



Peace Bonds and Protection Orders for Victims of TFGBV

A Note on Language



In this toolkit, we will sometimes use the word woman/women and feminine pronouns for simplicity and to recognize the significant impact technology-facilitated violence has on women and girls. We recognize that TFGBV also impacts trans, non-binary, and Two-Spirit people. We hope that all people impacted by TFGBV will find these documents useful.

While most legal remedies for technology-facilitated gender-based violence (TFGBV) are responsive, meaning you can only seek them after the violence has taken place (see [Legal Protections for Technology-Facilitated Violence: What Laws Apply to You?](#)), certain legal remedies are meant to protect you from violence you are worried may occur **in the future**. Peace bonds and protection orders, also sometimes called "restraining orders" or "no contact orders," can be used to prohibit a particular individual from contacting you in certain circumstances.

If the person you are worried about harming you is a partner, former partner, or family member, you may be able to obtain either a peace bond through the criminal system or a family law protection order through the family law system in your province or territory. If the person you are worried about harming you is not a partner, former partner, or family member, you will only be able to utilize the criminal law peace bond system.

While peace bonds and protection orders are intended to prevent harmful behaviour, including violence and the non-consensual sharing of intimate images, **there is no guarantee they will actually have this effect**. The person you are afraid of may still decide to engage in this behaviour even if they are subject to a peace bond or protection order and face the possibility of immediate arrest for doing so. If you are experiencing TFGBV or any other violence, it is recommended you contact an anti-violence organization to develop a safety plan. See: [Technology Safety and Victim/Survivor Resources](#).

If you are unsure about the meaning of any words used in this document, please see [Definitions of Legal Terms: Civil and Family Law](#) and [Definitions of Legal Terms: Criminal Law](#).

Criminal Protections: Criminal Law Peace Bonds

A peace bond is one legal remedy that can protect victims of TFGBV. Peace bonds are available under [Criminal Code section 810](#), which allows a judge to make an order that a person "keep the peace and be of good behaviour" and obey other conditions if you have a reasonable fear that that person will:

- Cause injury to you, your partner, or your child;
- will damage your property, **OR**
- will non-consensually share your intimate images.

"Injury" includes physical injury but can involve psychological injury as well. For example, peace bonds may protect a person from threatening messages or online stalking.

When applying for a peace bond to address technology-facilitated violence, it is important to have all the digital evidence that demonstrates the need for a peace bond. This may include photos, videos, text messages, emails, social media DMs, and posts on social media that make a person feel afraid. TFGBV is often done in tandem with other abusive in-person behaviour, so collecting all types of evidence regarding being fearful demonstrates a pattern of conduct that will support the peace bond application. Keeping a notebook or record of the threatening behaviour and messages with as many details as possible is helpful. This could include screenshots and records of messages. For more information, see the [Preserving Digital Evidence Toolkit](#).

What is a Peace Bond?

A peace bond is a court order meant to protect one person from another person, such as protecting you against an abusive partner or former partner. It is an order by the court requiring a person to follow certain rules, called "conditions," which are meant to prevent them from harming another person. Peace bonds are "preventative" orders, intended to help prevent further harm rather than punishing a person.

Unlike a family law protection order, which is limited to protecting you from an abusive family member, you can get a peace bond against anyone, even someone you only dated briefly or do not know very well such as a co-worker or a neighbour.

A peace bond can be valid for up to twelve months.

Peace bonds are also sometimes called an “810 recognizance” or a “surety to keep the peace.” “810” refers to the *Criminal Code* section that authorizes the peace bond. Peace bonds can be used to protect you, your intimate partner, and/or your children, against injury, property damage, or the non-consensual distribution of intimate images.

Why Would I Want a Peace Bond?

If you are afraid that a specific person is going to harm you, your intimate partner, or your children, damage property, or share your intimate image, you may want to apply for a peace bond. The peace bond can protect against physical, sexual, and psychosocial injuries¹ and the courts are particularly sensitive to harms that happen in a domestic violence situation.² However, psychological injuries must be fairly serious (i.e. very distressing, not just being irritated by the person’s behaviour) for the court to acknowledge them as serious enough to require a peace bond. Many cases are dismissed on the basis that, even though the behaviour or communications by the perpetrator caused a woman to be fearful, there were insufficient grounds to find that the perpetrator would actually cause the complainant injury.³ If the communications are not explicitly threatening, it may be difficult to secure a peace bond.

