

COVID-19 Pandemic – Scheduling of Criminal Matters in the Ontario Court of Justice (Revised March 28, 2020)

Public health officials have recommended that measures be taken to reduce the amount of time individuals spend in large crowds or in crowded spaces to help reduce the transmission of COVID-19 in a community. The Ontario Court of Justice is committed to ensuring that those with urgent matters continue to have meaningful access to the court. With that in mind, the Ontario Court of Justice has established procedures to reduce the number of people in our courthouses.

Please do not come into a courthouse if you have been advised by public health officials, your doctor or the Ontario Ministry of Health (MOH) website (<https://www.ontario.ca/page/2019-novel-coronavirusto>) self-isolate.

This directive applies to all criminal matters, including matters under the *Youth Criminal Justice Act*, scheduled in the Ontario Court of Justice up to Friday May 29, 2020.

Please continue to check the Ontario Court of Justice website (<https://www.ontariocourts.ca/ocj>) for any updates.

REDUCED COURT OPERATIONS

If you have a criminal court appearance in the Ontario Court of Justice between Monday March 16 and Friday May 29, 2020 do not attend court. Your matter will be adjourned to another court date 10 weeks from the date of your scheduled appearance. The court will adjourn your matter without you being present, using a court order called a “[bench warrant with discretion](#)” which will require you to attend court on the new date.

- regularly scheduled bail courts, remand and plea courts for in-custody proceedings;
- The Court is reducing the number of courtrooms that will operate. Judicial officials will remain available to
- plea court for [urgent out-of-custody matters](#);
- preside over:
- applications under the *Health Protection and Promotion Act*; and
 - urgent and/or essential intake court functions.

Filing and e-filing: To reduce the number of people who attend at the courthouse, the Court has issued a practice direction authorizing electronic filing of documents in criminal proceedings. For details regarding the electronic filing process see [Notice to the Legal Profession and the Public regarding the process of emailing urgent documents at the Ontario Court of Justice](#).

REMOTE APPEARANCES

As of March 28, 2020, all scheduled court appearances by counsel and accused persons, for urgent criminal matters and in-custody matters, will be by remote technology (videoconferencing or audioconferencing) rather than in person, unless a judicial official orders otherwise.

IN CUSTODY ACCUSED

The court is committed to ensuring that, wherever possible, criminal matters involving accused persons who are in custody (including bail matters) that are ready to proceed are able to proceed.

Trials and preliminary inquiries: All criminal trials and preliminary inquiries between Friday March 20, 2020 and Friday May 29, 2020, including in-custody matters, are suspended, subject to a judge seized with a continuing matter ordering otherwise. In-custody trials will be adjourned to a date determined by the presiding judicial officer.

Trial confirmation dates: If a matter is scheduled for a second event or trial confirmation date in respect of an in-custody trial or preliminary inquiry that is scheduled to proceed on or after June 1, 2020, the trial date is deemed to have been confirmed. If a matter is scheduled for a second event or trial confirmation date in respect of an in-custody trial or preliminary inquiry that is scheduled to proceed before June 1, 2020, that matter will be adjourned to a date determined by the presiding judicial officer.

Judicial pretrials Judicial pretrials will continue to be available, but will be held by telephone only. The Court encourages that judicial pretrials be held in respect of all in-custody matters, particularly any matters scheduled for trial.

OUT OF CUSTODY ACCUSED

If you are not in custody and have a criminal court appearance in the Ontario Court of Justice between Friday March 16 and Friday May 29, do not attend court. The court will adjourn your matter without you being present, using a court order called a “[bench warrant with discretion](#)” which will require you to attend court on the new date.

An accused person who is not in custody who has a criminal matter scheduled for any type of appearance in the Ontario Court of Justice between Friday March 20, 2020 and Friday May 29, 2020, should not attend court.

Matters will be adjourned to another court date approximately 10 weeks from the date of the scheduled appearance:

- For most courthouses, which have a regular weekday criminal case management court schedule, the next appearance will be on the corresponding day of the week 10 weeks from the date of your

scheduled appearance, e.g. an appearance on Monday March 23 will be adjourned to Monday June 1; an appearance on Thursday April 23 will be adjourned to Thursday July 2.

- In courthouses where case management court is not held on a consistent weekday schedule, the case will be adjourned approximately 10 weeks to a date identified by the Regional Senior Judge.

To find out what date a matter is being adjourned to, see [list of adjournment dates](#). These dates are subject to change further due to the COVID-19 pandemic. Please check back on this website before your next court date, in case that date changes.

To preserve jurisdiction a bench warrant with discretion will be issued under the *Criminal Code*, returnable on the adjournment date.

This procedure applies to *Criminal Code* peace bond hearings, pre-enquêtes and weapons hearings.

Trials and Preliminary Inquiries: All criminal trials and preliminary hearings between Friday March 20 and Friday May 29 are suspended, subject to a judge seized with a continuing matter ordering otherwise. Trials for out-of-custody accused will be adjourned without the accused being present to a date to reschedule the trial, in accordance with the procedure set out above.

Judicial pretrials Judicial pretrials will continue to be available, but will be held by telephone only.

Trial confirmation dates: If a matter is scheduled for a second event or trial confirmation date in respect of a trial that is scheduled to proceed on a date after June 1, 2020, the trial date is deemed to have been confirmed.

Urgent matters: The Court recognizes that some out-of-custody accused may have urgent matters that require the Court's attention before their next court date, which will be sometime after June 1, 2020. Examples include: urgent guilty pleas (where there is a deadline for eligibility for particular program, e.g. Stream A in impaired driving, or where an accused is on particularly onerous bail conditions); urgent consent bail variations; urgent applications to vary police undertakings; or urgent applications to vary probation or conditional sentence conditions under.

If you have an urgent criminal matter, please speak with your lawyer. If you do not have a lawyer, please contact Legal Aid Ontario at 1-800-668-8258 for assistance in submitting a request to have your matter brought before the Court. The Court expects that the parties (defence and Crown/prosecutor) will have discussed any matter before it is brought before the Court.