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Albertans' Perceptions and Attitudes regarding Common-Law Property Division Laws

EXPLORING EVIDENCE FROM THE ALBERTA SURVEY 2016

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Albertans' Perceptions and Attitudes regarding Common-Law Property Division Laws

This report provides a summary of the results of the *2016 Alberta Survey B*, a survey which included six questions on public perceptions, attitudes, and values regarding common-law property division rules in Alberta.¹ The survey was conducted by the Population Research Laboratory (PRL) at the University of Alberta.

This report includes a description of the survey questions particular to common-law relationships and property division laws in Alberta. This description is followed by a summary of pertinent respondent characteristics and a summary of the report findings. Appendices I and II provide information on the survey methodology and tables displaying statistically significant relationships between the questions of interest and demographic variables. Appendix III highlights significant results from statistical models that were constructed to provide possible theoretical frameworks for the data.

The Questions

The PRL administered six questions specific to property division laws on behalf of the Alberta Law Reform Institute at the University of Alberta. For the purpose of this report, they have been divided into three categories, background, attitudes, and values, contingent on the question content. The questions, response options, and any preamble from the original questionnaire are listed below in italics.

Background

For this survey, a common-law relationship is one where a couple lives together without being legally married to each other. It would also include a couple who lives together before marrying each other.

Property means anything a person owns, including savings or investments, real estate, cars, household furniture, etc.

1. *If you have ever lived with a partner without being legally married to that partner (or before being legally married to that partner), when did you consider yourself to be in a common-law relationship? If you have been in more than one common-law relationship, think of the most recent one.*
 - a) *When you and your partner moved in together*
 - b) *After you and your partner had lived together for 1 year*
 - c) *After you and your partner had lived together for 3 years or more*
 - d) *When you and your partner had a child together*
 - e) *When you and your partner made a written agreement*
 - f) *You have never been in a common-law relationship*
 - g) *Other (specify)*
 - h) *Don't know*
 - i) *No response*

¹ Population Research Laboratory (2016). 2016 Alberta Annual Survey B. [data file and codebook]. University of Alberta, Edmonton.

2. *If you are currently married or in a common-law relationship, do you and your spouse or partner have a written agreement about how you would divide your property if you split up?*
 - a) *Yes*
 - b) *No*
 - c) *Not currently married or in a common-law relationship*
 - d) *Don't know (volunteered)*
 - e) *No response (volunteered)*

3. *What do you think Alberta law says about how a common-law couple divides property when they split up? Please answer what you think the law is, not necessarily what you think it should be.*
 - a) *Each partner keeps their own property, and they divide only property that they owned jointly*
 - b) *Property acquired by either partner is equally divided between them*
 - c) *They divide property based on all their contributions, which can be financial or non-financial*
 - d) *Other (specify)*
 - e) *Don't know*
 - f) *No response*

Attitudes

Alberta legislation sets out rules for how married couples must divide property when they split up. Property that either spouse acquired during the marriage will be equally divided between them. There are certain kinds of property that are not divided, including property that either spouse owned before the marriage, inheritances, and gifts. There are some other exceptions. Those rules do not apply to common-law couples in Alberta.

4. *Do you think that the rules about dividing property that apply to married couples would also be appropriate for common-law couples?*
 - a) *Yes*
 - b) *No*
 - c) *Don't know*
 - d) *No response*

5. *If the law were changed so the rules about dividing property applied to common-law couples, when should the rules apply? (Select all that apply)*
 - a) *The rules should apply to a couple that has lived together for a certain number of years*
 - b) *The rules should apply to a couple that has a child together*
 - c) *The rules should apply to a couple that has a written agreement to divide property according to the rules*
 - d) *Other (specify)*
 - e) *Don't know*
 - f) *No response*

Values

6. Which of the following values is **MOST** important in any new law about dividing property between common-law couples when they split up?
- a) All couples should be treated the same, whether they are married or not
 - b) The law should recognize that marriage is special
 - c) The law should help the spouse or partner who has the least money
 - d) Individuals should not have to divide property with a partner unless they agree to do so
 - e) Other (specify)
 - f) Don't know
 - g) No response

The Respondents

1208 respondents for the 2016 Alberta Survey B were sampled evenly based on division of Alberta into three regions, Metropolitan Edmonton, Metropolitan Calgary, and Other Alberta.² In terms of employment characteristics, 43.9% of the respondents were engaged in full-time employment. The respondents were evenly distributed across age groups with the largest categories being 25-34 (21.7%) and 35-44 years (18.8%). More than half of the respondents (53.8%) were married. 78.4% of the respondents indicated that they had received some form of post-secondary education, with 22.4% indicating that they had received college or technical education and 24.6% indicating that they had received a bachelor's degree. The majority (75.2%) of respondents were born in Canada. The largest category of respondents (15.7%) indicated that their before-tax household income was between 100,000-124,999 dollars.³

Summary of Results

Out of all respondents, 118 individuals (9.7%) indicated that they were currently in a common-law/live-in relationship. Using question 1 (specified above), it was estimated that 501 respondents had considered themselves to be in common-law relationship at some point in their lives. Responses in the other category for Question 1 highlight the varying understandings of common-law partnership among respondents. The responses also indicate that these understandings are not always consistent with those provided by the law.

Among respondents in married relationships, only 16.9% indicated that they had written agreements with their partners regarding property division. While for respondents in common-law relationships, 22.9% said they had a written agreement. 19.5% of respondents who are currently in common-law relationships believed that current Alberta law indicates that upon separating common-law partners must divide property acquired by either partner equally.

² Population Research Laboratory (2016). 2016 Alberta Annual Survey B. [methodology report]. University of Alberta, Edmonton.

³ Population Research Laboratory (2016). 2016 Alberta Annual Survey B. [data file and codebook]. University of Alberta, Edmonton.

Statistically significant relationships (i.e. a significant relationship existed between individuals' responses and their demographic characteristics) were discovered when questions gauging attitudes regarding common-law property division were cross-tabulated against age, marital status, and property ownership. These may be places of contention for possible policy recommendations and/or changes. They may also be indicative of attitude and value differences across different categories of the population.

