

The Provincial Court of Nova Scotia

How to Apply for a Peace Bond



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When would I use a peace bond?

To get a peace bond you must have serious concerns about your safety, the safety of your spouse or common-law partner or children, or the safety of your property because of somebody's action. For example, if someone threatened to harm you or your family. The law for peace bonds is set out in the Criminal Code of Canada in Section 810. See the back of this guide for what Section 810 says.

How to apply

1

Fill-in and return the forms

To apply for a peace bond, come to the court office at the Provincial Court or Family Court. You will be given two forms: a Statement of Complaint and an Information (NS Form 3/2). Complete the forms and bring them to the court office to meet with a Justice of the Peace.

Court staff can give general information about how the court works and about court rules and procedures. Court staff cannot give legal advice. For legal advice contact a lawyer.

2

Meet with a JP

Once you return the completed forms, you will meet with a Justice of the Peace (JP). The JP will decide whether your application will proceed. If it is proceeding, you will be asked to swear or affirm that the Information is truthful.

3

Get a summons and court date

Next, a court date will be set, and the court will prepare and give you a summons.

4

Have the summons served on the other person

The summons is the court paper that requires the person that you are applying for a peace bond against to come to court. You must arrange to have it served on that person. They are called the defendant. You cannot serve the summons yourself.

The summons must be served by a peace officer, such as a police officer or a bailiff or private process server. You may have to pay a fee for this service. Check with your local police force or in the telephone book yellow pages under "bailiffs" or "process servers."

The peace officer will serve the summons and will send a document to the court proving that the summons was served. Check with the court staff on the day before the scheduled court date to see if they received that document.

What happens next?

Show up for your court date

You must come to court on the date set out in the summons.

What if the other person doesn't show up in court?

If the summons was served on the defendant and he or she fails to appear in court at the required time, you may ask the judge, at that time, to issue a warrant for the arrest of the defendant.

What happens in court?

If the defendant appears in court as required, one of two things may happen. The defendant may agree to enter into a peace bond, which the judge calls a recognizance, or the defendant may not agree.

If the defendant agrees, the judge may ask you to explain the circumstances that led to your asking for the peace bond. If the judge decides to order a peace bond, then a court officer will prepare one. Normally, both you and the defendant will be given a copy of the peace bond before you leave the court building.

If the defendant does not agree, a hearing will be scheduled before you leave the court building.

Get legal advice about the hearing

We recommend that you hire a lawyer to represent you at the hearing or consult with a lawyer about your hearing. This guide does not contain legal advice. It is offered to help you through the process of applying for a peace bond, only. A pamphlet on peace bonds is available from the Legal Information Society of Nova Scotia and may be available at the court office.

What happens at the hearing?

At the hearing the judge will hear the evidence from you, from any witnesses that you have asked to come to court, from the defendant, and from his or her witnesses. The judge may also review any materials you provide, such as tapes, photos or notes.

Where can I get more information?

For more information about representing yourself in court go to the Department of Justice website at <www.gov.ns.ca/just/repselfmain.htm>. More information about the Nova Scotia courts is available online at <www.courts.ns.ca>. The Legal Information Society of Nova Scotia can be reached at 455-3135 in Metro or 1-800-665-9779 toll free in Nova Scotia, or visit their website at <www.legalinfo.org>.

Applying for a peace bond

How to complete the Information (Form NS 3/2)

A Name of informant

Your full name goes here. You are called the informant. It means you are applying for a peace bond, whether for yourself or on behalf of someone else.

B Address of informant

Your complete street address goes here, with city or town and county. If it is different from your mailing address, then add your mailing address too. Otherwise, the court will not be able to reach you.

If you do not want the person against whom you are making this application to know where you are located, then you can use a friend's or relative's address. Be sure to get their permission first, and be sure the court can contact you at that address.

C Are you applying for yourself or on behalf of someone else?

Make a ✓ mark in the first box if the peace bond is to protect you. Make a ✓ in the second box if it is to protect someone else.

D Name of complainant

If you made a ✓ in the second box, add the full name of the person needing the peace bond on this line. They are called the complainant in this form.

E Name of defendant

The name of the person who you say threatened or harmed you is called a defendant in this form. Their full name, if you know it, goes here.

If the person uses different names, make sure to list all of them. Write "aka" (also known as) and list the other names.

F Address of defendant

The defendant's complete street address goes here, with city or town and county. If their mailing address is different from their street address and you have it, then add their mailing address too.

It is important that you provide as much of this type of identifying information as possible about the defendant.

G Place of incident

Where were you when you received the threat of harm? Write the complete street and mailing address. Be as specific as you can.

