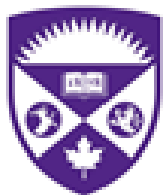


PEACE BOND INFORMATION PACKAGE



Western
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**DISPUTE
RESOLUTION
CENTRE**



**Community
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AT WESTERN LAW

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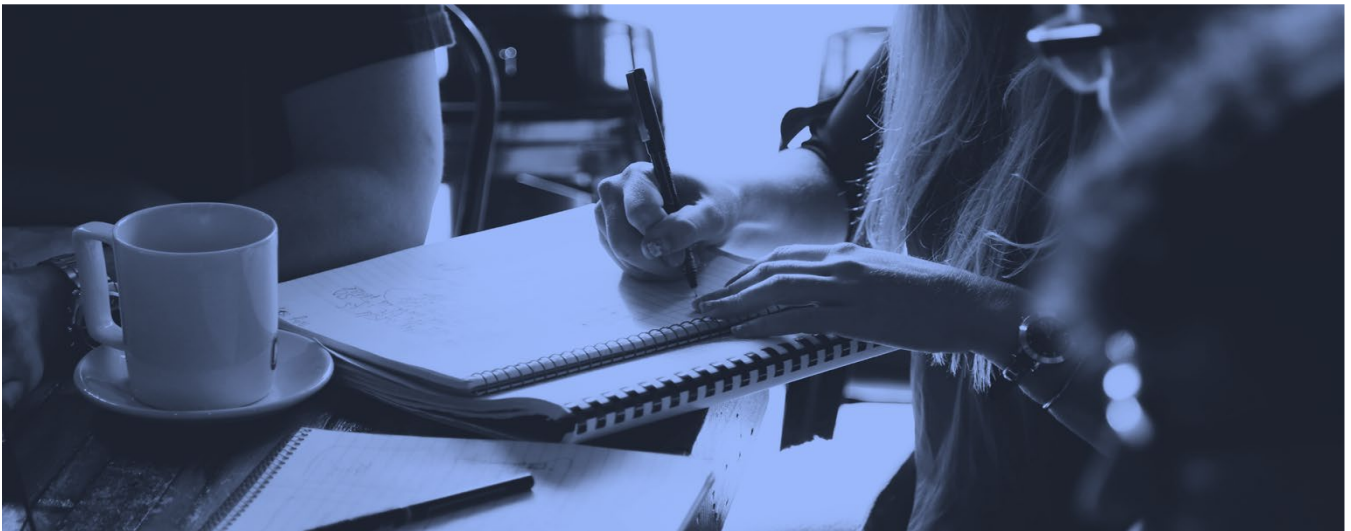
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WHAT IS A PEACE BOND?

A Peace Bond is an order made by a Justice of the Ontario Court of Justice under s. 810 of the *Criminal Code* (“C.C.”). If a Peace Bond is ordered it will have terms / conditions that the defendant must follow for the duration of the Peace Bond. Failure to follow the terms / conditions can result in a criminal charge under s. 811 C.C.

Anyone can apply to the court to have a Peace Bond ordered against another person. The parties do not need to have a relationship. **The person seeking the Peace Bond is called the “complainant”. The person who is the subject of the Peace Bond is called the “defendant”.**



A s. 810 CC Peace Bond can be ordered for a maximum of 12 months. It will often have a monetary amount that is pledged, but the monetary amount is not deposited with the court. It's pledged by the defendant and the Crown Attorney can seek to recover the monetary amount from the defendant if the defendant does not follow a term / condition of the Peace Bond.

A Peace Bond is not a criminal charge or offence. A Peace Bond is not a criminal conviction or finding of guilt. It does not appear in a Criminal Record. A Peace Bond may appear on a Criminal Record and Judicial Matters Check and / or a Vulnerable Sector Check.

