[Français](http://www.ontario.ca/fr/lois/loi/90j04)

Justices of the Peace Act

R.S.O. 1990, CHAPTER J.4

**Consolidation Period:** From March 6, 2024 to the [e-Laws currency date](http://www.e-laws.gov.on.ca/navigation?file=currencyDates&lang=en).

Last amendment: [2024, c. 2, Sched. 12](http://www.ontario.ca/laws/statute/S24002" \l "sched12s1).

Legislative History: 1994, c. 12, s. 50-57; 1999, c. 12, Sched. B, s. 12; [2002, c. 17, Sched. F, Table](http://www.ontario.ca/laws/statute/S02017" \l "schedfs1s1); [2002, c. 18, Sched. A, s. 11](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s1); [2006, c. 21, Sched. B, s. 1-19](http://www.ontario.ca/laws/statute/S06021" \l "schedbs1s1); [2006, c. 35, Sched. C, s. 56](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s1); [2007, c. 7, Sched. 20](http://www.ontario.ca/laws/statute/S07007" \l "sched20s1); [2009, c. 33, Sched. 2, s. 39](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s1) (but see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006)); [2011, c. 1, Sched. 1, s. 4](http://www.ontario.ca/laws/statute/S11001" \l "sched1s4s1); [2017, c. 2, Sched. 2, s. 20-24](http://www.ontario.ca/laws/statute/S17002" \l "sched2s20); [2017, c. 20, Sched. 2, s. 35, 36](http://www.ontario.ca/laws/statute/S17020" \l "sched2s35); [2017, c. 34, Sched. 46, s. 21](http://www.ontario.ca/laws/statute/S17034" \l "sched46s21); [2018, c. 8, Sched. 15, s. 11](http://www.ontario.ca/laws/statute/S18008" \l "sched15s11s1); [2019, c. 7, Sched. 36](http://www.ontario.ca/laws/statute/S19007" \l "sched36s1); [2020, c. 11, Sched. 12](http://www.ontario.ca/laws/statute/S20011" \l "sched12s1); [2020, c. 18, Sched. 8](http://www.ontario.ca/laws/statute/S20018" \l "sched8s1s1); [2021, c. 25, Sched. 10](http://www.ontario.ca/laws/statute/S21025" \l "sched10s1); [2023, c. 12, Sched. 5](http://www.ontario.ca/laws/statute/S23012" \l "sched5s1); [2024, c. 2, Sched. 12](http://www.ontario.ca/laws/statute/S24002" \l "sched12s1).

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Definitions

**1** In this Act,

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means the regulations made under this Act; (“règlements”)

“Review Council” means the Justices of the Peace Review Council continued by section 8. (“Conseil d’évaluation”) R.S.O. 1990, c. J.4, s. 1; 1994, c. 12, s. 50; 2006, c. 21, Sched. B, s. 1.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 50 - 1/09/1995

[2006, c. 21, Sched. B, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedbs1s1) - 01/01/2007

Appointment of justices

**2** (1)  The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint full-time justices of the peace. 2006, c. 21, Sched. B, s. 2.

Qualifications

(1.1)  No person shall be appointed as a justice of the peace under subsection (1) unless he or she has performed paid or volunteer work equivalent to at least 10 years of full-time experience and,

(a) has a university degree;

(b) has a diploma or advanced diploma granted by a college of applied arts and technology or a community college following completion of a program that is the equivalent in class hours of a full-time program of at least four academic semesters;

(c) has a degree from an institution, other than a university, that is authorized to grant the degree,

(i) under the Post-secondary Education Choice and Excellence Act, 2000,

(ii) under a special Act of the Assembly that establishes or governs the institution, or

(iii) under legislation of another province or territory of Canada;

(d) has successfully completed a program designated as an equivalency under subsection (1.2); or

(e) meets the equivalency requirement set out in subsection (1.3). 2020, c. 18, Sched. 8, s. 1 (1).

Equivalency programs

(1.2)  For the purposes of clause (1.1) (d), the Attorney General may designate programs that involve training in the justice system, including programs designed to enhance diversity in the justice system, as programs that meet the educational equivalency requirement, and shall make the list of programs so designated public. 2020, c. 18, Sched. 8, s. 1 (1).

Exceptional qualifications

(1.3)  For the purposes of clause (1.1) (e), a candidate may be considered to have met the equivalency requirement if he or she clearly demonstrates exceptional qualifications, including life experience, but does not have the educational requirements set out in clauses (1.1) (a) to (d). 2020, c. 18, Sched. 8, s. 1 (1).

Same

(1.4)  No person shall be appointed as a justice of the peace under subsection (1) unless the person undertakes to participate in such courses as may be designated for newly appointed justices of the peace by the Associate Chief Justice Co-ordinator of Justices of the Peace under subsection 14 (6). 2023, c. 12, Sched. 5, s. 1.

Part-time justices

(2)  A person appointed as a part-time justice of the peace before subsection (1) came into force continues in office as a part-time justice of the peace. 2006, c. 21, Sched. B, s. 2.

Change to full-time

(3)  The Lieutenant Governor in Council, on the recommendation of the Attorney General, may change a person’s appointment as a part-time justice of the peace to an appointment as a full-time justice of the peace. 2006, c. 21, Sched. B, s. 2.

Consultation

(4)  Before making a recommendation under subsection (3), the Attorney General must obtain the recommendation of the Chief Justice of the Ontario Court of Justice on the matter. 2006, c. 21, Sched. B, s. 2.

Information to be maintained in confidence

(5)  Any records or other information collected, prepared, maintained or used by the Attorney General in relation to the appointment or consideration of an individual as a justice of the peace, including any such records or other information provided to the Attorney General by the Justices of the Peace Appointments Advisory Committee, shall be maintained in confidence and shall not be disclosed except as authorized by the Attorney General. 2020, c. 18, Sched. 8, s. 1 (2).

Prevails over FIPPA

(6)  Subsection (5) prevails over the Freedom of Information and Protection of Privacy Act. 2020, c. 18, Sched. 8, s. 1 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 2](http://www.ontario.ca/laws/statute/S06021" \l "schedbs2) - 01/01/2007

[2020, c. 18, Sched. 8, s. 1 (1, 2)](http://www.ontario.ca/laws/statute/S20018" \l "sched8s1s1) - 14/08/2020

[2023, c. 12, Sched. 5, s. 1](http://www.ontario.ca/laws/statute/S23012" \l "sched5s1) - 08/06/2023

Justices of the Peace Appointments Advisory Committee

Composition and governance

**2.1**(1)  The committee known as the Justices of the Peace Appointments Advisory Committee in English and Comité consultatif sur la nomination des juges de paix in French is continued. 2020, c. 18, Sched. 8, s. 2.

Composition

(2)  The Committee is composed of three core members as follows:

1. A judge of the Ontario Court of Justice, or a justice of the peace, appointed by the Chief Justice of the Ontario Court of Justice.

2. A justice of the peace appointed by the Chief Justice of the Ontario Court of Justice who is either the Senior Indigenous Justice of the Peace or another justice of the peace familiar with Indigenous issues or, when the justice of the peace so appointed is not available to act as a member of the Committee, another justice of the peace familiar with Indigenous issues who is designated by the Chief Justice of the Ontario Court of Justice.

3. One person appointed by the Attorney General. 2020, c. 18, Sched. 8, s. 2.

Regional members

(3)  In addition to the core members appointed under subsection (2), the Committee shall include the following regional members in respect of its functions in a particular region:

1. The regional senior justice of the peace for the region or, when he or she is not available to act as a member of the Committee, another justice of the peace from the same region who is designated by the regional senior judge.

2. Up to three persons appointed by the Attorney General.

3. A licensee within the meaning of the Law Society Act in the region appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario. 2020, c. 18, Sched. 8, s. 2.

Criteria

(4)  In the appointment of members under paragraph 3 of subsection (2) and paragraph 2 of subsection (3), the importance of reflecting, in the composition of the Committee as a whole, Ontario’s linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized. 2020, c. 18, Sched. 8, s. 2.

Regional leads

(5)  The Attorney General shall designate a regional lead for each region from among the regional members for that region. 2020, c. 18, Sched. 8, s. 2.

Term of office

(6)  The members appointed under paragraph 3 of subsection (2) and under paragraphs 2 and 3 of subsection (3) hold office for three-year terms and may be reappointed. 2020, c. 18, Sched. 8, s. 2.

Chair

(7)  The Attorney General shall designate one of the core members to chair the Committee for a term of up to three years. 2020, c. 18, Sched. 8, s. 2.

Term of office

(8)  The same person may serve as chair for two or more terms. 2020, c. 18, Sched. 8, s. 2.

Chair votes

(9)  The chair is entitled to vote and may cast a second, deciding vote if there is a tie. 2020, c. 18, Sched. 8, s. 2.

