Fighting Domestic Violence - Canada

4. Protection for domestic violence victims and relief granted

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# 4.1 Civil protection orders

# 4.1.1 Are there civil protection orders available to victims of domestic abuse?

Yes, a variety of protection orders are available to victims of domestic abuse. These include peace bonds, protective orders or restraining orders. Peace bonds, protective orders and restraining orders are sometimes referred to collectively as "protection orders," however, only protective orders and restraining orders are obtained under civil statutes (i.e., not via criminal law). While largely the same in function, "protective orders" and "restraining orders" exhibit different names due to dissimilar naming conventions across the provinces. For the purposes of this report, we will collectively refer to a protection order obtained under civil statutes (such as protective orders and restraining orders) as a "restraining order."

**Peace bonds**

A Criminal Codepeace bond (also called a "statutory peace bond"), issued pursuant to Section 810 of the Criminal Code, requires the accused to "keep the peace and be of good behavior" and to follow other conditions ordered by a judge or justice of the peace. A peace bond can takes weeks or months to obtain (not an emergency response) and consists of a promise made between an accused abuser and the court, where the accused abuser promises to follow the court's orders and be on good behavior. If the accused abuser breaks this promise and disobeys the peace bond, they will be found guilty of a criminal offense and can go to prison for up to four years.

While individuals may apply directly to the court to obtain a statutory peace bond against another person, most victims will file a complaint with the police, who can then refer the case to the Crown. Before a statutory peace bond is issued, the court must be satisfied that the informant has reasonable grounds for the fear that the accused will harm the informant or their family, or damage the informant's property. The judge or justice of the peace may add any reasonable conditions to the statutory peace bond that they consider necessary to secure the accused's good conduct, including requiring the accused to remain a certain distance away from the victim's home, school, workplace, etc. Criminal Codepeace bonds can last up to 12 months.[44]

**Common-law peace bond**

The effect of a common-law peace bond is similar to a Criminal Codepeace bond. However, a common-law peace bond may be ordered in a broader set of circumstances. Specifically, a common-law peace bond can be ordered if there is a reasonable basis to believe the accused will breach the peace. There is no time limitation for a peace bond.

**Family court restraining orders**

If a victim is concerned about his or her safety but does not want to press criminal charges, a request can be made to the family court for a restraining order.[45] Similar to a peace bond, these orders will list conditions that the person the victim is afraid of must obey. If the accused abuser does not follow the conditions of a restraining order, they can be arrested, though criminal charges are generally not automatic, like they would be if they disobeyed the conditions of a restraining order. Information on how to get a restraining order can be found at each province's legal aid clinic.[46]

In Quebec, there is no civil protection order specific to domestic violence; however, based on Article 509 of the Code of Civil Procedure,[47] an injunction (sometimes called a protection order) can be obtained, especially in a context of violence.

Yes, there are civil protection orders.

# 4.1.2 Who can petition for civil protection orders?

**Peace bonds**

Anyone who believes that an abuser can injure them, their spouse/partner, child or their property can obtain a peace bond. Peace bonds can order the accused abuser to have no contact with the victim (including in-person visiting, calling or writing), abstain from nonprescription drugs or alcohol (required bodily samples), forbid ownership of weapons, pay a refundable surety or any other condition the court considers desirable to prevent the harm.[48] Peace bonds can be obtained either (i) by an application made by the police or prosecutors; or (ii) by an application brought by a private individual.[49]

**Restraining orders**

 To obtain a restraining order, any person that fears that a current spouse or partner will hurt them or children in their custody, he or she can ask a family court to issue a restraining order. Note that you cannot apply for a restraining order against a person that you have not lived with.[50]

# 4.1.3 Are there temporary custody of a child or child support orders?

Temporary orders, whether for custody or child support, are available via a motion if the parties are actively involved in court proceeding (under either the federal Divorce Act or the applicable provincial family law act).[51] Custody orders and support orders are typically obtained by filing an application to the court of your jurisdiction. As the application process and final determination may take some time, a party may make a motion to the court for a temporary immediate order, which would stay in place until the court either makes a different temporary order or provides a final order later once the case has been heard and a final decision is made.[52] In case of emergency, if a victim is seeking to separate a child from an abusive partner, it is advisable to pursue a protection order/restraining order as an interim measure.

