

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
- BUYING OUT YOUR SPOUSE (OR VICE VERSA)
- 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 MAY INCLUDE

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



[!\[\]\(003082e50e3009141f59bd5df831749f_img.jpg\)](#) **CMHC RENTAL MARKET DATA**

BUYING OUT YOUR SPOUSE (OR VICE VERSA)



If one partner wishes to keep the property, a buyout may be an option. Under BC's Family Law Act, both spouses are generally entitled to 50% of the equity in family property unless a different arrangement is agreed to or ordered by the court.

YOUR SEPARATION & REAL ESTATE CHECKLIST

- Mortgage in both names: The spouse keeping the home must qualify for a new mortgage in their name alone. This may include refinancing to pay the other's share of the equity.
- No mortgage: A property with no mortgage still requires legal documentation of the buyout and potential equalization of equity.
- Incomplete renovations: Renovation status may impact the appraisal and perceived value. In some cases, the party retaining the home may accept a lower valuation with agreement.
- One party has already moved out: This does not affect legal ownership but may change temporary use/occupancy rights if court-ordered or agreed to in writing.
- Disagreement or refusal to sell or buy out: If one party refuses to sell or be bought out, the other may apply for a court-ordered sale under the Partition of Property Act.



HOW TO PROCEED:

- Get an independent appraisal of the property's current value.
- Confirm outstanding mortgage, liens, and property taxes.
- Negotiate a fair buyout amount (usually 50% of net equity).
- Include terms in a legally binding separation agreement.
- Work with a lawyer and mortgage professional to finalize the transaction.

💡 Note: It's important to use a lawyer to draft and register the property transfer and any mortgage refinance. A neutral third-party advisor can also help mediate disputes.



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.

[!\[\]\(17413706fd4997a1a4bdf85c6864eee1_img.jpg\) 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.

[!\[\]\(d3102649f02e825ddb76dc3de0190154_img.jpg\) BC Tenancy Rules – Ending a Tenancy for Sale](#)



COMMON PITFALLS

(And How to Avoid Them)

CHALLENGE

One party is uncooperative

Emotional attachment to the home

Delayed buyout or refinancing

Market fluctuations

HOW TO NAVIGATE

Involve legal counsel early and consider mediation

Work with a therapist and a neutral advisor

Speak to your mortgage broker ASAP

Get current property evaluations and advice on timing

ADDITIONAL RESOURCES:

[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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