

Dating and New Relationships

Are you dating, moving in with a new partner, or thinking about getting remarried, perhaps following a separation, divorce or death of a spouse? This is a good place to start for answers to some of the questions you may have in starting a new relationship.





This publication explains the law in a general way as it applies in Nova Scotia, Canada. The information is not intended as legal advice. If you have a legal problem, contact a lawyer for advice about what steps you should take in your situation. We thank the Law Foundation of Nova Scotia, the Department of Justice Canada, and the Nova Scotia Department of Justice for providing core funding for our services, which makes publications like this possible.

Contents

I am ready to start a new relationship. How can I meet someone?	4
Online dating	5
What should I know about setting up an online dating profile?.....	5
Safety and online dating	5
Safety steps if you are meeting someone for the first time	6
Intimate relationships	7
What do I need to know before getting involved in a more intimate relationship?	7
What do I need to know about sexually transmitted infections?.....	8
What can I do if someone is posting intimate photos or making nasty comments about me on social media?.....	8
New relationships and planning for the future	10
I've been dating someone new. Do they have a right to my property or money?.....	11
I am dating someone and they asked me to co-sign a loan. What should I think about?	11
How will my rights change if we decide to live together, and do not get married?.....	12
What is a registered domestic partnership?	13
Relationships and finances	13
If we move in together but do not get married, who owns the things we buy together?.....	13
How can I protect my property after we move in together or get married?	13
How should I protect myself if my partner and I have a joint bank account?	14
Will I be responsible for my partner's debts?	15
Will I need to change my will if we move in together, get married, or get divorced?	15
Where can I get more information?	16
General legal information	16

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I am ready to start a new relationship. How can I meet someone?

There are many ways to meet a new person for a potential friendship or intimate relationship. Many older adults meet new friends by joining groups or taking part in activities. Often these activities are offered by community health, municipal recreation programs, cultural, faith or interest-based organizations, or at seniors' homes. Here are some suggestions to help you find out about activities in your area:

- a) ask your friends, family, health care provider, cultural or faith-based connections
- b) search online for local organizations or events using the name of your community and the province of Nova Scotia as part of your search
- c) contact 211 and ask about groups in your area and other resources available for seniors.

Some people meet online. Online dating sites or apps have different purposes. Some aim to help connect people for a friendship, others focus on making a potential love match, and others are about finding a 'no strings attached' sexual encounter.

Some online dating sites or apps are free, others have a fee. Before you pay, read the 'terms of use' carefully to make sure you understand the contract terms and costs (for example, cost for one month or a year) and how to cancel if you wish. Turn off any "auto renew" feature so you are in charge of your money commitment to the site or app.

Sometimes people register with websites who offer to share your information with people near you who have similar interests. You will get potential matches and it is up to you to message a match to introduce yourself. If you give your permission, the potential match may message you first.

Some people use dating or matching apps on their phones or other devices to meet someone. Here the potential match is often based on a photo, with a little background information about the person. If the person seems like a potential match you can 'swipe right' to share your photo and background information. The person may then text you to learn more about you. If someone makes a connection based on your photo and background information then you can choose to text the person or not.



Online dating

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What should I know about setting up an online dating profile?

Here are some things you can do to protect yourself when you make an online dating profile:

Find out if the website or app has a privacy policy. What will the company do with your information and who do they share it with? Can you limit the information they share? Who can you contact if there is a problem? How do you report it if you are suspicious about someone who is on the website or app?

- Speak with someone you trust about the culture of using matching apps to help understand how it works and the expectations of those who prefer one app over another. What are users looking for and is that what you are looking for too?
- Do not give out your home address, workplace, phone number, or other private information in your profile
- Look at other profiles for people who are using the website or app and, if reasonable, use their profile as a template for your profile
- If you choose to share a photo consider what other information is in the photo before you upload. For example, does the photo show your house with street number. Does it show other people such as grandchildren?
- Ask someone you trust to review your profile and make sure that it tells a story about you that you want to share with other people and does not reveal private information.
- You control who you communicate with and what information you share with other people about yourself and your family. Even after you make a connection wait for the friendship to grow before you share a lot of personal information. For example, don't share your home address or home telephone, or details about your children and family unless you are sure it is safe and you feel comfortable providing those details.

