

Index

ADJOURNMENT

- Bail, **150**
- Certified evidence, where, **49**
- Contempt, **91**
- Fine, default on, **69**
- Power of clerk to, **49**
- Trial, **49**

AGREEMENTS WITH MUNICIPALITIES

- Area of application, **163, 174.1**
- Authority to enter, **162, 174.1**
- Collection and enforcement, **165**
- Compliance order, **171**
- Delegation of power, **175**
- Deposit with clerk, **164**
- Fines before effective date, **166**
- Group of municipalities, **174.1, 176**
- Intermunicipal agreements, **174.1**
- Joint performance agreements, **174.1 to 174.1**
- Municipal powers respecting, **174.1**
- No agency, **169**
- Parking fines, to collect, **18.6**
- Performance by municipal employees and others, **174.1**
- Personal liability, **170**
- Regulations, **174**
- Retroactive effect, **173**
- Review committee, **172**
- Right to intervene, **168**
- Special rules, **167**
- Subsidiary agreements, **174.1**

AMENDMENT OF INFORMATION OR CERTIFICATE

- Appeal, on, **117(a.1)**
- Certificate of offence, **34**

AMENDMENT OF INFORMATION OR CERTIFICATE—Cont'd

- Considerations on, **34**
- Costs on, **37**
- Endorsement of order to, **34**
- Information, **34**
- Question of law, **34**
- Variance between information or certificate and evidence taken, **34**

APPEALS

- Bail
 - appeal from order, **152**
- Conviction, effect on, **112**
- Custody pending appeal, **110, 113, 132**
- Detained things
 - see also SEARCH WARRANT
 - justice refuses order re, **159**
- Fine, payment of, **111, 114**
- Fixing date where appellant in custody, **113**
- Part III of Act, under
 - see also Rules and Forms under O
 - attendance of appellant or respondent while in custody, **118**
 - costs
 - enforcement of order, **129**
 - payment of, **129**
 - power of court to order, **129**
 - counsel, right to, **118**
 - Court of Appeal, to, **131, 134**
 - applicable provisions, **134**
 - grounds for leave, **131**
 - right to bring, **131**

APPEALS—Cont'd

Part III of Act, under—Cont'd
 Court of Appeal, to, **131, 134**
 —Cont'd
 with leave, **131**
 custody pending appeal, **132**
 defect
 in certificate as basis, **124**
 in conviction as basis, **124**
 in information as basis, **124**
 is order as basis, **124**
 dismissal
 by justice, **128**
 motion to restore, **128**
 powers of court, **128**
 effect on conviction, **112**
 evidence, **117 to 117**
 expedition of appeal, **113**
 release pending appeal, **110, 132**
 remaining pending appeal, **110, 132**
 right to be present, **118**
 fines: payment before appeal
 exception, **111, 111(2.1)**
 notice of waiver application, **111**
 prosecutor's submissions re waiver, **111**
 requirement, **111**
 simultaneous application, **111(2.1)**
 waiver application, **111**
 forum for appeal, **116, 131, 134**
 See also Rules and Forms under O. Regs. 723/94 and 721/94
 inquiry and report, **117**
 new trial
 admissible evidence on appeal by way of, **127**
 motion for appeal by way of, **127**
 order for release, **126**
 other justice, **126**

APPEALS—Cont'd

Part III of Act, under—Cont'd
 notice of appeal
 conviction not stayed by, **112**
 duty to pay fine before filing, **111**
 material transmitted, **115**
 rules of court re, **116**
 See also Rules and Forms under O. Reg. 723/94
 time extension application and, **116**
 order of appeal court:
 implementation of, **130**
 allow appeal, **121**
 any order the justice requires, **125**
 convict and pass sentence, **121**
 dismiss appeal, **121**
 powers of court: conviction appeal
 allow appeal, **120**
 any order the justice requires, **125**
 dismiss appeal, **120**
 order new trial, **120**
 powers of court: generally, **117, 128**
 evidence, re, **117 to 117**
 powers of court: sentence appeal
 any order the justice requires, **125**
 dismiss appeal, **122**
 sentencing in absence, **118**
 transfer of record, **133**
 vary sentence, **122**
 written argument, to consider, **119**
 Reg. 723/94
 sentencing in absence, **118**
 transfer of record, **133**
 transmittal of material, **115**
 written record, **119**

