, on application, if satisfied that neither the person nor the spouse <u>or common-law partner</u> of the person exercised any improper or undue influence upon the testator, may order that, notwithstanding subsection (1), the devise, bequest or other disposition or appointment is valid, and thereupon, the devise, bequest or other disposition or the appointment as the case may be, is valid and fully effective as though the will had been properly attested by other persons.</p>
<p>Gift to persons signing for testator 13(1) Where a will is signed for the testator by another person to whom or to whose then spouse, a beneficial devise, bequest, or other disposition or appointment of or affecting real or personal property, except charges and directions for payment of debt, is thereby given or made, the devise, bequest, or other disposition or appointment is void so far only as it concerns the person so signing or the spouse or a person claiming under any of them; but the will is not invalid for that reason.</p>		<p>Gifts to persons signing for testator 13(1) Where a will is signed for the testator by another person to whom or to whose then spouse <u>or common-law partner</u>, a beneficial devise, bequest, or other disposition or appointment of or affecting real or personal property, except charges and directions for payment of debt, is thereby given or made, the devise, bequest, or other disposition or appointment is void so far only as it concerns the person so signing or the spouse <u>or common-law partner</u> or a person claiming under any of them; but the will is not invalid for that reason.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Validation of gifts to signor of will</p> <p>13(2) Where a person to whom or to whose spouse a beneficial devise, bequest or other disposition or appointment of or affecting real or personal property is given or made by a will, signs the will for the testator, the court, on application, if satisfied that neither the person nor the spouse of the person exercised any improper or undue influence upon the testator may order that notwithstanding subsection (1), the devise, bequest or other disposition or appointment is valid, and thereupon the devise, bequest or other disposition or appointment as the case may be, is valid and fully effective as though the will had been properly signed by the testator.</p>		<p>Validation of gifts to signor of will</p> <p>13(2) Where a person to whom or to whose spouse <u>or common-law partner</u> a beneficial devise, bequest or other disposition or appointment of or affecting real or personal property s given or made by a will, signs the will for the testator, the court on application, if satisfied that neither the person nor the spouse <u>or common-law partner</u> of the person exercised any improper or undue influence upon the testator may order that notwithstanding subsection (1), the devise, bequest or other disposition or appointment is valid, and thereupon the devise, bequest or other disposition or appointment as the case may be, is valid and fully effective as though the will had been properly signed by the testator.</p>
<p>Creditor as witness</p> <p>14 Where real or personal property is charged by a will with a debt and a creditor or the spouse of a creditor whose debt is so charged attests the will, the person so attesting, notwithstanding such charge, is a competent witness to prove the execution of the will or its validity or invalidity.</p>		<p>Creditor as witness</p> <p>14 Where real or personal property is charged by a will with a debt and a creditor or the spouse <u>or common-law partner</u> of a creditor whose debt is so charged attests the will, the person so attesting, notwithstanding such charge, is a competent witness to prove the execution of the will or its validity or invalidity.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Revocation in general</p> <p>16 A will or part of a will is not revoked except as provided in subsection 18(2) or</p> <p>(a) subject to section 17, by the marriage of the testator; or</p> <p>(b) by a later will valid under this Act; or</p> <p>(c) by a later writing declaring an intention to revoke it and made in accordance with the provisions of this Act governing the making of a will; or</p> <p>(d) by burning, tearing or otherwise destroying it by the testator or by some person in the presence and by the direction of the testator with the intention of revoking it.</p>		<p>Revocation in general</p> <p>16 A will or part of a will is not revoked except as provided in subsection 18(2) or</p> <p>(a) subject to section 17, by the marriage <u>or common-law relationship</u> of the testator; or</p> <p>(b) by a later will valid under this Act; or</p> <p>(c) by a later writing declaring an intention to revoke it and made in accordance with the provisions of this Act governing the making of a will; or</p> <p>(d) by burning, tearing or otherwise destroying it by the testator or by some person in the presence and by the direction of the testator with the intention of revoking it.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Revocation by marriage</p> <p>17 A will is revoked by the marriage of the testator except where</p> <p>(a) there is a declaration in the will that it is made in contemplation of the marriage; or</p> <p>(b) the will is made in exercise of a power of appointment or real or personal property which would not, in default of the appointment, pass to the heir, executor, or administrator of the testator or to the persons entitled to the estate of the testator if the testator died intestate.</p>		<p>Revocation by marriage <u>or common-law relationship</u></p> <p>17 A will is revoked by the marriage <u>or common-law relationship</u> of the testator except where</p> <p>(a) there is a declaration in the will that it is made in contemplation of the marriage <u>or common-law relationship</u>; or</p> <p>(b) the will is made in exercise of a power of appointment of real or person property which would not, in default of the appointment, pass to the heir, executor, or administrator of the testator or to the persons entitled to the estate of the testator if the testator died intestate.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Effect of Divorce</p> <p>18(2) Where in a will</p> <p>(a) a devise or bequest of a beneficial interest in property is made to the spouse of the testator; or</p> <p>(b) the spouse of the testator is appointed executor or trustee; or</p> <p>(c) a general or special power of appointment is conferred upon a spouse of the testator;</p> <p>and after the making of the will and before the death of the testator, the testator's marriage to that spouse is terminated by a decree absolute of divorce or is found to be void or declared a nullity by a court in a proceeding to which the testator is a party, then unless a contrary intention appears in the will, the devise, bequest, appointment or power is revoked and the will shall be construed as if the spouse had predeceased the testator.</p>		<p>Effect of divorce <u>or separation</u></p> <p>18(2) Where in a will</p> <p>(a) a devise or bequest of a beneficial interest in property is made to the spouse <u>or common-law partner</u> of the testator; or</p> <p>(b) the spouse <u>or common-law partner</u> of the testator is appointed executor or trustee; or</p> <p>(c) a general or special power of appointment is conferred upon a spouse <u>or common-law partner</u> of the testator;</p> <p>and after the making of the will and before the death of the testator, the testator's marriage to that spouse is terminated by a decree absolute of divorce or is found to be void or declared a nullity by a court in a proceeding to which the testator is a party, <u>or the testator has ceased cohabitation with his or her common-law partner for at least one year</u>, then, unless a contrary intention appears in the will, the devise, bequest, appointment or power is revoked and the will shall be construed as if the spouse <u>or common-law partner</u> had predeceased the testator.</p>

Wills Act
Wills Act

Current Act:	should read	Proposed Act:
<p>Definition of “spouse”</p> <p>18(3) In subsection (2) “spouse” includes the person purported or thought by the testator to be the spouse of the testator.</p>		<p>Definition of “spouse” and “<u>common-law partner</u>”</p> <p>18(3) In subsection (2) “spouse” <u>and “common-law partner”</u> includes the person purported or thought by the testator to be the spouse <u>or common-law partner</u> of the testator.</p>
<p>Act subject to Homesteads and Marital Property Acts</p> <p>59 This Act is subject to <i>The Homesteads Act</i> and Part IV of <i>The Marital Property Act</i> respecting the equalization of assets after the death of a spouse.</p>		<p>Act subject to Homesteads and Marital <u>Family</u> Property Acts</p> <p>59 This Act is subject to <i>The Homesteads Act</i> and Part IV of <i>The Marital <u>Family</u> Property Act</i> respecting the equalization of assets after the death of a spouse <u>or common-law partner</u>.</p>