Statistically insignificant relationships were found between geographical area and all questions/response categories, with the exception of the category "The rules should apply to a couple that has a written agreement to divide property according to the rules" for Question 5. Those living in "Other Alberta" were more likely than those living in "Metropolitan Edmonton or Calgary" to select this response category. Differences among the relationship between gender and educational attainment and most questions were non-significant. However, high school graduates were more likely than other respondents to believe that property division laws for married couples should not apply to common-law couples when they have children. Moreover, females were more likely to indicate that laws for married couples were applicable to common-law couples when they had lived together for a certain period of time, whereas, men were more likely to express that the laws should apply when they couple had child together. Almost all questions (unless included in report that follows) were insignificantly associated with political orientation and religious affiliation.

All results presented in this report are weighted according to population size of the three Alberta regions, Metropolitan Edmonton, Metropolitan Calgary, and Other Alberta, using *Statistics Canada* 2015 estimates of population size.

Appendix I: Methodology

The 2016 Alberta Survey B was administered to 1208 individuals across Alberta using the CATI-assisted telephone survey method. Respondents were selected first by random selection of households and then selection of a respondent from each household. The target population was individuals of ages 18 and above. The PRL uses the Random-Digit Dialling (RDD) approach to ensure that all individuals in the population have an equal probability of selection from each of the three regions specified above. The survey was administered to an equal number of males and females.⁴

⁴ Population Research Laboratory (2016). 2016 Alberta Annual Survey B. [methodology report]. University of Alberta, Edmonton.

Appendix II: Empirical Results

Section I: Background

The following tables summarize data collected for Questions 1 to 3. These questions provide background information on the marital status of the respondents, their personal experience of common-law relationships, and the prevalence of written agreements for dividing property.

Section I a: Respondents' Perceptions About Own Common-Law Status

Question 1: *If you have ever lived with a partner without being legally married to that partner (or before being legally married to that partner), when did you consider yourself in a common-law relationship?*

Response Category	Percent
When you and partner moved in together	11.1%
After you and partner had lived together for 1 year	21.0%
After you and partner had lived together for 3 years or more	5.7%
When you and partner had a child together	2.2%
When you and partner made a written agreement	1.6%
You have never been in a common-law relationship	53.8%
Other specified	4.1%
No response	0.4%
Don't know	0.2%
Total	100.0%
Number of valid responses	1208

Question 1: *If you have ever lived with a partner without being legally married to that partner (or before being legally married to that partner), when did you consider yourself in a common-law relationship?*

Other responses

The responses from the 'other' response category for the preceding question are listed below. The responses have been delineated according to the following themes: combination of response categories, explicit agreement between partners, time, never, and other.

Combination of Response Categories

Both 2 and 5.

Depending on the situation.

Either 3 or 4, whichever comes first. Having living together for three or more years or have a child together.

Option 2 and 4 or whichever comes first.

Explicit Agreement Between Partners

Agreement verbal or written.

Time

About ten months after we met and into the relationship.

After a few months.

After about 6 months.

After six months of living together.

After six months.

After three months of living with each other.

After three months.

After two years.

After we had moved in for three hours. Jump over the broom together.

Exactly eighteen months.

First six months.

I would say three months.

It was after six months.

Legal definition two years.

Legally after six months.

Six months.

Three to four months.

Three to six months after living with each other.

Two years and after having a baby together.

Lived together for three months before marriage.

Living together for six months.

We were together for two years before being common-law.

We had a baby before we moved in together. I would say about six months later when we did move in.

When my partner and I have lived together for three months.

When you and your partner moved in together after 6 months. I believe this is minimum time requirement allowed

Never

I have been in a legal common-law relationship where I have lived with a partner but never considered myself to actually be in one. I am not interested in sharing money or property.

I have never considered myself to be in a common-law relationship. I have lived with someone before but she paid rent.

I never considered it to be a common-law relationship.

Lived together for a year but there was never a point where I considered myself in a common-law relationship.

Lived together with partner for three years but never felt I was in common-law relationship.

There was never a time when I considered it to be a common-law relationship.

Other

It's not the matter of my opinion it's the opinion what the law says.

Up until when we were married, whatever that is.

We were in a common-law relationship in the beginning. We have been together over ten years.

We were married within a year of getting married.

When we shared a bank account.

Section I b: Prevalence of Property Division Agreements by Marital Status

Question 2: *If currently married or in a common-law relationship, do you and your spouse or partner have a written agreement about how you would divide your property if you split up?*

Marital Status	Response Categories		
	Have an agreement	Do not have an agreement	Total
Married	16.9%	83.1%	100.0%
Common-law relationship/Live-in partner	22.9%	77.1%	100.0%
Separated	9.1%	90.9%	100.0%
Number of valid response	136	636	972

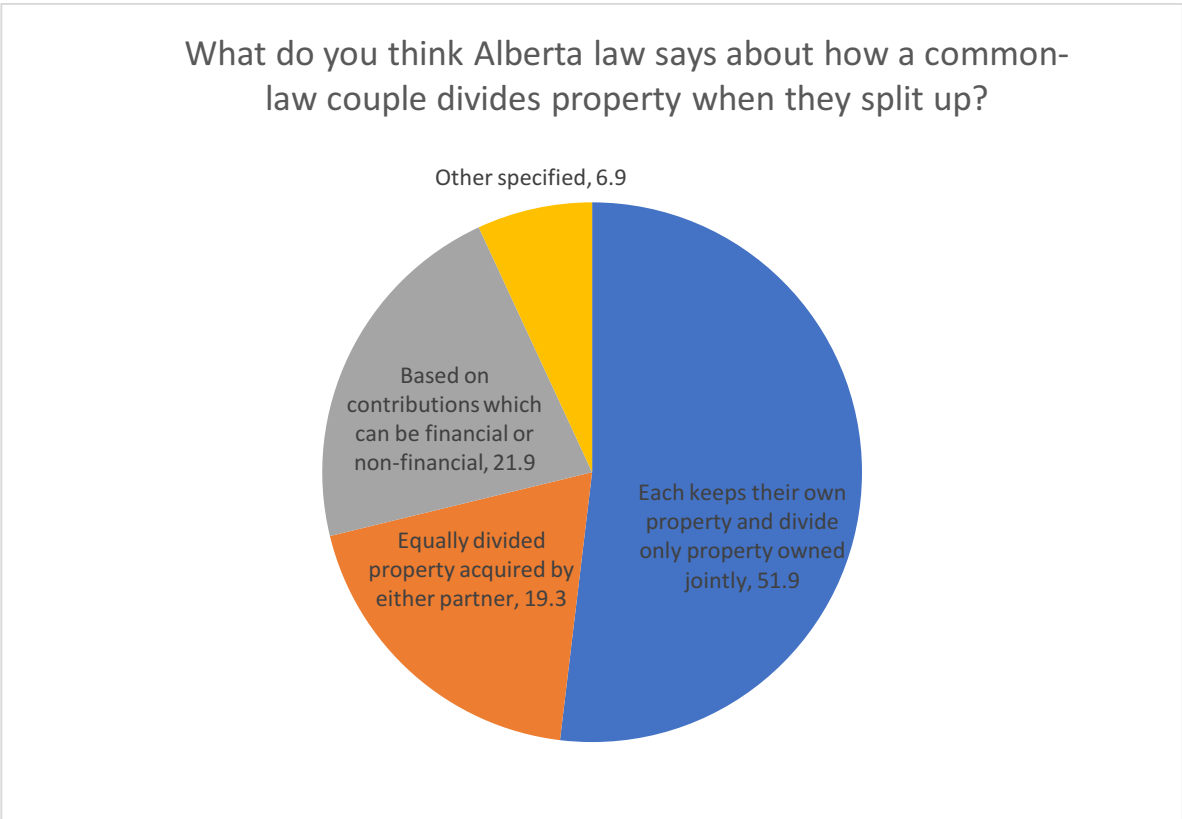
Section I c: Perceptions of Existing Property Division Laws by Respondents' Marital Status

