

COURT COURT OF QUEEN'S BENCH OF ALBERTA

CENTRE JUDICIAL CENTRE OF EDMONTON

DOCUMENT MASTER ORDER #3
RELATING TO COURT'S RESPONSE TO THE COVID-19 VIRUS

ADDRESS FOR SERVICE Clerk of the Court of Queen's Bench of Alberta
AND CONTACT Judicial District of Edmonton
INFORMATION OF THE Law Courts Building, 1A Sir Winston Churchill Square
PARTY FILING THIS Edmonton, Alberta T5J 0R2
DOCUMENT

DATE ON WHICH ORDER WAS PRONOUNCED: April 21, 2020

LOCATION WHERE ORDER WAS PRONOUNCED: Edmonton Alberta

NAME OF JUSTICE WHO MADE THIS ORDER: Chief Justice M.T. Moreau

UPON the COURT'S own motion;

AND UPON it appearing that the WORLD HEALTH ORGANIZATION (WHO) has declared COVID-19 (also known as the "novel coronavirus") a public health emergency as an international pandemic;

AND UPON the Government of Alberta having declared a state of Public Health Emergency on March 17, 2020;

AND UPON it appearing that agencies of the Governments of Canada (CANADA) and Alberta (ALBERTA) have issued public health recommendations and directives, under their legislation and powers, in response to COVID-19, including restricted travel and periods of self-isolation in certain circumstances;

AND UPON the COURT determining that, in these exceptional circumstances, it must continue to alter its operations, policies and procedures in exercising its statutory, regulatory or inherent jurisdiction in face of and during the emergency arising from this international pandemic of COVID-19, with a view to helping to contain or prevent the spread of COVID-19 and minimizing the risk to, and taking reasonable steps to protect, the health and safety of persons working in or attending the Court in balance with maintaining, as much as possible, access to justice within the Court, under the rule of law;

AND UPON IT APPEARING that accused persons listed on the arraignment lists and detention review lists ("the Lists") in each of the Judicial Centres in which the Court of Queen's Bench holds sittings throughout

Alberta are required to appear before this Honourable Court on the dates and at the times set out in the Lists;

AND UPON IT APPEARING that pursuant to s. 715.23(1) of the *Criminal Code*, the Court may order the accused to appear by audioconference or videoconference if the Court considers it would be appropriate after considering all of the circumstances;

AND UPON it appearing that pursuant to s. 485(1.1) of the *Criminal Code*, jurisdiction over an accused is not lost if an accused does not appear personally, as long as the accused was permitted to appear remotely by a provision of the *Criminal Code* or a rule made under ss. 482 or 482.1;

AND UPON it appearing that this MASTER ORDER is necessary, in the exceptional circumstances of this emergency situation, for the proper administration of justice within the Court's jurisdiction within Alberta;

AND UPON the authority of the Court, pursuant to, *inter alia*: the *Court of Queen's Bench Act*, RSA 2000, c. C-31, including, but not limited to, s. 22; *Criminal Code*, RSC 1985, as amended, c. C-46 (CC), including, but not limited to, ss. 474, 485, 571, 645, 669.1, 715.23 and 824; *Alberta Rules of Court*, AR 124/10, as amended, including, but not limited to, Rules 1.3, 1.4, 1.8, 3.2 - 3, 3.26, 6.10 and 13.5; and the COURT'S inherent jurisdiction, under the authority of the *Judicature Act*, RSA 2000, c. J-2, including, but not limited to, ss. 2 and 5, and at common law;

IT IS HEREBY ORDERED THAT:

1. This Master Order replaces Master Order #1 of March 15, 2020 and Amended Master Order #2 of March 20, 2020 which are no longer in force or effect. This Master Order shall remain in full force and effect until further Order of the Court.
2. All Court of Queen's Bench of Alberta Orders received via email or fax have the same force and effect as if they contain an original signature.
3. The requirement to gown for an appearance at the Court is suspended. Counsel and parties are expected to dress in appropriate business attire.

Criminal Matters

4. All criminal matters, where the accused is not in custody, coming for hearing from March 16, 2020 to May 31, 2020, unless otherwise specified by a Justice presiding in an individual court proceeding, are adjourned to the locations and dates set out in Appendix A to this Order, with a warrant to hold in each case to the date set out in Appendix A. Subject to paragraph 7 of this Order, if the hearing date has been pre-booked by counsel, no appearance at the location and date set out in Appendix A will be required, and the warrant to hold shall continue until the pre-booked hearing date.

