



VICTIM  
SERVICES

I N I T I A T I V E S

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# How to Access Restitution



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Prepared by Policing and Victim Services

Nova Scotia Department of Justice

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This booklet is a guide to assist victims of crime who are seeking restitution from an offender.

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## What is restitution?

When a person is found guilty of a criminal offence, the court may order the offender to pay restitution as part of their sentence. This is money given by an offender to the victim of the offence to cover financial losses that resulted from the crime. Some examples of losses for which restitution may be ordered are given below under “Who can apply for restitution?”

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## Why is restitution important?

Restitution helps to repair some of the harm suffered by the victims of crime. It can also help to rehabilitate offenders by making them directly responsible for their actions.

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## Who can apply for restitution?

Section 738(1) of the Criminal Code states that restitution can be ordered for persons who, as a result of crime, have

- expenses due to damaged or lost property
- monetary losses (such as loss of income) due to physical injury
- expenses as a result of having to leave a household shared with the offender (due to threats or injury)
- losses that resulted because you unknowingly purchased stolen property or lent money on property that you did not know was stolen

If you have expenses that meet one or all of the above descriptions, you may want to request restitution.

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## How do I apply for restitution?

To request restitution, you must fill out a Request for Restitution form. An example of this form is attached to the back of this booklet. You can get the request form from a court administration office, the RCMP, or the municipal police. Be sure to ask the police when they need the form—the exact date and time. This will ensure that the Crown Attorney (generally referred to as the Crown) receives your restitution request before the offender is sentenced.

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## What happens after I apply for restitution?

The steps in the restitution process are described in detail below. You can see the steps at a glance on the flowchart on pages 14-15.

### The Restitution Process in the Criminal Justice System

#### *Step 1*

##### *The victim requests restitution*

Fill out a Request for Restitution form. On this form, you must describe any damages or expenses you suffered as a result of the crime. Give exact dollar amounts on the form. Attach photocopies of receipts and estimates that support the amount of your claim. You must provide enough detail for the judge to easily determine the amount of your loss.

Return the completed form, along with the supporting documentation, to the police.

#### *Step 2*

##### *The Crown Attorney presents the request for restitution in court*

Requests for restitution are presented to the court by the Crown during the sentencing of the offender. The Crown may decide not to submit your request to the judge if there is not enough evidence to support your claim for restitution or if the Crown believes that the offender cannot realistically pay the amount of money that you are claiming.

### *Step 3*

#### *The judge orders payment of restitution*

Even if the Crown submits your request for restitution to the court, this does not mean that the judge will automatically order the offender to pay restitution. Judges will choose the sentence that best suits the circumstances of the crime, the offender, and the victim. Just like the Crown, the judge must consider the available evidence to support the request for restitution and how likely it is that the offender can pay.

When a judge decides that restitution is appropriate, they have three options in ordering payment: to make restitution a condition of probation, to make restitution a condition of a conditional sentence, or to make a stand-alone restitution order. These are described in detail below. A copy of the order for restitution will be sent to you by the court, or you may request a copy from your nearest Provincial Victim Services Office. The order will tell you the amount of restitution ordered as well as the time period given to the offender to pay you.

#### *Option 1*

##### *Make restitution a condition of probation*

When an offender is sentenced to probation, it is for a specific period of time. During that time, the offender may be under the supervision of a probation officer. The judge can order restitution as a condition of probation. In almost all cases where restitution is ordered as a condition of probation, a reporting clause will be attached to the order. This means that the offender must report to a probation officer on a regular basis. The probation officer will help enforce the restitution condition by encouraging the offender to make the payments. If a reporting clause is not attached to the probation order, Correctional Services is not involved in active supervision of the offender.

Whether or not there is a reporting clause, if the offender does not pay the restitution amount ordered by the end of the probation period, the victim may inform Correctional Services. A probation officer may then initiate a charge of breach of probation. In doing so, the probation officer must consider whether the offender “willfully” breached the restitution condition. This means that the offender was able to pay restitution but chose not to do so. In addition to informing Correctional Services when the offender does not pay, you can also make a report to the police. They may lay a charge of breach of probation.

