

NOTICE

PROVINCIAL COURT OF MANITOBA

RE: RESUMPTION OF REGULARLY SCHEDULED COURT SITTINGS AND SPECIAL SITTINGS IN THE PROVINCIAL COURT OF MANITOBA

February 18, 2022

Since the beginning of the COVID-19 pandemic all levels of Court have taken proactive preventative measures to protect the health and safety of all court users to help contain the spread of COVID-19 while providing essential judicial services to Manitobans. In line with current public health directives, we will begin incremental steps towards resuming all regular court sittings and previously scheduled special sittings throughout the province. This Notice applies to all matters and takes effect on Monday, February 28, 2022 and will remain in effect until further notice.

OVERVIEW

The Provincial Court of Manitoba remains closed to members of the general public. Minimizing the number of people attending court in person to those whose matters are proceeding in a substantive way remains the underlying principle guiding the incremental re-opening of the Provincial Court. It is important all court participants continue to abide by the fundamentals of wearing masks, practicing social distancing and minimizing contacts when attending court until further notice. While the Court remains closed to the general public, those people attending as an accused or a witness may have a maximum of two support people in attendance with them until further notice.

The Court will resume all regularly scheduled sittings and all previously scheduled special sittings in all locations and will resume hearing all matters including trials, preliminary inquiries, dispositions and bail applications in all court centres and circuit locations, subject to specific localized closures. Judicial Justice of the Peace dockets in Thompson circuit locations will continue to be held remotely until further notice.

While there will no longer be a limit on the number of dispositions to be scheduled on a given date, (subject to time availability) only those individuals where something meaningful is expected to occur may attend court.

Beginning February 28, 2022, where a matter is expected to proceed to trial, preliminary hearing or disposition, the presumption that counsel and accused persons will appear remotely **will no longer apply**. Counsel and accused persons will be expected to attend court in person. If counsel or an accused person wish to appear remotely they must request permission to do so through the applicable trial coordinator 24 hours in advance of the appearance.

Where permission has been obtained for a remote appearance, the preferred platform for remote appearances is video-conferencing where available. It is expected counsel will provide an accurate time estimate of the disposition. Where video conferencing is not available for any of the parties or the Court, the parties can appear by telephone. It is incumbent on counsel to ensure they are on a phone line where they can communicate clearly with the Court, and where there is no background noise or interruptions. The presiding Judge retains the discretion to determine if the matter is appropriate to proceed remotely.

Unless counsel is already appearing on a matter requiring a personal appearance, the presumption that counsel and accused persons will appear remotely continues to apply to all other matters where nothing substantive is expected to take place. In these cases counsel and accused persons should not be attending court in person, and the matter should be spoken to remotely or arrangements made in advance for the matter to be spoken to by the Crown or other counsel.

Bail Applications

Bail applications will continue to proceed with accused persons appearing by telephone or video conference, if available. While counsel will be permitted to appear remotely to speak to bail applications, the presumption of remote appearance by counsel no longer applies and counsel may appear in person. Counsel do not need advance permission to appear remotely for bail applications.

WINNIPEG

For Winnipeg trials and preliminary hearings, counsel are reminded to email the Virtual Assignment Court (VirtualTrialAssignmentCourt@gov.mb.ca) on the morning of the hearing to let the presiding Judge know whether the matter is proceeding so it can be assigned to a trial courtroom as soon as possible. The mailbox is monitored starting at 9:15 a.m. everyday. We remind counsel (and your witnesses) not to gather outside courtroom 302 while awaiting assignment to a trial courtroom. Counsel and their clients can wait anywhere in the courthouse complex as the assignment of the courtroom is done via email.

Provincial Court Counter (PCC) Dockets

Counsel and self representing accuseds may continue to appear virtually for Provincial Court Counter matters. Self representing accuseds may appear by calling either 204-948-3138 or 204-945-4612 between 8:30 a.m. and 2:00 p.m. to speak to a Staff Justice of the Peace. Matters can also be spoken to by appearing in person at the Counter between the hours noted above.

Counsel are reminded they should arrange and agree on dates in advance of the court sitting, which alleviates the need for an appearance either by phone or in person.

In Custody PTC Dockets

Counsel may appear virtually or in person for the In Custody PTC Docket.

Gun Prohibition Court

Beginning March 14, 2022, Gun Prohibition Court will resume sitting in person every second Monday of the month at 2:00 p.m. in courtroom 402. This includes scheduled hearings and docket appearances.

Legal Aid Administrative Court and Federal Administrative Court

Beginning March 8, 2022, Legal Aid Administrative dockets will resume sitting in person every second Tuesday of the month at 9:30 a.m. in courtroom 402.

Beginning March 20, 2022, the Federal Administrative docket will resume sitting in person every third Monday of the month at 9:30 a.m. in courtroom 401.

Specialty Courts

Beginning the week of February 28, 2022, Drug Treatment Court, Mental Health Court and FASD Court will resume in person appearances.

Peace Bond Court

Beginning March 7, 2022, Peace Bond Court will resume sitting in person on the first, third and fifth Mondays of the month at 10:00 a.m. in courtroom 402.

