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Expanded Surety Declaration Pilot Project Protocol

Information

Effective Date April 13, 2026.

Preamble

The Ontario Court of Justice is committed to being a fair, accessible, innovative Court that delivers impartial and timely justice, and ensures all participants are treated with dignity and can take part meaningfully.

Bail proceedings must protect the liberty rights of an accused person – including the constitutional right to reasonable bail and the right to a timely bail hearing – and also protect the public. Timeliness is critical to ensuring bail hearings are meaningful and fair.

In support of those commitments, the Ontario Court of Justice is beginning a pilot project that allows parties to use an “Expanded Surety Declaration” (instead of the existing Form 12 Surety Declaration) to set out relevant information for the Court about a proposed surety.

1. Application

1.1 This Expanded Surety Declaration is available for use in any bail matter in the following locations:

- Newmarket
- Brantford
- Hamilton
- London
- Simcoe/Muskoka
- Brampton
- Gore Bay
- Thunder Bay
- Toronto
- Belleville

2. Objectives

2.1 The objectives of the Expanded Surety Declaration are to:

- reduce parties’ reliance on *viva voce* evidence from proposed sureties in bail hearings,

- assist the court in determining surety suitability in a streamlined manner, and
- increase the amount of information available to the presiding judicial officer by way of a surety declaration.

3. Process

- 3.1 The use of the Expanded Surety Declaration is optional. It is not a mandatory form in any pilot location.
- 3.2 If a surety is proposed, defence counsel (including duty counsel) should prepare the Expanded Surety Declaration, share it with the Crown, and ensure it is filed with the Court in advance of the hearing.
- 3.3 On consent of the Crown, the Expanded Surety Declaration is intended to replace the use of the Form 12 Surety Declaration. Section 515.1(1) of the *Criminal Code* requires that before the court names a particular person as a surety, that person shall provide the court with a signed declaration under oath, solemn declaration, or solemn affirmation in Form 12 unless the prosecutor consents to dispense with the need for the Form 12 in accordance with s. 515.1(2)(a). As a result, Crown consent is required before using the Expanded Surety Declaration in the place of the Form 12.
- 3.4 Parties using the Expanded Surety Declaration should treat it the same as they treat the Form 12 Surety Declaration. In Particular, the Expanded Surety Declaration should be sworn or affirmed and filed in accordance with existing and applicable directives such as the [Ontario Court of Justice Protocol Re: Bail Hearings](#) and the direction on [Serving and Filing Criminal Court Documents](#). Where it is not feasible for the proposed surety to swear or affirm the Expanded Surety Declaration, the surety may confirm the contents under oath on the record.