



## **COVID-19: Measures Applicable to the Provincial Court of Nova Scotia**

**Monday, March 16, 2020**

Measures are being put in place to limit the number of individuals inside courtrooms, by encouraging appearances by counsel whenever possible, staggering appearances, rescheduling matters and making use of video technology.

Starting Tuesday, March 17, access to Provincial Courts will be restricted to only those persons who are necessary to the proceedings before the Court. This will include counsel, litigants, accused individuals, witnesses, support workers, and members of the media. The general public will not be permitted in the Provincial Court. Media access is provided to honor the open court principle.

Counsel should advise their clients not to attend court unless their presence is necessary. Whenever possible, first appearances and matters set for election and plea should be handled by counsel. Designations of counsel will still be required for indictable matters. Counsel may appear in person, or via telephone or video, for these matters, provided arrangements are made for remote appearances in advance.

Arrangements may be made with court staff for telephone pre-trial conferences and focus hearings.

If seeking a trial adjournment, counsel should file an application with the Provincial Court to enable a judge to determine, in advance of the trial, whether the adjournment will be granted. Adjournment requests related to public safety issues will be considered at this time.

For many matters presently before the Provincial Court, efforts are being made to adjourn the next appearance until after May 31, 2020.

Accused individuals who are representing themselves in court are encouraged to appear by telephone or via duty counsel with Nova Scotia Legal Aid to request an adjournment of their case until after May 31, 2020.

For individuals in custody, video appearance will be the default position, including bail hearings by video, unless the judge directs otherwise. Arrangements should be made with the Court for any matters that can be handled this way.

Summary offence matters in Night Court in Halifax and Sydney will be adjourned until June. Court staff will be in touch about rescheduling. Night Court will continue to hear applications for peace bonds.

Chief Judge Pamela Williams has sent a directive to all law enforcement agencies that all first appearances to be scheduled after May 31, 2020, whenever possible. To help reduce public interactions at Court Administration, law enforcement agencies were also directed to fax or email paperwork to the Justice of the Peace Centre in Dartmouth for matters in the Halifax Regional Municipality, or to Court Administration for the courthouses elsewhere in the province.

Until further notice, the Justice of the Peace Centre will deal with all new uncontested matters involving individuals in custody. For individuals in custody who wish to have a contested hearing on their first appearance, the Provincial Court, at the various court locations, will accommodate hearings by telephone.

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**Court Contact:**

Contact Information for all Provincial Court locations in Nova Scotia is available online at [https://www.courts.ns.ca/Courthouse\\_Locations/Courthouse\\_Locations\\_Map.htm/](https://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm/).



## **COVID-19: PREVENTATIVE MEASURES IN THE FAMILY COURT**

Wednesday, March 18, 2020 (Halifax, NS) – The Family Court of Nova Scotia has introduced measures to help prevent the spread of the COVID-19 virus, while ensuring urgent family law matters, such as child protection, can continue to be dealt with in court, as needed.

As with other levels of Court in the province, counsel or members of the public who have travelled internationally within the last two weeks, or who are experiencing symptoms of the coronavirus, should not visit the Family Court.

Individuals who are due in court who have travelled recently or are experiencing symptoms should contact their lawyer or the Court immediately to seek instructions from the presiding judge in their case.

Anyone looking to make an application to Family Court is advised to call the Court first to discuss their matter before coming to the courthouse.

For currently scheduled docket matters, the Family Court Officer will notify the parties if your matter is to be rescheduled. If it is not rescheduled, and unless otherwise directed, it will be conducted by phone.

New applications requiring docket appearances, excluding applications under the *Children and Family Services Act* and the *Adult Protection Act*, will not be accepted unless it is deemed an emergency as determined by the Family Court Officer and the Court.

Matters under the *Children and Family Services Act* and *Adult Protection Act*, as well as urgent matters under the *Parenting Support Act*, will be handled by telephone. Social distancing measures will be practised for any court matters that do proceed in person.

Until further notice, all documents, including orders, filed with the Family Court should be done so electronically. Each Family Court location will provide an email address for such filing, upon request.

All settlement conferences and most scheduled hearings will be put on hold and rescheduled or heard by phone.

If necessary, scheduled hearings under the *Children and Family Services Act* will be commenced *pro forma* and timelines may be extended to maintain jurisdiction in the Family Court.

Until further notice, the Parent Information Program (PIP) will administered online only. Group Intake is cancelled and conciliation on existing matters may be done by telephone.

These preventative measures are in line with the advice of public health officials regarding social distancing, avoiding large public gatherings, and mandatory self-isolation for individuals who have recently travelled outside of Canada or are experiencing symptoms of the coronavirus. As with any Court, the presiding judge has the discretion to decide how a matter will be heard.

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**Court Contact:**

Contact Information for all Supreme Court locations in Nova Scotia is available online at [https://www.courts.ns.ca/Courthouse\\_Locations/Courthouse\\_Locations\\_Map.htm/](https://www.courts.ns.ca/Courthouse_Locations/Courthouse_Locations_Map.htm/).



## **COVID-19: FURTHER RESTRICTIONS IN PROVINCIAL COURTS**

Wednesday, March 18, 2020 (Halifax, NS) – Starting Thursday, March 19, members of the public who have a matter before the Provincial Court, Night Court, or the provincial Family Court, will be advised they should not attend court in person unless the matter is in relation to an in-custody or urgent criminal matter, or an urgent family law or child/adult protection matter.

This further restriction was put in place to help slow the spread of the COVID-19 virus. There are now three confirmed cases and nine presumptive cases of the virus in Nova Scotia.

Members of the public who have travelled internationally within the last two weeks, who are experiencing symptoms of the coronavirus, or who have been directed by public health officials, 811 or their doctor to self-isolate, **should not visit a courthouse anywhere in Nova Scotia.**

As well, access to Provincial Courts continues to be restricted for members of the general public. Only those persons required for the court proceedings will be permitted. This includes counsel, litigants, accused individuals, witnesses, support workers, and members of the media.

The Provincial Court will remain open, subject to the following:

### **Criminal and Youth Criminal Cases**

If you are not in custody and you have a criminal court appearance in the Provincial Court between March 19 and May 31, 2020, you should not attend court. Court staff will be in touch with counsel and self-represented individuals about rescheduling in June. If you feel your matter is urgent, please contact the courthouse by telephone.

Please note that the Court will adjourn your matter without you needing to be present. You will be required to attend court in person on the new date you are provided.

Urgent matters include peace bond applications and hearings, as well as in-custody proceedings, including:

- Bail hearings
- Sentencings

- Preliminary inquiries and trials
- Youth criminal sentence reviews

Wherever possible, the Court will make full use of video and audio technology to effectively address criminal matters involving accused persons in custody.

The Provincial Court and the Justice of the Peace Centre will continue to be available to process warrants and judicial authorizations.

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## **COVID-19: MORE TIME TO PAY FINES, DEFAULT CONVICTIONS SUSPENDED**

Friday, March 20, 2020 (Halifax, NS) – To help slow the spread of the COVID-19 virus, effective immediately, Nova Scotians will have more time to pay their fines for summary offence convictions and no one will be automatically convicted for not dealing with their outstanding parking or driving offences.

Pamela Williams, Chief Judge of the Provincial and Family Courts, has directed all Staff Justices of the Peace to extend fine payment deadlines 90 days beyond the existing due dates.

Court officials have also been working with Service Nova Scotia and the Registry of Motor Vehicles to address default convictions for summary offence tickets and parking tickets. The Registry will suspend issuing certificates of default for a 60-day period, effective March 16, 2020. The situation will be re-evaluated at the end of the 60 days. Anyone with questions should contact the [Registry of Motor Vehicles](#).

Nova Scotia now has five confirmed cases and nine presumptive cases of the COVID-19 virus. Public health officials have directed people to practice social distancing, avoid public gatherings and to stay home, whenever possible.

These measures ensure no one is required to attend court or visit a courthouse to deal with a pending fine or summary offence matter during this evolving situation.

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## **COVID-19: CONSENT VARIATION PROCEDURES FOR UNDERTAKINGS, RELEASE ORDERS AND PROBATION CONDITIONS IN THE PROVINCIAL COURT**

**Tuesday, March 31, 2020  
Updated: Monday, May 17, 2021**

The Provincial Court of Nova Scotia and the Youth Justice Court have amended the procedures for individuals to apply to vary an undertaking, a release order or probation conditions without having to go to court in person.