Question 3: *What do you think Alberta law says about how a common-law couple divides property when they split up?*

Marital Status	Response Categories				
	Each keeps their own property and divide only property owned jointly	Equally divided property acquired by either partner	Based on contributions which can be financial or non-financial	Other	Total
Never married (single)	47.0%	21.1%	28.9%	3.0%	100.0%
Married	36.8%	38.7%	20.6%	3.9%	100.0%
Common-law relationship/Live-in partner	51.7%	19.5%	22.0%	6.8%	100.0%
Divorced	49.2%	26.2%	19.7%	4.9%	100.0%
Separated	40.6%	28.1%	25.0%	6.3%	100.0%
Widowed	45.9%	27.0%	24.3%	2.7%	100.0%
Percent of respondents in each category	41.9%	31.1%	22.9%	4.1%	100.0%
Number of valid responses	-	-	-	-	1126

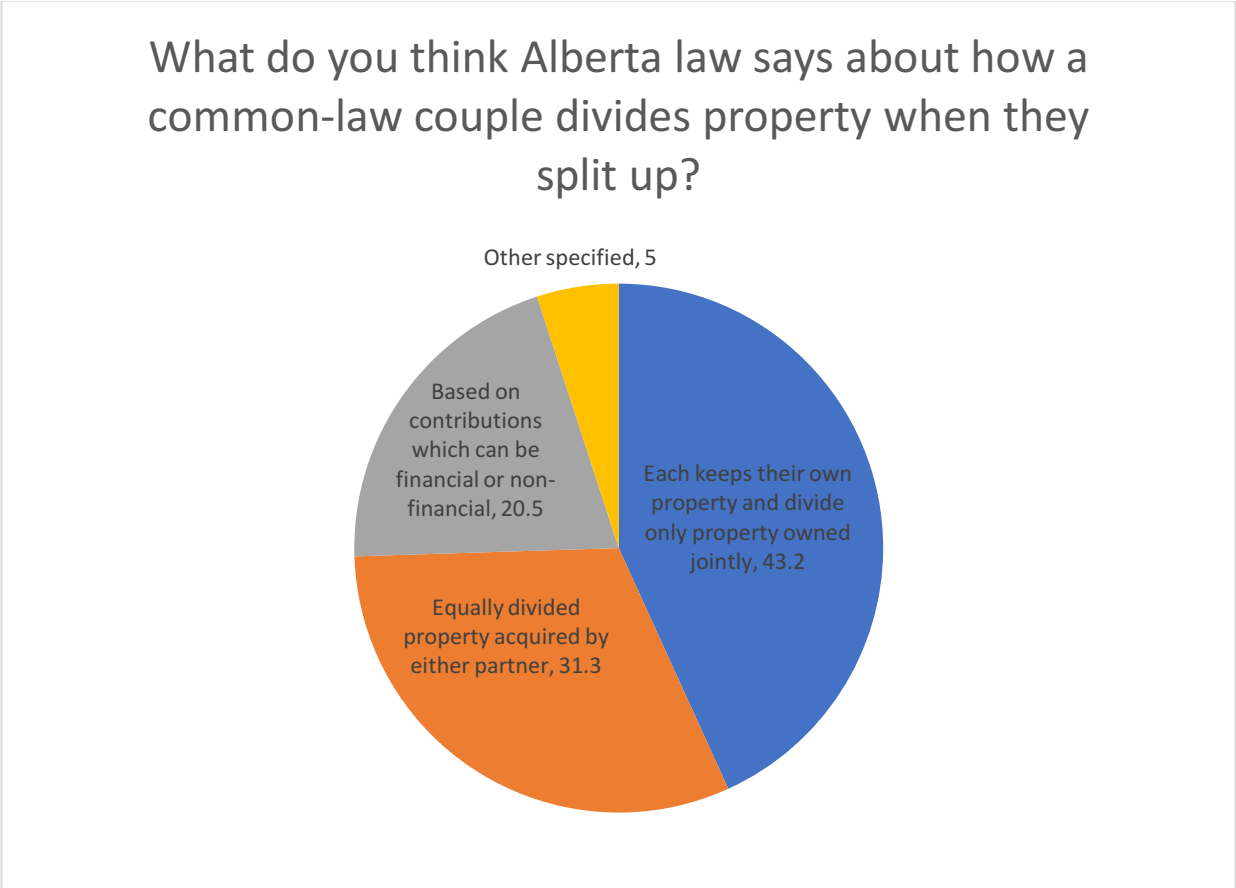
Results for Question 3 for the 118 respondents currently in common-law relationships

Response Categories	Percent
Each keeps their own property and divide only property owned jointly	51.6%
Equally divided property acquired by either partner	19.2%
Based on contributions which can be financial or non-financial	21.8%
Other specified	6.8%
Don't know	0.6%
Total	100.0%



Results for Question 3 for the 501 respondents who have ever been in a common-law relationship

Response Categories	Percent
Each keeps their own property and divide only property owned jointly	41.5%
Equally divided property acquired by either partner	30.1%
Based on contributions which can be financial or non-financial	19.8%
Other specified	4.8%
No response	0.5%
Don't know	3.3%
Total	100.0%



Question 3: *What do you think Alberta law says about how a common-law couple divides property when they split up?*

Other responses

The responses from the 'other' response category for the preceding question are listed below. The responses have been delineated according to the themes: combination of response categories, equal division, explicit agreement between partners, female partner favored, legal process, presence of children, same as married couple, time, never, and other.

