

**** Detailed Procedure for Judiciary/Court Services/Counsel ****

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

Section 502(1) governs consent variations of police releases:

502 (1) The undertaking in respect of which an accused has been released under section 498, 499 or 503 may, with the written consent of the accused and the prosecutor, be varied and the undertaking so varied is deemed to be an undertaking given under section 498, 499 or 503, as the case may be.

Section 519.1 governs consent variations of judicial release orders:

519.1 A release order under which an accused has been released under section 515 may be varied with the written consent of the accused, prosecutor and any sureties. The order so varied is considered to be a release order under section 515.

- The accused or, if represented, their lawyer, will complete the Application for Consent Variation of Police Undertaking or Application for Consent Variation of Bail and email it to the Crown Attorney's Office.
- Variation of Police Undertaking. The Crown will inform the accused/accused's lawyer by email if they consent or do not consent and will email the form to the accused and/or the accused's lawyer. If the Crown consents, they will also forward the form to Court Services. How the form is forwarded to Court Services is to be worked out locally or regionally. Court Services will distribute the form as applicable (e.g., VWAP etc.). Court services will also attach the Consent Variation Application Form to the copy of the undertaking in the court file.
- Variation of Bail (judicial release order).
 - If the Crown consents they will indicate this on the form and email the form to Court Services who will email the form and the original release order to the Intake Court Justice of the Peace. How the form is forwarded to Court Services and the Justice of the Peace is to be worked out locally or regionally. If the Crown does not consent, they will inform the accused or the accused's lawyer.

- If the Justice of the Peace approves the variation they will sign the form electronically and forward the form to Court Services. How the form is forwarded to Court Services from the Justice of the Peace is to be worked out locally or regionally. Court Services will email the form to the accused or their lawyer, the Crown, police, and other usual distribution as applicable (e.g., VWAP, Chief Firearms Officer, etc.). Court Services will then attach the consent release form to the varied release order/recognizance in the court file.
- If the justice of the peace does not approve of the variation, they will provide written reasons and send the form and their reasons to Court Services. How the form is forwarded to Court Services from the Justice of the Peace is to be worked out locally or regionally. Court Services will email the form and the reasons of the justice of the peace to the accused or their lawyer and the Crown.
- If an accused is unable to complete the application online they can phone the court office for instructions to obtain a paper copy of the form, or attend at the courthouse in person. The accused can also 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), for assistance.