The procedures outlined below allow for the consent variation of release conditions for individuals who have been released either by the Court (s. 515 of the Criminal Code) or by the police (s. 498, 499 or 503 of the Criminal Code), or for variation of probation conditions (s. 732.2(3) of the Criminal Code).

### **Variation of an Undertaking or a Release Order**

***PLEASE NOTE:*** *If counsel complete this application on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.*

#### **Step 1**

The applicant or counsel for the applicant completes Part 1 of the [Application to Vary a Release Order by Consent](#) (this is an interactive PDF form that can be filled out on your computer; for instructions on how to electronically sign documents, please see the section at the end of this notice). This step sets out the requested change and the reasons for the change.

The applicant or counsel for the applicant must electronically sign and date Part 1 of the form. Part 2 of the form is signed electronically by the surety(ies).

#### **Step 2**

The applicant or counsel for the applicant sends the form electronically to the Crown, including copies of the previous order(s) to be varied. The Crown either consents or does not consent to the request. The Crown then signs and dates Part 3 of the form and sends it electronically to the Court via the applicable Provincial Court email address:



Amherst Provincial Court:	<a href="mailto:AmherstProvincialCourt@courts.ns.ca">AmherstProvincialCourt@courts.ns.ca</a>
Antigonish Provincial Court:	<a href="mailto:AntigonishProvincialCourt@courts.ns.ca">AntigonishProvincialCourt@courts.ns.ca</a>
Bridgewater Provincial Court:	<a href="mailto:BridgewaterProvincialCourt@courts.ns.ca">BridgewaterProvincialCourt@courts.ns.ca</a>
Digby Provincial Court:	<a href="mailto:Digbyprovincialcourt@courts.ns.ca">Digbyprovincialcourt@courts.ns.ca</a>
Dartmouth Provincial Court:	<a href="mailto:DartmouthProvincialCourt@courts.ns.ca">DartmouthProvincialCourt@courts.ns.ca</a>
Halifax Provincial Court:	<a href="mailto:HalifaxProvincialCourt@courts.ns.ca">HalifaxProvincialCourt@courts.ns.ca</a>
Kentville Provincial Court:	<a href="mailto:kentvilleprovincialcourt@courts.ns.ca">kentvilleprovincialcourt@courts.ns.ca</a>
Pictou Provincial Court:	<a href="mailto:Pictoucourt@courts.ns.ca">Pictoucourt@courts.ns.ca</a>
Port Hawkesbury Provincial Court:	<a href="mailto:PortHawkesburyProvincialCourt@courts.ns.ca">PortHawkesburyProvincialCourt@courts.ns.ca</a>
Sydney Provincial Court:	<a href="mailto:Sydneyprovincialcourt@courts.ns.ca">Sydneyprovincialcourt@courts.ns.ca</a>
Truro Provincial Court:	<a href="mailto:TruroProvincialCourt@courts.ns.ca">TruroProvincialCourt@courts.ns.ca</a>
Yarmouth Provincial Court:	<a href="mailto:YarmouthProvincialCourt@courts.ns.ca">YarmouthProvincialCourt@courts.ns.ca</a>

### **Step 3**

Upon receipt of the form, court staff will print the form and provide/send it to a judge for review. If the judge agrees to the variation, the judge will sign and date Part 4 of the form, confirming the variation.

Court staff will contact the applicant or counsel for the applicant to read the terms of the order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new order and will continue to be bound by that order for the duration of the case or until further variation by the court.

Finally, court staff will update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown.

### **Variation of Probation Conditions**

***PLEASE NOTE:*** *If counsel complete this application on behalf of a client, the Court accepts that action as an undertaking from counsel to the Court to explain the process, including the potential consequences for not complying with the varied conditions to their client.*

### **Step 1**

The applicant or counsel for the applicant completes Part 1 and Part 3 of the [Application to Vary a Probation Order by Consent](#) (this is an interactive PDF form that can be filled out on your computer; for instructions on how to electronically sign documents, please see the section at the end of this notice).

Part 1 of the form sets out the requested change and the reasons for the change, while Part 3 is a recognition, on the part of the party seeking the variation, that the original order remains in effect until the court contacts them to advise the variation has been approved.

## **Step 2**

The applicant or counsel for the applicant sends the form electronically to the Crown, including copies of the previous order(s) to be varied. The Crown either consents or does not consent to the request. The Crown then signs and dates Part 2 of the form and sends it electronically to the Court via the applicable Provincial Court email address:

Amherst Provincial Court:	<a href="mailto:AmherstProvincialCourt@courts.ns.ca">AmherstProvincialCourt@courts.ns.ca</a>
Antigonish Provincial Court:	<a href="mailto:AntigonishProvincialCourt@courts.ns.ca">AntigonishProvincialCourt@courts.ns.ca</a>
Bridgewater Provincial Court:	<a href="mailto:BridgewaterProvincialCourt@courts.ns.ca">BridgewaterProvincialCourt@courts.ns.ca</a>
Digby Provincial Court:	<a href="mailto:Digbyprovincialcourt@courts.ns.ca">Digbyprovincialcourt@courts.ns.ca</a>
Dartmouth Provincial Court:	<a href="mailto:DartmouthProvincialCourt@courts.ns.ca">DartmouthProvincialCourt@courts.ns.ca</a>
Halifax Provincial Court:	<a href="mailto:HalifaxProvincialCourt@courts.ns.ca">HalifaxProvincialCourt@courts.ns.ca</a>
Kentville Provincial Court:	<a href="mailto:kentvilleprovincialcourt@courts.ns.ca">kentvilleprovincialcourt@courts.ns.ca</a>
Pictou Provincial Court:	<a href="mailto:Pictoucourt@courts.ns.ca">Pictoucourt@courts.ns.ca</a>
Port Hawkesbury Provincial Court:	<a href="mailto:PortHawkesburyProvincialCourt@courts.ns.ca">PortHawkesburyProvincialCourt@courts.ns.ca</a>
Sydney Provincial Court:	<a href="mailto:Sydneyprovincialcourt@courts.ns.ca">Sydneyprovincialcourt@courts.ns.ca</a>
Truro Provincial Court:	<a href="mailto:TruroProvincialCourt@courts.ns.ca">TruroProvincialCourt@courts.ns.ca</a>
Yarmouth Provincial Court:	<a href="mailto:YarmouthProvincialCourt@courts.ns.ca">YarmouthProvincialCourt@courts.ns.ca</a>

## **Step 3**

Court staff will sign and date Part 4 of the form, and it will be attached to the court file.

If the applicant signed Part 3 of the form, court staff must then contact the applicant to read the terms of the probation order and confirm the new order is now in effect. Once staff complete this step, the applicant is then bound by the new order and will continue to be bound by that order for the duration of the case or until further variation by the court. If counsel for the applicant signed Part 3 of the form, then this step is not required.

Finally, court staff will update the JEIN system to reflect the variation and distribute the new order to the enforcement agency and the Crown.

### **Assistance from Nova Scotia Legal Aid**

To help reduce the number of people visiting courthouses, staff at Nova Scotia Legal Aid will assist any unrepresented people who need urgent changes to their undertaking, recognizance or release order. Rather than coming to a courthouse, anyone without a lawyer should contact the Legal Aid office nearest to the courthouse from which you were released. Locations and contact information for Legal Aid offices across the province are available online at <https://www.nslegalaid.ca/legal-aid-offices/>.

For unrepresented individuals in the Halifax Regional Municipality, complete this simple [webform](#) for duty counsel assistance or call 902-420-7800.

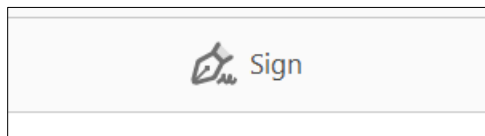
**\*If you already have a lawyer representing you, please contact your lawyer directly and they will assist you.**

### **Instructions for Electronic Signatures in the Fillable PDF Form**

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

Once the form has been completed, save the file using the Applicant's name: last name, first name, and the date (see example below):

Doe, John – March 28, 2020



## COVID-19: PROVINCIAL COURT PROCESS FOR INDIVIDUALS IN POLICE CUSTODY

**Date: March 31, 2020**

**Updated: Feb. 2, 2022**

At the beginning of the COVID-19 pandemic, the Provincial Court of Nova Scotia changed its processes for dealing with individuals in police custody and prisoners at correctional facilities to limit in-person contact at courthouses and the Justice of the Peace (JP) Centre.

