



Peace Bonds for Victims of Technology-Facilitated Violence

A peace bond is one legal remedy that can provide protection to victims of technology-facilitated violence.

The Canadian criminal law system has begun to start recognizing how harmful digital attacks can be. Recently, the Criminal Code was updated to allow people who are afraid that someone might share an intimate image of them without consent to be eligible to apply for a peace bond under Section 810 of the Criminal Code prohibiting the defendant from doing so and committing harm. However, it is not just the threat of the non-consensual disclosure of intimate images that allows victims to apply for a peace bond. Other forms of technology-facilitated violence that are eligible include behaviour that causes a person to fear reasonably for their physical or psychological well-being. 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. Technology-facilitated violence 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. See the Technology Safety Project sheet on [Best Practices for Preserving Evidence of Technology-Facilitated Violence](#) for tips on how to collect digital evidence.



Criminal Protections: Criminal Law Peace Bonds

What is a peace bond?

A peace bond is a court order meant to protect one person from another person, such as protecting a person against their abusive partner or ex-partner. It is an order by the court where a person promises to follow certain rules, called conditions, which are meant to prevent another person from them. It is considered a “preventative” order to help prevent harms rather than one meant to punish the person.

Unlike a family law protection order that is limited to protecting a person from abusive family members, a person 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. The peace bond is concerned with behaviour that will cause personal injury to a person, to their intimate partner or child, will damage their property, or will commit an offence under Criminal Code Section 162.1 – publication, etc., of an intimate image without consent. A copy of the exact wording of the revised 810 section is at the bottom of this document.

Why would I want one?

If a person is afraid someone is going to harm them, their intimate partner, or their children, damage property, or share an intimate image without consent, a person may want to apply for a peace bond. The peace bond harm can include physical, sexual, and psychosocial injuries ([R v Richard, 2019 BCPC 229](#); [R v Louise, 2013 BCPC 346](#)) and the courts are particularly sensitive to harms that happen in a domestic violence situation ([R v DCH, 2011 BCPC 443](#)). 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 reasonable enough to require a peace order.

For example in, [R v Louise, 2013 BCPC 346](#), a woman was able to get a peace bond against her neighbor who had never physically threatened her but had persistently badgered her in the hallway and other common areas of their building and filmed many of his interactions with her.

If a person is successful in the request and the court orders a peace bond, the person or defendant whom the moving party is afraid of will have rules they have to follow, called conditions. A copy of the peace bond is forwarded to the national RCMP Headquarters, and a record of the peace bond is added to the national Canadian Police Information Computer database, which can be used by police anywhere in Canada doing subsequent investigations. The person who asked the police for help getting a peace



bond may ask the police for a copy of the signed peace bond as well. The moving party (i.e., the person asking for the peace bond) should ask for a certified copy of the peace bond to carry at all times. This way if the person needs to show it to the police or provide details about it, such as the conditions the defendant is supposed to be following, a copy is readily available.

If the defendant breaks those rules, the moving party can call the police to report the breach and the police have the right to issue a warrant for their arrest and can imprison the other person for the breach. However, this response may not happen each time the defendant breaches their order. The police may only give the defendant 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.

The peace bond is not a perfect solution to preventing technology-facilitated violence and working with a victim service worker at the same time to develop a comprehensive safety plan, especially as it relates to technology-facilitated violence, is a recommended practice. See the [Technology Safety Project Safety Planning Information](#) for guidance.

How do I get one?

A person wanting a peace bond can ask the police or the RCMP to assist with the peace bond or a person can apply for one directly at the Provincial court.

If a person makes the request through the police, they will need to tell the police why they are worried about their safety and are afraid that the defendant's behaviour that will cause personal injury to them, their intimate partner or child, or will damage their property or will result in an offence under Criminal Code Section 162.1 – publication, etc., of an intimate image without consent. Collected and preserved evidence will support the application that technology-facilitated behaviour causes a person to fear reasonably for their or others physical or psychological well-being. The burden is on the moving party to show why they are afraid and that the fear is reasonable. Without evidence, the police may not believe you and may not be successful. Under the peace bond, the moving party does not have to wait until the other person has actually harmed them to ask for protection, they only need to be afraid of them.

Once the police have processed the peace bond, they will contact the person who has been making the other person feel afraid to see if they will agree to the peace bond. If the defendant consents to the peace bond, the police will swear the information prepared and present the proposed peace bond signed by the defendant. 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 defendant.

