



2021/2022 DOWER ACT CONSULTATION RESULTS SUMMARY

ALRI ran two online surveys. Both surveys were open from 3 December 2021 to 7 March 2022.

One survey was aimed at the general public. We call this one the general survey.

Another survey was aimed at professionals who use the *Dower Act* in their work, including lawyers, real estate brokers and agents, landmen, and estate planners or administrators. We call this one the technical survey

Respondents were not required to answer all questions. Some skipped questions, so the number of responses to each question may be less than the total number of respondents.

We also received written comments from 8 individuals by email, LinkedIn, and YouTube.

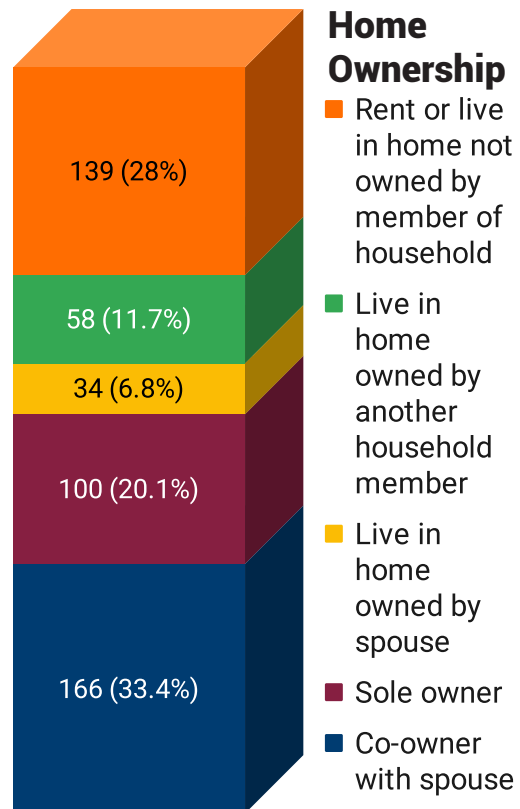
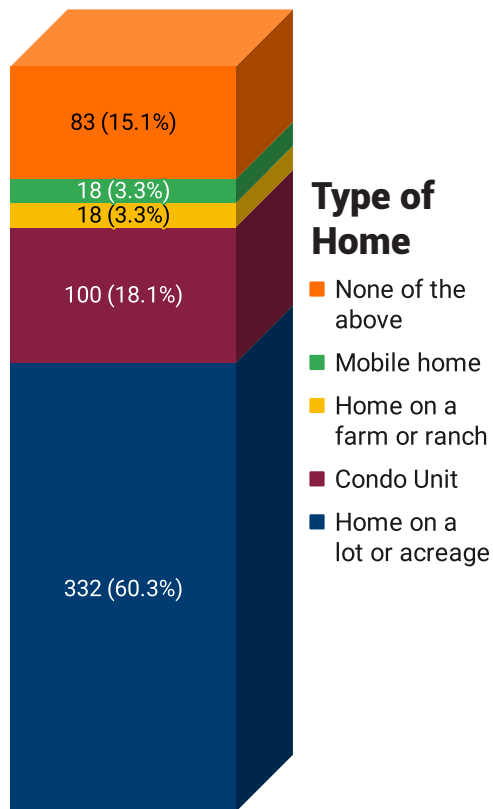
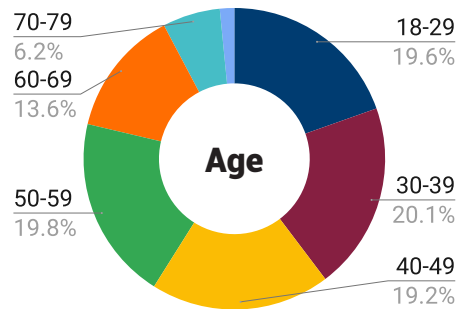
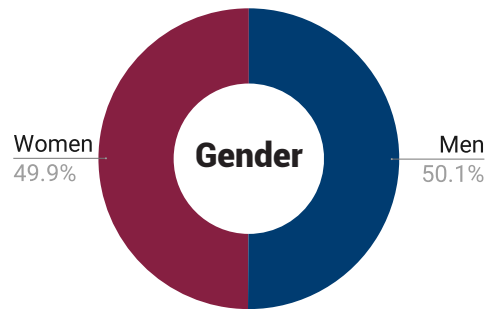
586 people completed the general survey

258 people completed the technical survey

WHO RESPONDED TO THE GENERAL SURVEY?

