

Family Property Law LAWG–300 (001)  
 Professor Robert Leckey  
 CALENDAR AND LEARNING OBJECTIVES  
 Winter 2012

This document sets out the readings and, in the third column, some learning objectives, themes, and questions for each class. The course’s newness for me makes the third column less reliable than I hope it will become when I revise it for future years. This document also lists the dates of the quizzes and the steps associated with the writing assignments.

Date and topic	Readings (from the casebook or on myCourses)	Learning objectives/questions/themes
<b>I. INTRODUCTION</b> This introductory part is conceptual and historical. It aims to set out for you the background against which the contemporary law of family property developed and some of the analytical tools we’ll use in assessing it.		
<b>Class 1.</b> <b>Jan. 9</b> Refresher on the general private law	<ul style="list-style-type: none"> <li>• William de Montmollin Marler, <i>The Law of Real Property, Quebec</i> (Toronto: Burroughs and Company [Eastern] Limited, 1932) at paras 58-62.</li> <li>• Brian A. Garner <i>et al.</i>, eds., <i>Black’s Law Dictionary</i>, 9th ed. (St. Paul: West, 2009) <i>sub verbo</i> “property”; “joint tenancy”; “tenancy in common”.</li> <li>• Jean Louis Baudouin &amp; Pierre Gabriel Jobin, <i>Les Obligations</i>, 6th ed. by Pierre Gabriel Jobin with Nathalie Vézina (Cowansville, Que: Yvon Blais, 2005) at paras. 77, 79.</li> <li>• Arts. 2644 C.C.Q.</li> <li>• Arts. 553, 553.2 C.C.P.</li> <li>• William de Montmollin Marler, <i>The Law of Real Property, Quebec</i> (Toronto: Burroughs and Company [Eastern] Limited, 1932) at paras. 742-44.</li> <li>• Donovan W.M. Waters, Mark R. Gillen &amp; Lionel D. Smith, <i>Waters’ Law of Trusts in Canada</i>, 3d ed. (Toronto: Thomson Carswell, 2005) at 19-22.</li> </ul>	<ul style="list-style-type: none"> <li>• The aim here is to remind you of the rules of the general private law which regulate the patrimonial legal relations between individuals whom the law does not regard as intimately connected</li> <li>• Property: the right of the owner to exclude others from her property and to alienate it</li> <li>• Freedom of contract</li> <li>• The patrimony as the creditors’ common pledge, and the seizability of assets to satisfy their claims</li> <li>• Trusts under the law of equity</li> </ul>