Cases where a peace bond application was successful regarding technology-facilitated violence include:

- A woman relentlessly pursued her ex-boyfriend after they broke up, including sending many emails to him, confronting his new partner, and sending his new partner letters. The court ordered the woman to have no communication with her ex-boyfriend or his new partner.⁴
- A perpetrator who had just been released from prison for aggravated assault exchanged obscene text messages with an emotionally disturbed woman. The perpetrator was ordered to keep the peace and be of good behaviour.⁵
- A man bound by a family law Emergency Protection Order not to publish any information that could identify his former partner made a post on social media that identified her by her full name. This happened in the context of a previously physically violent relationship. The man was ordered not to have any contact with his former partner.⁶

If you are successful in your request and the court orders a peace bond, the person you are afraid of will have rules they are required to follow, called conditions. A copy of the peace bond will be forwarded to the national RCMP Headquarters, and a record of the peace bond will be added to the national Canadian Police Information Computer database, which can be used by police anywhere in Canada. You should ask the police for a certified (signed) copy of the peace bond you can carry with you at all times. This way, if the person you are afraid of breaks any of the rules of the peace bond, you can easily show it to the police.

If the person you are afraid of breaks the conditions of their peace bond, you can call the police to report the breach and the police have the right to issue a warrant for the person’s arrest and imprison them. However, this response may not happen each time the person breaches the order. The police may decide to only give the person a warning, or in some cases, they may not take any action if they do not think there is evidence to support a violation of the peace bond.

How do I get a Peace Bond?

If you want a person you are afraid of to be bound by a peace bond, you can ask the police or RCMP to assist with getting one, or you can apply directly to the court. The process for obtaining a peace bond will vary somewhat depending on where you are located. For more information see:

- Yukon
 - [Get an order to keep someone away from you](#) (Government of Yukon)
 - [Peace bond](#) (Government of Yukon)
- Northwest Territories
 - [Can a Peace Bond Help Me?](#) (Government of Northwest Territories)
- Nunavut
 - [Peace Bonds](#) (Nunavut Courts)
- British Columbia
 - [Criminal or family law orders for protection](#) (Legal Aid BC – Family Law)
- Alberta
 - [Restraining and protection orders](#) (Government of Alberta)
 - [Getting a restraining order](#) (Government of Alberta)
- Saskatchewan
 - [Peace Bonds](#) (PLEA Legal Information)
- Manitoba
 - [Peace Bonds](#) (Government of Manitoba)
 - [Protective Orders](#) (Government of Manitoba);
- Ontario
 - [Getting a peace bond](#) (Government of Ontario)
 - [Guide for Applying for a Peace Bond](#) (Ontario Court of Justice)
- Quebec
 - [The commitment of a Section 810 Peace Bond in context of domestic violence](#) (Government of Quebec)
- Newfoundland and Labrador
 - [Peace Bonds](#) (Provincial Court of Newfoundland and Labrador)
 - [Peace Bonds Forms](#) (Provincial Court of Newfoundland and Labrador)
- New Brunswick
 - [Peace Bonds & Protective Orders](#) (PLEIS-NB)
- Nova Scotia
 - [How to Apply for a Peace Bond](#) (The Provincial Court of Nova Scotia)
 - [COVID-19: Provincial Court Adopts Virtual Peace Bond Process](#) (Nova Scotia Courts)
- Prince Edward Island

- [Court Orders for Your Protection](#), see “Peace Bonds” (Community Legal Information PEI)

In general, you can apply directly to a court for a peace bond or make the request through the local police or RCMP. If you request through the police or RCMP, you will need to tell them why you are worried about your safety (or the safety of your child or intimate partner), or what you are afraid this person will do (e.g. damage property, publish your intimate images, etc.). You can support this application with any evidence you have preserved documenting the person’s abusive behaviour, as this will help demonstrate that your fear is reasonable. See the [Preserving Digital Evidence Toolkit](#) for more information.

You bear the burden of demonstrating that you are afraid and that your fear is reasonable. Without evidence, the police or judge may not believe you, and your application may not be successful. You do not need to wait until the person you are afraid of has actually harmed you to apply for a peace bond – you just need to demonstrate that you are afraid this will occur and that fear is reasonable.

Once the police have processed the peace bond, they will contact the person you are afraid of to see if they will agree to the proposed conditions of the peace bond. If that person agrees to the peace bond, the police will swear the Information prepared, have the person sign the peace bond, and present it to the court for approval. In communities with no courthouse, the peace bond can be presented to the Circuit Court. The Court will sign the peace bond and, at that point, the peace bond will be effective against the person.

