



## Did my spouse benefit unjustly from my contribution?

You've been living with someone in a de facto relationship for a few years. During that period, you contributed to your de-facto spouse's property-related expenses. The relationship ends. After your break-up, can you claim reimbursement of your contribution on the grounds that your spouse was unjustly enriched?

### THE FACTS

A couple lived together for 12 years as de facto spouses. When they broke up, the woman maintained that while they were living together, she invested over \$9,000 in her spouse's house and truck. Also, she gave money to his daughter for her studies. Now that the relationship is over, she is claiming reimbursement of what she contributed on the grounds of unjust enrichment. The man admits that she did pay some expenses when they were together; however, he contests that it gives rise to reimbursement by for his unjust enrichment.

### THE ISSUE IN DISPUTE

Is the woman right in claiming repayment from her former de facto spouse on the basis of his unjust enrichment?

### THE JUDGMENT

The judge allowed her claim in part. He ordered her former de facto spouse to pay her \$4,238.

### THE REASONS

First, the judge had to establish when the period starts to run for a spouse to take an action in unjust enrichment against the other spouse. According to case law, the period starts to run from

the time the economic imbalance occurs, namely when their life together ends. The woman therefore has three years from the date of the breakup to bring her action.

In that case, to obtain the reimbursement she was claiming, the woman had to prove her impoverishment, his enrichment and the correlation between the two. Thus, she had to prove what she had invested in the house, in the vehicle and in his daughter's education. The evidence submitted at the trial allowed the judge to find that during their union, the woman had spent \$4,238 on expenses related to her spouse's property. She was therefore impoverished by \$4,238 and he was enriched by the same amount because he avoided paying those expenses. The judge therefore ordered that the woman should be granted the \$4,238.

#### References

*St-Jean v. Proulx*, REJB 2005-88349, (C.Q.), on line: Répertoire électronique de jurisprudence du Barreau <http://rejb.editionyonblais.com>.

*Civil Code of Québec*, S.Q., 1991, c. 64, articles 1493 and 2925.

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The judgement discussed in this article was rendered based on the evidence submitted to the court. Each situation is unique. If in doubt, we suggest you consult a legal aid lawyer.

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