

IN THE TERRITORIAL COURT OF YUKON

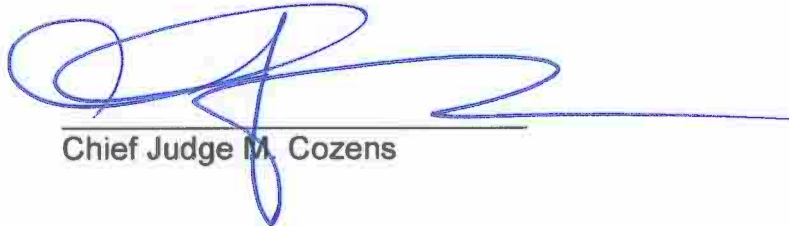
AMENDED PRACTICE DIRECTION #24

Peace Bonds

The purpose of this practice direction is to ensure that a defendant in a peace bond hearing has sufficient notice of the allegations against him or her.

Everyone seeking a peace bond under s. 810 or s. 810.1 must, at the time they appear to lay an information before a justice or judge, bring a document with written details about the reasonable grounds on which their fear is based.

If a summons is issued by the justice or judge swearing the information, two copies of the document with the written allegations shall be made and placed in separately sealed envelopes on the court file. The judge or justice issuing the summons will provide the informant with the Peace Bond Procedure sheet that informs the defendant of the basics of the peace bond process and, in particular, of the right of the defendant to attend at the court registry and obtain one copy of the sealed document with the written allegations. The second copy of the sealed document remains on the court file. The copy of the Peace Bond Procedure sheet that has been provided to the informant shall be attached to and served on the defendant at the same time as the summons and the information.



Chief Judge M. Cozens

November 26, 2012

Peace bond procedure

What is a peace bond?

A peace bond is an order available under the *Criminal Code*. **It is not a criminal charge or conviction, however it is a serious matter.** If you are placed on a peace bond, you will be required to abide by some conditions for a period of up to one year. If you fail to abide or comply with any condition of your peace bond, you could be charged with a criminal offence.

What are the papers you just received?

The peace bond process is started by a person, known as the 'informant', who states that they have reasonable grounds to fear that someone will cause personal injury to them, their spouse or partner, their children, or that someone will damage their property. They have gone before a Justice of the Peace to lay an 'information' saying this. You have a copy of the information.

An information is an allegation, and you have the right to respond to it. This is why you are provided with a court date in the 'summons' you have also received.

The person who is requesting the peace bond will have set their reasons out in writing, and you can go to the court registry at the courthouse to get a copy of this written statement. The location of the court registry for your community is listed below. You should talk to a member of the registry staff at the counter and tell them that a peace bond information naming you has been laid, and that you want to see a copy of the written statement. Bringing a copy of the information and your summons will help the registry staff understand what you are looking for.

Registry locations:

Whitehorse: 2134 Second Avenue, Whitehorse, Yukon Y1A 5H6
All Yukon communities except Dawson City and Watson Lake must use the Whitehorse Registry.

Dawson City: 595 – 5th Avenue, Dawson City, Yukon Y0A 1G0

Watson Lake: 820 Adela Trail, Watson Lake, Yukon Y0A 1C0

What happens next?

You may want to speak to a lawyer, and it is your right to retain one to represent you.

Attend court. You must come to court on the date and time indicated on your summons. If you do not, you could face a criminal charge for failing to attend court. When you come to court, you will be before a Justice of the Peace or a Territorial Court Judge. You can choose to have a hearing or agree to enter into a peace bond that day, or you can ask for more time to prepare or to speak to a lawyer if you need it.

What happens at the hearing?

The hearing will proceed like a trial. The judge or justice will be able to explain the process to you if you do not have a lawyer.

Generally, peace bond hearings have the following steps:

Arraignment. The judge or justice will ask you whether you agree or deny that the informant has reasonable grounds to fear that you will harm them, their spouse, their children or their property (depending on what is said in the information).

Evidence from the informant and his or her witnesses. If you deny that the informant has reasonable grounds to fear you, the informant will have to put evidence before the court to prove the allegation. He or she may testify, and they can also call witnesses. You have the right to cross-examine the informant and any witnesses they call.

Your evidence. You also have the right to give evidence personally and to call any witnesses that have information relevant to the allegation. You can also bring documents and other items to show the judge. You do not have to call evidence unless you want to. The informant can cross-examine you and your witnesses.

Argument. After the evidence is given, both you and the informant will have the chance to make submissions to the court. Everything you say in your submissions must be based on the evidence that was given, so you can not give the court any new facts at this point. The informant has to satisfy the court that they have reasonable grounds for their fear that you will harm them, their spouse or partner, their children or their property.

Decision. Once both you and the informant have explained your positions, the judge or justice will make a decision and either order that you enter into a peace bond or dismiss the information. They will give reasons for why they are making that decision.

The peace bond

If you are required to enter into a peace bond, it will require that you abide by certain conditions. A peace bond can be for a term of up to one year.

A peace bond is a document that can have serious consequences. If you refuse to enter into it when the judge or justice orders you to, you can be sent to jail for up to twelve months. If you do enter it and breach a condition, you can be charged with a criminal offence and also possibly sent to jail.

This sheet contains legal information about the peace bond process. Legal information is not the same as legal advice. You should bring any specific questions about the peace bond proceeding against you to a lawyer.