APPEALS—Cont'd

- Parts I and II of Act, under
 - see also Rules and Forms under O. Reg. 722/94
- abandonment
 - dismissal, **137**
 - motion to restore, **137**
- conduct of, **136**
- Court of Appeal, to, **139**
 - See also Rules and Forms under O. Reg. 721/94
 - costs, power of court to order, **139**
 - grounds for leave to appeal, **139**
 - right to bring, **139, 139.1**
 - with leave, **139**
- dismissal
 - by justice, **137**
 - motion to restore, **137**
 - powers of court, **137**
- evidence on, **136**
- forum, proper, **135, 139**
- notice of appeal, **135, 135(2.1)**
- powers of court
 - affirm decision, **138**
 - costs, **138**
 - new trial, **138**
 - reverse decision, **138**
 - vary decision, **138**
- provincial judge, to, **135**
- Stay, **112**
- Transmittal of material, **115**
- Young persons, **103**

APPEARANCE

- Agent for, **153**
- Defendant at trial, **50**
- Electronic method, **83.1**

ARREST

- See also WARRANT
- Arrest without warrant
 - by “any person,” **145**
 - by police officer, **144**
- Execution of warrant of arrest, **144**

ARREST—Cont'd

- Failure to attend after summons served, **Form 111, 40**
- Immunity from civil liability, **147**
- Notice of reason for arrest, **148**
- Production of process, **148**
- Use of force, **146**
- Witness, of, **Form 110, 40**

BAIL

- Appeal from justice’s order, **152**
- Certificate of default of recognizance, **157**
- Delivery of defendant by surety, **156**
- Non-resident
 - cash bail, **Form 148, 149, 150**
- Person in custody to be brought before justice
 - adjournment, **150**
 - as soon as practicable, **150**
 - detention, **Form 136, 150**
 - evidence for hearing, **150**
 - not to order unless cause shown, **150**
 - order release, **Form 144, 150**
 - reasons for decision, **150**
 - recognizance
 - with sureties, **Form 135, 150**
 - release defendant on recognizance, **150**
 - review orders, **151**
 - show cause hearing, **150**
 - undertaking to appear, **Form 131, 150**
 - warrant remanding, **Form 143, 150**
- Person released may appoint agent for appearance, **153**
- Recognizance
 - binding effect, **154**
 - certificate of default, **Form 139, 157**
 - evidence of default, **157**
 - forfeiture applied for, **157**
 - collection on, **157**

BAIL—Cont'd

- Recognizance—Cont'd
 - forfeiture applied for, **157**
 - Cont'd
 - notice of, **157**
 - order as to, **157**
 - liability of principal, **154**
 - liability of sureties, **154**
 - not vacated by other proceedings, **154**
 - surety to be relieved, **155**
 - consequent arrest of defendant, **155**
 - vacated by certificate of arrest
 - after, Form, **137**
 - surety's application, **155**
 - witness, by, **Form 112, 40**
- Release after arrest
 - by officer in charge, **Form 134, 149**
 - by police officer, **149**

BILINGUAL PROCEEDINGS

- Examinations out of court, **O. Reg. 53/01, s. 10**
 - filing first document in French, **O. Reg. 53/01, s. 3**
- Interpreters, **84**
- Provincial offences proceedings, **O. Reg. 53/01, ss. 4, 12**
- Requisition or statement, **Forms 1, O. Reg. 53/01, s. 5, 2**
- Transcripts of oral evidence, **O. Reg. 53/01, s. 11**

CERTIFICATE OF OFFENCE

- See also Reg. 950; O. Reg. 108/11
- Affidavit of service, **3**
- Amendment, **34**
- Appeal
 - based on defect in, **124**
- Application to justice, **9**
- Commencement by way of, **3**
- Conviction
 - see **CONVICTION**
- Deemed non-dispute of charge, **9**

