



Province of Alberta

ADULT INTERDEPENDENT RELATIONSHIPS ACT

Statutes of Alberta, 2002
Chapter A-4.5

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Office Consolidation

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Regulations

The following is a list of the regulations made under the *Adult Interdependent Relationships Act* that are filed as Alberta Regulations under the Regulations Act

Alta. Reg.	<i>Amendments</i>
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Adult Interdependent Relationships Act

Adult Interdependent Partner

Agreement.....66/2011

ADULT INTERDEPENDENT RELATIONSHIPS ACT

Chapter A-4.5

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Preamble

WHEREAS marriage is an institution that has traditional religious, social and cultural meaning for many Albertans; and

WHEREAS the Legislature of Alberta affirms that a spouse is a person who is married; and

WHEREAS there are Albertans in interdependent relationships outside marriage; and

WHEREAS it is appropriate to define a legal context for the nature of those interdependent relationships and to set out the applicability of Alberta laws to them;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Interpretation**1(1)** In this Act,

- (a) “adult interdependent partner” means an adult interdependent partner within the meaning of section 3, but does not include a former adult interdependent partner;
- (b) “adult interdependent partner agreement” means an agreement referred to in section 7;
- (c) “adult interdependent relationship” means the relationship between 2 persons who are adult interdependent partners of each other;
- (d) “former adult interdependent partner” means a former adult interdependent partner within the meaning of section 10;
- (e) “Minister” means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;
- (f) “relationship of interdependence” means a relationship outside marriage in which any 2 persons
 - (i) share one another’s lives,
 - (ii) are emotionally committed to one another, and
 - (iii) function as an economic and domestic unit.
- (g) repealed 2014 c8 s10.

(2) In determining whether 2 persons function as an economic and domestic unit for the purposes of subsection (1)(f)(iii), all the circumstances of the relationship must be taken into account, including such of the following matters as may be relevant:

- (a) whether or not the persons have a conjugal relationship;
- (b) the degree of exclusivity of the relationship;
- (c) the conduct and habits of the persons in respect of household activities and living arrangements;
- (d) the degree to which the persons hold themselves out to others as an economic and domestic unit;
- (e) the degree to which the persons formalize their legal obligations, intentions and responsibilities toward one another;

- (f) the extent to which direct and indirect contributions have been made by either person to the other or to their mutual well-being;
- (g) the degree of financial dependence or interdependence and any arrangements for financial support between the persons;
- (h) the care and support of children;
- (i) the ownership, use and acquisition of property.

2002 cA-4.5 s1;2014 c8 s10

Application of Act

2 This Act applies to adult interdependent relationships arising before or after this Act comes into force.

Adult interdependent partner

3(1) Subject to subsection (2), a person is the adult interdependent partner of another person if

- (a) the person has lived with the other person in a relationship of interdependence
 - (i) for a continuous period of not less than 3 years, or
 - (ii) of some permanence, if there is a child of the relationship by birth or adoption,
- or
- (b) the person has entered into an adult interdependent partner agreement with the other person under section 7.

(2) Persons who are related to each other by blood or adoption may only become adult interdependent partners of each other by entering into an adult interdependent partner agreement under section 7.

Relationship of interdependence

4(1) A relationship of interdependence may exist between 2 persons who are related to each other by blood or adoption except where one of the persons is a minor.

(2) A relationship of interdependence does not exist between 2 persons where one of the persons provides the other with domestic support and personal care for a fee or other consideration or on behalf of another person or organization, including a government.

Restrictions

5(1) A person cannot at any one time have more than one adult interdependent partner.

(2) A married person cannot become an adult interdependent partner while living with his or her spouse.

Minors

6 Subject to sections 4(1) and 7(2), a minor may be an adult interdependent partner.

Adult interdependent partner agreement

7(1) Subject to subsection (2), any 2 persons who are living together or intend to live together in a relationship of interdependence may enter into an adult interdependent partner agreement in the form provided for by the regulations.

(2) A person may not enter into an adult interdependent partner agreement if the person

- (a) is a party to an existing adult interdependent partner agreement,
- (b) is married, or
- (c) is a minor, unless
 - (i) the minor is at least 16 years of age, and
 - (ii) the minor's guardians have given their prior written consent.