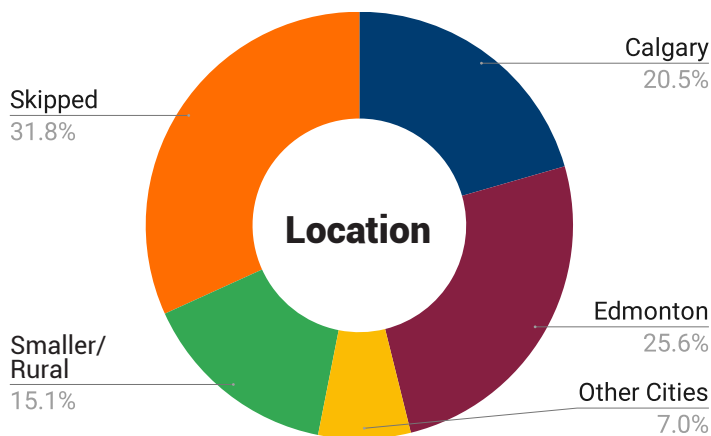
- All the respondents lived in Alberta.
- There were 286 men and 285 women. A small number of respondents selected "another answer or prefer not to say."
- Age groups from 18 to 79 were represented on the general survey.
- Respondents came from all parts of the province.
- Nearly half of respondents own their home, either by themselves or together with a spouse or partner.
- Most respondents live in a home on a lot or acreage.

205 from Calgary **180** from Edmonton **95** from smaller areas **62** from other cities



WHO RESPONDED TO THE TECHNICAL SURVEY?

- All the respondents lived in Alberta.
- There were 73 men and 91 women. 11 respondents picked "another answer or prefer not to say". 83 respondents skipped the question.
- Respondents came from all parts of the province.
- Most respondents were real estate professionals or lawyers.