CERTIFICATE OF OFFENCE

—Cont'd

- Defendant's options
 - meeting with prosecutor, **5.1**
 - notice of intention to appear, **5**
 - plea of guilty with submissions, **7**
- Evidence, as, **3**
- Examination of, **9**
- Failure to appear at trial, **9.1**
- Filing of, **4**
- Irregularities in form, **90**
- Issuance, **3**
- Municipal by-law, no need to prove, **9**
- Quash
 - grounds for, **36**
 - motion to, **36**
- Regulations, **13**
- Service
 - affidavit, where required, **3**
 - proof of personal service, **3**
- by officer
 - not to collect payment, **3**
- certificate of, **3**
 - proof of personal service, **3**
 - personal, **3**
- Signature, proof as defendant's, **10**
- Summons accompanying, **Form 7, s. 4, 3, 4; O. Reg. 108/11**

CERTIFIED EVIDENCE

- Adjournment where, **49**
- Admissibility of, **48.1**
- Application, **48.1**
- Onus, **48.1**
- Oral evidence, **48.1**
- Other types of, **O. Reg. 132/14, s. 2**
- Regulations, **O. Reg. 132/14, 48.1**
- Specified offences, **O. Reg. 132/14, s. 1**

CERTIORARI

- Appeal from order, **140**
- Application for relief in the nature of, **140**

CERTIORARI—Cont'd

- In aid of application for habeas corpus, **142**
- Motion to continue proceeding, **140(2.1)**
- Not available where appeal provided, **141**
- Notice of application, **140, 141**
filing material, **141**
- Substantial wrong required, **141**

CIVIL REMEDIES

- Enforcement of fines, **68**
- Preserved, **88**

COMMON LAW DEFENCES

- Generally, **80**

COMPELLING ATTENDANCE

- Generally, **51**

CONTEMPT

- Adjournment for adjudication, **91**
- Adjudication by judge, **91**
- Appeals, **91**
- Arrest for immediate adjudication, **91**
- Barring representative in contempt, **91**
- Enforcement, **91**
- Sentencing, **91**
- Show cause, **91**
- Statement to offender, **91**

CONVICTION

- See also PARKING INFRACTION
- Absence of defendant, in, **54**
- Age, minimum for, **94**
- Appeal
 - based on defect in, **124**
 - powers of court, **121**
- Appeal does not stay, **112**
- Application to strike out, **11, 11.1, 19**
- Certificate requesting, **Form 16, s. 14, 18.2, 18.3; O. Reg. 108/11**
- Costs payable by defendant, **60**

CONVICTION—Cont'd

- Default, **9, 18**
- Error by municipality
 - application to justice, **11.1**
 - notice to defendant, **11.1**
 - striking out conviction, **11.1**
- Following guilty plea, **7**
- Included offences, **55**
- License suspension, **12**
- Limitation on consequences, **12**
- Limitation on penalty, **12**
- Minute of, **62**
- Parking infraction
 - without by-law, **18.4**
- Payment out of court, effect of, **8**
- Pre-sentence report for young person, **100**
 - mandatory where imprisonment considered, **100**
- Reopening application to strike out, **11**
- Striking out on defendant's affidavit, **11, 19**
 - certificate of, **11, 5.7; Reg. 200, 11; O. Reg. 108/11**
 - notice of trial, **11, 19**
 - procedure where conviction struck, **11, 19**
 - rescheduling trial, **11, 19**
 - review by justice, **11**
 - time for application, **11**

COUNSELLING OR PROCURING ANOTHER PERSON

- Generally, **78**

DEFINITIONS

- "Certificate," **1**
- "Counsel," **109**
- "Court," **1, 109**
- "Electronic," **O. Reg. 67/12, s. 1**
- "Electronically," **O. Reg. 67/12, s. 1**
- "Electronic method," **83.1**
- "Electronic signature," **O. Reg. 67/12, s. 1**

DEFINITIONS—Cont'd

- “Judge,” **1, 109**
- “Justice,” **1**
- “Offence,” **1**
- “Officer in charge,” **143**
- “Parent,” **93**
- “Parking infraction,” **14**
- “Place,” **158**
- “Police officer,” **1**
- “Prescribed,” **1**
- “Prosecutor,” **1, 167**
- “Provincial offences officer,” **1**
- “Sentence,” **109**
- “Set fine,” **1**
- “Transfer agreement,” **161.1**
- “Young person,” **93**