Meetings

(10)  The Committee may hold its meetings and conduct interviews in person or through electronic means, including telephone conferencing and video conferencing. 2020, c. 18, Sched. 8, s. 2.

Employees

(11)  Such employees as are considered necessary for the proper conduct of the affairs of the Committee may be appointed under Part III of the Public Service of Ontario Act, 2006. 2020, c. 18, Sched. 8, s. 2.

Annual report

(12)  The Committee shall prepare an annual report, provide it to the Attorney General and make it available to the public. 2020, c. 18, Sched. 8, s. 2.

Same

(13)  The annual report must include,

(a) statistics about the sex, gender, gender identity, sexual orientation, race, ethnicity, disability status and ability to speak French of candidates who volunteer that information, including whether the candidates identify as Indigenous or as a member of a Francophone community, at each stage of the process, as specified by the Attorney General; and

(b) such other content as the Attorney General may require. 2020, c. 18, Sched. 8, s. 2; 2024, c. 2, Sched. 12, s. 1.

Tabling of annual report

(14)  The Attorney General shall table the Committee’s annual report in the Assembly. 2020, c. 18, Sched. 8, s. 2.

Information to be maintained in confidence

(15)  Any records or other information collected, prepared, maintained or used by the Committee in relation to the consideration of an individual for appointment as a justice of the peace shall be maintained in confidence and shall not be disclosed except as authorized by the chair of the Committee. 2020, c. 18, Sched. 8, s. 2.

Personal liability

(16)  No action or other proceeding for damages shall be instituted against any member or former member of the Committee for any act done in good faith in the execution or intended execution of any power or duty that he or she has or had as a member of the Committee, or for any neglect or default in the exercise or performance in good faith of such power or duty. 2020, c. 18, Sched. 8, s. 2.

Crown liability

(17)  Subsection (16) does not, by reason of subsection 8 (3) of the Crown Liability and Proceedings Act, 2019, relieve the Crown of liability in respect of a tort committed by a person mentioned in subsection (16) to which it would otherwise be subject. 2020, c. 18, Sched. 8, s. 2.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 3](http://www.ontario.ca/laws/statute/S06021" \l "schedbs3) - 01/01/2007; [2006, c. 35, Sched. C, s. 56 (1)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s1) - 20/08/2007

[2007, c. 7, Sched. 20, s. 1](http://www.ontario.ca/laws/statute/S07007" \l "sched20s1) - 17/05/2007

[2009, c. 33, Sched. 2, s. 39 (1, 2)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s1) - no effect - see [Table of Public Statute Provisions Repealed Under Section 10.1 of the *Legislation Act, 2006*](http://www.ontario.ca/laws/public-statute-provisions-repealed-under-section-101-legislation-act-2006) - 31/12/2019

[2011, c. 1, Sched. 1, s. 4 (1-3)](http://www.ontario.ca/laws/statute/S11001" \l "sched1s4s1) - 02/08/2011

[2017, c. 2, Sched. 2, s. 20 (1, 2)](https://www.ontario.ca/laws/statute/s17002) - 22/03/2017; [2017, c. 34, Sched. 46, s. 21](http://www.ontario.ca/laws/statute/S17034" \l "sched46s21) - 01/01/2018

[2018, c. 8, Sched. 15, s. 11 (1)](http://www.ontario.ca/laws/statute/S18008" \l "sched15s11s1) - 08/05/2018

[2020, c. 18, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S20018" \l "sched8s2) - 14/08/2020

[2024, c. 2, Sched. 12, s. 1](http://www.ontario.ca/laws/statute/S24002" \l "sched12s1) - 06/03/2024

Justices of the Peace Appointments Advisory Committee

Functions and manner of operating

**2.2**(1)  The functions of the Justices of the Peace Appointments Advisory Committee are to,

(a) classify candidates for appointment as justices of the peace;

(b) report on the classifications to the Attorney General; and

(c) provide advice to the Attorney General respecting the process for appointing justices of the peace in accordance with this Act. 2020, c. 18, Sched. 8, s. 2.

Manner of operating

(2)  The Committee shall perform its functions in the following manner:

1. It shall determine the skills, abilities and personal characteristics that are desired in a justice of the peace and make them available to the public.

2. It shall develop a candidate application form that specifies what supporting material is required, and it shall make the form available to the public.

3. It shall develop the application procedure and make information about it available to the public.

4. On the request of the Attorney General, it shall advertise for applications for vacant justice of the peace positions.

5. It shall review and evaluate all applications received in response to the advertisement.

6. It may interview any of the candidates in conducting its review and evaluation.

7. It shall conduct the advertising, review and evaluation process in accordance with the criteria it establishes, which must, at minimum, provide for an assessment that,

i. assesses the candidates’ professional excellence, community awareness and personal characteristics, and

ii. recognizes the desirability of reflecting the diversity of Ontario society in appointments of justices of the peace.

8. It shall make the criteria it established under paragraph 7 available to the public.

9. It shall classify the candidates as “Not Recommended”, “Recommended” or “Highly Recommended” and provide a list of the classified candidates to the Attorney General, with brief supporting reasons for the candidates classified as “Recommended” or “Highly Recommended”. 2020, c. 18, Sched. 8, s. 2.

Qualifications

(3)  The Committee shall not consider an application by a candidate,

(a) who does not meet the qualifications set out in subsection 2 (1.1); or

(b) who is or was a member of the Committee within the previous three years. 2020, c. 18, Sched. 8, s. 2.

Chair consent required re interview, classification

(4)  The interview of a candidate shall not be conducted, and a meeting for the making of a decision under paragraph 9 of subsection (2) shall not be held, without the consent of the chair of the Committee. 2020, c. 18, Sched. 8, s. 2.

Quorum for interview

(5)  If the Committee interviews a candidate, the interview must be conducted by at least three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2). 2020, c. 18, Sched. 8, s. 2.

Quorum re classification

(6)  The quorum for decisions under paragraph 9 of subsection (2) is three members of the Committee, at least two of whom are regional members referred to in paragraph 2 or 3 of subsection 2.1 (3) from the region for which an appointment is considered and another of whom is a core member under subsection 2.1 (2). 2020, c. 18, Sched. 8, s. 2.

Information to be provided to Attorney General on request

(7)  The Committee shall provide the Attorney General with any information about the application, review and evaluation process that the Attorney General requests, other than information collected or prepared by the Committee through a discreet inquiry. 2020, c. 18, Sched. 8, s. 2.

Meaning of discreet inquiry

(8)  For the purposes of subsection (7), a discreet inquiry is a confidential inquiry conducted by the Committee into the views or opinions of individuals with knowledge of a candidate’s suitability for appointment. 2020, c. 18, Sched. 8, s. 2.

Recommendation of criteria

(9)  The Attorney General may recommend criteria to be included in the criteria the Committee establishes under paragraph 7 of subsection (2), and the Committee shall consider whether to include those criteria in the criteria it has established. 2020, c. 18, Sched. 8, s. 2.

Rejection of list

(10)  The Attorney General may reject the list of classified candidates provided by the Committee under subsection (2). 2020, c. 18, Sched. 8, s. 2.

Reconsideration or re-advertisement

(11)  If the Attorney General rejects the list of classified candidates provided by the Committee, or if there are not enough candidates who are classified as “Recommended” or “Highly Recommended” for the number of vacant justice of the peace positions, the Committee shall either reconsider the applicants and provide a new list to the Attorney General in accordance with paragraph 9 of subsection (2) or re-advertise for applications, as the chair of the Committee considers appropriate. 2020, c. 18, Sched. 8, s. 2.

Recommendation by Attorney General

(12)  The Attorney General shall only recommend a candidate who has been classified as “Recommended” or “Highly Recommended” to the Lieutenant Governor in Council to fill a justice of the peace vacancy. 2020, c. 18, Sched. 8, s. 2.

Transition

(13)  Despite this section, subsections 2.1 (2) and (12) to (18) of this Act, as they read immediately before the day section 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 came into force, continue to apply to any vacancy that was advertised by the Committee before that day. 2020, c. 18, Sched. 8, s. 2.

**Section Amendments with date in force (d/m/y)**

[2020, c. 18, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S20018" \l "sched8s2) - 14/08/2020

Transitional matters re Justices of the Peace Appointments Advisory Committee

Appointments continued

**2.3**(1)  Subject to subsection (2), the appointment of every person who was a member of the Justices of the Peace Appointments Advisory Committee on the day before the day section 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 came into force is continued. 2020, c. 18, Sched. 8, s. 2.

Termination without cause

(2)  The Attorney General may terminate the appointment of any member of the Committee whose appointment was continued by subsection (1), without cause, for the purpose of transitioning the Committee’s composition to the composition specified in subsections 2.1 (2) and (3). 2020, c. 18, Sched. 8, s. 2.

