

# SEEKING A PEACE BOND: A GUIDE

This resource is for anyone in BC who fears for their safety and seeks an order from the court providing protection from a specific person or people.



*Rise*   
WOMEN'S LEGAL CENTRE

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**SAFETY ALERT:** You should know that no legal order will be in place to protect you during the time you are applying for a peace bond. This process can take a long time. If you think the person you are seeking a peace bond against might hurt or threaten you after they receive notice of your application and before a judge can hear your application, you should plan for your safety. Call VictimLink BC at 1-800-563-0808 to find out about services in your area. This toll-free, confidential, multilingual service is available 24 hours a day, 7 days a week.

If ever there is an emergency, you should call 911.

Note: This resource deals only with peace bonds ordered under section 810 of the *Criminal Code*. It does not deal with common law peace bonds or family law protection orders.

This document does not contain legal advice. If you or someone you care about requires legal advice, please consult with a lawyer.



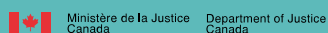
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**THIS RESOURCE IS FOR ANYONE IN BC WHO FEARS FOR THEIR SAFETY** and seeks an order from the court providing protection from a specific person or people. A peace bond may be the best option for you if the person you are seeking protection from does not fall within the definition of “family member” in the *Family Law Act*. If the person you are seeking protection from is someone you think may fall within the definition of “family member” you may be able to get a family law protection order instead.

## When can I seek a peace bond?

You can seek a peace bond in either of these two circumstances:

- **FEAR FOR SAFETY:** You are afraid that someone may cause “personal injury” to you, your child, your spouse or common-law partner, or your property (including pets).
- **FEAR OF ONLINE REVENGE:** You are afraid that someone will share or publish sexually intimate images of you (including photographs or videos).

Peace bonds can provide protection from *anyone*, including a current or past partner, regardless of what your relationship is with that person now.

Anyone  
can seek a peace  
bond if they are afraid  
that someone may cause  
“personal injury” to them,  
their child, their spouse  
or common-law partner,  
or their property  
(including pets).



## What does a peace bond do?

Under section 810 of the *Criminal Code*, a peace bond is a court order that requires the person you are afraid of to “keep the peace” and follow any other conditions placed on them in the peace bond. A peace bond is a type of “recognizance,” which means that the person must also pledge a cash amount to secure their good behaviour. If they breach or break the conditions in the peace bond, they may have to pay the money they pledged to the court.

A court can also order the person to:

- Not contact you, your spouse, or your child;
- Not come to your residence or place of employment;
- Not call you on the phone;
- Not send you text messages or letters;
- Not use drugs or alcohol;
- Not have weapons in their possession; or
- Follow any other condition the court considers necessary to prevent harm to you.

Think about what terms or conditions would help you to feel safe. Tell these conditions to the people who are helping you with the peace bond application, such as a support worker, victim services worker, police officer, or Crown counsel. Conditions should be clearly worded so that it is easy to know if the person is following them.

A peace bond is a court order that requires the person you are afraid of to “keep the peace” and follow any other conditions placed on them in the peace bond.



A peace bond is different from a criminal offence (or a crime). Unlike criminal charges, peace bonds are preventive. They can be ordered when a person appears *likely* to commit an offence, but there are no reasonable grounds to believe the offence has already been committed. Since no crime has been committed, peace bonds do not result in criminal convictions and are not intended as punishment. A person who agrees to a peace bond will not have a criminal record.

However, if a person breaches (or breaks) the conditions of their peace bond, they could be charged with the criminal offence of breaching a court order. If they are found guilty of this offence, they might be fined or placed on probation. In some cases, they could even be sentenced to jail.

If a person breaches a peace bond, you can contact the police. Peace bonds can be enforced anywhere in Canada. If you move provinces, you can take your peace bond to your local police agency and provide them with a copy.



## How long does a peace bond last?

A peace bond that is granted under section 810 of the *Criminal Code* can be ordered for a maximum of 12 months. A section 810 peace bond cannot be renewed, but you may apply for a new one.

## What do I have to prove to get a peace bond?

To get a peace bond, the court must be satisfied that on a balance of probabilities you have reasonable fears that you, your spouse, your children or your property will be harmed. It is not enough to say only that you are personally afraid; the court must find that a reasonable person in the same situation would also be afraid.

Proving your fear of harm on a balance of probabilities means that the court must find the harm you fear is “more likely than not” to occur. This is a lower standard of proof than the one used for criminal offences. In a criminal trial, a conviction is based on proof “beyond a reasonable doubt.”