If a Peace Bond is ordered, it must contain a term that the defendant “keep the peace and be of good behaviour”. A Peace Bond can also contain other terms / conditions such as:

- Keeping a certain distance away from the complainant and/or the complainant’s immediate family members.
- Keeping a certain distance away from anywhere that the defendant knows the complainant to live, work, or go to school.
- Prohibiting direct and indirect communication with the complainant or the complainant’s immediate family members.
- Participate in counselling program.
- Abstaining from the purchase, consumption, and / or possession of alcohol and / or drugs.
- Prohibiting the possession of firearms and/or weapons as defined under the *Criminal Code*.

TEST FOR A PEACE BOND

For a Justice to order a defendant into a s. 810 C.C. Peace Bond, the Justice must be satisfied that the complainant has reasonable grounds to fear that the defendant will either:

- (1) Cause the complainant personal injury, or personal injury to the complainant’s intimate partner or child, or will damage their property; or**
- (2) Will commit an offence under s. 162.1 C.C. (share intimate images or videos of the complainant without the complainant’s permission)**

The personal injury in the test for a Peace Bond can be either physical or psychological injury.

THE PROCESS

To obtain a s. 810 Peace Bond Order against a defendant, the complainant must complete a Peace Bond Application to be considered by a Justice. The Application includes the specific facts / allegations against the complainant.

If the Justice believes there are facts / allegations that would meet the test for a Peace Bond, the Peace Bond Application will move forward and the Justice will have the complainant swear an Information. The defendant will then receive Notice of the Peace Bond along with a Summons to Appear in court on a specific date and time. The Peace Bond matter will then be heard in court.

If the Justice does not believe the facts / allegations would meet the test for a Peace Bond, the Peace Bond Application will be rejected and will not move forward. It will not be heard in court.



(i) Disclosure

Defendants are entitled to know the allegations being made by the complainant. This is known as “disclosure”. Defendants will often receive their disclosure materials at the first court appearance. The Crown Attorney provides disclosure materials to the defendant. Let

the Crown Attorney and Justice know that you want the disclosure in your case when you make your first court appearance.

If you do not have disclosure of the allegations then you should contact the Crown Attorney for London and Middlesex County at VirtualCrownLondon@ontairo.ca or at 519-660-3003. The Crown Attorney's office is located on the ground floor of the Middlesex County Courthouse, located at 80 Dundas St. London, ON. Ask the Crown Attorney for the disclosure in your Peace Bond matter.

DEFENDANT'S OPTIONS FACING A PEACE BOND

(i) Agree to Enter the Peace Bond

If you are a defendant and have received Notice of a Peace Bond and / or a Summons to Appear, you can agree to enter into the Peace Bond. This means that you agree with a Peace Bond being imposed on you. Prior to agreeing to enter into a Peace Bond, you should speak with the Crown Attorney about the terms of the Peace Bond and alert the Crown

Attorney to any terms that you cannot follow or to which you cannot agree. You can contact the Crown Attorney for London and Middlesex County at VirtualCrownLondon@ontairo.ca or at 519-660-3003. The Crown Attorney's office is located on the ground floor of the Middlesex County Courthouse, located at 80 Dundas St. London, ON.

A Peace Bond can only be ordered by a Justice during a court appearance. A Crown Attorney will be present to represent the interests of the complainant. You must tell the Justice that you are consenting to enter into the Peace Bond. The Justice may ask the Crown Attorney to provide facts about the matter. You can either tell the Justice that you agree to the facts submitted by the Crown Attorney or you can tell the Justice that you do not admit the facts, but that you do not wish to dispute or oppose the Peace Bond.

The Justice will then ask the Crown Attorney for the terms / conditions of the Peace Bond. Be sure to alert the Crown Attorney and the Justice if there are any terms to which you cannot or will not agree to follow. If there are no issues with the terms / conditions, then the Justice will order you to enter the Peace Bond. If there is not an agreement on the terms / conditions, then you will either have to proceed to a hearing or consider mediation (see below).

(ii) Mediation through Dispute Resolution Centre (“DRC”)

The Dispute Resolution Centre (DRC) at Western Law is a non-profit, student-run clinic that provides free mediation services, conflict-skills coaching, and conflict resolution training to London and Middlesex County residents. The DRC strives to help you resolve your dispute quickly, effectively, and collaboratively.