# 4.1.4 Is there a provision to order the abuser to move out or stay away from places that the victims frequent?

A judge can ensure that a restraining order lists conditions that are suitable for the victim's unique situation, to ensure protection from an abuser(s). These conditions, in effect for the duration of the restraining order, can prevent an abuser from residing at the same domicile as the victim, and can restrain them from attending locations frequented by the victim, such as their work or the home of a relative.

# 4.1.5 Are there any other types of emergency, preventive and civil protection orders?

There may be additional protective conditions available, in the form of a court order, where criminal charges have been laid. These orders (e.g., "no contact" order) can include bail, probation or conditional sentence orders. The remedies offered by these orders vary widely based on contextual factors, and may include conditions to have no contact with the abused or their children/family/friends, and to avoid locations known to be frequented by the abused, such as a workplace, school or residence.[53]

# 4.1.6 Can these orders be requested by direct or indirect victims or legal representatives in children's cases?

Yes. Where a concern has been raised about the care of a child, a child protection agency may take steps to conduct an investigation. If it is determined that a child requires protection, a provincial children's aid agency may begin a court application on the child's behalf against the child's parents or caregivers.[54]

# 4.1.7 Are there different types of civil protection orders, e.g., for a short- term period?

See answer below — "How long do the orders last?"

# 4.1.8 Are ex parte orders permitted without the aggressor being present?

Yes. In the context of restraining orders, these are typically obtained by either making an application directly to the court or calling the police, and do not require the presence of the aggressor.[55]

# 4.1.9 Do emergency orders also extend protection for abuse and intimidation to family members of the victim?

Yes. Emergency orders can be drafted to extend protections to others including the victim's children, other family members and/or the victim's current partner(s).[56]

# 4.1.10 How long do the orders last?

Peace bonds last up to one year, though this period can be renewed by application to the court.[57]

In the context of restraining orders, their duration is contingent on the particular circumstances. For example, some restraining orders are considered "temporary orders." These would end either on a date chosen by the judge and indicated in the order, within 365 days of the order or when the victim and the other person return to court. The judge may decide to have the temporary order continue, have it made final or have it expire.

Final restraining orders will only end if the judge has included a termination date with the order or if the other person successfully opposes it in court.

# 4.1.11 Please provide any data or hyperlinks to government or NGO websites that include information on how often civil protection orders are issued, and any relevant demographics information, e.g., police reports, convictions, etc.

[Reporting to police, charges and Restraining Orders laid in self-reported stalking incidents, by relationship of stalker to victim, Canada, 2014](https://en.wikipedia.org/wiki/Canada)

[Statistics Canada: Family Violence in Canada: A Statistical Profile, 2018](https://www150.statcan.gc.ca/n1/en/pub/85-002-x/2019001/article/00018-eng.pdf?st=pZqMhcAR)

# 4.2 Steps for receiving a protective order

# 4.2.1 What documentation is needed to obtain a civil protection order?

**Peace bonds**

The person applying for a peace bond should have evidence that supports their claims, such as:

a documented account of every time the person has stalked or threatened them

pictures, emails, text messages, phone messages (if applicable)

A person who is applying for a peace bond on their own can consult a lawyer to help them, or they can go to the courthouse and ask to see a clerk of the criminal court. The clerk will then advise them on how to appear before the court to present their information, which is a sworn statement of the reason they fear that another individual will commit an offense against them, someone in their family or against their property. The clerk will provide them with the forms necessary to begin this process.[58]

**Civil protection orders/restraining orders**

Civil protection orders are issued on a provincial level and are referred to as protection orders, restraining orders and emergency protective orders. Throughout this report, we have used the term "restraining order" to capture the various kinds of civil protection orders available. For the purposes of this section, however, we will maintain the terminology used by the relevant province:

**British Columbia**

A family law protection order is a protection order that is made under the Family Law Act*.* It does not require the involvement of the criminal justice system. It can be applied for in either a provincial court or Supreme Court. Forms are required in both courts, which are available online or at the courthouse.[59]

**Alberta**

A Queen's Bench protection order can be obtained without notice to the other party and the victim can apply directly in the Court of Queen's Bench for the order.[60] In order to make an application to the Court of Queen's Bench, two court forms must be prepared — an Originating Application and a Queen's Bench Protection Order Questionnaire.[61] Once these forms are completed, the questionnaire must be declared before a Commissioner for Oaths. The documents must also be served on all other parties.

