

Notice to the Profession and the Public re: Resumption of Criminal Trials and Preliminary Hearings in the Ontario Court of Justice as of July 6, 2020

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Trials and Preliminary Hearings in the Ontario Court of Justice resume July 6, 2020. The Ministry of the Attorney General, which is responsible for courts administration and courthouse facilities, has established an incremental plan to prepare courthouses and courtrooms to facilitate the return to full court operations across Ontario. The Ministry has announced the first phase of the plan (Phase One) will be implemented Monday July 6, 2020, in a limited number of courthouses and courtrooms. Court operations will continue to expand with additional courthouses and courtrooms added as the Ministry continues to implement its plan across the province, with a targeted completion date of November 1, 2020.

As part of the return to operations plan, the Ministry is implementing health and safety measures in each courthouse.

In Phase One and by July 6, 2020, the Court has been advised that site assessments of 93 OCJ courtrooms will be complete, and that all necessary health and safety precautions, based on public health expert advice, will be implemented for the protection of all court users, including judicial officers, lawyers, litigants, witnesses, staff and members of the public. The Ministry will not re-open a Phase One site on July 6, 2020 if it concludes that the health and safety of courthouse participants cannot be adequately protected on this date.

More information about the precautionary health and safety measures at courthouses implemented by the Ministry will be publicly available before July 6, 2020.

Do not attend the courthouse if you are experiencing signs or symptoms of COVID-19 or have been advised by a public health official, a physician or the [Ontario Ministry of Health](#) website to self-isolate. Please contact your lawyer or, if you do not have a lawyer, please contact the courthouse by [email](#) or [telephone](#) to seek direction.

This Notice provides information specific to the resumption of trials and preliminary inquiries on July 6, 2020. The content of this notice will be incorporated in the [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#) prior to July 6, 2020.

Further updates and information about criminal proceedings other than trials and preliminary inquiries, including criminal case management (set date) appearances, will be provided in advance of July 6, 2020.

Please continue to check the Ontario Court of Justice website for updates. The Court will provide additional information about the scheduling and conduct of all court proceedings, including the Court’s ongoing work to make more services available using remote technology. Court operations will continue to expand as the Ministry facilitates the opening of additional courthouses and courtrooms in accordance with its recovery plan. The Court will continue working actively with all justice partners to implement a fair and orderly return to operations. As we do so, the health and safety of all court users remains our paramount concern.

1. Resumption of Trials and Preliminary Inquiries on July 6, 2020, at Specified Court Locations

The Court will resume hearing criminal trials and preliminary inquiries on July 6, 2020, in a limited number of courtrooms in all courthouses that are part of Phase One of the Ministry’s plan. All trials and preliminary inquiries involving accused persons who are in custody and who are out of custody will proceed as scheduled in the following Ontario Court of Justice locations:

Ontario Court of Justice Courthouses where Trials and Preliminary Inquiries will Resume as of July 6, 2020	
Region	Courthouses
Central East	Barrie, Newmarket, Oshawa (Durham), Lindsay
Central West	Brampton, Brantford, Hamilton, Milton, Orangeville, St Catharines
East	Belleville (Quinte), Cornwall, Kingston, Ottawa, Pembroke
Northeast	North Bay, Sault Ste Marie, Sudbury
Northwest	Thunder Bay
Toronto	Toronto North (1000 Finch Ave W), Toronto East (1911 Eglinton Ave E), Toronto West (2201 Finch Ave W), 311 Jarvis St, College Park (444 Yonge St), Old City Hall (60 Queen St W)
West	Chatham, Guelph, Kitchener (Waterloo Region), London, Owen Sound, Sarnia, St Thomas (Elgin County), Windsor

All participants in a trial or preliminary inquiry, including the accused person(s), counsel and witness(es) will attend in person, unless a judge has directed otherwise.

While court operations are expanding as part of Phase One, the number of courtrooms that are open, and the number of people who can attend inside the courtroom or courthouse, remain restricted in accordance with health and safety guidelines.

In light of the restrictions on courthouse and courtroom attendance, and in light of the ongoing public health guidelines and other restrictions, it is essential that all parties take reasonable steps to ensure matters scheduled for a trial or preliminary inquiry are ready to proceed.

Sections a to c, below, apply to trials and preliminary inquiries at the courthouse locations listed above.

a. Filing of Pre-trial and Trial Applications

The temporary extension of filing deadlines for pre-trial and trial applications and related application materials established in section 5.3 of the of the Court's [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#) will end as of June 15, 2020. All application materials in relation to trials and preliminary inquiries scheduled to proceed on or after July 6, 2020, should be filed in accordance with the timelines set out in the Criminal Rules of the Ontario Court of Justice. Application materials that should have been filed with the Court on or before June 15, 2020, but for the previous deadline extension, should be filed by Friday, June 19, 2020.

Materials can be filed electronically in accordance with s. 5.2 of the [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#).

b. Witnesses

All witnesses who have been subpoenaed or ordered to attend court for a trial or preliminary inquiry scheduled on or after July 6, 2020, must attend court on the scheduled date unless the party who subpoenaed them advises that their attendance is no longer necessary.

