

# STANDARDIZED CLAUSES FOR PROPERTY DIVISION

**NOTE:** These clauses provide examples of wording that can be used for some common family law applications. This is not a complete list of every order the court can make. The clauses may need to be adapted to suit your specific application.

## INTERIM ORDERS

### A. Exclusive Possession, *The Family Property Act*, ss 5, 6, 8

1. Pursuant to section 5 of *The Family Property Act*, [name] shall have exclusive possession of the family home and household contents located at [address] and legally described as [land description as it appears on the title] as of [date] [for life of name or until a specific date or until further order].
2. Pursuant to section 5(2)(c) of *The Family Property Act*, [name] shall vacate the family home located at [address] [immediately or as of date] until further order, taking with them their personal effects.
3. Pursuant to section 5(2)(d) of *The Family Property Act*, [name] is restrained from entering or attending at or within [# metres or # blocks] of the family home at [civic address] and legally described as [] as of [date] until further order,
4. Pursuant to section 5(2)(h) of *The Family Property Act*, ([name] shall pay the insurance, municipal taxes, and mortgage payments accruing due monthly in relation to the family home until further order.
5. Pursuant to section 5(2)(i) of *The Family Property Act*, [ name] shall pay occupation rent of [ \$] per month to [name] commencing [date] until [specify date or until further order].
6. Pursuant to section 6 of *The Family Property Act*, [name] shall have exclusive possession and use of the [specify] motor vehicle.
7. Pursuant to section 6(3) of *The Family Property Act*, [name] shall pay [ \$] per month to [name of creditor] in accordance with the personal property security interest registered against the [specify household good] and shall indemnify and save [name] harmless from claims by [creditor].
8. Pursuant to section 8 of *The Family Property Act*, having established a material change in circumstances, the order of [date] by the Honourable Justice [name] is [suspended or varied to provide as follows:]

## **B. Restraints on Dissipation, gifts and the sale of Property to Third Parties**

1. Pursuant to sections 26(2) and 26(3)(r) of *The Family Property Act*, neither party shall dispose of any family property without the written consent of the other or an order of the Court.
2. Pursuant to section 29(2) of *The Family Property Act*, [name] shall deliver up and transfer possession of the following family property [specify] to [name] as of [date] until further court order in order to preserve the property and prevent it being wasted.
3. Pursuant to section 29(2) of *The Family Property Act*, [name] shall not transfer any property to [name] or gift the property to [name] or remove or abscond with family property [specify] until further order.

## **C. Disclosure Orders**

1. Pursuant to Rule 15-59, [name] shall file and serve [name] on or before [date] with a property statement in Form 15-49 of the Rules of the Court of King's Bench.

## **D. Partial Distribution before Trial**

1. [Name] shall pay to [name] as an advance on the anticipated equalization, a payment of [\$ amount] on or before [date] to be credited to [name] in the final distribution of family property.