



SEAL

Court File Number

at _____
Court office address

Form 9: Restraining Order

Prevention of and Remedies for Human Trafficking Act, 2017

Judge (print or type name)

Date of order

Applicant

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if known)

Empty box for applicant details

Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)

Empty box for applicant lawyer details

Victim, if not the applicant

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if known)

Empty box for victim details

Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)

Empty box for victim lawyer details

Respondent(s)

Full legal name & address for service – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if known)

Empty box for respondent details

Lawyer's name & address – street & number, municipality, postal code, telephone & fax numbers and e-mail address (if any)

Empty box for respondent lawyer details

This court orders that

1. _____, born _____

a. shall not contact or communicate directly or indirectly with the following people:

except through or in the presence of counsel.

b. shall not attend at or within _____ metres of _____ at any time or for any purpose except under the following conditions:

c. shall return the following personal effects or documents belonging to the victim through counsel

- d. shall not possess, make, transmit, make available, sell, advertise or distribute any visual recording of
- e. shall return the original and any copies of any visual recording of the victim through counsel
- f. shall not possess any weapon as defined in section 2 of the *Criminal Code* (Canada) for the duration of the order from until The weapon and any related authorizations, licences or certifications shall be surrendered, disposed of, detained, stored or otherwise dealt with by
- g.

2. This order is effective immediately as of

NOTE: If made without notice, this order is not effective against the respondent until he or she is served with the order.

3. This restraining order shall remain in effect for years months until

4. A copy of this order shall be served as soon as possible on by

In support of this order,

this court heard an application made by the applicant for a restraining order under s. 4(2) of the *Prevention of and Remedies for Human Trafficking Act, 2017*.

- The application was made with notice to
- The application was made without notice to

The court determined, on reasonable grounds, that the respondent has engaged, or may engage, in the human trafficking of the victim.

The following factors were considered by the court:

- a. The respective ages of the victim and the respondent.
- b. The victim's immigration status.
- c. Whether the victim has a physical or mental disability.
- d. The nature of the relationship between the victim and the respondent.

- e. Whether the respondent is in a position of trust, power or authority in relation to the victim.
- f. The use of threats or other forms of intimidation by the respondent against the victim or a person known to the victim.
- g. The use of force by the respondent against the victim or a person known to the victim, or against another person in the victim's presence.
- h. The use of deception, fraud or other forms of coercion by the respondent in relation to the victim.
- i. The provision to the victim of alcohol or of a controlled substance, as defined in the Controlled Drugs and Substances Act (Canada), by the respondent, in order to cause or compel the victim to provide labour or services.
- j. The respondent's control, including withholding, or threatened control of the victim's access to alcohol or to a controlled substance referred to in factor i.
- k. The respondent's control or threatened control of the victim's finances, including withholding money.
- l. The respondent's control, including withholding, destruction, concealment or removal, or threatened control of any of the victim's personal effects or documents, such as a passport, driver's licence, health card or other form of identification.
- m. The possession, making, transmission, making available, selling, advertising or distribution, by the respondent, of any visual recording of the victim in which the victim is nude, is exposing his or her genital organs, anal region or breasts, or is engaged in or depicted as being engaged in explicit sexual activity. **A visual recording includes a photographic, film or video recording made by any means.**
- n. Any other relevant factors:

Date: OCT 18 2018

Add'l info: _____

Submitted by: _____

Witness: _____

Location/Phase: _____

Murdered Indigenous Women and Girls

Exhibit: National Inquiry into Missing and

Date of signature

Signature of judge or clerk of the court

NOTICE TO RESPONDENT: (name)

If this order was made without notice and you wish to oppose it, you or your lawyer must prepare a Motion (Form 6 – a blank copy is attached) to set aside or vary the order, serve a copy on the applicant, and, if the victim is not the applicant, the victim, and file a copy in the court office with an Affidavit of Service (Form 11).

NOTICE TO VICTIM, IF NOT THE APPLICANT: (name)

If this order was made without notice and you wish to oppose it, you or your lawyer must prepare a Motion (Form 6 – a blank copy is attached) to set aside or vary the order, serve a copy on the applicant and respondent, and file a copy in the court office with an Affidavit of Service (Form 11).

NOTE: This order will be registered against the person being restrained on the Canadian Police Information Centre (CPIC) Database. Disobeying this order is a criminal offence punishable by fine or imprisonment. Any police or peace officer with jurisdiction over the place where the order was disobeyed may arrest the person being restrained without a warrant in accordance with section 495 of the *Criminal Code (Canada)*.

Exhibit: National Inquiry into Missing and Murdered Indigenous Women and Girls		
Location/Phase: <u>Pants 213 St. John's</u>		
Witness: <u>Juanita Dobson</u>		
Submitted by: <u>Julian Roy</u>		
Add'l info: <u>P02-03P04P0101</u>		
Date: <u>OCT 15 2018</u>		
Initials	I/D	Entered
<input type="text" value="LJ"/>	<input type="text"/>	<input type="text" value="37"/>