When a charge of breach of probation is laid, the offender will return to court. If the offender is found guilty of the breach, the judge may or may not include restitution in a new sentence.

When an offender does make payments towards the restitution order, the money is paid to the court office unless otherwise directed by the judge. The court office then issues a cheque to you for the amount paid.

If the restitution ordered by the court is not completely paid by the offender when the probation period is finished, you may start civil proceedings against the offender. (See The Restitution Process in the Civil Justice System section of this booklet for more information on this process.)

### *Option 2*

#### *Make restitution a condition of a conditional sentence*

A conditional sentence is a sentence served in the community. It can be ordered if all of the following circumstances are met:

- The offender is found guilty of a crime that does not require a minimum prison sentence.
- The judge imposes a prison sentence of less than two years.
- It is determined that the offender would not be a threat to the community.

The court may order restitution as part of a conditional sentence. During the period of this sentence, the offender is required to report to a probation officer. Just as with probation orders, if the offender does not pay the restitution, the probation officer may initiate a charge of breach of a conditional sentence order. The offender will then be required to return to court.

If the restitution ordered by the court is not completely paid by the offender when the period of conditional sentence is finished, you may start civil proceedings against the offender. (See The Restitution Process in the Civil Justice System section of this booklet for more information on this process.)

### *Option 3*

#### *Make a stand-alone restitution order*

A stand-alone restitution order is not attached as a condition of another sentence, such as a probation or conditional sentence order. This type of restitution order requires the offender to make immediate payment of restitution. Unless the offender is given some other direction by the judge, the money will be paid to the court, which will then issue you a cheque for the amount received.

If the restitution ordered by the court is not completely paid by the offender, you may start civil proceedings. (See The Restitution Process in the Civil Justice System section of this booklet for more information on this process.)

## The Restitution Process in the Civil Justice System

Even if a judge orders restitution, it is possible that the offender will not pay all or any of the amount ordered. If that happens, you may start civil proceedings to record a judgment against the offender's property and use the provincial Sheriff Services to collect the money still owed to you. This can mean seizing the offender's property and selling it at auction or having the money taken from the offender's personal bank account or wages (this is called "garnishment").

Note: During civil proceedings, you (the victim) may be referred to as the "judgment creditor" or the "claimant." The offender may be referred to as the "judgment debtor" or the "defendant."

### Step 1

#### *Gather information about the offender*

Throughout the civil process, you will be required to submit certain information about the offender. This information includes the following:

- the full name of the offender (first, middle, and last names, taken from their birth certificate whenever possible)
- the offender's mailing address, civic address, and work address (if they have one)
- the offender's date of birth
- where the offender banks
- the name of the offender's lawyer (if they have one)
- additional information to distinguish the debtor from any other person or entity with a similar name (This can include occupation, name of spouse, nickname, distinguishing physical characteristics, etc.)



It is your responsibility to get this information. If you do not have all of this information, it is possible that you may not be able to record the judgment as a charge against real property owned by the debtor now or in the future. You may be able to get some of this information from the Crown, but, if not, you may need to hire a tracing company. This expense cannot be added to the restitution to be paid to you by the offender. For more guidelines on the information required to register a judgment, please go to [www.gov.ns.ca/snsmr/property](http://www.gov.ns.ca/snsmr/property) and click on the link to Brochures.

*Step 2*

*File the judgment at the Supreme Court*

Your original court order for restitution can be filed with the Supreme Court as a “judgment.” To do so, you must get a certified copy of the court document that shows that the offender was ordered to pay restitution to you. This document will be either a probation order, an order of conditional sentence, or a stand-alone restitution order (see Options 1, 2, or 3 under “Step 3: The judge orders payment of restitution”).

You can get the certified copy of this court document from the clerk of the court that initially issued the order. In most cases this is the Provincial Court. You will need to know the name of the offender and must identify yourself as the victim in order to avoid paying certified copy fees. Once you have this certified copy, you must take it to the Administration Office at the Supreme Court where it will be filed as a Supreme Court judgment (see the Contact Information at the back of this booklet for Supreme Court locations). The court clerk will tell you what the fee is for doing this.

