

NOTICE

PROVINCIAL COURT OF MANITOBA

FURTHER SUSPENSION AND RESTRICTION OF HEARINGS

May 21, 2021

Since the beginning of the COVID-19 pandemic the Provincial Court of Manitoba has taken proactive measures to protect the health and safety of all court users to help contain the spread of COVID-19 while continuing to provide essential judicial services to Manitobans. Due to the ongoing pandemic and in line with public health directives, further suspensions and modifications will take effect on Tuesday **May 25, 2021** and remain in place **until June 11, 2021** or until a further Notice is issued.

Due to the rise of positive cases of COVID-19 in Manitoba, climbing test positivity rates and the suspension of school classes in various regions, these modifications will focus on **restricting the need for persons to attend in person in any Provincial Court in Manitoba.**

Circuit Courts

All circuit court sittings are suspended. Virtual dockets will be held for these sittings in the appropriate court centre, with all parties appearing remotely. Those court sittings which were “trial only” days will be administratively adjourned. Please contact the appropriate trial coordinator to determine the adjournment date.

In Custody Trials

All in-custody trials scheduled in a court centre (Winnipeg, Brandon, Portage la Prairie, The Pas, Dauphin, Thompson) will proceed.

For Winnipeg trials, counsel are reminded to email the Virtual Assignment Court (VirtualTrialAssignCourt@gov.mb.ca) as soon as possible to let the presiding Judge know whether the matter is proceeding so it can be assigned to a trial courtroom. This helps promote physical distancing. This email box is monitored starting at 9:15 a.m. every day. We remind counsel (and your witnesses) not to gather outside Courtroom 302 while awaiting assignment of a courtroom for your trial.

For all other court centres, we remind counsel and witnesses who are attending to adhere strictly to the COVID protocols and to maintain social distancing at all times.

Out of Custody Trials

All out of custody trials will be suspended. Counsel should discuss re-setting these matters for trial and advise the Court of the new trial date on the date currently set for trial (by email preferably) or as arranged with the appropriate trial coordinator.

Continuations of out of custody trials or matters where a Judge is seized will not proceed unless, the out of custody trial or hearing can be continued remotely. Counsel

will have to make an application before the presiding Judge. Out of custody trials and preliminary hearings may proceed, **IF** approved and all parties can appear remotely. If an out of custody hearing cannot continue remotely and in person appearances are required, these matters will have to be adjourned.

Dispositions

All in custody dispositions will proceed on the presumption all parties appear remotely, including support people.

All out of custody dispositions will proceed on the presumption all parties appear remotely including support people.

The preferred platform for dispositions is video-conferencing where available. Counsel are asked to contact the appropriate Disposition/Trial Coordinators to request a video conferencing platform, if their client is able to appear in that fashion. Where video-conferencing is not available for any of the parties or the Court, the parties can appear by telephone. The presiding judge retains the discretion to determine if the matter is appropriate to proceed remotely.

Exceptions for In Person Appearances

If counsel are asking for an exception and requesting in-person appearances for dispositions, judicial permission must be sought by emailing the Disposition/Trial Coordinator at least two days in advance. The position of all parties must be included in the request. The Disposition Coordinator will forward the request to the presiding judge or an administrative judge, if no judge is yet assigned. The circumstances requesting the permission for in person appearances should be **pressing or urgent**. If the parties cannot appear remotely, or if permission to attend in person is not granted by a judge, the matter will be adjourned.

Bail Applications

All bail applications will proceed with all parties appearing remotely, by telephone or video where available. It is incumbent upon counsel to ensure they are on a phone line where they can communicate clearly with the court, and where there are no background noises or interruptions.

Urgent Matters

The Provincial Court of Manitoba remains open to hear applications with respect to urgent matters where counsel are seeking an exception to the protocols and are asking matters proceed in addition to those set out in this notice.

Provincial Court Counter (PCC) Docket Appearances and Other Intake Dockets

The Provincial Court Counter Docket and all other dockets will continue to be held virtually. Persons will not be allowed to attend in person. For Provincial Court Counter Dockets in Winnipeg, those people who do not have counsel will be asked to phone into

the Court to address their matter by calling either 204-948-3138 or 204-945-4612 and speaking to the Staff Justice of the Peace, between the hours of 8:30 a.m. and 2:00 p.m.

Legal Aid Administrative Docket

In Winnipeg, the Legal Aid Administrative docket will proceed with persons appearing remotely. Counsel and accused persons will not be allowed to attend in person.

Child Protection

All child protection dockets will proceed virtually in the appropriate court centre.

Private Prosecutions Court

This court is suspended and will not proceed. All matters will be adjourned to appear on June 21, 2021.

Provincial Offences Court

The Provincial Offences Court office at 373 Broadway Avenue, Winnipeg will remain closed to the public up to and including June 11, 2021. *Provincial Offences Act* matters (Winnipeg and Regional) including Highway Traffic Act matters scheduled for **hearing** up to and including June 11, 2021 throughout Manitoba will be adjourned without you appearing and rescheduled to a later date. Notification of the new date and time will be sent to you.

You must still contact the Court by telephone or email at POC@gov.mb.ca between the dates and before the final response date on your ticket if you receive one. The court office at 373 Broadway remains open to accept fine payments only if other remote options cannot be utilized. This suspension applies to all *Provincial Offences Act* matters, including *Highway Traffic Act* matters scheduled for hearing in Winnipeg and all regional court centres and circuit court locations with the exception of a limited number of Highway Traffic Matters which may proceed virtually. If your matter is to proceed virtually, you will be contacted directly.

Further Notices

The Provincial Court of Manitoba continues to carefully monitor the public health situation. All of the above is subject to further Notice as circumstances evolve.

ISSUED BY:

“Original signed by:”

**The Honourable Chief Judge
Margaret Wiebe
DATE: May 21, 2021**