



From Awareness to Action

BRIEF

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Understanding “Red Flag” Laws and Their Role in Protecting
Against Firearm Harm in Gender-Based Violence



Western

Centre for Research & Education on
Violence Against Women & Children

Centre de recherche et d'éducation sur la
violence contre les femmes et les enfants

Red Flag Law

AWARENESS

Protecting Against Firearm
Harm in Gender-Based Violence



This Brief was prepared by the Centre for Research & Education on Violence Against Women & Children (CREVAWC) on behalf of the Alliance of Canadian Research Centres on Gender-Based Violence. CREVAWC is based at the Faculty of Education, Western University, London, Ontario, Canada, on the unceded territories of the Anishinaabeg, Haudenosaunee, Lunaapeewak and Attawandaron Peoples.

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Understanding “Red Flag” Laws and Their Role in Protecting Against Firearm Harm in Gender-Based Violence

INTRODUCTION

The heightened risks associated with access to firearms in the context of family violence (FV), intimate partner violence (IPV), domestic violence (DV) and gender-based violence (GBV) are well documented. A significant proportion of domestic homicides involve firearms, and access to a gun is considered an important risk factor for IPV becoming deadly.

Recently implemented “red flag” laws in Canada are aimed at harm reduction and the expansion of protections available to address risks around firearms and other weapons,¹ including in situations of FV, IPV, DV and GBV. “Red flag” laws allow anyone to apply to their provincial or territorial court to request that a person’s access to firearms be restricted on an emergency basis when there are concerns about safety to themselves or others.

These laws expanded the *Criminal Code’s* system of firearms and other weapons prohibition orders by creating **emergency prohibition orders**. Applications can be made by **any person, without notice** and in some cases, in private, for an **immediate** order prohibiting possession of firearms or other weapons that can last up to 30 days.² An order may be made where the judge is satisfied that there are reasonable grounds that it is not desirable in the interests of safety of the person against whom the order is sought, or another person, for the person to possess firearms or other weapons.³ An emergency order can be converted into a longer-term prohibition order for up to five years.⁴ The amendments also created an avenue for any person to apply for an “**emergency limitations on access orders**” to impose restrictions on accessing weapons in circumstances where a person who is prohibited from possessing weapons could gain access to another person’s weapons.⁵ For example, if a person is subject to a prohibition order but lives with a relative who possesses firearms, restrictions could be imposed on those firearms.

This brief provides background on Bill C-21, which led the introduction of “red flag” laws and additional firearm safety laws in Canada. It covers how to apply to a provincial or territorial court for protections available under the new “red flag” laws, including an “emergency prohibition order” or an “emergency limitations on access order”.

The brief also addresses new “yellow flag” laws introduced by Bill C-21, and expanded licence revocation and ineligibility provisions in the Federal *Firearms Act*.⁶

While recently implemented “red flag” laws may apply to any situation involving risk to a person or others (including, for example, risk of self-harm), this brief explored these laws as they relate to FV, IPV and GBV.

1 In the *Criminal Code*, RSC 1985, c C-46, s 110.1(3) firearms and other weapons include a “Firearm, crossbow, prohibited weapon, restricted weapon, prohibited device, firearm part, ammunition, prohibited ammunition or explosive substance, or all such things”.

2 *Ibid*, s 110.1.

3 *Ibid*, s 110.1(3).

4 *Ibid*, ss 110.4 (1), 111.

5 *Ibid*, s 117.0101(1).

6 See *Firearms Act*, SC 1995, c 39, ss 6.1, 69.1, 70.1, 70.2.

It is also worth emphasizing that “red flag” laws are not a replacement for existing legal tools used to remove weapons when safety is in question, such as through preventive public safety search warrants. Police may always be contacted when safety is at issue to ensure the safe and speedy removal of firearms.

In legislation relevant to FV, IPV and GBV, a delicate balance needs to be struck between creating helpful legal avenues for protection and respecting survivor autonomy. It is necessary to recognize and acknowledge that the legal system is often not a safe or trauma- and violence-informed space, especially for those from populations that experience systemic bias related to their identity and circumstances, including, but not limited to, racialized, newcomer, and Indigenous survivors. These challenges are often amplified by the complexity of navigating legal systems, especially when there are multiple concurrent legal proceedings. Furthermore, concerns about mandatory charging policies and unwanted legal system involvement can deter survivors from turning to the justice system.

Family law professionals, who may be the first to encounter a survivor, need to understand available legal tools to secure safety for survivors, ask about access to firearms and other safety risks, and be ready to provide informed guidance and referrals to support clients effectively.⁷ Accordingly, this brief discusses both the new legal provisions as well as other avenues through which access to firearms and/or licences may be restricted. Implementation concerns and practice considerations for family legal professionals are also discussed.

Note: This brief does not comprehensively cover weapons removal and prohibitions for personal property on reserve.⁸

INTIMATE PARTNER VIOLENCE, INTIMATE PARTNER HOMICIDE AND FIREARMS

Access to firearms is an important risk factor when it comes to domestic homicide.⁹

A 2022 Statistics Canada report comprehensively reviewed firearm-related crime in Canada.¹⁰ This report noted that firearm-related violent crime represents a small but serious proportion of crime in Canada. Although men represent the majority of victims of firearm-related crime, patterns vary greatly depending on the relationship of the accused to the victim. In Canada, 10% of all firearm-related violent crimes are cases of IPV, the victims of which are predominantly women and girls (84%).¹¹ When just female victims of firearm-related crime are considered, 25% are perpetrated by a current or former spouse or intimate partner.¹² When firearms are involved in a violent crime committed by a spouse

7 See e.g. Department of Justice Canada, “HELP Toolkit: Identifying and Responding to Family Violence for Family Law Legal Advisers” (2021), online (pdf): <www.justice.gc.ca/eng/fl-df/help-aide/docs/help-toolkit.pdf> [HELP Toolkit]; Pamela Cross et al., “What You Don’t Know Can Hurt You: The importance of family violence screening tools for family law practitioners” (Feb 2018), online (pdf): <<https://www.justice.gc.ca/eng/rp-pr/jr/can-peut/index.html>>.

8 For morning information, see Linda C Neilson, Responding to Domestic Family Violence in Family Law, Civil Protection & Child Protection Cases, Canadian Legal Information Institute, 3rd ed (2025), 2017 CanLII Docs 2 at 9.2.2.23.10, 20.14.6.3, online (ebook) <<https://canlii.ca/t/ng>>. Neilson also notes that “Special provisions and limitations apply with respect to aboriginal peoples” in considering weapons restrictions in family law cases at 9.2.2.23.10. See also Aboriginal Peoples of Canada Adaptations Regulations (Firearms), SOR/98-205; Assembly of First Nations—Special Chiefs Assembly, “Bill C-21 Firearms Legislation” (5–7 December 2023), online: <<https://afn.bynder.com/m/af86afd25c85260/original/2023-Issues-Update-Bill-C-21-Firearms.pdf>>.

9 Canadian Femicide Observatory for Justice and Accountability, *#CallitFemicide Understanding sex/gender-related killings of women and girls in Canada, 2018–2022*, (Guelph: Canadian Femicide Observatory for Justice and Accountability, 2018).

10 Statistics Canada, *Firearms and violent crime in Canada, 2022*, by Samuel Perreault, Catalogue No 85-002-X (Ottawa: Statistics Canada, 30 October 2024) [Statistics Canada—Firearms 2022].

11 Public Safety Canada, News Release, “Legislation to Reduce Gun Violence Receives Royal Assent” (15 Dec 2023), online <<https://www.canada.ca/en/public-safety-canada/news/2023/12/legislation-to-reduce-gun-violence-receives-royal-assent.html>>.

12 Statistics Canada, *Trends in firearm-related violent crime in Canada, 2009 to 2020*, by Mary Allen.

or intimate partner, women represent 89% of victims.¹³ Women are also victims in nearly half of the incidents in which the perpetrator is another family member. For women in rural areas, firearm-related IPV is even more frequent.¹⁴

In its recently released 2022-2023 annual report examining IPV-related deaths in Ontario, the Domestic Violence Death Review Committee (DVDRC) dedicated a chapter to intimate partner homicide by firearm. Looking at 419 Ontario-based cases examined over 20 years from 2003 to 2023, the DVDRC determined that approximately one quarter of intimate partner homicides involved firearms.¹⁵ These data add to other evidence showing that access to a firearm in the home is a significant risk factor for domestic homicide, increasing risk by up to 10 times.¹⁶ The DVDRC further found that when a firearm is involved in intimate partner homicides, there are more casualties.¹⁷ The DVDRC also highlighted strong links between gender, rurality, and firearm-related intimate partner homicides, noting that these deaths occur disproportionately in rural areas and are overwhelmingly perpetrated by men.¹⁸

Together, these findings underscore that firearm access substantially heightens the risk of IPV and domestic homicide, particularly for women in rural communities. Pathways to safely remove or prohibit access to weapons are therefore crucially important as a violence prevention tool.¹⁹ Several recent reports in Canada focused on firearm-related harm in the context of IPV, highlighted the issue and put forth recommendations for change. Below are some key takeaways from each report.

RENFREW COUNTY INQUEST

The Ontario Office of the Chief Coroner's Inquest into the murders of Carol Culleton, Anastasia Kuzyk, and Nathalie Warmerdam (Renfrew County inquest) recommendations were released in June 2022. The jury made several recommendations to respond to firearm-related harm in the context of IPV, including improving communication when IPV charges are laid and strengthening enforcement of firearms regulations.²⁰

Specifically, the jury suggested that guidelines for issuing, reviewing, revoking, or adding conditions to Possession and Acquisition Licences (PALs) should include attention to IPV risks and red flags, even in the absence of a criminal conviction.²¹

The jury additionally called for enhanced training for justice system professionals about firearm risks and the circumstances in which weapons prohibitions may be ordered in IPV cases.²²

¹³ Statistics Canada—Firearms 2022, *supra* note 10.

¹⁴ *Ibid.* Domestic homicides involving firearms are also more likely in rural areas including the rural North. See also Office of the Chief Coroner Province of Ontario, *Domestic Violence Death Review Committee 2022–2023 Annual Report* (Ontario: Office of the Chief Coroner, 2025) [DVDRC]; The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, *Turning the Tide Together: Final Report of the Mass Casualty Commission*, vol 4 (Ottawa: Privy Council Office, 2023) at 520 [MCC Vol 4]; Canada, Public Safety Canada, Question Period Note: *Government Measures to Reduce Gun Violence*, (23 June 2022), online: <<https://search.open.canada.ca/qpnotes/record/ps-sp%2CPS-2022-1-QP-MPS-0002>>.

