



COVID-19: Provincial Court Adopts Virtual Peace Bond Process

Updated: Wednesday, May 20, 2020

To help reduce the spread of the COVID-19 virus, the Provincial Court has adopted a virtual process to triage and hear applications for peace bonds during the pandemic, where full disclosure, due process and trial fairness can be assured. This process will involve Presiding Justices of the Peace.

Under Sec. 810 of the Criminal Code, an individual can apply for a peace bond if they have reasonable grounds to believe that someone will cause personal injury to them, their intimate partner or child, or will damage their property, or will commit an offence under Sec. 162.1 of the Criminal Code.

Normally, an individual would have to apply for a peace bond in-person at the courthouse. However, during the pandemic, the Provincial Court is restricting visitors to courthouses and hearing urgent and essential matters mostly by telephone and video.

Under this virtual process, Presiding Justices of the Peace will triage peace bond applications by telephone to determine whether an agreement can be reached, and if not, whether hearings can be conducted.

Hearings that proceed during the pandemic will be conducted using technology to link the parties with the Court. Some litigants, including those representing themselves, may not have access to the same types of technology, so each case will need to be considered on an individual basis to determine the type of technology required for each hearing.

At a minimum, parties must have access to a telephone, therefore what follows is a process based on a telephone hearing. Where possible, other types of technology (i.e. email or live video conferencing) will be considered. There will be cases where it is not possible to conduct the hearing during the pandemic. In those instances, the hearing will be adjourned until the Court resumes regular operations.

Assistance from Nova Scotia Legal Aid

Nova Scotia Legal Aid (NSLA) is committed to assisting people applying for peace bond orders. This can be a difficult process and NSLA Staff Lawyers can assist by explaining the steps required to begin a peace bond application and then explaining the court process.

If you are seeking assistance to apply for a peace bond order, you can contact Nova Scotia Legal Aid at 902-420-7800 or apply online at <https://www.nslegalaid.ca/online-application/>. A lawyer will contact you and provide you with confidential advice and assistance.

Intake

The peace bond process begins with an Information being laid before a Justice, by or on behalf of any person. That must be in writing and under oath (see Sec. 789 of the Criminal Code). The following outlines how that process can happen electronically or in-person.

Electronic Process

- Court staff will email the peace bond application forms and [information booklet](#) to the Applicant. The fillable PDF application forms are also available online [here](#).
- The Applicant returns the completed application to the Court by email to DartmouthProvincialCourt@courts.ns.ca.
- A Staff Justice of the Peace reviews the Information and contacts the Applicant by phone to assess the situation and determine if the complaint is reasonable, and if so, to obtain the following information:
 - Applicant's full name, address, phone number(s) and email address(es).
 - Defendant's full name, address and any identifying information, including their phone number(s) and email address, if possible.
- If the Applicant has a smartphone or computer, the Staff Justice of the Peace will use Skype or Microsoft Teams to connect with the Applicant to:
 - ask for identification;
 - administer the oath/affirmation;
 - receive verbal confirmation from the Applicant that the contents of the Information are true; and
 - complete the Jurat.
- The Staff Justice of the Peace will gather details about the Applicant's access to technology, including the types of devices they have access to (i.e. smartphone, tablet, computer or fax), the version/brand, and any network restrictions or limitations (i.e. privacy, Wi-Fi, etc.).
- The Staff Justice of the Peace will inform the Applicant when the first telephone hearing will be to determine if agreement can be reached or whether a full telephone hearing is needed, and if so, when and under what conditions.
- Court staff will send an electronic copy of the Information to the Department of Justice Victim Services office in that region:
 - SYDNEY: VICSERVICES-SYDNEY@novascotia.ca
 - PICTOU: VICSERVICES-CENT@novascotia.ca
 - DARTMOUTH: VICSERVICES-METRO@novascotia.ca
 - KENTVILLE: VICSERVICES-WEST@novascotia.ca

