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COVID-19: NOTICE TO COUNSEL/PARALEGALS AND THE PUBLIC RE: *PROVINCIAL OFFENCES ACT* MATTERS IN THE ONTARIO COURT OF JUSTICE

**This Notice supersedes previously announced notices.*

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1. INTRODUCTION

The Ontario Court of Justice continues to work with stakeholders to ensure all courts, including Provincial Offences courts, can return to operations in a safe manner.

Until further notice, no in-person *Provincial Offences Act* proceedings will be conducted until at least Monday, October 19th, 2020. Beginning September 28, 2020, *Provincial Offences Act* matters may proceed remotely as described below in s. [4.1.1](#). Judicial pre-trials as described below in [s. 4.3](#) and early resolution guilty pleas described below in [s. 4.4](#) may continue to be held remotely.

The Court is working closely with its justice partners, including the Ministry of the Attorney General and representatives of Provincial Offences courts, to determine how technology can be used to increase participants' ability to access courthouse services using remote means, such as by the electronic filing of court material, remote scheduling processes, and remote hearings. The Court is also working with justice partners to plan for the eventual resumption of in-person attendances in a way that protects the health and safety of all participants.

Do not come into a courthouse if you have been advised by public health officials, your doctor, or the [Ontario Ministry of Health](#) website to self-isolate.

Please continue to check the [Ontario Court of Justice website](#) for updates to this Notice.

2. APPLICATION

This Notice applies to all *Provincial Offences Act* matters before the Ontario Court of Justice.

3. LIMITATION PERIODS UNDER THE PROVINCIAL OFFENCES ACT

All limitation periods under the *Provincial Offences Act* have been suspended by an order under s. 7.1.2(2) of the *Emergency Management and Civil Protection Act*. This order is available here: <https://www.ontario.ca/laws/regulation/200073>

This order has been extended by the Government of Ontario until September 11, 2020.

In addition, on March 15, 2020 the Chief Justice of the Ontario Court of Justice made an order pursuant to s. 85 of the *Provincial Offences Act* extending most timelines under the act until April 23, 2020. A copy of this order is available here: <https://www.ontariocourts.ca/ocj/files/POAs85OrderMarch15.pdf?id=5f4934750d0b2>

4. SCHEDULING DIRECTIVES

4.1 Suspension of All In-Person Proceedings

Except as otherwise noted in this practice direction, all *Provincial Offences Act* (POA) in-person proceedings scheduled from Monday, March 16, 2020 through to and including Friday, October 16, 2020 will be adjourned and rescheduled to a later date. If you have a proceeding scheduled during this time, **do not attend court in person**. This applies to all Provincial Offences courts in Ontario.

During this time, matters may proceed by audio as described below in [s. 4.1.1](#).

A notice of the new court date will be sent to both parties by mail to the address on file with the court. For more information, please contact your local Provincial Offences court.

Contact information for all Provincial Offences courts is available here:

https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/poa/

4.1.1 Expansion of Remote Hearings

Beginning September 28, 2020, the Ontario Court of Justice will hear non-trial POA proceedings (e.g., guilty pleas, withdrawals, judgment delivery, first appearances, adjournments) remotely by audio conferencing.

The Ontario Court of Justice continues to work with the Ministry of the Attorney General and Provincial Offences courts to prepare for the resumption of trials. More information about the resumption of trials in Provincial Offences courts will be forthcoming.

Recent amendments to the *Provincial Offences Act* permit most POA matters to proceed remotely. In light of these amendments, the Ontario Court of Justice will begin to schedule and hear additional POA proceedings by audio conferencing, which is the platform most Provincial Offences courts have available. Consistent with the remote proceeding provisions of the *Provincial Offences Act*, these proceedings will only be heard in locations where the electronic method (i.e., audio conferencing) is made available by the court office.

If you have a matter that will be proceeding by audio conferencing, you or your representative will receive notice of your hearing date from the court office. Please ensure your contact information is up to date with the court office where your matter is being heard.

Contact information for all Provincial Offences courts is available here:

https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/poa/

4.2 POA Appeals

All *Provincial Offences Act* appeals to a judge of the Ontario Court of Justice scheduled from Monday, March 16, 2020 through to and including Friday, September 11, 2020 will be adjourned.

Please check back on this website before your next court date for further information.

If you need to update your address with the court, please contact the courthouse where the appeal is scheduled to be heard. A listing of all court addresses is available here: https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/

4.3 Judicial Pre-Trials

Judicial pre-trials continue to be held by audio conference. Cases subject to judicial pre-trials will be determined by local protocol. Parties will be notified of the date and time of the judicial pre-trial and the information for attending the audio conference.

4.4 Early Resolution Guilty Pleas

Beginning July 6, 2020, early resolution guilty pleas pursuant to s. 5.1(8) of the *Provincial Offences Act* started proceeding before a Justice of the Peace remotely by audio conference in some of the early resolution Provincial Offences courts in the province.

Formal early resolution is only available in some jurisdictions across the province where the Offence Notice (ticket) indicates the option to request an early resolution meeting with the prosecutor. The decision to offer early resolution is a decision made by the municipalities.

These will continue to proceed remotely.

4.5 Young Persons

Provincial Offences Act matters where the defendant is a young person (individual under 16 years of age) are scheduled to appear and be heard in a provincially-administered Ontario Court of Justice. As a result, these matters will be dealt with consistent with matters in criminal court.

Up to date information about cases in criminal court, which applies to POA young person matters, is available on the Ontario Court of justice website at <https://www.ontariocourts.ca/ocj/covid-19/> .

If you need to update your address with the court, or need information about a specific case, please contact the courthouse where the matter is scheduled to be heard. A listing of all provincially-administered court addresses are available here:

https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/

5. ELECTRONIC SIGNATURES

5.1 Electronic Signatures

The Ontario Court of Justice will accept electronically signed documents where a signature is required. An electronic signature consists of electronic information that identifies the signatory and the date and place of signing. For example, you may type your name as your signature.

6. FILING OF POA APPEALS

6.1 Filing of POA Appeals

Until further notice only urgent POA appeals to a judge of the Ontario Court of Justice will be accepted for filing. Urgent POA appeals are limited to those where the defendant is subject to a licence suspension.

If you are subject to a licence suspension and would like to file an appeal, you may do so by emailing your Notice of Appeal to the appropriate courthouse. For a list of courthouse email addresses see: Ontario Court of Justice – Courthouse Email Addresses. If you are unable to file documents by email, contact your local courthouse by email or telephone to find out about other options that are available or information about attending your local courthouse.

If you are appealing a matter under PART III (summons offences) of the POA, you must still serve your Notice of Appeal on the prosecutor's office before you file it with the appeal court office.

More information about POA appeals is available in the Guide to Appeals in Provincial Offences Cases. The Guide is available here: <https://www.ontariocourts.ca/ocj/self-represented-parties/guide-to-appeals-in-provincial-offences-cases/guide/>.

Please note that all limitation periods under the Provincial Offences Act, including the 30 day time limit to file POA appeals, have been suspended by an order under s. 7.1.2(2) of the Emergency Management and Civil Protection Act. This order is available here: <https://www.ontario.ca/laws/regulation/200073> . This order has been extended by the Government of Ontario until September 11, 2020.