

## **Notice to the Profession and the Public re: Resumption of Criminal Trials and Preliminary Hearings in the Ontario Court of Justice (Published August 26, 2020)**

**Trials and Preliminary Hearings in the Ontario Court of Justice resume September 14, 2020 at additional locations across the province.**

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 court operations across Ontario. The first phase of the plan (Phase One) was implemented Monday July 6, 2020, in a limited number of courthouses and courtrooms. Additional courthouses resumed hearing trials and preliminary hearings on August 17 and 24. The next phase of the plan (Phase Two) is anticipated to be implemented on September 14, 2020. 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. This involves the completion of site assessments at all courthouses and the implementation of all necessary health and safety precautions, based on public health expert advice, 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 any courthouse unless and until it has concluded that the health and safety of courthouse participants will be adequately protected.

More information about the precautionary health and safety measures at courthouses implemented by the Ministry is available on the following website: [COVID-19: Reopening courtrooms](#).

The health and safety measures include screening of all persons entering the courthouse. Before you enter an Ontario courthouse, you will need to answer screening questions. Based on your answers, you will be told whether or not you can enter. If you cannot enter, you will be told what to do next. You can complete the online screening before going to court: <https://covid-19.ontario.ca/courthouse-screening>. You must show the result as you enter. If you cannot complete the screening online, other screening options are available at the courthouse.

Please continue to check the Ontario Court of Justice website for updates.

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 September 14, 2020

The Court will resume hearing criminal trials and preliminary inquiries in a limited number of courtrooms in courthouses that are part of Phase Two of the Ministry's Plan.

<b>Ontario Court of Justice Courthouses where Trials and Preliminary Inquiries will Resume as of September 14, 2020</b>	
<b>Region</b>	<b>Courthouses</b>
Central East	Bracebridge, Coburg, Orillia
Central West	Cayuga, Simcoe, Welland
East	Brockville, L'Orignal, Napanee, Perth
Northeast	Cochrane, Gore Bay, Haileybury, Parry Sound
Northwest	Dryden, Fort Frances
West	Goderich, Stratford, Walkerton, Woodstock

All trials and preliminary inquiries involving accused persons who are in custody and who are out of custody will proceed as scheduled at these locations starting on September 14, 2020.

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 at these locations, 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 d, below, apply to trials and preliminary inquiries at these courthouse locations.

### **a. Filing of Pre-trial and Trial Applications**

All application materials in relation to trials and preliminary inquiries scheduled to proceed on or after September 14, 2020 at these locations should be filed in accordance with the timelines set out in the Criminal Rules of the Ontario Court of Justice.

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 September 14, 2020 at these locations 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 on or after September 14, 2020 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. Matters scheduled for trial or preliminary inquiry the week of September 14 – 18 will be addressed in the Trial Readiness Court scheduled in each jurisdiction for Tuesday, September 8.

For details about the Trial Readiness Court in each court location, including scheduling information, see [COVID 19 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.

#### **d. 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 continue to be announced on the court's website.

### **COVID-19 Trial Readiness Courts**

\*\*Except as otherwise specified below, cases will be spoken to in Trial Readiness Court the Monday before the week in which the case is scheduled for a trial or preliminary inquiry. Where Monday is a holiday, Trial Readiness Court is held on Tuesday. For example, trials and preliminary inquiries scheduled for the week of September 14 – 18 will be spoken to in trial readiness court on Tuesday, September 8. Matters scheduled

for trial or preliminary inquiry the week of September 21 will be addressed in the Trial Readiness Court scheduled for Monday, September 14.

Central East	Central West	East
Northeast	Northwest	West

### Central East Region

Bracebridge	<p>Court date: Tuesday of the week before</p> <p>Court time: 9:30 am (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID# 9013859</p>
Coburg	<p>Court date: Tuesday of the week before</p> <p>Court time: 9 am (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID# 2803646</p>
Orillia	<p>Court date: Tuesday of the week before</p> <p>Court time: 9 am (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID# 4712564</p>

### Central West Region

<p>Cayuga</p> <p><i>** Note: Matters will be addressed in the Brantford trial readiness court</i></p>	<p>Court date: Tuesday of the week before (with some on Monday; please contact the courthouse by email or telephone to confirm)</p> <p>Court time: 10 am (all matters)</p> <p>Audioconference: 1-866-633-0848, Conference ID# 3654983</p>
<p>Simcoe</p> <p><i>** Note: Matters will be addressed in the Brantford trial readiness court</i></p>	<p>Court date: Tuesday of the week before (with some on Monday; please contact the courthouse by email or telephone to confirm)</p> <p>Court time: 10 am (all matters)</p> <p>Audioconference: 1-866-633-0848, Conference ID# 3654983</p>
<p>Welland</p> <p><i>** Note: Matters will be addressed in the St. Catharines trial readiness court</i></p>	<p>Court date: Monday of the week before</p> <p>Court time: 3 pm (all matters)</p>

### East Region

Brockville	<p>Court date: Tuesday of the week before</p> <p>Court time: 2 pm (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID: 5681731</p>
L'Orignal	<p>Court date: Monday of the week before</p> <p>Court time: 9 am (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID: 2828887</p>
Napanee	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.
Perth	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.

### Northeast Region

Cochrane	<p>Court date: Tuesday of the week before (beginning Tuesday, September 8)</p> <p>Court time: 10 am (all matters)</p> <p>Audioconference: 1-866-500-5845 Conference ID: 9199047</p>
Gore Bay	<p>Court date: Tuesday of the week before</p> <p>Court time: 9:30 am (all matters)</p> <p>Audioconference: 1-866-633-0848 Conference ID: 4800482</p>
Haileybury	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.
Parry Sound	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.

### Northwest Region

Dryden	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.
Fort	No formal trial readiness court – trial readiness will be canvassed in individual cases by the

## West Region

Goderich	<p>Court date: Monday of the week before (beginning Tuesday, September 8 due to holiday Monday) – Conference Call line 1</p> <p>Court time: 11:30 am (all matters)</p> <p>Audioconference: 1-866-633-1033 Conference ID# 1172703</p>
Stratford	<p>Court date: Monday of the week before (beginning Tuesday, September 8 due to holiday Monday) – Courtroom 1</p> <p>Court time: 9:45 am (all matters)</p> <p>Audioconference: 1-866-633-1033 Conference ID# 2164807</p>
Walkerton	<p>Court date: Wednesdays of the week before (beginning Wednesday, September 9)</p> <p>Court time: 11:30 am (all matters)</p> <p>Audioconference: 1-866-633-1033 Conference ID# 3173454</p>
Woodstock	<p>Court date: Tuesday of the week before (beginning Tuesday, September 15)– Courtroom 2</p> <p>Court time: 9 am (all matters)</p> <p>Audioconference: 1-866-633-1033 Conference ID# 5240997</p>