

PLEASE READ THE FOLLOWING PRIOR TO COMPLETING THE ATTACHED DOCUMENT.

Justices of the Peace are prohibited from giving any advice about your rights, nor can they give you any other type of legal advice, opinion or guidance. If you are seeking a legal opinion or require guidance about this process, you should seek out a lawyer or legal clinic. Please note that when you lay an information, you have the same rights and obligations as any enforcement agency and must follow the same procedure and meet the same test for issuing process.

ONCE THE ATTACHED DOCUMENT IS COMPLETE, PLEASE RETURN TO THE COURT OFFICE SERVICE COUNTER WHERE YOU WILL RECEIVE FURTHER INSTRUCTIONS ABOUT THE NEXT STEP IN THIS PROCEDURE.

IMPORTANT: THIS DOCUMENT MUST BE COMPLETED IN FULL AND LEGIBLE IN ORDER FOR ANY INFORMATION(S) TO BE PROPERLY PREPARED FOR SIGNATURE.

COMMENCING A PROCEEDING FOR A PRIVATE INFORMATION UNDER THE CRIMINAL CODE OF CANADA

As a citizen, you have the right to appear before a Justice of the Peace to lay charges against another person by **swearing to an Information**. A Justice of the Peace must receive the Information if it meets the statutory provisions of the *Criminal Code of Canada*.

Upon your swearing on oath to the Information outlining the charge(s), The *Criminal Code of Canada* requires that the Justice of the Peace refer the matter to a Provincial Court Judge or a designated Justice of the Peace to consider whether to issue a summons or warrant to bring the person charged before the court.

By law, the Provincial Court Judge or designated Justice of the Peace may only issue a summons or a warrant if they have heard and considered the allegations of the informant and evidence of witnesses. Also the Provincial Court Judge or designated Justice of the Peace must be satisfied that the Attorney General has received a copy of the Information and has been given reasonable notice of the hearing and an opportunity to attend the hearing to cross-examine and call witnesses and present any relevant evidence at the hearing. The hearing will not occur at the time the Information is sworn.

If the Provincial Court Judge or designated Justice of the Peace decides there are grounds to do so, a summons or, more rarely, an arrest warrant, may be issued for the accused person to compel him or her to attend in court to answer to the charge(s). **The Provincial Court Judge or designated Justice of the Peace is not required to issue any form of process to bring someone to court if they are not satisfied the allegations set forth in the evidence presented at the hearing support the charge(s).**

NOTE: This information sheet has been prepared to provide a simple introduction to the requirements under the Criminal Code for a individual to lay a charge against another person. If you wish further advice on how the law applies in your matter, you should seek legal counsel.

I have read and understand this document.

Signature of Informant

Date

COMMENCING A PROCEEDING FOR A RECOGNIZANCE TO KEEP THE PEACE (PEACE BOND)

As a citizen, if you fear that another person will cause personal injury to you, your spouse or your child, or that person will damage your property; you or someone on your behalf, may attend before the Ontario Court of Justice to lay an Information outlining your allegations and concerns.

A Justice of the Peace will review your allegations as set out in the attached document. The Justice will determine if there are sufficient reasons to order the person that you fear to attend court for a hearing to decide whether or not an order to keep the peace (peace bond) will be issued. ***A Justice of the Peace cannot order a peace bond automatically or instantly.***

If the Justice of the Peace determines you have provided insufficient reasons to order the person you fear to court, the Justice of the Peace will not receive your information. ***The Justice of the Peace is not required to bring a person to court if he/she is not satisfied the allegations support court intervention.***

If the Justice of the Peace determines you have provided sufficient reasons to order the person you fear to court, you will be compelled to swear under oath or by affirmation to the Information outlining the allegation(s). The Justice of the Peace will decide based on the allegations, whether a summons or, more likely, an arrest warrant, will issue commanding the person you fear to attend at court.

The attached document will be provided to the Crown Attorney for disclosure purposes if he/she chooses to intervene to prosecute your matter at the hearing. If the Crown Attorney does not choose to intervene, either you, an agent or counsel acting on your behalf will be required to present your case at the hearing. A true copy of the attached "Particulars" document must be provided to the person you fear upon request.

You will be advised by the Justice of the Peace and provided with a notice by the Clerk of the Court of the date, time and courtroom you are required to attend at the hearing. You have the responsibility to ensure your witnesses are in attendance at the time and place scheduled for the hearing or any subsequent date the hearing may be adjourned to.

NOTE: This information sheet has been prepared to provide a simple introduction to the requirements under the Criminal Code for an individual seeking an Order for a person to enter into a Recognizance to Keep the Peace. If you wish further advice on how the law applies in your matter, you should seek legal counsel.

I have read and understand this document.

Signature of Informant

Date

ONTARIO COURT OF JUSTICE

Particulars

Part I: Allegations (to be completed by Informant)

Name of Informant _____

Date of Birth _____

Address _____

City/Town _____ Postal Code _____

Telephone _____

Name(s) of Alleged Accused _____

Address _____

City/Town _____ Postal Code _____

Telephone _____ Date of Birth _____

Relationship of the Alleged Accused to the Informant or Victim: (i.e. spouse, neighbour, etc.) _____

Particulars of Offence

Date _____

Location _____

I will say: _____

(Please provide sufficient details of the offence to permit an information to be drafted)

(Use additional paper if necessary)

Witness Information

Name	Address	Phone Number
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Have the police investigated this incident? No Yes Incident/Occurrence # _____

Have you previously sworn an Information/filed a statement of allegation regarding this matter? No Yes

If yes, When? _____ Where? _____

Has another Justice of the Peace refused to issue process for this offence? No Yes

If yes, When? _____ Where? _____

Do you have any new evidence with respect to this offence? No Yes

If yes, give details _____

Signature of Informant Date

Identification of informant confirmed by Justice of the Peace.

Part II: Directions to Court Staff (to be completed by Justice of the Peace)

Please prepare an Information for a Private Prosecution by the informant named above, charging the accused person named above, with the offence of

against _____ committed in the City/Town of _____ on the _____ day of _____, 20 _____, contrary to section _____ of the _____

Signature of Justice of the Peace

Date

Part III: Directions to Court Staff (to be completed by Justice of the Peace)

Information to be laid pursuant to s. 810 of the Criminal Code of Canada.

Upon completion, return these documents to a clerk at the Criminal Court Service Area of the Ontario Court of Justice who will arrange for you to see a Justice of the Peace as soon as possible. If this form and statement are not complete, it may result in process not being issued on the charge(s).

Process Issued

Information Declined

Signature of Judge/Justice of the Peace

Date