

FAQs - The Home

Should I stay in the home?

You should stay in the home until there is an Order or Agreement resolving any issues involving the home. Regardless of the situation, you should receive legal advice before making any decision to move out of the home. If you move out of the home, you may have difficulties in getting an Order allowing you to move back into the home. If there are children involved, moving out of the home may make it more difficult to maintain your relationship with your children.

Can I get my spouse to move out of the home?

In certain circumstances, you can apply for an Order granting you exclusive possession of the matrimonial home.

Can I change the locks on the home?

If you change the locks of the home, your spouse can change the locks back. If you and your spouse are joint owners of the home, you can't prevent your spouse from entering the home unless you have an Order for Exclusive Possession. If you are afraid for your safety due to an assault by your spouse, or the threat of an assault, you may need to obtain a Restraining Order, which would prevent your spouse from entering the home. A Restraining Order should only be sought where there is a legitimate fear for your safety.

Can I purchase another home during the separation?

It is not recommended to make significant purchases or investments during separation. If necessary, please discuss with your lawyer prior to making any major purchases or investments.

Can my spouse sell the home?

If you are joint owners of the home, your spouse cannot sell the home without your agreement or a Court Order directing that the home be sold.