In-Person Process

- If the Applicant does not have an email address, staff will leave the application in an envelope at the front desk of Court Administration for pickup.
- If technology is not available, the Applicant will be given a date and time to come to the courthouse to swear/affirm their Information.
- The Information must contain:
 - Applicant's full name, address, phone number(s) and email address(es);
 - Defendant's full name, address and any identifying information, including phone number(s) and email address, if possible.
- The Staff Justice of the Peace will inform the Applicant when the first telephone hearing will be to determine if agreement can be reached or whether a full telephone hearing is needed, and if so, when and under what conditions.
- Court staff will send an electronic copy of the Information to the Department of Justice Victim Services office in that region:
 - SYDNEY: VICSERVICES-SYDNEY@novascotia.ca
 - PICTOU: VICSERVICES-CENT@novascotia.ca
 - DARTMOUTH: VICSERVICES-METRO@novascotia.ca
 - KENTVILLE: VICSERVICES-WEST@novascotia.ca

Serving the Summons

- Once the Information is sworn/affirmed, the Staff Justice of the Peace will issue the summons notice and schedule a telephone triage court date.
- The Staff Justice of the Peace will contact the local police department to determine if they will accept the summons by way of email or fax.
- Police will contact the Applicant if a fee is required to serve the summons. Before serving the summons, the police will collect the fee from the Applicant either in person or by credit/debit card. Once served, police will return the affidavit to the Court by email or fax for the file.

Initial Hearing

Following service of the Summons, an initial hearing will be held by telephone. The Defendant may consent to entering into the Recognizance, in which case the Court will proceed to the process described below for "Execution". If the Defendant does not agree, a telephone hearing will be scheduled. At this point, the Justice hearing the matter will assess the level of technology available to the parties. This will govern how the hearing can best be held. The following should be considered:

1. Identification – There could be an issue of identification of the parties. Where the parties are well known to each other it may be that they will consent or acknowledge that the other party is who they say they are. Without that acknowledgement, the hearing might have to be adjourned until the fall.

2. Consent to Telephone Hearing – With the parties under oath, the Justice must obtain the consent from all to conduct the hearing via telephone. If consent is not provided, the Justice may consider Sec. 810(5), which allows for hearings “with such modifications as the circumstances require.”
3. Exhibits – The parties must be advised that any exhibits to be introduced at the hearing must be submitted in advance. The Court shall set a filing deadline. Electronic PDF copies of exhibits are preferred. Those should be emailed to DartmouthProvincialCourt@courts.ns.ca. If electronic submission is not possible, hard copies can be mailed to the following address: Dartmouth Provincial Court, Suite 200, 277 Pleasant St., Dartmouth, N.S., B2Y 4B7. A contact number to speak to a person at the court shall be provided in case any issues arise.
4. Witnesses – The parties will be told that any witnesses they intend to call need to be with them at the time of the hearing. If not, arrangements must be made to link in additional callers to the conference call. Sections 714.1 – 714.8 of the *Criminal Code* apply.
5. Access to Fax / Email / Printer – The Justice should determine whether the Defendant has access to a fax or email and a printer to produce a written copy of a Recognizance at the end of the hearing.

Please note, if certain difficulties arise during the hearing that cannot be addressed, the hearing may have to be adjourned and completed later. For example, if the technology does not work as we anticipate, or if it does not allow for a proper hearing (full disclosure, due process and trial fairness) the hearing will be adjourned by the Presiding Justice of the Peace to a date when the matter can proceed.

Execution

- The Presiding Justice of the Peace will review the conditions of the Recognizance with the Defendant by telephone, on the record.
- The clerk will provide the document to the Defendant for electronic signature (see instructions below) and return.
- If the Defendant does not have IT access, the Defendant is to acknowledge on the record their understanding that they are bound by the Court’s order. The Recognizance is sent to the Defendant for signature and returned to the Court in the postage paid envelope provided.
- The clerk will send the executed copy to all parties, either electronically or by mail.

Please note, the Defendant is bound by the Court’s order to enter into the Recognizance, whether the Defendant signs it or not (Section 810(3) of the *Criminal Code*).

Instructions for Electronic Signatures

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

-30-

Media Contact:

Jennifer Stairs
Communications Director
Nova Scotia Judiciary
902-221-5257
stairsjl@courts.ns.ca