

Your legal and civil options for safety from weapons in relationships

If a crime is happening now or someone's life is in danger, call 911.

Intimate partner violence (IPV) can include a partner threatening you, behaving in ways that scare you, and making you worried about their access to weapons. If this is happening, there are many legal and civil options available in Canada that can help lower risk and increase safety.

These tools are meant to prevent harm, not punish people. They're designed to intervene early, limit access to weapons, reduce danger, and support individuals at risk.

This guide offers a general overview of your legal and civil options.

Important information about using this guide

The information provided in this tip sheet is intended to help people know about and understand their options, including Red Flag Laws and related legal processes. While these tools can play an important role in safety planning and violence prevention, it's important to recognize that their use is based on the realities and limitations of the systems in which they exist.

Legal and support systems have their challenges. Access to services, timelines, outcomes, and experiences may vary depending on a range of factors, including location, available resources, varying situations, and individual circumstances. These systems are designed to help, and often do, but there may be barriers that impact how support is received.

Every survivor's situation is unique. What feels appropriate, accessible, helpful, or safe for one person may not be the same for another. This resource is not intended to tell you exactly what to do, but instead offers general information to help you understand potential options.

If you can, we encourage you to seek guidance from qualified legal professionals or trusted support services. This may help you understand what's most appropriate for your specific circumstances. Your safety and autonomy should be the priority when you're deciding what steps, if any, to take.

Why legal tools matter in IPV situations

Research shows that when abusive partners have access to firearms, there's a much higher risk of violence ending in death. Legal tools that restrict their access to weapons and limit their contact with the victim can play an important role in preventing serious harm.

However, no tool is enough on its own. It's often better to combine legal protections with police intervention, and community support.

Court-based legal options

Red Flag Laws (Emergency Prohibition / Access Orders)

If you're worried about someone's access to firearms and you think there's an immediate risk of harm, you can apply directly to a court for an emergency order.

These orders:

- focus on immediate risk to yourself or others
- can be applied for without the police being involved
- may lead to:
 - firearm seizure – meaning the person's firearms are taken away
 - temporary prohibition from possession – meaning they're not allowed to have firearms
 - restrictions on access within a household – meaning others in their home may not be able to have firearms

There are two types:

- Emergency Prohibition Order (removes possession of firearms) (“Application for Emergency Prohibition Order – firearm possession s. 117.01(1) Criminal Code” can be uploaded [here](#))
- Emergency Limitations on Access Order (limits access to shared firearms) (“Application for Emergency Limitations on Access Order - s. 110.1(1) Criminal Code” can be uploaded [here](#))

These are short-term emergency orders, but can lead to longer-term prohibitions.

Peace Bonds (Criminal Code s. 810)

You can apply for a peace bond if someone is showing warning signs of violence but there's not enough evidence for criminal charges. The person does not need to have already committed a crime.

There's also a specific type of peace bond for intimate partner violence under Section 810.03. This is used when someone's likely to harm their current or former partner, or their children.

A peace bond:

- says the person must keep the peace and be of good behaviour
- may include conditions such as:
 - not contacting the victim
 - not having weapons
 - staying away from certain places
- usually lasts up to a year, but can be renewed (up to two years if the person has been charged for violence against a partner in the past)

If the person breaks the conditions, they can be charged with a criminal offence.

Unlike emergency orders, the person is usually asked to come to court and say whether they agree to the peace bond. If they do not agree, there may be a court hearing.

If there's a hearing, the person asking for the peace bond may need to speak in court about what happened and why they are afraid. In intimate partner violence cases in Ontario, it's common for the Crown Attorney to act as prosecutor, which can make the process easier for the victim.

Restraining Orders (Family / Civil Court)

Restraining orders can limit contact and create protective space between certain people. They're civil legal tools that are most common in family law contexts.

Restraining orders:

- are usually used in cases involving:
 - separation or divorce
 - child custody disputes
 - ongoing harassment or coercive control
- can require:
 - no contact
 - staying away from home, workplace, or school
- focus on ongoing protection and separation

Unlike peace bonds, restraining orders are part of the civil (not criminal) legal system.

Comparing your options

RED FLAG ORDERS

Emergency Prohibition / Limitations on Access Orders

- Can prevent someone from owning or accessing weapons
- Anyone can apply (no police or lawyer needed)
- Lasts up to 30 days, can lead to longer measures
- Judge can decide without the harmful person there ('ex-parte')
- Decisions based on evidence of risk, not relationship

RESTRAINING ORDER

Civil / Family Law

- Can support immediate safety
- Can be short-term or extended
- Limits contact and creates space between people
- Common for family disputes, stalking, and harmful partners
- Often used during family or civil proceedings, like a divorce

- Aims to stop harm before it happens
- Needs court approval
- Can include conditions and restrictions, including on weapons
- Can have a time limit, but may be extended or renewed
- Best used as part of a wider safety plan
- Focuses on behaviour and separation
- Can stop them making contact or going to certain places

- Court order when someone is likely to cause harm
- Can lead to criminal charges if they break the rules
- Lasts up to 12 months, or 24 in some violent partner cases (s.810.03)

Criminal Code s. 810

PEACE BOND

Additional safety measures: Police powers and firearm restrictions

Police powers and public safety seizures

Police also have the authority to act immediately in high-risk situations, including:

- taking away firearms where there are safety concerns
- removing weapons during domestic violence investigations
- acting under public safety provisions of the Criminal Code

In many cases, police intervention should be the first response, especially where there is immediate danger.