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<p><b>Class 2.</b> <b>Jan. 11</b> Analytical starting points</p>	<ul style="list-style-type: none"> <li>• Cass R. Sunstein &amp; Richard H. Thaler, “Libertarian Paternalism Is Not an Oxymoron” (2003) 70 U. Chi. L. Rev. 1159 at 1159-67, 1174-78.</li> <li>• Margaret Davies, “Unity and Diversity in Feminist Legal Theory” (2007) 2 Philosophy Compass 650 at 650-58.</li> <li>• Robert Leckey, <i>Families in the Eyes of the Law: Contemporary Challenges and the Grip of the Past</i> (2009) 15(8) <i>IRPP Choices</i> at 12.</li> <li>• France Allard <i>et al.</i>, eds., <i>Private Law Dictionary of the Family and Bilingual Lexicons</i> (Cowansville, Que: Yvon Blais, 1999) <i>sub verbo</i> “family property”.</li> <li>• Ontario Law Reform Commission, <i>Report on Family Property Law</i> (Toronto, 1993) at 1.</li> <li>• Janet Halley &amp; Kerry Rittich, “Critical Directions in Comparative Family Law: Genealogies and Contemporary Studies of Family Law Exceptionalism” (2010) 58 <i>Am. J. Comp. L.</i> 753 at 755-65.</li> <li>• Vanier Institute of the Family, <i>Families Count</i> (2010) at 26-27, 32-47, 80-81 (myCourses)</li> <li>• Christopher Carrington, <i>No Place like Home: Relationships and Family Life among Lesbians and Gay Men</i> (Chicago: The University of Chicago Press, 1999) at 17-21.</li> </ul>	<ul style="list-style-type: none"> <li>• The aim here is to introduce a number of key ideas relevant to the course</li> <li>• The significance of default rules, from which individuals may depart via contract or other private instrument</li> <li>• Feminist legal theory</li> <li>• Private law, marriage, ascription, and registration as models for regulating adult relationships</li> <li>• The constructed and contingent character of ‘family law’ as such</li> <li>• A sense of today’s families, including the family lives of (some) gay men and lesbians</li> </ul>
<p><b>Class 3.</b> <b>Jan. 16</b> Historical overview: Unity and separation <b>QUIZ 1</b></p>	<ul style="list-style-type: none"> <li>• William Blackstone, <i>Commentaries on the Laws of England</i> (Philadelphia, G.W. Childs: 1864) vol. I, at 355-361.</li> <li>• Lori Chambers, <i>Married Women and Property Law in Victorian Ontario</i> (Toronto: University of Toronto Press, 1997) at 3-13.</li> <li>• Édouard Beaudry, <i>Le questionnaire annoté du Code civil du Bas-Canada</i>, t.1, Montréal, C.O. Beauchemin et Valois, 1872.</li> <li>• <i>Family Law Act</i> (Ont.), s. 64</li> <li>• John E.C. Brierley &amp; Roderick A. Macdonald, eds., <i>Quebec Civil Law: An Introduction to Quebec Private Law</i> (Toronto: Edmond Montgomery, 1993) at paras. 327-32.</li> <li>• Roger Comtois, <i>Traité théorique et pratique de la communauté de bien</i> (Montreal: Recueil de Droit et de Jurisprudence: 1964) at 333-37.</li> </ul>	<ul style="list-style-type: none"> <li>• The historical backdrop which preceded the legislative regimes of family property now in effect</li> <li>• Gendered rules vesting the husband with authority to administer the couple’s property</li> </ul>

Date and topic	Readings (from the casebook or on myCourses)	Learning objectives/questions/themes
<b>Class 4.</b> <b>Jan. 18</b> Historical overview: Impediments to a just sharing of assets	<ul style="list-style-type: none"> <li>• <i>Murdoch v. Murdoch</i> (1973), [1975] 1 S.C.R. 423</li> <li>• Jean Pineau, <i>La famille</i> (Montreal: Presses de l'Université de Montréal, 1972) at paras. 18-19, 144.</li> </ul>	<ul style="list-style-type: none"> <li>• The difficulties for women in seeking a share of property held in their husbands' name</li> <li>• Legal rules prejudicing unmarried partners in an effort to protect and preserve marriage</li> </ul>
<b>II. SHARING UNDER THE GENERAL PRIVATE LAW</b> <p>While the rules of the general private law do not impose the same intensity of sharing as do rules of family property law, there are nevertheless ways in which an intimate relationship may attract special attention or at least trigger reallocation of wealth under rules other than those in a family law statute. You cannot judge the sufficiency of the rules of matrimonial property—in their substance and scope of application—without having a sense as to the potential of the general private law of property and contract.</p>		
<b>Class 5.</b> <b>Jan. 23</b> Property and joint title	<ul style="list-style-type: none"> <li>• <i>Pecore v. Pecore</i>, 2007 SCC 17, [2007] 1 S.C.R. 795</li> </ul>	<ul style="list-style-type: none"> <li>• The law of equity and presumptions regarding the intentions of close family members</li> <li>• The problem of an aging population</li> </ul>
<b>Class 6.</b> <b>Jan. 25</b> Contract	<ul style="list-style-type: none"> <li>• <i>Beaudouin-Daigneault c. Richard</i>, [1979] C.S. 406</li> <li>• Arts. 2250, 2251, 2258 C.C.Q.</li> <li>• France Allard <i>et al.</i>, eds., <i>Private Law Dictionary of the Family and Bilingual Lexicons</i> (Cowansville, Que: Yvon Blais, 1999) <i>sub verbo</i> “cohabitation agreement”.</li> <li>• <i>Couture c. Gagnon</i>, [2001] R.J.Q. 2047 (C.A.)</li> <li>• Denis Lapierre, “Les contrats de la vie commune” in Barreau du Québec, Service de la formation continue, ed., <i>Développements récents sur l'union de fait</i> (Cowansville, Que: Yvon Blais, 2000) 31 at 33-36, 43-46.</li> </ul>	<ul style="list-style-type: none"> <li>• Contract law as basis for recourse when an unmarried cohabitation relationship terminates</li> </ul>
<b>Class 7.</b> <b>Jan. 30</b> Unjust enrichment <b>QUIZ 2</b>	<ul style="list-style-type: none"> <li>• <i>Peter v. Beblow</i>, [1993] 1 S.C.R. 980</li> </ul>	<ul style="list-style-type: none"> <li>• Unjust enrichment and the constructive trust under the law of equity to the rescue of former cohabitants</li> <li>• The measure of unjust enrichment</li> <li>• Improvement to identifiable property</li> </ul>
<b>Class 8.</b> <b>Feb. 1</b> Unjust enrichment cont'd	<ul style="list-style-type: none"> <li>• <i>M.B. c. L.L.</i>, [2003] R.D.F. 539 (C.A.)</li> <li>• <i>Amyot c. Paquette</i>, 2008 QCCA 1130</li> <li>• Arts. 1493-96 C.C.Q.</li> </ul>	<ul style="list-style-type: none"> <li>• Unjust enrichment under the civil law of Quebec for former <i>de facto</i> spouses</li> </ul>

