



## Northwest Territories Courts

Denise Bertolini, Courts Administrator

19 March 2020

**TO:** All Members of the Law Society of the Northwest Territories  
Royal Canadian Mounted Police, "G" Division, Yellowknife  
Public Prosecution Service Canada  
Legal Aid Commission of the NWT  
City of Yellowknife  
Media outlets

### **CHANGES TO TERRITORIAL COURT AND JUSTICE OF THE PEACE COURT SITTINGS DUE TO COVID 19 (REVISED March 19, 2020)**

Chief Judge Gorin has directed the following changes, effective immediately, to Territorial Court proceedings. While these changes will result in disruption and some delay, it is necessary to be proactive under the circumstances. The situation will be monitored closely and any updates will be sent to this same distribution and posted on the courts website.

#### **\*APPEARANCES BY COUNSEL\***

**All lawyers who are appearing as counsel before the Court in all matters are to appear by telephone. Arrangements to do so can be made by contacting the Territorial Court Registry in Yellowknife.**

#### **TERRITORIAL COURT**

##### **1. Proceedings outside of Yellowknife**

###### **a) Civil and Family Court**

- All Civil and Family docket days outside of Yellowknife scheduled for dates before June 1<sup>st</sup> are cancelled unless otherwise directed. However, counsel may have a matter brought forward to appear as agent or counsel for individuals in their absence.
- The Court will automatically adjourn all Civil Proceedings including trials and interlocutory applications of a non-urgent nature to the first available scheduled date in the community where the proceedings were previously scheduled that follows May 31<sup>st</sup>.

- The only Civil or Family matters that will proceed will be applications to confirm child apprehensions, time-limited matters, or interlocutory applications that are determined by the court to be of a truly urgent nature. These matters will proceed in Yellowknife with the parties and counsel appearing remotely.
- The Court will automatically reschedule all civil mediation sessions which are currently scheduled to a date before June 1st to a date after May 31<sup>st</sup>. Alternatively, where the parties consent, the mediation session can be conducted by teleconference.

**b) Criminal and Youth Justice Court**

- ALL proceedings outside Yellowknife scheduled for dates before June 1<sup>st</sup> are cancelled. Emergency matters that arise from communities outside of Yellowknife will be dealt with as the circumstances require.

Individuals not in Custody.

- All matters in a community involving accused individuals who are at liberty and who have matters scheduled for dates before June 1st will be automatically adjourned. The new date will be the first available court date after May 31<sup>st</sup> in that community. The new date will be to either deal with or reschedule their matters.
- In all such cases, the Court will issue an endorsed arrest warrant to be held by the Clerk of the Court for jurisdictional reasons. The arrest warrant will not be released to be acted on by the police unless the individual to whom it applies does not attend court on the new date.
- All future court process requiring an accused to appear before the court should be to a regularly scheduled court date following May 31st.
- Wellness Court and DVTO Court proceedings are cancelled until after May 31st.

Individuals in Custody

- All individuals who have been detained and face pending charges that arise from outside of Yellowknife will appear via video-link before Territorial Court in Yellowknife as scheduled.
- Any trials, preliminary inquiries or hearings that have not yet been set will be scheduled to the first available and feasible scheduled circuit in the community from which the charges arise following May 31<sup>st</sup>.
- Where an individual in custody has a trial, preliminary inquiry or hearing scheduled in a community on a date before June 1st, the Court will bring these matters forward through a Form-19 warrant to appear before the Court by

video-link in order to reschedule his or her proceedings to a date following May 31st.

- Any individual referred to in the foregoing paragraph may have his or her matter brought forward in order to be sentenced in the Territorial Court via video-link.
- The Territorial Court will hear all applications for bail review pursuant to s. 523(2)(c)(iii) of the *Criminal Code* via video-link.

