

Minutes
Matrimonial Real Property (MRP) Committee
Bingwi Neyaashi Anishinaabek
October 2, 2014

Committee Members Present:

Guy Gladu
Joe Ladouceur Sr.

Line Clarke

Committee Members by Conference:

Audrey Gilbeau

Committee Members Absent

N/A

Support Staff Present:

Chief Laura Airns
Jeremy Bonhomme

Gord Wickham

Business

CALL TO ORDER

The meeting commenced at 5:00 p.m. with dinner. The business portion of the meeting commenced at 5:20 p.m.

REVIEW OF AGENDA

Gord provided an overview of the agenda items to the committee. No changes or additions were made.

REVIEW OF MINUTES

Jeremy provided the MRP Committee with a copy of the October 2, 2014 minutes. The Committee reviewed and adopted the October 2, 2014 MRP Committee minutes.

DECISION: Move to accept the October 2 2014 minutes.

MOVED: Audrey Gilbeau

SECONDED: Line Clarke

All voted in favour.

REVIEW OF TERMS OF REFERENCE

Gord provided an overview of the amended Terms of Reference to the committee. Consideration was added by Laura Airns to move ahead with the four (4) committee members and change the Terms of Reference accordingly.

Decision: Accept the Terms of Reference w/suggested changes.

MOVED: Guy Gladu

SECONDED: Joe Ladouceur Sr.

All voted in favour.

REVIEW OF FEDERAL LEGISLATION

Gord provided an overview of the Federal Matrimonial Real Property Legislation.

WEEK 2: *DIVISION OF REAL PROPERTY/COMPENSATION*

The MRP Committee collectively worked through the “MRP Weekly Questions – Week #2: Division of Real Property/Compensation” document.

Gord facilitated this session and Jeremy noted all questions, concerns and dialogue. After reviewing each question and discussions amongst the committee members, the MRP Committee voted on the questions.

The “MRP Weekly Questions – Week #2: Division of Real Property/Compensation” document, including all notes and conclusions, drafted as a result of the meeting will be utilized in the future by the committee for the development and drafting of the BNA MRP Law.

1. Should property interests that were gifted to just one spouse, or inherited by just one spouse, count as matrimonial property? What about any increases in value – should that be distributed?

Decision: We agreed that gifted properties SHALL NOT be considered as Matrimonial Real Property. Increase to value will be a secondary agreement between the couple.

MOVED: Guy Gladu

SECONDED: Audrey Gilbeau

All voted in favour.

2. If you want to exclude gifts and inheritances, what about where the property in question is the site of the family home? Should it then count as matrimonial property even if it was gifted to just one spouse or inherited by just one spouse?

Decision: Question deferred by Audrey Gilbeau to November 6, 2014 Committee Meeting for more research.

3. Are you comfortable with the possibility of a spouse getting compensation from their ex for part of the value of the spousal real property, instead of property division (Remember that a non-member can only get compensation, not property division). What if compensation requires the spouse who owns the property to pay money to the non-owner (could be a non-member) spouse. Each issue and its resulting conclusion are listed below:

Decision: There needs to be compensation.

MOVED: All moved.

SECONDED: All seconded.

ACTION: Committee members are to reflect on Question #2, for a decision is to be made on November 6, 2014.

NEXT MEETING

The next meeting has been scheduled for Thursday, November 6th, 2014 at 5:00 p.m. at the Wickham Consulting office, 1111 Victoria Avenue E. Thunder Bay, ON.

MEETING ADJOURNMENT

The meeting was adjourned at 7:00 p.m.

MOVED: Joseph Ladouceur Sr.

SECONDED: Line Clarke