**Saskatchewan**

The Court of Queen's Bench can issue a victim's assistance order. Applications are made directly to the court, usually with the assistance of a lawyer.[62]

**Manitoba**

In Manitoba, there are two kinds of protection orders that are granted under The Domestic Violence and Stalking Act (DVSA), which sets protective conditions for victims of domestic violence and/or stalking, and The Sexual Exploitation and Human Trafficking Act,which sets protective conditions for people being victimized by sexual exploitation and human trafficking.[63] A protection order under the DVSA can be made in person, by telephone with the help of a police officer, a lawyer or a person, a lawyer or a person who has been trained and has been designated by the minister of justice to assist with protection order applications (known as protection order designates (PODs)).[64]

**Ontario**

Restraining orders are available through the Family Law Actand the Children's Law Reform Act(CLRA). A restraining order can be applied for at the family court: 1) if you fear your former partner and you were married or lived together for any period of time; and/or 2) to protect yourself and any children who are in your custody. In order to apply for a restraining order, certain documents need to be filed at a family court, either: 1) the family courthouse in the municipality where the victim or the other person lives; or 2) if the victim fears for the safety of their children or children in custody, a family court in the municipality where the children ordinarily live. The following will need to be completed to start an application for a restraining order: a) Form 8: Application; and b) a Canadian Police Information Centre (CPIC) Restraining Order Information Form, which is available at the family court counter.[65]

**Quebec**

Under the Code of Civil Procedure, the superior court can make an order to protect a person whose life, health or safety is threatened, in particular, in a situation that involves violence. A victim can apply to a judge of the superior court for a protection order in civil matters. If the victim is not represented by a lawyer, an application form that describes the facts of the situation and the action requested from the court must be completed. The application must include relevant documents such as a sworn statement from a witness or a medical report. The application must be filed at the office of the superior court and be served by a bailiff on the person whose behavior is a threat.[66]

**New Brunswick**

A restraining order is a protection order under the New Brunswick Family Services Act*.* Restraining orders must have a family connection and do not apply to property. There are two types of orders available: 1) Section 128 Order: the respondent can be restricted from "molesting, annoying, harassing, or interfering with the Applicant or interfering with the Applicant or any children in the lawful custody of the Applicant…"; and 2) a Section 132 Order can be an order as part of a custody order that a person refrain from contacting the child and/or the person having custody or access to the child. An application must be made to the Court of Queen's Bench, Family Division.[67]

**Nova Scotia**

Applications for an emergency protection order are done over the phone. There is no paperwork to be completed, and a victim can apply for an emergency protection order by phoning 1-866-816-6555, any day between 9 am and 9 pm.[68]

**Prince Edward Island**

A restraining order is a court order under the Family Law Act. It requires the victim's partner or former partner to refrain from "molesting, annoying or harassing" the victim or the children in the victim's lawful custody.[69]

**Newfoundland and Labrador**

An emergency protection order is a court order that a judge of the provincial court can grant in urgent situations to provide immediate protection when family violence has occurred. An application for an emergency protection order may be made by: a) a person who resides with or has resided with the respondent in a conjugal relationship, whether within or outside marriage; or b) a person who is, together with the respondent, a parent of one or more children, regardless of their marital status or whether they have lived together.[70] The police normally make the emergency protection order application. This can happen on a 24-hour basis.[71]

**Northwest Territories**

A protection order can be obtained by applying through a local court worker, local victim services worker, legal aid or lawyer. A protection order can take weeks to obtain and often it makes more sense to apply for an emergency protection order first.[72]

**Nunavut**

In Nunavut, a Restriction of Contact or Communication*,* restricts and prohibits communications between parties. This order applies to spouses only and can be obtained by making an application to a judge of the Nunavut Court of Justice.[73]

**Yukon**

In order to obtain a restraining order, the victim must go to the family court. The victim must prove that there are reasonable grounds to fear for the victim's safety or the safety of any child in the victim's custody.[74]

# 4.2.2 Does the victim need to attend a hearing?

**Peace bonds**

The victim will be required to attend the hearing. The court will hear evidence from the police (or prosecutor) and the defendant to determine whether there are reasonable grounds for the fear that the defendant will commit an offense. The person who fears the defendant or others with first-hand knowledge may be asked to testify in court. **If the person has concerns about testifying, the police can explore alternatives with them.**[75]

**Civil protection orders/restraining orders**

Whether a victim must attend the hearing varies between the provincial jurisdictions. A victim must attend a hearing for a civil protection order or restraining order in Alberta,[76] New Brunswick, Northwest Territories, Nunavut,[77] Ontario[78] and British Columbia.[79]

