

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
1.	Absentee	A person who has disappeared or whose whereabouts are unknown.		
2.	Absolute Discharge	(see Discharge)		
3.	Absolute Liability	(see Liability)		
4.	Access	In family law cases, the right to spend time with the children on a regular basis and to receive information on the children's health, education, and well-being.		
5.	Accountant of the Superior Court of Justice	The person who has authority to accept monies that are paid into the Superior Court, except for proceedings under the <i>Landlord and Tenant Act</i> or the <i>Repair and Storage Liens Act</i> or actions in Small Claims Court.		
6.	Accused	A person or company charged with a crime; the defendant in a criminal trial.		
7.	Acquittal	A finding of "not guilty" in a criminal case.		
8.	Act	A law passed by the provincial or federal legislature. Acts are also referred to as 'statutes'.		
9.	Action	A legal proceeding in a civil case.		
10.	Actus Reus	Latin for "guilty act." A voluntary action or omission that, when intentional, results in a criminal offence.		
11.	Adjournment	Postponement of a court hearing to another date. (see Remand)		
12.	Administration Bond	(see Bond)		
13.	Administrator (Estate Trustee)	A person appointed by the court to administer the estate of a person who has died without a will or the estate of an executor named in a will. The administrator is now called an estate trustee.		
14.	Admissible Evidence	(see Evidence)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
15.	Adoption	The process in which a person, usually a child, becomes a legal member of a new family. Once an adoption is finalized, the person becomes the legal child of the adoptive parent(s) and the parental rights of the biological parent(s) are terminated.		
16.	Affidavit	A written statement or declaration of facts that are sworn or affirmed to be true.		
17.	Affidavit of Service	An affidavit certifying that a document has been served on a party.		
18.	Affirmation	A solemn declaration made by a person to tell the truth. Lying in an affirmation is perjury, a criminal offence.		
19.	Aggravated Damages	(see Damages)		
20.	Alternative Dispute Resolution	Resolving conflict through means other than going to court. Examples of alternative dispute resolution include: arbitration, mediation, and collaborative family law.		
21.	Arbitration	A process where a neutral third party, selected by the disputing parties, makes a decision on the issue in dispute.		
22.	Collaborative Family Law	A process where the parties and lawyers formally agree to negotiate a resolution of the issues in dispute through a series of meetings, without going to court.		
23.	Mediation	A process where a neutral third party (mediator), selected by the disputing parties, assists parties to reach agreement on issues in dispute.		
24.	Amicus Curiae	Latin for "friend of the court." A lawyer who assists the court during the course of a hearing, to represent a position or interest, usually at the court's request.		
25.	Annulment	A declaration by a judge that a marriage is invalid. If a marriage is annulled, it is as if the marriage never occurred.		
26.	Answer	A response to an allegation or an application.		
27.	Appeal	A request made to a higher court, tribunal or authority for		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		the review of a decision.		
28.	Appeal Period	The time limit within which one can appeal.		
29.	Appearance Notice	A document that requires people to appear in court to answer charges against them in a criminal case.		
30.	Appellant	The party bringing an appeal.		
31.	Applicant	A person who makes or starts an application.		
32.	Application	<ol style="list-style-type: none"> 1. The commencement of a proceeding in a court by way of filing the appropriate court form. 2. A request made to the court. 		
33.	Apprehend	<ol style="list-style-type: none"> 1. To take or seize. 2. In child protection cases, to remove a child from his or her parents or the person having care of the child and take him or her to a place of safety. Child protection workers and police have the authority to do this. 		
34.	Arbitration	(see Alternative Dispute Resolution)		
35.	Arbitrator	A neutral third party, selected by the parties to a dispute, who makes a decision on an issue in dispute.		
36.	Arraignment	The initial step in a criminal proceeding to confirm the identity of the accused, formally read the charges, and ask how the accused pleads.		
37.	Arrears	Money that is owed to a party under a court order or agreement, but has not been paid.		
38.	Arrest	The taking or keeping of a person in custody by legal authority, usually in response to a criminal charge.		
39.	Assessment	<ol style="list-style-type: none"> 1. The determination of the rate or amount of something. For example, damages or a fine imposed. 2. In family law cases, an analysis by a qualified professional who investigates, assesses and reports on the needs of the child(ren) and the ability of the parties to meet those needs. 3. In criminal law cases, a determination by a qualified 		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		<p>person of the mental condition of an accused person.</p> <p>4. In civil cases, a determination of the capacity of an individual to manage property, to make personal care decisions, or to properly retain and instruct counsel.</p>		
40.	Assessment, Fitness	An analysis performed by a psychiatrist or psychologist to determine whether a person is fit to stand trial.		