If the original order for restitution was made by the Supreme Court, this step can be skipped, as a copy of the original order will already be in their files. In that case, you would go directly to the Administration Office at the Supreme Court, ask that the order be filed as a judgment, and pay the appropriate fee.

### *Step 3*

#### *Get the Certificate of Judgment and Execution Order*

Once Step 2 has been completed, you will have up to six years to obtain a certificate of judgment and execution order. These are obtained from the Supreme Court Administration Office and are the necessary forms for collecting on the restitution order.

In order to complete these forms, you will need to provide the personal information about the offender (see Step 1). You will also need to fill in the amount of restitution stated on the original court order, along with the costs of other services that you will need to use later, such as

- the fees to register the judgment in the personal property registry and/or the real property registry (see Step 4)
- Sheriff's fees
- "solicitor's fees" (even though you may not be using a solicitor, you can still claim \$25 on the Execution Order for this service)

Once you have filled out the execution order and certificate of judgment forms, court staff will issue the document. The certificate of judgment is valid for 20 years after the date it is issued.

### *Step 4*

#### *Register the judgment at the Personal Property Registry and the Land Registration Office*

Once the certificate of judgment and the execution order have been issued, you must take them to the Land Registration Office and register the judgment (see Contact Information at the back of this booklet for locations of the Land Registration Offices). Within this office there are two types of registration:

In order to get the Sheriff to seize any personal property (bank accounts, motor vehicles, etc.) owned by the offender, you must register your judgment certificate in the Personal Property Registry (located at the Land Registration Office). There is a fee for initial registration, plus an additional fee for each year you want the registration to remain active. You can renew the registration, before it has expired, for additional years, if required. The registration must remain active for the entire period of a garnishment of wages.

After you have registered the judgment in the Personal Property Registry you will receive a verification statement, and you may then use the Sheriff Services to collect on the order (see Step 5).

To place a lien against real property (land) that the offender owns now or in the future, you must register the judgment in the judgment roll. The judgment can be registered for five years; and after five years, it can be renewed for three more five-year periods (for a total of 20 years from the date the judgment was issued.) The Land Registration Office charges a fee for registering the judgment and for renewing the judgment every five years. If property owned by the offender is sold or mortgaged any time after you record the judgment, the judgment will be paid out, and you will receive your money. After your judgment has been registered for a full year, you can start an action to force the offender to sell land they own to pay off your judgment. You will need the help of a lawyer to do this.

Go to [www.gov.ns.ca/snsmr/property](http://www.gov.ns.ca/snsmr/property) and click on the link to Brochures for more information on registering and recording judgments in the Land Registration Office and Personal Property Registry.

## *Step 5*

### *Use Sheriff Services to collect on the order*

Sheriff Services can collect on execution orders by seizing property belonging to the offender, such as money within a personal bank account. It is the only agency authorized to do this. Sheriff Services offices are located across the province (see Contact Information at the back of this booklet for locations).

In order to make use of this service, you must provide the Sheriff with the following:

- the original execution order and three certified copies (the court office will probably provide you with several copies)
- fees: there will be an initial fee, and there will likely be additional fees depending on the time required for the Sheriff to serve the documents to the offender and collect on the judgment. All of these fees can be added to the execution order, and the Sheriff will try to collect them along with your restitution money
- the registration verification statement received from the Personal Property Registry
- detailed information about the offender, such as place of residence, place of work, where they bank and where they have assets

### *How does the Sheriff collect the money?*

Sheriff Services can seize the offender's property and sell it at auction, or they can use a garnishment to collect payment. The most common garnishments are applied to an offender's bank account or wages. To garnish an offender's wages or bank account, the Sheriff will deliver the garnishment to the offender's employer or bank. The money will be deducted from the offender's pay or bank account and then paid to the Sheriff.

