

Living Together

Adult Interdependant Relationships

The term living "common law" is often used to describe a couple that lives together, with or without children, but is not legally married. The Canadian government recognizes "common law" relationships for income tax purposes, but the Alberta government does not.

In Alberta, the *Adult Interdependent Relationships Act* creates a specific type of relationship, called an **Adult Interdependent Relationship ("AIR")**. This term is used instead of common law. Use the chart in this booklet to decide if you are in an adult interdependent relationship.

Adult Interdependent Partners ("AIPs") include unmarried couples but can also include non-sexual partners who live together. For example, two friends or relatives living together may qualify as AIPs.



How does being an AIP affect you?

The rights, benefits and responsibilities of AIPs can be similar to, and even the same as, people who are married. These include:

- A former AIP can apply for financial support under Alberta's *Family Law Act* within two years of the relationship ending.
- On or after January 1, 2020, the property of former AIPs will be divided according to the new *Family Property Act* when the relationship ends.
- AIPs can register together for coverage under the Alberta Health Care Insurance Plan.
- If an AIP dies without a will, their partner may receive all or part of the deceased partner's estate. The estate may also be required to provide for the surviving partner.
- If an AIP makes a will and then the relationship ends, their former partner may no longer be entitled to receive any gifts under the will or to act as personal representative if they are named in the will.
- Upon the death of an AIP, the surviving partner may be entitled to certain benefits.
- AIPs can apply for a protection order if their partner has threatened or subjected them to violence.
- A person's AISH (Assured Income for the Severely Handicapped) benefits are available to their AIP.



You should **NOT** rely on this booklet for legal advice.
It provides general information on **Alberta law only**. 2019

What do AIRs look like?



Javier and Maria were living separately when Maria got pregnant. When the baby was born, they decided to move in together to share bills and live as a family.



Kathy and her spouse separated 5 years ago. Kathy met Bob and fell in love. They moved in together and have been happy

for 4 years. Kathy and Bob are AIPs, even though Kathy is legally married to someone else.



Martin and Jolanda were both divorced when they met. They did not like the idea of being married again but they wanted

to protect their relationship. They signed an Adult Interdependent Partner Agreement and then moved in together.



Steve and Jamie are both 17 years old. They live together with Steve's parents. They want to become AIPs but have not

lived together for 3 years yet. They want to enter into an Adult Interdependent Partners agreement to confirm their relationship. Both Jamie and Steve's parents need to give their written consent to the agreement because Steve and Jamie are minors.



Elise and Olivia met while on vacation and started dating shortly after. They bought a house and moved in together.

They used a shared bank account to pay their bills. After living together for 5 years, Elise got a job in a different city and wanted to end the relationship. Olivia could not afford to live on her own, so she applied to the court for an adult interdependent partner support order.



Mark and Frank have been friends for over forty years. When their wives died, they decided to move in together.

Mark did the cooking, and Frank did the cleaning. They shared expenses and bought a car together. The two had lived together for over 3 years when Frank unexpectedly died. The will that Frank wrote 5 years ago was still valid and did not leave anything to Mark. Mark could not support himself on his own so he applied to the court for financial maintenance and support from Frank's estate.