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<b>III. LEGISLATIVE MODELS FOR SHARING ASSETS</b> <p>There are a number of ways of structuring rules which bear on the assets of close family members. Sharing of the increase in wealth during a relationship may be legislated as a default, subject to contracting out. Or it may be imposed as a matter of public order. The decision that spouses appropriately share in the increase in wealth during their relationship triggers design decisions regarding the assets to be included in the pool (some things such as gifts or inherited assets may be excluded, as might assets owned prior to the relationship), the date of their valuation at the back end, and the interest in the pool (an unsecured claim to share in the value or a proprietary interest in each asset). Legislative drafters might also explicitly empower judges to remedy unfair outcomes via discretionary orders. Last, the question of default rules always raises the corollary question of contractual derogations therefrom.</p>		
<b>Class 9.</b> <b>Feb. 6</b> The matrimonial regime: the non-judicial model <b>QUIZ 3</b>	<ul style="list-style-type: none"> <li>• France Allard <i>et al.</i>, eds, <i>Private Law Dictionary of the Family and Bilingual Lexicons</i> (Cowansville, Que: Yvon Blais, 1999) <i>sub verbo</i> “matrimonial regime”; “separation as to (of) property”; “partnership of acquests”; “marriage contract.”</li> <li>• Gérard Cornu, <i>Les régimes matrimoniaux</i>, 7th ed. (Paris: Presses Universitaires de France, 1995) at 24-25.</li> <li>• Québec, <i>Bill 10: Loi concernant les régimes matrimoniaux Première lecture</i> (Québec: Éditeur officiel, 1969).</li> <li>• John E.C. Brierley &amp; Roderick A. Macdonald, eds., <i>Quebec Civil Law: An Introduction to Quebec Private Law</i> (Toronto: Edmond Montgomery, 1993) at paras. 312-26.</li> <li>• Mary Jane Mossman, <i>Families and the Law in Canada</i> (Toronto: Edward Montgomery, 2004) at 394-97, 400.</li> <li>• Robert Leckey, “Family Law as Fundamental Private Law” (2007) 86 Can. Bar Rev. 69 at 86-89.</li> </ul>	<ul style="list-style-type: none"> <li>• Enacted rules which take effect on marriage and provide for the allocation of assets on marriage breakdown</li> </ul>
<b>Class 10.</b> <b>Feb. 8</b> Legislatively contemplated “Equity”	<ul style="list-style-type: none"> <li>• Arts. 427-30 C.C.Q.</li> <li>• <i>M. (M.E.) v. L. (P.)</i>, [1992] 1 S.C.R. 183</li> <li>• <i>Tataryn v. Tataryn Estate</i>, [1994] 2 S.C.R. 807</li> <li>• <i>Balloch v. Balloch</i> (1991), 35 R.F.L. (3d) 189</li> </ul>	<ul style="list-style-type: none"> <li>• Legislative empowerment of judges to achieve the results they deem fair in the case of family relationships</li> </ul>
<b>Class 11.</b> <b>Feb. 13</b> Legislatively contemplated “Equity” cont’d	<ul style="list-style-type: none"> <li>• <i>White v. White</i>, [2001] 1 A.C. 596, [2001] 1 All ER 1</li> </ul>	<ul style="list-style-type: none"> <li>• British judges’ discretionary power to allocate property on marriage breakdown</li> <li>• What place for equality?</li> </ul>