# How can I get a peace bond?

In BC, we recommend that you first try to get a peace bond with the help of the police.

## Getting a peace bond with the help of police

Contact the police and tell them that you want a peace bond against the person who is making you afraid. Explain your fears and provide any evidence you have collected. This evidence could include text messages, emails, voicemails, photographs, etc. You may want to bring a friend or an advocate with you for support when you go to the police.

Give your statement. The police will interview you and should take detailed notes, or a statement, about why you are afraid. If the police are willing to move ahead with your case, the other person will eventually receive a copy of the police notes and your statement. Next the police may investigate the situation. This can involve contacting any witnesses, doing criminal record checks, or interviewing the person you are afraid of.

If the police decide your fears are reasonable, they will prepare a report for Crown counsel, a lawyer employed by the provincial government to prosecute cases. The police report will include all the information gathered during their investigation and recommend a peace bond application with a list of suggested conditions. If the police decide that the investigation has brought to light information about crimes that have been committed, they may recommend to the Crown that criminal charges should be laid. Crown counsel plays an important role in determining what will happen to your request for a peace bond and may intervene to prevent your application from proceeding. In some jurisdictions in Canada people may continue to seek

a peace bond without Crown involvement, but this not the regular process in BC.



If the police decide your fears are reasonable, they will prepare a report for Crown counsel, a lawyer employed by the provincial government to prosecute cases.

If the Crown agrees that a peace bond is necessary, a process hearing will be scheduled. A process hearing happens without the other person present. At this time the Crown will explain the evidence to the court. If the judge is satisfied that the information provided meets the test for a peace bond, then the judge will

agree to notify the other person and set another court date. There are two ways that the court can notify the other person: a summons or an arrest warrant. In either situation, the person will have to show up to court. If the court is not satisfied by the evidence, the matter will not go any further.

At the process hearing, a future court date may be set for a peace bond application to be heard by a judge. This date may be anywhere from a few days away to a month in the future. However, just because a date has been scheduled for the peace bond application, that does not mean that everything will be finished on that date. It is possible that nothing will happen on the date your matter is scheduled. For example, the person you are afraid of may ask for more time to seek advice from a lawyer. If this happens, the court will likely grant this request and reschedule the matter for a future date. You should ask the Crown how to prepare for the next court date.

When a judge hears the peace bond application there are two possible outcomes:

- The person may agree to enter into a peace bond and to the conditions presented. If that happens, then no evidence will be presented to the judge.
- The person may not agree to the peace bond, in which case Crown counsel may decide to move forward with presenting evidence to the judge. In this case, Crown

counsel will normally ask you to tell the judge what happened (give testimony) under oath and provide any documents or other evidence you have. The judge will decide whether, on a balance of probabilities, you have reasonable grounds to fear the other person. If the judge finds that your fears are reasonable, they will order the peace bond. If the judge does not find your fears reasonable, they will dismiss the peace bond application.

If the judge orders a peace bond, you may get a copy from the court registry. Having a copy of the peace bond will make it easier for you to seek help from the police if the person breaks the peace bond.

A **SUMMONS** is an order to appear in court that can be delivered in the mail or in person by a police officer. The summons document orders the person to appear in court on a specific date and time.

An **ARREST WARRANT** is issued if the court finds that the person poses a danger to themselves or to others or is unlikely to show up to the hearing. An arrest warrant allows the police to arrest the person and bring them to court for a bail hearing. At this hearing, the court will decide whether the person should remain in jail until the peace bond hearing takes place or whether to release the person with conditions. It is unlikely the person will remain in jail for a peace bond hearing if they are not facing criminal charges as well.



Having a copy of the peace bond will make it easier for you to seek help from the police if the person breaks the peace bond.

## Getting a peace bond without police help

If the police are unwilling to help you with your peace bond, you do have another option to try to get a peace bond. You can go to a courthouse and ask the court registry for help in completing the correct forms for a peace bond. Even though this is possible as a matter of law, you should know that getting a peace bond without police help in BC may be difficult. Although the exact process may vary depending on where you are in BC, in general, court registry staff will contact Crown counsel who will then pass the matter back to police for further investigation. This means that even if you are trying to make a peace bond application on your own, the police are likely to become involved and Crown counsel will make important decisions about your case. However, if police have failed to take your request seriously, approaching the court registry directly may give you the opportunity to have a Crown review your case and make the request to police.

