

A close-up photograph of a woman with long, wavy brown hair and a young girl with dark hair in pigtails. They are both smiling and looking down at a white plastic shopping bag that the woman is holding. The woman is wearing a grey zip-up hoodie with blue trim, and the girl is wearing a white cable-knit sweater. The background is blurred, suggesting an outdoor setting.

Applying for Peace Bonds in Newfoundland and Labrador

The logo for Newfoundland and Labrador, featuring a stylized red and orange flower or leaf design above the text.

Newfoundland
Labrador

What is a Peace Bond?

Introduction

The purpose of this resource is to guide individuals through the processes and procedure to apply for a peace bond in Newfoundland and Labrador. It contains general responses to commonly asked questions. Any specific questions/concerns an individual may have regarding their particular case should be directed towards the court processing the application.

What is a peace bond?

A peace bond is an Order by the Court (Section 810 of the Criminal Code of Canada) effective for a maximum time period of 12 months that places specific conditions on an individual's behavior in an attempt to ensure no harm comes to the applicant and/or their families or their property.

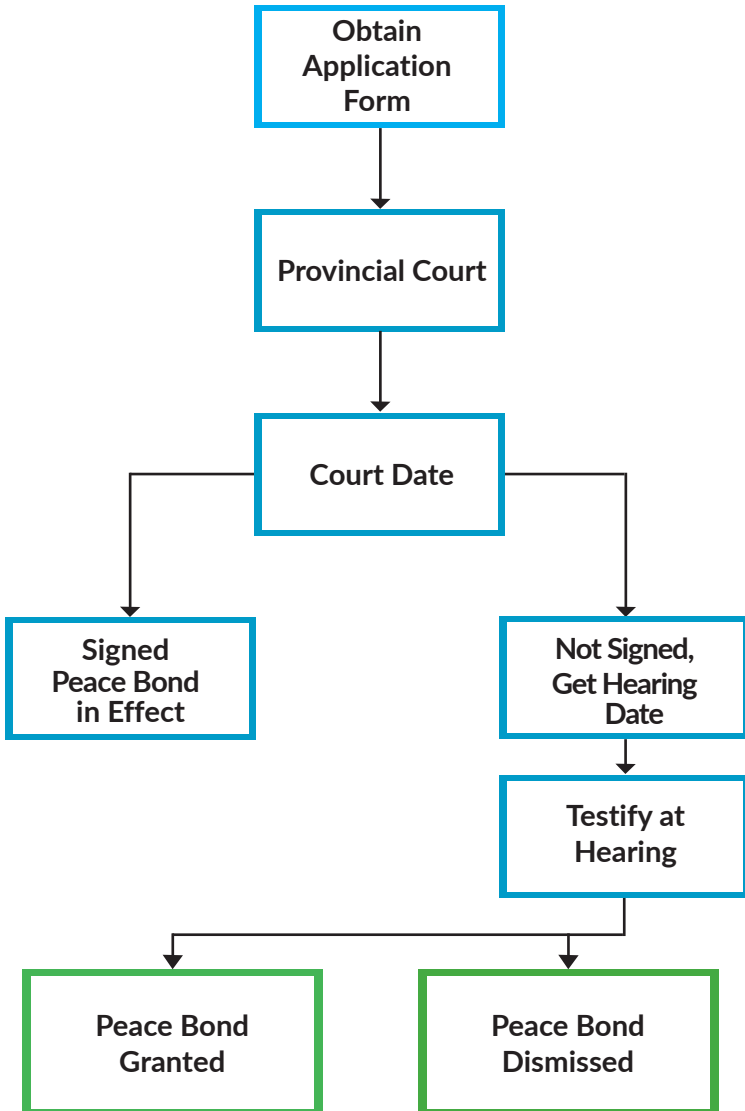
Is a peace bond the same as a criminal charge?

