

# Assignment #3.3: Who keeps engagement ring?

Marsha met Marc only 3 months ago. When she agreed to marry him, she thought he was a wealthy entrepreneur. Instead, she found out that Marc only owned a small store and was barely making ends meet. When Marsha discovered her mistake she immediately started to date other men.

After Marsha agreed to marry him, Marc gave her a \$20,000 diamond engagement ring. Soon after, Marc caught Marsha on a date with another man. He demanded that she give back the engagement ring. She refused. In her mind, the engagement ring was a gift. Marc sued.

**Who do you think should get the ring?**  
Be the Quebec judge and render a verdict.

## Elements to consider:

- 1) Section 33 of the Ontario Marriage Act;
- 2) Bill C-38: The Civil Marriage Act of Canada (S.C. 2005, c. 33);
- 3) Civil Code of Quebec
  - a) Book 2 – The Family (parentage, marriage, matrimonial property, legal separation and adoption); Articles 365 to 612;
  - b) Book 4 – Property (moveable and immoveable property, possession);
  - c) Book 5 – Obligations (This book is packed and is subdivided into chapters on topics such as contract law including rules for failure to perform an obligation);
  - d) Book 7 – Evidence (who has the burden of proof and how certain things can be proven under Quebec law); Articles 2803 to 2874;
  - e) Book 8 – Prescription (the Quebec Civil Code word for "statute of limitations". This Book discussed how rights or obligations can be extinguished or acquired by the mere passage of time or "prescription"); Articles 2875 to 2933;
- 4) The Canadian Charter of Rights and Freedoms (Constitution Act, 1867) – Fundamental Freedoms (section 2);
- 5) The Quebec Charter of Human Rights and Freedoms – Fundamental rights and freedoms (including the right to peaceful enjoyment of property);
- 6) Who broke off the engagement?