41.	Assessment, Solicitor-Client	A hearing where an assessment officer reviews the amount of a lawyer's bill.		
42.	Assessment, Capacity	A determination by a capacity assessor, or the court, as to a person's ability to manage property, make personal care decisions, or to properly retain and instruct counsel		
43.	Assessment Order	(see Order)		
44.	Attorney	<p>1. A term for a lawyer – more often used in the United States.</p> <p>2. A person who has been appointed under a power of attorney by a capable grantor to act on their behalf. An Attorney can be for either property issues, or personal care issues, or both.</p>		
45.	Attorney General	The principal law officer of "the Crown"; the Minister of the provincial or federal government responsible for the administration of justice.		
46.	Bail	A commonly used term for a Recognizance of Bail. When a person is not released by the arresting officer, the person must be taken before a judicial officer to determine whether the person should remain in custody pending trial. The term "bail" is often used to refer to the money paid as security for the person showing up the next time he or she is required to appear in court.		
47.	Balance of Probabilities	(see Burden of Proof)		
48.	Bankrupt	Insolvent and involved in a proceeding to become bankrupt or against whom a creditor has started a proceeding to put them into bankruptcy. Can be used to		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		refer to apply to the person in this position.		
49.	Bankruptcy	A legal process by which an insolvent person is relieved of certain debts, usually with conditions.		
50.	Bar	<ol style="list-style-type: none"> 1. Term used to describe the legal profession as a whole. 2. A barrier that separates the judge's bench and the front row of lawyers' seats from the public area of the court. 		
51.	Barrister	Popularly used to mean lawyers who appear in court to argue cases. In Canada (except Quebec), all lawyers are barristers and solicitors. In England and other countries, historically barristers attended court while solicitors did not.		
52.	Bench	<ol style="list-style-type: none"> 1. The judge's seat in a court. 2. Judges, singly or collectively. 		
53.	Bench Warrant	(see Warrant)		
54.	Beneficiary	A person designated to receive something as a result of a legal document, such as a will or insurance policy.		
55.	Best Interests of the Child	Circumstances that must be taken into account by the court when making orders concerning children in child protection and family law cases. Factors considered can include the child's needs, interests, views and preferences, and cultural and family connections.		
56.	Beyond a Reasonable Doubt	(see Burden of Proof)		
57.	Bill	Proposed legislation that is brought before the legislature for approval. A bill becomes law once it is approved by the legislature, receives royal assent from the Lieutenant Governor and is proclaimed effective. The Act may be proclaimed effective on Royal Assent; by a fixed date in the legislation; or on a date to be proclaimed by the government.		
58.	Binding	<ol style="list-style-type: none"> 1. Mandatory 		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		2. When applied to a court decision or order, required to be followed in cases with similar circumstances.		
59.	Bond	An obligation or a promise given to a court. A bond includes a recognizance.		
60.	Bond, Administration	A promise with a surety(ies), offered by an application or required by a judge in an estate application filed with the court.		
61.	Peace Bond	Person is ordered to keep the peace for a specified period of time on certain conditions.		
62.	Surety Bond	A written promise committing someone acting as a surety to pay a named person a set amount if the promise is broken.		
63.	Breach	A violation or infraction of a law or obligation.		
64.	Brief/Legal Brief	A written statement summarizing the arguments of a case. It contains factual and legal arguments, as well as references to any legislation or cases that are being relied on to support those arguments.		
65.	Burden of Proof	The degree of proof needed in a proceeding for a party to prove a disputed assertion or charge.		
66.	Balance of Probabilities	This is the standard of proof used in civil and family matters.		
67.	Beyond a Reasonable Doubt	This is the standard of proof used in criminal matters. This higher standard of proof reflects the potentially serious consequences (loss of liberty) in criminal cases.		