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<b>Class 12.</b> <b>Feb. 15</b> The consensual model: marriage contracts	<ul style="list-style-type: none"> <li>• <i>Family Relations Act</i> (B.C.), ss. 61, 65</li> <li>• <i>Family Law Act</i> (Ont.), ss. 51 “domestic contract,” 52, 56(4)</li> <li>• <i>Hartshorne v. Hartshorne</i>, 2004 SCC 22, [2004] 1 S.C.R. 550</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual derogations from the rules of matrimonial property via a marriage contract or prenuptial agreement</li> <li>• The weight of such an agreement where legislation makes plain that it is not determinative per se</li> </ul>
<b><u>ASSIGNMENT 1: SUBMISSION OF FIRST DRAFT BY THURS. 16 FEB., 12 P.M.</u></b>		
<b><u>READING WEEK – NO CLASSES 20 AND 22 FEB.</u></b>		
<b><u>ASSIGNMENT 1: RETURN OF FIRST DRAFT WITH MY COMMENTS, BY MON. 27 FEB., 10 A.M.</u></b>		
<b>Class 13.</b> <b>Feb. 27</b> Marriage contracts cont’d	<ul style="list-style-type: none"> <li>• <i>LeVan v. LeVan</i>, 2008 ONCA 388, 90 O.R. (3d) 1</li> <li>• Miriam Grassby, “Nouveau regard sur les contrats de mariage au Québec à la lumière de l’arrêt <i>Hartshorne</i>” in Barreau du Québec, Service de la formation continue, ed., <i>Développements récents en droit familial</i> (Cowansville, Que: Yvon Blais, 2008) 45 at 45-52, 60-82.</li> </ul>	<ul style="list-style-type: none"> <li>• Potentially unfair effects of a marriage contract</li> <li>• Marriage contracts in Quebec vs. in the common-law provinces</li> </ul>
<b>Class 14.</b> <b>Feb. 29</b> Contract as vector of multiculturalism <b>Guest lecturer: Bethany Hastie; stay tuned for changes to the readings</b>	<ul style="list-style-type: none"> <li>• <i>Kaddoura v. Hammoud</i> (1998), 168 D.L.R. (4th) 503 (Ont. Ct. (Gen. Div.))</li> <li>• <i>N.M.M. v. N.S.M.</i>, 2004 BCSC 346, 26 B.C.L.R. (4th) 80</li> <li>• Pascale Fournier, <i>Muslim Marriage in Western Courts: Lost in Transplantation</i> (Surrey: Ashgate, 2010) at 1-6.</li> <li>• Annie Bunting, “Family Law’s Legal Pluralism: Private ‘Opting-Out’ in Canada and South Africa” in Albert Breton <i>et al.</i>, eds, <i>Multijuralism: Manifestations, Causes and Consequences</i> (Surrey: Ashgate, 2009) 77 at 77-89.</li> </ul>	<ul style="list-style-type: none"> <li>• Contractual departure from the rules of matrimonial property so as to make space for religiously inspired dispositions</li> </ul>