Those changes, outlined below, went into effect on April 1, 2020, and **remain in effect today for evening and overnight bail matters, or if a Provincial Court judge is not available by telephone or video during daytime hours**. In those instances, releases and remands of individuals in police custody are to be done through the JP Centre.

### **Bail Matters (9:30 a.m. – 3 p.m.)**

If a Provincial Court judge is not available to deal with a bail matter by telephone or video between the hours of 9:30 a.m. and 3 p.m., the matter will be heard by the JP Centre at **902-424-8888**. Cells Crown and Legal Aid Duty Counsel for each district/courthouse will assist as needed. In most instances, releases and remands will be handled by the police, although there may be cases where cells Crown and defence counsel will be involved with the JP Centre, rather than police. This is subject to local court processes.

### **Bail Matters (3 – 9 p.m.)**

After 3 p.m., bail matters will be heard by a Presiding Justice of the Peace by calling **902-424-8888**. Police/Crown are to prepare and submit the release conditions if seeking a Release Order. The Release Order or the Order for Remand will be prepared by staff at the JP Centre. The cut-off for sending paperwork to the JP Centre is 8 p.m. If Police/Crown are seeking a release order after 8 p.m., they will need to wait until 9 p.m. for the on-call Presiding Justice of the Peace.

## **Releases (9 p.m. – 1 a.m.) and Emergency Remands Only**

After 9 p.m., Police/Crown seeking Release Orders or emergency remands are to call **902-424-8888**. Police/Crown are expected to prepare and submit the Release Order and list of conditions or the Remand Order to a fax number provided by the Presiding Justice of the Peace.

After 1 a.m., police should not engage unless the matter is considered an emergency. Typically, releases or remands of charged persons after 1 a.m. can be done during regular business hours later that day.

## **Follow-up Appearances in Provincial Court**

Individuals who are released via the JP Centre will be provided a return date to Provincial Court. Those who are remanded to a correctional facility will have their next court appearance via video conferencing.

The Nova Scotia Public Prosecution Service has advised police departments across the province to use their new Bill C-75 release powers widely to release persons charged without involving the JP Centre.

There will be no need to call the JP Centre prior to preparing documentation either during the day or at night. In fact, this is discouraged. When the Information and draft warrant or release order are ready, a call should be placed and the PJP will advise what fax number should be used for sending the documentation, including the usual Request for Services. The hearing will proceed very shortly after the documentation has been reviewed.

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## **COVID-19: SURETY DECLARATIONS UNDER S. 515.1 OF THE CRIMINAL CODE**

**Tuesday, March 31, 2020**

To help reduce the spread of the COVID-19 virus, the Nova Scotia Provincial Court has adopted new procedures for consent Release Orders with a Surety under s. 515.1 of the Criminal Code (Declaration of Surety) which can be effected either at the Justice of the Peace center (on first appearance) or before the Provincial Court during a video appearance.

These new procedures are helping reduce the number of people who need to come to court and providing alternatives to filing paper documents at courthouses. This will help protect the health of the staff and judges continuing to work at the courthouses, and the broader public, during the ongoing situation with COVID-19.

Counsel are encouraged to discuss the requirements of s. 515.1 when considering a release plan. There may be practical approaches that can be worked out depending on the circumstances of the parties, which could result in execution of the document without creating any increased risk. Two options are as follows:

### **Electronic Signing of PDF Documents**

Instructions once an agreement is reached on a Release Order with Surety:

- Defense counsel completes the [PDF fillable Surety Declaration form](#).
- Defense counsel sends the completed form to the proposed surety by email.
- Defense counsel connects with the proposed surety by video (i.e. Skype or Face Time) and swears the Surety Declaration after the proposed surety signs electronically.
- The proposed surety sends the declaration to defense counsel electronically for counsel's electronic signature.
- Defense counsel sends the completed declaration to the Court electronically and copies the Crown.
- The Court conducts a consent video bail hearing with the individual in custody and explains the conditions of the order.
- The Court prepares a PDF Release Order with Surety and sends it to the surety, who is standing by, for electronic signature.

- The Release Order with Surety is sent via fax to the correctional facility or the police station for signature by the individual in custody.

### **Signing Documents at the Correctional Facility**

Instructions once an agreement is reached on a Release Order with Surety:

- Defense counsel prepares the Surety Declaration and sends the unsigned copy to the Court.
- The Court conducts a consent video bail hearing with the individual in custody and explains the conditions.
- Defence counsel directs the surety to attend at the correctional facility to sign the Surety Declaration and the Release Order with Surety.
- The Court prepares the Release Order with Surety and faxes the Surety Declaration and the Release Order with Surety to the correctional facility for signature by the surety and the individual in custody.
- The correctional facility provides a copy to the individual in custody and the surety and faxes copies of the documents back to the Court.

In the event it is not practical or advisable to execute the document, the parties may wish to consider the following aspects of s. 515.1:

Parties are reminded that s. 515.1 (2) (a) allows for the Crown to consent to the named surety and dispense with the need for a declaration under s. 515.1(1). It will be in the discretion of the Crown involved when they consider it appropriate to consent.

In addition, the Judge or Presiding Justice of the Peace (PJP) may dispense with the need for a declaration in the following circumstances outlined in s.515.1(2)(b):

(b) the judge, justice or court is satisfied that

- (i) the person cannot reasonably provide a declaration in the circumstances,
- (ii) the judge, justice or court has received sufficient information of the kind that would be set out in a declaration to evaluate whether the person is suitable to act as a surety for the accused, and
- (iii) the person has acknowledged that they have received sufficient information with respect to the matters referred to in paragraphs (1)(e) to (g) to accept the role and responsibilities of a surety.

If the Judge or Presiding Justice of the Peace chooses to utilize s. 515.1(2)(b), a record should be maintained.

Once again, all parties are encouraged to discuss this section of the Criminal Code in advance to ensure the most efficient use of resources.

**Instructions for Electronic Signatures in the Fillable PDF Form**

At the signature line, click **Fill & Sign**.

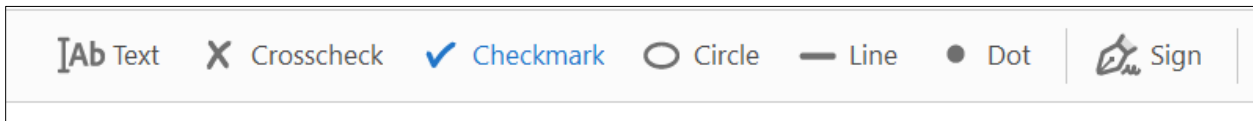


On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

On the tool bar, click the **Crosscheck (X)** option and then click in the document to add the X. (Note: If the Crosscheck option does not appear on the tool bar, enter crosscheck in the Search Tools box.)







## **COVID-19: RENDERING OF AN ACCUSED BY SURETY IN THE PROVINCIAL COURT**

**Sunday, April 5, 2020**

Due to the ongoing situation with the COVID-19 pandemic, the Provincial Court has made changes to its processes for dealing with a surety who wishes to be relieved of their responsibility.

In order to be relieved as a surety, complete the [fillable PDF form](#), follow the instructions for electronic signing (included at the end of this notice) and send it to the courthouse where you signed the original documents. A list of email addresses and fax numbers for the Provincial Courts is available online [here](#).

You will need the following information to complete the form:

- The name of the person for whom you are surety;
- The residence of the person for whom you are surety;
- The date the Release Order or Recognizance was signed; and
- The case number (this should be on the Release Order or Recognizance)

If you are unable to complete the form online, please contact the courthouse by phone to arrange a time to appear by telephone before a Judge. Phone numbers for the courthouses can be found online [here](#).

As a last resort, you may sign the document in person at the front counter of Court Administration. Please be able to provide the above information and your government-issued identification. Before entering the courthouse, you must answer the screening questions asked of everyone visiting a courthouse during the pandemic.

Those who pass the screening questions will be allowed into the courthouse and sent directly to the front counter. Court Administration staff can assist with completing the form. Those who do not pass will not be admitted and should make other arrangements.