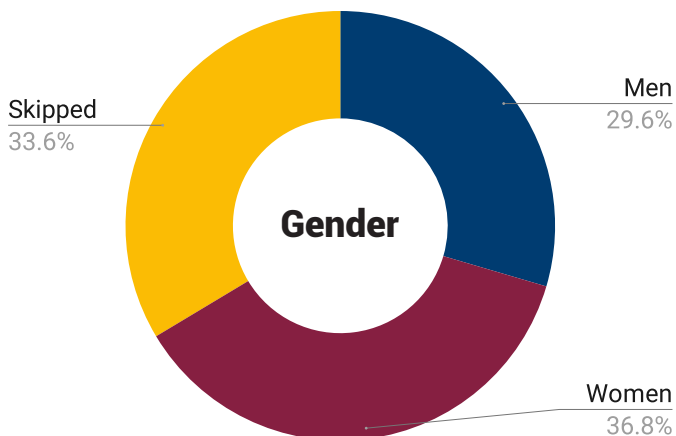


53
from Calgary

66
from Edmonton

18
from other cities

39
from smaller/rural areas



NUMBER OF RESPONDENTS BY PROFESSION

112 REAL ESTATE

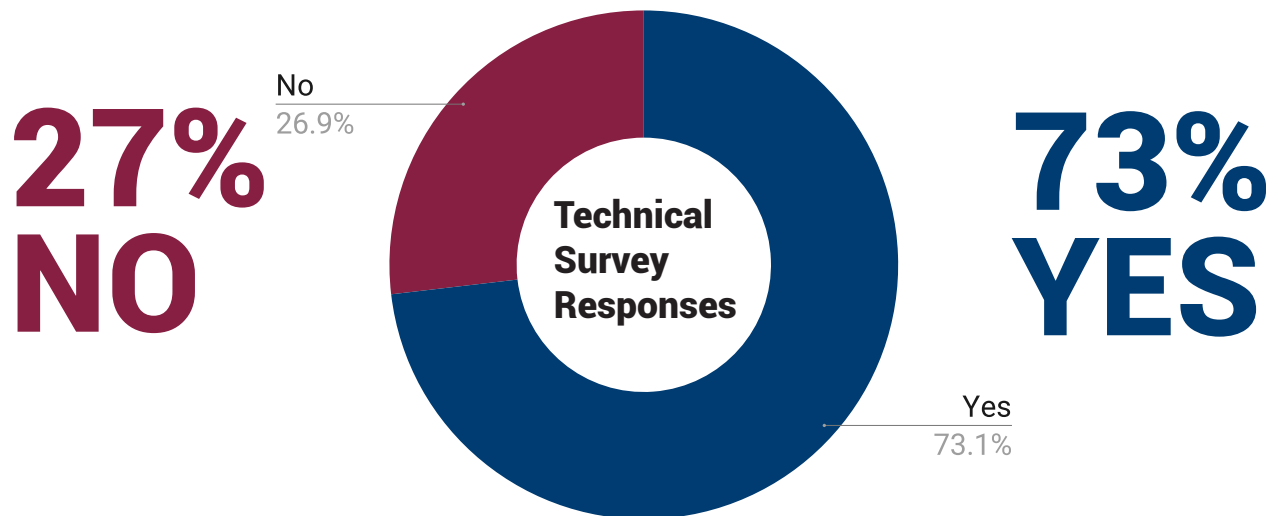
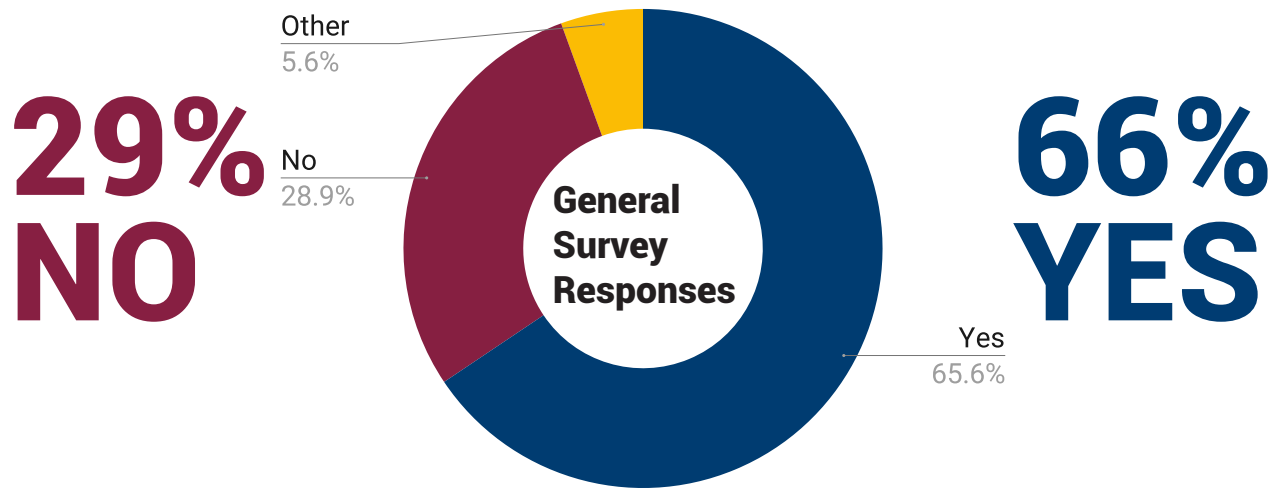
46 LAW REAL ESTATE, WILLS & ESTATE, FAMILY LAW, INSOLVENCY, BANKRUPTCY, CIVIL ENFORCEMENT

7 LANDMEN

4 ESTATE PLANNER

CONSENT TO DISPOSITION

A majority of respondents to both surveys agreed that a spouse should have to consent to a sale, transfer, or mortgage of a couple's home.