¹⁵ DVDRC, *supra* note 14 at 59.

¹⁶ MCC Vol 4, *supra* note 14 at 518 citing an international meta-analysis.

¹⁷ The DVDRC, *supra* note 14 at 60 noted that this is likely because cases involving homicides are more likely to be murder-suicides.

¹⁸ *Ibid* at 62. The DVDRC indicated that since 2003, males accounted for 97.4% of persons who caused a firearm-related IP death, compared to 89.6% of IP homicide cases that did not involve a firearm.

¹⁹ Neilson, *supra* note 8 at 8.14.2.

²⁰ Ontario, Office of the Chief Coroner, Inquest into the deaths of Carol Culleton, Anastasia Kuzyk and Nathalie Warmerdam (28 June 2022) at recommendations 13, 56, 60, 61, 62, 69–73, online: <www.ontario.ca/page/2022-coroners-inquests-verdicts-and-recommendations#section-4>. Renfrew Inquest].

²¹ *Ibid* at recommendation 70.

²² *Ibid* at recommendation 29.

MASS CASUALTY COMMISSION

The final report and recommendations of the Mass Casualty Commission were released in March 2023, after investigating the causes, context and circumstances of the April 18–19, 2020, mass casualty in Nova Scotia. The resulting findings and recommendations were wide-ranging, including important recommendations relating to both IPV and firearm safety, amongst others. This included a central lesson that women survivors are at an increased risk when there are firearms present in the home.²³

The report pointed to opportunities to strengthen Canada’s firearms regime and emphasized that enforcing firearms regulations is an essential part of its wider call for public health and preventative approaches to community safety and wellbeing.²⁴ The report stressed the importance of expanding beyond criminal and regulatory responses to include prevention-based mechanisms such as public awareness, education, and processes that support the reporting of firearm-related concerns.²⁵

In particular, the report highlighted that there is a general lack of knowledge about firearms and related harms in Canada. Moreover, community members lack access to safe ways to report their concerns about firearms.²⁶ In the context of the mass casualty in Nova Scotia, the final report emphasized the myriad and understandable reasons community members did not feel safe reporting concerns about the perpetrator, including a fear of retaliation, barriers to access, and limited trust and faith in responses by authorities.²⁷ The Commission remarked that:

 *One essential feature of an effective system for intervening in and preventing violence, including its escalation to a mass casualty, is **ensuring the system can ‘see’ the red flags** so that appropriate and proportional steps can be taken.*²⁸

While the Commission did not comment directly on Bill C-21, which was being considered by Parliament at the time of its writing, it noted that the Commission’s recommendations and the provisions of Bill C-21 were nevertheless interrelated. Points of commonality included proposing automatic revocation of a firearms licence after DV or hate-related offences and suspending licences when a person faces such charges. The Commission expressed support for recommendations related to firearm safety contained in the Renfrew County Inquest, including requiring police to inform the Chief Firearms Officer and provide related records when IPV-related charges are laid.²⁹ It further endorsed the Inquest’s recommendations to improve enforcement of firearms regulations, including creating guidelines about issuing, reviewing, and revoking Possession and Acquisition Licences (PALs) with attention to risks of IPV.³⁰

In considering a public health approach to gun safety, the final report advocated for a nationwide public education campaign on firearm risks, related laws, and avenues to raise concerns, including establishing a national firearms hotline in consultation with the GBV sector and others.³¹

²³ MCC vol 4, *supra* note 14 at 591.

²⁴ *Ibid* at 509. The report includes a helpful overview of firearms in Canada including international legal obligations, a historic overview of Canadian firearm regulation, and legislative and regulatory reform.

²⁵ *Ibid* at 526.

²⁶ MCC vol 4, *supra* note 14 at 579–598.

²⁷ The Joint Federal/Provincial Commission into the April 2020 Nova Scotia Mass Casualty, *Turning the Tide Together: Final Report of the Mass Casualty Commission*, vol 3 (Ottawa: Privy Council Office, 2023) at 157–163 [MCC Vol 3].

²⁸ *Ibid* at 157 [emphasis added].

²⁹ MCC vol 4, *supra* note 14 at 595–596 endorsing recommendations 69–73 of the Renfrew Inquest, *supra* note 20.

³⁰ *Ibid* at 595–596.

³¹ *Ibid* at 597–598.

DFI

The DFI was an Inquiry that took place in Nova Scotia between May 2019 and April 2022, with the final report released by the Honourable Judge Paul Scovil in January 2024. Twenty-five recommendations were made to improve support for Canadian Veterans and their families, expand access to culturally informed and responsive health-care services for African Nova Scotians, and strengthen the application and licensing processes for firearms.³²

Among the firearms-related recommendations, several focused on communication and access to information. For example, the report called on Nova Scotia's Chief Firearms Officer to work with other provinces to improve information sharing and for the Province of Nova Scotia to advocate to the Federal Government for federal policing agencies to provide firearms officers access to the federal police database (PROS).³³ The report also included several recommendations related to sharing information between medical providers and the Chief Firearms Officer. For example, Recommendation 21 called for an applicant for a firearms licence or renewal to be required to give an enduring consent and direction to the Office of the Chief Firearms Officer to allow follow up with a medical practitioner at any time during the period that the licence is valid and in effect and to require the medical practitioner to report changes in the health status of the applicant.

These inquests and inquiries all provide significant background for the debates related to, and eventual passing of Bill C-21.

BILL C-21: BACKGROUND

Bill C-21 was introduced by the former Minister of Public Safety, The Honourable Marco Mendicino on May 30, 2022 and received royal assent on December 15, 2023.³⁴ The bill was introduced in recognition of the increased harm and risk that firearms can present, including in situations involving IPV and FV.³⁵ The proposed amendments included “harm reduction” measures to address these risks to safety, including a new regime for “red flag” laws, allowing an individual to apply to a court on an *ex parte* basis to restrict a person's access to weapons for up to 30 days, with the possibility of extension up to five years.³⁶ These changes to the law were proposed as part of a broader plan to address gun violence and keep Canadians safe, in recognition that, in Canada, gun ownership is considered to be a privilege, rather than a right.³⁷

OVERVIEW OF CHANGES INTRODUCED IN BILL C-21

Former Bill C-21 introduced extensive reforms to address risks associated with firearms. These included “red flag” laws, “yellow flag” laws and expanded firearm licence revocation and ineligibility provisions.

³² The Honourable Judge Paul Scovil, “Desmond Fatality Inquiry – Recommendations” (31 January 2024), online: <www.courts.ns.ca/sites/default/files/courts/Provincial%20Court/Desmond_Fatality_Inquiry_Recommendations_Jan_31_2024.pdf>.

³³ *Ibid* at recommendations 15, 17.

³⁴ Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), 1st Sess, 44th Parl, 2023 (assented to 15 December 2023). Note: Not all provisions came into force at this time.

³⁵ Regulations Amending the Firearms Licences Regulations (2025), C Gaz I, 158:10 [Firearms Licences Regulations (Amending Regs)],

³⁶ Public Safety Canada, “Former Bill C-21: Keeping Canadians safe from gun crime” (13 August 2025), online: <<https://www.publicsafety.gc.ca/cnt/cntrng-crm/frms/c21-en.aspx>> [Public Safety Canada (Former Bill C21)].

³⁷ Firearms Licences Regulations (Amending Regs), *supra* note 34; see also *R v Wiles*, 2005 SCC 84 (CanLII), [2005] 3 SCR 895.

“RED FLAG” LAWS

Amendments to the *Criminal Code* to allow an individual to apply to the court on an *ex parte* basis to request an “Emergency Prohibition Order” or “Emergency Limitations on Access Order” for up to 30 days.

“YELLOW FLAG” LAWS

Amendments to the *Firearms Act* to require a Chief Firearms Officer (CFO) to *suspend* a firearms licence if they have reasonable grounds to suspect that the licence holder is no longer eligible.

EXPANDED LICENCE REVOCATION AND INELIGIBILITY PROVISIONS*

Amendments to the *Firearms Act* to prevent individuals from being *eligible* to hold a firearms licence if they are subject to a protection order or convicted of certain DV offences. Further, a CFO is required to revoke a licence if they have reasonable grounds to suspect that a person has engaged in domestic violence or stalking or if they are subject to a protection order.

* Bill C-21 received Royal Assent on December 15, 2023; however, certain provisions have come into force over time, with some notable provisions and regulations still outstanding at the time of writing. For example, Regulations are needed to define a “protection order.” See more information on p. 16: [“Yellow Flag” Laws and Expanded Licence Revocation/Ineligibility Provisions](#).

The former Bill C-21 also implemented measures to address firearm-related harm through changes to which firearms are, and are not, permitted (including a national freeze on handguns and changes to firearm classification), enhanced licensing requirements, and expanded offences and penalties, amongst others. These other changes are not discussed in this brief.