Safety and online dating

While many people meet romantic partners online, there are fraudsters who try to take advantage of these situations. Someone you meet online may not be who they say they are. A fraudster may create a fake online identity to trick someone into providing personal information. This is called “catfishing”.

Do an online search for other information about the person, using their name, recent or past places they lived, worked etc. Do a search for their profile on social media like Facebook and Instagram. See if the information they have told you is consistent with your research.

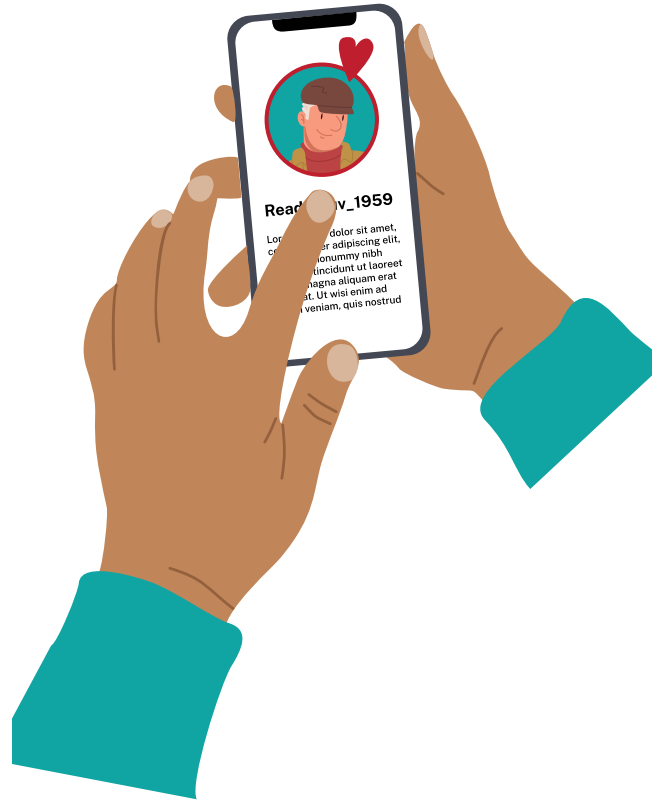
DATING AND NEW RELATIONSHIPS

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Do not reveal too much personal information until you get to know the person better.

- Never send money or give information about your finances.
- Use a cell phone number or a service like Google Voice. Do not give out a home phone number that is listed in the phone book because the person can search it to find out where you live. Do not give out a work number because the person can search it to find out where you work.
- If you are comfortable, use a video chat such as Facetime or Zoom to meet the person virtually before meeting in person.

Many public libraries and community centres in Nova Scotia offer free computer courses to help you learn more about using technology and the internet. You can also go to getcybersafe.gc.ca under 'Seniors Online' for more information about staying safe online.



Safety steps if you are meeting someone for the first time

Until you get to know your new friend better, here are some things you can do to help you stay safe:

- Do your research to find out if the person is who they say they are.
- Consider going out with a group of friends.
- Arrange to meet in a public place such as a café. Stay in public.
- Stay sober.
- Suggest a morning or early afternoon meeting during the day when people are more likely to be around you.
- Do not offer to pick the person up in your car, and do not arrange to have them pick you up at your home.
- Tell someone where you are going and arrange to call that person when you get home.
- Do not tell your new friend about your finances.

