6. Interests in the Family Home

For many people, whether or not they enjoy an interest in the family home is fundamental to their sense of security, stability, and even their sense of self. However, a person may find themselves in a position where they are neither the registered legal owner of property nor do they enjoy an equitable interest under an express trust of land. This chapter examines how a person may acquire an interest in the family home through constructive and resulting trusts. It focuses on non-married, non-civilly partnered, cohabiting couples, or family members otherwise coming together to purchase property as a home. For these people, no legislation exists that give courts jurisdiction to declare and adjust property interests.

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