No compensation or damages

(3)  No person is entitled to any compensation or damages for any loss related, directly or indirectly, to the enactment of section 1 or 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020. 2020, c. 18, Sched. 8, s. 2.

No cause of action

(4)  No cause of action arises against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown as a direct or indirect result of the enactment of section 1 or 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020. 2020, c. 18, Sched. 8, s. 2.

Proceedings barred

(5)  No proceeding, including but not limited to any proceeding for a remedy in contract, restitution, unjust enrichment, tort, misfeasance, bad faith, trust or fiduciary obligation and any remedy under any statute, that is directly or indirectly based on or related to the enactment of section 1 or 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 may be brought or maintained against the Crown or any current or former member of the Executive Council or any current or former employee or agent of or advisor to the Crown. 2020, c. 18, Sched. 8, s. 2.

Application

(6)  Subsection (5) applies to any action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief, any form of compensation or damages or any other remedy or relief, and includes any arbitral, administrative or court proceedings. 2020, c. 18, Sched. 8, s. 2.

Retrospective effect

(7)  Subsections (5) and (6) apply regardless of whether the claim on which the proceeding is purportedly based arose before, on or after the day section 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 came into force. 2020, c. 18, Sched. 8, s. 2.

Proceedings set aside

(8)  Any proceeding referred to in subsection (5) or (6) commenced before the day section 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 came into force shall be deemed to have been dismissed, without costs, on the day section 2 of Schedule 8 to the COVID-19 Economic Recovery Act, 2020 came into force. 2020, c. 18, Sched. 8, s. 2.

**Section Amendments with date in force (d/m/y)**

[2020, c. 18, Sched. 8, s. 2](http://www.ontario.ca/laws/statute/S20018" \l "sched8s2) - 14/08/2020

Oath of office

**3** Every justice of the peace, before beginning the duties of office, shall make the following oath or affirmation in French or in English:

I, ................, solemnly swear (affirm) that I will faithfully and to the best of my skill and knowledge, execute the duties of a justice of the peace, and I will do so without fear or favour, affection or ill will. So help me God. (Omit last sentence in an affirmation.)

R.S.O. 1990, c. J.4, s. 3.

Presiding justices

**4** (1)  Every justice of the peace is a presiding justice of the peace. 2006, c. 21, Sched. B, s. 4.

Exception

(2)  Despite subsection (1), a person appointed as a non-presiding justice of the peace before that subsection came into force continues in office as a non-presiding justice of the peace. 2006, c. 21, Sched. B, s. 4.

Change to presiding

(3)  The Lieutenant Governor in Council, on the recommendation of the Attorney General, may change a person’s appointment as a non-presiding justice of the peace to an appointment as a presiding justice of the peace. 2006, c. 21, Sched. B, s. 4.

Consultation

(4)  Before making a recommendation under subsection (3), the Attorney General must obtain the recommendation of the Chief Justice of the Ontario Court of Justice on the matter. 2006, c. 21, Sched. B, s. 4.

Undesignated justices

(5)  A person appointed as a justice of the peace before August 1, 1994 who has not been designated as a presiding or non-presiding justice of the peace shall not exercise any authority or receive any remuneration as a justice of the peace. 2006, c. 21, Sched. B, s. 4.

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. B, s. 12 (1) - 31/12/1991

[2002, c. 18, Sched. A, s. 11 (1)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s1) - 26/11/2002

[2006, c. 21, Sched. B, s. 4](http://www.ontario.ca/laws/statute/S06021" \l "schedbs4) - 03/11/2006

Justices of the peace, by virtue of office

**5** Every judge of the Supreme Court of Canada, the Federal Court of Canada, the Court of Appeal, the Superior Court of Justice and every provincial judge is by virtue of his or her office a justice of the peace and also has power to do alone whatever two or more justices of the peace are authorized to do together. R.S.O. 1990, c. J.4, s. 5; 2002, c. 18, Sched. A, s. 11 (13).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (13)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s13) - 26/11/2002

Per diem justices

**5.1**  (1)  The Attorney General, on the request of a justice of the peace, shall change his or her designation from that of a full-time or part-time justice of the peace to that of a per diem justice of the peace if the following conditions are met:

1. The Chief Justice of the Ontario Court of Justice recommends that the justice of the peace be designated as a per diem justice of the peace.

2. The justice of the peace provided services on or after April 1, 2000 as a full-time or part-time justice of the peace.

3. The justice of the peace has retired or will retire as a full-time or part-time justice of the peace before the effective date of the change in designation.

4. The justice of the peace will be under 75 years of age on the effective date of the change in designation. 2006, c. 21, Sched. B, s. 5; 2009, c. 33, Sched. 2, s. 39 (3); 2017, c. 2, Sched. 2, s. 21.

Cessation at 65 years

(2)  Subject to subsection (3), a per diem justice of the peace shall not continue in office once he or she reaches 65 years of age. 2009, c. 33, Sched. 2, s. 39 (4).

Continuation in office

(3)  A per diem justice of the peace who is 65 years of age or older may, subject to the annual approval of the Chief Justice of the Ontario Court of Justice, continue in office until he or she reaches 75 years of age. 2009, c. 33, Sched. 2, s. 39 (4).

Criteria for approval

(4)  The Chief Justice of the Ontario Court of Justice shall determine whether to grant approval under subsection (3) in accordance with the criteria developed and approved under subsection 6 (5). 2009, c. 33, Sched. 2, s. 39 (4).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 5](http://www.ontario.ca/laws/statute/S06021" \l "schedbs5) - 03/11/2006

[2009, c. 33, Sched. 2, s. 39 (3, 4)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s3) - 01/07/2016

[2017, c. 2, Sched. 2, s. 21](http://www.ontario.ca/laws/statute/S17002" \l "sched2s21) - 22/03/2017

Accommodation of needs

**5.2**  (1)  A justice of the peace who believes that he or she is unable, because of a disability, to perform the essential duties of the office unless his or her needs are accommodated may apply to the Review Council for an order under subsection (2). 2006, c. 21, Sched. B, s. 6.

Duty of Review Council

(2)  If the Review Council finds that the justice of the peace is unable, because of a disability, to perform the essential duties of the office unless his or her needs are accommodated, it shall order that the needs of the justice of the peace be accommodated to the extent necessary to enable him or her to perform those duties. 2006, c. 21, Sched. B, s. 6.

Undue hardship

(3)  Subsection (2) does not apply if the Review Council is satisfied that making an order would impose undue hardship on the person responsible for accommodating the needs of the justice of the peace, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. 2006, c. 21, Sched. B, s. 6.

Opportunity to participate

(4)  The Review Council shall not make an order under subsection (2) against a person without ensuring that the person has had an opportunity to participate and make submissions. 2006, c. 21, Sched. B, s. 6.

Crown bound

(5)  The order binds the Crown. 2006, c. 21, Sched. B, s. 6.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 6](http://www.ontario.ca/laws/statute/S06021" \l "schedbs6) - 01/01/2007

Retirement at 65 years

**6** (1)  Subject to subsections (2) and (3), every full-time or part-time justice of the peace shall retire when he or she reaches 65 years of age. 2009, c. 33, Sched. 2, s. 39 (5).

Continuation in office

(2)  A full-time or part-time justice of the peace who is 65 years of age or older may, subject to the annual approval of the Chief Justice of the Ontario Court of Justice, continue in office until he or she reaches 75 years of age. 2009, c. 33, Sched. 2, s. 39 (5).

Same

(3)  A justice of the peace who continues in office in accordance with subsection (2) after reaching 65 years of age continues as a full-time or part-time justice of the peace in accordance with the office he or she held before reaching 65 years of age, subject to a change in designation under section 5.1. 2009, c. 33, Sched. 2, s. 39 (5).

Regional senior justice of the peace

(4)  A regional senior justice of the peace of the Ontario Court of Justice may continue in that office after reaching 65 years of age, subject to the annual approval of the Chief Justice of the Ontario Court of Justice, until the earlier of,

(a) the expiry of his or her term of office, including any renewal under subsection 16 (5); or

(b) when he or she reaches 75 years of age. 2009, c. 33, Sched. 2, s. 39 (5).

Criteria for approval

(5)  The Chief Justice of the Ontario Court of Justice shall determine whether to grant approval under subsection (2) or (4) in accordance with criteria developed by the Chief Justice and approved by the Review Council. 2009, c. 33, Sched. 2, s. 39 (5).

Appointment after reaching 65 years

(6)  This section applies, with necessary modifications, to a person appointed as a justice of the peace or as a regional senior justice of the peace after reaching 65 years of age. 2017, c. 20, Sched. 2, s. 35.

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 2, s. 39 (5)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s5) - 01/07/2016

[2017, c. 20, Sched. 2, s. 35](http://www.ontario.ca/laws/statute/S17020" \l "sched2s35) - 14/11/2017

Resignation

**7** (1)  A justice of the peace may resign from his or her office by delivering a signed letter of resignation to the Chief Justice of the Ontario Court of Justice. R.S.O. 1990, c. J.4, s. 7 (1); 2017, c. 2, Sched. 2, s. 22 (1).