If the person you are afraid of does not agree to the peace bond, there will be a peace bond hearing in court. The police will swear the Information before the Court, and a hearing date will be set. The Court will then issue a summons for the person you are afraid of to appear in court on that date. Alternatively, on application by the police, the Court will issue an arrest warrant against the person if the police satisfy the Court that they may pose a danger to themselves or to others, or is not likely to appear at the hearing. If the arrest warrant is ordered, the police will then arrest the person and bring them before the Court for a hearing. If the Court concludes that the person poses a danger to themselves or to others, or is unlikely to appear at the hearing of the peace bond, the Court can order the person detained until the hearing. They can also order that they be released until the hearing, subject to conditions.

Otherwise, the person is released without conditions and promises to appear as required at the Court for the scheduled hearing of the peace bond application. It can sometimes take a few weeks or even a few months to get a peace bond hearing. Most peace bond hearings take a couple of hours, although in some complex cases, they can take a few days.

At the hearing, the Court will hear evidence from the police (or prosecutor) and the person you are afraid of. You or others with first-hand knowledge may be asked to testify in court. If you have concerns about testifying, the police can explore alternatives with you. The judge will need to know why you are afraid, and then they will decide if your fear is reasonable. You need to demonstrate how the person’s behaviour will cause personal injury to you, your intimate partner, or child, will damage your property, or will result in the person sharing your intimate images. The court is going to balance your right to be safe with the right of the person you are afraid of to be free to live their life without restrictions.

If the court thinks that you have good reasons to be afraid for your safety, the court can order a peace bond for up to twelve months. If the court does not think your fears are reasonable, or there is not enough evidence, they will dismiss the application and the person you are afraid of will be released without restrictions.

What Kind of Conditions Might be Included in a Peace Bond?

The conditions of the peace bond are the rules that the person you are afraid of must follow. They can include conditions such as:

- Keeping the peace and being of good behaviour
- Not drinking alcohol
- Not doing drugs
- Not possessing a weapon
- Not possessing devices that are capable of connecting to the Internet
- Not contacting a certain person or people, either directly or indirectly
- Having limited contact with a certain person or people
- Staying away from a particular location
- Staying away from a specific person or people, such as you and your family
- Reporting to the police or a probation officer

If the person you are afraid of has a condition in the peace bond that they are not allowed to contact you, this includes contacting you through technology such as through phone calls, text messages, emails, and social media. If technology is being used to cause harm or abuse, there can be limitations on that person’s use of technology.

What Happens if a Person Does Not Follow the Rules of the Peace Bond?

If the person does not follow their peace bond conditions, you can report the breaches to the police and the person may be charged with a criminal offence. If the police officer you report to is hesitant to enforce the peace bond, you can ask to speak with their supervisor.

If the person is convicted of breaching a condition of their peace bond, they could be put in jail for up to two years, placed on probation for up to three years, and/or fined up to \$5,000. This does not include any additional penalty for committing an offence in breach of the peace bond. For example, if a person breaches the peace bond by contacting you, but also commits criminal harassment against you, they could face charges and penalties for both offences. The breach of the peace bond itself is a separate criminal offence.

Perpetrators have been convicted of breaching their peace bonds for sending text messages and calling their partner’s phone when they have been ordered not to. ⁷

Civil Protections: Family Law Protection Orders

Family law protection orders serve generally the same purpose as peace bonds in the criminal context. They allow a court to place conditions on someone’s behaviour, communications, movements, etc., if that person is likely to cause you harm. The key differences are: (a) family law protection orders can only apply to family members (including spouses and former spouses) and (b) the family law protection order process is governed by provincial/territorial legislation. While the 810 peace bond regime described above applies across Canada, each province and territory has its own legislation that applies to protection orders. The information in this section is intended to serve as a summary and to

apply regardless of where you live in Canada. However, it is crucial that you **consult the relevant legislation for your province or territory** if you are looking to obtain a family law protection order. The relevant legislation includes:

