SEPARATION AND DIVORCE IN ALBERTA

The House: Sell, Keep Or Wait

What to know about the family home before anyone signs a listing, from a Calgary and Airdrie REALTOR® who has been through a separation herself.

Tara Molina is a REALTOR®, not a lawyer. This is general information, not legal advice.

Hello, Gorgeous!

TARA MOLINA REAL ESTATE GROUP · ROYAL LEPAGE BENCHMARK

Tara Molina, REALTOR® CCS® · 403.809.4639 · tara@taramolina.com · taramolina.com
Proudly serving Calgary, Airdrie & Surrounding Area

Not every item here applies to you. We put in everything we could think of, and more. Some items only apply to married couples, some only to adult interdependent partners, some only if you have children, a business, a pension or more than one property. Skip whatever does not fit your family.

Tara Molina is a REALTOR®, not a lawyer. Nothing in this document is legal advice. It is general information for people in Alberta, and she is not an accountant or mortgage broker either. Each of you should get advice from your own family lawyer before you make decisions or sign anything.

The Three Options

Most separating couples land on one of these. None of them is right for everyone.

- [ ] Sell it and divide what is left
  The mortgage, commission, legal fees and any penalty for breaking the mortgage come off first.
- [ ] One of you keeps it and buys the other out
  Usually a new mortgage in one name that has to qualify on one income.
- [ ] Keep it together for a set time, then sell
  For example until a child finishes school. Write down who pays what in the meantime.

Who Has To Sign

- [ ] We know whose names are on title
  A current certificate of title from any Alberta registry agent shows it.
- [ ] If both of us are on title, we both sign
  The listing, any accepted offer and every decision in between.
- [ ] If we are married and only one of us is on title, our lawyers know about the Dower Act
  The other spouse's written consent, with a separate acknowledgement, is generally needed to sell or mortgage the home you have lived in together.
- [ ] If we are not married, we have still had advice
  The Dower Act applies to married spouses, but Alberta's Family Property Act also covers adult interdependent partners when property is divided.

Before You Decide

- [ ] We know what the home is worth today
- [ ] We have a mortgage payout statement and know the penalty to break the mortgage
- [ ] We know whether there is a HELOC or other loan registered against the home
- [ ] We know where the down payment came from, and whether either of us put in money from before the relationship, an inheritance or a gift
- [ ] If one of us wants to keep it, that person has spoken to a mortgage broker

  Canada's mortgage insurers offer spousal buyout programs that can allow more borrowing than a standard refinance. They generally want a signed separation agreement first.
- [ ] We have asked an accountant about the principal residence exemption

  CRA treats a spouse as part of your family unit for a year unless you lived apart all year and were separated under a court order or written separation agreement. It matters if either of you buys again before this home sells.
- [ ] We know that until the mortgage is paid out or refinanced, both people on it still owe it

If You Are Selling

- [ ] Our lawyers have told us where the money will sit between closing and our final agreement
- [ ] We have agreed, in writing, who lives in the home until it sells
- [ ] We have agreed who pays the mortgage, taxes, utilities, insurance and snow removal until closing
- [ ] We have agreed who pays for repairs and staging, and how
- [ ] We have agreed our pricing strategy, and what we would each accept, before we list
- [ ] We have agreed how quickly we will respond to offers
- [ ] We have agreed what happens if one of us wants to accept an offer and the other does not
- [ ] Our REALTOR has explained how both of us will get the same information at the same time

- [ ] Our reason for selling stays out of the marketing

  Alberta Real Estate Association guidance is that the reason for a sale is not disclosed without the sellers' written consent.

If One Of You Is Keeping It

- [ ] The buyout amount is set out in our agreement
- [ ] There is a deadline to remove the other person from the mortgage and from title
- [ ] We have agreed what happens if the refinance or buyout cannot be completed
- [ ] We understand the costs: appraisal, legal fees, mortgage insurance premium and any penalty

TARA'S TIP

Get a current home value early, even if you are nowhere near deciding. Your lawyers, your mortgage broker and your accountant will all ask for it, and it turns a frightening unknown into a number you can plan around. It does not commit you to listing.

Sources: Government of Alberta, Exclusive Possession Order (alberta.ca); Canada Revenue Agency, Income Tax Folio S1-F3-C2, paragraph 2.13; Alberta Law Reform Institute, Dower Act reports; Alberta Real Estate Association practice guidance on divorce sales, January 2025. Verified 5 November 2026. Mortgage program terms vary by lender and insurer; confirm with a mortgage broker.