Effective date

(2)  The resignation takes effect on the day the letter is delivered to the Chief Justice of the Ontario Court of Justice or, if the letter specifies a later day, on that day. R.S.O. 1990, c. J.4, s. 7 (2); 2017, c. 2, Sched. 2, s. 22 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 2, Sched. 2, s. 22 (1, 2)](https://www.ontario.ca/laws/statute/s17002) - 22/03/2017

Review Council

**8** (1)  The council known in English as the Justices of the Peace Review Council and in French as Conseil d’évaluation des juges de paix is continued. 2006, c. 21, Sched. B, s. 7.

Functions

(2)  The functions of the Review Council are,

(a) to consider applications under section 5.2 for the accommodation of needs;

(b) to establish complaints committees from among its members to review and investigate complaints under section 11;

(b.1) to approve criteria under subsection 6 (5) for granting approval for justices of the peace to continue in office once they reach 65 years of age;

(c) to review and approve standards of conduct under section 13;

(d) to deal with continuing education plans under section 14; and

(e) to decide whether a justice of the peace may engage in other remunerative work. 2006, c. 21, Sched. B, s. 7; 2009, c. 33, Sched. 2, s. 39 (6).

Composition

(3)  The Review Council is composed of,

(a) the Chief Justice of the Ontario Court of Justice, or another judge of the Ontario Court of Justice designated by the Chief Justice;

(b) the Associate Chief Justice Co-ordinator of Justices of the Peace;

(c) three justices of the peace appointed by the Chief Justice of the Ontario Court of Justice;

(d) two judges of the Ontario Court of Justice appointed by the Chief Justice of the Ontario Court of Justice;

(e) one regional senior justice of the peace appointed by the Chief Justice of the Ontario Court of Justice;

(f) a licensee within the meaning of the Law Society Act appointed by the Attorney General from a list of three names submitted to the Attorney General by the Law Society of Ontario;

(g) four persons appointed by the Lieutenant Governor in Council on the recommendation of the Attorney General. 2006, c. 21, Sched. B, s. 7; 2018, c. 8, Sched. 15, s. 11 (2); 2021, c. 25, Sched. 10, s. 1.

Criteria

(4)  In the appointment of members under clause (3) (g), the importance of reflecting, in the composition of the Review Council as a whole, Ontario’s linguistic duality and the diversity of its population and ensuring overall gender balance shall be recognized. 2006, c. 21, Sched. B, s. 7.

Term of office

(5)  The members who are appointed under clauses (3) (f) and (g) hold office for four-year terms and are eligible for reappointment. 2006, c. 21, Sched. B, s. 7.

(6)  Repealed: 2017, c. 2, Sched. 2, s. 23.

Chair

(7)  The Chief Justice of the Ontario Court of Justice or, in his or her absence, the Associate Chief Justice Co-ordinator of Justices of the Peace, shall chair all meetings of the Review Council. 2006, c. 21, Sched. B, s. 7.

Same

(8)  The chair is entitled to vote and may cast a second deciding vote if there is a tie. 2006, c. 21, Sched. B, s. 7.

Vacancies

(9)  If a vacancy occurs among the members appointed under clause (3) (f) or (g), a new member may be appointed under the applicable provision for the remainder of the term. 2006, c. 21, Sched. B, s. 7.

Temporary members

(10)  The Chief Justice of the Ontario Court of Justice may appoint a judge or a justice of the peace who is not a member of the Review Council to be a temporary member of a complaints committee or hearing panel in order to deal fully with the matter. 2006, c. 21, Sched. B, s. 7.

Quorum

(11)  The following quorum rules apply:

1. Six members, including the chair, constitute a quorum.

2. At least half the members present must be judges or justices of the peace. 2006, c. 21, Sched. B, s. 7.

Voting by chair

(12)  The chair of a complaints committee established under subsection 11 (1) or a hearing panel established under subsection 11.1 (1) is entitled to vote. 2006, c. 21, Sched. B, s. 7.

Disqualification

(13)  The members of the Review Council who were members of a complaints committee dealing with a complaint shall not participate in a hearing of the complaint under section 11.1. 2006, c. 21, Sched. B, s. 7.

Employees

(14)  Such employees as are considered necessary for the proper conduct of the affairs of the Review Council may be appointed under Part III of the Public Service of Ontario Act, 2006. 2006, c. 35, Sched. C, s. 56 (3).

Expert assistance

(15)  The Review Council may engage persons, including counsel, to assist it and its complaints committees and hearing panels. 2006, c. 21, Sched. B, s. 7.

Support services

(16)  The Review Council shall provide support services, including initial orientation and continuing education, to enable its members to participate effectively, devoting particular attention to the needs of the members who are neither judges nor lawyers and administering a part of its budget for support services separately for that purpose. 2006, c. 21, Sched. B, s. 7.

Same

(17)  The Review Council shall administer a part of its budget for support services separately for the purpose of accommodating the needs of any members who have disabilities. 2006, c. 21, Sched. B, s. 7.

Confidential records

(18)  The Review Council, a complaints committee or a hearing panel may order that any information or documents relating to a meeting, investigation or hearing that was not held in public are confidential and shall not be disclosed or made public. 2006, c. 21, Sched. B, s. 7.

Same

(19)  Subsection (18) applies whether the information or documents are in the possession of the Review Council, a complaints committee, a hearing panel, the Attorney General or any other person. 2006, c. 21, Sched. B, s. 7.

Exceptions

(20)  Subsection (18) does not apply to information and documents,

(a) that this Act requires the Review Council to disclose; or

(b) that have not been treated as confidential and were not prepared exclusively for the purposes of a Review Council meeting or for an investigation of a complaint or for a hearing. 2006, c. 21, Sched. B, s. 7.

Personal liability

(21)  No action or other proceeding for damages shall be instituted against the Review Council or any of its members or employees or any person acting under the authority of the Review Council, a complaints committee or hearing panel for any act done in good faith in the execution or intended execution of any power or duty of the Review Council, a complaints committee or a hearing panel or for any neglect or default in the exercise or performance in good faith of such power or duty. 2006, c. 21, Sched. B, s. 7.

Testimonial immunity

(22)  No member or employee of the Review Council and no person acting under its authority may be compelled to give evidence in any administrative or civil proceeding in relation to anything done or omitted to be done in carrying out the purposes of this Act. 2006, c. 21, Sched. B, s. 7.

Remuneration

(23)  The members who are appointed under clauses (3) (f) and (g) are entitled to receive the daily remuneration that is fixed by the Lieutenant Governor in Council. 2006, c. 21, Sched. B, s. 7.

Meetings

(24)  The Review Council may hold its meetings in person or through electronic means, including telephone conferencing and video conferencing. 2006, c. 21, Sched. B, s. 7.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06021" \l "schedbs7) - 01/01/2007; [2006, c. 35, Sched. C, s. 56 (3)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s3) - 20/08/2007

[2009, c. 33, Sched. 2, s. 39 (6)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s6) - 01/07/2016

[2017, c. 2, Sched. 2, s. 23](https://www.ontario.ca/laws/statute/s17002) - 22/03/2017

[2018, c. 8, Sched. 15, s. 11 (2)](http://www.ontario.ca/laws/statute/S18008" \l "sched15s11s2) - 08/05/2018

[2021, c. 25, Sched. 10, s. 1](http://www.ontario.ca/laws/statute/S21025" \l "sched10s1) - 03/06/2021

Other duties of Review Council

Provision of information to public

**9** (1)  The Review Council shall provide, in courthouses and elsewhere, information about itself and about its role in the justice system, including information about how members of the public may obtain assistance in making complaints. 2006, c. 21, Sched. B, s. 7.

Same

(2)  In providing information, the Review Council shall emphasize the elimination of cultural and linguistic barriers and the accommodation of the needs of persons with disabilities. 2006, c. 21, Sched. B, s. 7.

Assistance to public

(3)  Where necessary, the Review Council shall arrange for the provision of assistance to members of the public in the preparation of documents for making complaints. 2006, c. 21, Sched. B, s. 7.

Telephone access

(4)  The Review Council shall provide province-wide free telephone access, including telephone access for the deaf, to information about itself and its role in the justice system. 2006, c. 21, Sched. B, s. 7.

Persons with disabilities

(5)  To enable persons with disabilities to participate effectively in the complaints process, the Review Council shall ensure that their needs are accommodated, at the Council’s expense, unless it would impose undue hardship on the Council to do so, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. 2006, c. 21, Sched. B, s. 7.

Open and closed hearings and meetings

(6)  Meetings of the Review Council and of its complaints committees shall be held in private but, subject to subsection 11.1 (4), hearings under section 11.1 shall be open to the public. 2006, c. 21, Sched. B, s. 7.