DELIVERY OF NOTICE OR DOCUMENT

Generally, **87**

EARLY RESOLUTION MEETING

- Forms, prescribed
 - notice (electronic method), **Form 7.2, O. Reg. 108/11, s. 4.2**
 - notice (in person), **Form 7.1, O. Reg. 108/11, s. 4.1**
 - outcome form, **Form 7.3, O. Reg. 108/11, s. 4.3**
 - reopening application/affidavit (early resolution), **Form 102.1, O. Reg. 108/11, Reg. 200**
- Procedure
 - generally, **5.1**
 - remote appearance, **5.1, 83.1**

ELECTRONIC COPY

- Alternative to paper original, as, **76.1**
 - duty to ensure integrity, **76.1**
- Retention, **O. Reg. 67/12, s. 6**
- Use, **O. Reg. 67/12, s. 6**

ELECTRONIC DOCUMENTS

- Copies, **s. 6, 76.1; O. Reg. 67/12**

ELECTRONIC DOCUMENTS

—Cont'd

- Delivery
 - generally, **s. 4, 87; O. Reg. 67/12**
 - in person, **76.1**
 - timing of, **O. Reg. 67/12, s. 5**
- Filing
 - generally, **s. 3, 76.1; O. Reg. 67/12**
 - timing of, **O. Reg. 67/12, s. 5**
- Power to deal with, **76.1**
- Retention, **s. 6, 76.1; O. Reg. 67/12**
- Signing, **s. 2, 76.1; O. Reg. 67/12**
- Use, **O. Reg. 67/12, s. 6**

ELECTRONIC FORMAT AND FILING

- Generally, **O. Reg. 67/12, 76.1**

ELECTRONIC METHOD

- Appearance by, **83.1**
- Limited use of, **83.1**
- Oaths, administration of, **83.1**
- Regulations re, **83.1**
- Remote meetings
 - resolution meeting, **5.1**
 - sentencing hearing, **5.1**

EVIDENCE

- See also **CERTIFIED EVIDENCE; ELECTRONIC FORMAT AND FILING; TRIAL; WITNESS**
- Age, of inference, **79**
- Agreed facts, **46**
- Agreed upon from other charge, **47**
- Appeals on, **136**
 - new trials, **127**
- Bail
 - certificate of default, **157**
- Bail hearing, for, **150**
- Burden of proving exception, **47**
- Certificate as, **47**
- Certificate of
 - offence, as, **3**
 - parking infraction, as, **15**

EVIDENCE—Cont'd

Certificate of parking infraction, **15**
 Commission, **40, 43**
 Defendant not compellable, **46**
 Examine and cross-examine witnesses, **46**
 Exhibits, **48**
 Interpreters, **84**
 Previous conviction, proof of, **57**
 Prohibition of publication of, **51**
 Recording of, **83**
 certification, **Form 1, O. Reg. 158/03, ss. 1 to 3**
 Red light camera system
 see RED LIGHT CAMERA SYSTEM
 Transcripts
 certification, **Form 2, O. Reg. 158/03 ss. O. Reg. 158/03 1, 2, 4**
 Under affirmation, **83**
 Under oath, **83**
 Variation between charged and, **34**
 Young persons
 age, **104**

EXTENSION OF TIME

See also LIMITATION PERIOD
 Exception for commencing parking proceeding, **85**
 Extension of time, **85**
 Limit on number of applications, **85**

FALSE STATEMENTS, PENALTY FOR

Generally, **86**

FINE

See also SENTENCING
 Breach of probation order, **75**
 Certificate
 of discharge when paid in full, **68**
 Civil enforcement, **Form 127, 68**
 Collection agency costs, **70.1**
 Contempt, for, **91**
 Costs deemed to be a, **60**