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<b>Class 15.</b> <b>Mar. 5</b> The family patrimony: the public-order model	<ul style="list-style-type: none"> <li>• Québec, <i>Loi modifiant le Code civil du Québec et d'autres dispositions législatives afin de favoriser l'égalité économique des époux</i>, L.Q. 1989, c. 55.</li> <li>• Mireille D.-Castelli &amp; Dominique Goubau, <i>Droit de la famille au Québec</i>, 5th ed. (Saint-Nicolas, Que: Presses de l'Université Laval, 2005) at 123-41</li> <li>• <i>M.T. v. J.-Y.T.</i>, 2008 SCC 50, [2008] 2 S.C.R. 781</li> <li>• <b>Optional:</b> Robert Leckey, "Developments in Family Law: The 2008-2009 Term - Just Divisions?" (2009) 48 Supreme Court L.R. (2d) 181 (<b>myCourses</b>).</li> </ul>	<ul style="list-style-type: none"> <li>• A legislative rejection of freedom of contract</li> <li>• Neither a 'patrimony' nor of the 'family'</li> <li>• How to exercise the judicial discretion to depart from equal partition?</li> </ul>
<b>IV. THE OPERATION OF ENACTMENTS FOR FAMILY PROPERTY</b> This part studies a number of the issues that arise during the operation of family property laws. The focus is less on enactment as an instrument choice than on the particular difficulties that may arise. Note also the special legal treatment of the family home (everywhere in Canada but on an "Indian reserve" [ <i>sic</i> ]).		
<b>Class 16.</b> <b>Mar. 7</b> Sharing increases in wealth: "family" and "excluded" property	<ul style="list-style-type: none"> <li>• France Allard et al., eds., <i>Private Law Dictionary of the Family and Bilingual Lexicons</i> (Cowansville, Que: Yvon Blais, 1999) sub verbo "acquest(s)"; "private property".</li> <li>• <i>Caratun v. Caratun</i> (1992), 10 O.R. (3d) 385 (C.A.)</li> <li>• <i>Droit de la famille—1990</i>, [1994] R.D.F. 463 (Sup. Ct.)</li> <li>• <i>Holby v. Holby</i>, 131 Ariz. 113 (App. Ct. 1981)</li> </ul>	<ul style="list-style-type: none"> <li>• Determining which assets are in the pool of the marriage as joint economic endeavour</li> </ul>
<b><u>ASSIGNMENT 1: SUBMISSION OF REVISED PAPER BY THURS. 8 MARCH, 12 P.M.</u></b>		
<b>Class 17.</b> <b>Mar. 12</b>	<ul style="list-style-type: none"> <li>• <b>Guest lecturer: Me Marie Christine Kirouack, on the family patrimony</b></li> </ul>	
<b>Class 18.</b> <b>Mar. 14</b> "Family" and "excluded" property cont'd	<ul style="list-style-type: none"> <li>• <i>Vanderaa v. Vanderaa</i> (1996), 18 R.F.L. (4th) 393 (Ont. Ct. J. (Gen. Div.))</li> <li>• <i>Marriage of Hrudka</i>, 919 P.2d 179 (Ariz. App., 1995)</li> <li>• <i>Horton v. Horton</i>, [1985] B.C.J. No. 81 (S.C.) (QL)</li> <li>• Lori Chambers, "Women's Labour, Relationship Breakdown and Ownership of the Family Farm" (2010) 25 C.J.L.S. 75 at 75-77, 90-95.</li> </ul>	<ul style="list-style-type: none"> <li>• Women and the family farm: protecting assets for a future generation at wives' expense?</li> </ul>
<b><u>ASSIGNMENT 1: RETURN OF YOUR GRADED FINAL PAPERS BY MON. 19 MARCH, 10 A.M.</u></b>		
<b>Class 19.</b> <b>Mar. 19</b> Valuing property	<ul style="list-style-type: none"> <li>• <i>Family Law Act</i> (Ont.), s. 4(1) "valuation date"</li> <li>• Art. 417 C.C.Q.</li> <li>• <i>Serra v. Serra</i>, 2009 ONCA 105, 93 O.R. (3d) 161</li> <li>• Law Commission of Ontario, "Executive Summary" in <i>Divisions of Pensions Upon Marriage Breakdown Final Report</i> (Toronto, 2008) at 1-5.</li> </ul>	<ul style="list-style-type: none"> <li>• Reconciling the sense that spouses share the increase in wealth during the marriage's operation with the reality of fluctuations in value</li> <li>• Preventing unfair enrichment</li> </ul>

