

The Provincial Court of Nova Scotia

How to Apply for a Peace Bond



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When would I use a peace bond?

To get a peace bond you must have serious concerns about your safety, the safety of your spouse or common-law partner or children, or the safety of your property because of somebody's action. For example, if someone threatened to harm you or your family. The law for peace bonds is set out in the Criminal Code of Canada in Section 810. See the back of this guide for what Section 810 says.

How to apply

1 *Fill-in and return the forms*

To apply for a peace bond, come to the court office at the Provincial Court or Family Court. You will be given two forms: a Statement of Complaint and an Information (NS Form 3/2). Complete the forms and bring them to the court office to meet with a Justice of the Peace.

Court staff can give general information about how the court works and about court rules and procedures. Court staff cannot give legal advice. For legal advice contact a lawyer.

2 *Meet with a JP*

Once you return the completed forms, you will meet with a Justice of the Peace (JP). The JP will decide whether your application will proceed. If it is proceeding, you will be asked to swear or affirm that the Information is truthful.

3 *Get a summons and court date*

Next, a court date will be set, and the court will prepare and give you a summons.

4 *Have the summons served on the other person*

The summons is the court paper that requires the person that you are applying for a peace bond against to come to court. You must arrange to have it served on that person. They are called the defendant. You cannot serve the summons yourself.

The summons must be served by a peace officer, such as a police officer or a bailiff or private process server. You may have to pay a fee for this service. Check with your local police force or in the telephone book yellow pages under "bailiffs" or "process servers."

The peace officer will serve the summons and will send a document to the court proving that the summons was served. Check with the court staff on the day before the scheduled court date to see if they received that document.

What happens next?

Show up for your court date

You must come to court on the date set out in the summons.

What if the other person doesn't show up in court?

If the summons was served on the defendant and he or she fails to appear in court at the required time, you may ask the judge, at that time, to issue a warrant for the arrest of the defendant.

What happens in court?

If the defendant appears in court as required, one of two things may happen. The defendant may agree to enter into a peace bond, which the judge calls a recognizance, or the defendant may not agree.

If the defendant agrees, the judge may ask you to explain the circumstances that led to your asking for the peace bond. If the judge decides to order a peace bond, then a court officer will prepare one. Normally, both you and the defendant will be given a copy of the peace bond before you leave the court building.

If the defendant does not agree, a hearing will be scheduled before you leave the court building.

Get legal advice about the hearing

We recommend that you hire a lawyer to represent you at the hearing or consult with a lawyer about your hearing. This guide does not contain legal advice. It is offered to help you through the process of applying for a peace bond, only. A pamphlet on peace bonds is available from the Legal Information Society of Nova Scotia and may be available at the court office.

What happens at the hearing?

At the hearing the judge will hear the evidence from you, from any witnesses that you have asked to come to court, from the defendant, and from his or her witnesses. The judge may also review any materials you provide, such as tapes, photos or notes.

Where can I get more information?

For more information about representing yourself in court go to the Department of Justice website at <www.gov.ns.ca/just/repselfmain.htm>. More information about the Nova Scotia courts is available online at <www.courts.ns.ca>. The Legal Information Society of Nova Scotia can be reached at 455-3135 in Metro or 1-800-665-9779 toll free in Nova Scotia, or visit their website at <www.legalinfo.org>.

Applying for a peace bond

How to complete the Information (Form NS 3/2)

A Name of informant

Your full name goes here. You are called the informant. It means you are applying for a peace bond, whether for yourself or on behalf of someone else.

B Address of informant

Your complete street address goes here, with city or town and county. If it is different from your mailing address, then add your mailing address too. Otherwise, the court will not be able to reach you.

If you do not want the person against whom you are making this application to know where you are located, then you can use a friend's or relative's address. Be sure to get their permission first, and be sure the court can contact you at that address.

C Are you applying for yourself or on behalf of someone else?

Make a ✓ mark in the first box if the peace bond is to protect you. Make a ✓ in the second box if it is to protect someone else.

D Name of complainant

If you made a ✓ in the second box, add the full name of the person needing the peace bond on this line. They are called the complainant in this form.

E Name of defendant

The name of the person who you say threatened or harmed you is called a defendant in this form. Their full name, if you know it, goes here.

If the person uses different names, make sure to list all of them. Write "aka" (also known as) and list the other names.

F Address of defendant

The defendant's complete street address goes here, with city or town and county. If their mailing address is different from their street address and you have it, then add their mailing address too.

It is important that you provide as much of this type of identifying information as possible about the defendant.

G Place of incident

Where were you when you received the threat of harm? Write the complete street and mailing address. Be as specific as you can.