Annual report

(7)  After the end of each year, the Review Council shall make an annual report to the Attorney General on its affairs, in English and French, including, with respect to all complaints received or dealt with during the year, a summary of the complaint, the findings and a statement of the disposition, but the report shall not include information that might identify the justice of the peace, the complainant or a witness. 2006, c. 21, Sched. B, s. 7.

Same, publication

(8)  The Review Council shall, no earlier than 15 but no later than 30 days after making the report, publish it in English and French on its website. 2019, c. 7, Sched. 36, s. 1.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 51 - 01/09/1995

[2002, c. 18, Sched. A, s. 11 (2, 3, 12)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s2) - 26/11/2002

[2006, c. 21, Sched. B, s. 7](http://www.ontario.ca/laws/statute/S06021" \l "schedbs7) - 01/01/2007; [2006, c. 35, Sched. C, s. 56 (5)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s5) - no effect - see [2006, c. 35, Sched. C, s. 56 (6)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s6) - 20/08/2007

[2019, c. 7, Sched. 36, s. 1](http://www.ontario.ca/laws/statute/S19007" \l "sched36s1) - 29/05/2019

Rules

**10** (1)  The Review Council may establish rules of procedure for complaints committees and for hearing panels and the Review Council shall make the rules available to the public. 2006, c. 21, Sched. B, s. 8.

*Legislation Act, 2006*

(2)  Part III (Regulations) of the Legislation Act, 2006 does not apply to rules established by the Review Council. 2006, c. 21, Sched. B, s. 9.

*SPPA*, s. 28

(3)  Section 28 of the Statutory Powers Procedure Act does not apply to the Review Council. 2006, c. 21, Sched. B, s. 8.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (4)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s4) - 26/11/2002

[2006, c. 21, Sched. B, s. 8](http://www.ontario.ca/laws/statute/S06021" \l "schedbs8) - 01/01/2007; [2006, c. 21, Sched. B, s. 9](http://www.ontario.ca/laws/statute/S06021" \l "schedbs9) - 25/06/2007

Use of official languages of courts

**10.1**  (1)  The information provided under subsections 9 (1), (3) and (4) and any rules established under subsection 10 (1) shall be made available in English and French. 2006, c. 21, Sched. B, s. 8.

Same

(2)  Complaints against justices of the peace may be made in English or French. 2006, c. 21, Sched. B, s. 8.

Same

(3)  A hearing under section 11.1 shall be conducted in English, but a complainant or witness who speaks French or a justice of the peace who is the subject of a complaint and who speaks French is entitled, on request,

(a) to be given, before the hearing, French translations of documents that are written in English and are to be considered at the hearing;

(b) to be provided with the assistance of an interpreter at the hearing; and

(c) to be provided with simultaneous interpretation into French of the English portions of the hearing. 2006, c. 21, Sched. B, s. 8.

Bilingual hearing

(4)  The Review Council may direct that a hearing to which subsection (3) applies be conducted bilingually, if it is of the opinion that it can be properly conducted in that manner. 2006, c. 21, Sched. B, s. 8.

Part of hearing

(5)  A direction under subsection (4) may apply to a part of the hearing and, in that case, subsections (6) and (7) apply with necessary modifications. 2006, c. 21, Sched. B, s. 8.

Same

(6)  In a bilingual hearing,

(a) oral evidence and submissions may be given or made in English or French, and shall be recorded in the language in which they are given or made;

(b) documents may be filed in either language; and

(c) the reasons for a decision may be written in either language. 2006, c. 21, Sched. B, s. 8.

Same

(7)  In a bilingual hearing, if the complainant or the justice of the peace who is the subject of the complaint does not speak both languages, he or she is entitled, on request, to have simultaneous interpretation of any evidence, submissions or discussions spoken in the other language and translation of any document filed or reasons written in the other language. 2006, c. 21, Sched. B, s. 8.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 8](http://www.ontario.ca/laws/statute/S06021" \l "schedbs8) - 1/01/2007

Complaint re justice of the peace

**10.2**  (1)  Any person may make a complaint to the Review Council about the conduct of a justice of the peace. 2006, c. 21, Sched. B, s. 8.

Same

(2)  A complaint to the Review Council must be made in writing. 2006, c. 21, Sched. B, s. 8.

Same

(3)  If a complaint about the conduct of a justice of the peace is made to any other justice of the peace or to a judge or the Attorney General, the other justice of the peace or the judge or the Attorney General, as the case may be, shall provide the person making the complaint with information about the Review Council’s role in the justice system and about how a complaint may be made, and shall refer the person to the Review Council. 2006, c. 21, Sched. B, s. 8.

Information re complaint

(4)  At any person’s request, the Review Council may confirm or deny that a particular complaint has been made to it. 2006, c. 21, Sched. B, s. 8.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 8](http://www.ontario.ca/laws/statute/S06021" \l "schedbs8) - 01/01/2007

Investigations

Complaints committees

**11** (1)  As soon as possible after receiving a complaint about the conduct of a justice of the peace, the Review Council shall establish a complaints committee and the complaints committee shall investigate the complaint and dispose of the matter as provided in subsection (15). 2006, c. 21, Sched. B, s. 10.

Composition

(2)  A complaints committee shall be composed of,

(a) a judge who shall chair the complaints committee;

(b) a justice of the peace; and

(c) a member who is neither a judge nor a justice of the peace. 2006, c. 21, Sched. B, s. 10.

Timely reporting to complainant

(3)  The complaints committee shall report in a timely manner to the complainant that it has received the complaint and it shall report in a timely manner to the complainant on its disposition of the matter. 2006, c. 21, Sched. B, s. 10.

Disqualification

(4)  The members of a complaints committee who investigate a complaint shall not participate in a hearing in respect of the complaint. 2006, c. 21, Sched. B, s. 10.

Rotation of members

(5)  The eligible members of the Review Council shall all serve on complaints committees on a rotating basis. 2006, c. 21, Sched. B, s. 10.

Quorum

(6)  All the members of a complaints committee constitute a quorum. 2006, c. 21, Sched. B, s. 10.

Investigation

(7)  The complaints committee shall conduct such investigation as it considers appropriate. 2006, c. 21, Sched. B, s. 10.

Investigation private

(8)  The investigation shall be conducted in private. 2006, c. 21, Sched. B, s. 10.

Powers of complaints committee

(9)  Section 4.2, subsections 12 (1) to (3.1) and sections 13, 14, 15 and 22 of the Statutory Powers Procedure Act apply to the activities of a complaints committee. 2006, c. 21, Sched. B, s. 10.

Rules of procedure

(10)  The rules of procedure established under subsection 10 (1) apply to the activities of a complaints committee. 2006, c. 21, Sched. B, s. 10.

Interim recommendations

(11)  The complaints committee may recommend to a regional senior judge that, until the final disposition of a complaint,

(a) the justice of the peace who is the subject of a complaint not be assigned work; or

(b) the justice of the peace who is the subject of a complaint be reassigned to another location. 2006, c. 21, Sched. B, s. 10.

Same

(12)  The recommendation shall be made to the regional senior judge appointed for the region to which the justice of the peace is assigned and the regional senior judge may,

(a) decide to not assign work to the justice of the peace until the final disposition of the complaint but he or she shall continue to be paid; or

(b) with the consent of the justice of the peace, reassign him or her to another location until the final disposition of the complaint. 2006, c. 21, Sched. B, s. 10.

Exception: certain complaints

(13)  If the complaint is against a justice of the peace or regional senior justice of the peace who is a member of the Review Council, any recommendation under subsection (11) in connection with the complaint shall be made to the Chief Justice of the Ontario Court of Justice, who may,

(a) decide to not assign work to the justice of the peace or regional senior justice of the peace until the final disposition of the complaint but he or she shall continue to be paid; or

(b) with the consent of the justice of the peace or regional senior justice of the peace, reassign him or her to another location until the final disposition of the complaint. 2006, c. 21, Sched. B, s. 10.

Same

(14)  A justice of the peace or regional senior justice of the peace who is a member of the Review Council and who is the subject of a complaint shall not be a member of any complaints committee or hearing panel until the final disposition of the complaint. 2006, c. 21, Sched. B, s. 10.

Complaints committee’s decision

(15)  When its investigation is complete, the complaints committee shall,

(a) dismiss the complaint if it is frivolous, an abuse of process or outside the jurisdiction of the complaints committee;

(b) invite the justice of the peace to attend before the complaints committee to receive advice concerning the issues raised in the complaint or send the justice of the peace a letter of advice concerning the issues raised in the complaint, or both;

(c) order that a formal hearing into the complaint be held by a hearing panel; or

(d) refer the complaint to the Chief Justice of the Ontario Court of Justice. 2006, c. 21, Sched. B, s. 10.

