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BARRISTERS & SOLICITORS

## **WHEN AM I LEGALLY SEPARATED?**

A couple is legally separated on the day that they no longer live with each other as man and wife. A couple may be legally separated when they are still living under the same roof. This situation is common when either the husband or wife removes themselves from their commonly used bedroom and lives and sleeps in another part of the house.

The date that a couple separates is very important for the purpose of dividing their property. Under the Family Law Act of Ontario, the date used for valuation of the property, for the purpose of division, is the date that the parties no longer lived together. Should either the husband or the wife accumulate assets or debts after the date they separate, in most cases, these assets and debts will not be included in the division of property, unless that property was jointly owned by the husband and wife.