- Yukon – [Family Violence Prevention Act](#), RSY 2002, c 84
 - See also: [Get an order to keep someone away from you](#) (Government of Yukon); [Emergency intervention order](#) (Government of Yukon)
- Northwest Territories – [Protection Against Family Violence Act](#), SNWT 2003, c 24
 - See also: [Protection orders](#) (Government of Northwest Territories); [Court Orders for Safety](#) (Government of Northwest Territories)
- Nunavut – [Family Abuse Intervention Act](#), SNU 2006, c 18
 - See also: [Family Abuse Intervention Act](#) (Nunavut Courts); [Emergency Protection Order Information Sheet](#) (Nunavut Courts)
- British Columbia: [Family Law Act](#), SBC 2011, c 25, s 183.
 - See also: [Criminal or family law orders for protection](#) (Legal Aid BC – Family Law); [Family law protection orders](#) (Legal Aid BC); [Apply for a family law protection order without notice](#) (Legal Aid BC – Family Law)
- Alberta – [Protection Against Family Violence Act](#), RSA 2000, c P-27
 - See also: [Restraining and protection orders](#) (Government of Alberta); [Get an Emergency Protection Order](#) (Government of Alberta)
- Saskatchewan – [The Victims of Interpersonal Violence Act](#), SS 1994, c V-6.02
 - See also: [Emergency Intervention Order](#) (Government of Saskatchewan); [Safety - The Victims of Interpersonal Violence Act](#) (PLEA Legal Information)
- Manitoba – [The Domestic Violence and Stalking Act](#), CCSM c D93
 - See also: [Protective Orders](#) (Government of Manitoba); [Protection Orders for Domestic Violence and Stalking](#) (Government of Manitoba); [Prevention Orders](#) (Government of Manitoba)
- Ontario – [Children's Law Reform Act](#), RSO 1990 c C.12, s. 35; [Family Law Act](#), RSO 1990, c F.3, s 45
 - See also: [Getting a restraining order](#) (Government of Ontario); [Restraining orders](#) (Legal Aid Ontario)
- Quebec – [Code of Civil Procedure](#), CQLR c C-25.01, section 509
 - See also: [Applying for a Protection Order in a Civil Matter](#) (Government of Quebec); [Help and Resources for Victims of Domestic Violence](#) (Government of Quebec); [Protection Orders in Civil Matters](#) (Legal Aid)
- Newfoundland and Labrador – [Family Violence Protection Act](#), SNL 2005, c F-3.1
 - See also: [What is an Emergency Protection Order?](#) (Provincial Court of Newfoundland and Labrador); [Make an Application](#) (Provincial Court of Newfoundland and Labrador)
- New Brunswick – [Intimate Partner Violence Intervention Act](#), SNB 2017, c 5; [Family Law Act](#), SNB 2020, c 23, s 7
 - See also: [Peace Bonds & Protective Orders](#) (PLEIS-NB)
- Nova Scotia – [Domestic Violence Intervention Act](#), SNS 2001, c 29
 - See also: [When is an Emergency Protection Order appropriate?](#) (Government of Nova Scotia); [Emergency Protection Orders](#) (Family Law Nova Scotia)
- Prince Edward Island – [Victims of Family Violence Act](#), RSPEI 1988, c V-3.2; [Family Law Act](#), RSPEI 1988, c F-2.1 s 45(1)
 - See also: [Court Orders for Your Protection](#) – see “Emergency Protection Orders” and “Restraining Orders” (Community Legal Information PEI)

How Do I Get a Protection Order?

The requirements for various types of protection and restraining orders available under provincial and territorial legislation vary significantly. You should consult the information for your particular province or territory (see above) to determine whether and how you might be able to obtain an order.

Generally, protection orders are intended to prevent family violence. For example, in BC you would need to show that family violence is likely to occur, while in Alberta you must show that violence has already occurred and is likely to continue.

Protection orders have been issued concerning technology-facilitated violence in cases involving the following facts:

- **[BC]** A father gave interviews regarding his transgender son disclosing personal information about him, resulting in a great deal of harmful online discussion. The father was prohibited from publishing information or documentation regarding his child's gender identity. ⁸
- **[ON]** A woman sent harassing, abusive, vulgar, and hateful text messages and emails to her husband and children and made similar postings on social media. She was prohibited from communicating with her ex-husband and one of her children. ⁹
- **[ON]** A man live-streamed a recording in front of his ex-partner's house, encouraging his followers to contact her and tell her what they thought of her bringing litigation against him. ¹⁰ The father was ordered to delete the recording and refrain from making future social media posts referencing his ex-partner and their child. ¹¹
- **[ON]** A man created webpages and a YouTube channel dedicated to harassing his ex-wife and her family, including posting videos of his autistic daughter in which he described her as drugged and not "normal." He also made accusations of kidnapping, child abuse, assault, and fraud against his wife and her parents, inviting others to participate in his online bullying. He was ordered to remove the websites and online posts and refrain from recording his ex-wife and her family and posting about them online. ¹²
- **[ON]** A man involved himself in an organization embarking on online targeting of his former partner, including theft of her personal information and posting this online, and set up fake online dating profiles using her personal information. The man was ordered not to communicate with his former partner except regarding custody arrangements, to return hard drives including his former partner's personal information and destroy all copies of this information, and to remove all online posts about her. ¹³
- **[ON]** A man who had been estranged from his child and was seeking access to him harassed and threatened his former partner through communications with her brother and Facebook posts. He was ordered not to communicate through social media or any other means with his former partner and the child. ¹⁴
- **[BC]** A man harassed his former partner through phone calls, text messages, e-mails, and constant calls to her and her employer. He continued contacting her after she changed her email and phone number and contacted her Facebook friends. He was ordered not to contact his former partner or her parents except concerning a joint piece of property. ¹⁵
- **[QC]** After the mother left the family home with the children, the father tried, through emails and phone calls to the children's school and the mother's family, to find out where she and the children were. He also hired a private investigator to find them. He was ordered not to contact them and prohibited from retaining the service of a private investigator. ¹⁶