The Sheriff can continue to make efforts to collect on the execution order only while the registration of the judgment certificate in the Personal Property Registry is still active, (that is, for the length of time that you paid to have the certificate registered in the Personal Property Registry). Once Sheriff Services has completed its collection, or made all reasonable attempts to do so, they will send the original execution order and a report to the court administration office. You will also be sent a copy of this report along with the money collected, minus the Sheriff's costs.

Sheriff Services may not be successful in collecting on the restitution order; however, you must still pay their fees.

**Note: There are reciprocal agreements with other provinces, so that should the offender move to another province, the victim can contact the Supreme Court in that province to obtain the process to pursue their restitution order.**

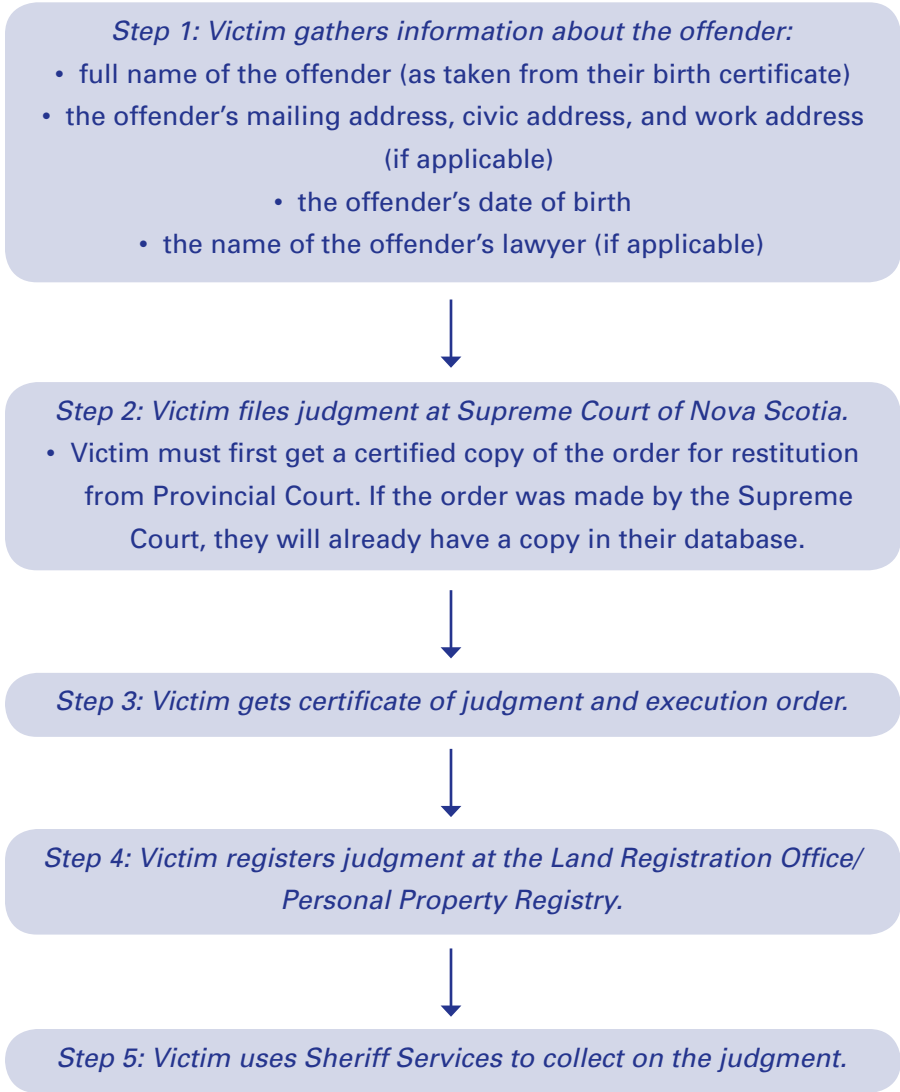
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# Restitution Access Flowchart

## The Restitution Process in the Criminal Justice System



## The Restitution Process in the Civil Justice System



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## Summary

Although restitution is a recognized criminal sanction, the process of attaining it is difficult and sometimes unsuccessful. While the information in this booklet is intended to help you through the restitution process, following the steps does not guarantee that you will be compensated for your loss.

