



**Practice Direction Concerning Extensions of Time in Matters Arising Under the
Provincial Offences Act in the Court of Appeal for Ontario**

**(“Practice Direction – *Provincial Offences Act* – COVID-19”)
March 31st, 2020**

In view of the exceptional and evolving circumstances concerning COVID-19;

And given that, by O. Reg. 73/20, the Government of Ontario has ordered that any provision of any statute, regulation, rule, by-law or order of the Government of Ontario establishing any period of time within which any step must be taken in any proceeding in Ontario is, subject to the discretion of the Court, suspended for the duration of the emergency declared pursuant to Order in Council 518/2020 (O. Reg. 50/20), and the suspension is retroactive to Monday, March 16, 2020 (the “Order”);

And given that in these circumstances it is desirable to provide guidance to the legal profession and the public concerning the circumstances in which the Court’s discretion under the Order may be exercised in matters before the Court arising under the *Provincial Offences Act*, R.S.O. 1990, c. P.33, and to which the *Rules of the Court of Appeal in Appeals Under the Provincial Offences Act*, O. Reg. 721/94, apply (“*POA Matters*”);

The Chief Justice of Ontario and President of the Court of Appeal for Ontario directs that:

1. Subject to paragraphs 3 and 4, the time prescribed to take any step in respect of any *POA Matter* in the Court of Appeal for Ontario is extended;
2. The extension in paragraph 1 is retroactive to March 16, 2020 and continues until further direction by the Court;
3. The Court of Appeal for Ontario retains discretion to direct that the regular prescribed timelines apply in a particular *POA Matter*, either on its own motion or on application of a party to the proceeding. A party seeking the application of any or all of the regular prescribed timelines should send a letter to the attention of the Senior Legal Officer at COA.SeniorLegalOfficer@ontario.ca. The letter should be copied to all the other parties to the *POA Matter* and provide the following information: (i) why the *POA Matter* should proceed under the regular prescribed timeline or timelines; (ii) any prejudice that may flow from the granting or refusing of the order sought; (iii) whether a stay of conviction pending appeal has been sought or obtained from any court under

s. 112 of the *Provincial Offences Act*, (iv) the sentence imposed in the *POA* Matter, if applicable, including whether the defendant is in custody in relation to the *POA* Matter; (v) if the defendant is in custody, the judicial interim release status of the defendant pending trial and the appeal from the trial decision; and (vi) whether all parties consent to the application of the regular prescribed timeline or timelines. This is subject to the Court requiring more formal or detailed materials. A judge of the Court of Appeal may direct that any or all of the regular prescribed timelines apply;

4. The suspension of time in O. Reg. 73/20 and the extension of time in paragraph 1 do not apply to:

a. *POA* Matters related to COVID-19 arising under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, and any other *POA* Matters related to public health and safety in the context of COVID-19;

b. *POA* Matters in which a notice of hearing has been sent and which proceedings have not been adjourned; or

c. *POA* Matters that are being case managed.

The prescribed timelines for the matters referred to in (a), (b), and (c) continue to apply, without suspension or extension. Should a party require an extension of time in such a *POA* Matter, the party should send a letter to the attention of the Senior Legal Officer at COA.SeniorLegalOfficer@ontario.ca. The letter should be copied to all the other parties to the *POA* Matter and provide the following information: (i) why the prescribed timelines should not apply; and (ii) whether all the parties consent to the extension of time sought. This is subject to the Court requiring more formal or detailed materials. A judge of the Court of Appeal may grant an extension.



Chief Justice George R. Strathy

March 31, 2020

Date

Effective: March 31st, 2020