FINE—Cont'd

Default
 age exception, **69**
 civil enforcement, **68, 69**
 extension of time, **69**
 fee where, **70**
 hearing to determine inability to pay, **69**
 adjournment, **69**
 failure to appear, **69**
 warning, **69**
 burden of proof, **69**
 dispositions
 extension of time, **69**
 imprisonment, **69**
 probation order, **72**
 reduction of time, **69**
 schedule of payments, **69**
 obtaining convicted person's attendance
 summons, **69**
 exception, **69**
 warrant for committal, **69**
 exception, **69**
 imprisonment
 effect of payment, **69**
 length of time, **69**
 warrant for committal, **69**
 exception, **69**
 licence suspension on, **69**
 parking infraction
 permit not validated or issued, **69**
 exception, **69**
 reduction of fine, **69**
 regulations, **69**
 schedule of payments, **69**
 Defendant's address, **66.1**
 Due date for fines, **66**
 Enforcement, **91**
 Extensions, **66.0.1**
 False statements, **86**
 Fee for late payment, **O. Reg. 679/92**

FINE—Cont'd

Fee for N.S.F. cheque, **66.2**
 General penalty, **61**
 Imprisonment in default
 see DEFAULT
 Multiple fines, **68**
 Notice of fine and due date, **Form 10, ss. 8, 15, 66; O. Reg. 108/11**
 Payment before appeal, **111**
 Payment out of court, **8**
 effect of payment, **8**
 Probation order, exception, **72**
 Probation order, in addition to, **72**
 Relief against minimum fine, **59**
 Set fine
 bail calculation and, **149, 150**
 certificate of offence, in, **3**
 certificate requesting conviction, in
 statement re non-payment, **18.2**
 defined, **1**
 impending conviction notice, in, **18**
 imposition
 deemed, upon payment out of court, **8**
 upon failure to appear at trial, **9.1, 18.4**
 upon failure to respond to impending conviction notice, **18.2**
 upon plea of guilty, **7, 11, 19**
 upon plea of guilty with representations, **7**
 upon reopening, **19**
 parking offence notice, in, **15**
 young persons and, **97**
 Surcharge, **60.1; O. Reg. 161/00**
 Suspension of fine on conditions, **71**
 Warrant of committal, **65**
 When fine due, **66**
 Work credits for fines, regulation for, **67**

FINE—Cont'd

Young person, no imprisonment for non-payment, **102**

GUILTY PLEA

Agreement with prosecutor, **5.1**
 Certificate of offence, **45**
 conditions of accepting plea, **45**
 Information, **45**
 conditions of accepting plea, **45**
 other offence, **45**
 Lesser/other offence, to, **45**
 Offence notice
 guilty plea with submission, **5.1, 7**
 Payment out of court, effect of, **8**

HABEAS CORPUS

Application for, **142**
 procedure on, **142**
 Costs, **142**

HOLIDAYS, PROCESS ON

Generally, **89**

IGNORANCE OF THE LAW

Generally, **81**

INFORMATION

See also SUMMONS
 Amendment, **34**
 see also AMENDMENT OF INFORMATION OR CERTIFICATE
 costs on, **37**
 guilty plea, **45**
 Anywhere in Ontario may be laid, **23**
 Appeal
 based on defect in, **124**
 Commencement by, **21**
 exception, **21**
 Count
 dividing, **33**
 essential elements of offence, **25**
 joinder, **38**
 more than one, **25**

INFORMATION—Cont'd

Count—Cont'd
 particulars of, **25**
 separate, **25**
 single transaction, **25**
 sufficiency of, **25**
 wording, **25**
 Essential averments, **25**
 Negative averment, **25**
 Procedure on laying of, **24**
 Quash
 grounds for, **36**
 motion to, **36**
 Reference to statutory provision, **25**
 Separate count for each offence, **25**
 Single transaction, **25**
 Summons before laying of, **Form 104, 22**

INTERPRETERS

Generally, **84**

INTRODUCTION

Purpose of the Act, Intro., **2**

IRREGULARITIES IN FORM

Generally, **90**

**JUDICIAL REVIEW,
APPLICATION FOR**

See CERTIORARI; HABEAS
 CORPUS; MANDAMUS;
 PROHIBITION

LANGUAGE RIGHTS

See BILINGUAL PROCEEDINGS

LIMITATION PERIOD

Extension of, **76**
 Generally, **76**

MANDAMUS

Appeal from order, **140**
 Application for relief in the nature
 of, **140**
 Notice of application, **140**