5. Where a designation of counsel has been filed, and upon the attendance of counsel at the location and on the date set out in Appendix A, the warrant to hold may then be canceled.
6. Where a designation of counsel has been filed, and the matter is proceeding by direct indictment, counsel may pre-book a hearing date but will be required to attend at the location and on the date set out in Appendix A to confirm the pre-booked hearing date, and the warrant to hold shall continue until the pre-booked hearing date.
7. In cases where no designation of counsel has been filed, the appearance of the accused at the location and on the date set out in Appendix A will be required, and the warrant to hold may then be canceled.
8. Weekly arraignments will continue for accused in custody at the locations designated in Appendix B. Unless otherwise specified by a Justice presiding in an individual court proceeding, all matters involving an accused in custody and set for hearing from March 16, 2020 to May 31, 2020 are further adjourned to the arraignment court dates and locations set out in Appendix A, with a warrant to hold in each case until their next appearance date in arraignment court.
9. For all criminal matters where the accused is in custody, the Directors of correctional facilities or pre-trial detention centres in which an accused is held who is required to appear for Arraignment or a Detention Review and whose case has not been marked "PRE-BOOKED", are authorized and directed to arrange for the appearance of the accused before the Court of Queen's Bench of Alberta by CCTV at the arraignment sittings and detention review hearings in the locations set out in Appendix B, to be dealt with according to law. If CCTV is not available in the correctional facility or pre-trial detention centre in which an accused is housed, arrangements shall be made for the accused to appear by audioconference.
10. Criminal jury selections and criminal jury trials scheduled to proceed between June 1, 2020 to September 7, 2020, for all in custody and out of custody accused are adjourned to the locations and dates set out in Appendix C, with a warrant to hold in each case until their next appearance date in arraignment court. Where a designation of counsel has been filed and the matter is not proceeding by direct indictment, if the hearing date has been pre-booked by counsel, no appearance at the location and date set out in Appendix C will be required, and the warrant to hold shall continue until the pre-booked hearing date. Where a designation of counsel has been filed and the matter is proceeding by direct indictment, counsel may pre-book a hearing date but will be required to attend at the location and on the date set out in Appendix C to confirm the pre-booked hearing date, and the warrant to hold shall continue until the pre-booked hearing date. Where no designation of counsel has been filed, the appearance of the accused at the location and on the date set out in Appendix C will be required, and the warrant to hold may then be canceled.

Civil and Family Matters

11. All civil and family matters scheduled for hearing from March 16, 2020 to May 31, 2020 are adjourned *sine die*, unless otherwise directed by the Court.
12. All filing deadlines under the *Alberta Rules of Court*, including Rule 13.41(4) are suspended until May 31, 2020, with the exception of those Rules applicable to the commencement of proceedings, including originating applications.
13. The Court will hear only emergency and urgent matters as set out in Appendix D to this Order, unless otherwise directed by the Court in future Notices to the Profession and Public and Announcements. The Court has a discretion to hear matters other than those listed, and to decline to hear a matter listed.
14. Parties and/or Counsel who believe that their matter is an emergency or is urgent are directed not to attend at the courthouse. Parties and/or Counsel who believe that their matter is an emergency or is urgent are directed to submit a request through the online Emergency/Urgent hearing request form at the following link: <https://www.albertacourts.ca/qb/court-operations-schedules/urgent>.
15. Parties and/or Counsel who do not have access to the Court's online link for Emergency/Urgent hearings may contact the Court by telephone as follows:

Calgary, Drumheller, Grande Prairie: 403.297.6267

Edmonton, St. Paul, Hinton, Peace River, Fort McMurray, High Level: 780.427.0629

Red Deer, Wetaskiwin: 403.340.7908

Lethbridge, Medicine Hat: 403.382.4156



Chief Justice M.T. Moreau
Court of Queen's Bench of Alberta

APPENDIX A

Regional Criminal Appearance Court Adjournment Guidelines				
All OUT OF CUSTODY Matters				
Hearing location does NOT change, however the Justice will be appearing remotely				
RED DEER				
Original CAC Date	Original CAC Location		NEW CAC Date	NEW CAC Location
April 6, 2020	Red Deer	-	June 1, 2020	Red Deer
May 4, 2020	Red Deer		July 6, 2020	Red Deer