Combination of Response Categories

A combination of 1 and 3.

All of the above.

All the 3 above statements.

Both 1 and 3.

I think none of these but a mixture of both 1) and 2). As in any assets that are belonged to either person before his/her marriage will belong to him or her. Only the assets that are acquired during their marriage gets divided.

Equal Division

I think everything is 50/50.

I think it is 50/50.

It is all 50-50; all the way right down the middle, so all of the above.

Each partner keeps what they brought into the relationship, and they divide only what was acquired during the relationship.

Once they've entered all of their assets will be split between the two.

Everything owned prior goes to original and accrued after the relationship.

Everything should be divided equally.

Keep their asset when they went into the relationship and they will split their asset from the day they moved in.

Only property acquired during the relationship is divided equally between the two of them.

Explicit Agreement Between Partners

There should be a written agreement between the two.

Each partner should sit down and negotiate.

Every couple should choose how to divide property, as long as they agree. There is no reason for extra laws and regulations if the couple agreed on specific terms already.

Each person should be free to express his/her ideas.

Whatever they can agree upon.

Female Partner Favored

I think the woman should keeps all property.

I find that the female is favoured in a common-law relationship.

They divide property with a bias towards women.

Law is very biased to females. Female should be the one awarded the most compensation.

None of the above, women always get more.

Legal Process

The courts can make a judgment about how thing should be split. Not just equally.

The lawyer decides how to divide the property.

A smart lawyer should decide how they divide property.

Presence of Children

I think it says that if a couple has a baby together or one partner has custody of the minor then they are common-law ... if no child is involved but they have slept together and remain a couple for 90 consecutive days (and no break-down) they are also common-law, by Dec 31st, for that calendar year.

If children are involved and one partner wasn't working, it's a different game.

It depends whether there are kids involved and how long you have lived together.

Same as Married Couples

I suspect it is much like married couples it is arbitrated and could vary.

Same as marriage couple.

They are considered the same as if they're married. If they didn't have an agreement beforehand, their property is equally divided between them.

Time

After five years, then they can divide equally.

After three years of cohabitation it is equally divided without a separate agreement.

After two years living together, the common-law couple should split the properties.

After two years of common-law marriage you share whatever the gain is during the time of the common-law relationship.

After two years, everything should be split.

Any increase in net worth which is gained after 1 year of living together is split in half.

Depending on the length of the relationship - after six months or longer they should divide property that they owned jointly - equally.

Everything is split 50/50 after a certain amount of time set by the law.

Property acquired by either partner is equally divided between them, but only after six years.

If it is less than a year the law goes as option 1. If more than a year the law works as option 2.

Only after living together for a year the property they have is split 50/50.

The Alberta Law is unclear - in some cases, it's based one year or three years or six months or whether or not you have a child or not.

The property owned before that year together is not split.

They keep property they owned before, anything acquired during is split 50/50. (Not necessarily joint ownership).

Never

Anything that is inherited should go to the person that inherits it. They shouldn't have to divide it with their husband or wife.

Each partner should keep their own property and finances, even after they either enter a common-law relationship or get married.

Everyone gets to keep what they own before entering into the common-law relationship.

There shouldn't be financial involvement in common-law relationships.

There is no requirement for any couple to divide anything.

Other

Every situation is different.

They divide based on who has the most income. Whoever has the most sends theirs to the other person. Whatever property there is split; half of it is gone to the other person.

No two relationships are the same.

Uncertainty - should have more rules and laws applicable to common-law couple. More details needed.

Section II: Attitudes

The following section outlines respondents' attitudes regarding the applicability of marriage property division laws to common-law couples and the conditions under which these laws should be applicable. These attitudes are examined against demographic variables such as marital status, age, property ownership, gender, educational attainment, and geographical region. In order to gauge respondents' attitudes, responses to Question 4 and 5 were used in cross-tabulations. Question 5 permitted respondents to select more than one response category, therefore only results for response categories that were statistically significantly related to the demographic variables are given below.

Section II a: Attitudes Regarding Appropriateness of Property Division Laws for Married Couples to Common-Law Couples by Respondents' Marital Status

Question 4: *Do you think that the rules about dividing property that apply to married couples would also be appropriate for common-law couples?*

Marital Status	Response Categories		
	Yes	No	Total
Never married (single)	56.5%	43.5%	100.0%
Married	68.6%	31.4%	100.0%
Common-law relationship/Live-in partner	76.1%	23.9%	100.0%
Divorced	71.2%	28.8%	100.0%
Separated	75.8%	24.2%	100.0%
Widowed	72.5%	27.5%	100.0%
Respondents in category	67.0%	33.0%	100.0%
Number of valid responses	-	-	1125

*** $p < 0.001$, The relationship between marital status and attitudes regarding appropriateness of property division laws for married couples to common-law couples is highly statistically significant.

Section II b: Attitudes Regarding Appropriateness of Property Division Laws for Married Couples to Common-Law Couples by Respondents' Age

Question 4: *Do you think that the rules about dividing property that apply to married couples would also be appropriate for common-law couples?*

Age	Response Categories		
	Yes	No	Total
18-24	60.5%	39.5%	100.0%
25-34	56.3%	43.8%	100.0%
35-44	68.4%	31.6%	100.0%
45-54	68.0%	32.0%	100.0%
55-64	76.7%	23.3%	100.0%
65+	76.5%	23.5%	100.0%
Respondents in category	67.3%	32.7%	100.0%
Number of valid responses	-	-	1115

***p<0.001, The relationship between age and attitudes regarding appropriateness of property division laws for married couples to common-law couples is highly statistically significant.