RED FLAG LAWS

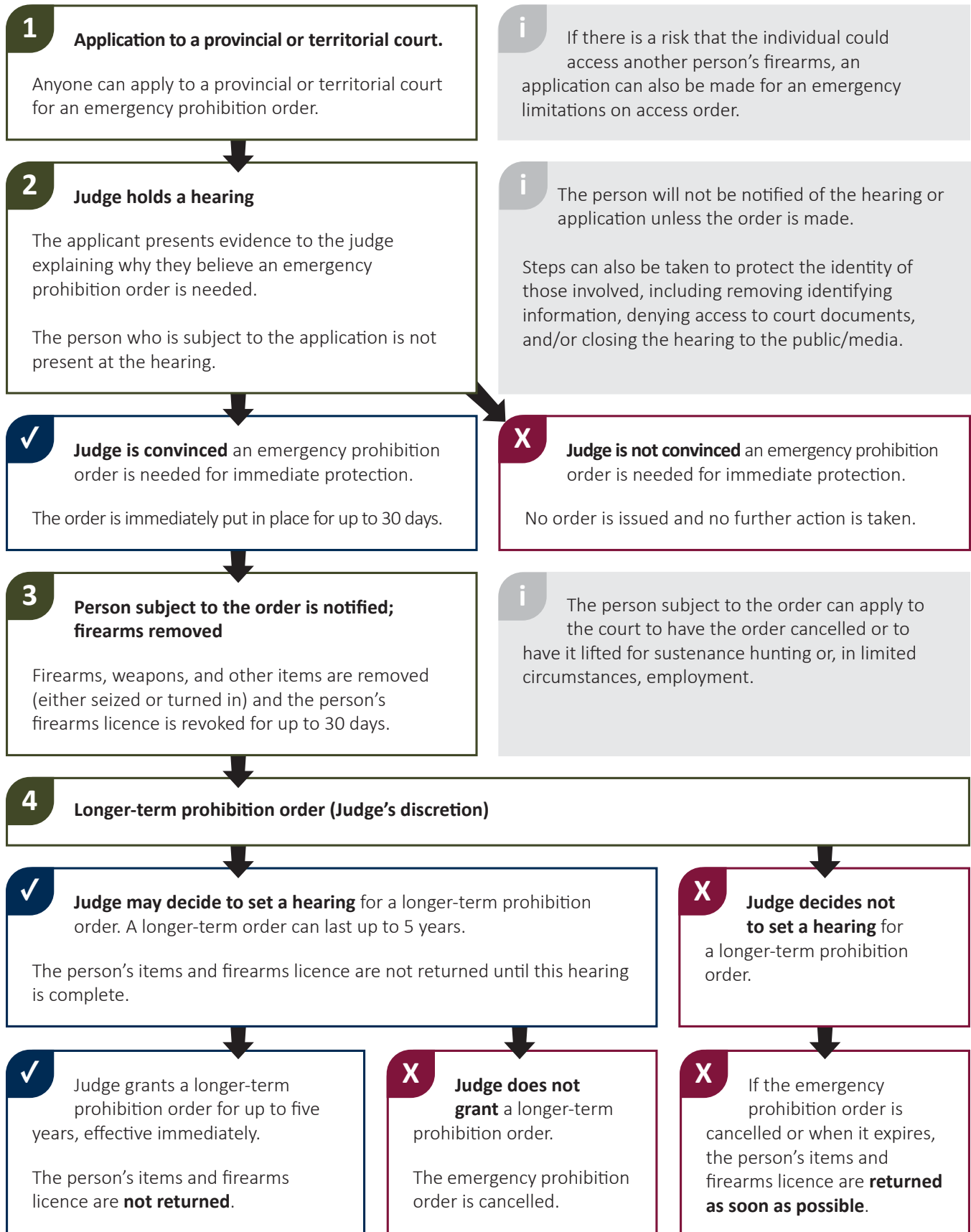
“Red flag” laws include a framework for an individual to apply for an “emergency prohibition order” and an “emergency limitations on access order” under the *Criminal Code*. These provisions are in force. The flowchart in Figure 1 from Public Safety Canada sets out the steps to make an application to a provincial or territorial court for an Emergency Prohibition Order and an Emergency Limitations on Access Order.³⁸

Although a person does not require a lawyer to apply for these orders, where available, [social support services](#) may be able to provide support in making an application. In any case, it is always recommended that a survivor connect with an IPV expert to develop an enhanced safety plan, including if they are considering making such an application.

The following section walks through each step in greater detail.

³⁸ Flowchart developed by Public Safety Canada, “Red flag” law: Emergency prohibition order process” (16 May 2025), online: <https://www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rd-flg-epo-prcs/index-en.aspx>.

Figure 1. Flowchart developed by Public Safety Canada, “Red flag” law: Emergency prohibition order process. Available at www.publicsafety.gc.ca/cnt/rsrscs/pblctns/rd-flg-epo-prcs/index-en.aspx.



EMERGENCY PROHIBITION ORDER

Section 110.1 of the *Criminal Code* allows **anyone** to apply to their provincial or territorial court for an “emergency prohibition order” in situations where they reasonably believe that another person poses an immediate safety risk to themselves or others.³⁹ This means that a person does not have to be a police officer or a firearms officer to make this application. The judge must be satisfied that an order should “be made **without delay** to ensure the **immediate protection**” of any person.⁴⁰ Given the emergency nature of the relief sought, the only reported decision addressing emergency prohibition orders out of Ontario noted that “the court aims to schedule the hearing **the same day** the application is brought.”⁴¹ It remains to be seen how quickly applicants across the country will be able to have their applications heard.

Applications are made *ex parte*, without notice to the respondent. A hearing is then scheduled, and may be heard in private if the judge considers that it is necessary “to protect the security of the applicant or of anyone known to the applicant”.⁴² If an emergency prohibition order is granted, the *Criminal Code* indicates that the respondent will be served and given notice of the order as directed by the judge or in accordance with the rules of court.⁴³

If the emergency prohibition order is granted, a person’s firearms, licence, ownership documents and other weapons may be temporarily removed for a period of up to 30 days with the possibility of extension up to five years at a subsequent hearing.⁴⁴ The order begins on the date it is made.⁴⁵

The respondent may be ordered to **surrender** the listed items, or they may be **removed** by the police.⁴⁶ Peace officers may be permitted to search for and seize items or related documents listed in the order with a warrant, or without a warrant in specified circumstances where danger to the safety of a person would make it impractical to obtain one. A breach of an emergency prohibition order amounts to an offence.⁴⁷ A person who becomes subject to an emergency prohibition order may apply to the court to have the order revoked.⁴⁸

Materials developed by Public Safety Canada state that, at a hearing for an emergency prohibition order, the court may consider information from the applicant, such as personal notes, call records to law enforcement, information from individuals such as neighbours, friends and family members or evidence of violence or attempts of violence.⁴⁹

After granting an emergency prohibition order, the court may set another hearing date, and the person subject to the prohibition order will be notified.⁵⁰ In such cases, the Attorney General of the province or the Attorney General of Canada becomes the applicant.⁵¹ At this hearing, it can be considered whether to extend the order for up to five years.⁵²

³⁹ *Criminal Code*, *supra* note 1, s 110.1(1).

⁴⁰ *Ibid*, s 110.1(3).

⁴¹ *Re Application Pursuant to s. 110.1 of the Criminal Code*, 2024 ONCJ 420 at para 1.

⁴² *Criminal Code*, *supra* note 1, s 110.1(2).

⁴³ *Ibid*, s 110.1(4).

⁴⁴ *Ibid*, ss 110.1(3), 110.4 (1), 111.

⁴⁵ *Ibid*, s 110.1(3).

⁴⁶ *Ibid*, s 110.1(3)-(6), s 114. See also Public Safety Canada, ““Red Flag” Laws and Preventing Firearm-related Harm” (10 Feb 2025), online: <<https://www.publicsafety.gc.ca/cnt/cntrng-crm/frrms/rd-flg-lws-en.aspx>>. [Public Safety Canada (“Red Flag” Laws)].

⁴⁷ *Criminal Code*, *supra* note 1, s 117.01(1).

⁴⁸ *Ibid*, s 112. If the provincial court judge is satisfied that the circumstances for which it was made have ceased to exist.

⁴⁹ Public Safety Canada (“Red Flag” Laws), *supra* note 46. This hearing may proceed *ex parte* “in the same circumstances as those in which a summary conviction court may, under Part XXVII, proceed with a trial in the absence of the defendant.” (s 111(4)).

⁵⁰ *Criminal Code*, *supra* note 1, s 110.4.

⁵¹ *Ibid*, s 110.4(2).

⁵² *Ibid*, s 111 (5).

SUSTENANCE HUNTING OR EMPLOYMENT

An individual subject to an emergency prohibition order can ask the court to obtain a licence to use their firearm for sustenance hunting or employment.⁵³ To be successful, they must show the court that they require the firearm to hunt, trap or sustain their family, or that they would be virtually prohibited from working in the only profession available to them.⁵⁴

The court will decide whether to lift the order, and if so, restrictions on the person's use of firearms may still be added by the court or the Chief Firearms Officer.⁵⁵

EMERGENCY LIMITATIONS ON ACCESS ORDERS

Section 117.0101(1) of the *Criminal Code* allows anyone to apply to their provincial or territorial court for an "emergency limitations on access order" in circumstances where they reasonably believe that there is a risk that someone who is prohibited from possessing firearms and/or other weapons due to a court order could gain access to another person's firearms and/or other weapons. The judge must be satisfied that the order should be made **without delay** for the **immediate protection** of any person.⁵⁶

Applications are also made *ex parte*, without notice to the respondent (i.e. the person against whom the order is sought).⁵⁷ A hearing will be scheduled and may be heard in private.

If the order is granted, a court may place restrictions, terms or conditions on how another person stores or uses firearms for a period of up to 30 days. Such restrictions must be the least intrusive limitations possible, but could include a temporary removal of firearms or other weapons.⁵⁸ The court may also set another hearing date to consider a longer-term order, at which time the Attorney General of the province or the Attorney General of Canada becomes the applicant.⁵⁹

A breach of an emergency limitations on access order amounts to a criminal offence.⁶⁰ A person who becomes subject to an emergency limitations on access order may apply to the court to have the order revoked.⁶¹

⁵³ *Ibid*, s 113.

⁵⁴ *Ibid*, s 113.

⁵⁵ Public Safety Canada ("Red Flag" Laws), *supra* note 46.

⁵⁶ *Ibid*, s 117.0101(3).

⁵⁷ *Ibid*, s 117.0101(1).

⁵⁸ *Ibid*, s 117.0101(5); See also Public Safety Canada ("Red Flag" Laws), *supra* note 46.

⁵⁹ *Criminal Code*, *supra* note 1, s 117.0104.

⁶⁰ *Ibid*, s 117.012. If the provincial court judge is satisfied that the circumstances for which it was made have ceased to exist.

⁶¹ *Ibid*, s 117.01(1); See also Public Safety Canada ("Red Flag" Laws), *supra* note 46.

