



## **COVID-19: CONSENT VARIATION PROCEDURES FOR RELEASE ORDERS AND POLICE UNDERTAKINGS IN THE ONTARIO COURT OF JUSTICE**

*\* Effective Date: 11 May 2020*

The Ontario Court of Justice has adopted new procedures to help individuals apply to vary their release conditions without having to go to court in person. The new procedures allow for the consent variation of release conditions for individuals who have been released either by the Court (s. 515 of the *Criminal Code*) or by the police (s. 498, 499 or 503 of the *Criminal Code*).

### **A. Consent Variations of Judicial Release (Bail) Orders**

Section 519.1 of the *Criminal Code* provides that the conditions of a release (bail) order made by the Court can be varied with the written consent of the accused, the Crown and any sureties.

To apply for a consent bail variation under this section, the following steps must be taken:

1. Complete the Application for Consent Variation of Bail form by entering the following information:
  - Identify the proposed change(s) to the condition(s) and the reason for the proposed change(s).
  - Fill out the accused person's name, date of birth, email address, address where residing and telephone number.
  - If the release includes a surety, include their name(s), date of birth, email(s), address(es) and telephone phone number(s). The surety must also confirm whether or not they consent to the variation.
2. Email the Application for Consent Variation of Bail form to the Crown at the applicable email address.
3. If the Crown consents to the proposed variation, the form is sent to the Court for consideration by a judicial official.

4. After the variation application is considered by the Court, the accused or their counsel will be notified whether the application is granted or denied. If granted, a copy of the completed form will be sent to the email provided.

5. Until the accused person is notified by the Court that the variation request has been approved, the accused person must continue to follow the existing bail conditions.

6. If you need help completing this form and do not have a lawyer, you can contact Legal Aid Ontario at 1-800-668-8258 (toll-free) or through the Bell Relay service at 1-800-855-0511 Monday to Friday from 8 a.m. to 5 p.m. (EST). You will receive a call back within two business days.

7. If you are unable to submit the form to the Crown Attorney by email, you may contact your local courthouse by [email](#) or by phone or attend at your local courthouse. The addresses and phone numbers of all [Ontario Court of Justice courthouses](#) are posted on the Ministry of the Attorney General website.

## **B. Consent Variations of Police Undertakings**

Section 502(1) of the *Criminal Code* provides that the conditions of a police undertaking that an accused person is subject to pending their trial can be varied with the written consent of the accused and the Crown.

To apply for a consent variation of a police undertaking, the following steps must be taken:

1. Complete the Application for Consent Variation of Police Undertaking form by entering the following information:
  - Identify the proposed change(s) to the condition(s) and the reason for the proposed change(s).
  - Fill out the accused person's name, date of birth, email address, address where residing and telephone number.
2. Email the Application for Consent Variation of Police Undertaking form to the Crown at the applicable email address.
3. The Crown will notify the accused or their counsel whether or not the Crown consents to the request for the variation, and a copy of the completed form will be sent to the email provided by the accused.
4. Until the accused person is notified by the Crown that the Crown has consented to the variation request, the accused person must continue to follow the existing release conditions.

5. If the Crown does not consent to the proposed variation of the conditions, the accused person may bring the matter forward for a hearing under s. 502(2) of the *Criminal Code* to replace the undertaking with a release order. To request to bring the matter forward for a hearing, follow the procedures set out in Section 4.3(c), “Requests to Bring Urgent Out-of-Custody Matters Before the Court”, of the COVID-19 Notice to Counsel and the Public re: Criminal Matters in the Ontario Court of Justice.
6. If you need help completing this form and do not have a lawyer, you can contact Legal Aid Ontario at 1-800-668-8258 (toll-free) or through the Bell Relay service at 1-800-855-0511 Monday to Friday from 8 a.m. to 5 p.m. (EST). You will receive a call back within two business days.
7. If are unable to submit the form to the Crown Attorney by email, you may contact your local courthouse by phone or attend at your local courthouse. The addresses and phone numbers of all [Ontario Court of Justice courthouses](#) are posted on the Ministry of the Attorney General website.