



# Territorial Court of Yukon

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March 24, 2020

## NOTICE TO THE PROFESSION AND THE PUBLIC

**THIS NOTICE UPDATES THE MARCH 17, 2020 ANNOUNCEMENT REGARDING MEASURES BEING TAKEN BY THE TERRITORIAL COURT TO ASSIST IN CONTAINING THE SPREAD OF COVID-19. AS THIS SITUATION IS CONSTANTLY EVOLVING, WE WILL CONTINUE TO MONITOR AND ASSESS INFORMATION. THE COURT WILL POST FURTHER UPDATES AND INFORMATION AS IT BECOMES AVAILABLE. PLEASE CONTINUE TO MONITOR THE TERRITORIAL COURT WEBSITE, [WWW.YUKONCOURTS.CA](http://WWW.YUKONCOURTS.CA), FOR UPDATES OR FOLLOW US ON TWITTER AT @YukonCourts.**

The overriding goal is to protect the health and safety of all Court users and to minimize all unnecessary contact between individuals who are associated with Court proceedings. The use of agency appearance by counsel for an accused, the use of technology for appearances, whether by video or telephone, and the use of delaying non-essential proceedings to a later date, thus minimizing Court appearances, all assist in achieving this goal. If you have a lawyer, we encourage you to contact your lawyer and have them appear for you where appropriate.

**Individuals who have matters in Court and do not have counsel may contact the Court Registry at 867-667-3429 or 1-800-661-0408, ext. 3429 (criminal) to set up a telephone appearance, (for civil matters use extension 5937).**

Most proceedings of the Court are open to the public. However, until further notice no members of the public will be permitted in courtrooms unless required for a Court matter, or unless the Court directs otherwise. Those able to be in the courtroom include: counsel, parties, witnesses, Probation Officers, Crown Witness Co-ordinators, Victim Services Workers, support workers (e.g. FASSY), or other similar persons. Media will also be within the permitted class of persons. Further, in the event that an individual who would otherwise be allowed to be in the courtroom shows symptoms of COVID-19, that individual will not be allowed in the courtroom. Symptoms identified by the British Columbia Centre for Disease Control for COVID-19 include:

- cough,
- sneezing,
- fever,
- sore throat, and
- difficulty breathing.

Any lawyers, parties, witnesses, or people within that class of persons allowed to be in Court who are ill, in quarantine, or in self-isolation, should take steps to notify the Court and other parties as soon as possible.



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The Court encourages counsel to contact their clients and any witnesses as soon as possible to allow for such adjustments to be made to the scheduled Court sittings as is required, and additionally, to advise the Court and other parties of any applications to adjourn matters as soon as possible.

We encourage counsel to work together on consent adjournments for matters currently scheduled to proceed between now and June 4, 2020. In any event, the Court may, on its own initiative, decide to adjourn matters that are not considered to be urgent.

We are prepared to set aside additional Court time for adjourning matters and fixing dates as is required.

**Recognizing that the circumstances of a particular case or situation may require it, for all the below there remains the ability for counsel to ask a judge to make an exception, and the Court may, including on its own initiative, make any order or provide any direction the Court considers appropriate.**

## Telephone Appearances

Crown and defence counsel have permission to appear by telephone or videoconferencing **on all matters except trials and preliminary hearings** until further notice.

Counsel wishing to do so must advise the Court Registry in a timely fashion of the telephone number where they may be contacted. Counsel may fax their counsel list with the notation "by phone" and their phone number indicated at the top of the page. If counsel does not have access to a fax machine they may send their counsel list by email to [Karin.Keeley-Eriksson@gov.yk.ca](mailto:Karin.Keeley-Eriksson@gov.yk.ca). If counsel is sending their list by email they must do so in a timely manner.

Defense counsel must notify the Court Registry of:

- the time of the appearance,
- court file number(s),
- phone number,
- name of client, and
- the purpose of appearance and whether it will be contested or uncontested.

Crown counsel must notify the Court Registry of:

- the time of the appearance
- the court file number(s),
- the name of the accused, and
- the purpose of appearance and whether it will be contested or uncontested.



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## **Circuits**

The goal is to minimize travel for all participants in the Court process, including the Court party; and to prevent the introduction or spread of COVID-19 in small communities, in compliance with the recent directive from Yukon's Chief Medical Officer regarding travel to the communities.

Therefore:

1. There will be no circuit travel by the Court party;
2. All matters where the accused is not in custody will be adjourned from the upcoming Court circuit for a period of at least one to two regularly scheduled Court circuits, as deemed appropriate by the Court.
3. All in-custody matters will be presumed to proceed as expeditiously as possible. In cases where the matter has not been set for trial, preliminary inquiry or sentencing, the matter shall be adjourned to a Whitehorse docket court to be spoken to by counsel. In other cases, however, the expectation is that every effort will be made by counsel to agree to have all these matters utilize technology. Alleged offenders and witnesses will not be required to travel between communities or from outside the Yukon for Court proceedings, unless the Court directs otherwise. In those cases where counsel cannot agree and an application is required, the Court will accept informal applications for audio and video appearances (e.g. by e-mail). Pre-trial conferences will be held in every case that requires judicial direction in this regard;
4. All other cases where the trial, preliminary inquiry, and sentencing has already been scheduled, and the offender is not in custody, will be adjourned to a fix-date court in Whitehorse on June 4, 2020 or a date thereafter;
5. The reason for the adjournment will be clearly stated on the record and endorsed on the Information, and
6. Show causes will be conducted as normal from the communities.