EMERGENCY PROHIBITION ORDER

- **Any person** may apply
- Applications are made *ex parte* to provincial/territorial court
- A hearing is scheduled and may be held in private
- Applicant must explain why **the person poses a safety risk to themselves or another, and shouldn't have a firearm or other weapon** and why an order should be made without delay to ensure the immediate protection of any person
- **Outcome** (if successful): weapons or firearms are removed for up to 30 days (or up to five years if ordered in a subsequent hearing)
- The person against whom the order is made can apply to revoke the order

EMERGENCY LIMITATIONS ON ACCESS ORDER

- **Any person** may apply
- Applications are made *ex parte* to provincial/territorial court
- A hearing is scheduled and may be held in private
- Applicant must explain why **the person's firearms or other weapons are at risk of being accessed by someone prohibited to possess firearms or other weapons by court order,** and why an order should be made without delay to ensure the immediate protection of any person
- **Outcome** (if successful): Restrictions may be placed on how another person uses or stores their firearms, possibly including temporary surrender or seizure for up to 30 days (or up to five years if ordered in a subsequent hearing)
- The person against whom the order is made can apply to revoke the order

PROTECTION FOR APPLICANTS AND OTHERS

Initial hearings for an emergency prohibition order or emergency limitations on access order are made *ex parte*, without notice to the person against whom the order is sought.⁶²

The person subject to the order is notified once the order is granted.⁶³

The “red flag” law regime incorporates additional protections that may be granted to applicants and others. The court will decide whether to grant or deny a request for additional protection. For example, the initial hearing can be ordered to be private and closed to the media and public if necessary to protect the applicant or another person known to them.⁶⁴ If an order is granted, **court documents can be sealed** for the duration of the order.⁶⁵ **Identifying information may be removed** from court documents on application or on the judge's own motion for any time period, including indefinitely.⁶⁶

Despite these potential available protections, anyone can apply to vary or revoke an order denying access to information or deleting identifying information.⁶⁷ The court will decide whether to accept or deny this application.

⁶² *Criminal Code*, *supra* note 1, ss 110.1(1), 117.0101(1).

⁶³ *Ibid*, ss 110.1(4), 117.0101(4).

⁶⁴ *Ibid*, ss 110.1(2), 117.0101 (2).

⁶⁵ *Ibid*, ss 110.2, 117.0102.

⁶⁶ *Ibid*, ss 110.3, 117.0103. See also Public Safety Canada (“Red Flag” Laws), *supra* note 46.

⁶⁷ *Criminal Code*, *supra* note 1, ss 110.2(5), 110.3(4), 117.0102(5), 117.0103 (4).

CASE SPOTLIGHT: A SUCCESSFUL APPLICATION FOR AN EMERGENCY PROHIBITION ORDER

At the time of writing, there has been only one published decision relating to an application for an Emergency Prohibition Order by Garg J. of the Ontario Court of Justice, *Re Application Pursuant to s. 110.1 of the Criminal Code*, 2024 ONCJ 420.

The applicant in this case was successful in applying for an Emergency Prohibition Order. Justice Garg ordered that the hearing proceed in private and granted a sealing order. He directed the redaction of any identifying information, including in the published decision.⁶⁸ The court indicated that the test to grant either a sealing order or redaction order is whether it is necessary to protect the applicant's security or anyone known to the applicant.⁶⁹

Although the decision provides little detail about the background factual circumstances leading to the order in light of the protections granted, it is nevertheless instructive as to how courts may approach such applications procedurally.

For example, with respect to timing, Garg J. indicated that, given the emergency nature of the order sought, “the court aims to schedule the hearing **the same day** that the application is brought.”⁷⁰ [emphasis added]

The court articulated the legal test it would apply in determining whether to grant the order:

[14] The test to make an emergency prohibition order is governed by a combination of ss. 110.1(1) and 110.1(3). Hearsay evidence is admissible: *R. v. Barnes*, [2011 ONCJ 419](#) at para. [23](#). The judge must be satisfied that:

- the applicant “believes on reasonable grounds that it is **not desirable in the interests of the**

safety of the person against whom the order is sought or of any other person that the person against whom the order is sought should possess” a firearm or related items (s. 110.1(1)); and

- an order should be made **without delay** to ensure the **immediate protection** of any person (s. 110.1(3)).

If the statutory criteria are satisfied, then the judge “shall” make the order. [emphasis added]

Justice Garg stated that the “not desirable in the interests of public safety” test is not new, but rather it mirrors the existing test with respect to other firearm-related determinations.⁷¹ Accordingly, the court extrapolated existing principles with respect to this test from the jurisprudence, including that, “it is more likely than not that there are in fact legitimate concerns indicating that the [subject] currently lacks the responsibility and discipline required of a gun owner”.⁷² Further, there is no requirement that the person who may be subject to the order has done anything wrong, has misused firearms or plans to do so.⁷³

In considering the new *Criminal Code* provisions, the court remarked that there is no prescribed application.⁷⁴ Although there is a hearing requirement, the *Criminal Code* lacks detail about what form of evidence may be required to establish grounds for an order. The court indicated that in the case before it, the applicant filed a written application and testified before the court under oath.⁷⁵

Justice Garg observed that while the Crown did not have standing to participate, an Assistant Crown Attorney was present in the courtroom to provide suggestions regarding service of the order on the subject.⁷⁶

⁶⁸ *Re Application Pursuant to s. 110.1 of the Criminal Code*, 2024 ONCJ 420, at paras 6–12.

⁶⁹ *Ibid* at paras 9–11.

⁷⁰ *Ibid* at para 1.

⁷¹ *Ibid* at para 15, referencing the test for determining whether to use a warrant to seize a firearm (*Criminal Code* s 117.04) dispositions (*Criminal Code* s 117.05), imposing a prohibition order without seizure (*Criminal Code* s 111) and licence revocation and review decisions (*Firearms Act* ss 74–76).

⁷² *Ibid* at para 16 citing *R v Vardomskiy*, 2013 ONSC 4113 and *R v Bokhari*, 2009 ONCJ 691.

⁷³ *Ibid* citing *R v Petre*, 2018 ONSC 396.

⁷⁴ *Ibid* at para 13.

⁷⁵ *Ibid*.

⁷⁶ *Ibid* at para 5.

WHERE TO APPLY

Applications for an emergency prohibition order or an emergency limitations on access order are made to provincial or territorial courts.

At the time of writing, only one province, **British Columbia**, had a court form available online to make such applications. For applications to other courts, it is necessary for individuals to contact their provincial or territorial court to determine the application process. Accessible, plain-language court forms will need to be developed to support the application process, including informing applicants of the option to request orders to deny access to information or remove identifying information.

PROVINCIAL AND TERRITORIAL COURT WEBSITES

ALBERTA	https://albertacourts.ca/cj/home
BRITISH COLUMBIA	https://provincialcourt.bc.ca
MANITOBA	www.manitobacourts.mb.ca/provincial-court
NEW BRUNSWICK	www.courtsnb-coursnb.ca/content/cour/en/provincial.html
NEWFOUNDLAND AND LABRADOR	www.court.nl.ca/provincial
NORTHWEST TERRITORIES	www.nwtcourts.ca/en/courts/territorial-court
NOVA SCOTIA	https://courts.ns.ca/courts/provincial-court
NUNAVUT	www.nunavutcourts.ca/index.php/nunavut-court-of-justice
ONTARIO	www.ontariocourts.ca/ocj
PRINCE EDWARD ISLAND	www.courts.pe.ca/provincial-court
QUEBEC	https://courduquebec.ca
SASKATCHEWAN	https://sasklawcourts.ca
YUKON	www.yukoncourts.ca/en/territorial-court

“YELLOW FLAG” LAWS AND EXPANDED LICENCE REVOCATION/ INELIGIBILITY PROVISIONS

YELLOW FLAG LAWS: SUSPENDING A LICENCE WHERE NO LONGER ELIGIBLE

The “yellow flag” laws introduced in Bill C-21 came into force on March 7, 2025 and amended the *Firearms Act* to require a Chief Firearms Officer (“CFO”) to temporarily suspend a firearms licence for up to 30 days where they have reasonable grounds to suspect that a person is no longer eligible to hold a firearms licence.⁷⁷ This may be as a result of information given to a CFO by any person, including a health or mental health practitioner.

While active, this suspension results in the licence holder being unable to use, purchase or import firearms, however, it does not result in a seizure of the licence holder’s firearms or weapons.⁷⁸ A CFO is responsible for giving written notice of the suspension to the licence holder, but they are not required to disclose any information that may endanger a person’s safety.⁷⁹ The CFO can then determine whether a full licence revocation is required.

REVOKING A LICENCE DUE TO DOMESTIC VIOLENCE OR STALKING

Further amendments to the *Firearms Act* came into force on April 4, 2025, that require a CFO to revoke a firearms licence if they have reasonable grounds to suspect that a person has engaged in domestic violence or stalking.⁸⁰ With respect to this subsection of the *Firearms Act*, a robust definition of “domestic violence” was added that is substantially similar to the definition of “family violence” contained in the *Divorce Act*, and specifically includes, for example, threats, financial abuse and coercive controlling behaviour.⁸¹

REVOKING A LICENCE WHEN A PROTECTION ORDER IS ISSUED (REGULATIONS NEEDED)

Amendments to the *Firearms Act* also state that a CFO *must revoke* a firearms licence when a holder becomes subject to a protection order, pursuant to section 70.2(1) of the *Firearms Act*. In such cases, firearms must be delivered to a peace officer within 24 hours or, if that is not possible, an extended period established by the CFO.

While this section came into force on April 4, 2025, the regulations defining the terms “protection order” and “competent authority” remain outstanding.⁸² Further, an amendment to the *Firearms Act* through Bill C-21 that requires a “competent authority” that makes, varies, or revokes a protection order to inform a CFO within 24 hours is not yet in force.⁸³

⁷⁷ *Firearms Act*, *supra* note 6, s 69.1(1).

⁷⁸ *Ibid*, s 69.2. See also Public Safety Canada (Former Bill C21), *supra* note 36.

⁷⁹ *Firearms Act*, *supra* note 6, s 69.1(2)-(3).

⁸⁰ *Ibid*, s 70.1(1).

⁸¹ s 70.1(2) of the *Firearms Act*, *ibid*, defines “domestic violence” for the purpose of s 70.1(1) as “conduct, whether or not it constitutes a criminal offence, by a family member towards another family member, including conduct by or towards an intimate partner, that is violent or threatening or that is part of a pattern of coercive and controlling behaviour or that causes that other family member or intimate partner to fear for their safety or the safety of another person, and includes (a) physical abuse, including forced confinement, but excluding the use of reasonable force to protect themselves or another person; (b) sexual abuse; (c) psychological abuse; (d) financial abuse; (e) threats to kill or cause bodily harm to any person; (f) threats to kill or harm an animal or damage property; (g) harassment, including stalking; (h) the failure to provide the necessities of life; and (i) the killing or harming of an animal or the damaging of property.” Unlike the *Divorce Act*, this definition does not specifically discuss the direct or indirect exposure of a child to such conduct.

⁸² Public Safety Canada (Former Bill C21), *supra* note 36; *Firearms Licences Regulations (Amending Regs)*, *supra* note 35.

⁸³ *Firearms Act*, *supra* note 6, s 89(2) (not in force).