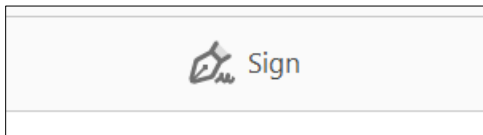
A warrant will be issued upon the acceptance of the application. Please note that rendering surety does not relieve you of your obligation until the accused individual is arrested.

## **Instructions for Electronic Signatures in the Fillable PDF Form**

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.



## COVID-19: PROCESS TO APPLY FOR SEARCH WARRANTS AT THE JUSTICE OF THE PEACE CENTRE

Wednesday, April 8, 2020

The Provincial Court has modified its process to obtain search warrants at the Justice of the Peace Centre to reduce in-person contact and the handling of paperwork during the COVID-19 pandemic.

Some types of search warrants can be applied for via the tele-warrant process set out in Sec. 487.1 of the *Criminal Code*. Those include:

- Sec. 487 Traditional Warrants
- Sec. 256 Blood Warrants
- Sec. 487.092 Body Impression Warrants
- Feeney Warrants
- Warrants under the *Controlled Drugs and Substances Act*
- Warrants under Sec. 2B of the *Summary Proceedings Act*
- Warrants under Sec. 87 of the *Cannabis Act*

An important requirement of obtaining a tele-warrant is that the officer must show it is “impracticable for the peace officer to appear personally before a justice”. The Court usually interprets this to be based on distance of travel to the Justice of the Peace Centre in Dartmouth. However, the COVID-19 pandemic and the current provincial State of Emergency should also satisfy the impracticability condition.

**As such, until further notice, the Provincial Court will accept all tele-warrant applications through the Justice of the Peace Centre, regardless of where in the province the application originates.** This will significantly reduce in-person contact at courthouses.

**All other warrants must be applied for in-person.** That includes, but is not limited to, applications for Production Orders, Tracking Warrants, and Transmission Data Recorder Warrants.

Tracking Warrants and Transmission Data Recorder Warrants have become a significant part of Major Crime investigations. As those investigations develop, the length of the Informations to Obtain (ITOs) can easily exceed 100 pages.

Normally, those applications are received and reviewed by the Presiding Justice of the Peace in paper form. The paper is prepared off-site and is difficult to disinfect. To help reduce the risk of spreading the virus, officers must now create a PDF document and submit it electronically to a specified secure email address.

The investigative agency will then send a second email with a protected password. The Presiding Justice of the Peace will review the application and produce a printed copy at the Justice of the Peace Centre. The PJP will then call the officer and have them attend to swear the Information and receipt of the warrant. This is done on either side of a glass divider at the door of the Justice of the Peace Centre.

This new process reduces the number of in-person visits officers must make by half, which reduces the risk of spreading the virus and helps free up officers' time for other tasks.

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## COVID-19: PROVINCIAL COURT INTRODUCES PROCESS FOR RESOLUTION OF NON-URGENT MATTERS

Thursday, April 9, 2020

The Provincial Court has introduced a new process for counsel to resolve non-urgent criminal matters during the COVID-19 pandemic. Right now, only urgent and essential matters (in-custody bail hearings and some sentencings and youth criminal sentence reviews) are being heard in court, and mostly by telephone and video.

Subject to the availability of a judge and court staff, this new process will help clear matters off the docket where the prosecutor and defence counsel have come to an agreement or substantial agreement on the resolution of the file

Counsel will complete the [Request for Resolution of Non-Urgent Matters form](#) and send it to the Supervisor of the Provincial Court. Email addresses for all Provincial Courts are available online [here](#). This form can be used to seek a date to appear by telephone before a Provincial Court Judge for:

- Resolution by way of restorative justice referral
- Resolution by way of peace bond and dismissal of charges
- Resolution by way of withdrawal or dismissal of charges
- Resolution by way of guilty plea and request the preparation of a Presentence Report, Gladue Report, or Impact of Race and Culture Assessment (IRCA)
- Resolution by way of guilty plea and joint recommendation for non-custodial sentence

**Please note: it is important for counsel to indicate time requirements for resolution on the request form.** Counsel must complete any disposition checklist forms ([Disposition Form](#), [Release Order Condition](#), [Conditional Sentence Order](#), Probation, Fine Order, etc.) and send them to the Supervisor prior to the resolution date.

The Provincial Court Supervisor will confirm with counsel the resolution date and scheduled time, along with the teleconference phone and ID numbers. Counsel will distribute this information to attendees. This will be indicated in the **Office Use Only** portion at the bottom of the Request Form. The Provincial Court Supervisor will schedule in the JEIN database.

At the scheduled resolution time, the Court Clerk will facilitate the conference call into the courtroom and record all hearings on the record in Voxlog, while maintaining an accurate log of the resolution matter.

After resolution, the Court Clerk will enter all hearing results in JEIN and prepare any disposition orders for electronic signatures, either by the accused individual or their counsel, subject to a designation pursuant to Sec. 650.01 of the *Criminal Code*. Paperwork will be distributed to police, the Nova Scotia Public Prosecution Service, Community Corrections, Victim Services (where applicable), and the accused.

In consultation with the Judiciary, the Supervisors will create schedules for each court location to facilitate resolutions and arrange for court staff to attend, possibly one or two days per week, as needed.

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## **COVID-19: PROVINCIAL COURT TELEPHONE PRE-TRIAL AND RESOLUTION CONFERENCES**

**Wednesday, April 15, 2020**

Due to the ongoing situation with the COVID-19 pandemic, the Provincial Court will hold all pre-trial and resolution conferences via telephone. The following process and fillable PDF forms are intended to assist counsel in preparing for and setting up such telephone conferences.

### **TELEPHONE PRE-TRIAL CONFERENCES NOT HELD ON THE RECORD**

Pre-trial conferences in criminal cases provide an opportunity to identify potential issues and efficiencies in the trial process. For these conferences to be effective, counsel must be familiar with the issues that will likely arise at trial; they must understand the context in which the issues will arise; they are expected to identify evidentiary matters not in issue; and, where possible, they can make admissions or provide an agreed statement of facts.

With that in mind, counsel attending the pre-trial conference must:

- Be the person scheduled to conduct the trial (except in unusual circumstances) and be fully informed of the issues and able to bind trial counsel;
- Be fully prepared; and
- Have adequate instructions to deal with all issues likely to arise in a pre-trial conference.

Counsel seeking a telephone pre-trial conference are to:

- Identify if this is a complex case (see [Provincial Court Practice Directive 4](#)).
- If it is a complex case, complete the online [Request Form](#) and the [Complex Case Pre-trial Conference Report](#) and send them electronically to the Supervisor of the Provincial Court. Email addresses for the Provincial Courts are online [here](#).
- If it is not a complex case, complete the [Request Form](#) and the [Pre-trial Conference Report](#) and send them electronically to the Supervisor of the Provincial Court. Email addresses for the Provincial Courts are online [here](#).

**Please note: It is important for counsel to indicate time requirements for the Pre-trial Conference on the Request Form.**

The Provincial Court Supervisor/Judicial Assistant (JA) will consult with the Judiciary to arrange a pre-trial telephone conference date and time. The Supervisor/JA will confirm the date and time with counsel and provide the teleconference ID number. The Supervisor/JA will provide the judge with the Information(s).

The judge will prepare a memo to the file outlining the issues and efficiencies arrived at during the pre-trial conference and provide it to the Supervisor/JA to attach to the Information(s) and share with counsel.

## **TELEPHONE RESOLUTION CONFERENCES**

Resolution conferences in criminal cases provide an opportunity to obtain judicial input and assistance for counsel's efforts at resolution. These conferences are intended to facilitate the resolution of cases in a timely and fair manner, without having to go to trial. To be effective, counsel must be familiar with the issues that will likely arise in a trial; they must understand the context in which the issues will arise; and they must understand the possible outcomes of the trial.

With that in mind, it is mandatory that counsel attending the resolution conference:

- Be the person scheduled to conduct the trial;
- Be fully prepared; and
- Have adequate instructions to deal with all issues likely to arise in a conference.

The accused individual should be available to provide instructions to counsel.

