

NAVIGATING SEPARATION OR DIVORCE

guide

*A Practical Guide to Selling Your Home or Investment
Property During a Challenging Transition*

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YOU'RE NOT ALONE

Separation or divorce is never easy—and when there's property involved, the decisions become even more complex. Whether it's your family home, an investment property, or multiple properties, this guide will walk you through the essential steps to protect your interests, minimize conflict, and move forward with clarity.



WHAT THIS GUIDE COVERS

- SELLING REAL ESTATE DURING SEPARATION:
STEP-BY-STEP
- LEGAL AND FINANCIAL CONSIDERATIONS
- WHAT HAPPENS TO INVESTMENT PROPERTIES
- COMMON HURDLES (AND HOW TO OVERCOME
THEM)
- FREQUENTLY ASKED QUESTIONS
- LOCAL RESOURCES AND LINKS
- HOW A REAL ESTATE ADVISOR CAN HELP YOU
NAVIGATE THIS TRANSITION

SELLING REAL ESTATE DURING A SEPARATION: STEP BY STEP

1. KNOW WHAT YOU OWN (AND WHAT YOU OWE)

START BY GATHERING:

- Property titles (available via **([BC Land Title Search](#))**)
- Mortgage documents
- Tax assessments
- Insurance policies
- Rental agreements (if applicable)

💡 Tip: If you're unsure how a property is legally owned (e.g., joint tenants vs tenants-in-common), your lawyer or notary can help clarify.

2. TALK TO A FAMILY LAWYER

Property division is often guided by BC's Family Law Act, which presumes equal division of family property, unless otherwise agreed or ordered.

[!\[\]\(ec9132f1d27c8919987d92907322654d_img.jpg\) Legal Aid BC](#) – Separation & Divorce

[!\[\]\(05be7c7a8995decd503647c99211f7c2_img.jpg\) Clicklaw BC](#) – Division of Property

3. AGREE ON A REAL ESTATE STRATEGY

Can both parties agree to sell? Or will one buy out the other? Your options include:

- **Selling and splitting the proceeds**
- **One party buying out the other** (requires appraisal and financing)
- **Delaying the sale with an agreement in place** (leaseback or exclusive occupancy)

⚠ It's critical to put everything in writing—often in a separation agreement or court order.

4. WORK WITH A REALTOR WHO UNDERSTANDS YOUR SITUATION

Not all agents are experienced with emotionally complex sales. You need someone who can:

- Be neutral and respectful with both parties
- Handle sensitive timing and privacy concerns
- Help with staggered or court-ordered timelines
- Manage tenants, if selling an investment property

BONUS: YOUR SEPARATION & REAL ESTATE CHECKLIST

- ✓ Get legal advice
- ✓ Understand property ownership
- ✓ Agree on a strategy
- ✓ Get the home evaluated
- ✓ Choose a neutral, experienced realtor
- ✓ Make a plan for the next step

DEALING WITH INVESTMENT PROPERTIES



ASK

- Is the property in both names?
- Was it purchased before or during the relationship?
- Has there been a recent appraisal or rental income analysis?

SOLUTIONS

- Selling and splitting equity
- Buyout with refinancing
- One party keeping the rental and compensating the other with cash or other assets



[!\[\]\(de95854c7ee024cfadc48187bbb781b2_img.jpg\)](#) **CMHC RENTAL MARKET DATA**

FREQUENTLY ASKED *Questions*

CAN WE LIST THE PROPERTY EVEN IF WE'RE STILL NEGOTIATING THE SEPARATION?

Yes, but your lawyer should review the listing agreement and any offer before accepting.



WHAT HAPPENS IF ONE PERSON REFUSES TO SELL?

Court orders can enforce the sale. Mediation is often recommended first.

CAN I BUY ANOTHER HOME BEFORE SELLING?

You can, but financing may be tricky. Talk to a mortgage broker early.

[!\[\]\(3e2231b1ad3ca8da8658228c00dd08e0_img.jpg\) Find a Mortgage Broker in BC](#)

WHAT IF THERE ARE TENANTS?

BC's tenancy laws must be followed. A realtor can help navigate ending or transferring leases.

[!\[\]\(4fe57c3593bf1b21d272ae7ac8dfaf77_img.jpg\) BC Tenancy Rules – Ending a Tenancy for Sale](#)



COMMON PITFALLS

(And How to Avoid Them)

CHALLENGE

HOW TO NAVIGATE

One party is uncooperative

Involve legal counsel early and consider mediation

Emotional attachment to the home

Work with a therapist and a neutral advisor

Delayed buyout or refinancing

Speak to your mortgage broker ASAP

Market fluctuations

Get current property evaluations and advice on timing

[Family Justice Centres – Free Legal Help](#)
[BC Real Estate Association – Property Transfer Guide](#)
[RE/MAX Blog – Selling During Divorce](#)



YOU'RE NOT ALONE



Let's Find the Best Path Forward

As someone who works closely with families in transition, I understand the personal and financial stress that comes with separation. My goal is to help you protect your equity, reduce conflict, and move on with confidence—whether that means selling and starting fresh or finding your next home.

 *Let's talk when you're ready*

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