The most common reasons that respondents gave for wanting to get rid of this rule were:

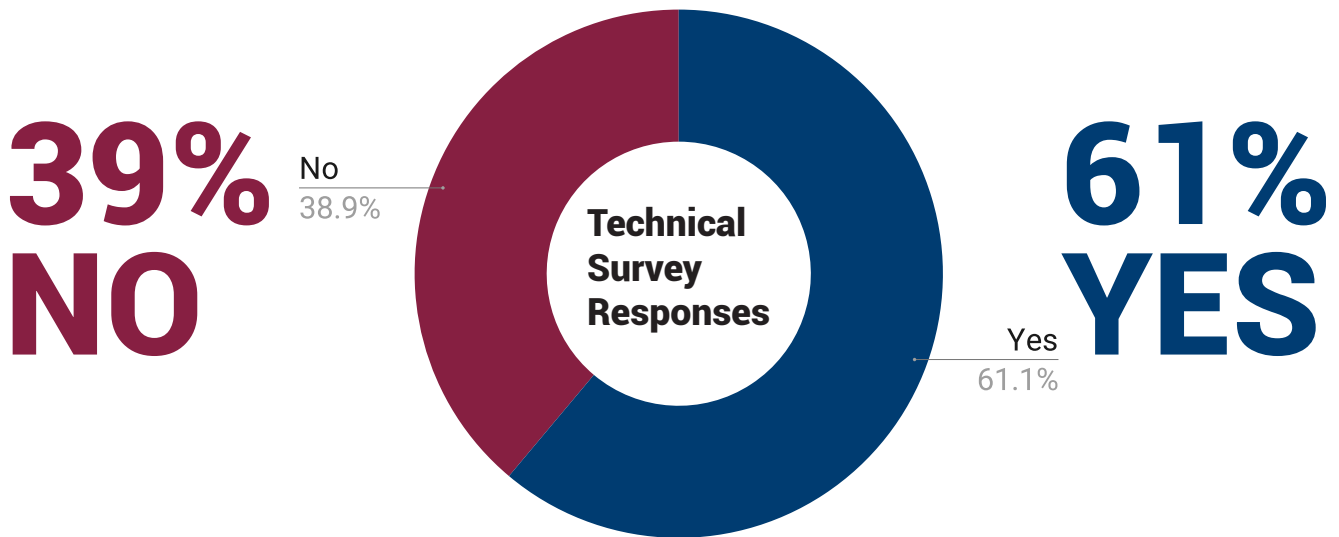
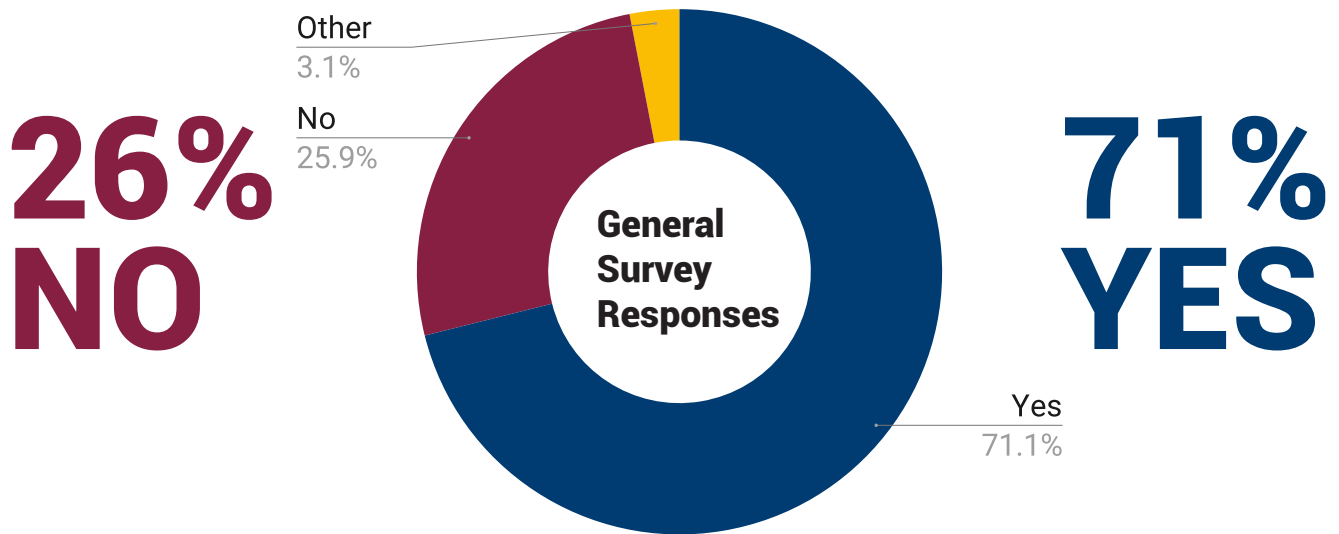
- The house belongs to the person on title,
- The person on title should have the power to decide what happens with the house,
- There are other ways to protect a spouse who is not on title,
- The rule requiring consent is inefficient or causes problems with transactions.

