



How to Apply for a Peace Bond

The Provincial Court of Nova Scotia

How to Apply for a Peace Bond

What is a peace bond?

A peace bond is a protection order made by a court for a person who fears that another person will cause personal injury to them or to their intimate partner or child or will damage their property; or will publish intimate images.

There is also an intimate partner violence (IPV) peace bond intended to protect people who fear for their safety due to intimate partner violence or threats involving children. These peace bonds can be for a longer period of time and impose additional conditions. Intimate partner violence peace bonds do not protect property.

Both regular and intimate partner violence peace bonds require the other person to keep the peace and follow conditions set by the court for a set period of time.

Please refer to the back of this guide for the exact wording of Sections 810 and 810.03 of the Criminal Code.

Legal Terms Defined

Informant – This is the individual applying for the peace bond. The informant may also be referred to as the applicant.

Complainant – If someone else is applying for a peace bond on your behalf, they are the informant and you are the complainant.

Defendant – This is the person you need protection from.

Information – An Information is the sworn statement made by the informant. The application form to apply for a peace bond is also referred to as the Information.

Peace Bond Application Intake Form – This form outlines the basis of your complaint against the defendant. Only part 1 is filed with the Information and shared with the defendant. Part 2 contains personal information and is not shared with the defendant. A copy of this form may be shared with Victim Services.

Summons – A legal document that requires the defendant to attend court on a specific date and time, to either agree to enter into the peace bond or ask for a hearing date.

Affidavit of Service – This document confirms that the summons was served on the defendant.

Justice – Can refer to a Provincial Court Judge, Presiding Justice of the Peace (PJP), or Staff Justice of the Peace (JP).

Recognizance – A peace bond can also be referred to as a recognizance.

How to Apply for a Peace Bond

Step 1 – Complete and Return the Forms

To apply for a peace bond, you must complete the Information and Appendix A, and the Peace Bond Application Intake Form. These fillable forms are available on the Courts of Nova Scotia website at <https://www.courts.ns.ca/operations/forms-documents/provincial-court-forms>.

Informants are encouraged to contact court staff in advance for further instruction on filing. Contact information for all courthouses is available online at <https://www.courts.ns.ca/locations>.

PLEASE NOTE: 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.

Step 2 – Meet with Court Staff

Once you return the completed forms, you will speak with a Staff Justice of the Peace (JP).

Peace Bond (Section 810)

The Staff Justice of the Peace (Staff JP) will review the Information and Peace Bond Application Intake Form and determine whether the application may proceed. The Staff JP must be satisfied that the applicant has reasonable grounds to fear that the defendant will cause personal injury to them or their spouse, common-law partner, child, or property, based on an event that occurred within the previous 12 months. The Staff JP is required to reject an application that does not meet these requirements and all other applicable requirements under section 810 of the *Criminal Code*.

Assistance with Peace Bonds

Nova Scotia Legal Aid Commission – Where Nova Scotia Legal Aid (NSLA) offices have capacity, staff can assist people applying for peace bond orders. This assistance will be summary advice, such as explaining the steps required to bring an application and providing information about the court process. Applicants seeking summary advice can apply to Legal Aid for this service. The office will advise if it has capacity to help you.

Legal Information Society of Nova Scotia – Those seeking advice on peace bonds can reach out to the Legal Information Society of Nova Scotia (LISNS) online at www.legalinfo.org, by email at lins@atcanada.ca or by telephone at 902-455-3135 or toll-free at 1-800-665-9779.

Halifax Regional Police – The Victim Services division of Halifax Regional Police offers a Peace Bond Navigator Program involving trained volunteers who can also attend court with applicants. For more information, call 902-490-5300.

Courts of Nova Scotia Website – If you do not have a lawyer and expect to represent yourself during the peace bond application process, the Courts offer helpful resources to explain the law and court procedures in a general way. Visit www.courts.ns.ca for more information.