The incident must have taken place in Nova Scotia.

H Date of incident

The incident must have taken place within the 6 months before the date you sign this application for a peace bond, called an Information.

The day, month, and year on which the incident happened goes here. If you remember the exact or approximate date, you only need to fill in that date. Please write out the month rather than using numbers only. For example, 3 August 2002.

If you cannot remember the exact date when it happened, write down the two dates between which you believe the incident took place. There are spaces for two dates. For example, between 1 August 2002 and 5 August 2002.

If there was more than one incident write down the two dates between which the incidents took place. For example, between 2 August 2002 and 14 September 2002.

Canada
Province of Nova Scotia

In The

INFORMANT
(Sec. 810)

This is the information of _____
of _____ (address)
C Nova Scotia, made personally as complainant, _____

The informant says that _____ E
of _____ F (address)
at _____ G (place of incident)
Nova Scotia, on or about / between _____, 20____ did
I by uttering the words, _____

J by the Defendant's action _____

cause the complainant to fear that the Defendant will _____

K personal injury to the complainant
L personal injury to the complainant's spouse _____

M personal injury to the complainant's children or _____
(name of child/child)

N damage to complainant's property located at _____

O The informant therefore prays that the Defendant (to be named in the Bond) with, or without sureties, to keep the peace and good conduct for twelve months, and comply with any other reasonable conditions that the Court considers desirable for securing the good conduct of the Defendant for a term not exceeding twelve months if the Defendant is found guilty pursuant to Section 810 of the Criminal Code.

SWORN or Solemnly Affirmed before me at _____, Nova Scotia
_____, 20____

Judge, Provincial Court Judge, Family Court Judge,
Justice of the Peace

Tip for filling in I and J:

This means the type of threatening behaviour that took place – either what was said or written (called “uttering”) or what was done.

Either or both of these types of threat may have taken place. If both happened, fill out both lines. They must refer to the same incident. If there was more than one incident,

Court NS Form 3/2
Revised 03/02

INFORMATION
(C.C.C.)

A _____
(name of informant)

or by or on behalf of **D** → _____ (complainant).
_____ (name of defendant)

_____ (address)

_____ (date), 20____ and _____

_____ (name of spouse)

_____ (name of child)

_____ (name of children)

_____ (address)

_____ (name of informant)

Type of threatening behaviour

you will need to describe the others on a separate sheet of paper and attach it to the Information form. Write "Addendum to Information (NS Form 3/2)" and your name at the top of the separate sheet of paper. Remember to add the dates of these other incidents, as you did in line H.

I Type of threatening behaviour — What he or she said or wrote

Uttering means "saying." This is where you describe what the person against whom you are applying for a peace bond said or wrote to you. This is an important part of your application. It tells the judge what happened and is all the judge will know about your case until the hearing.

J Type of threatening behaviour — What he or she did

This is where you describe what the person against whom you are applying for a peace bond did to you. This is an important part of your application. It tells the judge what happened and is all the judge will know about your case until the hearing.

K Type of injury feared — Injury to complainant

This means physical injury to the person needing the peace bond (i.e., the complainant). Make a ✓ in this box if this is what you fear will happen.

L Type of injury feared — Injury to complainant's spouse

This means physical injury to the spouse of the person needing the peace bond. For example, the complainant's spouse. Spouse means the person you are married to or living with in a marriage-like relationship (common-law), whether they are of the opposite or same sex.

Write the full name of the spouse in the space. If they use different names, make sure to list all of them. Write "aka" and list the other names.

M Type of injury feared — Injury to complainant's children

This means physical injury to the child or children of the person needing the peace bond (the complainant's child or children).

Write the full name of each child for whom you are asking for the peace bond on these two lines. If you do not have enough room on the form to list all the children's names, write their names on a separate sheet of paper and attach it to the Information form. Write "Addendum to Information (NS Form 3/2)" and your name at the top of the separate sheet of paper.

N Type of injury feared — Damage to complainant's property

This means damage to things which the complainant owns, for instance a house, some or all of the contents of an apartment, a pet, or a motor vehicle. You do not need to describe this property here, just give the location of these belongings. Give the complete street address where the property is located.

O Your request

This paragraph is saying that you are asking the judge to order a peace bond against the defendant that requires the defendant to

- Keep the peace and be of good behaviour for up to 12 months.
- Comply with other conditions which the judge orders them to follow. These "other conditions" may include things like not contacting you or your family, not going near your home or workplace or school, or not possessing weapons. At the court appearance be prepared to tell the judge all of your concerns. This will help the judge decide what "other conditions" to impose in the court order. You can bring notes with you into the court room.

