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## **COVID-19: Notice to Counsel/Paralegals and the Public Re: Provincial Offences Act Matters in the Ontario Court of Justice (Revised May 10, 2022)**

*\*This Notice supersedes previously announced notices.*

*Effective Date: 19 May 2020*

*Revised: 10 May 2022*

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### **1. Introduction**

The Office of the Chief Medical Officer of Health recently announced the easing of COVID-19 public health measures, including lifting capacity limits in public spaces such as courthouses. This has increased the Ontario Court of Justice's capacity to return to in person proceedings. The Court remains committed to using technology to better serve court users and improve access to justice, including the use of remote technology (video or telephone) in appropriate cases. Moving forward, OCJ Provincial Offence Act proceedings will be heard in-person, by remote technology (video or telephone) or a combination of in-person and remote technology. The Court will be engaging in consultations with its justice partners to determine how best to implement this vision in the long term.

Effective April 4, 2022, as a result of the easing of pandemic restrictions, the Chief Justice of the Ontario Court of Justice has directed that Provincial Offences Court managers can work with their Regional

Senior Justices of the Peace (RSJP) to resume scheduling in-person matters. Scheduling in person matters was delayed due to the Omicron variant of COVID-19. Prior to the easing of pandemic restrictions the Ministry of the Attorney General's Recovery Division worked with the municipalities that administer Provincial Offences Courts to support their reopening of in person proceedings with health and safety standards consistent with other courts in which judges and justices of the peace of the Ontario Court of Justice preside. Recovery Division's support included their endorsement that health and safety protections were implemented by the municipal court. Once a municipal court received the endorsement from Recovery Division in person proceedings could have commenced when approved by the municipality's Chief Administrative Officer (CAO) or delegate. As the responsibility for the administration of Provincial Offences courts rests with each respective municipal partner, the approval from the municipality confirms health and safety protections are implemented, and will be monitored at provincial offences courts.

Hearings, including trial and non-trial proceedings (guilty pleas, withdrawals, judgment delivery, first appearances, and adjournments) may proceed in-person or by electronic method (video or audio conference).

**If you have been advised by public health officials, your doctor, or the [Ontario Ministry of Health](#) website to self-isolate do not come into a courthouse. If you are unable to attend court due to COVID please contact your representative (i.e. lawyer/paralegal) or if you are self-represented please contact the *Provincial Offences Courthouse* 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/](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/poa/)

Please continue to check the Ontario Court of Justice website for updates to this Notice.

For further assistance with Provincial Offence Act proceedings you may wish to consult the Guide for Provincial Offences Cases and seek legal advice.

## **2. Application**

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

This Notice applies to all parties and participants in ***Provincial Offences Act*** proceedings, including prosecutors, defence representatives, defendants and witnesses.

## **3. Media and Public Access to Proceedings**

The Notice Regarding Public and Media Access to Ontario Court of Justice Proceedings during COVID-19 Pandemic applies to ***Provincial Offences Act*** proceedings. The public, including the media, may request access to proceedings held by electronic method from the court office.

#### **4. Trials For Part I and Part II Offences (Tickets and Parking Tickets)**

If you requested a trial, your notice of trial will indicate either in-person appearance by having a court address or appearance by electronic method (video) by having Zoom information. If your notice provides for in-person appearance you may contact the court office to request to appear by video. If your notice provides for a trial by video you may contact the court office to request to appear in-person.

If you appear by video the justice of the of the peace may order that you appear in person. Section 83.1(4) of the Provincial Offences Act permits the presiding judicial officer to order a participant to appear in-person.

#### **5. Early Resolution**

Early resolution under s. 5.1(8) of the Provincial Offences Act 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 this early resolution is a decision made by the municipalities.

Your notice of early resolution meeting will indicate your option(s) regarding how you may attend court. If you cannot attend by that method please contact the Provincial Offences Courthouse. Early resolution guilty pleas pursuant to s. 5.1(8) of the Provincial Offences Act, where available, may proceed in-person, by video or by audio.

#### **6. Part III Matters (You Received a Summons and not a Ticket)**

Your summons will include information about where to appear in person (courthouse address and courtroom number). It may also include information about how to appear by video (Zoom).