### ***Scheduling Resolution Conferences***

1. Contact Anja Clyke, Chief Judges Office at [aclyke@judicom.ca](mailto:aclyke@judicom.ca) or 902-424-8750 to request a telephone resolution conference with a Provincial Court Judge.
2. Ms. Clyke will forward a Request for Resolution Conference Form to counsel for completion.
3. Once completed, counsel will forward the Request Form back to Ms. Clyke, along with the relevant materials set out in paragraphs 5 and 6.

### ***Material for Resolution Conferences***

4. At least 5 days before the resolution conference, the prosecutor will provide the following material to the judge and other counsel who are to attend the resolution conference:
  - (a) The facts upon which the prosecutor relies, identifying any facts on which there is agreement and those allegations of fact that remain in



issue.

- (b) A list of the issues for the resolution conference.
  - (c) Other information relevant to counsel's position on a given issue (i.e. case law, reports, etc.).
  - (d) Crown position on resolution.
5. At least 2 days before the resolution conference, defence counsel will provide the following material to the judge, the prosecutor and any other counsel attending the resolution conference:
- (a) A list of the issues for the resolution conference.
  - (b) Other information relevant to counsel's position on a given issue (i.e. case law, reports, etc.).
  - (c) Defence position on resolution.

### ***Counsel's Efforts at Resolution***

6. Before the resolution conference, Crown and defence counsel shall:
- (a) Satisfy themselves that disclosure is complete.
  - (b) Discuss the information and materials exchanged and attempt to reach resolution.

At the start of the resolution conference, counsel shall inform the judge on their progress toward resolution.

### ***Conduct at Resolution Conferences***

7. Every effort will be made during the resolution conference to resolve the case or at least as many issues as can reasonably be resolved.
8. Victim impact statements and evidence concerning any victim must be considered before determination of sentence.
9. If the parties reach a resolution by joint recommendation on either a specific sentence or range of sentence, the plea may be entered on the record in the courtroom immediately following the conference, unless the exigencies of the case require the plea or sentencing to be set over to another day. The delay should be the least amount of time possible. If a resolution is achieved, it is non-binding until the matter is heard in open court and the case is determined.

Where resolution is tentatively achieved, the judge presiding over the resolution conference will arrange for the matter to be heard in open court, with the parties appearing by telephone as soon as possible and that judge will preside at the hearing. At any time before the hearing, either party may advise the judge that they are no longer willing to be bound by the resolution and the matter will proceed as if no resolution had been achieved.

10. If complete resolution is not achieved but agreement has been reached on process or as to some of the issues, it shall be considered non-binding until the agreements are placed on record in open court. In such a case, the judge will determine the most practicable method to record the agreements reached.
11. The judge who conducts the resolution conference must not be the trial judge or hear any contested proceedings in the case.
12. A resolution conference is private. All communications within it are confidential and must be treated in the same fashion as without prejudice communications. Any material resulting from a resolution conference shall not be placed in the court file, unless it becomes material which is part of the final disposition of the matter which is presented in open court.

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## **COVID-19: EX PARTE APPLICATIONS TO UNSEAL SEALED INFORMATIONS TO OBTAIN SEARCH WARRANTS AND OTHER JUDICIAL AUTHORIZATIONS**

**Monday, April 27, 2020**

Due to the ongoing situation with the COVID-19 pandemic, the Provincial Court has implemented a remote process for ex parte applications to unseal Informations to Obtain (ITO) search warrants and other forms of judicial authorizations. These applications are necessary for the Crown to fulfill its disclosure obligations to defence counsel.

Prosecution services seeking to unseal an ITO are asked to prepare the unsealing application documents, including an application, supporting affidavit and unsealing order for submission to the Court. The documents are to be filed electronically with the Provincial Court where the original ITO is filed. A list of email addresses for the Provincial Courts is available online [here](#).

The original sealed ITO will be photocopied, and a paper copy will be handed to the designated person named in the Order to Unseal. The following process is intended to balance this legal requirement with public health advice regarding social distancing and the safe handling of paper documents.

### **1. The PDF Fillable Application Documents**

The documents in support of the application are:

- a) The Application;
- b) The Affidavit of either the Crown or police; and
- c) The draft Order.

If it is not possible for the Crown or the police to swear the affidavit in the actual presence of a barrister or commissioner of oaths due to the risk of the COVID-19 virus, it may be done electronically as follows:

- The Crown or police officer sends the electronic PDF copy of the affidavit to a barrister/commissioner of oaths.
- The Crown or police officer swearing the affidavit does so by video or telephone and signs the affidavit.
- The Crown or police officer sends the signed affidavit to the barrister or commissioner, who endorses the jurat and electronically re-sends the executed copy to the Crown or police.

- It may be specified in the Order that the original sworn affidavit be filed with the Court at a future date.

## **2. Instructions for Electronic Signatures in the Fillable PDF Form**

At the signature line, click **Fill & Sign**.

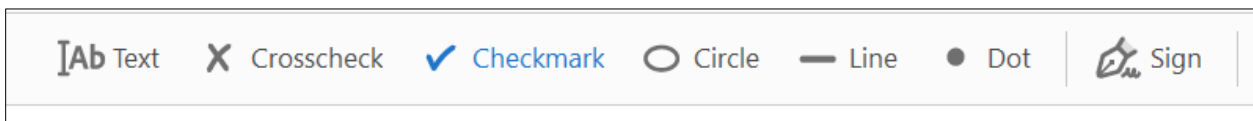


On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

On the tool bar, click the **Crosscheck (X)** option and then click in the document to add the X. (Note: If the Crosscheck option does not appear on the tool bar, enter crosscheck in the Search Tools box.)



## **3. Getting the Documents to the Court**

Contact the Court Administrator or Supervisor at the Provincial Court where the original ITO is filed to determine the recipient of your application. A Provincial Court judge will review the documents for signature.

## **4. Retrieving the Copy for Redaction and Disclosure**

Like many sectors right now, the judicial system continues to operate with significantly reduced staff. With that in mind, it will likely take longer than usual for the copy of the ITO to be made after the Order is signed. Please arrange a date and time with court staff for the person designated in the Order to retrieve the copy of the ITO. This must be done in-person, so please be prepared to follow the health and safety protocols that court staff may have in place to facilitate this step.

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## **COVID-19: Provincial Court Adopts Virtual Peace Bond Process**

**Updated: Wednesday, May 20, 2020**

To help reduce the spread of the COVID-19 virus, the Provincial Court has adopted a virtual process to triage and hear applications for peace bonds during the pandemic, where full disclosure, due process and trial fairness can be assured. This process will involve Presiding Justices of the Peace.

Under Sec. 810 of the Criminal Code, an individual can apply for a peace bond if they have reasonable grounds to believe that someone will cause personal injury to them, their intimate partner or child, or will damage their property, or will commit an offence under Sec. 162.1 of the Criminal Code.

Normally, an individual would have to apply for a peace bond in-person at the courthouse. However, during the pandemic, the Provincial Court is restricting visitors to courthouses and hearing urgent and essential matters mostly by telephone and video.

Under this virtual process, Presiding Justices of the Peace will triage peace bond applications by telephone to determine whether an agreement can be reached, and if not, whether hearings can be conducted.

Hearings that proceed during the pandemic will be conducted using technology to link the parties with the Court. Some litigants, including those representing themselves, may not have access to the same types of technology, so each case will need to be considered on an individual basis to determine the type of technology required for each hearing.

At a minimum, parties must have access to a telephone, therefore what follows is a process based on a telephone hearing. Where possible, other types of technology (i.e. email or live video conferencing) will be considered. There will be cases where it is not possible to conduct the hearing during the pandemic. In those instances, the hearing will be adjourned until the Court resumes regular operations.

### **Assistance from Nova Scotia Legal Aid**

Nova Scotia Legal Aid (NSLA) is committed to assisting people applying for peace bond orders. This can be a difficult process and NSLA Staff Lawyers can assist by explaining the steps required to begin a peace bond application and then explaining the court process.

If you are seeking assistance to apply for a peace bond order, you can contact Nova Scotia Legal Aid at 902-420-7800 or apply online at <https://www.nslegalaid.ca/online-application/>. A lawyer will contact you and provide you with confidential advice and assistance.

## **Intake**

The peace bond process begins with an Information being laid before a Justice, by or on behalf of any person. That must be in writing and under oath (see Sec. 789 of the Criminal Code). The following outlines how that process can happen electronically or in-person.