The criminal and civil justice systems are complex, so this booklet can provide only a summary of the court procedures. If you are not satisfied with the options included in this guide, you may wish to pursue compensation from the offender using Small Claims Court. Information about these procedures can be found at the Supreme Court Administration Office.

If you have any further questions or concerns about the information in this booklet, you should contact the appropriate authority, such as the police, Court Services, Sheriff Services, or the Registry of Deeds. The necessary contact information is listed at the end of this booklet.



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# Contact Information

## Land Registration Offices & Personal Property Registries

Annapolis County  
396 Main St.  
PO Box 39  
Lawrencetown, NS B0S 1M0  
Phone: (902) 584-7185  
Fax: (902) 584-7256

Antigonish County  
155 Main St.  
Antigonish, NS B2G 2B6  
Phone: (902) 863-2677  
Fax: (902) 863-7538

Cape Breton County  
500 George Place  
PO Box 157  
Sydney, NS B1P 6H1  
Phone: (902) 563-3540  
Fax: (902) 563-0503

Colchester County  
136 Esplanade St.  
Truro, NS B2N 2K3  
Phone: (902) 893-5868  
Fax: (902) 893-6264

Cumberland County  
9 Havelock St.  
PO Box 233  
Amherst, NS B4H 3Z2  
Phone: (902) 667-3131  
Fax: (902) 667-5657

Digby County  
4451 #1 Hwy  
PO Box 209  
Weymouth, NS B0W 3T0  
Phone: (902) 837-5111  
Fax: (902) 837-5111

Guysborough County  
Church & Pleasant St.  
PO Box 123  
Guysborough, NS B0H 1N0  
Phone: (902) 533-4011  
Fax: (902) 533-3689

Halifax County  
5151 Terminal Rd., 2nd Floor  
PO Box 2205  
Halifax, NS B3J 3C4  
Phone: (902) 424-8571  
Fax: (902) 424-5747

Hants County  
80 Water St.  
Windsor, NS B0N 2T0  
Phone: (902) 798-3015  
Fax: (902) 798-6601

Inverness County  
Main St.  
PO Box 178  
Port Hood, NS B0E 2W0  
Phone: (902) 787-2281  
Fax: (902) 787-3352

Kings County  
87 Cornwallis St.  
PO Box 7  
Kentville, NS B4N 3V9  
Phone: (902) 679-4320  
Fax: (902) 679-6004

Lunenburg County  
270 Logan Rd.  
PO Box 277  
Bridgewater, NS B4V 2W9  
Phone: (902) 543-5095  
Fax: (902) 543-0689

Shelburne County  
136 Hammond St.  
PO Box 421  
Shelburne, NS B0T 1W0  
Phone: (902) 875-3409  
Fax: (902) 875-8659

Pictou County  
69 Water St.  
PO Box 490  
Pictou, NS B0K 1H0  
Phone: (902) 485-4223  
Fax: (902) 485-7064

Victoria County  
495 Chebucto St.  
PO Box 353  
Baddeck, NS B0E 1B0  
Phone: (902) 295-3656  
Fax: (902) 295-3331

Queens County  
249 White Point Rd.  
PO Box 727  
Liverpool, NS B0K 1K0  
Phone: (902) 354-5715  
Fax: (902) 354-6125

Yarmouth County  
2A Second St.  
Yarmouth, NS B5A 1T2  
Phone: (902) 742-3125  
Fax: (902) 742-0532

Richmond County  
2575 Highway #206  
(Court House)  
PO Box 119  
Arichat, NS B0E 1A0  
Phone: (902) 226-2818  
Fax: (902) 226-1431

## Justice Centres by Region

### *Amherst*

Supreme & Small Claims Court  
16 Church St., 3rd Floor  
Amherst, NS B4H 3A6  
Phone: (902) 667-2256  
Fax: (902) 667-1108

Provincial Court  
16 Church St., 3rd Floor  
Amherst, NS B4H 3A6  
Phone: (902) 667-2256  
Fax: (902) 667-1108