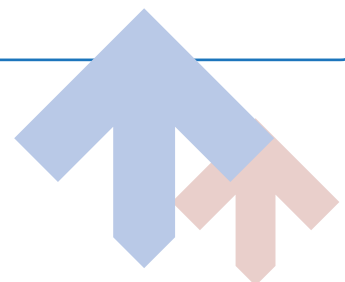
Firearms licence revocation (Chief Firearms Officer – CFO)

Under Canadian law, the Chief Firearms Officer (CFO) can:

- suspend or revoke a firearms licence (meaning they pause it or take it away)
- act when there are reasonable grounds to suspect domestic violence or stalking

In some cases, these actions must happen within 24 hours

This is an important way to reduce risk, though it's often underused.



Independent Legal Advice (ILA)

Accessing Independent Legal Advice

It can feel difficult to understand your legal options, but you don't have to do it alone.

Ontario has programs that provide free and confidential Independent Legal Advice (ILA) to eligible survivors of violence. This lets people speak directly with a lawyer about their specific situation and get advice about their legal options.

You may be able to get up to 8 hours of free legal advice by phone or video if you're a survivor of:

- intimate partner violence (IPV)
- sexual assault or other sexual offences
- human trafficking

Ontario's ILA service is:

- confidential (the information you give is kept private)
- trauma-informed (you'll be helped by people who understand the impacts of harm)
- open to you whether you've reported to police or not
- focused on helping you understand your options and make informed decisions
- not limited to one type of legal issue (e.g. criminal, family, civil, immigration)

This service provides legal advice only. It doesn't provide representation in court.

Not sure if you're a survivor? Learn about IPV, assault, and trafficking at stopviolence.ca.

How ILA supports your safety

Independent Legal Advice (ILA) can be especially important if you feel confused about your legal options or you're worried about how they could affect your safety.

ILA can help you:

- understand the differences between legal tools (e.g. Red Flag Orders, peace bonds, restraining orders, public safety seizures, etc)
- explore which options may be safest in your situation
- assess risks before taking legal action
- understand how legal processes may affect you and your family
- connect with additional supports and services

Important considerations

While ILA is a valuable resource, it should be seen as one part of a broader safety response.

Remember:

- it's up to you whether you take legal action after getting advice
- legal options should be considered alongside safety planning and support services
- police and emergency services may still be needed in high-risk situations
- you should never feel pressured to navigate legal processes alone

How to access Independent Legal Advice (ILA)

In Ontario, the ILA program is delivered through organizations such as the Barbra Schlifer Commemorative Clinic.

To access ILA services:

- call 1-855-226-3904
- visit schliferclinic.com/legal-services
- use online intake forms if they're available

Support is available at any time, including before and after violence happens. It's ok to ask for help even if you're not sure about your next steps.

Understanding your options is an important step in staying safe. Independent Legal Advice can help you make informed decisions at your own pace with ongoing support.

Important system considerations

While Red Flag Laws are an important legal option, experts say that:

- these tools shouldn't replace police responsibility
- survivors shouldn't be expected to carry the burden of applying alone
- legal tools must be used alongside institutional accountability
- responses should be trauma-informed and survivor-centred — this includes respecting people's experiences of harm and their right to make their own decisions

There are some concerns that making victims apply for emergency orders themselves may:

- put them in more danger
- put more responsibility on them and less on systems
- prevent some people from accessing this option

Safety recommendations

Based on current policy guidance and advocacy research:

- expect police to assess risk and act, including removing firearms where appropriate
- report concerns to the Chief Firearms Officer (CFO) in cases of intimate partner violence or stalking
- be cautious of situations where victims are told to apply alone for emergency orders
- encourage system accountability and follow-up in high-risk cases

When to consider legal options

- during escalating arguments, intimidation, or stalking
- threats of harm toward a partner or others
- access to firearms or other weapons
- separation or relationship breakdown
- ongoing fear for safety

Support Services

If you're worried about violence or your safety, you can ask for help from support service organizations like:

Assaulted Women's Helpline
awhl.org

Luke's Place (Legal & Family Court Support)
lukesplace.ca

Ottawa Victim Services
ovs-svo.com

**Lanark County Interval House
& Community Support**
lcih.org | 613-257-5960 (crisis line)

Hope for Wellness Helpline
(for Indigenous individuals)
hopeforwellness.ca

Immigrant Women Services Ottawa
immigrantwomenservices.com

Interval House Ottawa
intervalhouseottawa.org

You find more support services at ovs-svo.com/resources.

If you think someone's in danger right now, consider calling 911.

stopviolence.ca/redflag