- Do not lend money.
- Be wary if the person tries to talk you into investing in a scheme.
- When together, don't give them your phone or leave your phone where they could access it. The person could change settings on your phone – for example there are apps on phones that show your location and in the app you can give permission for others to get your location information directly from your phone. If the person has permission they can know where you are throughout the day. If you are worried the setting has been changed on your phone go to your carrier's kiosk at a mall or store and ask the employee to check your phone for you.
- If you decide to meet in-person, meet in a public place. Trust your instincts. If the person makes you uncomfortable or unsafe, or asks too many personal questions, end the conversation and leave. Some people feel they must stay on the phone or continue an in-person meeting even if they are not enjoying themselves or feel uncomfortable or unsafe. It is okay to say you need to go. Depending on how you feel, you can try meeting the person another time, or simply say the friendship is not working for you. You do not need to explain why you are ending the friendship. If the person does not respect your decision, you can block their number, refuse to answer their calls, walk away if you see them in public. If you are in danger call the police. If you are not sure if you are in danger talk to someone you trust (for example, police non-emergency line, a transition house, victim services).

Intimate relationships

What do I need to know before getting involved in a more intimate relationship?

When starting a new relationship, it is important that both people are open and honest about what they are looking for in a partner. Some people may be interested in starting a relationship that includes sex, while others may be looking for companionship and nothing more.

Ideas about consent and sex in a relationship may have changed since the last time you dated. Consent is part of a healthy relationship. Sexual activity without consent is against the law. It is important to understand what consent is and to be clear about giving or not giving consent.

Consent means freely and voluntarily agreeing to take part in sexual activity, like touching, kissing, or having sex. There must be consent to engage in sex or sexual activity. Consent must also be ongoing. Consent must be clearly and freely given at all times and for every sexual activity between the people engaged in the activity. Consent means talking openly with the other person to make sure they want to engage in any kind of sexual activity and repeating this conversation if there is any sign that the other

DATING AND NEW RELATIONSHIPS

person wants to stop the sexual activity. Anyone can say no to any activity at any time.

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Words or actions can show that a person does not consent to sexual activity. Actions like struggling or trying to leave a situation show that a person does not consent. Agreeing to sexual activity on one occasion does not mean that a person agrees to that activity again in the future. A person who is impaired by drugs or alcohol may not be able to give consent or continue to give their consent.

Sexual assault is a sexual act or touch that you do not consent to. This includes kissing someone or touching their body parts without their consent, forcing someone to have sex (also called rape), or torture of a person in a sexual way.

Sexual assault is a crime even if you are not physically hurt.

You can find out more about consent at breakthesilencens.ca. If you have been involved in sexual activity where you did not give your consent there are supports available to help. You can go to breakthesilencens.ca to find out about supports near you.

What do I need to know about sexually transmitted infections?

If you are thinking about sex with a new partner, talk with your partner about safe sex. Sexually transmitted infections (STIs) are becoming more common among older adults in Canada, but you can protect yourself. You can talk with your health care provider or do some research. Go to www.shns.ca/ (Sexual Health Nova Scotia) or 811.novascotia.ca, or call 8-1-1. 811 is a confidential health line that provides access to registered nurses 24 hours a day, seven days a week.

What can I do if someone is posting intimate photos or making nasty comments about me on social media?

The [Intimate Images and Cyber-protection Act](#) aims to protect people from being bullied online, or from having private intimate images of themselves shared without their consent. Cyber-bullying is when someone uses electronic communication, like email, text messaging or social media, to harm your health or well-being. They might be doing this on purpose to hurt you or they might not care about hurting you.

Examples of cyber-bullying:

- creating a website, blog or profile that takes your identity
- sharing sensitive personal information or breaking your confidence
- posting private intimate images without your consent
- threatening, intimidating, harassing or scaring you online
- making false statements about you
- communications that are grossly offensive, indecent, or obscene
- encouraging you to commit suicide.

Cyber-bullying can also include encouraging or forcing someone else to do these things.