## **2. Proceedings in Yellowknife**

### **a) Civil and Family Court**

- All Civil and Family docket days in Yellowknife scheduled for dates before June 1<sup>st</sup> are cancelled unless otherwise directed. However, counsel may have the matter brought forward to appear as agent or counsel for individuals in their absence.
- All Civil Proceedings including trials and interlocutory applications of a non-urgent nature scheduled before June 1<sup>st</sup> will be automatically adjourned by the Court to the first Monday at 9:30 a.m. that follows a twelve week period following the previously scheduled court date.
- The only Civil or Family matters that will proceed before June 1<sup>st</sup> will be applications to confirm child apprehensions, time-limited matters, or other interlocutory applications that are determined by the court to be of a truly urgent nature.
- Civil mediation sessions scheduled to a date before June 1<sup>st</sup> will be rescheduled to a date after May 31<sup>st</sup>. Alternatively, where the parties consent, the mediation session can be conducted by teleconference.

### **b) Criminal and Youth Court**

#### Individuals not in Custody

- All Criminal and Youth Court docket day appearances in Yellowknife scheduled for dates before June 1<sup>st</sup> involving individuals who are at liberty are cancelled unless otherwise directed. However, counsel may have the matter brought forward to appear as agent or counsel for such individuals in their absence.
- All matters involving individuals, who are facing charges in Youth Justice Court, who are at liberty, and who have appearances including trials, sentencings and hearings scheduled on a date before June 1<sup>st</sup> will be automatically adjourned by the Court for a period of 12 weeks from that court date to the first available following Monday at 9:30 a.m.

- All matters involving adults facing criminal charges, who are at liberty and who have appearances including preliminary inquiries, trials, sentencings and hearings scheduled on a date before June 1st will be automatically adjourned from that scheduled appearance for a period of 12 weeks to the first available following Tuesday at 9:30 a.m.
- In all such cases, the Court will issue an endorsed arrest warrant to be held by the Court for jurisdictional purposes. The warrant will not be released to be acted on unless the young person or adult to whom it applies does not attend court on the new date set out in the foregoing paragraphs.
- Wellness Court and DVTO Court proceedings scheduled on dates prior to June 1<sup>st</sup> are cancelled.
- All future court process that is issued to require an accused to appear before the Court should be for the first available docket day that follows a period of 12 weeks from the date of the process being issued.

#### Individuals in Custody

- All individuals who have been detained and face pending charges that arise from Yellowknife will appear via video-link before Territorial Court in Yellowknife when their matters are scheduled.
- Sentencings will proceed by video-link on the date scheduled, but in all cases at 9:30 a.m.
- Any trials, preliminary inquiries or hearings for in-custody individuals that have not yet been set will be scheduled to a date after May 31<sup>st</sup>.
- Any trials, preliminary inquiries or hearings for in-custody individuals set to a date before June 1<sup>st</sup> will be brought forward and adjourned to a date following May 31<sup>st</sup>.
- In all such cases the Court will bring the matters forward through a Form-19 warrant to have the individual appear before the Court by video-link in order to reschedule his or her proceedings to a date following May 31<sup>st</sup>.
- Any individual referred to in the foregoing paragraph may have his or her matter brought forward in order to be sentenced in the Territorial Court via video-link.
- The Territorial Court will hear all applications for bail review pursuant to s. 523(2)(c)(iii) of the *Criminal Code* via video-link.

### 3. General

#### In Chambers Matters

All in chambers meetings with judges scheduled to a date before June 1st are to be dealt with by teleconference.

#### Emergency Matters

Any emergency or time-limited matters that arise at any location in the Northwest Territories will be dealt with as the circumstances may require.

#### Exceptions

A Territorial Court Judge may direct that the foregoing measures be departed from as the circumstances require on a case by case basis.

### **JUSTICE OF THE PEACE COURT**

Absolutely ALL Justice of the Peace proceedings scheduled to a date before June 1<sup>st</sup> are cancelled subject to the following exceptions:

- Bail hearings and interim proceedings involving judicial interim release are to proceed remotely by video or audio.
- Peace bond applications will proceed as usual.

All accused who are released following bail hearings will be required to attend court on a date after June 1st unless the circumstances require otherwise.

***\*The foregoing measures will be revisited regularly and adjusted as required as the current health crisis evolves.***

If there are any questions, please feel free to contact me.

Sincerely,

Denise Bertolini  
Courts Administrator