

APPLYING FOR

**PEACE  
BONDS**

IN  
NEWFOUNDLAND  
AND  
LABRADOR

## **Introduction**

This resource guide is designed to assist individuals with understanding the procedures and processes when applying for a Peace Bond within the province of 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?**

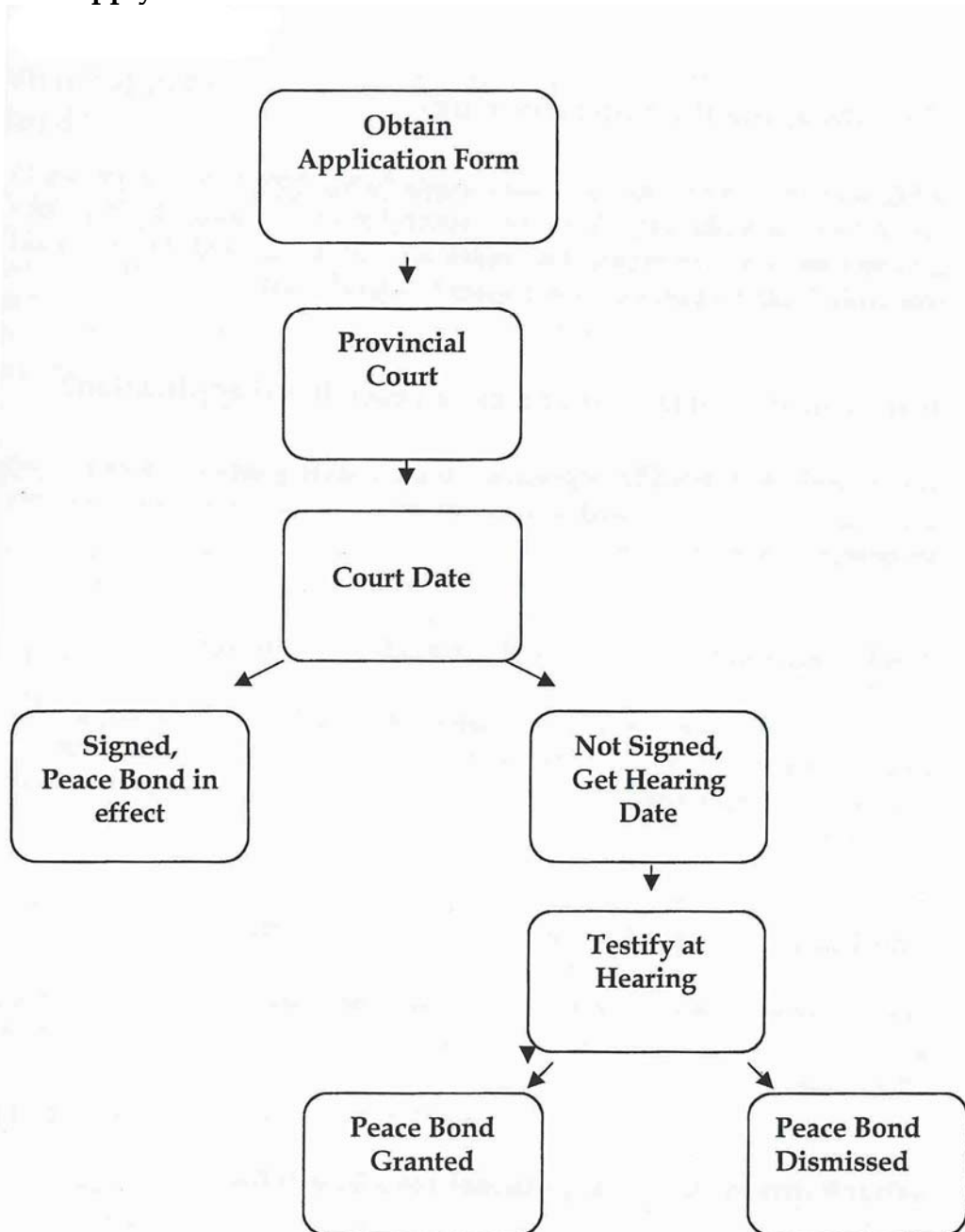
Anyone who has reason to fear for their and/or their family's personal safety or fear damage to their property from another person. This includes youth ages 12-17 years.

## **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 application - 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.

### How do I apply?



### 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?**

Yes, you are 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 is required 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?**

Yes, courts are open to the public and you may have a support person(s) accompany you. Likewise, the respondent may have a support person(s) in attendance as well.