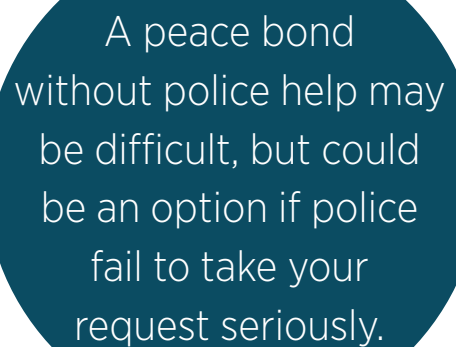
If you decide to approach the court registry, you may want to call ahead of time to see if they have any additional information you should know before travelling to the courthouse.

Bring photo ID with you to court because you may need it when you complete the paperwork. If possible, also bring any evidence that shows why you are afraid of the other person. This evidence could include text messages, emails, voicemails, photographs, etc. If your application proceeds, you will eventually be required to give this information to the person you are seeking the peace bond against.

If you need help with applying for a peace bond, you may hire a lawyer to assist you or ask for help from one of the following free resources:

- Duty counsel at the courthouse (go to the courthouse and ask to speak with duty counsel)
- Rise Women's Legal Centre — online at [womenslegalcentre.ca](http://womenslegalcentre.ca)
- Law Students' Legal Advice Program — online at [lslap.bc.ca](http://lslap.bc.ca)

If you try to obtain a peace bond on your own, the matter will proceed in a similar manner to the steps set out above. If your case moves forward, Crown counsel may intervene and make decisions about how your case should proceed. For example, they may decide to delay or drop the application for a peace bond if the person you are afraid of voluntarily agrees not to contact you for a period of time. If the police investigation show evidence that a crime has been committed the Crown may recommend that criminal charges be laid instead of going ahead with the peace bond application.



A peace bond without police help may be difficult, but could be an option if police fail to take your request seriously.



# What are some common myths about peace bonds?

**Myth 1.** Peace bonds can only be placed against a person after they have already harmed you.

A crime does not need to have happened for you to apply for a peace bond against someone you fear will harm you. The purpose of a peace bond is to *prevent* someone from harming you in the future. You do not have to prove that harm has already occurred, although *if* harm has already occurred, this can be used to help explain why you are afraid that it will happen again.

**Myth 2.** Peace bonds are only available when a person physically harms you; they cannot be used to address emotional harm.

Physical harm is not necessary for a peace bond; peace bonds can protect you from both physical and psychological injuries. In the *Criminal Code*, peace bonds are available to protect you from “personal injury,” rather than only “physical harm.” Personal injury is a broader category than physical harm. Courts have interpreted personal injury to include “psychological injuries” resulting from harassment and intimidation. You do not need to have experienced, be experiencing, or expect to experience any physical violence to apply for a peace bond.

**Myth 3.** Peace bonds are only for protection against your spouse.

Peace bonds can be ordered against *anyone*. Unlike family law protection orders in BC, which only protect people from their spouse or other family members, you can ask for a peace bond against your ex-partner, a neighbour, or anyone else who is causing you to be afraid.

**Myth 4.** You must get a family law protection order before you can apply for a peace bond against your spouse.

If you are seeking protection from a family member (including a spouse), you can:

- Seek a peace bond in criminal court;
- Seek a family law protection order in family court; and/or
- Seek both types of orders.



A crime does not need to have happened for you to apply for a peace bond against someone you fear will harm you.

There is no “right” option. While there are pros and cons to both peace bonds and protection orders, you can seek either or both types of orders. You do not need to get a family law protection order before you apply for a peace bond. However, you will have more control over an application for a family law protection order than you will over an application for peace bond, since a family law protection order does not require you work with police and Crown counsel before speaking to a judge.