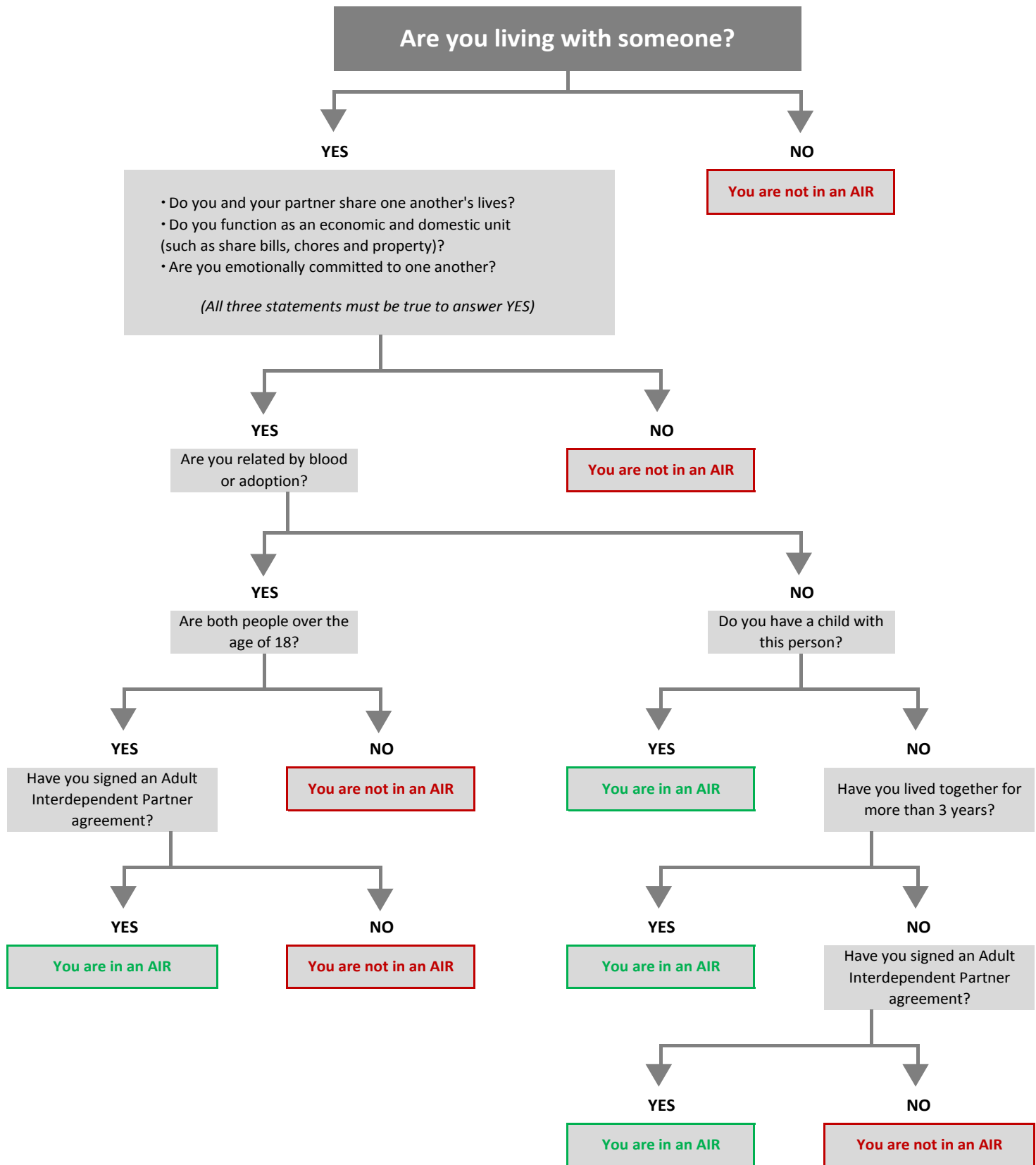
Karen moved in with her father, Sam, after her mother died a year ago. Karen and Sam wanted to become Adult

Interdependent Partners so Karen could share Sam's health benefits. Because they are related, they needed to sign an Adult Interdependent Partner Agreement. Their AIR ended when Karen's father remarried.

You cannot be an AIP if you:

- are already an AIP to someone else;
- are married and living with your spouse;
- provide a person with domestic support and personal care for payment (such as a paid live-in caregiver).

Are you in an Adult Interdependent Relationship?



Is a written agreement necessary?

AIPs can enter into an adult interdependent partner agreement, which formalizes the AIR. In some cases, a written agreement is necessary.

If you are going to sign an **adult interdependent partner agreement**, it must be in the form set out by the government. The agreement will not be valid if:

- it is signed by one partner under fraud or duress (being forced or pressured into the agreement);
- one partner does not have capacity to understand what they are agreeing to;
- the partners are not living together and not intending to live together when it is signed;
- one partner has signed an adult interdependent partner agreement with someone else;
- one partner is legally married;
- one partner is a minor (unless they are at least 16 years old, their guardians give written consent to the agreement, and they are not related to the other partner by blood or adoption).

AIPs may also choose to enter into **cohabitation agreements**, which can include:

- what each partner's obligations are in the relationship; or
- how property is to be divided; or
- if financial support will be provided if the partners separate.

If you want to enter into a cohabitation agreement, you should consult a lawyer to make sure the agreement is valid.

You cannot waive your rights under the *Adult Interdependent Relationship Act*. Unless you fall into an exception, then the Act automatically applies to you and your partner.

This booklet is one of many publications produced by the Centre for Public Legal Education Alberta

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