68.	CAS	Acronym for Children's Aid Society.		
69.	Case	A matter brought before the court for a decision. It includes criminal charges, applications, motions, enforcements and appeals.		
70.	Case Conference	(see Conference)		
71.	Case Event List	A list of cases to be heard in a particular courtroom during that day. This list may be referred to as the "docket".		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
72.	Case Law	Judge-made law and legal decisions from previous cases that form precedents for future cases. Depending on what level of court, case law can be binding or just persuasive.		
73.	Case Management	A process that gives parties in dispute scheduled opportunities to discuss the case in order to streamline proceedings.		
74.	Case Management Master	(see Master)		
75.	Cause of Action	A situation that may entitle one person to obtain from the court a remedy against another person.		
76.	Caveat	Latin term for a warning. Cautionary words.		
77.	Certificate	A document that attests to a fact or court decision.		
78.	Certificate of Appointment of Estate Trustee With a Will	A legal document issued by a Superior Court of Justice confirming that the will filed with the court is the last will of the deceased and that the person named as estate trustee in the will has authority to administer the estate of the deceased person. (Commonly referred to as "letters probate" or "probate".)		
79.	Certificate of Appointment of Estate Trustee Without a Will	Where a person has died without a will, it is a legal document issued by a court authorizing a person to administer the estate of the deceased person. (Commonly referred to as "letters of administration" or "administration".)		
80.	Certificate of Divorce	A certificate issued by a court showing that a divorce has been granted under the Divorce Act dissolving the marriage of the persons specified in the certificate.		
81.	Certificate of Pending Litigation	Notice to a person that a proceeding has been started against the person questioning their interest in land. To have legal effect, the certificate must be issued by the court and registered in the proper land registry office.		
82.	Certify (a Copy)	To formally acknowledge in writing that a copy is an		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		accurate copy of the original document.		
83.	Certiorari	(see Prerogative Writs)		
84.	Change of Name Act	Ontario statute that governs how a person's name can be legally changed.		
85.	Character Evidence	(see Evidence)		
86.	Charge	A formal accusation of an offence as a preliminary step to prosecution.		
87.	Charter	Frequently used to refer to the <i>Canadian Charter of Rights and Freedoms</i> . The <i>Charter</i> is a part of the <i>Canadian Constitution</i> and guarantees individuals certain rights and freedoms, including the right to a fair trial.		
88.	Child	For most legal purposes, a person under 18 years of age or, in some instances, a person under 16 years of age. A young person without the legal rights and responsibilities of an adult. (see Minor)		
89.	Child Abduction	The taking of a child contrary to a court order or without the permission of the parent who has legal custody of the child.		
90.	Child Abuse	Any action or series of actions that results in harm, potential for harm, or threat of harm to a child. Abuse can include physical harm, sexual molestation or exploitation, or emotional or psychological harm.		
91.	Child and Family Services Act	Ontario statute that governs child protection, secure treatment, adoption and some matters relating to young offenders. It establishes the exclusive authority of children's aid societies to investigate allegations that children may be in need of protection.		
92.	Child in Need of Protection	In child protection cases, a child who the court finds has been harmed, or who is at risk of being harmed, by the person who had charge of the child before the children's aid society intervened. Criminal charges may also be pursued against that person.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
93.	Child Protection Case	A case in which a party, generally a children's aid society, files an application under the <i>Child and Family Services Act</i> , seeking a finding by the court that a child is in need of protection and an order concerning how the child is to be protected in the future.		
94.	Child Support	(see Support)		
95.	Child Support Guidelines	Rules and tables calculating the amount of child support that should be paid to the parent with whom the children reside based on the payor's income, number of children, and the province or territory of residence. Exceptions to the guidelines allow a court to order different amounts in particular cases.		
96.	Child Welfare	Another term used for child protection.		
97.	Children's Aid Society (CAS)	An agency that investigates allegations that children may be in need of protection, protects and cares for those children where necessary, and provides guidance, counselling and other services to families for the protection of children.		
98.	Children's Law Reform Act	Ontario statute that governs the finding or declaration of parentage, custody of and access to children, orders restraining harassment, and guardianship.		
99.	Children's Lawyer (Office of the)	A part of the Ministry of the Attorney General that delivers services in the administration of justice on behalf of children under the age of 18 with respect to their personal and property rights. The Office's lawyers represent children in areas of law such as custody and access, child protection, estate and civil litigation. Clinical investigators working for the Office prepare reports for the court in custody and access proceedings and may assist lawyers who are representing children in such matters.		
