

# Notice to the Profession, Litigants, Accused, Media and Members of the Public (June 25, 2020)

## A. Introduction

On May 13, 2020, I issued an updated and Consolidated Notice to the Profession regarding matters that would be heard virtually – by telephone or video conference – during the suspension of in-court operations in the Ontario Superior Court of Justice (SCJ) due to the COVID-19 pandemic. In that Notice, I indicated that the SCJ will not resume in-person hearings of any court matters until July 6, 2020, at the earliest.

In this Notice, I advise the profession, litigants, accused, the media and the public of the steps that are expected to be completed to permit some in-court hearings to resume at certain court locations, effective July 6, 2020.

## B. Ministry of the Attorney General's Recovery Efforts

Since May 13, 2020, I have been briefed by the Ministry of the Attorney General (Ministry) and its Recovery Secretariat of the Ministry's plans to conduct courthouse site assessments and to implement health and safety precautionary measures at courthouses to allow matters to be heard safely in courtrooms. In approaching a safe return to in-person hearings, I am advised that the Ministry and Recovery Secretariat are being guided by the Ontario's Chief Medical Officer of Health, a Public Health Ontario physician specializing in communicable diseases and emergency preparedness and response, as well as the Chief Prevention Office for Ontario from the Ministry of Labour, Training and Skills Development.

To conduct site assessments of each courthouse, the Ministry and Recovery Secretariat are relying upon the Public Services Health and Safety Association (PHSA). The PHSA is Ontario's designated Health and Safety Association which provides training, consulting and resources to the Municipal, Public Safety, Health and Community Care, and Education and Culture Sectors. PHSA consultants are occupational health and safety professionals. I am advised that a team of 30 PHSA consultants will be completing COVID-19 risk assessments at each Ontario courthouse.

The Ministry has provided a list of items that will be assessed at each court site and courtroom before a courtroom will re-open. This includes: physical distancing; facility and room capacity; plexiglass barriers; hand sanitization dispensers; personal protective equipment (PPE); enhanced cleaning; courtroom (re)configuration; document transmission; movement of in-person accused; public/media access to courtrooms; jury events; courtroom disinfection; use of public elevators and escalators; use of public washrooms; entrance protocol and COVID screening at courthouses; public and media access; and food service areas.

I am further advised that the Ministry expects to post on its website by July 6, 2020, comprehensive information on health and safety measures, including a Guidebook for all court users.

## C. Phased Return to In-Person Hearings

Pursuant to the Ministry's plans, a fixed number of courtrooms will be rendered safe for use in Phases. In Phase

1 and by July 6, 2020, we have been advised that site assessments of 56 SCJ courtrooms will be complete, and that all necessary health and safety precautions, based on public health expert advice, will be implemented for the protection of all court users, including judicial officers, lawyers, litigants, staff and members of the public. The Ministry will not re-open a Phase One site on July 6, 2020 if it concludes that the health and safety of courthouse participants cannot be adequately protected on this date. This list of courthouses expected to have at least one courtroom available to the SCJ by July 6, 2020 is found at **Annex A**.

The Ministry intends to have additional courtrooms available for SCJ use in additional courthouses by September 15, 2020 (Phase 2) and November 1, 2020 (Phase 3).

## **D. Resumption of Some In-Court Hearings**

Based on the assurances of the Ministry and its public health and occupational health and safety experts, the SCJ expects to resume some in-court hearings effective July 6, 2020 only at the court locations identified in **Annex A**.

There will only be 56 courtrooms available for use by the SCJ on July 6, 2020. Trials and other hearings that are urgent or which were scheduled to be heard during the suspension of the Court's regular operations will be given priority. Jury matters will continue to be deferred until at least September 2020. As a result of space limitations created by the need for physical distancing, the Court is exploring with the Ministry the availability of off-site jury selection and will provide a further direction as soon as that information is available.