In other jurisdictions, provincial governments have adopted application procedures that allow for an emergency protection order to be issued remotely. For example, in Newfoundland and Labrador, an application for an emergency protection order can be made online, the application is reviewed and ruled on by a judge at one of the provincial courts in the province.[80] In Nova Scotia, applying for an emergency protection order can be done over the phone.[81]

Other jurisdictions have employed a hybrid model. For example, in Manitoba, a victim can apply for a restraining order either in person or by telephone. If applying in person, the victim will need to attend the hearing in person. If applying by telephone, the victim can go to a POD or police officer to ask for help. An application and a fill-in-the-blank affidavit will need to be completed. The judicial justice of the peace (JJP) will be called and the victim can give evidence over the phone, as long as it is possible to record it. The application, affidavit and any verbal evidence will be reviewed by the JJP.[82]

# 4.2.3 Can you request remedies?

**Peace bonds**

The Defendant may agree or the court can order the defendant to: keep the peace and be of good behavior; not contact the person, their spouse or child; not visit the person, their spouse or child; not call the person on the phone; not write letters or send text messages; abstain from using nonprescription drugs or alcohol; and be required to provide bodily samples to ensure compliance.

**Civil protection orders/restraining orders**

The following are examples of provinces that provide for specific remedies that can be requested under a restraining orders:

**British Columbia**

A restraining order can provide the following: no contact/communication; no attendance at or near the family residence, school or place of employment of the at-risk family member; restraining the possession of weapons; and conditions to report to court. (Section 183(3))

**Alberta**

Several remedies can be requested including: 1) a restraining order restricting the defendant(s) from being within 200 meters of the residence and place of employment of the plaintiff(s) and from being within 200 meters of the plaintiff(s) anywhere else they may be in the Province of Alberta; 2) an order restraining the defendant(s) from interfering with or contacting the plaintiff(s) either directly or indirectly and either personally or by agency, anywhere in the Province of Alberta; 3) an order authorizing any police officer in the Province of Alberta to arrest and detain the defendant(s); and 4) costs of the action.[83]

Alberta's Protection Against Family Violence Act (PAFVA)provides for warrants permitting entry. This allows peace officers to enter premises when there are reasonable grounds to believe a victim will be found there and the respondent is refusing access to them (Section 10). The PAFVAalso creates an offense for failing to comply with a protection order and allows peace officers to arrest, without warrant, a person they reasonable believe has breached a protection order (Sections 13.1 and 13.2).

**Manitoba**

When seeking a restraining order, the order may contain as many of the following provisions as are necessary for the immediate or imminent protection of an applicant: prohibiting the respondent from attending at the applicant's residence or place of employment, or that of other specified persons; prohibiting the respondent from following the applicant or others; prohibiting the respondent from contacting or communicating with the applicant or others, directly or indirectly; giving the applicant or respondent possession of necessary personal effects; peace officer assistance to remove the respondent from premises and/or to ensure the orderly removal of personal effects; and requiring the respondent to turn over weapons and authorizing the police to search for weapons.[84] For the second type of order, a Queen's Bench Prevention Order, judges are able to grant any of the types of relief available from designated justices of the peace.

In addition, the court may order other remedies including: sole occupation of the family residence; temporary possession of specified personal property, such as household goods, furniture or vehicles; seizure of items used by the respondent to further the domestic violence or stalking; recommending or requiring the respondent to receive counseling; and prohibiting the respondent from damaging or dealing with the property in which the victim has an interest. Additionally, judges of the Court of Queen's Bench may order the respondent to pay compensation for any monetary losses incurred by the applicant or any child of the applicant, due to the domestic violence or stalking. This can include expenses for counseling, security measures or moving, or lost income. Finally, if the court is satisfied that a respondent has operated a motor vehicle to further the stalking or domestic violence, the court can order the respondent's driver's license be suspended and prohibit the respondent from operating a motor vehicle.[85]

**Quebec**

In some cases, the restraining order in Quebec may include some conditions. For example, the order can require another person to do the following: cease behavior that is considered threatening, such as harassment, intimidation or psychological violence; refrain from certain actions, such as asking the victim for money; and respect an obligation imposed by the court for the victim's protection. In other cases, the protection order may include conditions such as ordering the person who is a threat to the victim to hand over his or her weapons to the police; refrain from communicating with the victim; refrain from giving information about the victim to a third party; stay away from the victim's home and any place the victim frequents.[86]