## **Electronic Process**

- Court staff will email the peace bond application forms and [information booklet](#) to the Applicant. The fillable PDF application forms are also available online [here](#).
- The Applicant returns the completed application to the Court by email to [DartmouthProvincialCourt@courts.ns.ca](mailto:DartmouthProvincialCourt@courts.ns.ca).
- A Staff Justice of the Peace reviews the Information and contacts the Applicant by phone to assess the situation and determine if the complaint is reasonable, and if so, to obtain the following information:
  - Applicant's full name, address, phone number(s) and email address(es).
  - Defendant's full name, address and any identifying information, including their phone number(s) and email address, if possible.
- If the Applicant has a smartphone or computer, the Staff Justice of the Peace will use Skype or Microsoft Teams to connect with the Applicant to:
  - ask for identification;
  - administer the oath/affirmation;
  - receive verbal confirmation from the Applicant that the contents of the Information are true; and
  - complete the Jurat.
- The Staff Justice of the Peace will gather details about the Applicant's access to technology, including the types of devices they have access to (i.e. smartphone, tablet, computer or fax), the version/brand, and any network restrictions or limitations (i.e. privacy, Wi-Fi, etc.).
- The Staff Justice of the Peace will inform the Applicant when the first telephone hearing will be to determine if agreement can be reached or whether a full telephone hearing is needed, and if so, when and under what conditions.
- Court staff will send an electronic copy of the Information to the Department of Justice Victim Services office in that region:
  - SYDNEY: [VICSERVICES-SYDNEY@novascotia.ca](mailto:VICSERVICES-SYDNEY@novascotia.ca)
  - PICTOU: [VICSERVICES-CENT@novascotia.ca](mailto:VICSERVICES-CENT@novascotia.ca)
  - DARTMOUTH: [VICSERVICES-METRO@novascotia.ca](mailto:VICSERVICES-METRO@novascotia.ca)
  - KENTVILLE: [VICSERVICES-WEST@novascotia.ca](mailto:VICSERVICES-WEST@novascotia.ca)

## **In-Person Process**

- If the Applicant does not have an email address, staff will leave the application in an envelope at the front desk of Court Administration for pickup.
- If technology is not available, the Applicant will be given a date and time to come to the courthouse to swear/affirm their Information.
- The Information must contain:
  - Applicant's full name, address, phone number(s) and email address(es);
  - Defendant's full name, address and any identifying information, including phone number(s) and email address, if possible.
- The Staff Justice of the Peace will inform the Applicant when the first telephone hearing will be to determine if agreement can be reached or whether a full telephone hearing is needed, and if so, when and under what conditions.
- Court staff will send an electronic copy of the Information to the Department of Justice Victim Services office in that region:
  - SYDNEY: [VICSERVICES-SYDNEY@novascotia.ca](mailto:VICSERVICES-SYDNEY@novascotia.ca)
  - PICTOU: [VICSERVICES-CENT@novascotia.ca](mailto:VICSERVICES-CENT@novascotia.ca)
  - DARTMOUTH: [VICSERVICES-METRO@novascotia.ca](mailto:VICSERVICES-METRO@novascotia.ca)
  - KENTVILLE: [VICSERVICES-WEST@novascotia.ca](mailto:VICSERVICES-WEST@novascotia.ca)

## **Serving the Summons**

- Once the Information is sworn/affirmed, the Staff Justice of the Peace will issue the summons notice and schedule a telephone triage court date.
- The Staff Justice of the Peace will contact the local police department to determine if they will accept the summons by way of email or fax.
- Police will contact the Applicant if a fee is required to serve the summons. Before serving the summons, the police will collect the fee from the Applicant either in person or by credit/debit card. Once served, police will return the affidavit to the Court by email or fax for the file.

## **Initial Hearing**

Following service of the Summons, an initial hearing will be held by telephone. The Defendant may consent to entering into the Recognizance, in which case the Court will proceed to the process described below for "Execution". If the Defendant does not agree, a telephone hearing will be scheduled. At this point, the Justice hearing the matter will assess the level of technology available to the parties. This will govern how the hearing can best be held. The following should be considered:

1. Identification – There could be an issue of identification of the parties. Where the parties are well known to each other it may be that they will consent or acknowledge that the other party is who they say they are. Without that acknowledgement, the hearing might have to be adjourned until the fall.



2. Consent to Telephone Hearing – With the parties under oath, the Justice must obtain the consent from all to conduct the hearing via telephone. If consent is not provided, the Justice may consider Sec. 810(5), which allows for hearings “with such modifications as the circumstances require.”
3. Exhibits – The parties must be advised that any exhibits to be introduced at the hearing must be submitted in advance. The Court shall set a filing deadline. Electronic PDF copies of exhibits are preferred. Those should be emailed to [DartmouthProvincialCourt@courts.ns.ca](mailto:DartmouthProvincialCourt@courts.ns.ca). If electronic submission is not possible, hard copies can be mailed to the following address: Dartmouth Provincial Court, Suite 200, 277 Pleasant St., Dartmouth, N.S., B2Y 4B7. A contact number to speak to a person at the court shall be provided in case any issues arise.
4. Witnesses – The parties will be told that any witnesses they intend to call need to be with them at the time of the hearing. If not, arrangements must be made to link in additional callers to the conference call. Sections 714.1 – 714.8 of the *Criminal Code* apply.
5. Access to Fax / Email / Printer – The Justice should determine whether the Defendant has access to a fax or email and a printer to produce a written copy of a Recognizance at the end of the hearing.

Please note, if certain difficulties arise during the hearing that cannot be addressed, the hearing may have to be adjourned and completed later. For example, if the technology does not work as we anticipate, or if it does not allow for a proper hearing (full disclosure, due process and trial fairness) the hearing will be adjourned by the Presiding Justice of the Peace to a date when the matter can proceed.

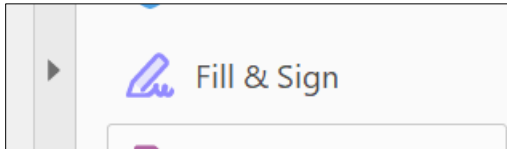
### **Execution**

- The Presiding Justice of the Peace will review the conditions of the Recognizance with the Defendant by telephone, on the record.
- The clerk will provide the document to the Defendant for electronic signature (see instructions below) and return.
- If the Defendant does not have IT access, the Defendant is to acknowledge on the record their understanding that they are bound by the Court’s order. The Recognizance is sent to the Defendant for signature and returned to the Court in the postage paid envelope provided.
- The clerk will send the executed copy to all parties, either electronically or by mail.

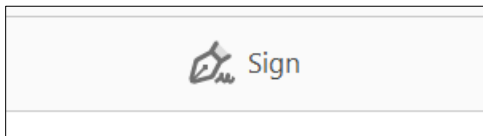
Please note, the Defendant is bound by the Court’s order to enter into the Recognizance, whether the Defendant signs it or not (Section 810(3) of the *Criminal Code*).

## **Instructions for Electronic Signatures**

At the signature line, click **Fill & Sign**.



On the tool bar at the top, click **Sign**.



A drop-down menu will appear. Click **Add Signature**. Type the name of the person signing and then click **Apply**. You can then drag the signature text box to the signature line.

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## **COVID-19: SOME IN-CUSTODY TRIALS AND IN-CUSTODY PRELIMINARY INQUIRIES WILL RESUME IN PROVINCIAL COURT**

**Thursday, May 14, 2020**

Effective June 1, 2020, the Provincial Court and Youth Justice Court will permit some in-custody trials and in-custody preliminary inquiries to proceed in-person, where all public health directives can be followed.

Last week, the Chiefs Justices and Chief Judge met again with public health officials, including the province's Chief Medical Officer of Health, to discuss when it may be safe for the Courts to start returning to normal operations.

Any expansion of court services will be gradual and must consider the ongoing public health directives related to social distancing, disinfecting procedures, good hand hygiene and other precautions to protect the health and safety of those working in and attending the courthouses. A committee of judges and court staff is working on the practical issues of how to make courtrooms safer workspaces, as per those public health directives.

When rescheduling matters, the Provincial Court will give priority to in-custody trials and in-custody preliminary inquiries. New matters and matters previously adjourned for appearances in June and July will be heard by telephone.

