10. Informal Arrangements Relating to Property

This chapter considers the situations where the parties have entered into informal arrangements relating to property. It examines three different scenarios where the trust may be applicable. The first concerns the so-called common intention constructive trust, which is especially significant where the relationship of a cohabiting couple breaks down. This raises difficult issues of property ownership where the couple’s home is registered in the name of one party or of both. The rights of the parties may be modified by virtue of their common intention, whether implied or imputed. Secondly, the chapter considers the so-called joint venture constructive trust and also the relevance of the constructive trust where the doctrine of proprietary estoppel is engaged.

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