Section II c: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Respondents' Residential Property Ownership

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Property Ownership		Respondents in Category
	Own Property	Rent Property	
The rules should apply to a couple that has lived together for a certain number of years			
Yes	70.4%	62.9%	68.5%
No	29.6%	37.1%	31.5%
Total	100.0%	100.0%	100.0%
Number of valid responses	-	-	1193

*** $p < 0.001$, The relationship between residential property ownership and selection of response category "The rules should apply to a couple that has lived together for a certain number of years" is highly statistically significant.

Section II d: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Respondents' Gender

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Gender		Respondents in Category
	Male	Female	
The rules should apply to a couple that has lived together for a certain number of years*			
Yes	65.9%	70.7%	68.3%
No	34.1%	29.3%	31.7%
Total	100.0%	100.0%	100.0%
Number of valid responses			1207
The rules should apply to a couple that has a child together***			
Yes	78.5%	70.3%	58.7%
No	21.5%	29.7%	41.3%
Total	100.0%	100.0%	100.0%
Number of valid responses	-	-	1207

* $p < 0.1$, The relationship between gender and selection of response category "The rules should apply to a couple that has lived together for a certain number of years" is statistically significant.

*** $p < 0.001$, The relationship between gender and selection of response category "The rules should apply to a couple that has a child together" is highly statistically significant.

Section II e: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Respondents' Age

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Age						Respondents in Category
	18-24	25-34	35-44	45-54	55-64	65+	
The rules should apply to a couple that has lived together for a certain number of years***							
Yes	60.4%	66.4%	70.0%	70.2%	80.2%	61.8%	68.4%
No	39.6%	33.6%	30.0%	29.8%	19.8%	38.2%	31.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	-	-	-	1194
The rules should apply to a couple that has a written agreement to divide property according to the rules**							
Yes	78.5%	70.3%	66.1%	68.4%	63.2%	65.0%	68.3%
No	21.5%	29.7%	33.9%	31.6%	36.8%	35.0%	21.7%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	-	-	-	1195

***p<0.001, The relationship between age and selection of response category "The rules should apply to a couple that has lived together for a certain number of years" is highly statistically significant.

**p<0.01, The relationship between age and selection of response category "The rules should apply to a couple that has a written agreement to divide property according to the rules" is statistically significant.

Section II f: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Respondents' Marital Status

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Marital Status						Respondents in Category
	Never married (single)	Married	Common-law/Live-in partner	Divorced	Separated	Widowed	
The rules should apply to a couple that has lived together for a certain number of years ***							
Yes	55.6%	72.7%	75.4%	72.6%	67.6%	66.7%	68.4%
No	44.4%	27.3%	24.6%	27.4%	32.4%	33.3%	31.6%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	-	-	-	1202
The rules should apply to a couple that has a written agreement to divide property according to the rules **							
Yes	70.5%	65.5%	66.1%	71.4%	79.4%	85.7%	68.2%
No	29.5%	34.5%	33.9%	28.6%	20.6%	14.3%	31.8%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	-	-	-	1202

***p<0.01, The relationship between marital status and attitudes regarding conditions when application of marriage property division laws should be applied to common-law couples is statistically significant.

Section II g: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Area of Province

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Area of Province			Respondents in Category
	Metro Edmonton	Metro Calgary	Other Alberta	
The rules should apply to a couple that has a written agreement to divide property according to the rules				
Yes	67.0%	64.4%	73.3%	68.1%
No	33.0%	35.6%	26.7%	31.9%
Total	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	1207

* $p < 0.1$, The relationship between area of province and selection of response category "The rules should apply to a couple that has a written agreement to divide property according to the rules" is statistically significant.

Section II h: Attitudes Regarding Conditions for Application of Marriage Property Division Laws to Common-Law Couples by Respondents' Educational Attainment

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Response Categories	Educational Attainment			Respondents in Category
	Less than high school	High school complete	Post-secondary	
The rules should apply to a couple that has a child together				
Yes	58.6%	49.7%	60.4%	58.6%
No	41.4%	50.3%	39.6%	41.4%
Total	100.0%	100.0%	100.0%	100.0%
Number of valid responses	-	-	-	1199

** $p < 0.01$, The relationship between educational attainment and selection of response category "The rules should apply to a couple that has a child together" is statistically significant.

Question 5: *When do you think a common-law couple that is splitting up should have to divide property like a married couple?*

Other responses

The responses from the 'other' response category for the preceding question are listed below. The responses have been delineated according to the themes: combination of response categories, equal division, explicit agreement between partners, laws for married couples should not apply, laws for married couples should apply, presence of children, time, and other.

Combination of Response Categories

All of the above, mix all three rules.

All of the above.

Combination of 1 and 3.

Combination of 1st and 2nd options.

Combination of option first and second.

Equal Division

A couple that has bought a property together.

Everything should be divided equally if bought while living together.

It also should depend how much they contributed. They should divide the properties

Winnings should be shared. If one person wins the other should share in it too

equally.

Explicit Agreement Between Partners

Any written agreement only, no rules.

Get married or have a written agreement.

If they have a legal agreement that is alright.

The rules should apply to the couple according to whatever they wrote in their written agreement.

Verbal agreement

Whatever parties agree upon.

Laws for Married Couples Should Not Apply

I don't agree to having any rules to apply to any common-law couples or relationships. I think it should be a privilege only enjoyed by those who decided to legally get married.

I don't think the rules should be applied unless the couple gets married.

I don't think the rules should ever apply to common-law as they do for marriage.

I don't think you should have to abide by a contract you, didn't have a written agreement or are not married. If you don't agree to give up your stuff you shouldn't give up your stuff. If you split up you need to get a job. I'm a stay at home dad I so would be the lesser partner terms of finances and property and that is still my opinion.

I think that people choose to be in a common-law relationship, they have chosen not to be married, I don't think there are a lot of other situations you split with what you had before and only divide what you jointly own. And for anything beyond child or written

agreement, if both names on a property, joint property would be part of property law, not common-law.

The rules should only apply if you are married.

Should never apply to common-law couples.

When they are legally married and have a child together.

Laws for Married Couples Should Apply

As soon as they agree to live together. It should be just as binding as a marriage.