Intimate Partner Violence Peace Bond (Section 810.03)

The Staff Justice of the Peace (Staff JP) will review the Information and Peace Bond Application Intake Form and determine whether the application may proceed. The Staff JP must be satisfied that there are reasonable grounds to fear that the defendant may commit a personal injury offence against an intimate partner, a child of that intimate partner, or a child of the defendant's intimate partner, based on an event that occurred within the previous 12 months. The Staff JP is required to reject an application that does not meet these requirements and all other applicable requirements under section 810.03 of the *Criminal Code*.

Step 3 – Summons and Court Date

Once the Information is sworn/affirmed, court staff will prepare the Summons and advise the informant that the matter will be scheduled for an appearance for the purpose of scheduling a peace bond hearing. The Court will call the parties at the scheduled time.

Step 4 – Summons Served on the Defendant

A copy of the Summons and other documents filed with the court must be delivered to the defendant(s). To do that, the Staff JP will contact the local enforcement agency and send the Summons for service.

PLEASE NOTE: The contact information you provide in Part 2 of the Peace Bond Application Intake Form—including your date of birth, telephone number, address and email address—will not be disclosed to the Defendant.

Once the Summons has been served, the enforcement agency will return the completed Affidavit of Service (with attached Summons) to the Court proving that the Summons was served.

Step 5 – Show Up for Your Court Date

You must attend 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 they fail to appear at the required date and time, you may ask the Justice to issue a warrant for the arrest of the defendant or proceed with the hearing in their absence.

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, or the defendant may not agree.

If the defendant agrees, the Justice may ask you to explain the circumstances that led you to ask for the peace bond. If the Justice decides to order a peace bond, then a court officer will prepare the peace bond. If the peace bond hearing was conducted by telephone, the Justice will

review the conditions of the peace bond with the defendant by telephone on the record. The Court Clerk will sign the order and then mail it to the defendant and the informant. For an in-person hearing, 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 consent to sign a peace bond, then the Justice will set a date for a peace bond hearing.

Step 6 – Seek Legal Advice

It is recommended that you have a lawyer represent you at the hearing or at least 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.

What happens at the hearing?

At the hearing, the Justice will hear the evidence from you, from any witnesses that you have asked to come to court, from the defendant, and from their witnesses. The Justice may also review any materials that you provide, such as tapes, photos, or notes (three copies of all exhibits are to be brought to court). At the end of the hearing, after considering all the testimony and any other evidence, the Justice will decide to either order the defendant to sign a peace bond or dismiss the application. If a peace bond is ordered, the Justice will also decide what conditions should be included in the peace bond.

What the Law States

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

(a) will cause personal injury to them or to their intimate partner or child or will damage their property; or

(b) will commit an offence under section 162.1.

Defined under s 2. “Intimate partner with respect to a person, includes their current or former spouse, common-law partner and dating partner.”

(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) If the justice or summary conviction court before which the parties appear is satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for the fear, the justice or court may order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a period of not more than 12 months.

(3.01) The justice or summary conviction court may commit the defendant to prison for a term of not more than 12 months if the defendant fails or refuses to enter into the recognizance.

Section 810.03 of the *Criminal Code of Canada* reads, in part, as follows:

Fear of domestic violence

810.03 (1) Any person who fears on reasonable grounds that another person will commit an offence that will cause personal injury to the intimate partner or a child of the other person, or to a child of the other person's intimate partner, may lay an information before a justice.

(2) The justice who receives an information under subsection (1) may cause the parties to appear before a justice.

(3) If the justice before whom the parties appear is satisfied by the evidence adduced that the informant has reasonable grounds for the fear, the justice may order the defendant to enter into a recognizance to keep the peace and be of good behaviour for a period of not more than 12 months.

(4) However, if the justice is also satisfied that the defendant was previously convicted of an offence in the commission of which violence was used, threatened or attempted against any intimate partner of the defendant or any child of any intimate partner or of the defendant, the justice may order the defendant to enter into the recognizance for a period of not more than two years.

(4.1) If the defendant or the person on whose behalf the information is laid is Indigenous, the justice shall consider whether, instead of making an order under subsection (3) or (4), it would be more appropriate to recommend that Indigenous support services, if any are available, be provided.

(5) The justice may commit the defendant to prison for a term not exceeding 12 months if the defendant fails or refuses to enter into the recognizance.