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<p><b>Class 20.</b> <b>Mar. 21</b> The family home: chief capital asset and shelter</p>	<ul style="list-style-type: none"> <li>• <i>Family Law Act</i> (Ont.), ss. 4(1) “net family property” (b), 4(2)1, 4(2)5</li> <li>• <i>Family Relations Act</i> (B.C.), s. 58(2)</li> <li>• Arts. 415, 418 C.C.Q.</li> <li>• <i>Droit de la famille—1437</i>, [1991] R.D.F. 401 (Sup. Ct.)</li> <li>• Lorna Fox, <i>Conceptualising Home: Theories, Laws and Policies</i> (Oxford: Hart Publishing, 2007) at 11-14.</li> <li>• Arts. 500, para. 1, 410, 1938, 1974.1 C.C.Q.</li> <li>• <i>Family Law Act</i> (Ont.), s. 24</li> <li>• <i>Hill v. Hill</i> (1987), 10 R.F.L. (3d) 225 (Ont. Dist. Ct.)</li> <li>• <b>Optional:</b> Belinda Fehlberg, “Money and Marriage: Sexually Transmitted Debt in England” (1997) 11 Int’l J. L. Pol’y &amp; Fam. 320-43 (<b>myCourses</b>).</li> <li>• <b>Optional:</b> Robert Leckey, “Gimme Shelter” 34 Dalhousie L.J. [forthcoming in 2011] (<b>myCourses</b>).</li> </ul>	<ul style="list-style-type: none"> <li>• Legislative treatment of the family home as distinct from other assets</li> <li>• The family home as shelter</li> </ul>
<p><b>Class 21.</b> <b>Mar. 26</b> The family home and “lands reserved for the Indians” (<i>sic</i>)</p>	<ul style="list-style-type: none"> <li>• Native Women’s Association of Canada, <i>Reclaiming Our Way of Being: Matrimonial Real Property Solutions Position Paper</i> (2007) at 27-31; <b>optional:</b> read the rest (<b>myCourses</b>)</li> <li>• Canada, Legislative Summary, <i>Bill S-4: Family Homes on Reserves and Matrimonial Interests or Rights Act</i> (Ottawa: Library of Parliament, 2010) at 1-12.</li> <li>• Mary Ellen Turpel, “Home/Land” (1991) 10 Can. J. Fam. L. 17.</li> <li>• <b>Optional:</b> Jacinta Ruru, “Finding Solutions for the Legislative Gaps in Determining Rights to the Family Home on Colonially Defined Indigenous Lands” (2008) 41 U.B.C. L. Rev. 315.</li> </ul>	<ul style="list-style-type: none"> <li>• The inapplicability of provincial regimes on reserves</li> <li>• Formalistic versus substantive analyses</li> <li>• Whose problem to solve?</li> </ul>
<p><b>Class 22.</b> <b>Mar. 28</b> Interaction of the general private law and enacted rules</p>	<ul style="list-style-type: none"> <li>• <i>Rawluk v. Rawluk</i>, [1990] 1 S.C.R. 70</li> </ul>	<ul style="list-style-type: none"> <li>• What scope do enacted rules on matrimonial property leave for the general, unenacted law of equity?</li> </ul>

## V. LEGISLATION AND HISTORICALLY UNRECOGNIZED UNIONS

Unquestionably the patrimonial relations of married spouses stand at the heart of the law of family property, but judicial and legislative decisions in recent years have challenged that centrality. What is the appropriate scope of application of these special rules?