Compensation

(16)  The complaints committee may recommend that the justice of the peace be compensated for all or part of the cost of legal services incurred in connection with the investigation. 2006, c. 21, Sched. B, s. 10.

Exception

(16.1)  Subsection (16) does not apply if the complaints committee orders a formal hearing. 2020, c. 11, Sched. 12, s. 1.

Maximum

(17)  The amount of compensation recommended under subsection (16) shall be based on a rate for legal services that does not exceed the maximum rate normally paid by the Government of Ontario for similar services. 2006, c. 21, Sched. B, s. 10.

Report

(18)  The complaints committee shall report to the Review Council on its decision and, except where it orders a formal hearing, it shall not identify the complainant or the justice of the peace who is the subject of the complaint in the report. 2006, c. 21, Sched. B, s. 10.

Frivolous complaints, etc.

(19)  Without restricting the powers of a complaints committee under clause (15) (a), a complaints committee may dismiss a complaint at any time if it is of the opinion that the complaint is frivolous, an abuse of process or outside the jurisdiction of the complaints committee. 2006, c. 21, Sched. B, s. 10.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 52 - 1/09/1995

[2002, c. 18, Sched. A, s. 11 (12)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s12) - 26/11/2002

[2006, c. 21, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S06021" \l "schedbs10) - 01/01/2007

[2020, c. 11, Sched. 12, s. 1](http://www.ontario.ca/laws/statute/S20011" \l "sched12s1) - 08/07/2020

Hearings

Hearing panels

**11.1**  (1)  When a hearing is ordered under subsection 11 (15), the chair of the Review Council shall establish a hearing panel from among the members of the Review Council to hold a hearing in accordance with this section. 2006, c. 21, Sched. B, s. 10.

Composition

(2)  A hearing panel shall be composed of,

(a) a judge who shall chair the panel;

(b) a justice of the peace; and

(c) a member who is a judge, a lawyer or a member of the public. 2006, c. 21, Sched. B, s. 10.

Quorum

(3)  All the members of the panel constitute a quorum. 2006, c. 21, Sched. B, s. 10.

Application of *SPPA*

(4)  The Statutory Powers Procedure Act, except sections 4 and 28, applies to the hearing. 2006, c. 21, Sched. B, s. 10.

Rules of procedure

(5)  The rules of procedure established under subsection 10 (1) apply to the hearing. 2006, c. 21, Sched. B, s. 10.

Communication re subject-matter of hearing

(6)  The members of the panel participating in the hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any party, counsel, agent or other person, unless all the parties and their counsel or agents receive notice and have an opportunity to participate. 2006, c. 21, Sched. B, s. 10.

Exception

(7)  Subsection (6) does not preclude the Review Council from engaging counsel to assist the panel in accordance with subsection 8 (15). 2006, c. 21, Sched. B, s. 10.

Parties

(8)  The panel shall determine who are the parties to the hearing. 2006, c. 21, Sched. B, s. 10.

Orders prohibiting publication

(9)  If the complaint involves allegations of sexual misconduct or sexual harassment, the panel shall, at the request of a complainant or of a witness who testifies to having been the victim of such conduct by the justice of the peace, prohibit the publication of information that might identify the complainant or witness, as the case may be. 2006, c. 21, Sched. B, s. 10.

Dispositions

(10)  After completing the hearing, the panel may dismiss the complaint, with or without a finding that it is unfounded or, if it upholds the complaint, it may,

(a) warn the justice of the peace;

(b) reprimand the justice of the peace;

(c) order the justice of the peace to apologize to the complainant or to any other person;

(d) order that the justice of the peace take specified measures, such as receiving education or treatment, as a condition of continuing to sit as a justice of the peace;

(e) suspend the justice of the peace with pay, for any period;

(f) suspend the justice of the peace without pay, but with benefits, for a period up to 30 days; or

(g) recommend to the Attorney General that the justice of the peace be removed from office in accordance with section 11.2. 2006, c. 21, Sched. B, s. 10.

Same

(11)  The panel may adopt any combination of the dispositions set out in clauses (10) (a) to (f). 2006, c. 21, Sched. B, s. 10.

Disability

(12)  If the panel finds that the justice of the peace is unable, because of a disability, to perform the essential duties of the office, but would be able to perform them if his or her needs were accommodated, it shall order that the justice of the peace’s needs be accommodated to the extent necessary to enable him or her to perform those duties. 2006, c. 21, Sched. B, s. 10.

Application of subs. (12)

(13)  Subsection (12) applies if,

(a) the effect of the disability on the justice of the peace’s performance of the essential duties of the office was a factor in the complaint; and

(b) the panel dismisses the complaint or makes a disposition under clauses (10) (a) to (f). 2006, c. 21, Sched. B, s. 10.

Undue hardship

(14)  Subsection (12) does not apply if the panel is satisfied that making an order would impose undue hardship on the person responsible for accommodating the justice of the peace’s needs, considering the cost, outside sources of funding, if any, and health and safety requirements, if any. 2006, c. 21, Sched. B, s. 10.

Opportunity to participate

(15)  The panel shall not make an order under subsection (12) against a person without ensuring that the person has had an opportunity to participate and make submissions. 2006, c. 21, Sched. B, s. 10.

Crown bound

(16)  An order made under subsection (12) binds the Crown. 2006, c. 21, Sched. B, s. 10.

Compensation

(17)  The panel shall consider whether the justice of the peace should be compensated for all or part of the cost of legal services incurred in connection with all the steps taken under section 11 and this section in relation to the complaint. 2020, c. 11, Sched. 12, s. 2 (1).

Recommendation

(17.1)  If the panel is of the opinion that the justice of the peace should be compensated, the panel shall make a recommendation to that effect, indicating the amount of compensation. 2020, c. 11, Sched. 12, s. 2 (1).

Exception

(17.2)  If the panel makes a recommendation under clause (10) (g) in relation to a complaint made on or after the day subsection 2 (1) of Schedule 12 to the Smarter and Stronger Justice Act, 2020 comes into force, subsection (17) does not apply and compensation shall not be recommended under subsection (17.1). 2020, c. 11, Sched. 12, s. 2 (1).

Maximum

(18)  The amount of compensation recommended under subsection (17.1) shall be based on a rate for legal services that does not exceed the maximum rate normally paid by the Government of Ontario for similar services. 2020, c. 11, Sched. 12, s. 2 (1).

Report to Attorney General

(19)  The panel may make a report to the Attorney General about the complaint, investigation, hearing and disposition, subject to any order made under subsection 8 (18), and the Attorney General may make the report public if of the opinion that this would be in the public interest. 2006, c. 21, Sched. B, s. 10.

Non-identification of persons

(20)  A complainant or witness at whose request an order was made under subsection (9) shall not be identified in the report. 2006, c. 21, Sched. B, s. 10.

Continuing publication ban

(21)  If an order was made under subsection (9) and the panel dismisses the complaint with a finding that it was unfounded, the justice of the peace shall not be identified in the report without his or her consent and the panel shall order that information that relates to the complaint and might identify the justice of the peace shall never be made public without his or her consent. 2006, c. 21, Sched. B, s. 10.

(22)  Repealed: 2020, c. 11, Sched. 12, s. 2 (2).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S06021" \l "schedbs10) - 01/01/2007

[2020, c. 11, Sched. 12, s. 2 (1, 2)](http://www.ontario.ca/laws/statute/S20011" \l "sched12s2s1) - 08/07/2020

Removal from office

**11.2**  (1)  A justice of the peace may be removed from office only by order of the Lieutenant Governor in Council. 2006, c. 21, Sched. B, s. 10.

Removal for cause

(2)  The order may be made only if,

(a) a complaint about the justice of the peace has been made to the Review Council; and

(b) a hearing panel, after a hearing under section 11.1, recommends to the Attorney General that the justice of the peace be removed on the ground that he or she has become incapacitated or disabled from the due execution of his or her office by reason of,

(i) inability, because of a disability, to perform the essential duties of his or her office, if an order to accommodate the justice of the peace’s needs would not remedy the inability, or could not be made because it would impose undue hardship on the person responsible for meeting those needs, or was made but did not remedy the inability,

(ii) conduct that is incompatible with the due execution of his or her office, or

(iii) failure to perform the duties of his or her office. 2006, c. 21, Sched. B, s. 10.

Order to be tabled

(3)  The order shall be laid before the Legislative Assembly if it is in session or, if not, within 15 days after the commencement of the next session. 2006, c. 21, Sched. B, s. 10.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 10](http://www.ontario.ca/laws/statute/S06021" \l "schedbs10) - 01/01/2007

Associate Chief Justice Co-ordinator of Justices of the Peace

**12** The Associate Chief Justice Co-ordinator of Justices of the Peace, under the direction of the Chief Justice of the Ontario Court of Justice shall advise and assist the Chief Justice on all matters related to justices of the peace. 2006, c. 21, Sched. B, s. 11.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 53 - 1/09/1995

[2006, c. 21, Sched. B, s. 11](http://www.ontario.ca/laws/statute/S06021" \l "schedbs11) - 01/01/2007

Standards of conduct

**13** (1)  The Associate Chief Justice Co-ordinator of Justices of the Peace may establish standards of conduct for justices of the peace, including a plan for bringing the standards into effect, and shall implement the standards and plan when they have been reviewed and approved by the Review Council. 2006, c. 21, Sched. B, s. 12.

