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COVID-19 Pandemic – Update re Criminal Proceedings: reducing out-of-custody trials and preliminary inquiries between April 26 and May 21, 2021 (published April 21, 2021; updated May 4, 2021)

Update: This notice applies to proceedings up to Friday May 21, 2021. Starting Tuesday May 25, in person out of custody trials and preliminary inquiries may proceed as scheduled; for more information see [Update re Criminal Proceedings: resumption of out-of-custody trials and preliminary inquiries as of May 25, 2021](#) (published May 18, 2021).

In light of the recent increase in COVID-19 cases and its impact on hospital resources, and in order to reduce the number of people (including parties, counsel and court staff) who must leave their home to attend court proceedings, the Ontario Court of Justice is reducing the number of criminal trials and preliminary inquiries involving out-of-custody accused persons scheduled between Monday April 26, 2021 and Friday May 21, 2021:

- Between April 26 and May 7, 2021: All criminal trials and preliminary inquiries involving out-of-custody accused persons will be adjourned, subject to a judge seized with a continuing matter ordering otherwise. This applies to both in-person and virtual trials and preliminary inquiries.
- Between May 10 and May 21, 2021: All in person criminal trials and preliminary inquiries involving out-of-custody accused persons will be adjourned, subject to a judge seized with a continuing matter ordering otherwise. Virtual criminal trials and preliminary inquiries involving out-of-custody accused persons may proceed. Virtual hearings are hearings in which all participants appear using remote technology other than court staff (if required to attend in person) or the presiding judge (who may attend in person).

Other criminal matters involving out of custody accused persons, such as case management appearances, pleas/resolutions and judicial pre-trials, may proceed as scheduled. All criminal matters involving accused persons who are in custody, including trials and preliminary inquiries, may proceed as scheduled.

The health and safety of all court users remains a top priority for the Ontario Court of Justice as it continues to provide meaningful access to justice despite the challenges of the COVID-19 pandemic. For more information, see Chief Justice Maisonneuve's [Message re COVID-19 \(Updated April 8, 2021\)](#). Please continue to check the Ontario Court of Justice website (<https://www.ontariocourts.ca/ocj/>) for any updates.

For information about the scheduling of *Provincial Offences Act* proceedings, please see [Notices and Info about Provincial Offences Act Proceedings](#).

In-Custody Accused Persons

All criminal matters involving accused persons who are in custody may proceed as scheduled.

Bail proceedings, case management (remand) appearances, pleas and other resolutions: All bail proceedings, case management (remand) court appearances, pleas and other resolutions involving accused persons who are in custody will continue to proceed using remote technology (video or telephone), unless otherwise ordered by a judicial official.

Trials and preliminary inquiries: All criminal trials and preliminary inquiries involving in-custody accused persons may proceed as scheduled. The Court urges all judicial officials, parties and counsel to conduct these types of proceedings using remote technology unless an in-person appearance is required to ensure meaningful access to justice.

Judicial pretrials: Judicial pretrials continue to be available and will be held using remote technology. The Court strongly encourages that judicial pretrials be held in respect of all in-custody matters.

Out of Custody Accused Persons

Case management appearances, pleas and other resolutions: All criminal case management court appearances, pleas and other resolutions involving out of custody accused persons may proceed as scheduled. For more information about case management courts, see [Scheduling and Conducting of Virtual Criminal Case Management Appearances](#).

All case management appearances and all pleas and resolutions involving out-of-custody accused persons will be conducted by remote technology (video or telephone) unless an in-person appearance is required to ensure meaningful access to justice.

Judicial pretrials: Judicial pretrials for criminal proceedings involving accused persons who are out of custody continue to be available and will be held using remote technology.

Trials and preliminary inquiries:

- Between April 26 and May 7, 2021: All criminal trials and preliminary inquiries involving out-of-custody accused persons will be adjourned, subject to a judge seized with a continuing matter ordering otherwise. This applies to both in-person and virtual trials and preliminary inquiries.
- Between May 10 and May 21, 2021: All in person criminal trials and preliminary inquiries involving out-of-custody accused persons will be adjourned, subject to a judge seized with a continuing matter ordering otherwise. Virtual criminal trials and preliminary inquiries involving out-of-custody accused persons may proceed. Virtual hearings are hearings in which all participants appear using remote technology other than court staff (if required to attend in person) or the presiding judge (who may attend in person).

If only part of a hearing will be virtual, only the virtual part of the proceeding may proceed between May 10 and May 21; the portion of the proceeding that will be conducted in person or as a hybrid hearing (with a mixture of remote and in-person appearances) must be adjourned to another date.

Matters (other than seized matters and virtual matters that proceed) will be addressed as follows:

Central East, Central West, East, Toronto and West Regions

- Matters will be adjourned, in the accused person's absence and with a discretionary warrant, to be addressed before the Court on a date in June 2021, unless the parties agree on, and the Court approves, a different adjournment date.
- See [scheduling and connection information](#) regarding the adjournment date(s) in each court location.

- Where a new trial or preliminary inquiry date is needed, counsel are strongly encouraged to schedule a new date before the adjournment date. The date can be formally set on the next appearance.
- If a matter is expected to resolve on its scheduled trial / preliminary inquiry date, counsel should advise the trial coordinator's office in advance so that, if possible, the matter can be resolved before a judge on the scheduled trial / preliminary inquiry date.

Northeast and Northwest Regions

- Counsel may be contacted and invited to bring their matter forward to a date before the scheduled trial / preliminary inquiry date.
- If the matter is not brought forward, the matter will be addressed on the trial/preliminary inquiry date before a judge in the same court location.
- For details about how to appear to speak to the matter on the trial / preliminary inquiry date (including remote appearance connection information), please contact the trial coordinator at the courthouse.

Other Essential and Urgent Criminal and Regulatory Matters

A judicial official will continue to be available to preside over the following additional essential and urgent criminal and regulatory matters:

- matters related to public health and safety and the COVID-19 pandemic, including matters under the *Quarantine Act* and the *Health Protection and Promotion Act*;
- swearing of Informations and confirmation of process by police officers;
- surety revocations,
- search warrants and any other urgent investigative warrants (tracking warrants, transmission data recorder warrants, production orders),
- Form 2 *Mental Health Act* applications,
- *Child Youth and Family Services Act (CYFSA)* apprehension warrants,
- any necessary and urgent *Provincial Offences Act (POA)* intake matters in provincial courthouses that also deal with *POA*

Such matters will be addressed using remote technology wherever possible. Before attending at the courthouse in relation to one of these matters, please [contact the courthouse](#) to find out whether the matter can be dealt with by audioconference or videoconference.