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<b>Class 23.</b> <b>Apr. 2</b> The impact of the <i>Canadian Charter of Rights and Freedoms</i>	<ul style="list-style-type: none"> <li>• <i>Grigg v. Berg Estate</i>, 2000 BCSC 36, 26 B.C.L.R. (4th) 348</li> <li>• <i>Nova Scotia (Attorney General) v. Walsh</i>, 2002 SCC 83, [2002] 4 S.C.R. 325</li> <li>• Robert Leckey, “Private Law as Constitutional Context for Same-Sex Marriage” (2007) 2 J.C.L. 172 at 179-84.</li> </ul>	<ul style="list-style-type: none"> <li>• Challenges under s. 15(1) of the Charter to the classes affected by the benefits and burdens of family property</li> </ul>
<b>Class 24.</b> <b>Apr. 4</b> Inclusion by enactment	<ul style="list-style-type: none"> <li>• <i>The Family Property Act</i>, C.C.S.M. c. F25, ss. 13, 14</li> <li>• <i>Picketts v. Hall Estate</i>, 2009 BCCA 329, 95 B.C.L.R. (4th) 83</li> <li>• <i>Vital Statistics Act</i>, R.S.N.S. 1989, c 494, ss. 52-55</li> <li>• Gérard Cornu, <i>Droit civil: la famille</i>, 9th ed (Paris: Montchrestien, 2006) at 105-11, 116-17.</li> <li>• <i>Protection Against Family Violence Act</i>, R.S.A. 2000, c. P-27, ss. 1(1)(a), (d), 2(3)</li> <li>• <i>Victims of Domestic Violence Act</i>, S.S. 1994, c. V-6.02, ss. 2(a), 3(3)(a)</li> </ul>	<ul style="list-style-type: none"> <li>• Legislative recognition of adult relationships other than marriage</li> </ul>
<b><u>ASSIGNMENT 2: SUBMISSION OF FIRST DRAFT BY THURS. 5 APRIL, 12 NOON</u></b>		
<b><u>EASTER MONDAY – NO CLASS APR. 9</u></b>		
<b>VI. FAMILIES IN MOVEMENT</b>		
<b>Class 25.</b> <b>Apr. 11</b> Private international law	<ul style="list-style-type: none"> <li>• Frédérique Sabourin, <i>Les effets patrimoniaux du mariage en droit international privé québécois</i> (Cowansville, Que: Yvon Blais, 1997) at 1-2, 14-16.</li> <li>• <i>G.B. c. C.C.</i>, [2001] R.J.Q. 1435 (C.A.)</li> <li>• <i>Seizer v. Sessions</i>, 132 Wn.2d 642 (1997)</li> <li>• <i>Droit de la famille—204</i>, [1985] R.D.J. 247 (Qc. C.A.)</li> <li>• <b>optional:</b> Kathrin Kroll, “Unification of Conflict of Laws in Europe: Matrimonial Property Regimes” in Katharina Boele-Woelki &amp; Tone Sverdrup, eds., <i>European Challenges in Contemporary Family Law</i> (Antwerp: Intersentia, 2008) 379. (myCourses)</li> </ul>	<ul style="list-style-type: none"> <li>• Real or immovable property stays in the jurisdiction in which it is located, but chattels and movables move, as do couples. How does such movement affect the law of family property?</li> </ul>
<b><u>ASSIGNMENT 2: SUBMISSION OF REVISED PAPER BY FRI. 13 APRIL, 12 NOON</u></b>		

Date and topic	Readings (from the casebook or on myCourses)	Learning objectives/questions/themes
<b>VII. CONCLUSION</b>		
<b>Class 26.</b> <b>Apr. 16</b> Unmarried partners revisited	<ul style="list-style-type: none"> <li>• <i>Kerr v. Baranow</i>, 2011 SCC 10, [2011] 1 S.C.R. 269</li> <li>• <i>Fraudulent Conveyance Act</i>, R.S.B.C. 1996, c. 163</li> <li>• <i>Fraudulent Conveyances Act</i>, R.S.O. 1990, c. F.29</li> </ul>	<ul style="list-style-type: none"> <li>• The Supreme Court of Canada's latest word on unjust enrichment and married couples</li> <li>• The joint economic venture as a basis for sharing beyond a fee-for-services basis</li> <li>• Mutual conferral of benefits during cohabitation</li> <li>• Client service, fraudulent conveyances, and professional liability</li> </ul>