

Court Order Breaches Glossary of Terms

Client and Lawyer Support Centre (CLSC)

Contents

Breach of recognizance	1
Disobeying an order of the court	1
Estreatment hearing.....	2
Failure to appear.....	2
Failure to comply.....	2
Failure to comply with a demand	2
Peace bond.....	2
Probation	3
Prohibition.....	3
Promise to appear.....	3
Recognizance	3
Reporting conditions	3
Restraining order	3
Section 524 application.....	3
Section 810 recognizance.....	4
Surety warrant.....	4
Summons.....	4
Undertaking	4
Undertaking to an officer in charge	4

Breach of recognizance

This is a criminal [offence](#) also known as **breach of peace bond**. If you don't follow the conditions of your [section 810 recognizance](#) you can be charged with this offence. If you are found guilty, you can be sentenced to up to 4 years in jail.

Disobey court order

This is a criminal [offence](#). If you disobey a court order, including a [peace bond](#) you can be charged with this offence. If you are convicted, you can be sentenced to up to two years in jail.

Estreatment hearing

If someone claims you did not comply with a court order, the court can schedule an estreatment hearing. For example, this can happen if someone claims you did not follow a [recognizance of bail](#). At the estreatment hearing, you or your surety will be ordered to pay the amount promised to the court when the recognizance of bail was signed.

You and your surety will be given at least 10 days' notice of when and where the hearing will be held.

Failure to appear

This is a criminal offence that is committed when a person is compelled to appear in court but fails to do so without a lawful excuse. A person can be compelled to appear in court by an appearance notice, an undertaking, or a recognizance, or by being [bound over](#) by a judge.

Failure to comply

This is a criminal offence. You can be charged with "failing to comply" if you do the following on purpose:

- don't follow a [court order](#), or
- don't follow a police [undertaking](#).

For example, you can be charged with failing to comply if you don't follow the conditions of your [recognizance](#) of bail.

Failure to comply - demand

You could be charged with "failure to comply with a demand" if you refuse to do something that the police have the right to tell you to do. For example, you could be charged if:

the police have [reasonable grounds](#) to believe that you're driving when you're [impaired](#) and you refuse to give them a breath sample when they say you need to give them one.

Peace bond

A peace bond is a [court order](#) from a criminal court that requires a person to "keep the peace and be of good behaviour". The peace bond may also contain other conditions the person must follow. For example, if you are named in a peace bond, you may be required to follow a "no contact" condition.

Probation

Probation can be something a criminal court orders that you have to do as part of your sentence. A sentence is the punishment the court gives you if you're found guilty.

Probation usually comes with conditions. For example, you may have to report to a probation officer or go to a drug treatment program.

Prohibition

A prohibition is something that a court order forbids you from doing. For example, if you committed a violent offence, you will probably not be allowed to own a weapon for 5 or 10 years. The prohibition is usually given as part of a sentence. A sentence is the punishment that the court gives you if you're found guilty.

Promise to appear

A promise to appear is a legal document that you sign. It says that you promise to go to court on a specific date.

Recognizance

This is a type of release from [custody](#). If you've been released from custody after a [bail hearing](#), you will get a recognizance of bail. This document states the terms under which you have been released. It says when you must go to the court. It may also include conditions of your release. For example, you may be required to be home during certain hours. A recognizance requires you or your [surety](#) to pledge a specific amount of money as a security before you're released.

Reporting conditions

Reporting conditions can be terms of a court order. If your court order includes reporting conditions, you have to report regularly to a specific person, such as a probation officer or a police officer.

Restraining order

A restraining order is a court order that prevents a person from doing certain things. For example, a restraining order may say that you must not contact or go near the victim of a crime that you committed. The victim is also called the **complainant**. If you do any of things that the restraining order says you shouldn't, the victim can call the police and they will enforce the order.

Section 524 application

If you're arrested and held for a [bail hearing](#) while already on a [recognizance of bail](#), the [Crown](#) can apply to have the recognizance of bail cancelled. They do this by making an application under section 524 of the Criminal Code. If the

Crown does this, your [bail hearing](#) will address both your new charges, and the charges for which you previously had bail.

[Section 810 recog.](#)

A [recognizance](#) under section 810 of the Criminal Code is also known as an 810 peace bond. If you sign a section 810 peace bond, you will be required to follow certain conditions for up to 1 year.

If you don't follow the conditions of your peace bond, you can be charged with the criminal offence breach of [recognizance](#).

[Surety warrant](#)

A surety warrant is a type of arrest warrant that is issued when your surety cancels your bail. A surety warrant gives the police the power to arrest you. Your surety can cancel your bail at any time.

[Summons](#)

A document that requires a person charged with [an offence](#) to appear in court at a certain time and place. If you do not appear in court on the date and time given in your summons, you can be charged with the criminal [offence failure to appear](#).

[Undertaking](#)

An undertaking is a piece of paper that an accused signs instead of being held for a bail hearing. Usually it will contain conditions you agree to comply with as part of your release from [custody](#). If you don't follow the conditions of your undertaking you can be charged with [failing to comply](#).

[Undertaking](#)

After you've been charged with a criminal offence, a police officer may give you an "undertaking to an officer in charge", along with a [promise to appear](#). The undertaking to an officer in charge is also known as Form 11.1. It includes conditions similar to those required for bail. For example, you may be required to pledge up to \$500 security before you are released.