What is Mediation?

- Mediation is a confidential process for resolving disputes that is facilitated by a neutral third party (the mediator).
- Mediation is **participant-focused**: parties are empowered to reach long-lasting solutions that meet both of their needs. *You* decide the outcome, rather than a Justice deciding for you.
- Mediation is **not a legal proceeding**; it is designed as an alternative process to s. 810 C.C. Peace Bond court and helps save time and expenses.
- Mediation is a **voluntary process** that requires consent of both parties (complainant and defendant). You can withdraw consent at any point in the process. When consensus is reached, mediators draft a **written agreement**. These agreements are legally non-binding.

While the DRC is pleased to help resolve a variety of cases, it does not mediate matters involving domestic violence issues or family separation / divorce.

You can contact the DRC by e-mail at drc@uwo.ca or leave us a voicemail at 519-661-4044.

(iii) Oppose the Peace Bond and Proceed to a Hearing

A defendant can choose to oppose having a Peace Bond ordered against him, her, or them. If so, then the matter will proceed to a Hearing. It's important for both complainant's and defendant's to be aware that it can take several weeks or months from the date the Hearing is set to the actual Hearing date.

The Crown Attorney will represent the interests of the complainant at the Hearing. A defendant can either self-represent or retain an agent (paralegal) or counsel.

At the Hearing, the Justice will hear and receive evidence from the complainant and any of the complainant's witnesses. The defendant will have an opportunity to cross-examine the complainant and any of the complainant's witnesses. The defendant will also have an opportunity to testify and / or call witnesses. The Crown Attorney will have an opportunity to cross-examine the defendant and any of the defendant's witnesses. It is important to note that unlike a criminal trial, hearsay evidence is admissible (allowed).

After all the evidence has been heard, the Crown Attorney and the defendant will be given an opportunity to make submissions to the Justice about the evidence from the Hearing and whether a Peace Bond should be ordered.

To order a defendant into a Peace Bond, the Justice must be satisfied, on balance of probabilities, that the test for a Peace Bond is met (see **TEST FOR A PEACE BOND** above). The Justice must find that the complainant has the fear and that the fear is reasonable in the circumstances. The Justice must also find that the fear is present at the time of the Hearing.

If the Justice is not satisfied that a Peace Bond should be ordered, then the matter will be at an end and the defendant will not be under any court Order.

If the Justice is satisfied that a Peace Bond should be ordered, then the Justice will make an Order and impose terms / conditions. The defendant should alert the Justice if any of the terms / conditions will either be impossible or difficult to follow.

Please note, if a defendant is ordered into a Peace Bond, but refuses to enter into the Peace Bond, the Justice can order the defendant to jail for up to 12 months.

BREACHING A PEACE BOND

If a Peace Bond is ordered, the defendant must follow all terms / conditions in the Order. Breaching a term / condition can result in a criminal charge under s. 811 C.C. The maximum punishment is a \$5,000 fine and / or 2 years, less a day, imprisonment if proceeded as a summary conviction charge. The maximum punishment if the charge is proceeded by indictment is 4 years imprisonment.

The Crown Attorney may also seek to recover any money pledged, but not deposited, for the Peace Bond.

CHANGING TERMS / CONDITIONS OF PEACE BOND ORDER

Ideally the defendant should address any terms / conditions of a Peace Bond Order that will either be impossible or difficult to follow before the Peace Bond is ordered. Once a Peace Bond is ordered, terms / conditions can only be changed if the defendant or complainant makes an Application to the court. This is known as “varying” a term / condition.

To change / vary a Peace Bond Order, please contact the Ontario Court of Justice office at 519-660-3000. The office is located on the 2nd floor of the Middlesex County Courthouse, 80 Dundas St., London, ON.

Disclaimer: The information contained in this document is current as of August 3, 2023. Any changes in the law or procedure since that date are not included in this document.