**MUNICIPALITIES,
AGREEMENTS WITH**
See AGREEMENTS WITH
MUNICIPALITIES**NOT GUILTY PLEA**

Deemed, **45**
 Taking of, **45**
 Trial on, **46**

**ORDERS ON APPLICATION
UNDER OTHER STATUTES**

Generally, **Form 142, 161**

PARKING INFRACTION

Certificate of parking infraction,
Form 11, O. Reg. 108/11, 15
 certificate of service, **15**
 commencing proceedings, **14.1**
 completion and signature, **15**
 evidence, as, **15**
 issuance, **15**
 not invalid without by-law
 number, **15, 17**
 conviction without proof of
 by-law, **18**

Certificate requesting conviction,
**Form 16, s. 14, 18.2, 18.3; O.
 Reg. 108/11**

Defendant's options
 attendance to file notice, **17.1**
 notice of intention to appear, **17,
 17.1**

Defined, **14**
 Error by municipality, **18.5**
 Failure to appear at trial, **18.4**
 Failure to respond to notice of, **18**
 notice of impending conviction,
18
 notice of intention to appear,
**Form 8, 18.1, 18.1.1; O.
 Reg. 108/11**

Municipalities to collect fines, **18.6**
 Notice of fine, **Form 10.1, O. Reg.
 108/11, s. 15**

PARKING INFRACTION—Cont'd

- Notice of impending conviction, **O. Reg. 108/11; Form 14, 15**
 - conditions precedent, **18**
 - content of notice, **18**
 - form of notice, **18**
 - no response to impending conviction notice, **18.2**
 - notice of intention to appear, **18.1, 18.1.1**
- Parking infraction notice, **Form 12, O. Reg. 108/11, 13**
 - commencing proceedings, **17, 17.1**
 - completion and signature, **15**
 - evidence required at trial, **17.1**
 - fine, **15**
 - issuance, **15**
 - rescheduling time of trial, **17.1(6.1), 17(4.1)**
 - time and place of trial, **17, 17.1**
- Payment out of court, **16**
- Procedure under Part III, **14.1**
- Quashing of proceeding, **18.4**
- Regulations, **20**
- Reopening on failure of notice, **19**
- Service of notice
 - operator, on, **15**
 - owner, on, **15**
 - proof of service, **15**
- Striking out on defendant's affidavit, **19**
- Ticket defective, application where, **18.3**

PARTIES TO OFFENCE

- Generally, **77**
- Counselling another person, **78**

PRE-TRIAL CONFERENCE, JUDICIAL

- Application for, **45.1**
- Matters for consideration, **45.1**
- Ordered by justice on own motion, **45.1**

PROBATION ORDER

- See also SENTENCING
- Breach of, **75**
- Conditions, **72**
- In proceeding commenced by information, **Form 132, 72**
- Variation, **74**
- When order comes into in force, **73**

PROHIBITION

- Appeal from order, **140**
- Application for relief in the nature of, **140**
- Notice of application, **140**

RED LIGHT CAMERA SYSTEM

- Certificate of offence
 - prescribed form, **Forms 2, 2.3, O. Reg. 108/11; s. 2**
- Certificate striking out conviction
 - prescribed form, **O. Reg. 277/99, s. 5; Reg. 200**
- Designated areas for use, **O. Reg. 277/99, s. 1.1**
- Evidence
 - criteria for admissibility, **O. Reg. 277/99, ss. 3, 3.1**
- Offence notice
 - prescribed form, **Forms 5, 5.3 and Forms 6, 6.3, O. Reg. 108/11, s. 3**
 - service, **O. Reg. 277/99, s. 4**
- Prescribed systems, **O. Reg. 277/99, s. 2**