For civil and family matters, direction will be provided regionally for the hearing of these proceedings.

Litigants and lawyers are asked to come to court at least 30 minutes in advance because of extra screening requirements so that the attendance can proceed at the scheduled time.

Each courthouse has restrictions on the number of people who may be in the courthouse for safety purposes. Litigants should only bring family members or other supports to court with them where absolutely necessary.

If you need assistance from Duty counsel in relation to your family law or child protection matter, you should contact legal aid *before* your court attendance to see what help is available. Legal Aid can be reached at 1-800-668-8258.

In addition to any in-person appearances, the SCJ will continue to hear matters virtually, as set out in the May 13, 2020 Consolidated Notice to the Profession and the most recent Regional Notice to the Profession.

## **E. Gowning**

The requirement to gown for an in-court appearance in the SCJ remains suspended, until further notice. Counsel may continue to wear business attire. This is because there is limited space in courthouse robing rooms, which may not permit sufficient physical distancing. Judges and masters will be robed.

## **F. Criminal Matters Suspended Effective March 17, 2020 and further by Order of**

## May 5, 2020

In some Regions, some matters will be heard in person or remotely in July and August. Counsel will be made aware of these matters by the Court.

**EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE**, including cases where a new trial date or other date has been assigned or ordered by the court, this section of this Notice constitutes an **Order** regarding the continued adjournment of criminal matters.

Further to my orders of March 17 and May 5, 2020, and by this Order, dated June 17, 2020, **and unless the court orders otherwise**, criminal appearances have been adjourned as follows:

- a. **EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE, matters that were originally scheduled for appearances in March 2020** (after March 17) that had been adjourned to July 6, 2020, are further adjourned to September 15, 2020.
  - i. Accused persons subject to this Order must now appear on September 15, 2020 at 10:00 a.m. at the court location at which they were to appear in March 2020,
  - ii. the bench warrant with discretion (s. 597(4)) issued to return on June 2, 2020 and extended to July 6, 2020, is now extended to September 15, 2020,
  - iii. if the person fails to appear on September 15, 2020, a warrant will be issued for their arrest, and
  - iv. the bench warrant with discretion is extended as of the date the person is scheduled to appear, pursuant to s. 597 (4) of the *Criminal Code*.
- b. **EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE, matters that were originally scheduled in April 2020** that had been adjourned to July 7, 2020, are further adjourned to September 16, 2020.
  - i. Accused persons subject to this Order must now appear on September 16, 2020 at 10:00 a.m. at the court location at which they were to appear in April 2020,
  - ii. the bench warrant with discretion (s. 597(4)) issued to return on June 3, 2020 and extended to July 7, 2020, is further extended to September 16, 2020,
  - iii. if the person fails to appear in this Court on September 16, 2020, a warrant will be issued for their arrest, and
  - iv. the bench warrant with discretion is extended as of the date the person is scheduled to appear, pursuant to s. 597(4) of the *Criminal Code*.
- c. **EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE, matters that were originally scheduled in May 2020** that had been adjourned to July 8, 2020 are further adjourned to September 17, 2020.
  - i. Accused persons subject to this Order must now appear on September 17, 2020 at 10:00 a.m. at the