**Nunavut**

Under the Family Abuse Intervention Act,the following remedies are available to or in respect of a person who is being or has been subjected to family abuse: a) an emergency protection order (restraining order); b) a community intervention order; c) an assistance order; or d) a compensation order. [87]

# 4.2.4 Are there time limits?

**Peace bonds**

Peace bonds can only last for up to 12 months and they are not renewable. If another peace bond is needed, a new application must be made.[88]

**Civil protection orders/restraining orders**

The length of a restraining order varies between the provinces and can range from as short as 90 days to three years. The following are examples of the varying lengths of time:

**British Columbia**

Restraining orders expire after one year unless specified (Section 183(4)).[89]

**Alberta**

The Queen's Bench judge will determine how long the restraining order will continue up to one year. The order can be extended if you apply to the court near the time that it will expire.[90]

**Manitoba**

Restraining orders are usually in effect for three years. However, the JJP can grant a longer order if they believe protection is needed for longer.[91]

**Ontario**

There is no time limit on a restraining order in Ontario.

**Quebec**

A restraining order is valid for the period determined by the court with a maximum of three years. An order issued as a matter of urgency is valid for 10 days.[92]

**New Brunswick**

An emergency restraining order may last up to 180 days.[93]

**Newfoundland and Labrador**

An emergency restraining order is temporary and has a maximum duration of 90 days.[94]

**Northwest Territories**

The length of a restraining order is not limited by the legislation.[95]

# 4.2.5 Are there different rules in emergencies?

Yes. In the following jurisdictions:

**Alberta**

In Alberta, an emergency protection order may be obtained, without notice, in the following circumstances: where "family violence" has occurred; the claimant believes the respondent will continue or resume family violence; and the order is required because of seriousness or urgency to provide for the immediate protection of the claimant and other family members (Section 2). A justice of the Court of Queen's Bench must review emergency protection orders within nine working days after being granted (Section 2(6)).

**Saskatchewan**

An emergency intervention order is available 24 hours a day from specially designated justices of the peace and it is effective upon notice to the abuser and remains in effect for as long as the justice of the peace directs. An emergency intervention order can be obtained by a victim, or a person acting on behalf of the victim. In most cases, the police, a mobile crisis worker or a victim services coordinator will make the application to the special justice of the peace. The police, mobile crisis workers or victim services coordinators can make the applications over the phone to the justice of the peace.[96]

**Ontario**

In Ontario, if a victim needs help from immediate harm, the victim can ask the court for an urgent restraining order.[97]

**New Brunswick**

An order can be made under the Intimate Partner Violence Intervention Act. Emergency intervention orders are civil remedies that are granted on application to individuals who are experiencing abuse or violence in an "intimate personal relationship."[98] An emergency internation order can last up to 180 days.[99]

**Prince Edward Island**

In Prince Edward Island, typically a police officer applies for an emergency protection order on the victim's behalf. In some cases, a victim services worker can also apply for an emergency protection order on the victim's behalf. An emergency protection order is made only if a justice of the peace is satisfied that the situation is serious, urgent and that family violence has happened.[100] The justice of the peace will forward a copy of the emergency protection order and all supporting documents to the court. Within five working days, a judge of the Supreme Court will review the order and documents and will decide whether to confirm or change the order.[101]

**Yukon**

An emergency intervention order is a short-term order that lasts an average of 30 days.[102]

# 4.3 Judicial discretion

# 4.3.1 What discretion does a judge have in granting a civil protection order or other protective orders?

The court has full discretion in granting a restraining order and it will exercise its discretion in accordance with the unique factors of every case.

# 4.3.2 Are there age limits on who can obtain orders?

There are no age limits on who can obtain orders, though in some circumstances, such as where a minor is involved, the process for obtaining an order may be initiated by a third party children's aid society.