At the time of writing, the Government of Canada had recently closed a consultation with respect to the proposed definition of “protection order” for possible amendments to the [Regulations Amending the Firearms Licences Regulation](#), including whether or not a peace bond should be included.⁸⁴ The proposed regulations currently include definitions of “protection order” and “competent authority.”⁸⁵

FIREARMS LICENCE INELIGIBILITY: PROTECTION ORDERS (REGULATIONS REQUIRED) OR DOMESTIC VIOLENCE CONVICTIONS

Lastly, changes through Bill C-21 provide that a person is now **ineligible** for a firearms licence if they are subject to a protection order or have been convicted of an offence involving violence, or threat of violence, against a family member or intimate partner.⁸⁶

As with the licence revocations discussed above, regulations are required to define “protection order.”⁸⁷

OTHER LEGAL PATHWAYS TO PROTECT AGAINST FIREARM HARM

In Linda Neilson’s e-book, *Responding to Domestic Family Violence in Family Law, Civil Protection & Child Protection Cases*, she stresses the importance of attention to weapons restrictions in family law cases where there is FV. Given the connection between weapons and FV, Professor Neilson notes that it is recommended to quickly secure and remove weapons.⁸⁸

“Red flag” laws are one of the recent ways the law has changed to address firearm-related harm; however, there are existing avenues through which firearms and/or licences may be removed when they present a risk. For example, firearm and other weapons prohibition orders may be either mandatory or discretionary where a person is convicted of or discharged from certain offences.⁸⁹ This brief covers some of the legal pathways through which weapons, firearms or licences may be removed but is not intended to be exhaustive of all situations.

⁸⁴ The accompanying consultation paper is available at Public Safety Canada, “Consultation paper: Proposed Regulations Amending the Firearms Licences Regulations- licence ineligibility and revocation- protection orders” (3 Feb 2026) online: <<https://www.canada.ca/en/public-safety-canada/consultations/proposed-regulations-amending-firearms-licences-regulations-licence-ineligibility-revocation-protection-orders/consultation-paper-protection-orders.html>>.

⁸⁵ Firearms Licences Regulations (Amending Regs), *supra* note 35. The proposed amendments to the Firearms Licences Regulations would define “**protection order**” to mean “a civil order made by a court or other competent authority in the interests of the safety or security of a person, including an order that prohibits the person from:

- (a) being in proximity to an identified person or following that person from place to place;
- (b) communicating with an identified person, either directly or indirectly;
- (c) being at a specified place or within a specified distance of that place;
- (d) engaging in harassing or threatening conduct directed at an identified person;
- (e) occupying a family home or a residence;
- (f) engaging in family violence as defined in subsection 2(1) of the Divorce Act; or
- (g) engaging in domestic violence as defined in subsection 70.1(2) of the Act.”

⁸⁶ *Firearms Act*, *supra* note 6, s 6.1. This section came into force on April 4, 2025, and applies to convictions on or after that date according to Public Safety Canada (Former Bill C21), *supra* note 36.

⁸⁷ *Ibid*, s 70.1(1).

⁸⁸ Neilson, *supra* note 8 at 9.2.2.23.1.

⁸⁹ *Criminal Code*, *supra* note 1, ss 109–110.

POLICE AND CHIEF FIREARMS OFFICERS

Police or firearms officers may be notified of firearm concerns and can take steps to secure weapons, firearms and licences.⁹⁰

In emergencies or situations that are urgent or life-threatening, any person may call 911 or their local police emergency phone number for help.

Non-urgent situations with no safety risks related to firearms concerns can be communicated to the RCMP's [Canadian Firearms Program](#) at 1-800-731-4000 or by e-mail at cfp-pcaf@rcmp-grc.gc.ca. Contact information for Chief Firearms Officers in each province and territory may be found [online](#).

It is also important to note that, in determining whether to issue a firearms licence to an individual, **public safety is the overriding consideration**. A person is **not** eligible to hold a licence if it is desirable, in the interests of public safety, that they not possess a firearm or weapon.⁹¹ In determining whether a person is eligible to hold a licence, several factors must be considered, including the existence of convictions or discharges for certain offences and any history of violence (including threatened or attempted violence) or threatening conduct.⁹² As covered above, changes through Bill C-21 to the *Firearms Act* also provide that a person is *ineligible* for a licence if they are subject to a protection order (regulations required) or have been convicted of an offence involving violence, or threat thereof, against a family member or intimate partner.⁹³

Police may seize firearms and licences from a person in the interests of public safety where a person presents a danger to themselves or others pursuant to section 117.04 of the *Criminal Code*. These provisions are meant to be **preventative** in nature. A warrant is typically required; however, a peace officer may search and seize weapons without a warrant where it “would not be practicable to obtain a warrant” due to “a possible danger to the safety of that person or any other person.”⁹⁴

Under the *Criminal Code*, police and CFOs can apply to the court for a prohibition order that can last up to five years where they believe on reasonable grounds that such an order is in the interests of the safety of any person.⁹⁵ A peace officer or firearms officer may also apply for an order against a person associated with or cohabiting with the person subject to the prohibition order who may have access to firearms or weapons.⁹⁶ The court may impose restrictions or conditions on that person's use or possession of firearms or weapons—these must be the least intrusive measures possible.⁹⁷

Changes to the *Firearms Act* via Bill C-21 provide that a CFO must revoke a licence when they have reasonable grounds to suspect that a licence holder may have engaged in domestic violence or stalking.⁹⁸

Further, individuals subject to a protection order will have their licences revoked (regulations required).⁹⁹

⁹⁰ Neilson, *supra* note 8 at 9.3.3.19.

⁹¹ *Firearms Act*, *supra* note 6, s 5(1). See also, *R v Banks*, 2020 ONCJ 58 at para 18.

⁹² *Firearms Act*, *supra* note 6, s 5(2).

⁹³ *Ibid*, s 6.1.

⁹⁴ *Criminal Code*, *supra* note 1, s 117.04.

⁹⁵ *Ibid*, s 111(1).

⁹⁶ *Ibid*, s 117.011(1).

⁹⁷ *Ibid*, s 117.011(5)-(6).

⁹⁸ *Firearms Act*, *supra* note 6, s 70.1. Note that s 16(1) of the Firearms Licences Regulations, SOR/98-199 states that “a chief firearms officer who issues a licence to an individual shall consider revoking it” if they become “aware that the individual has been involved in an act of domestic violence or stalking.”

⁹⁹ *Firearms Act*, *supra* note 6, s 70.2.

CFOs also generally have discretion to revoke a licence for any “good and sufficient” reason.¹⁰⁰ Although a CFO who revokes a licence must provide notice and reasons to the holder, they do not need to disclose any information that may endanger the safety of any person.¹⁰¹

The RCMP shares [an annual Commissioner of Firearms Report](#) on efforts by the Canadian Firearms Program towards achieving its objectives, including improved compliance and reduced illegal activities involving firearms.¹⁰² A review of this report finds that DV is a recognized concern for firearm safety. It shows that, in 2024, there were 1,469 firearms licence applications refused by Chief Firearms Officers for various public safety reasons, 143 of which were due directly to concerns about DV.¹⁰³ Moreover, the Chief Firearms Officers revoked 4,318 firearms licences in 2024 based on their assessment of the licence holder’s risk to public safety—277 of these revocations were due to concerns about DV.¹⁰⁴ This annual report also reviews prohibitions related to section 89 of the *Firearms Act*, which requires every court, judge, or justice that makes, varies, or revokes a firearms prohibition order to notify the Chief Firearms Officer in their jurisdiction and for firearms licence applicant screening to include checking whether an applicant is subject to a prohibition order. Under these provisions, as of December 31, 2024, there were 529,916 individuals prohibited from possessing firearms.¹⁰⁵

PEACE BONDS

A person who has reasonable grounds to fear that another person will cause personal injury to them, their intimate partner or their child, and/or will damage their property, may apply for a peace bond under section 810 of the *Criminal Code*. A person can also apply for a peace bond if they fear a person may publish an intimate image without consent. Applications are not *ex parte* in nature and typically involve a hearing at which both parties will be present and may have the opportunity to cross-examine one another.¹⁰⁶ The presence of a peace bond is not a criminal conviction; however, breaching a peace bond amounts to a criminal offence.¹⁰⁷

A peace bond may be ordered for up to twelve months and may include “any reasonable conditions,” including not to contact the applicant or requiring the defendant to stay away from a specified location. In ordering a peace bond, the court *must consider* whether to include a condition prohibiting the defendant from possessing weapons or firearms.¹⁰⁸

Peace bonds are also available in circumstances where a person fears domestic violence.¹⁰⁹ This type of peace bond is addressed in section 810.03 of the *Criminal Code*, which came into force in April 2025. The duration of such peace bonds may be extended to up to two years when the defendant has prior DV-related convictions.¹¹⁰ It may also include conditions mandating attendance at DV counselling or other relevant programming, limiting communication or requiring electronic monitoring.

¹⁰⁰ *Ibid*, s 70(1).

¹⁰¹ *Ibid*, s 72(1).

¹⁰² Royal Canadian Mounted Police, *Commissioner of Firearms Report 2024 Report*, (Ottawa: RCMP Canadian Firearms Program, 2025).

¹⁰³ *Ibid* at 20.

¹⁰⁴ *Ibid* at 21.

¹⁰⁵ *Ibid* at 25.

¹⁰⁶ *Criminal Code*, *supra* note 1, s 810 (2).

¹⁰⁷ *Ibid*, s 811.

¹⁰⁸ *Ibid*, s 810(3.1). Per s 810(3.11), such an order must also specify the manner and method by which the prohibited items will be surrendered, stored etc. and how authorizations, licences and registrations will be surrendered. A decision maker must also include a statement of reasons if they opt not to include a condition prohibiting possession of weapons/firearms (s 810(3.12)).

¹⁰⁹ *Ibid*, s 810.03(1).

¹¹⁰ *Ibid*, s 810.03(4).

These applications similarly require consideration as to whether a defendant should be prohibited from possessing weapons and firearms.¹¹¹

In the single published decision with respect to section 810.03 peace bonds, not having updated and clear application forms proved to be a hindrance for self-represented applicants, given procedural and substantive differences between section 810 and section 810.03 peace bonds.¹¹²

CIVIL PROTECTION ORDERS AND RESTRAINING ORDERS

Most provinces and territories have domestic violence civil protection order legislation or a restraining order regime through family court that allows a person to apply for protections and restrictions in light of risks around safety related to IPV or FV.