# Comparing peace bonds and family law protection

SECTION 810 PEACE BONDS	PROTECTION ORDERS
Made in criminal court	Made in family court
<p>The judge will have to be satisfied that there are reasonable grounds for a peace bond <i>before</i> the other party will be notified about your application for a peace bond.</p> <p>The peace bond application must be made in-person, with the other person present.</p> <p>Between the time you first request a peace bond, and the time the peace bond application is heard, there will be no orders in place to protect you.</p>	<p>In <i>some</i> cases, the hearing judge may be willing to hear your application <i>ex parte</i> (meaning without the other person being present in court). If the person later challenges the protection order, both parties may have to return to court.)</p> <p>You may receive a protection order before the other party knows you have had a court appearance.</p>
Can be made against anyone.	Can be made against the applicant’s spouse or former spouse, a person with whom the applicant is living or has lived in a marriage-like relationship, the parent or guardian of the applicant’s child, the applicant’s child, and other people who live with and are related to the applicant.
Test is fear on reasonable grounds that a person will cause personal injury (including psychological injury) to the applicant, their intimate partner, their child, or their property (including pets).	Test is whether family violence (as defined by BC’s <i>Family Law Act</i> ) is likely to occur
Standard of proof is balance of probabilities.	Standard of proof is balance of probabilities.
Maximum length of one year.	“Default” term of one year but can be longer or shorter.
Can be enforced anywhere in Canada.	Can be enforced in BC only.
Breaches are dealt with by police and prosecuted under section 811 of the <i>Criminal Code</i> .	Breaches are dealt with by police and prosecuted under section 127 of the <i>Criminal Code</i> .

## Frequently asked questions



### Can I see or contact the person, after a peace bond is ordered against them?

After a peace bond is ordered, the person who is bound by it must follow any conditions listed in the order. Usually, these conditions will include a term stating that the person cannot have contact with you. If that is the case, if the person contacts you, they could be criminally charged with breaching a court order.

Generally, if you have applied for a peace bond against someone, you will not be bound by any resulting order, and you cannot be charged with breaching anything. If you ask the other person to meet with you after a peace bond is ordered, they could be charged for breaching the order and you cannot be charged.

However, if you are having contact with the other person voluntarily, this might be a signal to the court and the police that you are not truly afraid. This may make it more difficult to get another peace bond in the future or have the matter treated seriously in the future. If you have requested a peace bond, you should be prepared not to invite the other person to breach the terms.

If the person contacts you they may be charged with breaching a criminal order.



If you signed a “mutual” peace bond, the situation is different. Sometimes, the person you are seeking protection from will tell the court that they need to be protected from you too. Or they might refuse to sign a peace bond unless you sign one too. In these situations, the court can issue a mutual peace bond, which means you must follow peace bond conditions as well. Do not sign a mutual peace bond without getting legal advice. If you have signed a mutual peace bond, you could be charged if you break any of the conditions, and the person you are seeking protection from could try to set you up to break your mutual peace bond conditions.

### **What if I leave the province? The country?**

Peace bonds can be enforced throughout Canada, but not outside Canada. However, you should still contact the police if the person has breached their peace bond by contacting you while they are outside of Canada. The police may suggest what you should do if or when the person returns to Canada. Make sure to always have a copy of the peace bond with you so you can show it to the police if the person breaches the peace bond.

### **What if the person I placed a peace bond against shows up at my home despite a no-contact condition in the peace bond?**

Call 911. Show the police your copy of the peace bond.

### **Can I change my peace bond? Can I cancel it?**

Yes, but you cannot do this on your own because a peace bond is an order of the court. Either you or the other person can apply to court to ask a judge to vary the conditions in the peace bond. Contact the police or court registry if you would like to change the conditions of a peace bond.

If the person you placed a peace bond against shows up at your home despite a no-contact condition, call 911. Show the police your copy of the peace bond.



## Can I renew my peace bond?

You cannot renew a peace bond, so you must apply for a brand new one if you want protection for longer than a year. However, you are allowed to apply for a new peace bond before your old one reaches its end date.

## Do I have to go to court?

You will likely need to go to court to get a peace bond. It is possible that the person you are afraid of may agree to a peace bond, which would mean that the judge does not need to hear your evidence. However, if the person does not agree to a peace bond, you will need to attend a court and give testimony. The person may also testify but they do not have to.

If you apply for a peace bond without the help of the police, or if the police refuse to move forward with your peace bond application, you will have to go to a court registry to ask to start a peace bond application. Therefore, whether you get help from the police or not, you will most likely have to go to a courthouse at some point while you are applying for a peace bond.

## How long will it take?

The peace bond will take effect at the time it is ordered, not starting from the time you request it. You will not be protected during the process of applying for a peace bond. The application process is guided by the police and Crown counsel depending on their timeline for completing the investigation. Police investigations and reports to Crown counsel may take a very long time, so seeking peace bonds may not be a suitable solution for emergencies. If you are in danger, you need to engage in safety planning. We recognize you have been doing everything you can to keep yourself safe for a long time. Contact VictimLink BC at 1-800-563-0808 to see if there is anything they can help with.