Family Court  
16 Church St., 3rd Floor  
Amherst, NS B4H 3A6  
Phone: (902) 667-2256  
Fax: (902) 667-1108

Probate Office  
16 Church St., 3rd Floor  
Amherst, NS B4H 3A6  
Phone: (902) 667-2256  
Fax: (902) 667-1108

Sheriff Services  
16 Church St., 3rd Floor  
Amherst, NS B4H 3A6  
Phone: (902) 667-2256  
Fax: (902) 667-1108

### *Antigonish*

Supreme & Small Claims Court  
11 James St.  
Antigonish, NS B2G 1R6  
Phone: (902) 863-7300  
Fax: (902) 863-7479

Provincial Court  
11 James St.  
Antigonish, NS B2G 1R6  
Phone: (902) 863-3676  
Fax: (902) 863-7479

Family Court  
11 James St.  
Antigonish, NS B2G 1R6  
Phone: (902) 863-7312  
Fax: (902) 863-7479

Probate Office  
11 James St.  
Antigonish, NS B2G 1R6  
Phone: (902) 863-7396  
Fax: (902) 863-7479

Sheriff Services  
11 James St.  
Antigonish, NS B2G 1R6  
Phone: (902) 863-4575  
Fax: (902) 863-7479

## *Bridgewater*

Supreme Court  
599 King St.  
Bridgewater, NS B4V 1B3  
Phone: (902) 543-4679  
Fax: (902) 543-0678

Provincial Court  
84 Pleasant St.  
Bridgewater, NS B4V 1N1  
Phone: (902) 543-4678  
Fax: (902) 543-0639

Family Court  
599 King St.  
Bridgewater, NS B4V 1B3  
Phone: (902) 543-0525  
Fax: (902) 543-0678

Small Claims Court  
599 King St.  
Bridgewater, NS B4V 1B3  
Phone: (902) 543-4679  
Fax: (902) 543-0678

Probate Office  
270 Logan Rd.  
Bridgewater, NS  
Phone: (902) 527-5440  
Fax: (902) 527-5442

Sheriff Services  
80 Pleasant St.  
Bridgewater, NS B4V 1N1  
Phone: (902) 543-4679  
Fax: (902) 543-0639

## *Digby*

Supreme Court (Annapolis Co.)  
377 George St.  
PO Box 129  
Annapolis Royal, NS B0S 1A0  
Phone: (902) 532-5462  
Fax: (902) 532-7225

Supreme Court (Digby Co.)  
9 Water St.  
PO Box 369  
Digby, NS B0V 1A0  
Phone: (902) 245-2529  
Fax: (902) 245-6938

Small Claims Court  
117 Queen St.  
PO Box 1089  
Digby, NS B0V 1A0  
Phone: (902) 245-4567  
Fax: (902) 245-6722

Provincial Court  
117 Queen St.  
PO Box 1089  
Digby, NS B0V 1A0  
Phone: (902) 245-4567  
Fax: (902) 245-6722

Probate Office (Annapolis Co.)  
377 George St.  
PO Box 129  
Annapolis Royal, NS B0S 1A0  
Phone: (902) 532-5582  
Fax: (902) 532-7225

Probate Office (Digby Co.)  
117 Queen St.  
PO Box 1089  
Digby, NS B0V 1A0  
Phone: (902) 245-7134  
Fax: (902) 245-6722

Sheriff Services  
117 Queen St.  
PO Box 1089  
Digby, NS B0V 1A0  
Phone: (902) 245-4546  
Fax: (902) 245-6722

## *Halifax*

Court of Appeal  
1815 Upper Water St.  
Halifax, NS B3J 1S7  
Phone: (902) 424-4900  
Fax: (902) 424-0524

Supreme Court  
1815 Upper Water St.  
Halifax, NS B3J 1S7  
Phone: (902) 424-6900  
Fax: (902) 424-0524

Supreme Court – Family Division  
3380 Devonshire Ave.  
Halifax, NS B3K 5M6  
Phone: (902) 424-3990  
Fax: (902) 424-0562

