



# Family Law

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YOUR EX DOES!



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LAWYER

## Q

My ex-boyfriend was charged with domestic violence and isn't supposed to contact me. He keeps reaching out, telling me he loves me and wanting to get back together. What do I do?

## A

A Restraining Order or a Peace Bond are both Criminal Court Orders. A Restraining Order is designed to help protect you or your children from threats and violence from a current or former partner. A Peace Bond is a signed promise to keep the peace and follow the conditions in the Peace Bond. In both cases contact can be restricted; for example, the person must stay away from you and/or cannot communicate with you or your children.

A recent Supreme Court of Canada case called *R v. Morrow 2021 SCC 21 (39456)* is on point. Mr. Morrow was charged with criminal harassment of his former girlfriend and released on conditions not to contact her or attend at her residence. Notwithstanding this, he attended at her home uninvited, told her how to contact the Alberta Crown's Office to get the charges against him dropped, would not leave for over two hours and sexually assaulted her. The girlfriend testified that she felt pressured and scared.

The criminal matter went to trial, and he was convicted of sexual assault, obstructing justice and breach of bail conditions. He appealed to the Alberta Court of Appeal on the question of whether he honestly believed that his former girlfriend consented; the majority of the ABCA dismissed the appeal. He appealed to the SCC, wherein the majority also dismissed the appeal.

**Just don't do it.** These conditions are legally binding on BOTH parties—neither of you can attend at the other parties' residence or place of work, or contact the other directly, without being at risk of being criminally charged with a breach.

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