

Notice to the Profession and the Public: Update regarding the Scheduling of Criminal Trials and Preliminary Inquiries (Published August 12, 2020)

On Monday August 17, the Court will begin scheduling out-of-custody cases adjourned due to COVID-19 in all court locations.

This Notice provides an update regarding the scheduling of trial and preliminary inquiry dates in the Ontario Court of Justice. It supplements and updates the Court's [Notice to the Profession and the Public re Criminal Case Management Appearances and Setting Trial and Preliminary Inquiry Dates](#), published July 2, 2020.

On July 6, 2020, the Court resumed setting criminal trial and preliminary inquiry dates, including rescheduling trials and preliminary inquiries that were adjourned due to the COVID-19 pandemic, using the procedure set out in its [Notice to the Profession and the Public re Criminal Case Management Appearances and Setting Trial and Preliminary Inquiry Dates](#).

Because of the large number of cases that were adjourned and need to be rescheduled due to COVID-19, the need to prioritize within the Court's caseload, and in order to have a fair and orderly scheduling process, the Court established a priority order and timeline for the setting of trial and preliminary inquiry dates, with hearings involving in-custody accused persons being given priority.

(i) Scheduling of Out-of-Custody Trials and Preliminary Inquiries

The Court is ready to start scheduling trials and preliminary inquiries involving out-of-custody accused persons in all court locations. Priority will be given to trials and preliminary inquiries that were adjourned due to COVID-19, with priority based on the previously scheduled trial or continuation date.

The updated timeline for scheduling trials and preliminary inquiries is as follows:

	<u>Category</u>	<u>Scheduling will begin no later than</u>
1.	In-custody continuations	July 6, 2020
2.	In-custody hearings adjourned due to COVID-19	July 7, 2020
	· Hearings adjourned March 16 – April 9	July 7, 2020
	· Hearings adjourned April 14 – May 8	July 9, 2020
	· Hearings adjourned May 11 – June 5	July 14, 2020
	· Hearings adjourned June 8 – July 3	July 16, 2020
3.	New in-custody hearings and in-custody hearings adjourned on or after July 6	July 21, 2020

4.	Out-of-custody continuations	August 5, 2020
5.	Out-of-custody hearings adjourned due to COVID-19	August 17, 2020
	· Hearings adjourned March 16 – April 3	August 17, 2020
	· Hearings adjourned April 6 – April 24	August 24, 2020
	· Hearings adjourned April 27 – May 15	August 31, 2020
	· Hearings adjourned May 19 – June 5	September 8, 2020
	· Hearings adjourned June 8 – July 3	September 14, 2020
	· Hearings adjourned on or after July 6	September 21, 2020
6.	New out-of-custody hearings	September 28, 2020

(ii) Election re Mode of Trial

If an accused person has not made their election regarding mode of trial, the defence is encouraged to have the accused make their election by written submission in accordance with s. 536.2 of the Criminal Code. A written Notice of Election prepared by the Ministry of the Attorney General's Court Services Division that may be completed and filed with the Court is available on the Ontario Court of Justice website. The Notice of Election may be signed electronically and may be filed with the Court by attaching it when the Trial / Preliminary Inquiry Scheduling Form is submitted.

If an accused person is entitled to an election but has not yet made their election, the accused person will be required to be present by remote appearance at their next court date to be put to their election, unless otherwise directed by a judicial official.

(iii) Revised Trial and Preliminary Inquiry Scheduling Form

In response to feedback received, the Court has revised the [Trial / Preliminary Inquiry Scheduling Form](#) that is used to schedule hearings. Going forward, counsel should complete and submit the revised version of the Form (dated August 12, 2020) to the Trial Coordinator's office.

Trial / Preliminary Inquiry Scheduling Forms that have already been completed and submitted using the previous version of the Form do not need to be resubmitted.