Validity of adult interdependent partner agreement

8(1) An adult interdependent partner agreement is invalid if

- (a) one of the parties was induced by fraud, duress or undue influence to enter into the agreement,
- (b) one of the parties lacked the mental capacity to understand the nature of the agreement,
- (c) the parties were neither living together nor intending to live together in a relationship of interdependence when the agreement was entered into, or
- (d) one of the parties was prohibited by section 7(2) from entering into the agreement.

(2) A person who

- (a) purports to enter into an adult interdependent partner agreement in circumstances in which the person is prohibited from doing so by section 7(2), or
- (b) induces another person to enter into an adult interdependent partner agreement with the person in circumstances referred to in subsection (1)(a),

is liable in damages to compensate the other party to the adult interdependent partner agreement for pecuniary and non-pecuniary loss and costs incurred as a consequence of the invalid adult interdependent partner agreement.

(3) A person who uses an adult interdependent partner agreement to claim an adult interdependent relationship with another person knowing that the agreement is invalid is liable in damages to compensate a person who is not a party to the adult interdependent partner agreement for pecuniary loss and costs incurred in reliance on the invalid adult interdependent partner agreement.

False allegation

9 A person who alleges an adult interdependent relationship knowing that the relationship does not exist is liable in damages to compensate any person for pecuniary loss and costs incurred in reliance on the existence of the alleged adult interdependent relationship.

Former adult interdependent partner

10(1) Unless another enactment provides otherwise, an adult interdependent partner becomes the former adult interdependent partner of another person when the earliest of the following occurs:

- (a) the adult interdependent partners enter into a written agreement that provides evidence that the adult interdependent partners intend to live separate and apart without the possibility of reconciliation;
- (b) the adult interdependent partners live separate and apart for more than one year and one or both of the adult interdependent partners intend that the adult interdependent relationship not continue;
- (c) the adult interdependent partners marry each other or one of the adult interdependent partners marries a third party;

- (d) in the case of an adult interdependent partner referred to in section 3(1)(a), the adult interdependent partner enters into an adult interdependent partner agreement with a third party;
 - (e) one or both of the adult interdependent partners have obtained a declaration of irreconcilability under section 83 of the *Family Law Act*.
- (2) For the purposes of subsection (1)(b), a period of living separate and apart is not considered interrupted or terminated
- (a) by reason only that either adult interdependent partner has become incapable of forming the intention to live separate and apart, or
 - (b) by reason only that the adult interdependent partners have resumed living together during a single period of not more than 90 days with reconciliation as its primary purpose.
- (3) An adult interdependent partner agreement expires when the parties become former adult interdependent partners under subsection (1).

2002 cA-4.5 s10;2003 cF-4.5 s110

Onus of proof

11 A person who alleges in a court proceeding that the person is in or was in an adult interdependent relationship has the onus of proving the existence of the relationship.

Partnership Act does not apply

12 The *Partnership Act* does not apply to an adult interdependent relationship.

Regulations

13 The Minister may make regulations

- (a) respecting the form, contents and execution of an adult interdependent partner agreement and other forms to be used under this Act;
- (b) respecting any other matter or thing that the Minister considers necessary to carry out the intent of this Act.

**Consequential Amendments and
Coming into Force**

14 to 58 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

59 *(Amends RSA 2000 cM-23 (repealed): Spent.)*

60 to 71 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Amends SA 2002 c23

72(1) *The School Trustee Statutes Amendment Act, 2002 is amended by this section.*

(2) Section 2(2) is amended in the new section 80(2) by adding “or adult interdependent partner” **after** “spouse”.

(3) Section 2(3) is amended in the new section 81(1)(a) and (c) by adding “or adult interdependent partner” **after** “spouse”.

73 to 82 *(These sections amend other Acts; the amendments have been incorporated into those Acts.)*

Coming into force

83(1) This Act, except sections 17, 26, 52, 60 and 71 and subsection (2) of this section, comes into force on Proclamation.

(2) Subject to subsection (3),

(a) section 17 is deemed to have come into force on January 1, 2001;

(b) section 26 comes into force on the date that a writ of election is issued under section 40 of the *Election Act* for the next general election;

(NOTE: A writ of election was issued October 25, 2004.)

(c) section 52 comes into force on September 1, 2004;

(d) sections 60 and 71 come into force on October 18, 2004.

(3) Subsection (2) comes into force on the coming into force of section 3.

(NOTE: Proclaimed in force June 1, 2003, except sections 17, 23, 26, 52, 57, 59, 60, 71, 72 and 83(2). Sections 23 and 57 proclaimed in force January 1, 2004.)



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