# 4.4 Restitution and remedies available to victims

# 4.4.1 Can victims obtain reimbursement for costs and restitution paid?

**Criminal**

A restitution order requires the offender to pay the victim for financial losses that the victim suffered because of the offender's crime.[103] On 23 July 2015, the Canadian Victims Bill of Rightscame into force, giving every victim the right to have a court consider making a restitution order when deciding the offender's sentence. If the restitution order is not paid, a victim also has the right to register the restitution order with a civil court and seek to enforce it as a judgment through that court. [104]

**Civil claims**

A survivor of domestic violence may make a civil claim, as a "plaintiff," asking the court to find that the abuser (defendant) has breached the law and should pay "damages" for the harms caused by domestic violence. The tort of "assault" and "battery" is the most common type of civil claim for survivors of domestic violence.[105]

# 4.4.2 Can they recover wages and profits lost?

Yes, victims can recover some lost wages and profits. Restitution cannot be ordered for pain and suffering, emotional distress or other types of damages that can only be assessed in civil courts.[106] Generally, victims can recover two weeks' lost wages due to injuries caused by assault if this could be proved with pay stubs. A judge can also order restitution to cover a victim's financial losses related to the following:

damaged or lost property due to the crime

bodily injury or psychological harm due to the crime including loss of income or support

reasonable expenses for temporary housing, moving, food, childcare and transportation due to a spouse, common-law partner, child or other person moving out of the offender's household because of harm or threat of harm from the offender

reestablishing a victim's identity or correcting credit history or credit rating because of identity theft or fraud

costs that victims of nonconsensual publication of an intimate image had to pay to have that image removed from the internet or other digital networks

**Jurisdiction specific:**

In **Nova Scotia, Newfoundland and Labrador** and **Northwest Territories**, there is no remedy for compensation but victim assistance is available.

**British Columbia**

The Crime Victim Assistance Program (CVAP) provides benefits for victims of crime including medical and dental services, prescription drug expenses and counseling. The program cannot cover the following types of losses: compensation for pain and suffering; property-related offenses, including stolen or lost items or money; injury or loss from motor vehicle accidents; and injury or loss from work-related incidents covered by workers' compensation.[107]

**Manitoba**

The Compensation for Victims of Crime provides compensation to victims who suffer personal injury, hardships or expenses as a result of certain crimes, which are provided for in the Victims' Rights Regulation of The Victims' Bill of Rights Act.The regulation provides that a designated offense, for the purpose of Part 1 of The Victims' Bill of Rights*,* means (viii.1) Section 264 (criminal harassment); Section 268 (aggravated assault); Section 272 (sexual assault with a weapon, threats to a person, causing bodily harm, gang sexual assault).[108] Compensation may cover expenses including: payment of medical expenses, replacement of damaged clothing or items seized by police as evidence, and compensation for lost wages for victims who have been disabled or for the dependents of victims who were fatally injured.[109]

**Ontario**

In Ontario, the Victim Quick Response Program may provide financial support for essential expenses of eligible victims. These expenses include short-term, emergency counseling (to a maximum of CAD 1000) and crime scene cleanup (up to a maximum of CAD 1500). There is a short timeframe for claiming these benefits: within 45 days of reporting or disclosing for some benefits, and 90 days for others.[110]

**Quebec**

Under the Civil Code of Quebec, a victim of domestic violence can obtain damages that are an immediate and direct consequence of the spouse's fault. Damages awarded under the Civil Code of Quebec are compensatory in nature (1457 of the Civil Cod of Quebec).[111]

Bodily, moral or material damages can be recovered (1457 of the Civil Cod of Quebec). For example, (i) physical and psychological injuries; (ii) material damages such as loss of income, loss of working benefits (dental and pension); and (iii) moral damages such as pain and suffering, loss of enjoyment of life, trauma, anxiety, humiliation, etc.

Punitive damages, which have a preventive purpose (1621 of the Civil Cod of Quebec), may be awarded when provided by law. In most cases of domestic violence, the courts have awarded punitive damages under the Charter of Human Rights and Freedoms.[112]

**New Brunswick**

Under the Victims Services Act,financial benefits may be available to victims of violent crime to assist with expenses incurred as a direct result of the crime and which are not covered by other means.[113] Expenses that could be eligible for compensation include: funeral expenses, counseling, medication, eye wear, transportation, dental and miscellaneous.[114]

# 4.4.3 Is a separate civil process required?

In most jurisdictions, the court can order the offender to pay restitution directly to the victim or to a public authority created for this purpose. The court can order the offender to pay the restitution amount immediately, by a specified day in the order or as part of a payment plan. The court can also order restitution to be paid to more than one victim and can assign priority among the victims on the order. If an offender fails to pay a restitution order by the day specified in the court order or if the offender does not comply with a payment plan, a victim can file the order in the civil court and use civil enforcement methods to collect the unpaid amount. Some provincial and territorial victim services offer help to victims in collecting unpaid restitution orders.[115]

In Quebec, a separate civil process is required.

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