Jurisdictions vary in who is eligible to apply, the application process, where and when a hearing will be held, the criteria for granting an order, available relief, and the duration of the order. Jurisdictions will also vary in their definitions of what is “domestic violence,” “intimate partner violence,” or “family violence” under the legislation.

Although domestic violence civil protection orders can be an important tool to reduce and prevent violence, they may not be effective in every case, in part due to the increased risk and danger at the time of separation, and the reality that such orders can lead to retaliatory violence.¹¹³ Moreover, where perpetrators of violence have little respect for the law, a history of violence and breaches of orders, or traits connected with potential for lethality, such orders may not be effective.¹¹⁴ There are also challenges with respect to the enforcement and compliance of protection orders, including across jurisdictions.¹¹⁵ Survivors may also find themselves in the position of having to represent themselves in applying for a protection order.

Compliance and enforcement issues with respect to weapons restrictions in civil protection orders may enhance risk, especially where such orders lack clear and detailed information about seizure, surrender and storage, and compliance reviews.¹¹⁶

Many regions specifically authorize the ability to order the surrender or seizure of weapons. Importantly, protection orders can include additional provisions to address safety, such as restrictions on communication and contact, amongst others. See the Appendix for a brief overview of which provinces and territories allow for, or sometimes even require, firearms or other weapons to be removed when a domestic violence protection order or restraining order is issued.¹¹⁷ As discussed above, changes introduced through Bill C-21 to the *Firearms Act* require a CFO to *revoke* a firearms licence when a holder becomes subject to a protection order, pursuant to section 70.2(1). (regulations needed). This will have implications across jurisdictions.

¹¹¹ *Ibid*, s 810.03(7)-(9).

¹¹² *Re Application for Peace Bonds, Unspecified, ss. 810 & 810.03 Criminal Code*, 2025 ONCJ 477. The court noted that updated forms would be a “sensible step” at para 26.

¹¹³ Neilson, *supra* note 8 at 9.2.1.

¹¹⁴ *Ibid* at 9.2.1.

¹¹⁵ *Ibid* at 9.2.2.22. See also Jennifer Koshan, “Preventive Justice? Domestic Violence Protection Orders and their Intersections with Family and Other Laws and Legal Systems” (2023) 35:1 Can J Fam L 241.

¹¹⁶ Neilson, *supra* note 8 at 9.2.2.23.9.

¹¹⁷ This brief is not comprehensive of every type of protection order available, including those under child protection and family law statutes.

BARRIERS, IMPLEMENTATION CONCERNS AND SAFETY CONSIDERATIONS

Removing weapons promptly can be challenging for many reasons. For example, survivors will not always be aware of a person’s access to weapons, and may, for many reasons, including culture or fear of retaliation, be fearful of turning to the legal system for help.¹¹⁸

“When courts, police and lawyers routinely make enquires and take action to secure weapons in domestic violence cases, violators have less incentive to manipulate or intimidate the targeted party in order to prevent removal. It is important to ensure that such orders take immediate effect and are readily enforceable. Otherwise such orders may result in violent retaliation instead of offering protection.”¹¹⁹

Some of the challenges associated with provisions for firearms removal in cases of IPV were explored through the House debate and external submissions associated with Bill C-21. One key motivation and rationale for Bill C-21 was the need for a response to IPV and GBV. At second reading, the Honourable Marco Mendicino spoke of the risks and increases in IPV and GBV associated with access to firearms. He stated that Bill C-21 represented a response to the advocacy and leadership of survivors and Canadians impacted by gun violence and described the proposed “red flag” provisions as “a practical and effective tool that can reverse a negative trend by providing another protective mechanism.”¹²⁰

MPs from various parties, as well as some external groups, noted the importance of legal protections, but inquired about the potentially onerous or slow nature of the “red flag” provisions.¹²¹ They noted that “red flag” laws could increase risks for survivors of IPV; further, police have existing tools to remove firearms, and such laws may make it more difficult for survivors to obtain a response from police.¹²² The Honourable Dawn Anderson, Senator, spoke to the potential impact on access to justice for Indigenous peoples in Northern Canada, where remoteness and fly-in courts with limited schedules restrict access to courts.¹²³

The Criminal Justice Section of the Canadian Bar Association (CBA) raised issues with Bill C-21, including the *ex parte* nature of the new “red flag” provisions and the ability to request an order denying access to information, stating that such provisions threaten public safety and pose a “disproportionate risk to marginalized groups”.¹²⁴ They argued that the current law is both sufficient and preferred, in which police play an important role in obtaining firearms prohibitions and can seize weapons when a person may pose a danger to themselves or others.¹²⁵ The CBA Criminal Justice Section noted that such seizures do not result in a firearms prohibition until an accused person has the opportunity to be heard in court.

¹¹⁸ Neilson, *supra* note 8 at 9.2.2.23.

¹¹⁹ *Ibid.*

¹²⁰ Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)”, 2nd reading, House of Commons Debates, 44-1, No 85 (9 June 2022) at 6479 (Hon Marco Mendicino).

¹²¹ See e.g. *Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)*”, 2nd reading, House of Commons Debates, 44-1, No 93 (21 June 2022) at 7110 (Jenny Kwan).

¹²² See e.g. Comments in *Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms)*”, 3rd reading, House of Common Debates, 44-1, No 199 (17 May 2023) at 14730 (Glen Motz), 14755 (Alex Ruff), 14772 (Michael Cooper).

¹²³ Senate Debates, 44-1, Vol 153, No 171 (13 December 2023) at 5300. The Honourable Dawn Anderson further noted that CFOs for some territories are located outside the region in other provinces including the Yukon (British Columbia) and Nunavut (Manitoba).

¹²⁴ *Ibid* at 21.

¹²⁵ *Ibid.*

The group remarked that “secret complaints” run contrary to fair hearing and may be misused, for example, by members of “racist or hate groups”.¹²⁶

A brief submitted by The National Association of Women and the Law (NAWL), and endorsed by 14 organizations, was generally supportive of Bill C-21’s efforts to address gun violence but raised cautions around IPV. NAWL recommended amendments to strengthen safety in relation to IPV and FV, some of which were included in the final version of the Bill.¹²⁷ For example, NAWL advocated for the inclusion of a broad definition of “domestic or family violence” in the *Firearms Act* with respect to the requirement for a CFO to revoke a licence if they have reasonable grounds to suspect that a person has engaged in domestic violence or stalking.¹²⁸ NAWL also took the position that “red flag” measures shift the burden of implementing gun laws away from law enforcement and onto women and third parties.

Poly Remembers (PolySeSouvient), a group supporting stricter gun control, consists of students and graduates of the École Polytechnique as well as families and loved ones of the victims of the 1989 tragedy. Many of their concerns and recommendations echoed those of NAWL. They opposed the introduction of the “red flag” law *ex parte* applications for emergency prohibition orders, but remained supportive of the inclusion of section 117.0101 of the *Criminal Code* allowing a person to seek an emergency limitations on access order.¹²⁹ PolySeSouvient expressed concern that going to court to obtain an emergency prohibition may not be accessible to survivors.¹³⁰ They, too, advocated for an expansive definition of “domestic violence” in the *Firearms Act* to include non-physical forms of violence.¹³¹

Other challenges to prevent firearm-related harm in IPV cases have less to do with legislation and more to do with other actions necessary for legislation to be effective.

The recently released special chapter from Ontario’s Domestic Violence Death Review Committee (DVDRC) on intimate partner homicide by firearm, for example, makes the point that, for any legislative changes to significantly enhance victim safety, they need to be paired with public and professional education. The DVDRC pointed out that the risks of firearms in situations of IPV are not well known or appreciated. They recommended that the Chief Firearms Officer of Ontario, the Firearms Safety Education Service of Ontario, and Public Safety Canada jointly develop and launch a public awareness campaign on firearms as a risk factor in situations of IPV, that:

- Emphasizes the dangers of firearm access in cases of IPV;
- Provides information on the processes available to report, relinquish or seek the removal of firearms, recent updates to related legislation and firearm safety;

¹²⁶ *Ibid.*

¹²⁷ The National Association of Women and the Law, “Brief on Bill C-21: An Act to amend certain Acts and to make certain consequential amendments (firearms)” (4 November 2022) submission to the Standing Committee on Public Safety and National Security, House of Commons, 44th Parl, 1st Sess, 2023. For example, NAWL recommended strengthening the language in the newly added s 70.1 of the *Firearms Act* to provide for the removal of a licence where a CFO has **reasonable grounds to suspect** a person **may have** engaged in domestic violence. The original proposed provision called for licence revocation where a CFO **determines** that a person **has engaged** in domestic violence or stalking. [emphasis added]. NAWL argued this provided too broad a discretion to the CFO. NAWL also suggested a 24hr requirement to remove a licence in most cases, which was ultimately adopted.

¹²⁸ *Ibid.*

¹²⁹ PolySeSouvient / PolyRemembers, “BILL C-21 “An Act to amend certain Acts and to make certain consequential amendments (firearms)” (October 2022) submission to the Standing Committee on Public Safety and National Security, House of Commons, 44th Parl, 1st Sess, 2023.

¹³⁰ *Ibid.*

¹³¹ *Ibid.*

- Includes a link to all provincial and territorial Chief Firearms Officer websites for information on lawful requirements and channels to raise concerns; and
- Engages relevant stakeholders in developing and sharing public education materials, including provincial-based gun clubs and rifle associations.¹³²

In making this recommendation, the DVDRC also emphasized the importance of providing information on how concerned family members and friends could have firearms removed from an individual at high risk for perpetrating IPV, noting that existing websites (especially those for the Chief Firearms Officers) and resource packages generally lack clear information on what to do in response to firearm-related concerns.¹³³

Gun owners themselves are also an important audience and point of potentially preventive actions. The Canadian Firearms Safety Course (CFSC), which is required to obtain a Possession Acquisition Licence (PAL), should be updated to include information on IPV and how gun owners can raise, report, and act on concerns regarding legal and illegal gun ownership by a friend, colleague or family member. The DVDRC recommended that public education materials could be produced for posting in gun clubs.¹³⁴

Ontario's DVDRC also emphasized that a broad range of health, social service, and justice professionals need clear information on recognizing and responding to risks associated with IPV and access to firearms. They emphasized that professional colleges should develop and distribute comprehensive educational materials to ensure that all professionals have the skills to inquire about the availability of firearms and to explain various strategies for removing firearms.¹³⁵ More specialized training is needed for police to ensure that officers responding to IPV-related incidents recognize the heightened risk created by firearm access and that probation officers receive regular education on strategies to address risks associated with firearms, mental illness, and suicidality in individuals with a history of IPV.¹³⁶

Finally, the DVDRC noted that the implementation of new provisions to remove firearms and/or suspend or revoke firearms licences will be limited by available resources. Adequate resourcing is therefore necessary to support firearm seizures and revocation orders.¹³⁷

IMPLICATIONS FOR FAMILY LAW PROFESSIONALS

While enhanced legal protections are an essential component of providing safety to survivors at risk of firearm harm, family law professionals also play an important role in screening for FV, assessing risk, and building safety into the family court process. The following steps are recommended for family law professionals when dealing with cases of FV.

