

**Note:** This Guide was developed prior to the COVID-19 pandemic. Instead of attending a courthouse you should contact your local courthouse using the contact information on the Ontario Court of Justice website <https://www.ontariocourts.ca/ocj/covid-19/contacts-and-courthouse-info/>. Prior to contacting the courthouse please review this Guide for Applicants who are applying for a peace bond and the application form. This Guide may answer many questions that you may have. Please note that the courthouse staff and Justices of the Peace/Judges cannot provide you with legal advice. If you wish to obtain legal advice please contact a lawyer.

## **ONTARIO COURT OF JUSTICE GUIDE FOR APPLYING FOR A PEACE BOND**

This Guide explains how to apply for a peace bond (also known as a Recognizance to Keep the Peace or a “section 810”, which is the section in the *Criminal Code* that deals with peace bonds). It does not cover every circumstance that might arise in your case. This Guide does not provide legal advice.

### **What is a Peace Bond?**

A peace bond is a court order that requires another person to “keep the peace and be of good behaviour” and obey conditions such as not to contact you or your children or to come near your property. The peace bond can be in place for up to one year. The person who enters into a peace bond does not receive a criminal record. However, if one of the conditions imposed is breached, the person may be charged with a criminal offence.

A peace bond is NOT a restraining order. Restraining Orders are obtained through the Family Court for married, separated, divorced or common-law couples. A peace bond Information is NOT an Information alleging that another person has committed a criminal act. That is a different process.

### **Can I Apply for a Peace Bond?**

You, or someone on your behalf, can apply for a peace bond if you have reasonable grounds to fear that another person will cause injury to you, your spouse or your child, or will damage your property, or if you reasonably fear that someone will publish, distribute or sell an intimate image of you without your consent. The person who applies for the peace bond is called the “informant”. The person you are trying to get a peace bond against is called the “defendant”.

### **Can I get a Peace Bond today?**

No. There are steps that have to take place before a peace bond is issued. You will be required to come to court on one or more occasions as explained below.

### **CONTACT THE POLICE IMMEDIATELY IF YOU ARE IN IMMINENT DANGER.**

### **What is the First Step in Applying for a Peace Bond?**

Monday to Friday, during normal hours for Criminal Intake Court, go to the criminal service counter of your local Courthouse and ask for a peace bond application. In some courthouses, you will meet with the Justice of the Peace after you complete the application form. In other courthouses, you will return the completed application at the service counter and the court staff will provide your application to the Justice of the Peace. You will then be contacted at a later date by the court staff to advise you of the outcome. The court staff will let you know what process applies in your courthouse.

When you first attend at the courthouse, and at any other attendance to meet with the Justice of the Peace, bring photo identification with your signature, and copies of any documentation you have about incidents which cause you to have fear, including dates, times, hospital records, photographs, police occurrence numbers/reports, etc.

### **What Do I Write in the Application and Tell the Justice of the Peace?**

You must explain why you are afraid that the defendant might hurt you, your child, your spouse or common-law partner, or why you fear that someone will damage your property, or will publish, distribute or sell an intimate image of you without your consent. You must list the address of the defendant, so that police, or a process server that you hire are able to serve the document required to bring the defendant to court.

### **What Happens After I Meet with the Justice of the Peace?**

The Justice of the Peace will determine if there are sufficient grounds for your fear. If there is not sufficient information to support the basis for your fear, your application will be denied. If there are sufficient allegations and concerns, the court staff will prepare court documents to start the peace bond hearing process. You must sign the document, which is called an “information”, under oath and swear or affirm that it is true.

The Justice of the Peace will then issue a summons to the defendant to appear in court on a specific date and time. In some regions, the police will serve this summons requiring the defendant to come to court for the first court appearance. In other areas, you will need to hire a process server to serve the summons. You will receive the date, time and location of the first court appearance and you are required to attend court at this time.

### **What Happens at the First Court Appearance?**

In some court locations, the first court appearance is **not** the peace bond hearing. The first appearance will take place in a public courtroom and there may be a number of cases in court. When you hear the defendant’s name called, stand and tell the Justice of the Peace your name.