P Informant

Sign on this line in the presence of (in front of) a Justice of the Peace, a Provincial Court Judge, or a Family Court Judge. Court staff will help you with this task.

Q Back of Information form – Personal information

This information is important. It will allow the court to contact you.

You are the informant. Your full name goes here with your day, month, and year of birth, your complete mailing address with postal code, and a telephone number where you can be contacted. Please write out the date like this: 3 August 2001.

If you don't want the person against whom you are applying for a peace bond to know your mailing address, then you can use a friend's or relative's address. Be sure to get their permission first, and be sure the court can contact you at that address.

If you do not want the person against whom you are applying for a peace bond to know your telephone number, you may give a telephone number where the court can leave a message for you instead of your own telephone number.

R Back of Information form – Personal information of defendant

This information is important too. Without a date of birth for the defendant, the police may not be able to enforce the peace bond. This information will allow the court and law enforcement throughout Nova Scotia to identify this person and respond.

Make sure to give the full name, approximate date of birth, their complete mailing address with postal code, and their telephone number. Please write out the birthdate like this: 3 August 2001.

If you do not know the person's date of birth, give an approximate age.

If the person uses different names, make sure to list all of them. Write "aka" (also known as) and list the other names.

No.
Person:
Info:
Case:

Q INFORMANT

NAME:
D.O.B.:
Address:
Postal Code:
Phone No.:

R DEFENDANT

NAME:
D.O.B.:
Address:
Postal Code:
Phone No.:

COURT APPEARANCES

DATE	LOC.	JUDGE	COUNSEL for Informant	COUNSEL for Defendant	ENDORSEMENTS PARTICULARS	ADJOURNMENTS

REMARKS:

INFORMATION

(Sec. 810 CC)

This is the information of _____
(name of informant)

of _____
(address)

Nova Scotia, made personally as complainant, or by or on behalf of _____ (complainant).

The informant says that _____
(name of defendant)

of _____
(address)

at _____,
(place of incident)

Nova Scotia, on or about / between _____, 20 ____
and _____, 20 ____ did

by uttering the words, _____

by the Defendant's action _____

cause the complainant to fear that the Defendant will cause:

personal injury to the complainant

personal injury to the complainant's spouse _____
(name of spouse)

personal injury to the complainant's children or child

(name of child/children)

damage to complainant's property located at _____
(address)

The informant therefore prays that the Defendant be ordered to enter into a RECOGNIZANCE (Peace Bond) with, or without sureties, to keep the peace and be of good behaviour for any period not to exceed twelve months, and comply with any other reasonable conditions prescribed in the RECOGNIZANCE as the Court considers desirable for securing the good conduct of the Defendant, or commit the Defendant to prison for a term not exceeding twelve months if the Defendant fails or refuses to enter into the Recognizance, pursuant to Section 810 of the Criminal Code.

SWORN or Solemnly Affirmed before me at _____, Nova Scotia
on _____, 20 ____ .

STATEMENT OF COMPLAINT
(To be completed by person applying for a Peace Bond)

This form does not go before the judge. A copy of this form will be given, if requested, to the Defendant (the person you are seeking the peace bond against) or his or her lawyer for disclosure purposes. It may be given to Victim Services or similar organizations, and in some cases may be used by court staff to assist them understanding and processing your application.

Your Name: _____

Name of person you want to be placed on a Peace Bond

Full Name: _____

Address: _____

Date of Birth: (Month/Day/Year) _____ Telephone Number: _____

What event happened that caused you to apply for a Peace Bond?

What was the date (s) of this event? (Month/Day/Year) _____

Did you contact the police Y/N ____ If yes, what instructions did you receive from the police, or if you did not contact the police please give reason why?

If no, please give the reasons why you did not contact the police?

List of names of Witnesses:

Your Signature _____ Date (Month/Day/Year) _____

What the Law says

Section 810 of the **Criminal Code of Canada** reads, in part, as follows:

Sureties to Keep the Peace

Where injury or damage feared

810. (1) An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person will cause personal injury to him or her or to his or her spouse or common-law partner or child or will damage his or her property.

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.

(3) The justice or the summary conviction court before which the parties appear may, if satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for his or her fears,

(a) order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for any period that does not exceed twelve months, and comply with such other reasonable conditions prescribed in the recognizance, including the conditions set out in subsections (3.1) and (3.2), as the court considers desirable for securing the good conduct of the defendant; or

(b) commit the defendant to prison for a term not exceeding twelve months if he or she fails or refuses to enter into the recognizance.

