
Declaration of family residence

A declaration of family resident protects:

- the residence of a couple in a marriage or civil union;
- the furniture used by the family.

The residence may be an apartment, condominium or house.

How to prepare for a marriage or civil union

The first step in the process is to choose an officiant, such as:

- your mother;
- a notary;
- a court clerk.

You and your intended spouse must then meet the officiant to set a date for the marriage or civil union ceremony.

At the meeting, you must check that the officiant is authorized to solemnize your marriage or civil union by asking to see the authorization document issued by the registrar of civil status. You can also check that your officiant is authorized to act on the day of the ceremony by consulting the online register of officiants kept by the registrar of civil status.

Your officiant will complete the other administrative steps for your marriage or civil union.

MARRIAGE AND CIVIL UNION

For more information

The information summarized in this document was valid at the time of printing. For more information, go to the website of the Ministère de la Justice at www.justice.gouv.qc.ca, or contact

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When you ask another person to share your life, you can suggest either:

- marriage, solemnized by a civil or religious officiant; or
- civil union.

Which should you choose?

Marriage and civil union are quite similar in both their form and their legal effects. However, there are some differences.

Marriage

When you choose to marry, you and your intended spouse must both make a public commitment to live together and to respect the rights and obligations of marriage, in the presence of each other, two witnesses and an authorized officiant. The officiant may be a:

- parish priest;
- notary or court clerk;
- on certain conditions, a family member such as your father or a friend.

Conditions

To marry, both you and your intended spouse must meet the following conditions:

- you are not currently married or in a civil union with another person;
- you are not a close relative of your intended spouse (for example, brother, half-sister, mother);
- you are able to give free and enlightened consent;
- you are aged 16 or over.

If either you or your intended spouse is under the age of 18, the marriage must be authorized by the court. The spouse who is a minor must file an application for authorization at the office of the Superior Court.

Civil union

Civil union resembles marriage in many ways. For example, both you and your intended spouse must make a public commitment to live together and to comply with the rights and obligations of a civil union, in the presence of each other, two witnesses and an authorized officiant. The officiant may be, for example, a:

- court clerk or notary;
- on certain conditions, a close relative such as your brother or cousin.

Unlike marriage, a civil union will not necessarily be recognized outside Québec.

Conditions

To form a civil union, both you and your intended spouse must meet the same conditions as for a marriage. However, you must both be aged 18 or over.

Effects of marriage and civil union

Both marriage and civil union have a range of legal effects, including:

- the creation of a family patrimony;
- the establishment of a matrimonial or civil union regime;
- an entry of a declaration of family residence.

Family patrimony

Some of the property held by the two partners in a marriage or civil union is considered to form their family patrimony. This includes their:

- home;
- cottage;
- car;
- furniture.

If they divorce, or if their civil union is dissolved, the net value of this property is divided into two equal shares.

The value of the family patrimony is also divided if one spouse dies; in this case, the value is transferred to the deceased spouse's succession.

Matrimonial or civil union regime

The matrimonial or civil union regime you choose sets the rules for:

- the ownership and administration of property during the marriage or civil union;
- the division of property that is not part of the family patrimony if you decide to change your regime or legally end your marriage or civil union.

You can choose one of three regimes:

- partnership of acquests;
- separation as to property;
- community of property.

You also have the option of creating your own regime in your marriage or civil union contract.