Halifax Provincial Court  
5250 Spring Garden Rd.  
Halifax, NS B3J 1E7  
Phone: (902) 424-8718  
Fax: (902) 424-0551

Dartmouth Provincial Court  
200-277 Pleasant St.  
Dartmouth, NS B2Y 3S2  
Phone: (902) 424-2390  
Fax: (902) 424-0677

Small Claims Court  
5250 Spring Garden Rd.  
Halifax, NS B3J 1E7  
Phone: (902) 424-8722  
Fax: (902) 424-0551

Probate Court  
1815 Upper Water St.  
Halifax, NS B3J 1S7  
Phone: (902) 424-7422  
Fax: (902) 424-0524

Sheriff Services  
1815 Upper Water St.  
Halifax, NS B3J 1S7  
Phone: (902) 424-8212  
Fax: (902) 424-0524

## *Kentville*

Supreme & Small Claims Court  
87 Cornwallis St.  
Kentville, NS B4N 2E5  
Phone: (902) 679-5540  
Fax: (902) 679-6178

Provincial Court  
87 Cornwallis St.  
Kentville, NS B4N 2E5  
Phone: (902) 679-6070  
Fax: (902) 679-6190

Family Court  
136 Exhibitions St.  
Kentville, NS B4N 4E5  
Phone: (902) 679-6075  
Fax: (902) 679-6081

Probate Office  
87 Cornwallis St.  
Kentville, NS B4N 2E5  
Phone: (902) 679-5339  
Fax: (902) 679-6178

Sheriff Services  
87 Cornwallis St.  
Kentville, NS B4N 2E5  
Phone: (902) 679-6077  
Fax: (902) 679-6178

### *Pictou/New Glasgow*

Supreme & Small Claims Court  
69 Water St.  
PO Box 1750  
Pictou, NS B0K 1H0  
Phone: (902) 485-6373  
Fax: (902) 485-6737

Provincial Court  
115 MacLean St.  
Bridgeview Square  
New Glasgow, NS B2H 4M5  
Phone: (902) 752-5106  
Fax: (902) 755-7181

Family Court  
196 Riverside Parkway  
New Glasgow, NS B2H 5E7  
Phone: (902) 755-6520  
Fax: (902) 755-7176

Probate Office  
69 Water St.  
PO Box 1750  
Pictou, NS B0K 1H0  
Phone: (902) 485-4351  
Fax: (902) 485-6737

Sheriff Services  
69 Water St.  
PO Box 1750  
Pictou, NS B0K 1H0  
Phone: (902) 485-4331  
Fax: (902) 485-6737

### *Port Hawkesbury*

Supreme & Small Claims Court  
218 MacSween Street, Unit 2  
Port Hawkesbury, NS B9A 2J9  
Phone: (902) 625-4218  
Fax: (902) 625-4084

Provincial Court  
218 MacSween Street, Unit 2  
Port Hawkesbury, NS B9A 2J9  
Phone: (902) 625-2605  
Fax: (902) 625-4084

Family Court  
218 MacSween Street, Unit 2  
Port Hawkesbury, NS B9A 2J9  
Phone: (902) 625-2665  
Fax: (902) 625-4084

Probate Office  
218 MacSween Street, Unit 2  
Port Hawkesbury, NS B9A 2J9  
Phone: (902) 625-4219  
Fax: (902) 625-4084

Sheriff Services  
218 MacSween Street, Unit 2  
Port Hawkesbury, NS B9A 2J9  
Phone: (902) 625-4217  
Fax: (902) 625-4220

## Sydney

Supreme & Small Claims Court  
136 Charlotte St.  
Suite 6, Harbour Place  
Sydney, NS B1P 1C3  
Phone: (902) 563-3550  
Fax: (902) 563-0510

Provincial Court  
136 Charlotte St.  
Suite 6, Harbour Place  
Sydney, NS B1P 1C3  
Phone: (902) 563-3510  
Fax: (902) 563-0510

Supreme Court Family Division  
136 Charlotte St.  
Suite 6, Harbour Place  
Sydney, NS B1P 1C3  
Phone: (902) 563-2200  
Fax: (902) 563-2224