Police investigations and reports to Crown counsel may take a very long time, so seeking peace bonds may not be a suitable solution for emergencies. If you are in danger, you need to engage in safety planning.

## Who can help me?

You may contact your local police or RCMP to ask for help with a peace bond. You may ask a community-based victim services worker to support you in contacting the police.



## Will I remain anonymous? / Will the information I share be confidential?

No. If the police and Crown counsel decide to go ahead with a peace bond application on your behalf, the other person will receive the information you provide because they have the right to know the case against them. Even if the police and Crown counsel decide not to proceed, the other person will likely find out that they are being investigated. You should be prepared for the fact that the other person will learn that you have asked for a peace bond. Make sure that your safety planning is up to date.

In addition, Canadian courts are generally open to the public. This means there could be publicly accessible records or decisions, and even press coverage unless a publication ban is ordered.

## Do I have to have contact with the police?

You will almost certainly need to speak to the police at some point during your attempt to seek a peace bond, even if you try to approach the court directly because once Crown counsel is notified of your case, they will likely refer it back to police for an investigation.

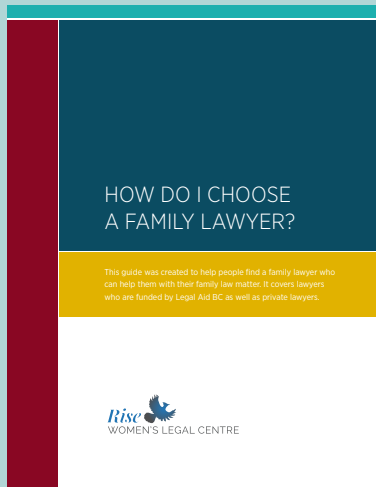
If someone breaches a peace bond, you will need to call the police to enforce the order. This is also true if someone breaches a family law protection order.

## Are there other ways to get a peace bond?

Yes. It is common practice for criminal charges to be dropped in exchange for an accused person agreeing to a peace bond during plea bargaining. The accused person might be asked to enter into either a section 810 peace bond or a common law peace bond to resolve their case.

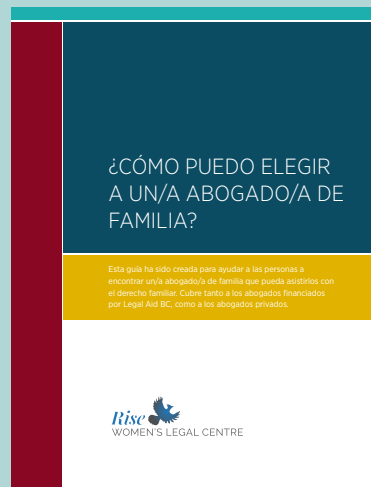
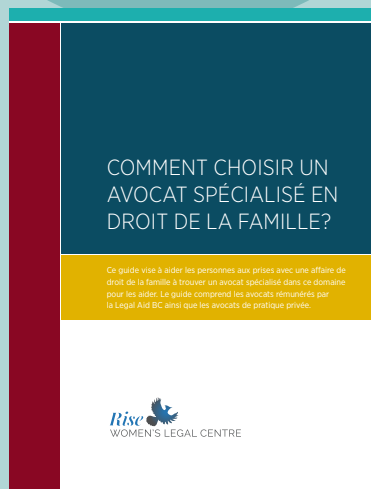
Peace bonds can also be ordered under the common law. Common law peace bonds have a different legal test than peace bonds under section 810 and derive from different sources of law. Common law peace bonds are not subject to a mandatory one-year time limit. Because common law peace bonds are not usually accessible to laypersons in BC, we have not provided more information on common law peace bonds here.





Public information guides prepared by Rise Women's Legal Centre are often published in multiple languages.

To see available translations of this document, visit [womenslegalcentre.ca/seeking-a-peace-bond](http://womenslegalcentre.ca/seeking-a-peace-bond)





Rise Women's Legal Centre is a community legal centre striving to create accessible legal services that are responsive to the unique needs of self-identifying women, particularly those who are survivors of violence, abuse, and unequal power dynamics.

For more information about Rise, visit [womenslegalcentre.ca](https://womenslegalcentre.ca)

Rise Women's Legal Centre respectfully acknowledges that our work takes place on the traditional, ancestral, and unceded homelands of the **Skwxwu7mesh** (Squamish), **Tsleil-Waututh** (Burrard), and **xʷməθkʷəy̓əm** (Musqueam) Nations.

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