If the person does not agree to a peace bond, then 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 defendant to appear on that date. Alternatively, on application of the police,



the Court will issue an arrest warrant against the defendant if the police satisfy the Court that the defendant may pose a danger to himself, to others, or is not likely to appear at the hearing. If the arrest warrant is ordered, the police will then arrest the defendant, and bring him or her before the Court for a show cause hearing. If the Court concludes that the defendant poses a danger to himself, to others, or is unlikely to appear at the hearing of the peace bond, the Court can order the defendant detained until the hearing, or can order the defendant to be released pending the hearing but subject to conditions.

Otherwise, the defendant is released without condition, and promises to appear as required at the Court for the scheduled hearing of the peace bond application.

At the hearing, the Court will:

- Hear evidence from the police (or prosecutor) and the defendant. The person who fears the defendant or others with first-hand knowledge may be asked to testify in court. The judge will need to know why you are afraid and then they will decide if your fear is reasonable. The moving party needs to demonstrate how the technology-facilitated violence will cause personal injury to them, their intimate partner or child, or will damage their property, or result in an offence under Criminal Code Section 162.1 – publication, etc., of an intimate image without consent. If the court thinks that the moving party has good reasons to be afraid for their safety the court can enter a peace bond for up to twelve months.
 - If a person has concerns about testifying, the police can explore alternatives with them.
- It can sometimes take a few weeks or even a few months to get a peace bond hearing. In addition, most peace bond hearings take a couple of hours, although in some complex cases they can take a few days. The court is going to balance the moving party's right to be safe with the defendant's right to be free to live their life without restrictions.
- At the end of the hearing, the Court will either dismiss the application or order the defendant to enter into the peace bond.
- If the Court agrees to impose the peace bond, there will be specific rules, called conditions that the defendant has to follow while the peace bond is in place. As mentioned above, the moving party should obtain a copy of it from the court registry, which can make it easier to complain to police if the person suspects that the defendant has breached a condition of the peace bond.

You can also apply for a peace bond directly (i.e., without going to the police first) at your [Provincial Court](#). For instructions on how to apply, click [here](#).



Whom can I get a peace bond against?

A person can request a peace bond against anyone who is making the person afraid that they will be harmed. The peace bond is a preventative measure. The other person does not have to be charged with a crime or convicted of a crime for a person to request a peace bond against them. It does not matter if they have actually hurt another by committing an offence. It is enough that the moving party is reasonably afraid of them.

What kind of conditions might be included in a peace bond?

The conditions of the peace bond are the rules that the defendant 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 the victim and her family
- Reporting to the police or to a probation officer

If the defendant is not allowed to contact the other party, this includes the use of technology that directly or indirectly contacts the other people through mobile devices (call/text), devices, online digital platforms and social media.

If technology is being used to cause the harm or abuse, there can be limitations on that person's use of technology. For example, in [R v Neil, 2015 BCSC 1234](#), a man who had been taking sexual photos of children, including photos where he was sexually abusing them and using the internet to look at and share child pornography, was prohibited from possessing any type of device that he could connect to the internet.



What happens if a person does not follow the rules of the peace bond?

If a defendant does not follow the peace bond conditions, the moving party can report the breaches to the police and the defendant may be charged with a criminal offence.

The defendant 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. If the police officer is hesitant to enforce the order, the moving party can request to speak with their supervisor.

Section 810 of the Criminal Code: Peace Bonds

Below is the relevant wording of the Peace Bond section found in the [Criminal Code](#) (as of February 3, 2021).

If injury or damage feared

810 (1) An information may be laid before a justice by or on behalf of any person who fears on reasonable grounds that another person

(a) will cause personal injury to them or to their intimate partner or child or will damage their property; or

(b) will commit an offence under section [162.1](#).

Duty of justice

(2) A justice who receives an information under subsection (1) shall cause the parties to appear before him or before a summary conviction court having jurisdiction in the same territorial division.

Adjudication

(3) If the justice or summary conviction court before which the parties appear is satisfied by the evidence adduced that the person on whose behalf the information was laid has reasonable grounds for the fear, the justice or court may order that the defendant enter into a recognizance, with or without sureties, to keep the peace and be of good behaviour for a period of not more than 12 months.



Technology Safety Project

This document is a part of a series that details how to preserve evidence related to the misuse of technology in experiences of domestic violence, sexual assault, and stalking. The series is part of the [Preserving Digital Evidence of Technology-Facilitated Violence Toolkit](#). This document, or any portion thereof, may be reproduced or used in any manner whatsoever as long as acknowledgment to the BC Society of Transition Houses is included in the product.

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