First, family law professionals need to screen for FV and assess access to firearms, explore areas of concern, and promote safety throughout their case. The Department of Justice's HELP Toolkit is a critical resource for this step.¹³⁸

¹³² DVDRC, *supra* note 14, recommendation 1 at 65.

¹³³ *Ibid* at 71.

¹³⁴ *Ibid*.

¹³⁵ *Ibid*, recommendation 4 at 66.

¹³⁶ *Ibid*, recommendation 5 at 67.

¹³⁷ *Ibid* at 68.

¹³⁸ HELP Toolkit, *supra* note 7.

Second, family law professionals need to be aware of firearm-related risks and of provisions available to remove firearms in high-risk situations. Notably, most family law statutes addressing parenting arrangements do not expressly authorize weapon or firearms seizure or prohibition.¹³⁹ Professor Neilson describes this lack of express authority in the family law context as a “serious concern,” especially given that many survivors will not turn to the criminal justice system for help.¹⁴⁰

Finally, in recognizing firearm-related risks, family law professionals should take steps to address safety throughout their family law case. Professor Neilson offers the following practices and options to enhance safety:

- Make inquiries at all hearings about recent access (or indirect access) to weapons, including acquisition, access and possession in all cases of DV;
- Inquire about changes in access or possession at subsequent hearings;
- Encourage court protocols and forms requiring disclosure about weapons access, possession and transfers; and
- If authorized by statute and appropriate, consider routine weapons removal and prohibitions for the duration of a protection order:
 - Attention to detail is important to ensure the order is immediately enforceable;
 - The person at risk of violence is often best positioned to know whether an order is appropriate, and issuing one against their wishes may not be advisable; and
 - Consider a prohibition on future acquisition, even if the person does not currently possess weapons or a licence.¹⁴¹

Professor Nelson further outlines that provisions to enhance safety and encourage compliance with orders involving weapon restrictions may include:

- Direct police seizure when authorized by statute;
- Detailed instructions about surrender and storage (when, where, what), with immediate surrender advised;
- Directions about proof of surrender;
- Consider wording to avoid potential conflict with prohibitions related to the *Criminal Code* or *Firearms Act*;¹⁴²
- A process to monitor compliance, non-compliance and return;
- Assign a professional (e.g. agency, case manager, court employee) to confirm that proof of compliance is filed by the required date, or to notify the protected party if it is not; and
- Ensure timely charges in the event of non-compliance.¹⁴³

¹³⁹ Neilson, *supra* note 8 at 9.2.2.23.4.

¹⁴⁰ Neilson, *supra* note 8 at 9.2.2.23.4, 9.2.2.23.5.

¹⁴¹ *Ibid* at 9.2.2.23.7 adapted from Darren Mitchell and Susan Carbon “Firearms and Domestic Violence: A Primer for Judges” (2002) *Court Review* 32.

¹⁴² Neilson suggests that weapons return and expiry conditions could be made subject to any additional prohibitions or limitations imposed pursuant to the *Firearms Act* or the *Criminal Code*.

¹⁴³ For the full excerpt see Neilson, *supra* note 8 at 9.2.2.23.7.

Provisions under Bill C-21 provide new mechanisms to prevent firearm-related harms. With greater awareness among family legal professionals, the provisions available under both new and older legislation can be used by family law professionals to enhance safety in cases of FV in family law processes.

COMMUNITY OF PRACTICE CONTRIBUTIONS

*Contributor: Amanda Pierce, Director of Social Work Services—Legal Assistance of Windsor, SW Ontario
FVFL/A2A Community of Practice Member*

The introduction of ‘red flag laws’ through Bill C-21 provide a necessary additional pathway for supporting survivor safety and mitigating the risk of intimate partner homicide. When combined with additional interventions—such as a strategic approach in the family legal system, and social supports that can address issues of risk assessment, safety planning, access to basic needs resources and trauma therapy, these measures can provide additional safety and peace of mind for survivors and all those who support them.

In reviewing this brief and connecting with peers and colleagues in the violence against women sector, it became clear that there is very little knowledge of these remedies, even among sector leaders. That there is only one recorded case of these laws being utilized since implementation in 2023, suggests that there has not yet been sufficient education and outreach to encourage their use. In the Ontario context, that there are no court forms, or clear pathways for bringing an application, will continue to serve as a barrier to utilizing these remedies. I would recommend that the appropriate bodies consider the development of court forms, and work with the Community Legal Education Ontario (CLEO) website to provide detailed, plain language instructions on how to make an application.

Many survivors lack the resources to engage legal professionals to help them navigate these processes and may be unable to do so independently. Many more are interested in some of the legal remedies available to them but are not prepared to engage with police and enter the criminal legal system. Survivors often turn to IPV specialists—social workers, shelter workers, child protection workers, and others—for guidance in developing safety plans and understanding how to move through these systems. By providing education on red flag laws and application processes within this sector, I expect we will see an increase in the number of applications brought in this context. In addition to supporting clients in advocating with their family law practitioner to consider the use of red flag laws, some IPV specialists, child protection workers and advocates may be able to guide clients through the process of bringing an application and engaging in a hearing.

Additional considerations to enhance the effective use of these remedies include ensuring appropriate training for all practitioners (legal and otherwise) in interviewing survivors, determining the accessibility of firearms, and ensuring appropriate referrals to assess the risk of escalating and lethal harm. Consideration should also be given to the use of survivor informed, validated risk assessment tools to support an application. Further, education should be provided to help practitioners appreciate the dynamic nature of risk throughout the life of a violent relationship—and a recognition that the risk is not mitigated simply because the relationship has ended. Further, community buy-in will be vital in garnering public support in applying for, and implementing, firearm restrictions in the context of red flag laws.

With effective outreach, education, and attention to potential risks, the provision of the red flag laws in Bill C-21 will be one of many tools in the toolbox of a survivor’s legal counsel, advocate, and support network.

Contributor: Dr. Ilana Luther, Executive Director—Access to Justice and Law Reform Institute of Nova Scotia, Atlantic FVFL/A2A Community of Practice Member

In reading about the system of “emergency prohibition” and “emergency limitation on access” orders introduced in the *Criminal Code* as a result of Bill C-21 I was struck by how similar this system is to Nova Scotia’s existing system of emergency protection orders under the *Domestic Violence Intervention Act* (DVIA).¹⁴⁴ I thought a review of this system may help to elucidate for readers some of the potential pitfalls but also possibilities behind the system of emergency orders created by Bill C-21.

In 2001, Nova Scotia passed the DVIA, partly in response to the 2000 shooting and murder of Lori Lee Maxwell by her intimate partner.¹⁴⁵ The emergency protection regime is similar to that introduced in Bill C-21 in that it:

- Provides for an expedient, *ex parte* mechanism with which to remove weapons from the possession of a person who poses a risk to their intimate partner (the DVIA also provides for no contact, exclusive possession, temporary care and custody, etc);
- Emergency orders will be made where there is an immediate need to provide safety “without delay” (the DVIA uses the terminology of “forthwith”);
- Emergency orders last for up to 30 days but can be extended; and
- A person who is the subject of the emergency order can seek to vary or revoke an order at which time a hearing on the matter will be heard (at which the victim may be cross-examined).

There are several differences, however, which may make emergency prohibition orders obtained under section 110.1 of the *Criminal Code* more effective. First, emergency protection orders in Nova Scotia can only be applied for by a “victim” which is defined as a person over 16 who has been the victim of domestic violence by a person with whom they have been cohabiting in a conjugal relationship or with whom they have a child. This means that roommates or dating partners, for example, cannot apply for EPOs. By contrast it seems like anyone—including anyone on behalf of the victim—may apply for an emergency prohibition order.

Second, it appears that these *Criminal Code* emergency prohibition orders will be able to be converted into longer term prohibition orders under section 111 which may remain in place for 5 years.

One major drawback of Nova Scotia’s EPO regime is the requirement that a victim show they require safety from their abuser “forthwith” which has meant that victims must show that the situation is not only “serious” but “urgent”. Where, for example, a parent facilitated contact between the father and the child with her present, it was held by the courts that this “forthwith” requirement was not met.¹⁴⁶

¹⁴⁴ SNS 2001, c 29.

¹⁴⁵ Nova Scotia, Response to Framework for Action Against Family Violence, 2001 Review, online: <<https://novascotia.ca/just/publications/docs/russell/govtresponse.htm>>.

¹⁴⁶ See e.g., *TLT v RT*, 2003 NSSC 251 where the mother facilitated contact between herself, the child and father for the father’s birthday and this was used as evidence to show the mother was not in immediate fear of harm.

As the provisions introduced by Bill C-21 are still in their nascency, a body of case law has not yet developed outlining the “immediate protection” or “without delay” requirements at section 110.1 (3). My hope is that we will see a more contextualized interpretation of these requirements which are first, alive to the dynamics of IPV like coercive and controlling behaviour which might appear as a pattern over time and it may be more difficult to get a sense of the urgency in the situation. And second, that recognize that just because survivors engage with their abusers, perhaps even as a requirement in their parenting orders, this does not abrogate the seriousness and urgency of their need for safety.

Recently, in Nova Scotia, the Government tabled a proposed amendment to the DVIA to extend EPOs from 30 days to one year with the possibility of obtaining an extension for one year.¹⁴⁷ They did this partially as a response to widespread criticism of the short duration of EPOs. Family law lawyers often argue that it will take longer than 30 days for a client to get into court so an EPO may not assist them.

The Government of Nova Scotia is (at the time of writing) proposed to extend EPOs without amending this “forthwith” requirement in the Act. It will remain to be seen whether survivors will find our system of EPOs to more effectively meet their needs for safety given that they are still put to the onerous task of proving the “forthwith” test (most times on their own, without counsel).

