

Tying the Knot

Getting Married in British Columbia

An Out/Law Legal Guide

barbara findlay Q.C.

Want to get married? No problem. Any two adults, including any two men, or any two women, can get married in British Columbia, provided they are not related to each other or married to anyone else.

You do not need to be a Canadian, or a resident of British Columbia, to get married. In B.C. there are no preconditions to getting a marriage licence (e.g., no blood tests).

You need a marriage licence, someone to perform the service, and two witnesses.

One of you must apply in person for a marriage licence. You will have to show identification, fill out a form, and pay the fee, which is \$100. In Vancouver licences can be had from the Vital Statistics Agency (2nd floor, 605 Robson Street).

Marriages can be performed by marriage commissioners, by ministers of religion, and by judges. Our office canvassed the marriage commissioners to find out how they felt about performing marriages for lesbians or gay men. For a list of the marriage commissioners we would recommend, based on their responses, see the end of this pamphlet.

Marriage commissioners are allowed to charge \$82.50 to do a marriage service and, if the service takes more than an hour, \$25 per hour. They can also charge for disbursements like a mileage

allowance for travel, and fees for their time if you are having a rehearsal. Most report that though they can get booked up for popular times, if you are willing to be flexible they can accommodate you on very short notice. Marriage commissioners will perform your marriage wherever you choose: at you home, in a hotel, in a park. Most will also perform the ceremony at their home if you request them to, and if you don't have witnesses will provide them (but make sure to arrange that first). You can create your own service, or have them use the standard service. Many of the commissioners I had messages from clearly enjoy working with their clients to create a unique ceremony which is meaningful to the participants.

You take the marriage licence (filled out, of course) to the marriage commissioner. S/he will complete a Marriage Registration form and send it in to the Vital Statistics Registry. In due course, you will receive a Certificate of Marriage.

And that's it! You are married.

Your marriage will be recognized throughout Canada. It may or may not be recognized in other countries: that depends on the law of the country.

A word of warning: though it is easy to get married in Canada, it is not easy to get divorced. The Divorce Act requires that one or the other of you have lived in one province of Canada for at least one year before either of you can apply to be divorced. This is very difficult for people from two countries neither of which recognizes same sex marriage, who marry in Canada and later want to divorce.

Some non-homophobic marriage commissioners in Vancouver:

Doug Cameron*

entcam@telus.net

Karen Ell

karen.ell@telus.net

Gayda Coblin

gcoblin@telus.net

Kathy Sharan

kathysharan@shaw.ca

John Humphreys fmhumphreys@hotmail.com
Lam Dang lamdang@yahoo.com (Vietnamese)
Ann Moore bmoore15@telus.net
Ivy Leung gethitched@hotmail.com (Cantonese)
 *gay man

All marriage commissioners will attend at the venue of your choice; they will also, if requested, hold the ceremony at their home and make arrangements for witnesses.

The information in this booklet is current to June 2012

This Out/Law Legal Guide is for information only. The law may have changed since its publication date. It is not legal advice. For legal advice about your own situation, email me at the address below.

Feel free to reproduce this booklet, provided that you distribute it without charge and include this information block.

Published by
The Law Office of barbara findlay Q.C.
635-1033 Davie St.
Vancouver BC V6E 1M7
604 251-4356
bjf@barbarafindlay.com
www.barbarafindlay.com

© barbara findlay Q.C. 2010, 2012