WETASKIWIN				
Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
March 31, 2020	Wetaskiwin	-	June 1, 2020	Red Deer
April 7, 2020	Wetaskiwin	-	June 1, 2020	Red Deer
April 14, 2020	Wetaskiwin	-	July 6, 2020	Red Deer
April 21, 2020	Wetaskiwin	-	July 6, 2020	Red Deer
April 28, 2020	Wetaskiwin	-	July 6, 2020	Red Deer
May 5, 2020	Wetaskiwin		August 10, 2020	Red Deer
May 12, 2020	Wetaskiwin		August 10, 2020	Red Deer
May 19, 2020	Wetaskiwin		August 10, 2020	Red Deer

LETHBRIDGE				
Original CAC Date	Original CAC Location		NEW CAC Date	NEW CAC Location
April 27, 2020	Lethbridge	-	June 22, 2020	Lethbridge
May 11, 2020	Lethbridge		July 20, 2020	Lethbridge

MEDICINE HAT				
Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
April 17, 2020	Medicine Hat	-	June 8, 2020	Lethbridge
May 15, 2020	Medicine Hat		July 27, 2020	Lethbridge

DRUMHELLER				
Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
April 2, 2020	Drumheller	-	June 12, 2020	Calgary
April 30, 2020	Drumheller	-	June 19, 2020	Calgary

GRANDE PRAIRIE				
Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:

April 6, 2020	Grande Prairie	-	June 19, 2020	Calgary
April 20, 2020	Grande Prairie	-	June 26, 2020	Calgary
May 4, 2020	Grande Prairie		July 17, 2020	Calgary
May 19, 2020	Grande Prairie		July 31, 2020	Calgary

ST. PAUL

Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
March 30, 2020	St. Paul	-	June 12, 2020	Edmonton
April 6, 2020	St. Paul	-	June 26, 2020	Edmonton
April 27, 2020	St. Paul	-	July 3, 2020	Edmonton
May 4, 2020	St. Paul		July 17, 2020	Edmonton
May 11, 2020	St. Paul		August 14, 2020	Edmonton

HINTON

Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
March 30, 2020	Hinton	-	June 19, 2020	Edmonton
May 4, 2020	Hinton		July 31, 2020	Edmonton

PEACE RIVER

Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
April 20, 2020	Peace River	-	June 26, 2020	Edmonton
April 27, 2020	Peace River	-	July 3, 2020	Edmonton
May 11, 2020	Peace River		August 28, 2020	Edmonton

FORT McMURRAY

Original CAC Date	Original CAC Location		NEW CAC Date	Justice Appearing Remotely From:
March 31, 2020	Fort McMurray	-	June 19, 2020	Edmonton
April 15, 2020	Fort McMurray	-	June 26, 2020	Edmonton
April 21, 2020	Fort McMurray	-	July 3, 2020	Edmonton
May 5, 2020	Fort McMurray		July 17, 2020	Edmonton
May 20, 2020	Fort McMurray		July 31, 2020	Edmonton

Edmonton Criminal Appearance Court Adjournment Guideline		
All OUT OF CUSTODY Matters		
Scheduled for the Week of:		Adjourned to QBAC on:
Weeks of March 16 & 23, 2020	-	Friday, June 12, 2020
Weeks of March 30 & April 6, 2020	-	Friday, June 19, 2020
Weeks of April 13 & 20, 2020	-	Friday, June 26, 2020
Week of April 27, 2020	-	Friday, July 3, 2020
Week of May 1, 2020		Friday, July 17, 2020
Week of May 8, 2020		Friday, July 31, 2020
Week of May 15, 2020		Friday, August 14, 2020
Week of May 22, 2020		Friday, August 28, 2020
Calgary Criminal Appearance Court Adjournment Guideline		
All OUT OF CUSTODY Matters		
Scheduled for the Week of:		Adjourned to CAC on:
Weeks of March 16 & 23, 2020	-	Friday, June 12, 2020
Weeks of March 30 & April 6, 2020	-	Friday, June 19, 2020
Weeks of April 13 & 20, 2020	-	Friday, June 26, 2020
Week of April 27, 2020	-	Thursday, July 2, 2020
Week of May 1, 2020		Friday, July 17, 2020
Week of May 8, 2020		Friday, July 31, 2020
Week of May 15, 2020		Friday, August 14, 2020
Week of May 22, 2020		Friday, August 28, 2020