### **What happens if the respondent fails to attend?**

A warrant of arrest may be issued for individuals 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 apply for a Peace Bond?**

When attending Court for the first appearance, you need to be prepared to address the conditions you are requesting be ordered to help you feel safe. It can range from keeping the peace and being of good behavior toward you to not having contact with you at all, nor being around your residence, place of employment, or school. The Court will need to know the types of conditions you would be requesting. 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.

### **Do I need witnesses/documentation?**

If you have kept a record of events involving time and places, you may want to bring this 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.

### **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, he/she may cross examine you. The presiding Judge may ask questions at any time during your evidence. If the Respondent testifies, you may ask him/her 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 of the court. Unfortunately, court orders can be violated. It is important to remain vigilant of your safety following the granting of a Peace Bond as statistics indicate women are often at high risk following a separation.

## PROVINCIAL COURT LOCATIONS

<b>Court</b>	<b>Address</b>	<b>Phone</b>	<b>Fax</b>
St. John's	Box 68, Atlantic Place 215 Water Street St. John's, NL A1C 6C9	Criminal/Youth (709) 729-1504  Civil/Traffic (709) 729-1508	Criminal/Youth (709) 729-0796  Civil/Traffic (709) 729-4319
Clarenville (circuit info)	47 Marine Drive Clarenville, NL A5A 1M5	(709) 466-2636	(709) 466-3147
Corner Brook (circuit info)	84 Mt. Bernard Ave. P.O. Box 2006 Corner Brook, NL A2H 6J8	(709) 637-2395	(709) 466-3147
Gander (circuit info)	P.O. Box 2222 98 Airport Road Gander, NL A1V 2N9	(709) 256-1100	(709) 256-1097
Goose Bay (circuit info)	P.O.Box 3014, Stn. B Happy Valley-Goose Bay NL A0P 1E0	(709) 896-7870	(709) 896-7884
Grand Bank	P.O. Box 339 Grand Bank-Fortune Hwy Grand Bank, NL A0E 1W0	(709) 832-1450	(709) 832-1758
Grand Falls (circuit info)	Law Courts Bldg. Grand Falls, NL A2A 1W9	(709) 292-4212	(709) 292-4388
Harbour Grace	P.O. Box 519 Harvey Street Harbour Grace, NL A0A 2M0	(709) 596-6141	(709) 596-4304
Placentia (circuit info)	P.O. Box 369 Placentia, NL A0B 2Y0	(709) 227-2002	(709) 227-5747
Stephenville (circuit info)	35 Alabama Drive Stephenville, NL A2N 3K9	(709) 643-2966	(709) 643-4022
Wabush (circuit info)	P.O. Box 1060 Whiteway Drive Wabush, NL A0R 1B0	(709) 282-6617	(709) 282-6905

For additional information, you may refer to [www.gov.nl.ca/just](http://www.gov.nl.ca/just)

## VICTIM SERVICES LOCATIONS

Location	Address	Phone	Fax
St. John's	P.O. Box 8700 315 Duckworth Street St. John's, NL A1B 4J6	(709) 729-0900	(709) 729-0053
Clarenville	97 Manitoba Drive Suite 101 Clarenville, NL A5A 1K3	(709) 466-5808	(709) 466-1113
Grand Falls/ Windsor	4 <sup>th</sup> Floor, Provincial Bldg. Grand Falls-Windsor, NL A2A 1W9	(709) 292-4544	(709) 292-4565
Stephenville	35 Alabama Drive Stephenville, NL A2N 3K9	(709) 643-6588	(709) 643-9231
Happy Valley/ Goose Bay	P.O. Box 3014, Strn. "B" 215 Hamilton River Road Happy Valley-Goose Bay NL A0P 1A5	(709) 896-04456	(709) 896-2230
Carbonear	Carlyle Bldg., Unit 3 80 Powell Drive Carbonear, NL A1Y 1A5	(709) 945-3019	(709) 945-3018
Gander	P.O. Box 2222 2 <sup>nd</sup> Floor, McCurdy Building Gander, NL A1V 2N9	(709) 256-1028	(709) 256-1024
Corner Brook	P.O. Box 2006 9 <sup>th</sup> Floor Sir Richard Squires Bldg. Corner Brook, NL A2h 6J8	(709) 637-2614	(709) 637-2530
Port Saunders	P.O. Box 149 Dobbin Building Port Saunders, NL A0K 4H0	(709) 861-2147	(709) 861-3302
Nain	General Delivery Nain, Labrador A0P 1L0	(709) 922-2360	(709) 922-2238
Marystown	P.O. Box 1182 Marystown, NL A0E 2M0	(709) 279-3216	(709) 279-4256

For additional information, you may refer to [www.gov.nl.ca/just](http://www.gov.nl.ca/just)



Department of Justice  
Corrections & Community Services Division  
Victim Services