REGULATIONS UNDER ACT

- Generally, **92**

REMOTE MEETINGS

- Generally, **5.1, 83.1**

REPRESENTATIVE

- Generally, **50, 81, 82, 91, 118**

SEARCH WARRANT

- Based on sworn information, **Form 140, 158**
- Contents of, **Form 141**

SEARCH WARRANT—Cont'd

Detention of things seized
 appeal where order by justice of the peace, **159**
 duty of person carrying out seizure, **158.2**
 motion for examination and copying, **159**
 motion for further detention, **159**
 motion for release, **159**
 order for detention or return, **159**, **159(1.1)**
 pending appeal or application, **159(1.0.1)**
 time limit for detention, **159**
 Examination of documents, where solicitor-client privilege claimed, **160**
 Examination of things seized, **159**
 Expiration, **158**, **158.1**
 Issue of, by justice, **158**, **158.1**, **158(1.1)**
 Telewarrant
 see TELEWARRANT
 Time of execution, **158**, **158.1**
 Where solicitor-client privilege claimed
 Attorney-General a party, **160**
 examination of documents in custody, **160**
 hearing date, **160**
 motion to determine privilege, **160**
 opportunity to claim privilege, **160**
 order delivery up of document, **160**
 private hearing and scrutiny by judge, **160**
 release of document where no motion, **160**
 ruling in respect of privilege, **160**
 seizure of document and placing in sealed package, **160**

SENTENCING

Appeals
 in absence of defendant, **119**
 Collection agency costs, **70.1**
 Contempt, **91**
 Fines
 see FINE
 Fixed costs, **Reg. RRO1990r945 945, 60**
 General penalty, **61**
 Minimum penalty, **59**
 relief against, **59**
 Minute of sentence, **62**
 Pre-sentence report, **56**
 Probation order, **72**
 breach of, **75**
 conditions, **72**
 in force, **73**
 variation, **74**
 Proof of previous conviction, **57**
 Remote appearance, **5. 1, 83.1**
 Sentences consecutive, **64**
 Submission as to, **57**
 Time spent in custody considered, **58**
 Time when imprisonment starts, **63**
 order custody to commence, **Form 124, 63**
 Warrant of committal, **65**
 Young person, no imprisonment for non-payment of fine, **102**

SUMMONS

Attendance required, **Form 109, 39**
 Cancellation of, **Form 108, 24**
 Confirm summons, **24**
 Contents, **26**
 Failure of defendant to attend at trial, **Form 122, 54**
 Issuance of, **Form 104, Form 107, 22, 24, 39**
 Justice not to sign summons in blank, **24**
 Service, **26, 39, 39(2.1)**
 date of mailed service, **26(4.1)**

SUMMONS—Cont'd

- Service, **26, 39, 39(2.1)**—Cont'd
 - on corporation, **26**
 - outside Ontario, **26**
 - personal, **26**
 - proof of, **Form 101, 26**
- Young person, on
 - consequences of conviction after served by, **97**
 - parents to be notified, **96**

TELEWARRANT

- Conditions, **158.1**
- Copies, **158.1**
- Expiration, **158, 158.1**
- Information
 - contents, **158.1**
 - filing, **158.1**
 - oath alternative, **158.1**
 - submission, **158.1**
- Issuance by justice, **158.1**
- Proof of authorization, **158.1**
- Time of execution, **158, 158.1**

TRANSCRIPTS

- Bilingual proceedings, **O. Reg. 53/01, s. 11**
- Certification, **Form 2, O. Reg. 158/03, ss. 1, 2, 4**
- Commission evidence, **43**
- Reviews, **136**

TRANSFER AGREEMENTS

- See **AGREEMENTS WITH MUNICIPALITIES**

TRIAL

- See also Rules and Forms under R.R.O. 1990, Reg. 200
- Absence of defendant, in, **Form 122, 54**
- Adjournment
 - see **ADJOURNMENT**
 - retention of jurisdiction, **31**
- Amendment, **34**
- Appearance by defendant, **50**
- Application of Part IV, **28**

TRIAL—Cont'd

- Change of venue, **29**
 - conditions imposed, **29**
 - delivery of material, **29**
 - preliminary motions, **29**
 - timing of order, **29**
- Compelling attendance of defendant, **Form 120, 51**
 - penalty for failure to attend, **42**
 - where incarcerated, **41**
- Evidence by commission, **43**
- Evidence taken on another charge, **47**
- Excluding from hearing defendant, **52**
 - members of public, **52**
- Exhibits, **48**
- Expediting, **151**
- Issue, of a
 - as to capacity, **44**
 - application for rehearing in relation to, **44**
 - examination required, **Form 118, 44**
 - failure to comply with order for examination, **Form 119, 44**
 - finding, **44**
 - limitation on suspension of trial, **44**
- Joinder of defendants, **38**
- Jurisdiction
 - territorial, **29**
 - transfer to proper court, **29**
 - conditions imposed, **29**
 - delivery of material, **29**
 - preliminary motions, **29**
 - timing of order, **29**
- Justice to hear whole of, **30**
 - order trial conducted by other justice, **30**
 - unable to continue, **30**
- Motion to quash information or certificate, **36**