100.	Circumstantial Evidence	(see Evidence)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
101.	Civil Law	<ol style="list-style-type: none"> 1. The law of civil or private rights, as distinct from criminal law. 2. A system of private legal rights based on Roman law and usually expressed in a Code, for example the Civil Code of Quebec. 		
102.	Claim	The assertion of a legal right.		
103.	Statement of Claim	The method of bringing an action by one person against another.		
104.	Counterclaim	An action brought by the defendant in an existing action against the plaintiff, which is usually tried with the plaintiff's claim.		
105.	Cross Claim	An action brought between co-defendants or co-plaintiffs in an existing action.		
106.	Third Party Claim	An action brought by the defendant in an existing action against another person, asserting that this third party is liable for some or all of the plaintiff's damages rather than the defendant.		
107.	Class Action	A lawsuit commenced by a single person or small group of people on behalf of a larger group of people who may all have a legal action against the same defendant.		
108.	Clerk of the Court	The administrative officer in a court who is assigned some or all of the responsibilities of the court, such as signing court orders, issuing particular documents, maintaining the court's record, and performing other duties under the <i>Courts of Justice Act</i> and other legislation, and under the rules of court.		
109.	Cohabit	To live together in a spousal relationship, whether within or outside of marriage.		
110.	Cohabitation Agreement	(see Domestic Contract)		
111.	Collaborative Family Law	(see Alternative Dispute Resolution)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
112.	Commission	<ol style="list-style-type: none"> 1. An act or action. A positive action in contrast to an omission. 2. To confirm with a person, by asking him or her under oath or affirmation, that the information he or she is providing in a document is true. Only persons authorized to commission a document may do so. 		
113.	Commissioner for Taking Affidavits	A person authorized to administer oaths and affirmations and before whom affidavits, declarations and affirmations may be made.		
114.	Common Law	<ol style="list-style-type: none"> 1. Legal customs and past decisions of judges (case law), in contrast to statute law. 2. A term that describes a relationship where two people live together as spouses but are not married. 	3.	4.
115.	Compellable Witness	(see Witness)		
116.	Compensatory Damages	(see Damages)		
117.	Competence	A basic ability to do something. Competence determines such things as whether an individual can give evidence, stand trial, bring an action, make decisions with regard to property or personal care, or consent to something.		
118.	Complainant	A person who brings a legal complaint against another; may include the victim of an alleged criminal offence.		
119.	Concurrent Sentence	(see Sentence)		
120.	Conditional Discharge	(see Discharge)		
121.	Conditional Sentence	(see Sentence)		
122.	Conditional Supervision	(see Sentence)		
123.	Conference	A meeting between parties in a legal case or proceeding. Different types of conferences are found in the justice system:		
124.	Case Conference	A meeting between a judge and the parties or their lawyers, or all together, to identify disputed issues and explore methods of resolving those issues in a timely		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		manner.		
125.	Pre-Trial Conference	A meeting between a judge and the parties' lawyers (the parties may or may not be present), to consider the possibility of settling or simplifying the issues and determining questions of liability, what remedy a party seeks, and the estimated duration of the hearing.		
126.	Settlement Conference	A meeting between a judge and the parties or their lawyers, or all together, to identify any issues that can be settled or any facts agreed upon and the evidence that will be relied on for the outstanding issues.		
127.	Trial Management Conference	A meeting between the judge and the parties or their lawyers, or all together, to facilitate an orderly trial and explore possibilities for settling the matter.		
128.	Confession	An admission of guilt.		
129.	Consecutive Sentence	(see Sentence)		
130.	Consent	<ol style="list-style-type: none"> 1. Agreement or permission that is given voluntarily by a competent person, either orally or in writing. 2. Sometimes refers to the written form of an agreement. 	3.	4.
131.	Consent and Capacity Board	Independent provincial tribunal that makes decisions about matters of capacity, consent, civil committal and substitute decision making under statutes including the <i>Health Care Consent Act</i> , <i>Mental Health Act</i> and <i>Substitute Decisions Act</i> .		