Probate Office  
136 Charlotte St.  
Suite 6, Harbour Place  
Sydney, NS B1P 1C3  
Phone: (902) 563-3545  
Fax: (902) 563-0510

Sheriff Services  
136 Charlotte St.  
Suite 6, Harbour Place  
Sydney, NS B1P 1C3  
Phone: (902) 563-3570  
Fax: (902) 563-0510

## Truro

Supreme & Small Claims Court  
1 Church St.  
PO Box 791  
Truro, NS B2N 3Z5  
Phone: (902) 893-3953  
Fax: (902) 893-6114

Provincial Court  
540 Prince St.  
Truro, NS B2N 3Z5  
Phone: (902) 893-5840  
Fax: (902) 893-6261

Family Court  
542 Prince St.  
Truro, NS B2N 1G1  
Phone: (902) 893-5847  
Fax: (902) 893-5847

Probate Office  
1 Church St.  
PO Box 791  
Truro, NS B2N 3Z5  
Phone: (902) 893-5870  
Fax: (902) 893-6114

Sheriff Services  
540 Prince St.  
Truro, NS B2N 3Z5  
Phone: (902) 893-5860  
Fax: (902) 893-6114

## Yarmouth

Supreme & Small Claims Court  
403 Main St.  
Yarmouth, NS B5A 1G3  
Phone: (902) 742-4142  
Fax: (902) 742-0678

Provincial Court Office  
403 Main St.  
Yarmouth, NS B5A 1G3  
Phone: (902) 742-0500  
Fax: (902) 742-0678

Family Court  
403 Main St.  
Yarmouth, NS B5A 1G3  
Phone: (902) 742-0550  
Fax: (902) 742-0678

Probate Office  
403 Main St.  
Yarmouth, NS B5A 1G3  
Phone: (902) 742-5469  
Fax: (902) 742-0678

Sheriff Services (Yarmouth County)  
403 Main St.  
Yarmouth, NS B5A 1G3  
Phone: (902) 742-0505  
Fax: (902) 742-067



**REQUEST FOR RESTITUTION**

Name of victim: \_\_\_\_\_ **Police File #:** \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone #(home) \_\_\_\_\_ (work/cell) \_\_\_\_\_

Name of Accused: \_\_\_\_\_ Date of Incident: \_\_\_\_\_  
 Type of Incident: \_\_\_\_\_ Location of Incident: \_\_\_\_\_  
 \_\_\_\_\_ (E.g. physical assault, robbery, property offence) \_\_\_\_\_ (Civic address if known)

**It is important that you give this completed form and supporting documents to police as soon as possible after the incident. Failure to do so may result in your request not being considered by the court. Please send any additional information directly to the Crown office.**

I request that the court consider restitution in relation to the above incident (check as many boxes as apply):

For damage or loss to property (not to exceed replacement value):

Description of Item	Cost of repair or replacement
_____	\$ _____
_____	\$ _____
_____	\$ _____
	Total: \$ _____

For expenses resulting from physical injury (may include loss of income or support):

Description of Expense	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
	Total: \$ _____

For expenses as a result of moving out of the offender's household and for temporary housing, food, child care and transportation (may be claimed by a spouse, child or other person who was a member of the offender's household):

Description of Expense	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
	Total: \$ _____

For money lost by unknowingly purchasing stolen property or lending money on stolen property, and the property was returned to its rightful owner:

Description of Stolen Property	Amount
_____	\$ _____
_____	\$ _____
_____	\$ _____
	Total: \$ _____

**The court must be able to easily determine the amount of your financial loss or property damage resulting from the incident. You are responsible for providing all necessary information (eg. bills, receipts, letters from employers, estimates) to support your restitution request. Please complete this form, attach photocopies of all supporting documents that are available at this time and forward them to police as soon as possible.**

If you do not currently have all of the required information and will be forwarding additional information to the Crown office at a later date, please place a checkmark (✓) here: \_\_\_\_\_.

Signature of Applicant \_\_\_\_\_ Date: \_\_\_\_\_

## 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 (e.g. 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.



