

Q&A By John T. Syrtash, Associate, Garfin Zeidenberg LLP
Answers to pressing questions on Family Law.

It might be your obligation.

Question: I was married and divorced outside of Canada (both were in the United States). Do I still need to go through the same process as people who married in Canada and divorced elsewhere when I remarry? Or can I just apply directly for a marriage license because both events happened outside of the country?

Answer: You can still get married in Ontario, but you require a legal opinion from an Ontario lawyer in a certain form that needs to be filed with the Ontario Registrar General that your foreign divorce is recognized under Canadian Law. For instance, under Canadian law, you can't just fly to Las Vegas, get a "quick divorce" come back to Toronto and then remarry. You must stay in Nevada for one year and then get divorced there before Canadian law recognizes the Nevada Court's authority to grant such a divorce.

Question: I was married to my ex-husband for 11 years and separated from him in 1995. We are not legally divorced as of yet. Six years ago, I got a collection agency on me about a satellite dish we had purchased. It even went as far as filing court papers. It also said that it could not pursue my husband because he lives on a reservation. We are both natives. Now I have another company that is coming after me now for furniture that was purchased in 1994 or 1995.

Answer: If the purchase pertained to a joint debt, such as for an item purchased on a joint credit card (not a card in which is the main cardholder and you are only a supplementary card holder) then you have a legal obligation to pay it. However, once the debt is due, the law only permits creditors two years to sue. Accordingly, in most cases the Ontario Limitations Act will prevent any lawsuit against you. It is therefore likely that the furniture debt is going back to 1994-5 will not likely succeed against you. If it is not a "joint debt" but a debt solely of your spouse, then you may have an obligation to pay your spouse's unpaid bills for "necessity of life." Depending on the item, furniture may be a different matter.

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