The law also protects you if someone distributes a private intimate image of you, such as a photograph, film, or video, without your consent. An intimate image is one that is private, shows sexual activity or nudity or partial nudity. It is an image you have good reason to think will stay private.

For example, without asking you and to try to hurt you, your former partner posts a private, sexually explicit, intimate picture of you on Facebook that you had good reason to think was going to stay private.

A cyber-protection order can order the person to stop the bullying and/or sharing of images, and do things like:

- stop the person from contacting you
- order that they take down or disable access to an intimate image or communication about you; and/or
- award damages to the victim.

You apply to the Supreme Court of Nova Scotia for a cyber-protection order. You can apply with a lawyer's help or on your own. A parent or guardian of a victim under the age of 19 can also apply to Supreme Court for a cyber-protection order. You can get information about applying to the Supreme Court of Nova Scotia for a cyber-protection order at courts.ns.ca.

Cases under this law have been heard at the Supreme Court in Nova Scotia. When cyberbullying is found the court may order the offender(s) to pay money to the victim. The amount could be significant.

Nova Scotia's CyberScan Unit oversees Nova Scotia's *Intimate Images and Cyber-protection Act* and can give you help and information, including about applying to court for a cyber-protection order. Contact CyberScan at novascotia.ca/cyberscan/ or call 902-424-6990 or 1-855-702-8324.

New relationships and planning for the future

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Many seniors are dating, sharing time between each other's homes, moving in together, or planning to get married. If you are thinking about moving in with another person in a common law relationship, or are planning to get married, it is important to have an open and honest discussion with your partner about your financial future together.

Here are a few suggestions, depending on your age and health:

- Are there any agreements or court orders that require one or both of you to pay spousal or child support to another family? If so, is there an end date?
- What is each person's monthly and annual income – pension (private, government), dividends, investments, etc. How secure is each source of income?
- Make a list of each person's assets and debts, including any assets or debts with other people (such as children)
- Are there any outstanding property issues with a former partner?
- Where will you live and how will the bills be paid?
- Is there a current or future expectation to care for another person such as an aging parent or vulnerable child?
- What will happen if one person becomes ill or unable to provide their own personal care?
- What will happen if one person has to move to a senior's home or long-term care facility and the home where you live at is not in your name?
- Does one or both of you have medical and dental coverage? If so, is it possible to name the other partner as a beneficiary on the plan? What is the cost to do so?
- Does one or both of you have life insurance? Who is the current named beneficiary? Is it possible to change this in the future?



- If you separate how will you share your property, if at all?
- If you separate will one person pay support to the other?
- If you have been together for a while – what are your estate plans?
- Other issues that you need to know to make plans for your future (have these ready in advance of your discussion)
- Depending on your situation it is a good idea to speak with a lawyer about your rights and responsibilities before you move in with someone or marry.

I've been dating someone new. Do they have a right to my property or money?

No. Dating someone does not give them any rights to your property. You do not have to support each other financially.

I am dating someone and they asked me to co-sign a loan. What should I think about?

Talk to a trusted friend, financial advisor, or relative if the person you are dating asks you to loan money to them or someone else, or to share in the cost of a major purchase, or sign as a co-signor on a joint lease or loan.

It is always best to have a written agreement before going into debt or loaning money to anyone. An agreement may include:

- the name(s) that will be on the title papers for the item (for example: registration, deed)
- the name(s) that will be signed on the loan paperwork between you and the person and/or with the bank
- who will be responsible for upkeep and repairs, insurance, and loan payments for the item?
- is there any security? For example, what guarantee do you have that you will be paid back?
- under what circumstances the item may be sold and how the profits or losses will be shared.

It is always a good idea to speak with a lawyer or financial advisor before you agree to loan money to anyone, or make a major purchase with anyone.

DATING AND NEW RELATIONSHIPS

How will my rights change if we decide to live together, and do not get married?



Being in a common law relationship is not the same as being legally married. For example, unlike married couples or registered domestic partners, at the time of this writing, common law partners do not have an automatic right to half of each other's property if they separate or if one of them dies without a will.

