



NOTICE TO THE PROFESSION

Affidavits for Bail Applications, and Bail and Detention Reviews

Superior Court of Justice

Central West Region

For initial bail applications and detention and bail reviews, the *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*, provide for affidavits to be filed along with the material in support of the application two clear days before the application is to be heard. Counsel or self-represented applicants have been attempting to file unsworn affidavits in advance of the application date. As an affidavit is a sworn or affirmed document, the requirement to file affidavits means sworn or affirmed affidavits.

Rule 3.02 provides for extending or abridging the time for any time prescribed in the Rules. However, the application to abridge the time must be included in the Notice of Application for bail or to review a previous order. The Trial Office will accept unsworn affidavits provided there is an application under Rule 3.02 in the Notice of Application. If there is no application under Rule 3.02, the affidavits will not be accepted.

Counsel should not expect the presiding judge will accept affidavits in court that have not been properly filed.

In addition, counsel should be advised that where a Rule 3.02 application has been filed that they should not expect the presiding judge to permit them to swear the applicant's affidavit or the proposed sureties' affidavits in court. They are to be sworn before the court appearance.