It should be repeated that **the requirements vary significantly from province to province and depend on the type of order being sought**. Behaviour that might be sufficient for a protection order in one province may not be in another. For example, in PEI, a woman making harmful Twitter posts about her former partner, his family, and his new partner was not found to be sufficient for an emergency protection order to be issued against her. While emergency protection orders are available in PEI regarding emotional abuse, this is only so if the parties are living together, which they were not in this case.¹⁷

What Kind of Restrictions Might be Included in a Protection Order?

The types of restrictions available through a protection order vary widely, depending on the relevant legislation and the behaviour being addressed. Often, they will include an order that the person may not contact you; they may include broader restrictions on their use of social media or other communications platforms in cases of technology-facilitated violence. See the previous section for types of orders that have been issued concerning TFGBV by courts across Canada.

Digital Evidence and Peace Bonds/Protection Orders

Digital evidence may be crucial in securing a peace bond or protection order, particularly if the person you are afraid of has been making threats to you online, harassing you, tracking your location, etc. Digital evidence can also help demonstrate your fear even in cases that do not involve technology-facilitated violence.

Judges may rely on digital messages, such as e-mails, in determining whether you or your loved ones are at risk of violence. Evidence that contains explicit or implied threats may help prove your case. If the person you are afraid of has been persistently contacting or harassing you, gathering together all evidence of their communications such as call logs, text messages, emails, etc., can be helpful to demonstrate fear in cases where no explicit threats of harm have been made. For more information on collecting, preserving, and relying on digital evidence in court, see the [Preserving Digital Evidence Toolkit](#).

Technology-Facilitated Gender-Based Violence (TFGBV) is part of a continuum of violence that can be both online and in-person. If you or someone you know is experiencing TFGBV, you are not alone. You can use [sheltersafe.ca](#) to find a shelter/transition house near you or call/text the [Kids Help Phone](#) to discuss options and create a [safety plan](#). You don't need to stay in a shelter to access free, confidential services and support.

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Adapted with permission from BCSTH's Technology Safety project, based on their resource [Peace Bonds for Victims of Technology-Facilitated Violence](#).

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1. R v Richard, 2019 BCPC 229; R v Louise, 2013 BCPC 346. [↑](#)
 2. R v DCH, 2011 BCPC 443. [↑](#)
 3. See e.g. R v CFR, 2016 SKPC 32. See also Sjodin v Ukrainetz, 2012 YKTC 105; R v Sharma [↑](#)
 4. R v Sinha, 2015 BCPC 200. [↑](#)
 5. R v Jarrar, 2015 ONSC 2873. [↑](#)
 6. MK v JA (2017), 141 WCB (2d) 498 (Nfld & L Prov Ct). [↑](#)
 7. See e.g.: R v Meadus (2012)2012 CarswellNfld 453 (Prov Ct). [↑](#)
 8. AB v CD, 2020 BCCA 11. [↑](#)
 9. Bedzow-Weisleder v Wiesleder, 2018 ONSC 1969. [↑](#)
 10. The father was sharing COVID-19 misinformation and gathering in large crowds, so his ex-wife refused him in-person access to their child out of concern for their safety. The father started a GoFundMe page soliciting contributions to his legal fund. [↑](#)
 11. AT vVS, 2020 ONSC 4198. [↑](#)
 12. Yenovkian v Gulian, 2019 ONSC 7279. [↑](#)
 13. MY v GB, 2019 ONSC 4907. [↑](#)
 14. EO v OE, 2019 ONCJ 921. [↑](#)
 15. MWM v JDK, 2015 BCPC 315. [↑](#)
 16. Droit de la famille — 2394, 2023 QCCS 18 [↑](#)
 17. JDML v CMVT, 2022 PESC 10. [↑](#)
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