- court location at which they were to appear in May 2020,
- ii. the bench warrant with discretion (s. 597(4)) issued to return on June 4, 2020 and extended to July 8, 2020, is further extended to September 17, 2020,
  - iii. if the person fails to appear in this Court on July 8, 2020, a warrant will be issued for their arrest, and
  - iv. the bench warrant with discretion is extended as of the date the person is scheduled to appear, pursuant to s. 597(4) of the *Criminal Code*.
- d. **EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE, matters that were scheduled in June 2020** are adjourned to September 18, 2020.
- i. Accused persons subject to this Order must now appear on September 18, 2020 at 10:00 a.m. at the court location at which they were to appear in June 2020,
  - ii. a bench warrant with discretion (s. 597(4)) is issued as of the date in June on which the person was scheduled to appear, and is returnable on September 18, 2020,
  - iii. if the person fails to appear in this Court on September 18, 2020, a warrant will be issued for their arrest, and
  - iv. the bench warrant with discretion is issued as of the date the person is scheduled to appear, pursuant to s. 597(4) of the *Criminal Code*.
- e. **EXCEPT WHERE THE COURT ORDERS OR DIRECTS OTHERWISE, matters that were originally scheduled in July and August 2020**, are adjourned to September 18, 2020.
- i. Accused persons subject to this Order must now appear on September 18, 2020 at 10:00 a.m. at the court location at which they were to appear in July or August 2020,
  - ii. a bench warrant with discretion (s. 597(4)) is issued as of the date in July or August 2020 on which the person was scheduled to appear, and is returnable on September 18, 2020,
  - iii. if the person fails to appear in this Court on September 18, 2020, a warrant will be issued for their arrest, and
  - iv. the bench warrant with discretion is extended as of the date the person is scheduled to appear, pursuant to s. 597(4) of the *Criminal Code*.

Persons scheduled to appear in the SCJ on September 14, 2020 and following should do so as scheduled.

The Order extends, as necessary, all warrants of remand for accused persons in custody to whom the Order applies.

Geoffrey B. Morawetz,

Chief Justice

**Annex A****SUPERIOR COURT COURTROOMS EXPECTED TO OPEN IN PHASE 1**

<b>REGIONS</b>		<b>COURT LOCATIONS</b>	<b>COURTROOMS</b>
Central East	Barrie	75 Mulcaster St.	Court #: 15
	Newmarket	50 Eagle St. W.	Court #: 401 and 402
	Oshawa (Durham)	150 Bond St.	Court #: 205 and 208
	Lindsay	440 Kent St. W.	Court #: 1
Central West	Brampton	7755 Hurontario St.	Court #: 211, 212, 213, 308, 408
	Milton	491 Steeles Ave. W.	Court #: 5
	Orangeville	10 Louisa St.	Court #: 204
	Guelph	74 Woolwich St.	Court #: 1
	Owen Sound	611 9th Ave. E.	Court #: 201
Central South	Brantford	70 Wellington St.	Court #: 200
	Hamilton	45 Main St. E. 55 Main St. W.	Court #: 600 (45 Main St.), 1 (55 Main St.)
	St. Catharines	59 Church St.	Court #: 10
	Welland	102 East Main St.	Court #: 1
	Kitchener (Waterloo)	85 Frederick St.	Court #: 201, 601
East	Belleville (Quinte)	15 Bridge St. W.	Court #: 102
	Cornwall	29 Second St. W.	Court #: 5
	Kingston	5 Court St.	Court #: D (Court St.)
	Ottawa	161 Elgin St.	Court #: 34, 36
	Pembroke	297 Pembroke St. E.	Court #: 3
Northeast	North Bay	360 Plouffe St.	Court #: 302
	Sault Ste. Marie	426 Queen St. E.	Court #: 1
	Sudbury	155 Elm St.	Court #: A
Northwest	Thunder Bay	125 Brodie St. N.	Court #: 205

Southwest	Chatham	425 Grand Ave.	Court #: 201
	London	80 Dundas St.	Court #: 19, 21
	Sarnia	700 Christina St. N.	Court #: 202
	St. Thomas (Elgin County)	4 Wellington St.	Court #: 200
	Windsor	245 Windsor St.	Court #: 2, 4
Toronto	130 Queen St. W.		Court #: 3, 5, 6
	330 Univ. Ave.		Court #: 5-1; 7-1; 7-9; 8-1; 8-2; 8-6
	361 Univ. Ave.		Court #: 1-3; 2-3; 2-6; 4-7; 4-9 and 6-1
	393 Univ. Ave.		Court #: 602; 605; 607