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# Universal Partnerships and Cohabitation: Principles Confirmed in *Steyn v Hasse and Another*

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2015 (4) SA 405 (WCC)

## BACKGROUND

In *Steyn v Hasse and Another* 2015 (4) SA 405 (WCC), the Western Cape High Court considered the legal consequences of a cohabitation relationship between unmarried partners. The appellant sought continued financial support and accommodation, relying on the nature of the parties' relationship and the respondent's alleged undertaking to continue providing financial support and accommodation. The Court was required to determine whether the relationship gave rise to enforceable rights and obligations, including whether a duty of financial support existed between the parties.

## WHAT ARE THE PRINCIPLES CONFIRMED BY THE COURT?

The Court confirmed that unmarried cohabitants do not, by virtue of their relationship, owe each other a legal duty to support one another financially. Unlike parties to a marriage or civil union, cohabitants do not automatically acquire legally recognised rights and obligations. However, unmarried partners may agree to support one another by entering into an agreement that sets out their rights and obligations.

The Court further reaffirmed that a universal partnership may exist between cohabitants, either through an express agreement or through their conduct. The essential requirements for a universal partnership to be established are that each party must contribute or undertake to contribute something to the partnership, secondly that the partnership must benefit both parties, and third that the partnership's objective must be to make a profit. In this case, the Court found that the facts did not establish that a universal partnership existed between the parties.

## CONCLUSION

This judgment confirms that simply living together does not automatically create a legal duty for unmarried partners to support one another financially. If unmarried partners want legal protection or wish to regulate their rights and obligations, they should consider entering into a written agreement. The judgment also provides useful guidance on when a universal partnership may be recognised by a court.

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