



**Mediating Property Division Agreements
(Formerly referred to as “Property Intensive”)**

Course Overview and Supplemental Learning Materials

Course Content:

- 4 Exercises/Assignments:
 - Exercise #1 – Private Reflection
What are your closely held values and beliefs with respect to property and debt? Do you recognize any bias within yourself with respect to possessions? What do you already know about the law related to the division of family property? What are some common assumptions the general public has with respect to the law related to family property?
 - Exercise #2 – Case Studies
Pick 3 of the common assumptions the general public has with respect to the law related to family property.
Check *The Family Property Act*. Are you able to find any guidance there? (hint, start with the Table of Contents)
Visit CanLii at www.canlii.org/en/sk/laws/astat/ss-2020-c-2/latest/ss-2020-c-2.html
Enter a search term for each of the three assumptions you have chose.
Read the first three cases that come up for each of the three assumptions.
Are you able to find any guidance here? Post your findings to the course’s Slack channel.
 - Exercise #3 – Review of definitions
Review the definitions in *The Family Property Act* (section2) for:
Family Property

Family Home

Household Goods

Value

Where does (or does it?) *The Family Property Act* speak to:

Common-law spousal relationships

Exemptions

Valuation

Debts

Agreements

Post your reflections to the course's Slack channel.

- Exercise #4 – Property Division

Make a list of 6 interests that might be at play in a family property division:

A priority? An expectation? A concern and/or fear? Now think of the opposite – that's the interest! A hope, a goal? (This could be short term and/or long term) A closely held value or belief? A need?

Make a Goal Statement:

Draw 2 interests out of the "hat" – those are Party A's interests.

Draw 2 interests out of the "hat" – those are Party B's interests.

The last two interests will be the common interest for both parties.

The family has the following property:

Family Home worth \$350,000

Mortgage secured against the family home of \$300,000

Party B has a pension worth \$200,000

Party A has a TFSA worth \$20,000

Think of three options for distribution of this property (feel free to add to the property if you are feeling particularly creative!)

What is one option that Party A might propose?

What is one option that Party B might propose?

Is there a third option that would meet both their interests?

There is a joint credit card with a balance owing of \$5,000

Add up all three options proposed. Are the final totals equal? Are they fair and equitable? If so, what is it about each option that is fair and equitable? Would one option appear more fair and equitable compared to the other option from each party's perspective?

Decide which option your hypothetical clients have chosen to implement. Consider if the proposal would work. What are some of the "what if" questions that might need to be asked? What are possible "in the event of" plans that could be put into the agreement? What might they need to find out before they can finalize their agreement?

Your clients have ultimately chosen a pathway forward. You've helped them "add it up!" and they've determined it's a fair and equitable distribution that addresses their individual and mutual interests. They've considered "does it work?", have "in the event of" plans to address the "what if" questions, and are now ready to implement the agreement. Now create a checklist of What's Next?

Curious about when a child would be considered "unable to withdraw" from the care of their parent(s)? What exactly might be considered the "necessaries of life"?

Curious as to when someone might be found to have been "standing in the place of a parent"?

Curious as to what would be an "extraordinary circumstance"?

If parties were to bring a claim for family property division through the Court of Queen's Bench in Saskatchewan, they would file a Petition and complete a sworn Property Statement. For tonight's interactive session, review these documents through the lens of a self-represented party – what questions would you have?

Post all your findings and thoughts to the Slack channel.

- Welcome Video & 9 Video Lectures with accompanying slide decks
- Reading & Video Materials
- Live Session attendance of a minimum of 8 hours

Reading Materials:

- The Family Property Act
- The Age of Majority Act
- The Homesteads Act 1989
- The Marriage Act
- Civil Marriage Act
- Divorce Act
- Unable to Withdraw
- Necessaries of Life
- Education Necessary of Life
- Standing in the Place of a Parent
- Extraordinary Circumstances
- Petition
- Property Statement
- Family Homes on Reserves and Matrimonial Interests of Rights Act
- [Further information on the Family Homes on Reserves and Matrimonial Interests of Rights Act](#)
- [Further information about n-reserve matrimonial real property and its intersection with provincial/territorial family property legislation](#)
- What is Family Property, an interest benefit?
- Review the *Meeting with Children* process