For in-custody trials and in-custody preliminary inquiries, the Judge will hold a pre-trial hearing with counsel to determine whether the necessary precautions can be put in place to proceed safely. Whether the matter can proceed will depend on several factors, including its urgency, its complexity, the number of people involved, the size and layout of the courtroom where the matter will be heard, and staffing.

To arrange for a pre-trial hearing with a Judge, counsel are asked to contact the Judicial Support Supervisor at the courthouse where their matter is scheduled to be heard. Email addresses for the Provincial Courts are available online [here](#). The Supervisor will bring these requests to the attention of the presiding Judge.

Bail and peace bond hearings in the Provincial Court will continue to be heard virtually by telephone and video conferencing. All trials and preliminary hearings where the accused individual is not in custody will be adjourned to a later date.

The resolution of non-urgent matters remains a priority for the Provincial Court. Counsel are encouraged to continue reviewing their matters to see what can be resolved without an in-person hearing.

The process for holding virtual pre-trial and resolution conferences is available online at [https://www.courts.ns.ca/News\\_of\\_Courts/documents/NSPC\\_Telephone\\_PTC\\_and\\_Resolution\\_Conferences\\_NR\\_04\\_15\\_20.pdf](https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Telephone_PTC_and_Resolution_Conferences_NR_04_15_20.pdf).

If counsel reach an agreement or substantial agreement on the resolution of a file, they can apply for a teleconference with a Judge. That process is also available online at [https://www.courts.ns.ca/News\\_of\\_Courts/documents/NSPC\\_Resolution\\_of\\_Non\\_Urgent\\_Matters\\_NR\\_04\\_09\\_20.pdf](https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Resolution_of_Non_Urgent_Matters_NR_04_09_20.pdf).

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## **COVID-19: DARTMOUTH WELLNESS COURT TO RESUME REMOTE HEARINGS**

**Friday, May 15, 2020**

Effective June 4, 2020, the Dartmouth Wellness Court will resume telephone hearings only for scheduled matters in the Mental Health Court Program, the Opioid Court Program and the Alcohol Court Program.

Until further notice, all new referrals to the Dartmouth Wellness Court will be held in the order they are filed with the Court and screening will be put off until health-care staff can safely meet with the applicants in person.

For defence counsel whose clients were already in the screening phase prior to the pandemic, those screenings will be completed, if it is possible to do so while respecting public health directives. Applicants who complete the screening phase will have their files referred to the court team for final review and approval; however, any formal admissions into the Dartmouth Wellness Court will be adjourned until the Court resumes in-person appearances.

To respect public health advice regarding social distancing, the court team will meet Thursday mornings by telephone to discuss the docket. Following the morning meeting, the Judge, court clerk, prosecutor and defence counsel will go on the record to deal with that day's matters as a recorded teleconference.

Participants in the program will not be required to call in to the court proceedings. Counsel will adjourn those appearances in their absence. Individuals who have completed their program requirements will be permitted to call into the Court at a specified time to complete their graduation.

Counsel planning to refer a new matter to the Dartmouth Wellness Court during the pandemic are encouraged to contact Aileen McGinty, the designated Crown for the Dartmouth Wellness Court, beforehand to determine whether the Public Prosecution Service will consent to the application. Acceptance into the Dartmouth Wellness Court would still require screening and approval from the entire court team.

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## **COVID-19: DOMESTIC VIOLENCE COURT IN HALIFAX TO RESUME REMOTE HEARINGS**

**Thursday, May 21, 2020**

Effective June 10, 2020, the Domestic Violence Court will resume weekly telephone hearings for scheduled matters in Halifax. New applications to the Halifax program will be put on the docket for consideration starting July 8, 2020.

A separate notice will be issued soon with an update regarding Domestic Violence Court matters in Sydney.

Throughout the pandemic, accused individuals and their families already accepted in the Domestic Violence Court Program have had access to all the government and community supports and services they need to fulfill their individualized support plans. That work is continuing without the individuals having to appear physically in court.

To respect public health advice regarding social distancing, starting in June, the Halifax court team will meet Wednesday mornings by telephone to discuss the upcoming docket, including those already in the program, as well as new admissions. Private defence counsel will be able to join this call to discuss their client's matter.

Following the morning meeting, the Court will go on the record to deal with that day's matters as a recorded teleconference. Participants who need to call into the court proceedings will receive instructions from their lawyer on how to do so; however, most participants should not need to phone in at all. Counsel will appear on their behalf, whenever possible.

Counsel who have questions about this process should contact Carolyn Baker, the Domestic Violence Court Program Coordinator, at [Carolyn.Baker@novascotia.ca](mailto:Carolyn.Baker@novascotia.ca) or by telephone at 902-233-0386.

Government and community supports and services are also available to anyone who may be experiencing domestic violence, who is not involved with the Courts.

- If you are in immediate danger, call 911
- If you need help or information, you can call the 24-hour toll-free line at 1-855-225-0220

- To connect with community resources across Nova Scotia, call or text 211, or visit the Nova Scotia 211 website at <https://ns.211.ca/>

For a list of domestic violence resources specific to the Halifax Regional Municipality, visit [https://www.courts.ns.ca/Provincial\\_Court/NSPC\\_domestic\\_violence\\_court.htm](https://www.courts.ns.ca/Provincial_Court/NSPC_domestic_violence_court.htm).

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## **COVID-19: PROVINCIAL COURT ANNOUNCES SAFETY MEASURES TO EXPAND IN-PERSON HEARINGS**

**Tuesday, June 16, 2020**

The Provincial Court of Nova Scotia is expanding the types of matters that could be heard in-person during the COVID-19 pandemic through the implementation of strict measures for social distancing, modifying courtrooms and other spaces, and enhanced cleaning.

Throughout the pandemic, the Provincial Court has restricted who can enter courthouses or attend court in person. Initially, attendance in court was generally restricted to some counsel and sureties for bail hearings. In June, the Provincial Court expanded in-person hearings to include trials and preliminary inquiries for accused individuals in custody, if all public health directives could be followed.

Starting July 2, 2020, the Court will further expand in-person hearings to a limited number of trials and preliminary inquiries for accused individuals not in custody, if the hearing can proceed safely. Some hearings may still be delayed as work continues to modify courtrooms and public court spaces. These modifications are required to adhere to public health directives and to protect the health and safety of those working in and attending courthouses.

“As the situation with the pandemic evolves, we are continuing to adapt and expand the services available, where it is safe to do so,” said Chief Judge Pamela Williams. “We expect that social distancing will continue for some time. That will require us to continue limiting the number of people who can be physically be in the courthouse and individual courtrooms at once. We ask for your continued cooperation by not coming to court in person, if you are not required to do so. If you are unsure, please contact the courthouse for further instructions.”

Sheriff Services will be screening people at the entrance to the courthouse to ensure the individual’s presence is required in court and that it is safe for them to attend. Anyone who has travelled outside the province recently, is experiencing symptoms of COVID-19 or has been directed by public health officials, 811 or a doctor to self-isolate, should not visit a courthouse.

At this time, it is unclear how the June 5, 2020, amendment to the [Health Protection Act Order](#) will be applied in Provincial Court matters. The Court expects this will have to be assessed on a case-by-case basis.

The applicable part of that amendment is as follows:

- 3.6 Notwithstanding Clause 3.1, individuals who are engaged in a legal proceeding in Nova Scotia, whether the accused, victim, witness or party in such proceeding, may enter Nova Scotia for participation in the legal proceeding if the individual:
- a) self-isolates/self-quarantines for the period of time they are in Nova Scotia, other than when they are in court; and
  - b) complies with the requirements of physical distancing as set out in Clause 6.1 while in Nova Scotia.

### **Measures for In-Person Matters**

As part of the assessment being done by the Court Recovery Committee, all courtrooms have been measured for social distancing purposes. Occupancy limits will be posted outside courtrooms and seating in the courtroom will be designated to ensure participants are seated two metres (six feet) apart.

Hand sanitizer and sanitizing spray and/or wipes will be available in courtrooms. Counsel are encouraged to clean their immediate surroundings (e.g. counsel table, chairs) before leaving. Witness boxes and seats in the gallery will be cleaned between uses.

