

**Tribunals Ontario
Safety, Licensing Appeals and
Standards Division
Ontario Parole Board**

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Ontario Parole Board Updates

Emergency Order

On March 20, 2020, the Government of Ontario issued an [Emergency Order](#) (O.Reg. 73/20) under the Emergency Management and Civil Protection Act.

The order suspends limitation periods and procedural time periods relevant to Ontario Parole Board (OPB) proceedings. The suspension is retroactive to March 16, 2020.

While the order suspends the time limits affecting matters that can be or are currently being heard by the OPB, it also grants the OPB the flexibility to enforce the normal time limits.

The OPB is continuing to schedule and hold parole board hearings by teleconference or written submissions.

Overview

In Ontario, there are two types of conditional release: parole and temporary absence. Parole is the early release of an inmate who agrees to abide by a number of conditions and serves the remainder of their sentence in the community under supervision.

Temporary absence allows an inmate serving a sentence to be absent from the institution under conditions for medical, humanitarian or rehabilitative purposes.

Statutory Amendments

On March 20, 2020, the Province amended [Ontario Regulation 778](#), which deals with parole and temporary absences.

The amendments permit applications for temporary absences to be approved by the Ministry of the Solicitor General (SOLGEN). If referred to by SOLGEN, the OPB will continue to review temporary absences longer than 72 hours in duration.

The amendments also permit the OPB to hold alternative hearing formats for conditional release proceedings, and the discretion to hold in-person, written or electronic hearings.

Applications for Conditional Release

Parole

The OPB is continuing to schedule and hold parole hearings via teleconference and written submissions. These hearings are automatically scheduled according to an inmate's parole eligibility date.

The OPB considers all information before it when determining parole suitability. This may include submissions from victims, police, SOLGEN, and other persons with relevant information. The OPB generally receives the inmate's release plan, which is typically investigated by SOLGEN, before a hearing is scheduled.

Temporary Absence

Under Regulation 778, **all applications for a temporary absence must be made to the Superintendent of the institution in which the inmate is being held.**

The Superintendent may decide to grant a request for temporary absence or refer the request to the OPB. The OPB will continue to adjudicate any request for a temporary absence that is referred to it by SOLGEN.

If an application is referred to the OPB, SOLGEN staff typically investigate the applicant's proposed release plan and provide an assessment to the OPB with the application. SOLGEN also provides other information that the OPB needs to make temporary absence decisions.

The OPB is holding temporary absence hearings via teleconference or written submissions.

Participation in Parole and Temporary Absence Hearings

Assistants

The OPB will continue to review requests from applicants or legal counsel to have assistants participate in parole and temporary absence hearings held via teleconference. These requests can be sent to the OPB Registrar at OPBRegistrar@ontario.ca. Applicants can also speak with SOLGEN staff who will relay the request to the OPB.

Assistants can include a lawyer, family member, friend, social or community worker, or a support person.

Victims

The OPB considers victim participation to be critical to the parole process and will continue to facilitate victim participation in proceedings.

The *Ministry of Correctional Services Act* and other laws grant victims certain rights of participation in parole proceedings. Victims have the right to provide a written submission to the OPB in all parole considerations. If the matter is proceeding via teleconference, the victim may apply to participate in the teleconference along with their support person, and the OPB will approve their participation, where possible.

Victims will continue to be notified of the outcome of the hearing if they have contacted the OPB and requested updates.

Indigenous Services

The OPB will continue to facilitate Circle Hearings for Indigenous (First Nations, Inuit, or Métis) applicants via teleconference.

Resources

The OPB is striving to balance the health and safety of Ontarians with providing access to justice and meeting statutory obligations in a fair manner.

For more information on parole and temporary absence, please see [OPB: Practice Guidelines \(PDF\)](#). Please note that some of the information may not have been updated to reflect the recent regulatory amendments made to Regulation 778.