TRIAL—Cont'd

- Notice of
 - form, prescribed, **Form 9, O Reg. 108/11, ss. 6, 13**
 - notice of impending conviction, following, **18.1**
 - offence notice, following, **5**
 - parking infraction notice, following, **17, 17.1**
 - resolution meeting, following, **5.1**
- Notice of impending conviction, following, **18.1**
 - resolution meeting, following, **5.1**
- Notice of intention to appear
 - after notice of impending conviction, **18.1, 18.1.1**
 - court office specified, **5**
 - form, prescribed, **Form, O. Reg. 108/11, ss. 5, 12**
 - in offence notice, **5**
 - in parking infraction notice, **17**
 - in person, **5, 17.1, 18.1.1**
- Particulars during, **35**
 - costs on order for, **37**
- Plea
 - guilty, **45**
 - conditions of accepting plea, **45**
 - not guilty, **45**
 - deemed, **45**
 - taking of, **45**
 - trial on, **46**
 - refusal to plead, **45**
- Preliminary motions, **29**
- Pre-trial conference, **45.1**
- Prosecutor, failure to appear, **Form 121, 53**
- Remote meetings, **5.1, 83.1**
- Rescheduling
 - offence notice, on, **5, 5.1**
 - parking infraction notice, on, **17.1(6.1), 17(4.1), 19**
 - re-opening, on, **11, 19**

TRIAL—Cont'd

- Resolution discussions, **5.1**
 - Rights of defendant
 - examination of witnesses, **46**
 - full answer and defence, **46**
 - non-compellability, **46**
 - trial upon plea of not guilty, **46**
 - Sentencing
 - see SENTENCING
 - Separate trials, **38**
 - Stay of proceedings, **32**
 - Witness
 - compelling attendance, **Form 110, 40**
 - penalty for failure to attend, **42**
 - proof of failure to attend, **Form 116, 42**
 - warrant remanding, **Form 143, 40**
 - where witness is incarcerated, **Form 115, 41**
 - order release from custody, **Form 145, 40**
 - summons to, **Form 109, 39**
 - where bound by recognizance, failure to attend, **Form 113, 40**
- VICTIM FINE SURCHARGE**
Generally, **O. Reg. 161/00, 60.1**
- VICTIM IMPACT STATEMENT**
Generally, **57**
- WARRANT**
- After information is laid, **Form 107, 24**
 - Committal
 - conveyance of prisoner, **65**
 - Contents of, **Form 146, 27**
 - Detention
 - by judge, **Form 114, 40**
 - for mental examination, **44**
 - justice of the peace, **40**
 - Execution of, for arrest, **144**

WARRANT—Cont'd

- Failure of defendant to attend at trial, **Form 23, 54**
- In force until its execution, **27**
- Search
 - see SEARCH WARRANT
- Telewarrant
 - see TELEWARRANT
- Where surety relieved of obligation, **Forms 137, 138, 155**

YOUNG PERSONS

- Age, evidence of, **104**
- Appeals, **105**
- Arrest without warrant limited, **106**
- Definitions
 - “parent,” **93**
 - “young person,” **93**
- Fine, **97**
- Functions of a justice of peace limited, **108**
- Identity not to be published, **99**
 - breach of publication ban, **99**

YOUNG PERSONS—Cont'd

- Identity not to be published, **99**
 - Cont'd
 - exceptions, **99**
- Minimum age, **94**
- No imprisonment for non-payment of fine, **102**
- Notice to parent, **96**
- Offence notice not to be used, **95**
- Open custody, **103**
- Other consequences, **97**
- Penalties limited, **101**
- Present at trial, **98**
 - compelling attendance, **98**
 - failure to appear, **98**
- Pre-sentence report, **100**
- Probation order, **72, 97**
- Release after arrest, **107**
- Sentence where proceeding commenced by certificate
 - fine, **97**
 - no imprisonment for non-payment, **102**