The length of time it takes to establish a common-law relationship is different for different purposes. For example, the Canada Pension Plan says that to be a common-law partner you must live with your partner for at least one year. Some other laws do not consider you to be in a common-law relationship until you have lived with your partner for two years. If you live with a partner and depend on them for financial support, they may have a legal duty to support you if the relationship ends. But there is no guarantee that this will be the case.

Generally, when a common-law relationship ends, each partner keeps what they brought into the partnership. Things you bought together should be shared. However, in real life, it is not always easy to sort out who paid for what.

If you and your partner cannot agree on how to split up your property when you separate, you may apply to the Supreme Court Family Division for a court order to divide the property. In every case, you should have legal advice about property division and any claim for support.

Estate law does not give the same rights to common law partners as it does to married spouses and registered domestic partners.

If you die without a will, or you have a will but it is not legally valid, your property goes to the people considered to be your nearest relatives as listed in the [Intestate Succession Act](#). The *Intestate Succession Act* lists these people in order. Intestate means “without a will.”



The *Intestate Succession Act* distribution list does not include your common-law partner. Your common law partner will not automatically inherit your property or money that is only in your name. Your common-law partner may have to go to court to make a claim on your estate and may not be successful. The distribution list does include your married spouse, or your partner if you have a registered domestic partnership.

If you plan to move in with your partner, you should talk to a lawyer about how this might change your situation. It is a good idea to review your estate plan, including your will, the names of your beneficiaries, personal directive, power of attorney. It's also good to think about writing a cohabitation agreement.

You should review your estate plan with a lawyer again if you get married.

For more information on estate planning see the chapters on *Wills, Health Care Treatment and Consent, and Powers of Attorney*.

If you are married or you are considering marriage then it is important to know that married people have different rights. You can find more information about family law rights and responsibilities for married and common law couples at nsfamilylaw.ca or legalinfo.org.

What is a registered domestic partnership?

Two people who live in a common-law relationship can register their relationship with the province. This is called a registered domestic partnership. It gives common-law partners many of the same rights as married spouses.

You can find more information on registered domestic partnerships at novascotia.ca/sns/access/vitalstats/domestic-partnership.asp

Relationships and finances

If we move in together but do not get married, who owns the things we buy together?

If you and your common law partner buy something together, such as furniture or a car, you both own it. If you buy something on your own, it remains your property. Keep proof of payment (such as receipts) and write down who paid for the item. If you own a home or land, or have investments or other significant assets, you may want to have a cohabitation agreement prepared.

How can I protect my property after we move in together or get married?

You should ask your lawyer about a cohabitation agreement. A cohabitation agreement is a written agreement between you and your partner that sets out your rights and responsibilities to each other. This can include who owns property and expensive goods, how property will be divided if you separate, and what responsibilities you have to support each other.



DATING AND NEW RELATIONSHIPS

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If you decide to get married, you could have a marriage contract. This is an agreement between two married people that sets out who owns what property. This type of contract is often called a pre-nuptial agreement, or 'pre-nup' for short. Most cohabitation agreements become marriage contracts if the parties get married, but the agreement must be clear that the parties wanted this when they signed the cohabitation agreement.

It is not a good idea to use a do-it-yourself kit to do a cohabitation agreement or marriage contract. If you do it without lawyers you may permanently give up property or your rights to property or support in the agreement. You need a lawyer to write your cohabitation agreement or marriage contract. Your lawyer will explain how your agreement or contract will affect your rights and responsibilities. You should each talk to a different lawyer.

It is also important that you each have a will and a good estate plan, even if you have a cohabitation agreement or marriage contract.

How should I protect myself if my partner and I have a joint bank account?

Many couples keep some of their money separate by having their own personal accounts as well as a joint account. They use the joint account to pay household bills and purchases they make together.