The defendant will be asked if he/she consents to signing the peace bond. If the defendant agrees and there are sufficient grounds, an order will be made requiring the defendant to sign the peace bond. If the defendant does not consent, the Justice of the Peace will set a date for a peace bond Hearing.

You may be required to give “disclosure” to the defendant. Disclosure may include providing copies of the attached Application, photographs or documents, and notes a witness may have made related to why you are applying for a peace bond. The defendant does not have to provide disclosure.

If you or your legal representative do not attend on the first court appearance or any court date, the proceedings will be discontinued and you will have to reapply if you wish to proceed.

If the defendant was served with the summons and does not attend on the date of the peace bond hearing, the Justice of the Peace may, after hearing evidence under oath from you and/or your witness(es), issue the peace bond. Alternatively, the Justice of the Peace may issue a summons for the defendant to appear in court or a warrant for the defendant’s arrest. You may have to stay in touch with the police to learn whether the defendant was arrested and when the new court date will be.

If the defendant was not served with the summons, your matter will be adjourned a few more weeks so that the police can find the defendant.

In other locations, your first appearance will be scheduled for the peace bond hearing and you should attend ready to proceed with all of your documents (your originals and two copies) and your witnesses. The court staff and/or the Justice of the Peace will let you know if this process applies in your courthouse. Also, in some court locations, there is mandatory mediation prior to a peace bond hearing. The court staff and/or Justice of the Peace will advise you of the mandatory mediation process.

### **Do I Need a Lawyer for the Peace Bond Hearing?**

If the Crown Attorney decides to become involved in your matter, they may act as the prosecutor. If they do not intervene, you will be responsible for presenting your evidence and providing any disclosure. You may represent

yourself in this matter or you may hire a lawyer or paralegal. The Law Society of Ontario has an online Referral Service at [www.findlegalhelp.ca](http://www.findlegalhelp.ca). This service will give you the name of a lawyer or paralegal who will provide a free consultation of up to 30 minutes.

### **Can I Bring Witnesses to the Peace Bond Hearing?**

Yes, you may bring witnesses to testify. A “subpoena” is an order by a Justice of the Peace ordering the person named to come to court. Once you know your hearing date, you may get subpoenas, free of charge, by attending the criminal service counter of your local Courthouse. It is your responsibility to arrange for your witnesses to attend at the time and place scheduled for the hearing, including by serving a subpoena on your witness(es) if this is necessary to make sure they attend.

### **What Happens on the Day of the Peace Bond Hearing?**

There may be other cases in court that day. In your matter, the defendant will be asked if he/she consents to signing the peace bond. If the defendant agrees and the Justice of the Peace is satisfied that there are sufficient grounds for the peace bond, there will be an order requiring the defendant to sign. If he/she does not consent, there will be a peace bond hearing.

### **What Happens at a Peace Bond Hearing?**

You will testify under oath and tell the court why you fear the defendant will cause harm to you or your child or your spouse or common-law partner, or will damage your property, or will publish, distribute or sell an intimate image of you. The defendant (or his/her legal representative) will be able to ask you questions about your evidence. If you have witnesses, they will testify under oath and, then the defendant or his/her legal representative may ask them questions.

The defendant then will have the opportunity to give evidence under oath and you or your legal representative will be able to ask him/her questions. The defendant also may bring witnesses to testify, and you or your legal representative will be able to ask them about their testimony.

At the end of the evidence, you and the defendant will have the opportunity to summarize your positions as to why the defendant should or should not be required to enter into the peace bond.

The Justice of the Peace will review the evidence and decide whether you have reasonable grounds to fear the defendant. If so, a peace bond will be ordered. If not, the application will be dismissed.

If a peace bond is ordered, it can be in place for up to 12 months. If you continue to have reasonable grounds to fear the defendant, you must make a new application for another peace bond.

Terms and conditions of a peace bond may include:

- Not to contact you or your children or spouse or common-law partner directly or indirectly
- Not to come near your property
- Not to be within a certain distance of you or your children or spouse or common-law partner
- Not to possess weapons

## The Peace Bond Process