132.	Consent Order	(see Order)		
133.	Constructive Trust	(see Trust)		
134.	Contempt of Court	Conduct that defies the authority or dignity of a court, including disobeying a court order.		
135.	Contest	To oppose, resist, disagree.		
136.	Contingency Fee	(see Fees)		
137.	Continuing Power of Attorney for Property	(see Power of Attorney)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
138.	Continuing Record	In family law cases, the court's record of a case, which consists of written documents that have been filed with the court.		
139.	Contract	An oral or written agreement between parties in which the parties make mutual promises to each other. The parties must be at least 18 years of age, and be mentally capable of entering into such an agreement.		
140.	Controlled Drugs and Substances Act	Federal statute controlling drugs, such as marijuana and cocaine, and other potentially harmful substances.		
141.	Conviction	The act of finding someone guilty.		
142.	Corollary Relief	(see Relief)		
143.	Corroborating Evidence	(see Evidence)		
144.	Costs	A money award made by a court or tribunal for expenses in bringing or defending a legal proceeding or a step in a proceeding. Costs may also be ordered against a party, in favour of the other, for failing to follow the court's directions or instructions before or during a step in the case.		
145.	Partial Indemnity Costs	Costs awarded in civil matters against a party to pay some of the legal expenses incurred by the other party..		
146.	Substantial Indemnity Costs	Costs awarded in civil matters against a party to pay most, but not all, of the actual legal expenses incurred by the other party (e.g., lawyer's fees).		
147.	Counsel	<ol style="list-style-type: none"> 1. A lawyer, especially in a court proceeding. 2. Referring to an offence, to persuade or encourage a person to do something against the law. 	3.	4.
148.	Count	A criminal charge in an information or indictment.		
149.	Counterclaim	(see Claim)		
150.	Court	A place where justice is administered.		
151.	Supreme Court of Canada	The Supreme Court of Canada is Canada's final court of appeal. It hears appeals from provincial and territorial courts of appeal and from the Federal Court of Appeal.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
152.	Court of Appeal for Ontario	The highest court in the province. It hears appeals from lower Ontario courts. Decisions of the Court of Appeal may be further appealed on a question of law to the Supreme Court of Canada, if the Supreme Court agrees. In criminal matters, a person who is convicted of an indictable offence may also appeal to the Supreme Court of Canada as of right on any question of law on which a judge of the Court of Appeal dissents.		
153.	Superior Court of Justice	The Superior Court of Justice hears criminal prosecutions of indictable offences, summary conviction appeals, bail reviews, estates, civil suits (over \$10,000), and, where the Family Court branch of the Superior Court of Justice does not exist, the court also hears family cases other than child protection, secure treatment, adoption cases and appeals of child protection cases.		
154.	Divisional Court	The Divisional Court is a branch of the Superior Court of Justice. The court hears appeals and reviews of decisions by government agencies, tribunals and boards, as well as some appeals.		
155.	Family Court	The Family Court is a branch of the Superior Court of Justice. It hears all family cases. Where the Family Court does not exist, jurisdiction over family matters is divided between the Superior Court of Justice and the Ontario Court of Justice.		
156.	Small Claims Court	The Small Claims Court is a branch of the Superior Court of Justice. The court hears civil actions for claims up to \$10,000.		
157.	Ontario Court of Justice	This court hears criminal and <i>Provincial Offences Act</i> prosecutions, <i>Provincial Offences Act</i> appeals, and, in areas where the Family Court branch of the Superior Court of Justice does not exist, the court also hears family cases other than cases that contain claims for divorce or division of property.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
158.	Court File	The court's physical record of a case, including all documents filed with the court.		
159.	Court of Appeal	(see Court)		
160.	Court Order	(see Order)		
161.	Creditor	A person to whom money is owed.		
162.	Criminal Code of Canada	Federal legislation that is the source of criminal law and procedure in Canada.		
163.	Criminal Law	Law that prohibits harmful or undesirable conduct, and the processes by in which the state ("the Crown") responds to this conduct.		
164.	Criminal Rate of Interest	(see Interest Rate)		
165.	Criminal Record	Documentation of criminal conviction(s) imposed on a person.		
166.	Cross Claim	(see Claim)		
167.	Cross-Examination	(see Examination)		
168.	Crown	The government. (Cabinet ministers and public servants, but not the Legislature or judges.)		
169.	Crown Attorney	A lawyer who acts as an agent of the Attorney General in civil lawsuits; a lawyer who prosecutes criminal matters on behalf of the Crown.		