Peace bonds are not meant to be a substitute for criminal charges. If a criminal offense has occurred against you, you may contact the police detachment nearest you to determine if it is more appropriate for a charge to be laid. Peace bonds are not automatic. If the respondent (the person you wish to sign the bond) agrees to enter into the bond, the court will issue the bond. However, if there is a hearing, the court has to be satisfied there is evidence to support the court ordering the person to enter into the bond.

Who can apply?

Anyone (including youth ages 12-17 years) who has reason to fear for their and/or their family's personal safety or fear damage to their property from another person.

How do I apply?



Peace Bond Application Process

Does the application cost anything?

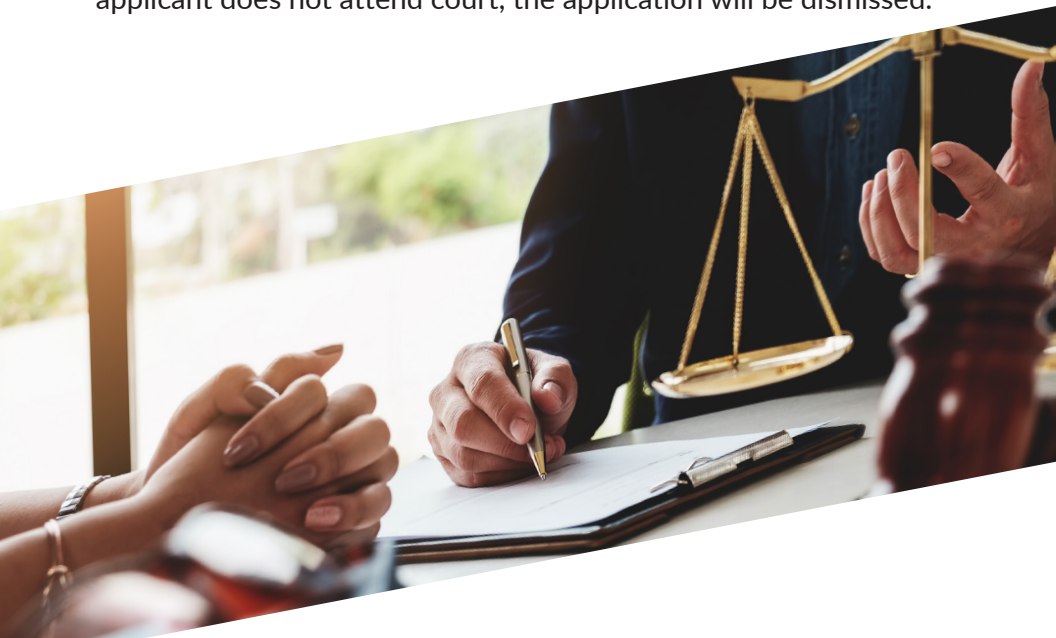
While there is no fee for applying for a peace bond, there may be expenses to you if there is a hearing. You are responsible for covering any expenses incurred by your witnesses for travel and/or meals and the fee paid (currently \$4.00 per person) for witnesses to attend court.

How long does it take to process a peace bond application?

While every effort is made to process peace bonds in a timely manner, court schedules are usually booked well in advance. The application process can range from weeks to months.

Am I required to attend court for each appearance?

You have to appear at all court dates set. You will only be required to give evidence and/or call witnesses at a hearing but the applicant must be present at all appearances set. If the applicant does not attend court, the application will be dismissed.



Can I have a support person with me at court?

Courts are open to the public and you may have a support person(s) attend with you. The respondent may also have a support person(s) in attendance.

What happens if the respondent fails to attend?

A warrant of arrest may be issued for individuals including any witnesses summoned to court who fail to appear without a reasonable explanation being presented to the court at the time.

What happens if the respondent refuses to enter into a peace bond?

A hearing date will be set at which time you will be required to give evidence under oath as to the reasons you are seeking the bond. As well, any witnesses you have subpoenaed will be required to testify and all are subject to cross examination by the respondent or his/her legal counsel. For evidence to be considered by the judge it must be given under oath or affirmed.