Common-law relationship comparable to a marriage relationship.

It should be the same as for married couples.

It should be the same until they get married.

Property should be divided.

Same sex marriages.

The rules should be including common-law gay marriages.

Presence of Children

A couple that has a child and has lived together for at least three years.

If they have been together for a period of time and raise a child, even if one of them was not the biological parent.

Time

A certain number of years and/or has a child together.

A period of co-habitation time so the law - written agreement should be drawn for division of property if and when the separation takes place.

As soon as they appear in the income tax.

At least six months.

After one year, not after six months.

After six months.

Couple that has lived together for at least one year perhaps even two years. And the child in itself should not be the determining factor.

Couple that has lived together for one month.

Couple that has lived together six months.

Couple has lived together for one year.

Five years.

I think the law states it's six months and there's nothing wrong with this.

If you are living together for six months or more, you should be considered a couple.

If the couple had lived together for three years or more they should be treated like married couple.

If the couple has been living together for three months or more.

If the couple lived together for two years or more.

If there is no formal agreement the rules should only apply when the common-law couple has lived together for one year at the minimum, even if they do have a child together.

Immediately after a couple gets together.

Immediately at the beginning of the common-law relationship, the rules for property division should apply. Common-law couples should be considered the same as married couples.

In one year or two after they reach into written agreement.

Lived together for 3 years.

Once a couple has lived together for the determined number of years.

Right after the couple started their relationship.

Six months.

The rules should apply no matter how long they live together, whether it is six months or three years, as long as they both agree on the start date.

They should have lived together for more than six months, but less than a year.

Two years.

Other

Benefit to the women as well.

Common-law couple laws should be applied for those who become couples after the law has been applied. Also after they have a child together. And also there should be standard length of time like after one year.

Having made a commitment to one another.

I do not believe that anybody in their right mind would sign a prenuptial agreement about anything.

I don't agree with common-law relationship.

I don't think it should be number of years, if you make the decision to live together in common-law then the law should apply at that point. If they make a conscious decision to live together in a common-law relationship.

I think that the rules should apply only as it is required or as the situation dictates. Just because you have lived as a common-law couple should not mean that you need to divide your property when you split.

I would think most situations.

If someone in common-law, should go and get married and get marriage contract.

It should not based on years, but when the couple decides when they are living common-law. When the couple decides to claim common-law benefits, then they should divide their property according to the rules, but not before.

They should get married.

When they file taxes and claim each other as their common-law partner

When they make a public statement that they are man and wife.

Section III: Values

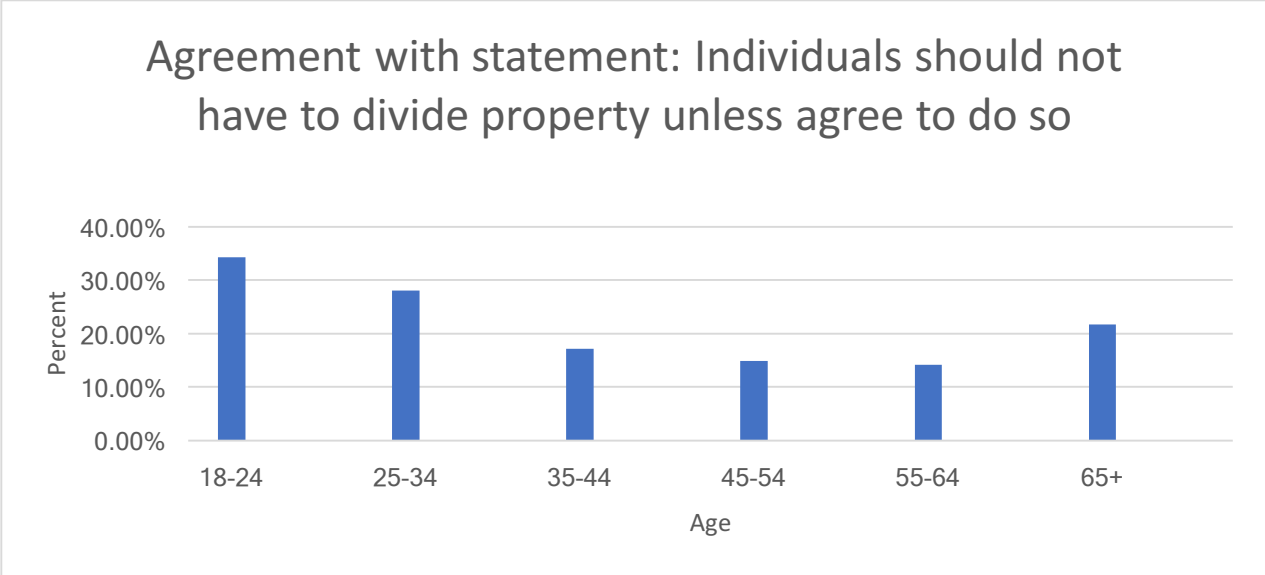
The following section examines values identified by respondents as being most important in property division laws for common-law couples in Question 6. These values are examined against demographic variables such as age, property ownership, and income.

Section III a: Most Important Values for New Common-Law Property Division Law by Respondents' Age

Question 6: Which of the following values is most important in any new law about dividing property between common-law couples when they split up?

Age	Response Categories					Other	Total
	All couples should be treated the same, whether they are married or not	The law should recognize that marriage is special	The law should help the spouse/partner who has the least money	Individuals should not have to divide property unless agree to do so			
18-24	30.0%	27.1%	7.9%	34.3%	0.7%	100.0%	
25-34	36.9%	26.9%	4.4%	28.1%	3.6%	100.0%	
35-44	40.1%	28.6%	10.1%	17.1%	4.1%	100.0%	
45-54	55.2%	21.4%	6.0%	14.9%	2.5%	100.0%	
55-64	52.8%	21.6%	6.3%	14.2%	5.1%	100.0%	
65+	50.9%	19.3%	5.0%	21.7%	3.1%	100.0%	
Respondents in category	44.3%	24.4%	6.6%	21.4%	3.3%	100.0%	
Number of valid responses	-	-	-	-	-	1144	

***p<0.001, The relationship between age and values most important for new property division laws is highly statistically significant.