APPENDIX B

Location	Hub Centre Locations for Arraignments	
Calgary, Drumheller, Grande Prairie	Calgary	Calgary Courts Centre 601 5th Street SW Calgary AB T2P 5P7
Edmonton, St. Paul, Hinton, Peace River, Fort McMurray, High Level	Edmonton	Edmonton Law Courts Law Courts 1A Sir Winston Churchill Square Edmonton AB T5J 0R2
Red Deer, Wetaskiwin	Red Deer	Red Deer Courthouse 4909 48 Ave., Red Deer, AB T4N 3T5
Lethbridge, Medicine Hat	Lethbridge	Lethbridge Court House 320 4 St., S. Lethbridge, AB T1J 1Z8

APPENDIX C

Edmonton		
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:
Weeks of June 1 & 8, 2020	-	August 14, 2020
June 15 - September 7, 2020	-	August 28, 2020
Calgary		
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:
Weeks of June 1 & 8, 2020	-	August 14, 2020
June 15 - September 7, 2020	-	August 28, 2020
Red Deer		
Original Jury Trial Commencement date/ accompanying Jury selections		Adjourned to CAC on:
June 1, 2020 - September 7, 2020	-	August 10, 2020
Lethbridge		
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:
June 1, 2020 - September 7, 2020	-	August 24, 2020

Fort McMurray			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Edmonton
St. Paul			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Edmonton
Hinton			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Edmonton
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Edmonton
Drumheller			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Calgary

Grande Prairie			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 28, 2020	Calgary
Wetaskiwin			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 10, 2020	Red Deer
Medicine Hat			
Original Criminal Jury Trial Commencement date (and accompanying Jury selections)		Adjourned to CAC on:	Justice Appearing Remotely From:
June 1, 2020 - September 7, 2020	-	August 24, 2020	Lethbridge

APPENDIX D

1. Matters of Highest Priority Requiring Immediate Attention:

Emergency matters, in which serious consequences to persons or harm to property may arise if the hearing does not proceed, or if there is a risk of loss of jurisdiction or expiration of an existing protection or restraining order, including, but not limited to:

- a) Family Matters:
 - Orders where there is a risk of violence or immediate harm to one of the parties or a child.
 - Orders where there is a risk of removal of a child from the jurisdiction.
 - Emergency Protection Order reviews.
- b) Civil Matters:
 - Orders relating to the pandemic, including quarantine orders.
 - Injunctions, where there is *prima facie* urgency, including refusal of treatment/end of life matters.
 - Civil Restraining Orders.
 - Preservation Orders.
 - Urgent Orders in the nature of *habeas corpus*, *certiorari*, *mandamus* and *prohibition*.
- c) Surrogate Matters:
 - Emergency Adult Guardianship and Trusteeship Orders, where there is a risk of harm to an individual or their property.
- d) Criminal Matters:
 - Detention and bail review Orders.
 - Wiretap, Production and related Orders.
 - Fresh arrest warrants.

2. Urgent Matters Requiring Priority Attention:

Subject to the prior approval of a Justice or Master as the case may be, matters that do not rise to the level of the first priority, but must nevertheless proceed in a timely way in the context of a reduction in Court services. These matters include, but are not limited to:

- Arraignments for in-custody accused and *Jordan*-threatened cases.
- Criminal proceedings where there is a real risk to the fair and proper adjudication of the matter due to the passage of time and where there is consent to proceed by videoconference or audioconference.
- Urgent Adult Guardianship and Trusteeship Orders.
- Urgent orders relating to parenting time, contact or communication with a child (that cannot reasonably be delayed).

- Urgent or time sensitive Commercial matters where there are immediate and significant financial consequences which may result if there is no judicial hearing.
- Urgent Surrogate Orders.
- Anton Piller or Mareva-type injunctions.
- Freezing Orders.