170.	Crown Prosecution	(see Prosecution)		
171.	Crown Wardship	In child protection cases, a child who has been placed permanently in the care of a children's aid society. The state or Crown becomes the child's legal parent and has the rights and responsibilities of a parent.		
172.	Custody	<ol style="list-style-type: none"> 1. The care and control of a thing or a person. For example, in criminal matters, a person is taken into custody upon arrest or while awaiting trial. 2. In family law cases, this describes the arrangement made for the care of children when parents separate or children are found in need of protection. Different 	3.	4.

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		types of child custody arrangements include:		
173.	Joint Custody	The children live primarily with one parent and the other parent spends regular time with the children. However, the parents jointly make decisions about the children.		
174.	Shared Custody	Where both parents are involved in decision-making about the children and share in their on-going care. According to the <i>Child Support Guidelines</i> , shared custody is where the children live at least 40% of the time with each parent.		
175.	Sole Custody	The children live with one parent, and that parent has the right and responsibility to make major decisions about the child's care, education, religious instruction and welfare. The other parent usually has access to the child.		
176.	Split Custody	When the parents have more than one child together and each parent has custody of one or more of those children.		
177.	Custody and Community Supervision	(see Sentence)		
178.	Custody and Conditional Supervision	(see Sentence)		
179.	Customary Care	In child protection cases, where a child is placed in the care and supervision of an Aboriginal person who is not the child's parent, according to the custom of the child's band or native community.		
180.	Damages	Money claimed by, or ordered to be paid to, a person as compensation for loss or injuries.		
181.	Aggravated Damages	Damages designed to compensate a plaintiff for suffering intangible damages such as humiliation and distress, as a result of the defendant's actions.		
182.	Compensatory Damages	Damages awarded for actual loss, in order to place the plaintiff in a position that he or she would have been in had he or she not suffered the wrong complained of.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
183.	General Damages	Damages for non-monetary losses suffered by a plaintiff. These damages are not capable of exact quantification. Examples of such losses suffered include pain, suffering, and disfigurement.		
184.	Nominal Damages	Token (i.e. small) damages awarded to redress a violation of a legal right that the law deems necessary to protect, even in the absence of actual harm.		
185.	Non-Pecuniary Damages	Damages that cannot be measured in money, but nevertheless are compensated for with money (i.e., general damages).		
186.	Pecuniary Damages	Damages that can be measured in money (i.e., special damages).		
187.	Punitive Damages	Damages awarded to punish a defendant for their purposely harsh, vindictive or malicious behaviour.		
188.	Special Damages	Damages intended to compensate a plaintiff for a quantifiable monetary loss. Examples of such losses include: lost earnings, medical bills, and repair costs.		
189.	Dangerous Offender	A person who is convicted of a serious personal injury offence, as provided in the <i>Criminal Code of Canada</i> , and who is, after an assessment, found by a court to be at high risk to re-offend and whose risk cannot be managed in the community. Dangerous offenders are sentenced to a detention in a federal prison for an indefinite period. (see also Long-term Offender)		
190.	De Novo (Hearing)	Latin term for "new." A hearing after a decision, as if no decision had previously been made.		
191.	Debtor	A person who owes money.		
192.	Declaration	An order of the court that declares the law to require or prohibit certain conduct or that named persons have rights specified in the declaration.		
193.	Default Hearing	(see Hearing)		
194.	Default Judgment	(see Judgment)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
195.	Defence	A defendant or accused person's reason(s) why a plaintiff or a prosecutor does not have a valid case.		
196.	Defence Counsel	A lawyer who represents a defendant or accused person in a civil or criminal case.		
197.	Defendant	A person sued in a civil proceeding or accused in a criminal proceeding.		
198.	Demonstrative Evidence	(see Evidence)		
199.	Dependant	A person who relies on another for support. A person whom another has an obligation to support.		
200.	Deponent	A person making a statement under oath or affirmation, often in an affidavit.		
201.	Deposition	An affidavit or statement made under oath or affirmation.		
202.	Deputy Judge	(see Judge)		
203.	Derivative Evidence	(see Evidence)		
204.	Direct Evidence	(see Evidence)		
205.	Direct Examination	(see Examination)		
206.	Discharge	A release from obligation when a legal duty has ended. In the criminal context, this is also used as an alternative sentencing option for an accused who has been found guilty. The result of a discharge is that the offender has no criminal record of a finding of guilt.		
