

## **REQUEST FOR RESTITUTION INFORMATION SHEET**

### **What is restitution?**

Restitution is a court order which requires the offender to pay you an amount of money toward the financial loss or property damage that you suffered as a result of a crime. A restitution order may be made by the judge when the offender is sentenced for the crime.

### **How do I apply for restitution?**

You must complete the Request for Restitution form (see back page). The form sets out the available categories of restitution. The court must have information from you that clearly shows your losses or damages in order to consider your request. You are responsible for providing all necessary information (eg. bills, receipts, letters from employers, estimates) which verifies your losses or damages.

The completed form and photocopies of all supporting documents that are available at this time should be forwarded to police **immediately in order to ensure that this information is available to the court for sentencing**. Police will provide your form and supporting documents to the Crown attorney. Any additional information to support your request for restitution should be forwarded directly to the Crown office.

The Crown attorney determines whether an application for restitution will be made to the court. Applications may not be made if there is insufficient information on the form, the loss/damage amount is not readily available, or the amount of restitution requested cannot be verified. The circumstances of the offence and the offender, and the ability of the offender to pay a restitution order will also be considered when determining whether an application for restitution will be made.

### **Why must I submit the Request for Restitution form and supporting documentation to the police as soon as possible after the incident?**

The form and supporting documentation (receipts, estimates, etc.) must be available to the court early in the court proceedings since, if the accused person pleads guilty, sentencing could occur as early as the first court appearance. The Crown attorney must also give the accused person and/or the accused person's lawyer a copy of your Request for Restitution form and supporting documents.

### **What restitution may be ordered by the court as a result of a crime?**

Restitution may be ordered for damage or loss to your property; for financial loss or expenses due to a physical injury; where the victim of the offence shares a household with the offender, the actual expenses for moving out of the offender's household for temporary housing, food, child care and transportation; for losses incurred by unknowingly purchasing stolen property or lending money on stolen property.

### **What happens after the court has ordered restitution for me?**

If restitution has been ordered by the court as part of a probation order or a conditional sentence order, a copy of the order will be sent to you by the court or you may request a copy of the order from your nearest Victims' Services Office. The order will tell you the amount of restitution ordered to you as well as the time period given to the offender to pay you. Both probation and conditional sentence orders are monitored by a probation officer. If restitution is not paid to you within the time period ordered by the court, the probation officer may request that the offender be brought before the court as a breach of the offender's sentence.

If the judge orders the offender to pay you restitution immediately, and the offender does not pay you, you may file the restitution order as a judgment. The court will send you a copy of the order. You are responsible for filing the restitution order as a judgment and enforcing the judgment. Some fees are involved. You may wish to consult a lawyer for advice on enforcing the judgment.