

PROVINCIAL COURT OF NOVA SCOTIA

Citation: *M v M*, 2020 NSPC 8

Date: 2020-02-28

Docket: 8428162, 8428163

Registry: Pictou

Between:

JDM and JM

v

DM

DECISION TO ADJOURN

Judge:	The Honourable Judge Del W Atwood
Heard:	28 February 2020 in Pictou, Nova Scotia
Charge:	Section 810, <i>Criminal Code of Canada</i>
Counsel:	JDM and JM, peace bond applicants, in person DM not appearing as no process issued

By the Court:

[1] JM and JDM have filed with the court applications for peace bonds against DM. The applications are governed by § 810 of the *Criminal Code*. Process compelling the appearance of DM has not been issued as yet.

[2] The informations before the court allege serious threats of violence and implicate the use of a firearm. None of the allegations has been proven as of this point; however, the nature of the allegations is alarming.

[3] When the alleged incident happened, JM and JDM sought the assistance of police; as I understand it, the policing service involved did not conduct an investigation, but referred JM and JDM to the court to have them apply for peace bonds.

[4] These applications are emblematic of a disturbing policing trend in this judicial centre: persons confronted with what would appear to be grave threats to their personal safety or to the safety of their families, who have reported those threats to police, have had their legitimate security concerns seemingly brushed off by certain policing services with little or no investigation; instead, they have been directed by police to a peace-bond process. I know this to be a fact, as I have

heard, repeatedly, accounts of this nature in peace-bond hearings which I have conducted over the past year.

[5] This is problematic from a public-safety perspective, as the peace-bond process does not offer applicants any form of interim protection: the court does not have the authority to admit a peace-bond respondent who is not in custody before the court to interim conditions in a release order; further, the authority of the court to compel a respondent's appearance by arrest warrant as opposed to a summons or other non-custodial process must be exercised with great restraint—non-custodial process is the default process: *R v Penunsi*, 2019 SCC 39 at ¶ 52 and 65.

[6] At the request of JM and JDM, I am directing that copies of their informations be forwarded to the chief of police for the policing service involved, advising the chief of the applicants' request that these matters be the subject of a proper investigation. Staff will request of the chief in writing that the court be notified before the scheduled return date of any steps police intend to take to deal with these allegations.

[7] This matter is ordered adjourned to 20 March 2020 930am accordingly.

JPC