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## **Notice to the Profession and the Public re: Resumption of Criminal Trials and Preliminary Inquiries November 30, 2020 in additional locations of the Ontario Court of Justice (Published November 16, 2020)**

**Criminal trials and preliminary inquiries in the Ontario Court of Justice will resume November 30, 2020 at the following seven locations: Alexandria, Bradford, Elliot Lake, Kirkland Lake, Picton, Red Lake, and Sioux Lookout.**

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 was implemented Monday July 6, 2020, in a limited number of courthouses and courtrooms. Additional courthouses resumed hearing trials and preliminary inquiries in August and September. On November 30, seven additional court locations will resume hearing in-person criminal trials and preliminary inquiries.

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 for in-person appearances 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. 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.

### **Resumption of Trials and Preliminary Inquiries at Other Satellite Court Locations**

In-person trials and preliminary inquiries have resumed at all base court locations of the Ontario Court of Justice, and the satellite court locations identified in this notice. The Government of Ontario, through the Ministry of the Attorney General, is responsible for all facility

retrofitting and all health and safety measures required to ensure the safe resumption of court operations including the reopening of all satellite courts for in-person appearances. The Ontario Court of Justice has responsibility for the scheduling of all court matters in those courthouses and will do so when the Ministry advises that it safe to resume operations.

## **Resumption of Criminal Trials and Preliminary Inquiries on November 30, 2020**

The Court will resume hearing criminal trials and preliminary inquiries in a limited number of courtrooms in the following courthouses.

<b>Ontario Court of Justice Courthouses where Trials and Preliminary Inquiries will Resume as of November 30, 2020</b>	
<u>Region</u>	<u>Courthouse(s)</u>
Central East	Bradford
East	Alexandria, Picton
Northeast	Elliot Lake, Kirkland Lake
Northwest	Sioux Lookout, Red Lake

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 November 30, 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 criminal 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 November 30, 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 November 30, 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 (as noted below) and until further notice, all cases currently scheduled for a trial or preliminary inquiry on or after November 30, 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:

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

Unless otherwise directed by the Regional Senior Justice (as noted below), cases will appear in Trial Readiness Court approximately one week before the week of the scheduled trial or preliminary inquiry.

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.

## **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 has been working to expand opportunities for counsel and parties to attend court proceedings using remote technology. For information about attending criminal case management (set date) appearances using remote technology, see [Scheduling and Conducting of Virtual Criminal Case Management Appearances](#).

Further updates and information about criminal proceedings 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 approximately one week before the case is scheduled for a trial or preliminary inquiry.

[Central East](#)

[East](#)

[Northeast](#)

[Northwest](#)

### **Central East Region**

Bradford	To be announced.
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### **East Region**

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

### Northeast Region

Elliot Lake	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.
Kirkland Lake	No formal trial readiness court – trial readiness will be canvassed in individual cases by the Local Administrative Judge.

### Northwest Region

Red Lake	<p>Court date: Friday 10 days before the Monday of the week cases are scheduled to be heard (e.g. trials and preliminary inquiries scheduled for the week of November 30 to December 3 will be spoken to in trial readiness court on Friday November 20.</p> <p>Time: 9:30 am (Central time)</p> <p>Connection information (Zoom)</p> <p><i>Joining by video</i></p> <p><a href="https://ca01web.zoom.us/j/61864607346?pwd=MHFSREhma1BMN3RhNEILRCtxcXVyUT09">https://ca01web.zoom.us/j/61864607346?pwd=MHFSREhma1BMN3RhNEILRCtxcXVyUT09</a></p> <p>or <a href="https://zoom.us/join">https://zoom.us/join</a>      Meeting ID: 680 5821 5416      Password: 841411</p> <p><i>Joining by telephone</i></p>
and	
Sioux Lookout	