What kinds of conditions can I request for a peace bond?

At your first appearance, the court will need to know the types of conditions you are requesting. It can range from keeping the peace and good behavior toward you, to not having contact with you at all, being around your residence, place of employment or school. In some cases, firearm restrictions may be ordered as well. On occasion, the court may require both the applicant and respondent enter into peace bonds based on the evidence presented.

Are my expenses covered to attend Court such as travel?

Travel expenses are not covered for applicants of peace bonds. You are financially responsible for getting yourself to/from court appearances.

Conditions of a Peace Bond

Do I need witnesses/documentation?

If you have kept a record of events involving time and places, you may want to bring this information to court for evidence. As well, anyone who may have witnessed events between you and the respondent who can support your application can be subpoenaed by you to testify.

Do I have to subpoena witnesses?

You are responsible for subpoenaing any witnesses you wish to have testify on your behalf- witnesses who may have seen or heard things which support your application. You can obtain subpoenas from the Provincial Court. You are responsible for serving them to your witnesses. If a witness does not appear on the date for which they were subpoenaed, a warrant for their arrest may be issued.

Will I be cross examined by the respondent at hearing?

You are subject to cross examination on your evidence. If the respondent is represented by legal counsel, you will be questioned by counsel. If the respondent is self-represented, they may cross examine you. The presiding judge may ask questions at any time during your evidence. If the respondent testifies, you may ask them questions upon cross examination as well.

What happens if a peace bond condition is broken?

If a condition laid out in the peace bond is violated, you may report this to the nearest policing authority. The respondent may lose any financial penalty previously attached to the bond by the court and be charged under Section 811 of the Criminal Code of Canada. It is a criminal offense to violate a court order. Penalties can range from fines to probation to a jail term. Violations of a peace bond seldom result in a jail term.

Can Victim Services assist with peace bond applications?

Victim Services provides services to crime victims involved with the criminal justice system – assistance is not provided with peace bond applications. If schedules permit, we may be able to provide limited assistance.

Will a peace bond guarantee my safety?

No. A peace bond will place a respondent on conditions; however, it is up to the respondent to respect the court order. Unfortunately, court orders can be violated. It is important to remain vigilant of your safety following the granting of a peace bond, particularly if the situation involves an ex-partner, as statistics indicate women are often at high risk following a separation.

How do I make application?

Peace bond applications are available at Provincial Court. In rural areas of the province the RCMP and/or Victim Services may have the applications and may be able to assist you with completing the application. Before any application is sent by mail to Provincial Court, the application must be sworn before a Justice of the Peace.

There are two types of applications:

1. Applications because you fear another person may harm you or your family by personal injury, and
2. Applications because you fear another person may damage your property. The applicant must include the reasons for which the peace bond is sought and all information with respect to addresses must be correct. A summons cannot be served upon the respondent if the contact information is not current.

Contact Information

Victim Services

St. John's
709.729.0900

Carbonear
709.945.3019/3046

Marystown
709.279.3216

Clarenville
709.466.5808

Gander
709.256.1028/1070

Grand Falls-Windsor
709.292.4544/4548

Corner Brook
709.637.2603/2465

Stephenville
709.643.6588/6618

Port Saunders
709.861.2147

Happy Valley-Goose Bay
709.896.0446/3251

Nain
709.922.2360

Provincial Courts

St. John's
709.729.1004

Harbour Grace
709.596.6141

Clarenville
709.466.2635

Grand Bank
709.832.1450

Gander
709.256.1100

Grand Falls-Windsor
709.292.4212

Corner Brook
709.637.2323

Stephenville
709.643.2966

Happy Valley-Goose Bay
709.896.7870

Wabush
709.282.6617

or contact: www.court.nl.ca

Victim Services

Justice and Public Safety
P.O. 8700, St. John's, NL A1B 4J6
(709) 729-7970
victimservices@gov.nl.ca
victimserviceshelp.ca

Available in alternate format