CHILD PROTECTION

Child Protection proceedings are considered to be a priority in the essential services provided by the Court during this time and therefore Child Protection dockets from the court circuit points will occur in the circuit location. Only those persons essential to the proceedings should appear in person. Counsel are to coordinate staggered appearances to allow for physical distancing and facilitate remote attendance wherever possible.

Counsel may attend in person but can appear by telephone for the Child Protection dockets.

Child Protection, *Family Maintenance Act* and Private Guardianship trials will proceed as scheduled. Counsel are encouraged to contact the appropriate court centre to arrange teleconference case management meetings.

PROTECTION ORDERS

Protection Order applications will resume in person at all court centres.

CASE MANAGEMENT CONFERENCES

Case Management Conferences will continue to be conducted by either teleconference or videoconference, where available, at the discretion of the assigned judge.

PROVINCIAL OFFENCES COURT- WINNIPEG

Beginning February 28, 2022, the Provincial Offences Court Office at 373 Broadway Avenue, Winnipeg, will re-open to the public for in person *Highway Traffic Act*, Provincial Offences and By-law dispute hearings.

Only those with matters scheduled in advance for a hearing will be permitted to attend in person along with any witnesses.

Some *Highway Traffic Act* matters will proceed virtually. If your matter can proceed virtually, and you agree to do so, you will be contacted directly by the Court with the date and time of your hearing along with instructions of how to attend remotely. All matters that have previously been scheduled to proceed virtually will proceed as scheduled.

If you receive a Provincial Offence ticket you must contact the Court by calling 204-945-3156 or 1-800-282-8069 between the dates and before the final response date on your ticket. The court office remains open to accept fine payments only if other remote options cannot be utilized.

CIRCUIT LOCATIONS

All special sittings, in custody and out of custody trials, preliminary hearings and dispositions will proceed in person in all circuit locations. All participants are expected to follow the COVID-19 protocols in each circuit location so the matters can proceed safely and within the public health guidelines.

The circuit court locations continue to be closed to the general public and are only open to those people necessary to the proceedings before the courts. Those people attending as an accused or a witness may have a maximum of two support people in

attendance with them until further notice. Only those with matters proceeding to hearing or disposition may attend inside the court facility, all others will have to wait outside or any other space where social distance can be accommodated, while they are waiting for their matter to proceed before the Court.

All other individuals with matters appearing on the docket should not attend in person for court. Defence counsel are expected to have made every effort to contact their client and discuss their case prior to the court date to determine if their client is required to attend in person.

Sheriff Officers have assumed significant extra duties related to maintaining and enforcing COVID-19 safety protocols. As a result, it is necessary that the only people transported, in custody, are those people who will have trials proceeding in these communities. If a matter resolves in advance, it should proceed to disposition in the nearest open court centre and the transport should be cancelled. It is imperative that counsel communicate in advance regarding the trial proceeding. Counsel must confirm with Sheriff Services at least 48 hours in advance if the transport of the person for court is required. If such confirmation is not received by Sheriff Services, the person will NOT be transported to the community, to prevent the prisoner from being isolated.

Please note, any in custody accused who is transported to attend for a matter outside a court centre (Winnipeg, The Pas, Portage la Prairie, Brandon, Dauphin or Thompson) or if they share transport with a new admission or someone from another correctional centre, will have to isolate for 14 days, upon their return to the correctional centre. A further exception has now been announced by Corrections for those who are 14 days past being fully vaccinated, these persons will have to isolate for 48 hours, and if they are asymptomatic after a negative test, their isolation period will end.

REGIONAL JJP CRIMINAL DOCKETS

Regional JJP Criminal Dockets will continue to be heard virtually in Thompson. All parties may appear remotely.

REGIONAL PROVINCIAL OFFENCE SITTINGS

Beginning February 28, 2022 Provincial Offences Court (including *Highway Traffic Act* matters) will resume sitting for in person hearings in the regional court centres of Portage la Prairie, Brandon, Dauphin, The Pas and Thompson. Only those with matters scheduled in advance for a hearing will be permitted to attend in person along with any witnesses. All other matters that have not been scheduled in advance for hearing will be adjourned to future dates without an in person appearance. You will be notified of the date by the court.

Some regional *Highway Traffic Act* matters will proceed virtually. If your matter can proceed virtually, and you agree to do so, you will be contacted directly by the Court with the date and time of your hearing along with instructions of how to attend remotely. All matters that have previously been scheduled to proceed virtually will proceed as scheduled.

If you receive a Provincial Offence ticket you must contact the Court by calling 204-945-3156 or 1-800-282-8069 between the dates and before the final response date on your ticket. Regional court centres remain open to accept fine payments only if other remote options cannot be utilized.

All other regional Provincial Offences court sittings (including *Highway Traffic Act* matters) in Selkirk, Steinbach, Beausejour, Morden, Flin Flon, Swan River, Virden and Minnedosa remain suspended until further notice.

ISSUED BY:

“ORIGINAL SIGNED BY:”

**The Honourable Chief Judge Margaret Wiebe
Provincial Court of Manitoba**

DATE: February 18, 2022