



Navigating the Matrimonial Home During Divorce in Ontario

Step-by-Step Guides & Tips for Protecting Your Home & Equity





Separating? Selling the Matrimonial Home

Separation often brings life changes—and one of the most important decisions is what to do with the matrimonial home. This section guides Ontario homeowners through selling the family home while protecting equity and minimizing stress.

Understanding Matrimonial Home Rights in Ontario

- Defined as the property spouses or common-law partners occupy as their family residence.
- Both spouses have rights to occupy and share in the proceeds, regardless of whose name is on the deed or mortgage.
- Consent from both spouses is usually required to sell or refinance.

Step-by-Step Guide

1. Seek Legal Advice: Consult a family lawyer to navigate rights and obligations.
2. Determine the Best Course of Action: Decide whether to sell, buyout, or keep temporarily.
3. Assess the Home's Value: Hire an appraiser or consult a real estate agent.
4. Prepare the Home for Sale: Declutter, repair, stage, and document condition.
5. Choose the Right Real Estate Agent: Look for experience in matrimonial home sales.
6. List & Market Strategically: Use professional photos and MLS listings.
7. Navigate Offers and Negotiations: Both spouses usually approve terms.
8. Finalize the Sale & Divide Proceeds: Lawyers handle closing and equitable division.
9. Plan Your Next Steps: Arrange new living situations, update documents, and consider emotional support.

How to Protect Your Equity During a Divorce

Protecting home equity during a divorce is critical for financial stability. This section covers the legal framework, practical steps, and professional guidance for Ontario homeowners.

Understanding Matrimonial Home Rights

- Family Law Act protections ensure equal rights to occupy the home.
- Consent required for selling or refinancing, even if only one spouse is on title.

Step-by-Step Guide

1. Get Legal Advice Early: Family lawyer ensures agreements are binding.
2. Determine Your Home's Value: Professional appraisal and market comparisons.
3. Explore Your Options: Sell and divide proceeds, one spouse buys out the other, or keep temporarily.
4. Protect Your Equity: Document contributions, secure accounts, and consider buyout agreements.
5. Work With Professionals: Real estate agents, financial advisors, mediators.
6. Selling the Home: Prepare, market, negotiate, and close with legal support.
7. Consider Tax Implications: Principal residence exemption and proper reporting.
8. Plan for Your Next Chapter: New living arrangements, update documents, and seek support.

Key Tips

- Know your rights, document everything, plan early.
- Avoid emotional decisions; focus on financial outcomes.



What Happens to the Home During a Divorce

Understanding what happens to the home during divorce helps Ontario homeowners make informed decisions and protect equity.

Typical Scenarios

- Sell and Divide Proceeds: Clean financial break and avoids ongoing costs.
- One Spouse Buys Out the Other: Requires refinancing or cash settlement.
- Keep the Home Temporarily: Provides stability for children, requires agreements on costs.

How to Protect Your Equity

- Document ownership and contributions.
- Freeze major changes without consent.
- Work with professionals: lawyers, agents, financial advisors.
- Establish clear buyout agreements if needed.



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The **AB Advantage™** provides trusted, end-to-end guidance across **Halton, Toronto/GTA, Hamilton, and Niagara**. We support clients through the sale or negotiation of matrimonial homes, while helping protect equity and navigate the legal and financial complexities that often accompany these situations.

Beyond real estate, we offer access to a vetted network of family lawyers, accountants, and other trusted professionals as needed. If additional support is required, we are happy to make non-hassle, no-obligation recommendations to ensure you have the right expertise at every step.

For confidential guidance or referrals, please contact us directly.

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