

Legal remedies to help protect victims

Peace Bond

What a Peace Bond is: a court order that requires an individual to "keep the peace" and obey any other conditions ordered by the court. A Peace Bond is issued under the *Criminal Code* and is granted by a criminal court.

Victims who may find a Peace Bond useful: Anyone in need of protection from physical violence or threats, for example, victims of stalking, harassment, domestic violence, assault, sexual assault.

Applying for a Peace Bond:

- Usually a person will apply for a Peace Bond when a criminal case is already going through the criminal system (i.e. assault charges).
- Victim does not need a lawyer to obtain a Peace Bond.
- Victim contacts the Provincial Court Criminal Division Clerk's Office or the local police to request a Peace Bond.
- Requires an in-person hearing. The victim will have to attend court to give evidence of why the other person is a threat.
- No court fees for application.

Conditions:

- Can be ordered for a maximum of 12 months.
- Can include additional conditions (for example, mandatory counselling).
- Violation of a Peace Bond is a criminal offence and an offender who breaches a Peace Bond can be arrested and charged. The penalty for violating a peace bond is a term of imprisonment for up to two years.
- Peace Bonds are public documents. Some individuals (for example, those in same gender relationships) may be reluctant to apply.

Things to remember:

- A Peace Bond is only effective if the abusive person obeys it.
- A copy of the Peace Bond should be kept on the victim at all times, in case the victim needs to verify with police that a Peace Bond is in effect.
- If the respondent violates the Peace Bond, the claimant should contact police immediately.

Three new categories of Peace Bond

Recent amendments to the *Criminal Code* have created three new categories of Peace Bonds:

- Where there is a fear of a criminal organization (section 810.01),
- Where there is a fear of a sexual offence of a person under the age of fourteen (Section 810.1), and
- Where there is a fear of a personal injury offence to a third party (Section 810.1).

The rules are somewhat different for these three types of Peace Bonds.

Fear of a criminal organization offence

Where any person has reasonable grounds to fear that another person will commit a criminal organization offence, that person may, with the consent of the Attorney General, apply for a recognizance (section 810.01).

A "criminal organization offence" is defined as an indictable offence committed at the direction of or for the benefit of a criminal organization.

- Before the information can be laid, the applicant must get the consent of the Attorney General. This can be arranged through the local Crown prosecutor.
- The provincial court judge who receives the information may have the parties appear before him, although it is not mandatory.
- If the judge is satisfied that there are reasonable grounds for the fear, then the judge can order the defendant to enter into a recognizance for up to twelve months.
- The recognizance can include a condition prohibiting the defendant from possessing firearms, ammunition or other weapons.
- A defendant who refuses to enter into a recognizance can be imprisoned for up to twelve months.