Duty of Associate Chief Justice Co-ordinator of Justices of the Peace

(2)  The Associate Chief Justice Co-ordinator of Justices of the Peace shall ensure that any standards of conduct are made available to the public, in English and French, when they have been approved by the Review Council. 2006, c. 21, Sched. B, s. 12.

Goals

(3)  The following are among the goals that the Associate Chief Justice Co-ordinator of Justices of the Peace may seek to achieve by establishing standards of conduct for justices of the peace:

1. Recognizing the independence of justices of the peace.

2. Maintaining the high quality of the justice system and ensuring the efficient administration of justice.

3. Enhancing equality and a sense of inclusiveness in the justice system.

4. Ensuring that conduct of justices of the peace is consistent with the respect accorded to them.

5. Emphasizing the need to ensure the on-going development of justices of the peace and the growth of their social awareness through continuing education. 2006, c. 21, Sched. B, s. 12.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 54 - 01/09/1995

[2002, c. 18, Sched. A, s. 11 (5, 12)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s5) - 26/11/2002

[2006, c. 21, Sched. B, s. 12](http://www.ontario.ca/laws/statute/S06021" \l "schedbs12) - 01/01/2007

Justice’s resignation, etc., inability or failure to give decision

Decision after resignation, etc.

**13.1**  (1)  A justice of the peace may give a decision or participate in the giving of a decision in any matter previously tried or heard before the justice of the peace within 90 days after,

(a) resigning;

(b) being appointed toa court; or

(c) retiring and ceasing to continue in office. 2009, c. 33, Sched. 2, s. 39 (7).

Inability to give decision

(2)  If a justice of the peace has commenced hearing a matter and,

(a) dies without giving a decision;

(b) is for any reason unable to make a decision; or

(c) does not give a decision under subsection (1),

a party may make a motion to the Chief Justice of the Ontario Court of Justice for an order that the matter be reheard, and the Chief Justice may order that the matter be reheard by another justice of the peace or by a judge. 2006, c. 21, Sched. B, s. 12.

Failure to give decision

(3)  If a justice of the peace has heard a matter and fails to give a decision,

(a) in the case of a judgment, within six months; or

(b) in any other case, within three months,

the Chief Justice of the Ontario Court of Justice may extend the time in which the decision may be given and, if necessary, relieve the justice of the peace of his or her other duties until the decision is given. 2006, c. 21, Sched. B, s. 12.

Continued failure

(4)  If time has been extended under subsection (3) but the justice of the peace fails to give the decision within that time, unless the Chief Justice of the Ontario Court of Justice grants a further extension,

(a) the Chief Justice shall report the failure and the surrounding circumstances to the Review Council as a complaint in accordance with section 10.2; and

(b) a party may make a motion to the Chief Justice for an order that the matter be reheard, and the Chief Justice may order that the matter be reheard by another justice of the peace or by a judge. 2006, c. 21, Sched. B, s. 12.

Rehearing

(5)  If the Chief Justice of the Ontario Court of Justice makes an order under subsection (2) or clause (4) (b) for the rehearing of a matter, he or she,

(a) may direct that the rehearing be conducted on the transcript of evidence taken at the original hearing, subject to the discretion of the justice of the peace or judge presiding at the rehearing to recall a witness or require further evidence; and

(b) may give such other directions as are considered just. 2006, c. 21, Sched. B, s. 12.

Delegation

(6)  The Chief Justice of the Ontario Court of Justice may delegate the authority to exercise his or her functions under subsections (2) to (5) with respect to justices of the peace in a region to the regional senior judge or the regional senior justice of the peace of the region. 2017, c. 20, Sched. 2, s. 36.

Appointment to a court

(7)  This section does not apply in the event that a justice of the peace is appointed to a court during a trial held under the Provincial Offences Act. 2019, c. 7, Sched. 36, s. 2.

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 12](http://www.ontario.ca/laws/statute/S06021" \l "schedbs12) - 01/01/2007

[2009, c. 33, Sched. 2, s. 39 (7)](http://www.ontario.ca/laws/statute/S09033" \l "sched2s39s7) - 01/07/2016

[2017, c. 20, Sched. 2, s. 36](http://www.ontario.ca/laws/statute/S17020" \l "sched2s36) - 14/11/2017

[2019, c. 7, Sched. 36, s. 2](http://www.ontario.ca/laws/statute/S19007" \l "sched36s2) - 29/05/2019

Continuing education

**14** (1)  The Associate Chief Justice Co-ordinator of Justices of the Peace shall establish a plan for the continuing education of justices of the peace, and shall implement the plan when it has been reviewed and approved by the Review Council. 2002, c. 18, Sched. A, s. 11 (6).

Consultation

(2)  In establishing the plan for continuing education, the Associate Chief Justice Co-ordinator of Justices of the Peace shall consult with justices of the peace and with such other persons as he or she considers appropriate. 2002, c. 18, Sched. A, s. 11 (6).

Plan to be made public

(3)  The Associate Chief Justice Co-ordinator of Justices of the Peace shall ensure that the plan for continuing education is made available to the public, in English and French, when it has been approved by the Review Council. 2002, c. 18, Sched. A, s. 11 (6).

Establishment of courses

(4)  The Associate Chief Justice Co-ordinator of Justices of the Peace may establish courses for newly appointed justices of the peace and for the continuing education of justices of the peace, which may include courses respecting,

(a) sexual assault law;

(b) intimate partner violence;

(c) coercive control in intimate partner and family relationships; and

(d) social context, which includes systemic racism and systemic discrimination. 2023, c. 12, Sched. 5, s. 2.

Courses re sexual assault and intimate partner violence, consultation

(5)  The Associate Chief Justice Co-ordinator of Justices of the Peace may, in establishing courses respecting matters mentioned in clauses (4) (a) to (d), consult with such persons, groups and organizations as the Associate Chief Justice Co-ordinator of Justices of the Peace considers appropriate, which may include survivors of sexual assault, survivors of intimate partner violence and persons, groups and organizations that support these survivors, including Indigenous leaders and representatives of Indigenous communities. 2023, c. 12, Sched. 5, s. 2.

Designated courses

(6)  The Associate Chief Justice Co-ordinator of Justices of the Peace may designate courses, including courses established under subsection (4), for newly appointed justices of the peace. 2023, c. 12, Sched. 5, s. 2.

Report

(7)  No later than February 28 in each year, the Associate Chief Justice Co-ordinator of Justices of the Peace shall submit to the Attorney General a report setting out the following information:

1. The title, duration and dates of each course established by the Associate Chief Justice Co-ordinator of Justices of the Peace respecting matters mentioned in clauses (4) (a) to (d) that was offered to justices of the peace during the previous calendar year.

2. A description of the topics covered in each course.

3. The number of justices of the peace who attended each course. 2023, c. 12, Sched. 5, s. 2.

Tabling of report

(8)  The Attorney General shall cause a copy of a report submitted under subsection (7) to be tabled in the Legislative Assembly on any of the first 10 days on which that House is sitting after the Attorney General receives the report. 2023, c. 12, Sched. 5, s. 2.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (6)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s6) - 26/11/2002

[2023, c. 12, Sched. 5, s. 2](http://www.ontario.ca/laws/statute/S23012" \l "sched5s2) - 08/06/2023

Role of regional senior judges

**15** (1)  The regional senior judge, under the direction of the Chief Justice of the Ontario Court of Justice, shall direct and supervise the sittings of the justices of the peace in his or her region and the assignment of their judicial duties, and the authority of the regional senior judge shall include,

(a) the approval of duty rosters;

(b) the determination of the sittings for justices of the peace and the assignment of justices of the peace to those sittings;

(c) the assignment of cases and other judicial duties to individual justices of the peace;

(d) the determination of sitting schedules and places of sittings for individual justices of the peace; and

(e) the preparation of trial lists and the assignment of court rooms, to the extent necessary to control the determination of who is assigned to hear particular cases. 2006, c. 21, Sched. B, s. 13.

Dedicated justices

(2)  In exercising his or her functions under subsection (1), the regional senior judge may temporarily assign a per diem justice of the peace to do exclusively one of the following:

1. Hear matters under the Provincial Offences Act.

2. Hear matters under one or more other Ontario Acts specified by the regional senior judge.

3. Hear matters under an Act of the Parliament of Canada.

4. Carry out other judicial duties specified by the regional senior judge. 2006, c. 21, Sched. B, s. 13.

Delegation

(3)  A regional senior judge of the Ontario Court of Justice may delegate the authority to exercise specified functions under subsections (1) and (2) to the regional senior justice of the peace and to one or more other justices of the peace from the same region. 2006, c. 21, Sched. B, s. 13.