Measures will be in place to ensure safe social distances between counsel, court staff and any witnesses involved in a hearing, and to reduce the risk of transmission through the handling of exhibits and paperwork.

Individuals are permitted to wear a health mask to court. If you wish to wear a mask, we encourage you to bring your own. Masks are not required when social distancing can be achieved. Masks will not be made available to prosecutors and defence counsel, but limited amounts of masks will be made available for accused individuals and witnesses who do not have their own.

### **Measures for Inside Courthouses**

Sheriffs will monitor the number of people in the courthouse and in individual areas within the courthouse (e.g. courtrooms, waiting rooms, meeting rooms, hallways) to ensure that occupancy limits for social distancing are not exceeded.

Signage throughout courthouses will help remind people of social distancing, to assist with traffic flow inside the building and to advise people of occupancy limits in courtrooms, waiting rooms and washrooms. Sheriffs will enforce social distancing inside the courthouse and in the area around the entrance.

Cleaning in the courthouses has increased, including regular disinfecting of high-touch areas. Hand sanitizer will be available at monitored locations throughout the buildings (e.g. entrances, outside elevators and courtrooms, inside courtrooms and near high-touch areas). All visitors will be required to use hand sanitizer upon entering a courthouse.

### **Intake Court and Other Matters Not Requiring Personal Attendance**

The Provincial Court will continue to operate Intake Court by telephone and video, except where personal attendance is necessary.

Individuals represented by a lawyer can generally instruct their lawyer to appear on their behalf. Counsel will generally appear by telephone.

Accused individuals who are currently unrepresented are encouraged to apply to Nova Scotia Legal Aid, either online at <https://www.nslegalaid.ca/online-application/> or by calling their [local Legal Aid office](#). If accused individuals are unable to obtain counsel before their court date, they can apply for Legal Aid duty counsel assistance by filling out the online form [here](#).

Self-represented individuals who attend court in-person for a matter that does not require them to be physically in the courtroom (e.g. first appearance, setting a trial date) may be taken to a video conference room in the courthouse, where they can appear before the judge by video. The surfaces in those rooms will be cleaned in between uses.

For more information on the measures the Provincial Court has implemented during the COVID-19 pandemic, please refer to the consolidated directive on the Courts' website at [https://www.courts.ns.ca/News\\_of\\_Courts/documents/NSPC\\_Consolidated\\_Directive\\_COVID19\\_03\\_31\\_20.pdf](https://www.courts.ns.ca/News_of_Courts/documents/NSPC_Consolidated_Directive_COVID19_03_31_20.pdf).

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## **COVID-19: UPDATE ON FINES AND DEFAULT CONVICTIONS**

**Tuesday, June 23, 2020**

Courthouses across Nova Scotia continue to restrict who can come into the building during the COVID-19 pandemic. That means individuals cannot physically come to court to pay fines or deal with their summary offence matters.

To help reduce the number of people who need to visit a courthouse in person, individuals will continue to have an additional 90 days from the existing due date on their summary offence ticket to pay the associated fine.

There is an option to [pay online](#) for those who want to deal with their fines now. Please note that you will need a debit or credit card and your ticket number to complete an online payment.

Individuals who received parking tickets with court dates in July and August will receive a new summons shortly with directions to appear by telephone on a specific date and time if they wish to plead not guilty.

To further reduce visitors at courthouses, the Registry of Motor Vehicles has suspended issuing certificates of default for an additional 90-day period, effective May 16, 2020. This relates to default convictions for summary offence tickets and parking tickets.

Service Nova Scotia has also suspended issuing certificates of default for non-payment of fines related to criminal convictions, effective May 20, 2020. The situation with both suspension periods will be re-evaluated before the end of the 90 days.

For more information on the measures implemented in the Provincial Court, please refer to the [consolidated COVID-19 directive](#) on the Courts' website.

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## COVID-19: UPDATE ON NIGHT COURT MATTERS DURING THE PANDEMIC

Thursday, Aug. 20, 2020

Starting Sept. 1, 2020, some Night Court matters in Halifax will be proceeding to trial in person, if the hearing can proceed safely and provided the trial involves only one police witness. Others Night Court matters not proceeding in person will continue to be dealt with by telephone or adjourned.

Night Court deals primarily with summary offence matters, such as parking tickets and charges under the *Motor Vehicle Act*, the *Liquor Control Act*, municipal bylaws and some federal laws. Peace bond applications can also be heard in Night Court, however, most of those matters are being dealt with through a virtual process during the pandemic.

Court staff are contacting individuals who have a summary offence matter scheduled for trial in Halifax on Sept. 1, 2020, or later to advise whether the matter be proceeding and when it will happen. The dockets for Night Court in Halifax are also available on the [Dockets Page](#) of the Courts' website.

### Summary Offence Fines

Public access to courthouses continues to be restricted to those who work in the building, who are involved in a court hearing or those who have an appointment. No front counter services are available.

Individuals who want to pay a fine have the option to [pay online](#). Please note that you will need a debit card or credit card and your ticket number to complete an online payment.

For those who may need more time to pay, the Provincial Court has extended payment deadlines a further 90 days from the original due date on the ticket. That directive was first issued in March and has been extended twice, each time an additional 90 days, to help reduce the number of people that need to visit a courthouse during the pandemic.

For more information on changes to court operations and services in the Provincial Court and Youth Justice Court during the COVID-19 pandemic, please refer to the [Consolidated Directive](#) on the Courts of Nova Scotia website.

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## COVID-19: UPDATE ON FINE PAYMENTS

Thursday, Nov. 26, 2020

As per the [COVID-19 Court Recovery Plan](#), public access to courthouses across Nova Scotia continues to be restricted to those people who work in the building, who are involved in a court proceeding or those who have an appointment and have passed the mandatory health screening.

To help reduce the spread of the virus, no regular front counter services are available during the pandemic. Individuals who want to pay a summary offence ticket or other court fines have the option to [pay online](#). Please note that you will need a debit card or credit card and your ticket number to complete an online payment.

For those who may need more time to pay summary offence tickets, the Provincial Court has extended payment deadlines a further 90 days from the original due date on the ticket. This directive was first issued in March 2020 and has been extended three times since — each time an additional 90 days — to help reduce the number of people who need to visit a courthouse in person during the pandemic.

For more information on changes to court operations and services in the Provincial Court and Youth Justice Court during the COVID-19 pandemic, please refer to the [Consolidated Directive](#) on the Courts of Nova Scotia website.

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## **COVID-19: OUT-OF-PROVINCE PARTICIPANTS IN PROVINCIAL COURT MATTERS**

**Thursday, Dec. 3, 2020**

Until further notice, counsel and self-represented individuals involved in matters before the Provincial Court of Nova Scotia must get permission from the presiding judge before arranging to have anyone, including clients, attend court in person from outside the province.

With other Atlantic Provinces temporarily pulling out of the Atlantic Bubble, this direction now also applies to court participants coming from New Brunswick, Prince Edward Island and Newfoundland and Labrador.

Even if a Provincial Court matter has already been subject to a pre-trial conference or a focus hearing, counsel should contact the presiding judge if they are seeking leave to bring a participant into court from outside Nova Scotia.

This direction also applies to individuals charged in Nova Scotia but in custody in another province. Counsel should not bring a Transport Order to a Supreme Court Justice for issuance until they have first obtained leave from the presiding Provincial Court Judge. The accompanying affidavit filed with the Supreme Court should state that the presiding Provincial Court Judge has agreed that the prisoner be transported, thus satisfying Sec. 527(1)(b) of the Criminal Code.

Earlier this year, Nova Scotia's *Health Protection Act* Order was amended to permit people from outside Atlantic Canada to participate in legal proceedings in this province without the need to self-isolate for 14 days, so long as they were well and not showing any symptoms of the COVID-19 virus.

That exemption is still available, but before it can be used in any court, counsel or self-represented litigants must apply to the presiding judge for permission, as outlined in the [Operational Guidelines](#) developed by the All Courts COVID-19 Recovery Committee.

For more information on the preventative measures the Nova Scotia Courts have taken to help reduce the spread of COVID-19, while continuing to hear matters, please visit [https://www.courts.ns.ca/News\\_of\\_Courts/COVID19\\_Preventative\\_Measures.htm](https://www.courts.ns.ca/News_of_Courts/COVID19_Preventative_Measures.htm).



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