

St. Mary's First Nation Development of a Matrimonial Real Property Policy

Why are Matrimonial Real Property Rights Important?

All people living on reserve can be negatively affected when there is no protection for matrimonial property rights on reserve because without a law, there is no guarantee that spouses will be treated fairly.

Research shows that First Nation women have been particularly harmed by the lack of protection for matrimonial property rights. When women are harmed, there is also a greater likelihood that their children will also be harmed since women are more often the primary caregiver or custodial parent.

When there were no matrimonial real property laws that applied on First Nation land (reserves), it was difficult for women to get a court order for exclusive possession of the family home when it is located on reserve. Having exclusive possession is especially important for women (and children) who are victims of family violence in order to make sure they have a safe place to live.

So, the development of a matrimonial real property law on reserve is important in order to make sure that both men and women are treated fairly and to make sure that people who are the most vulnerable, are protected.