The most common reasons that respondents gave for wanting to keep the rule requiring consent were:

- A spouse should have a say in decisions that affect the couple's home,
- This rule protects a spouse who does not own the couple's home,
- A couple's home belongs or should belong to both of them, even if only one of them is on the title,
- A spouse often makes contributions to acquiring or maintaining the home.

LIFE ESTATE

A majority of respondents to both surveys agreed that a surviving spouse should keep the couple's home for the rest of their life.



The most common reasons that respondents gave for wanting to get rid of this rule were:

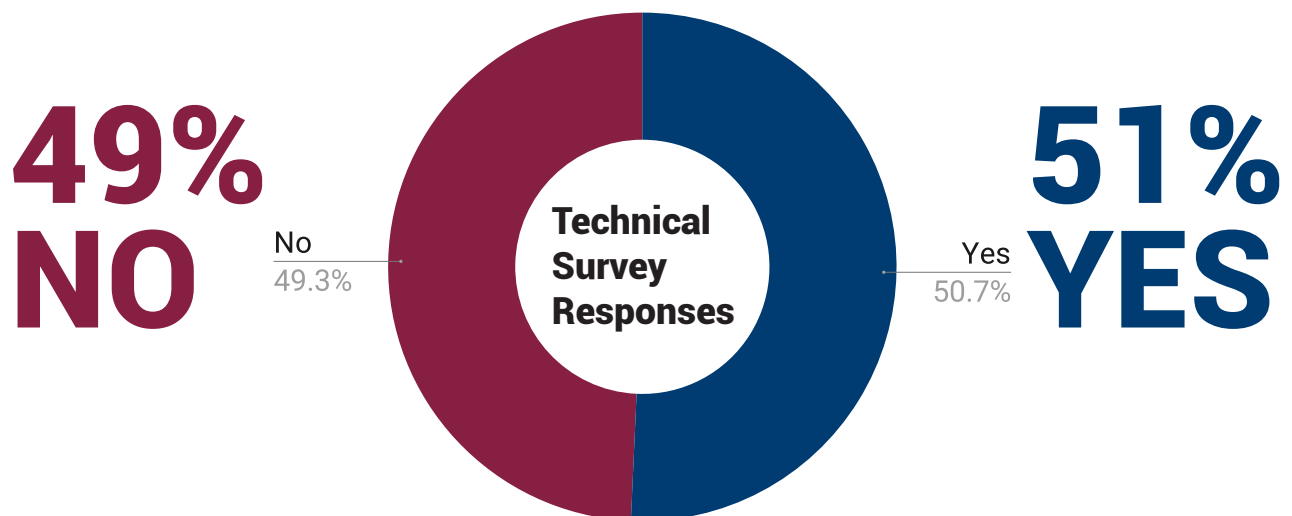
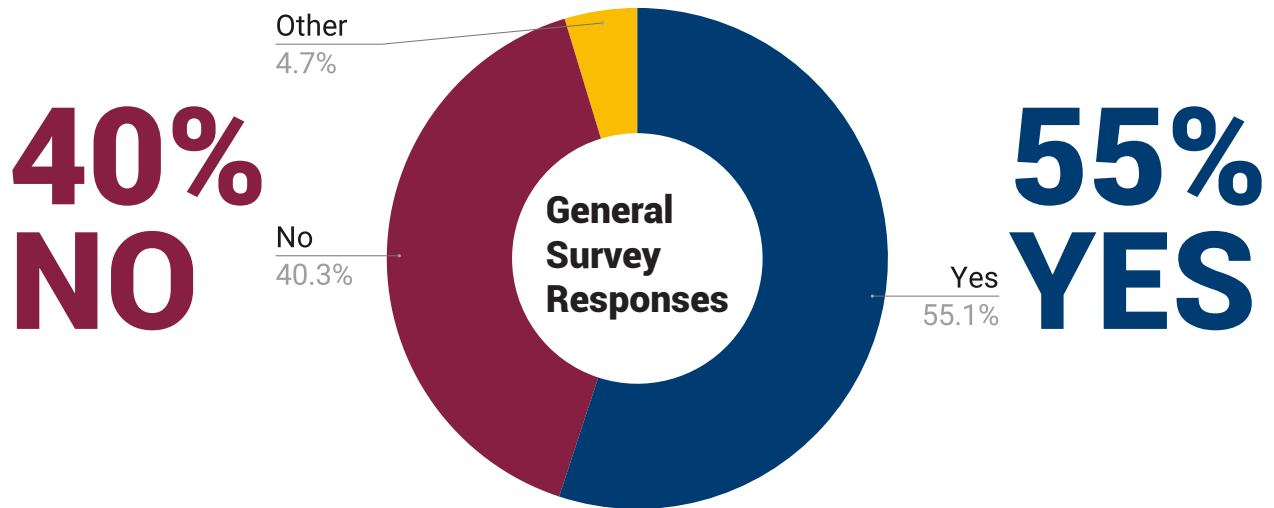
- The owner's wishes should prevail
- This rule interferes with the rights or needs of other heirs (such as the owner's children from a previous relationship)
- There are other ways to protect a spouse who is not on title.

The most common reasons that respondents gave for keeping this rule were:

- A spouse should be able to stay in the home after the owner's death
- A couple's home belongs or should belong to both of them, even if only one of them is on title
- The spouse contributed to acquiring or maintaining the home
- This rule is needed to support the survivor or prevent them from becoming homeless

ADULT INTERDEPENDENT PARTNERS

A majority of respondents were in favour of having the same rules for spouses and adult interdependent partners.



The most common reasons for wanting the Dower Act to apply only to married spouses were:

- It is important to have a clear rule for deciding who is affected. It is easy to prove that a couple is married but can be difficult to determine when an adult interdependent partner.
- Marriage is a bigger or more serious commitment than a common-law relationship.

The most common reasons for having the same rules for spouses and adult interdependent partners were:

- There is no real difference between the two kinds of relationships.
- Both kinds of couples already have the same rights under most other laws.
- Common-law partners contribute to acquiring and maintaining a home.
- Couples should not be penalized for making a choice not to marry or because they cannot afford to marry.

WHICH HOMES SHOULD BE AFFECTED?

75%

of respondents to the technical survey agreed that the *Dower Act* should apply only to a home where the owner and their spouse or adult interdependent partner live or have lived together, and that it should apply only while the couple lives in the home and for a transition period after a move or separation.

64%

of respondents on the general survey chose all the available options (a home on a lot or acreage, a home on a farm or ranch, a condominium unit, and a mobile home) when asked which homes the *Dower Act* should apply to. Many added comments to the effect of "a home is a home".

76%

of respondents to the technical survey agreed that the *Dower Act* should apply to mobile homes. Mobile homes are defined as homes that are separate from land.

