

DATING AND NEW RELATIONSHIPS



Seniors who start dating or new relationships can learn how technology changes dating and how a new relationship can change your finances.

LEGAL INFOⁱ
NOVA SCOTIA



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DATING AND NEW RELATIONSHIPS

What safety steps should I take if I'm meeting someone for the first time?

While dating and meeting new people is fun, there are people who try to take advantage of these situations. They are called fraudsters, and they want you to give them your money. Until you get to know your new friend better, you can do some things to protect yourself.

- Consider going out with a group of friends.
- Arrange to meet in a public place such as a café.
- 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 reveal too much personal information until you get to know the person better.
- Do not agree to lend money.
- Be wary if the person tries to talk you into investing in a scheme.

What should I know about safety and meeting someone online?

There are thousands of internet chat rooms and dating sites. You can also download dating apps on a tablet or smartphone. Many people meet romantic partners online. But you should know that someone you meet online may not be who they say they are. A fraudster can create a fake online identity to trick someone into providing personal information. This is called "catfishing."

Here are some things you can do to protect yourself online:

- Find out if the website or app has a privacy policy.
- Do not give out your address, workplace, phone number, or other private information.
- Consider using a seniors-only dating site.
- Ask someone you trust to look at your profile and make sure it does not give away private information.

Many public libraries and community centres give free computer courses to help you learn about using technology and the internet.

Sometimes people are bullied or harassed online, or by text or email. Or they might find that someone they trusted has shared private pictures online. If this happens to you, you can speak with the police, or contact Nova Scotia's CyberScan Unit. CyberScan oversees Nova Scotia's Intimate Images and Cyber-protection Act. That law aims to discourage and

address bullying online, or by text or email. CyberScan can help you find a solution to stop the bullying. Contact CyberScan at novascotia.ca/cyberscan/ or call 902-424-6990 or 1-855-702-8324.

▶ If I have been dating someone, do they have a right to my property or money?

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

▶ What do I need to know before getting involved in a more serious 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. Anyone can say no to any activity at any time.

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. Someone who has had too much to drink may not be able to give 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 getconsent.ca or breakthesilencens.ca.

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Are you thinking about sex with a new partner? You may wish to talk about safe sex with your partner, your doctor, or another person you trust, or do some research online. Sexually transmitted infections (STIs) are becoming more common among seniors in Canada, but you can protect yourself. Call 8-1-1 for health information and advice, or go to 811.novascotia.ca. 811 is a confidential health line that provides access to registered nurses 24 hours a day, seven days a week.



How will my rights change if we decide to live together?

Being in a **common-law relationship** is not the same legally as being married. For instance, as a common-law partner, you will not automatically have a right to half of your partner's property if you separate or if one of you passes away.

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 split equally. However, in real life, it is not always easy to sort out who paid for what.

If you and your former partner cannot agree on how to split up your property when you separate, you may apply to the court for a court order to divide the property. In every case, former common-law partners should have legal advice involving division of the property they share.

If you die without leaving a will, your **common law partner** may not receive any of your property. Your property goes to the people considered to be your nearest blood relatives. The Intestate Succession Act lists these people in order. Intestate means "without a will." Your common-law partner would have to apply to the courts for financial support or to make a claim on the **estate**. The Intestate Succession Act distribution list does not include your common-law partner. It does include your married spouse, or your partner if you have a **registered domestic partnership**. For more information on wills, see the section "Wills."

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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**.

▶ 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

▶ If my partner moves in, who owns the things we buy together? How can I protect my own property after we move in together or get married?

If you and your 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. You may want to include them in 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. You should ask your lawyer about a cohabitation agreement.

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.

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.

▶ 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.

There are two types of joint accounts.

- Joint account with **tenancy in common**: This is an arrangement where you and your partner each have a share of the money in the account. The shares do not have to be equal. When you separate or divorce, your share is protected and is yours to take with you. If you die, your share is left to the people who will inherit under your will or intestate rules, and your estate will have to pay **probate** tax on it.
- Joint tenancy: This means the account holders have equal right to use and control the money in 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 person automatically owns all the money in the account. This is called right of survivorship.

Joint tenancy is the most common type of joint account for couples. If you ask your bank for a joint account, it will assume that you want a joint tenancy account. This can lead to problems when a relationship breaks up if one of the account holders takes all of the money out of the account. So, you should think about what type of account you want.

Account holders do not have to be related, but often they are spouses or partners, or a parent and child.

The Financial Consumer Agency of Canada has more information about Joint Accounts at Canada.ca under "Money and Finances." Visit Canada.ca/seniors under "Managing Your Money" to read "What every older Canadian should know about: power of attorney (for financial matters and property) and joint bank accounts," a federal and provincial government publication.



Is my partner entitled to share my pension?

Pension benefits may be regulated provincially or federally. Your pension plan will be governed by federal laws if you work or worked in a federally regulated industry such as banking, interprovincial communications, or interprovincial transportation. Employees of the provincial government, teachers, private sector employees, and federal public-sector employees are covered by separate laws related to their pension plans.

When you die, any benefits payable from a pension plan, locked-in retirement account, or life income fund will be automatically payable to your spouse or common-law partner. If your marriage or common-law relationship ends, your pension funds may still be divided with your

partner. This applies if your marriage or common-law relationship ends while you:

- are a member of a pension plan,
- have a locked-in retirement account or life income fund, or
- are receiving a pension from a pension plan.

The *Nova Scotia Pension Benefits Act* defines spouses as:

- legally married people
- individuals who have lived together for one year so long as neither is married to someone else
- individuals who have lived together for three years if one of them is married to someone else
- **registered domestic partners**

If you do not have a spouse when you die, the death benefit will be paid to the person you named as a **beneficiary** in your pension forms.

You can read more about pension benefits at novascotia.ca under "Finance and Treasury Board."

▶ Will I be responsible for my partner's debts?

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

- your name is on a contract, like a car or apartment lease,
- you co-signed a loan for your partner, or
- 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 dies, their debts must be paid from any assets, like a car or house, they owned when they died. This can 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.

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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 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 try to change your will by marking in or crossing out words. 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

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 canada.ca/en/financial-consumer-agency.html

General legal information

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

The Legal Information Society of Nova Scotia can also refer you to a lawyer or mediator.