APPENDIX: DOMESTIC VIOLENCE CIVIL PROTECTION ORDERS

ALBERTA

Protection Against Family Violence Act, [RSA 2000, c P-27](#)

- Weapons may be seized when they have been used or threatened to be used to commit FV.¹⁴⁸
- Protection orders may be granted for up to one year. The Court of King’s Bench may, on application, extend the term of a protection order for a period not exceeding one year.¹⁴⁹

BRITISH COLUMBIA

Family Law Act, [SBC 2011, c 25](#)

- British Columbia does not have separate domestic violence legislation; however, protection orders from family violence are available under Part 9 of British Columbia’s *Family Law Act*.¹⁵⁰
- The court may order a provision restraining a family member from possessing a weapon, firearm or specified object.¹⁵¹ Police may be directed to seize such items.
- Unless otherwise provided, protection orders expire after one year.¹⁵²
- British Columbia also has a Protection Order Registry, which all police in the province have access to.¹⁵³

¹⁴⁷ Bill No 201, *Justice and Social Services Act*, 1st Sess, 65th Leg, Nova Scotia, 2026 (first reading 25 February 2026).

¹⁴⁸ *Protection Against Family Violence Act*, RSA 2000, c P-27, s 2(3) (Emergency Protection Orders) and s 4(2) (Kings Bench Protection Orders).

¹⁴⁹ *Ibid*, s 7.

¹⁵⁰ SBC 2011, c 25.

¹⁵¹ *Ibid*, s 183(3).

¹⁵² *Ibid*, s 183(4).

¹⁵³ See Government of British Columbia, “Protection Order Registry” (last updated 17 March 2022), online: <<https://www2.gov.bc.ca/gov/content/safety/crime-prevention/protection-order-registry>>.

MANITOBA

The Domestic Violence and Stalking Act, [CCSM c D93](#)

- Manitoba's *Domestic Violence and Stalking Act* requires designated justices of the peace to consider risk factors in determining whether to grant a protection order, including the respondent's access to firearms or weapons.¹⁵⁴ The Act further requires that the chief firearms officer be provided with a copy of the order.
- A protection order or prevention order may include a provision requiring a respondent to deliver firearms or specified weapons to a peace officer.¹⁵⁵ In both cases, this can also include a provision allowing for seizure of weapons in the event the respondent does not follow through.
- In all cases where a protection order is granted, and the respondent possesses a firearm, the order must include a surrender of firearms provision and a provision allowing a peace officer to seize the items if not delivered.¹⁵⁶
- Protection orders may be granted for up to three years or for a longer period if necessary for the protection of the subject.¹⁵⁷

NEW BRUNSWICK

Intimate Partner Violence Intervention Act, [SNB 2017, c 5](#)

- Emergency intervention orders can include a provision directing a peace officer to seize weapons, firearms and related documents for a maximum length of 180 days.¹⁵⁸
- Copies of emergency intervention orders must be sent to the chief firearms officer.¹⁵⁹
- Access to firearms or weapons is also explicitly listed as a factor that must be considered in determining whether to make an order.¹⁶⁰

NEWFOUNDLAND AND LABRADOR

Family Violence Protection Act, [SNL 2005, c F-3.1](#)

- Emergency protection orders can include a provision directing the respondent to deliver a weapon and authorizing documents to a police officer.¹⁶¹ This can also include a provision allowing for the seizure of weapons in the event the respondent does not follow through.¹⁶²
- Emergency protection orders can be granted for a maximum of 90 days and may not be extended.¹⁶³

¹⁵⁴ CCSM c D93, s 6.1(1).

¹⁵⁵ *Ibid*, ss 7(1), 14(1).

¹⁵⁶ *Ibid*, s 7.1(1).

¹⁵⁷ *Ibid*, s 8.1(1)-(2).

¹⁵⁸ *Intimate Partner Violence Intervention Act*, SNB 2017, c 5, ss 4(5)(i), 5(1).

¹⁵⁹ *Ibid*, s 6(3)(b)). The chief firearms officer must also be notified if an emergency intervention order is varied or set aside per s 11.

¹⁶⁰ *Ibid*, s 4(3)(j)(iii).

¹⁶¹ *Family Violence Protection Act*, SNL 2005, c F-3.1, s 6(j).

¹⁶² *Ibid*, s 6(k).

¹⁶³ *Ibid*, ss 7(2), 7(4).

NORTHWEST TERRITORIES

Protection Against Family Violence Act, [SNWT 2003, c 24](#)

- An emergency protection order can contain a provision requiring a person to surrender a weapon for a period of up to 90 days if they used or threatened to use the weapon to commit FV.¹⁶⁴
- If the designated justice finds that a firearm was used or threatened to be used in the commission of FV, the order must contain a provision requiring the surrender of firearms for up to 90 days.
- The duration of an emergency protection order cannot exceed 90 days.¹⁶⁵

NOVA SCOTIA

Domestic Violence Intervention Act, [SNS 2001, c 29](#)

- An emergency protection order, if granted, can include a requirement for a peace officer to seize weapons.¹⁶⁶
- Emergency protection orders are granted for a maximum of 30 days and may be extended for up to 30 days on application.¹⁶⁷ Proposed amendments were introduced to allow emergency protection orders to be granted for up to one year, with the possibility of extending an additional year.¹⁶⁸

NUNAVUT

Family Abuse Intervention Act, [SNu 2006, c 18](#)

- Weapons or firearms may be ordered to be surrendered if they were used, threatened to be used, or are likely to be used in the course of “family abuse.” If such a provision is included, the justice of the peace must also include a provision authorizing the RCMP to seize such items if they are not surrendered.¹⁶⁹
- Emergency Protection Orders may be granted for a period of up to 1 year; however, provisions including surrender of weapons may only last for 90 days.¹⁷⁰

ONTARIO

Family Law Act, RSO 1990, c F.3 and *Children’s Law Reform Act*, [RSO 1990, c C.12](#)

- Ontario does not have separate domestic violence civil protection order legislation; however, restraining orders are available under the *Family Law Act*¹⁷¹ and the *Children’s Law Reform Act*.¹⁷²
- Neither act explicitly provides for the removal of weapons as a condition of a restraining order; however, both state that the provision of the order may include any other provision that the court considers appropriate.
- In their consultation paper on improving protection orders in Ontario, the Law Commission of Ontario considered several decisions on restraining orders where a firearms restriction may have been warranted but was not included.¹⁷³

¹⁶⁴ *Protection Against Family Violence Act*, SNWT 2003, c 24, s 4(3)(g).

¹⁶⁵ *Ibid*, s 4(5).

¹⁶⁶ *Domestic Violence Intervention Act*, SNS 2001, c 29, s 8(1)(j).

¹⁶⁷ *Ibid*, ss 8(2), 12(4).

¹⁶⁸ See Bill No 201, *supra* note 147.

¹⁶⁹ *Family Abuse Intervention Act*, SNu 2006, c 18, s 7(5).

¹⁷⁰ *Ibid*, ss 7(4), 10.

¹⁷¹ RSO 1990, c F.3, s 46.

¹⁷² RSO 1990, c C.12, s 35.

¹⁷³ Law Commission of Ontario, *Improving Protection Orders: Consultation Paper for Family, Child Protection, and Civil Law*, (2025).

PRINCE EDWARD ISLAND

Victims of Family Violence Act, [RSPEI 1988, c V-3.2](#)

- There is no explicit authorization for the removal or surrender of firearms or weapons in Prince Edward Island’s *Victims of Family Violence Act*. Section 3 specifies that an emergency protection order may contain any provision necessary for the protection of the victim or other family members.
- Emergency Protection Orders can be granted for up to 90 days unless otherwise ordered by a judge.¹⁷⁴

QUEBEC

Code of Civil Procedure, [CQLR c C-25.01](#)

- Quebec does not have provincial domestic violence protection order legislation; however, protection orders (or injunctions) are provided for in the Code of Civil Procedure.¹⁷⁵ Surrender or seizure of weapons is not specifically provided for.¹⁷⁶

SASKATCHEWAN

The Victims of Interpersonal Violence Act, [SS 1994, c V-6.02](#)

- No duration is specified for emergency intervention orders, and no specific provision is made for the surrender or removal of weapons. An emergency intervention order may contain any provision deemed necessary by the designated justice of the peace to provide immediate protection for the victim.¹⁷⁷

YUKON

Family Violence Prevention Act, [RSY 2002, c 84](#)

- An emergency intervention order can include a provision requiring the surrender of weapons for up to 180 days. If weapons were used or threatened to be used, the justice must require the surrender of weapons for up to 180 days.
- The designated Justice of the Peace may set a date for expiry; however, a maximum duration is not specified. Weapons may only be surrendered for a period up to 180 days.¹⁷⁸

¹⁷⁴ *Victims of Family Violence Act*, RSPEI 1988, c V-3.2, s 4(4).

¹⁷⁵ CQLR c C-25.01, art 509.

¹⁷⁶ The Government of Quebec website notes that the order could require a person to turn over their weapons to police. See Government of Quebec, “Applying for a protection order in a civil matter” (11 November 2025), online: <<https://www.quebec.ca/en/justice-and-civil-status/support-victims-crime/protecting-safety/protection-order-civil-matter>>.

¹⁷⁷ *The Victims of Interpersonal Violence Act*, SS 1994, c V-6.02, s 3(3)(f).

¹⁷⁸ Family Violence Prevention Act, RSY 2002, c 84, s 4(3)(e).

¹⁷⁹ *Family Homes on Reserves and Matrimonial Interests or Rights Act*, SC 2013, c 20, s 16(5)(f).

¹⁸⁰ See Government of Canada, “First Nations with Matrimonial Real Property Laws Under the Family Homes on Reserves and Matrimonial Interests or Rights Act” (2 March 2022), online: <<https://www.sac-isc.gc.ca/eng/1408981855429/1581783888815>>. This website also includes a list of First Nations with matrimonial real property laws in force.

FIRST NATIONS COMMUNITIES

For individuals living in First Nations communities, the process to apply for a protection order may be different. Some First Nations have enacted laws addressing family property, which can include and address emergency protection orders.

Under section 16 of the *Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA)*, common law partners or married spouses living in First Nations communities may

apply for an Emergency Protection Order for up to 90 days. The *FHRMIRA* does not explicitly list the removal of firearms or weapons in the potential content of the order. An order may include any provision necessary for the immediate protection of the person at risk of harm.¹⁷⁹ Applications are heard by designated judges. Currently, only New Brunswick, Prince Edward Island and Nova Scotia have designated judges for the purpose of hearing emergency protection order applications.¹⁸⁰

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