If you are a witness and have any questions or concerns about your subpoena or about an upcoming court date, please contact the person listed on the subpoena or on the correspondence you received with your subpoena. If there is no contact information on your subpoena, contact the courthouse by [email](#) or [telephone](#).

c. COVID-19 Trial Readiness Court

Unless otherwise directed by the Regional Senior Judge and until further notice, all cases currently scheduled for a trial or preliminary inquiry will be spoken to approximately one week before the scheduled hearing date before a judge presiding in a special COVID-19 Trial Readiness Court. The purposes of the Trial Readiness Courts are:

- (i) to confirm that trials or preliminary inquiries are ready to proceed on their hearing date; and
- (ii) to assign cases into courtrooms that are open and operating.

Unless otherwise directed by the Regional Senior Justice, cases will appear in Trial Readiness Court the Monday before the week of the scheduled trial or preliminary inquiry. Where the Monday is a holiday, Trial Readiness Court will be held on Tuesday. For example, matters scheduled for trial or a preliminary inquiry during the week of July 6 – 10 will be addressed in the Trial Readiness Court scheduled for Monday, June 29. Matters scheduled for trial or preliminary inquiry the week of July 13 – 17 will be addressed in the trial readiness court scheduled for Monday, July 6.

For details about the Trial Readiness Court in each court location, including scheduling information, see [Ontario Court of Justice Trial Readiness Court](#).

All appearances in Trial Readiness Court will be by audioconference or videoconference, unless otherwise directed by a judge.

Accused persons who are represented by counsel do not need to be present for the Trial Readiness Court.

All counsel who speak to matters in Trial Readiness Court must be fully informed about the case and have authority to make binding decisions regarding the conduct of the case.

Accused persons who are not represented by counsel are to attend Trial Readiness Court by audioconference, or videoconference where applicable, to speak to their matter.

There is no need for counsel or accused persons to file a “bring forward” request or application to have their case addressed.

The Court expects the Crown and defence counsel will have communicated before Trial Readiness Court to identify and discuss any issues that may affect the scheduling or conduct of the hearing including, but not limited to:

- whether, and on what basis, a party may be bringing an application to adjourn the case at the trial readiness court appearance;
- any witnesses or parties who may be unable to attend court due to health concerns, public health orders or COVID-19 symptoms or other issues;
- whether any portion of the hearing (including any witness testimony) will be conducted using remote technology.

The judge presiding in Trial Readiness Court may hear and determine any application(s) regarding the scheduling or conduct of the hearing that the judge is satisfied should be determined in advance of the trial or preliminary inquiry date. The judge presiding in Trial Readiness Court will not hear applications that are reserved to the trial judge or in respect of a continuing trial or preliminary inquiry with which a different judge is seized.

Where the parties indicate a matter is going to resolve, the matter will be scheduled into a resolution court on or before the scheduled trial or preliminary inquiry date, where feasible.

2. Trials and Preliminary Inquiries in Other Courthouses

The Ministry of the Attorney General’s plan does not support any additional courtrooms during Phase One (July 6, 2020) other than the limited number in the courthouses listed above in section 1. As a result, trials and preliminary inquiries will **not** be resuming at non-Phase One courthouses on July 6, 2020.

As the Ministry's plan is implemented in other courthouse locations, trials and preliminary inquiries will resume at those courthouse locations. Notice will be given about which courthouse locations will be opening so that counsel and parties can prepare for the resumption of trials or preliminary inquiries. Please check back on the Ontario Court of Justice website for updates.

3. Other Court Proceedings will Continue to be Conducted as Remote Proceedings

All proceedings other than trials and preliminary inquiries will be conducted by audioconference and/or videoconference, unless otherwise directed by a judicial official. This includes bail proceedings, resolutions (including guilty pleas) involving accused persons who are in and out of custody, remand and case management (set date) appearances.

Attendance in courtrooms for criminal matters other than trials and preliminary inquiries will continue to be restricted to the judicial official and essential court staff, unless a judicial official directs otherwise.

The Court is actively working to expand opportunities for counsel and parties to attend court proceedings using remote technology. Further updates and information about criminal proceedings other than trials and preliminary inquiries, including criminal case management (set date) appearances, will be provided in advance of July 6, 2020.

4. Scheduling Trial and Preliminary Inquiry dates

The Court will begin rescheduling criminal trials and preliminary inquiries that were scheduled to be heard between March 16, 2020 and July 3, 2020 but adjourned due to the COVID-19 pandemic, later this month.

The Court will provide further details about the procedure for setting trial and preliminary inquiry dates shortly.

Counsel are reminded that a judicial pre-trial is mandatory in all cases that were scheduled for a trial or preliminary inquiry between March 16, 2020 and July 3, 2020 and adjourned due to the COVID-19 pandemic and for all cases with a trial or preliminary inquiry scheduled between July 6, 2020 and October 31, 2020: see s. 6.2 of the Court's [COVID-19: Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice](#).