If you appear by video the justice of the of the peace may order that you appear in person. Section 83.1(4) of the Provincial Offences Act permits the presiding judicial officer to order a participant to appear in-person.

## 7. *Provincial Offences Act Appeals*

Provincial Offence Act appeals may be held in-person or by electronic method (e.g. video).

If your appeal was adjourned, you will be informed of the new date. You may also contact the courthouse where the appeal was scheduled to be heard if you wish an update on the status of the appeal.

Your notice of your new date of appeal will be sent to your last known address. You should update your address with the courthouse by contacting the courthouse where your appeal is scheduled to be heard.

Appeals to a judge of the Ontario Court of Justice may be filed by attending the courthouse in-person or you may do so by emailing your Notice of Appeal to the appropriate courthouse.

For a list of courthouse email addresses

see: [https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court\\_Addresses/poa/](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/poa/)

More information about ***Provincial Offences Act*** appeals is available in the Guide to Appeals in Provincial Offences Cases. The Guide is available here: [Guide to Appeals in Provincial Offences Cases | Ontario Court of Justice \(ontariocourts.ca\)](#).

## 8. **Judicial Pre-Trials**

Judicial pre-trials may be held by electronic method (by audio or video conference) or in-person. The decision with respect to the technology used (audio or video) is made locally, taking into consideration the availability of the technology at the court location.

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 or video conference or in person Judicial Pre-trial.

## 9. **Young Persons**

Provincial Offences Act matters where the defendant is a young person (individual under 16 years of age) are scheduled to 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 **Provincial Offences Act** 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/](https://www.attorneygeneral.jus.gov.on.ca/english/courts/Court_Addresses/)

## **10. 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.

## **11. Time Periods Under the *Provincial Offences Act***

The Chief Justice has previously made orders extending timelines under the Provincial Offences Act. There are currently no orders in effect extending time.

The expired orders follow:

- On January 10, 2022, an order extending most timelines under the Act that expire on or after January 1, 2022 to February 14, 2022.
  - Order pursuant to s. 85 of the [Provincial Offences Act](#) (January 10, 2022)

**Note: Timelines related to *Provincial Offences Act* appeals were not included in this order.**

- On August 10, 2021, an order extending timelines for **Provincial Offences Act** appeals in the Ontario Court of Justice that expire on or after March 15, 2020 until November 1, 2021:
  - Order pursuant to s. 85 of the [Provincial Offences Act](#) (August 10, 2021).

**Note: This order superseded orders made on March 31, 2021, extending timelines to September 7<sup>th</sup>, 2021 ([Order pursuant to s. 85 of the Provincial Offences Act \(March 31, 2021\)](#)), and on January 21, 2021 extending the timelines to April 12, 2021 ([Order pursuant to s. 85 of the Provincial Offences Act \(January 21, 2021\)](#)).**

- On November 25, 2020, an order extending most timelines, including periods related to ***Provincial Offences Act*** Appeals, under the ***Act*** until February 26, 2021:

- Order pursuant to s. 85 of the [Provincial Offences Act](#) (November 25, 2020)

***Note: This order superseded the orders made on September 10, 2020, extending timelines to December 1, 2020 (Order Pursuant to s. 85 of the [Provincial Offences Act](#) (September 10, 2020)), and on March 15, 2020 extending the timelines to April 23, 2020 (Order Pursuant to s. 85 of the [Provincial Offences Act](#) (March 15, 2020)).***

- An order extending timelines that would have expired on September 30, 2021, The National Day For Truth and Reconciliation where extended to October 1, 2021

- Order pursuant to s. 85 of the [Provincial Offences Act](#) extending certain timelines

The Government of Ontario's Order made pursuant to Ontario Regulation 73/20 under the ***Emergency Management and Civil Protection Act*** and the ***Reopening Ontario (A Flexible Response to COVID-19) Act, 2020*** suspending time limitations retroactive to March 16, 2020 expired September 13, 2020. This Order is available here: <https://www.ontario.ca/laws/regulation/200073>