The family home is the key property asset that most family members will own in their lifetimes. However, many people living together in a home do not give any real thought to whether the property is owned between them, or what would happen if they separated. This chapter explores the reasons why cohabitants do not often think through their entitlements to the property, and why the law has been slow to provide redress to them. It considers the rules applicable to the application of trusts and proprietary estoppel to aid cohabitants, as well as critiques them. It also examines the practical impact of the remedies provided by outlining what happens when property is to be sold. Finally, it considers the many attempts at law reform and why they have, to date, failed to reach the statute books.
5. Property Division on the Breakdown of Non-Matrimonial Relationships

Access to the complete content on Law Trove requires a subscription or purchase. Public users are able to search the site and view the abstracts and keywords for each book and chapter without a subscription.

Please subscribe or login to access full text content.

If you have purchased a print title that contains an access code, please see the information provided with the code or instructions printed within the title for information about how to register your code.

For questions on access or troubleshooting, please check our FAQs, and if you can't find the answer there, please contact us.