



NOTICE TO THE COMMUNITY:

QUICK FACTS ON MATRIMONIAL REAL PROPERTY (MRP) LAW

What is Matrimonial Real Property or MRP?

Matrimonial Real Property (MRP) is land held by one or both spouses or common-law partners and used by the family, i.e. houses, sheds, mobile homes, or other unmovable structures on that land. It does not include things such as cars, money, clothing or televisions.

What is MRP law?

MRP law is the rules, rights and regulations around Matrimonial Real Property. MRP law determines how property shall be divided during the end of a marriage due to divorce, death or separation.

Currently, Ontario laws regarding rights and protections of family homes (MRP) only apply off-reserve, meaning the province has no hand in determining marital property rights and how marital property on reserves is to be divided upon the end of a marriage due to death, divorce, or separation.

The federal government put has into place a new Bill called the **Family Homes on Reserves and Matrimonial Interests or Rights Act**. This Act will **apply Federal provisional MRP laws** to First Nation communities beginning on **December 16th, 2014 unless the First Nation has written its OWN MRP law prior to this date***

*First Nation's can write their own MRP after the December 16th deadline, but the Federal provisional laws will apply starting December 16th, 2014, and remain in place until the First Nation does so.

How will these changes affect us?

If Oneida does not create our own MRP Law, the provisions (or laws) contained in the **Family Homes on Reserves and Matrimonial Interests or Rights Act** will apply.

The provisions of the **Family Homes on Reserves and Matrimonial Interests or Rights Act** would:

- Effectively **transfer authority to the Provincial Court** to do the following:
 - Ensure that both spouse or common law partner has the right to occupy the family home during the conjugal relationship

- Ensure that a family home will not be mortgaged or sold without the consent of both people in the relationship
 - Ensure each partner in the marriage receives half of the value of the family home (regardless of community membership or amount of finances invested in the home)
 - Enforce any written agreement that sets out the amount each partner will receive upon divorce or separation
 - Pass an application for one spouse to have an exclusive time-limited occupation of the marital home (meaning the court can order one spouse out of the home for a certain period of time using their own discretion)
 - Allow the surviving spouse to remain in the family home for up to 180 days after the death of the spouse (regardless of community membership or amount of finances invested in the home)
 - Enforce the removal of an abusive spouse from a home
- If any of these actions* are taken by the provincial court, the **Elected Council would be to be NOTIFIED only**. *The Province would have **no duty to notify** the Elected Council of the forced removal of a spouse from a Family home due to a situation of domestic violence

The provisions of the **Family Homes on Reserves and Matrimonial Interests or Rights Act** would **NOT**:

- Allow non-Oneidas to gain permanent possession of a family home
- Give non-Oneidas the ability to sell reserve land; nor
- Allow the Minister of Indian Affairs (INAC) to have any role in reviewing or rejecting Oneida's laws (Though it allows the Province of Ontario to review and ratify our MRP custom code)

PLEASE BE ON THE LOOKOUT FOR NOTICES OF FUTURE COMMUNITY ENGAGEMENT EFFORTS FOR THE DEVELOPMENT OF OUR OWN MRP LAW

Please see the attached sheet from the Centre of Excellence on Matrimonial Real Property for more information on MRP law