Transfer to a judge

(4)  In the case of a trial that would otherwise be held before a justice of the peace, any party may submit a request to the regional senior judge of the Ontario Court of Justice for the region to have the trial held before a judge, and the regional senior judge shall determine whether the matter shall be heard by a judge. 2006, c. 21, Sched. B, s. 13.

Delegation

(5)  A regional senior judge of the Ontario Court of Justice may delegate the authority to exercise his or her functions under subsection (4) to a judge of the Ontario Court of Justice. 2006, c. 21, Sched. B, s. 13.

Final decision

(6)  A decision made by a regional senior judge or his or her delegate under subsection (4) is final. 2006, c. 21, Sched. B, s. 13.

Crown rights under other Acts

(7)  Nothing in this section affects the rights of the Crown, the Attorney General or a counsel or agent of either of them, under any other Act, to require that a provincial judge preside over a proceeding in respect of an offence under that Act. 2006, c. 21, Sched. B, s. 13.

Duties outside court house

(8)  A justice of the peace shall not act as a justice of the peace outside a courthouse except under the direction of the regional senior judge. 2006, c. 21, Sched. B, s. 13.

Duty rosters public

(9)  The duty rosters shall be made available to the public. 2006, c. 21, Sched. B, s. 13.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (7)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s7) - 26/11/2002

[2006, c. 21, Sched. B, s. 13](http://www.ontario.ca/laws/statute/S06021" \l "schedbs13) - 03/11/2006

Regional senior justices of the peace

**16** (1)  The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a regional senior justice of the peace for each region. 2006, c. 21, Sched. B, s. 14.

Consultation

(2)  Before recommending an appointment under subsection (1), the Attorney General shall consult with the Chief Justice of the Ontario Court of Justice. 2006, c. 21, Sched. B, s. 14.

Functions

(3)  A regional senior justice of the peace shall advise and assist the Associate Chief Justice Co-ordinator of Justices of the Peace and the regional senior judge in all matters pertaining to justices of the peace. 2006, c. 21, Sched. B, s. 14.

Terms of office

(4)  Regional senior justices of the peace each hold office for three years. 2006, c. 21, Sched. B, s. 14.

Further appointment

(5)  A regional senior justice of the peace may be reappointed once, for a further term of three years, on the recommendation of the Chief Justice of the Ontario Court of Justice and, if the Chief Justice so recommends, the Lieutenant Governor in Council shall reappoint the regional senior justice of the peace. 2006, c. 21, Sched. B, s. 14.

Salary at end of term

(6)  A regional senior justice of the peace whose term expires continues to be a justice of the peace and is entitled to receive the greater of the current annual salary of a justice of the peace and the annual salary he or she received immediately before the expiry. 2006, c. 21, Sched. B, s. 14.

(7)  Repealed: 2017, c. 2, Sched. 2, s. 24.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (7)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s7) - 26/11/2002

[2006, c. 21, Sched. B, s. 14](http://www.ontario.ca/laws/statute/S06021" \l "schedbs14) - 01/01/2007

[2017, c. 2, Sched. 2, s. 24](https://www.ontario.ca/laws/statute/s17002) - 22/03/2017

Jurisdiction of justices

**17** (1)  Justices of the peace have jurisdiction throughout Ontario. R.S.O. 1990, c. J.4, s. 17 (1).

(2)  Repealed: 2006, c. 21, Sched. B, s. 15.

Justices to assist public

(3)  Justices of the peace shall assist members of the public, at their request, in formulating informations in respect of offences. R.S.O. 1990, c. J.4, s. 17 (3).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (8)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s8) - 26/11/2002

[2006, c. 21, Sched. B, s. 15](http://www.ontario.ca/laws/statute/S06021" \l "schedbs15) - 03/11/2006

Salary of part-time justices

**18** The salary to which a part-time justice of the peace is entitled shall be based on the justice’s workload, as determined by the Associate Chief Justice Co-ordinator of Justices of the Peace, and shall be calculated in accordance with the regulations. 1994, c. 12, s. 55; 2002, c. 18, Sched. A, s. 11 (12); 2006, c. 21, Sched. B, s. 16.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 55 - 01/09/1995

[2002, c. 18, Sched. A, s. 11 (12)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s12) - 26/11/2002

[2006, c. 21, Sched. B, s. 16](http://www.ontario.ca/laws/statute/S06021" \l "schedbs16) - 03/11/2006

Other work

**19** A justice of the peace shall not engage in any other remunerative work without the approval of the Review Council. 2006, c. 21, Sched. B, s. 17.

**Section Amendments with date in force (d/m/y)**

1994, c. 12, s. 56 (1, 2) - 01/09/1995

[2002, c. 18, Sched. A, s. 11 (12)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s12) - 26/11/2002

[2006, c. 21, Sched. B, s. 17](http://www.ontario.ca/laws/statute/S06021" \l "schedbs17) - 01/01/2007

Immunity from liability

**20** A justice of the peace has the same immunity from liability as a judge of the Superior Court of Justice. R.S.O. 1990, c. J.4, s. 20; 2002, c. 18, Sched. A, s. 11 (13).

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (13)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s13) - 26/11/2002

Regulations

**21** (1)  The Lieutenant Governor in Council may make regulations,

(a) providing for the remuneration of per diem justices of the peace;

(b) Repealed: 2006, c. 21, Sched. B, s. 18 (1).

(c) prescribing the salaries of full-time justices of the peace and prescribing the manner in which the salaries of part-time justices of the peace shall be calculated, including the factors to be taken into account and the method of calculation to be used;

(d) providing for the benefits to which full-time and part-time justices of the peace are entitled;

(e) providing for the payment of additional compensation to full-time and part-time justices of the peace for special assignments.

(f) Repealed: 2006, c. 21, Sched. B, s. 18 (1).

R.S.O. 1990, c. J.4, s. 21 (1); 2006, c. 21, Sched. B, s. 18 (1).

Classes

(2)  A regulation made under clause (1) (c) or (d) may prescribe classes of full-time and part-time justices of the peace for the purpose of salaries and benefits. R.S.O. 1990, c. J.4, s. 21 (2).

(3)  Repealed: 2006, c. 21, Sched. B, s. 18 (2).

Contributions

(4)  A regulation made under clause (1) (d) may require justices of the peace to contribute from their salaries part of the cost of a benefit and may fix the amount of the contributions. R.S.O. 1990, c. J.4, s. 21 (4).

Benefits

(5)  A regulation made under clause (1) (d) may provide that justices of the peace whose salaries are less than prescribed amounts are not entitled to prescribed benefits. R.S.O. 1990, c. J.4, s. 21 (5).

Territorial limitations

(6)  A regulation made under clause (1) (e) may be limited territorially. R.S.O. 1990, c. J.4, s. 21 (6).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. B, s. 18 (1, 2)](http://www.ontario.ca/laws/statute/S06021" \l "schedbs18s1) - 03/11/2006; [2006, c. 35, Sched. C, s. 56 (7)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s7) - no effect - see [2006, c. 35, Sched. C, s. 56 (8)](http://www.ontario.ca/laws/statute/S06035" \l "schedcs56s8) - 20/08/2007

Remuneration of justices of the peace

**21.1**  (1)  Justices of the peace are entitled to receive the remuneration determined by the Lieutenant Governor in Council. 1999, c. 12, Sched. B, s. 12 (2).

Commission

(2)  The Lieutenant Governor in Council shall establish a commission to be known in English as the Justices of the Peace Remuneration Commission and in French as Commission de rémunération des juges de paix to make recommendations with respect to the remuneration of justices of the peace. 1999, c. 12, Sched. B, s. 12 (2).

Regulations

(3)  The Lieutenant Governor in Council may make regulations,

(a) respecting the Justices of the Peace Remuneration Commission;

(b) defining “remuneration” for the purposes of this section;

(c) specifying the criteria to be used by the Justices of the Peace Remuneration Commission in developing recommendations;

(d) respecting the Lieutenant Governor in Council’s consideration of and response to recommendations of the Justices of the Peace Remuneration Commission. 1999, c. 12, Sched. B, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

1999, c. 12, Sched. B, s. 12 (2) - 22/12/1999

**22** Repealed: 2006, c. 21, Sched. B, s. 19.

**Section Amendments with date in force (d/m/y)**

[2002, c. 18, Sched. A, s. 11 (9-11)](http://www.ontario.ca/laws/statute/S02018" \l "schedas11s9) - 26/11/2002

[2006, c. 21, Sched. B, s. 19](http://www.ontario.ca/laws/statute/S06021" \l "schedbs19) - 03/11/2006

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