The incident must have taken place in Nova Scotia.

H Date of incident

The incident must have taken place within the 6 months before the date you sign this application for a peace bond, called an Information.

The day, month, and year on which the incident happened goes here. If you remember the exact or approximate date, you only need to fill in that date. Please write out the month rather than using numbers only. For example, 3 August 2002.

If you cannot remember the exact date when it happened, write down the two dates between which you believe the incident took place. There are spaces for two dates. For example, between 1 August 2002 and 5 August 2002.

If there was more than one incident write down the two dates between which the incidents took place. For example, between 2 August 2002 and 14 September 2002.

Canada
Province of Nova Scotia

In The

INFORMANT
(Sec. 810)

This is the information of _____
of _____ (address)
C Nova Scotia, made personally as complainant, _____

The informant says that _____ E
of _____ F (address)
at _____ G (place of incident)
Nova Scotia, on or about / between _____, 20____ did
I by uttering the words, _____

J by the Defendant's action _____

cause the complainant to fear that the Defendant will _____

K personal injury to the complainant
L personal injury to the complainant's spouse _____

M personal injury to the complainant's children or _____
(name of child/child)

N damage to complainant's property located at _____

O The informant therefore prays that the Defendant (to be bound by the Peace Bond) with, or without sureties, to keep the peace and good conduct for a term not exceeding twelve months, and comply with any other reasonable conditions that the Court considers desirable for securing the good conduct of the Defendant for a term not exceeding twelve months if the Defendant fails to do so, pursuant to Section 810 of the Criminal Code.

SWORN or Solemnly Affirmed before me at _____, Nova Scotia
_____, 20____

Judge, Provincial Court Judge, Family Court Judge,
Justice of the Peace

Tip for filling in I and J:

This means the type of threatening behaviour that took place – either what was said or written (called “uttering”) or what was done.

Either or both of these types of threat may have taken place. If both happened, fill out both lines. They must refer to the same incident. If there was more than one incident,

INFORMATION

(Sec. 810 CC)

This is the information of _____
(name of informant)

of _____
(address)

Nova Scotia, made personally as complainant, or by or on behalf of _____ (complainant).

The informant says that _____
(name of defendant)

of _____
(address)

at _____,
(place of incident)

Nova Scotia, on or about / between _____, 20 ____
and _____, 20 ____ did

by uttering the words, _____

by the Defendant's action _____

cause the complainant to fear that the Defendant will cause:

personal injury to the complainant

personal injury to the complainant's spouse _____
(name of spouse)

personal injury to the complainant's children or child

(name of child/children)

damage to complainant's property located at _____
(address)

The informant therefore prays that the Defendant be ordered to enter into a RECOGNIZANCE (Peace Bond) with, or without sureties, to keep the peace and be of good behaviour for any period not to exceed twelve months, and comply with any other reasonable conditions prescribed in the RECOGNIZANCE as the Court considers desirable for securing the good conduct of the Defendant, or commit the Defendant to prison for a term not exceeding twelve months if the Defendant fails or refuses to enter into the Recognizance, pursuant to Section 810 of the Criminal Code.

SWORN or Solemnly Affirmed before me at _____, Nova Scotia
on _____, 20 ____ .

STATEMENT OF COMPLAINT
(To be completed by person applying for a Peace Bond)

This form does not go before the judge. A copy of this form will be given, if requested, to the Defendant (the person you are seeking the peace bond against) or his or her lawyer for disclosure purposes. It may be given to Victim Services or similar organizations, and in some cases may be used by court staff to assist them understanding and processing your application.

Your Name: _____

Name of person you want to be placed on a Peace Bond

Full Name: _____

Address: _____

Date of Birth: (Month/Day/Year) _____ Telephone Number: _____

What event happened that caused you to apply for a Peace Bond?

What was the date (s) of this event? (Month/Day/Year) _____

Did you contact the police Y/N ____ If yes, what instructions did you receive from the police, or if you did not contact the police please give reason why?

If no, please give the reasons why you did not contact the police?

List of names of Witnesses:

Your Signature _____ Date (Month/Day/Year) _____

What the Law says

Section 810 of the **Criminal Code of Canada** reads, in part, as follows:

Sureties to Keep the Peace

Where injury or damage feared

810. (1) An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person will cause personal injury to him or her or to his or her spouse or common-law partner or child or will damage his or her property.

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for his or her fears,

(a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, and comply with such other reasonable conditions prescribed in the recognizance, including the conditions set out in subsections (3.1) and (3.2), as the court considers desirable for securing the good conduct of the defendant; or

(b) commit the defendant to prison for a term not exceeding twelve months if he or she fails or refuses to enter into the recognizance.