Section III b: Most Important Values for New Common-Law Property Division Law by Respondents’ Residential Property Ownership

Question 6: Which of the following values is most important in any new law about dividing property between common-law couples when they split up?

Property Ownership	Response Categories					Total
	All couples should be treated the same, whether they are married or not	The law should recognize that marriage is special	The law should help the spouse/partner who has the least money	Individuals should not have to divide property unless agree to do so	Other	
Own Property	45.3%	25.0%	5.6%	21.1%	2.9%	100.0%
Rent Property	40.8%	22.1%	9.7%	22.5%	4.8%	100.0%
Respondents in category	44.2%	24.3%	6.7%	21.5%	3.4%	100.0%
Number of valid responses	-	-	-	-	-	1141

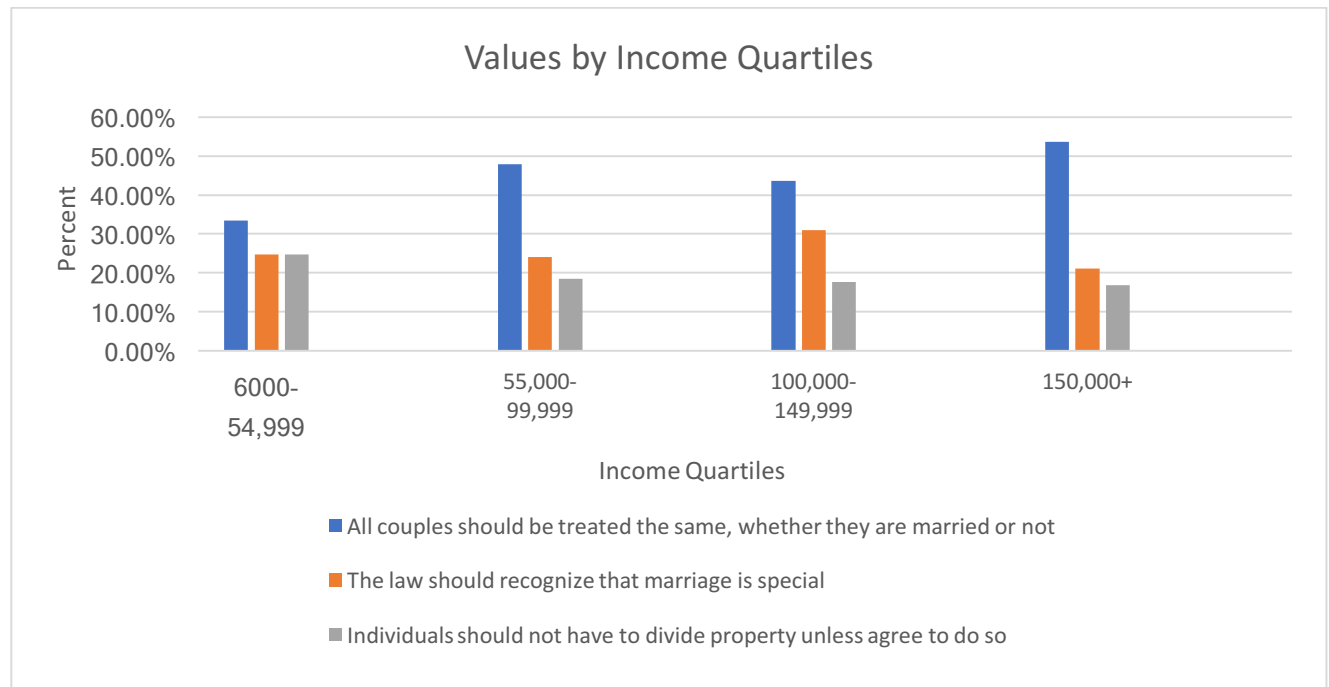
**p<0.01, The relationship between property ownership and values most important for new property division laws is statistically significant.

Section III c: Most Important Values for New Common-Law Property Division Law by Respondents' Income

Question 6: Which of the following values is most important in any new law about dividing property between common-law couples when they split up?

Income	Response Categories					Total
	All couples should be treated the same, whether they are married or not	The law should recognize that marriage is special	The law should help the spouse/partner who has the least money	Individuals should not have to divide property unless agree to do so	Other	
6000-54,999	33.5%	24.8%	12.1%	24.8%	4.9%	100.0%
55,000-99,999	47.9%	24.0%	5.5%	18.4%	4.1%	100.0%
100,000-149,999	43.6%	30.9%	3.9%	17.6%	3.9%	100.0%
150,000+	53.7%	21.1%	6.2%	16.9%	2.1%	100.0%
Respondents in category	44.3%	24.4%	6.6%	21.4%	3.3%	100.0%
Number of valid responses	-	-	-	-	-	869

***p<0.001, The relationship between income and values most important for new property division laws is highly statistically significant.



Question 6: Which of the following values is most important in any new law about dividing property between common-law couples when they split up?

Other responses

The responses from the 'other' response category for the preceding question are listed below. The responses have been delineated according to the themes: case-by-case evaluation, combination of response categories, equal division, legal process, presence of children, time, and other.

Case-by-Case Evaluation

Each case has to be decided on its own merit.

Each situation should be evaluated case by case, they are all different. There has to be a responsibility as to what is fair, whether they are married or not.

Every situation is different.

Situations differ generations after generations and it is important to be inclusive while respecting the majority.

Combination of Response Categories

1 and 4 unless agree to do so, if yes, they should be treated the same as the a married couple.

A combination of the first two, especially because the two are most important.

A combination of two and four.

All couple should divide their property equally.

Anything they had before they were a couple should be theirs alone. Anything they acquired in the relationship should be divided equally except gifts, which stay with the person that they were given to.

Both 1 and 2.

Both 2 and 4.

Combination of both 2 and 3.

I agree with 2 and 4. I disagree with 1 and 3

Combining 1 and 3.

Equal Division

Everything should be divided equally between the couple.

Everything should be divided equally from what each partner acquired together.

Everything should be split if you put in together, what you brought in with you before the relationship you shouldn't have to split.

I like the idea of both 3 and 4. The whole idea of the 50/50.

It should always be 50/50.

Legal Process

In a legal way, unless there is an agreement. If they can't agree they would have to do it the legal way. A lot of people can't agree. Let the courts decide.