Joint tenancy is the most common type of joint account for couples. This means the account holders have equal right to use and control the money in the account. At any time either person may deposit or take out some or all of the money from the account. The joint owners are also responsible for overdraft and other bank fees for the account. When you separate or divorce, the money must be divided equally, even if one person contributed more or less than the other. When one of the owners dies, the other spouse automatically owns all the money in the account. This is called right of survivorship.

Talk to your bank if you want to have a joint bank account with another person and you do not want to have joint ownership of the money, or joint responsibility for overdraft and other bank fees.

It is also a good idea to talk with your bank about what will happen to the money in the joint account if one of the joint owners dies. Make sure it is what you want. For example, will the surviving owner continue to have access to the account? Will the surviving owner automatically own all the money in the account? Will the account be frozen by the bank until the estate is dealt with? What will happen to any automatic deposits into the account and/or bill payments?

If you have or want to set up a joint account with someone other than your spouse or minor children, such as with an adult child, it is a good idea to see a lawyer who does estate planning. A lawyer can help you make sure your estate is set up the way that you want, including who will benefit from a joint account when you die.

The Financial Consumer Agency of Canada has more information about Joint Accounts, and “What every older Canadian should know about: Power of attorney (for financial matters and property) and joint bank accounts.”

Will I be responsible for my partner’s debts?

Whether you are married or in a common law relationship, you are only responsible to creditor(s) for another person’s debts if:

- your name is on the contract, like a car or apartment lease
- you co-signed a loan for your partner or spouse
- you signed a contract agreeing to pay the loan if they could not.

However, if your spouse applies to the court for a division of debts after you separate, the court may order you to pay something if you can. You and your former spouse may also agree to share responsibility for debts after you separate.

If your partner or spouse dies, their debts must be paid from any assets they owned when they died. This may include their share of an asset they owned with you or someone else. If they did not own enough property to pay off the debt, the lender must write off the debt.

Will I need to change my will if we move in together, get married, or get divorced?

You should look at your will from time to time to make sure it still says what you want and that it still applies to your situation.

If you get divorced, your will as a whole is still valid, but any gifts to your ex-spouse will not be valid. In this situation, the gift will go to any other person you have named. You should update your will if you get divorced. You may also wish to make different arrangements for the people you want to inherit if



DATING AND NEW RELATIONSHIPS

some of the property you intended to leave them has been divided with your ex-spouse.

If you get married, you will need to make a new will. Any will you made before your marriage will become invalid when you marry unless the will says that you plan to marry the person named in your will.

If you move in together and you want your common-law partner to have something of yours when you die, you must update your will or make a new will.

Do not change your will by marking or crossing out words in the will. This may cause significant problems. It is much safer to make a new will. For more information, see the Wills section of this book.

Where can I get more information?

Family law information: www.nsfamilylaw.ca or www.legalinfo.org

CyberScan: for information and help if you are being bullied online, or by text or email. Contact CyberScan at novascotia.ca/cyberscan or call 902-424-6990 or 1-855-702-8324.

Financial Consumer Agency of Canada: Information about credit and debt, including rights and responsibilities of joint borrowers and joint accounts. Go to canada.ca/en/financial-consumer-agency.html

A lawyer in private practice: It is always a good idea to speak with a lawyer about legal issues such as a cohabitation agreement, marriage contract, pension law, property division, separation or divorce, and estate planning. See the Legal Information Society of Nova Scotia website at www.legalinfo.org for information about ways to find a lawyer.

Nova Scotia Legal Aid: go to nslegalaid.ca, or call Legal Aid at 1-877-420-6578.

Supreme Court of Nova Scotia: go to courts.ns.ca for court locations and contact information, or look under Courts in the telephone book.

General legal information

- Legal Information Society of Nova Scotia (LISNS)
Legal Information Line
902-455-3135
1-800-665-9779
Email: questions@legalinfo.org
www.legalinfo.org