## **Non-Circuit Show Causes**

1. All show causes for accused held at WCC will be conducted by video-appearance.

## **Domestic Violence Treatment Option Court and Community Wellness Court**

The Court will proceed as scheduled with modifications as follows:

1. All first appearances will be adjourned to a date in the regular course in order to determine the direction the matter will be proceeding;



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2. For all individuals who are already participating in the Court, their matter will be adjourned for at least 10 weeks; and
3. Appearances by counsel acting as agent for the accused, or otherwise having the accused attend by telephone, are advised and strongly encouraged for all Court appearances.

## **Wednesday Docket Court**

1. All matters will be adjourned until June 10, 2020 or a date thereafter. Matters currently scheduled for a date prior to June 10, 2020 may be brought forward in order to further be adjourned ;
2. Appearances by counsel acting as agent for the accused, or otherwise having the accused attend by telephone, are encouraged for all court appearances. The accused may contact the Court Registry at 867-667-3429 or 1-800-661-0408, ext. 3429 to organize a telephone appearance; and
3. Matters can proceed to sentencing and flexibility will be provided to accused attending the sentencing by telephone or video, unless otherwise considered inappropriate by the Court.

## **Judges' Docket**

1. Matters can either proceed as scheduled or be adjourned to a judges' docket on June 12, 2020 or thereafter; and
2. Appearances by counsel acting as agent for the accused, or otherwise having the accused attend by telephone, are encouraged for all Court appearances where the attendance of the accused is not required.

## **Intermittent Sentences**

1. Those matters for which counsel are seeking intermittent sentences will, barring exceptional circumstances, be adjourned for sentencing at a later date.

## **Fix-Date Court**

1. The Court will remain open as usual for setting dates for matters. This said, for non-urgent matters, generally these will be put to a fix-date court on June 11, 2020 or a date thereafter, rather than to a trial, preliminary hearing or sentencing date.



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## **Applications**

1. All non-urgent applications shall be adjourned to a later date; and
2. All urgent applications may proceed by video or teleconference.

## **Youth Docket**

1. Matters can either proceed to sentencing or be adjourned to a youth docket on June 11, 2020 or a date thereafter. Matters currently scheduled for a date prior to June 11, 2020 may be brought forward in order to further be adjourned.

## **Pre-trial, Case Management and Pre-Circuit Conferences**

1. All pre-trial, case management and pre-circuit conferences shall be held by teleconference, unless the Court directs otherwise.

## **Trials, Preliminary Inquiries and Sentencing Hearings**

1. All in-custody matters will be presumed to proceed as expeditiously as possible. The expectation is that every effort will be made by counsel to agree to have all these matters utilize technology. Alleged offenders and witnesses will not be required to travel between communities or from outside the Yukon for Court proceedings, unless the Court directs otherwise. In those cases where counsel cannot agree and an application is required, the Court will accept informal applications for audio and video appearances (e.g. by e-mail). Pre-trial conferences will be held in every case that requires judicial direction in this regard;
2. For all non-urgent matters scheduled to proceed before June 11, 2020, although the expectation of the Court is that counsel will cooperate in adjourning the matter where appropriate, upon application, the Court will determine whether a matter should be heard depending on the circumstances of the case;
3. The reason for an adjournment will be clearly stated on the record and endorsed on the Information, and
4. Any such application can be scheduled to be heard in a pre-trial conference or, where appropriate, on the record.

## **Small Claims Court**

1. All non-urgent small claims court matters are cancelled and shall be scheduled for dates after May 31, 2020. Matters that are considered by the Court to be urgent shall be dealt with on a case-by-case basis; and



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2. Individuals or counsel may contact the Court Registry at 867-667-5619.

## **Child Protection**

1. All urgent or statutorily mandated matters, including the initial presentation hearing, the protection hearing, applications for supervision orders and for extension of time, and any other urgent motions shall proceed. Where possible, parties shall attend by teleconference; and
2. All other matters shall be adjourned to June 11, 2020 or a date thereafter.

## **Emergency Intervention Orders and Other Protective Orders**

1. Urgent applications for emergency orders will proceed. The parties will attend the hearing by teleconference unless otherwise directed by the Court.

## **Traffic, Ticket and Bylaw Matters**

1. Matters scheduled shall be adjourned to a later date without the person having to attend court; and
2. A notice of the new Court date will be sent to the disputant by mail to the address on file with the Court.

## **Emergency Matters**

1. Any emergency or time-limited matters that arise at any location in the Yukon will be dealt with as the circumstances may require.

**Please continue to monitor the territorial court website, [www.yukoncourts.ca](http://www.yukoncourts.ca), for updates or follow us on twitter at @YukonCourts.**

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CHISHOLM, P.  
CHIEF JUDGE OF THE  
TERRITORIAL COURT OF YUKON