Presence of Children

If there are children to be considered, the law should help the parent who has majority custody. If there is equal custody then all couples should be treated the same, whether they are married or not.

If they live together for two year or if they have a child whatever they have acquired jointly. If there is a child involved that also has to be taken into consideration with child support etc.

Whatever is best for the child.

Time

After three years of living and having a child together they should be treated like married couple.

All couples should be treated the same if they have lived together for certain amount of time and they value each other and if there is a firm committed relationship between them before they split up.

Depending on how long the couples have lived together should be the criteria to divide property.

There should be some kind of rules depending on the length of time that the couple has lived together regarding the splitting of property.

That they should divide property after five years of living together as common-law.

The law about splitting property of married couples should apply on couples who live together for two years or more.

Other

Don't agree with any of these. All dependent on the situation.

Each person should preserve their dignity and treated the same.

I agree that the first one is the most important, but if you come into a relationship with something big, you need to state that you do not want to share something. It might be an heirloom or inheritance. Each case is different.

I believe that marriage is special and that the law should help the spouse who has the least money. At the same time, I think that property should only be divided after an agreement.

I think it should take into account the status of each partner and how reliant they have become on each others income only after four or five years at least. Also if there is children that should be taken into account.

I think the government should stay out of it and let people deal with their own issues - that is what lawyers are for.

I think things should be mediated and should be fair.

Leave it the way it is.

Marriages and common-law couples should be treated each in their own right.

None of the above.

They should get married.

Written agreements would be nice. Also what you came in with is what you should go out with, at least in some way. Also I think people take advantage when they leave relationships so I think they have to be able to support themselves and make their own way.

You shouldn't reward someone who is earning less if they haven't contributed. It also depends on children and who has them.

Appendix III: Models

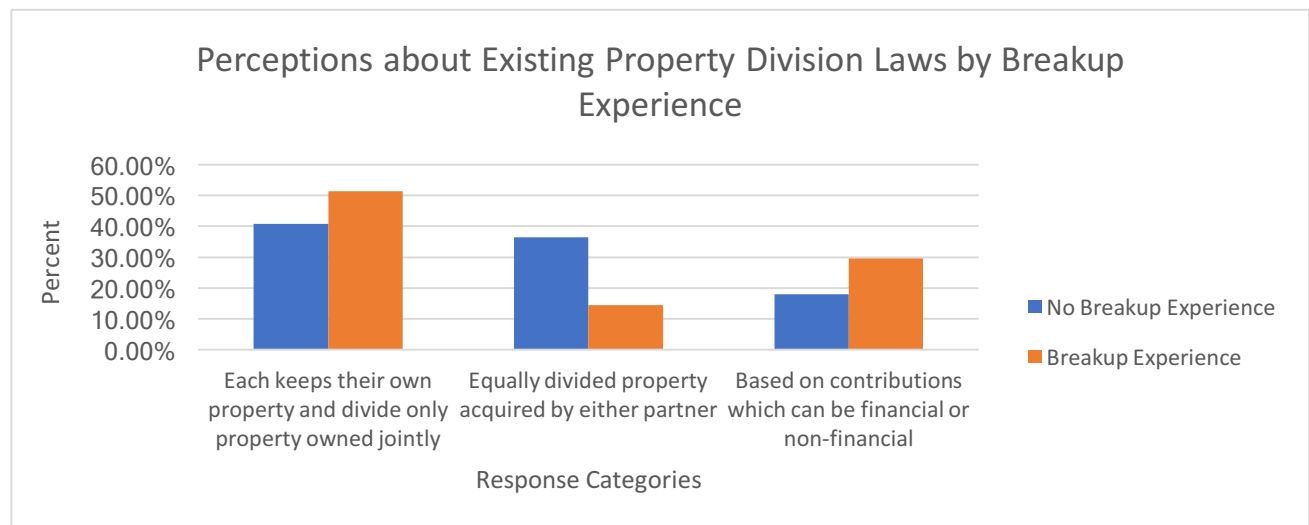
The following tables present the results of a model that examines the impact of relationship break up experience on individuals' views of property division for common-law couples. This model was constructed by selecting data from respondents who have ever been in common-law relationships and then have experienced break up of a relationship (i.e. if they are now single, divorced or separated). Those who are currently in common-law relationships, married, or widowed were regarded as not having experienced a break up for the construction of this model.

Section I a: Perceptions of Existing Property Division Laws by Breakup Experience

Question 3: *What do you think Alberta law says about how a common-law couple divides property when they split up?*

Experienced Breakup	Response Categories				
	Each keeps their own property and divide only property owned jointly	Equally divided property acquired by either partner	Based on contributions which can be financial or non-financial	Other	Total
Yes	51.4%	14.4%	29.7%	4.5%	100.0%
No	40.8%	36.4%	17.9%	4.9%	100.0%
Respondents in category	43.2%	31.3%	20.7%	4.8%	100.0%

***p<0.001, The relationship between breakup experience and perceptions about existing law is highly statistically significant.



Section I b: Attitudes Regarding Property Division Law for Common-Law Couples by Breakup Experience

Question 5: *If the law were changed so the rules about dividing property applied to common-law couples, when should the rules apply?*

Response Category	Experienced Breakup		Respondents in Category
	Yes	No	
The rules should apply to a couple that has lived together for a certain number of years			
Selected	68.6%	79.0%	76.6%
Not selected	31.4%	21.0%	23.4%
Total	100.0%	100.0%	100.0%

***p<0.01, The relationship between breakup experience and attitudes towards when property division laws should apply for common-law couples is statistically significant.

Section I c: Most Important Values for New Property Division Laws for Common-Law Couples by Breakup Experience

Question 6: Which of the following values is **MOST** important in any new law about dividing property between common-law couples when they split up?

Experienced Breakup	Response Categories					Total
	All couples should be treated the same, whether they are married or not	The law should recognize that marriage is special	The law should help the spouse/partner who has the least money	Individuals should not have to divide property unless agree to do so	Other	
Yes	38.6%	13.2%	14.9%	28.9%	4.4%	100.0%
No	54.3%	20.9%	5.2%	16.0%	3.5%	100.0%
Respondents in category	50.6%	19.1%	7.5%	19.1%	3.7%	100.0%

*** $p < 0.001$, The relationship between breakup experience and values seen as most important for new laws is highly statistically significant.