207.	Absolute Discharge	A conviction is not entered against the accused and any information or record relating to that offence cannot be disclosed after one year from the date of the discharge order.		
208.	Conditional Discharge	A conviction is not entered against the accused if certain conditions that are imposed are met. Any information or record relating to the offence cannot be disclosed after three years from the date of the discharge order, as long as all the conditions are met.		
209.	Disclosure	Making information and documents known and available		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		to a party in a proceeding. There are disclosure requirements placed on parties by law or court rules. Court records can also be disclosed to the public, subject to statutory provisions, common law rules or judicial direction restricting access to the records.		
210.	Discovery	There are compulsory discovery rules by which parties to civil actions must reveal documents and information relevant to the case.		
211.	Discretionary Bench Warrant	(see Warrant)		
212.	Dismissal	A judicial officer's decision to terminate an action, claim, or charges.		
213.	Disposition	A judicial officer's decision. (see "Judgment")		
214.	Diversion	In criminal law, removal of a case from the usual process. The police or Crown attorney may divert a case if certain conditions are met. There are various formal and informal pre-charge and post-charge diversion programs. Some of these are also referred to as extrajudicial measures or sanctions.		
215.	Division of Property	In family law cases, the division of assets and liabilities between parties after separation or death. For married parties, property is divided by equalizing the net family property of the parties.		
216.	Divisional Court	(see Court)		
217.	Divorce	The legal ending of a marriage by a court order.		
218.	Divorce Act	Federal statute that governs divorce in Canada, as well as custody, access, and support in divorce cases.		
219.	Divorce Order	(see Order)		
220.	Docket	<ol style="list-style-type: none"> 1. A list of cases to be heard in a particular court room during that day. This list may be referred to as the "case event list". 2. A record of the time a lawyer spent on a particular 		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		matter.		
221.	Domestic Contract	In family law, a contract between people setting out their obligations towards and expectations of each other.		
222.	Cohabitation Agreement	Agreement by two people who are or will be cohabiting and who are not married to each other about their respective rights and obligations during cohabitation, or when they separate or die.		
223.	Marriage Contract	A contract entered into by two persons who are married to each other, or who intend to marry each other, in which they agree on their respective rights and obligations during the marriage, or in case of separation, divorce, annulment or death.		
224.	Paternity Agreement	Agreement by parents who are not spouses about the support of their child.		
225.	Separation Agreement	Agreement by two people, who cohabited and have separated, on their respective rights and obligations.		
226.	Domestic Violence	Any or all of the many different forms of abuse and mistreatment that people may experience in their intimate domestic relationships.		
227.	Duress	Someone being forced to do something through physical threats or psychological or emotional pressure.		
228.	Duty Counsel	(see Legal Aid)		
229.	Election	The making of a legal choice.		
230.	Election by the Accused	The procedure by which accused persons charged with certain criminal offences are given the choice to be tried by judge and jury or by judge alone at the Superior Court of Justice, or by a provincial judge in the Ontario Court of Justice. With certain criminal offences, the accused may elect to have a preliminary inquiry.		
231.	Election by the Crown	The procedure by which the Crown decides to prosecute a "hybrid" offence as a summary conviction or as an indictable offence. The major procedural difference is an		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		indictable offence usually has a preliminary inquiry before trial.		
232.	Endorse	To sign a legal document or formally approve something.		
233.	Endorsement	The written decision of a judge.		
234.	Enforcement	Where one party takes measures under the law or with permission of the court to compel the other party to obey a court order.		
235.	Equalization payment	In family law cases, a payment from one married spouse to the other to ensure that both parties receive an equal share of the net family property they accumulated during their marriage.		
236.	Estate	The property that a person owns or has a legal interest in. Often used to describe the property after the person's death.		
237.	Estreatment	The enforcement of a forfeited recognizance due to failure to comply with the conditions agreed to. (see Default Hearing)		
238.	Evidence	Statements, information, and things that are used to prove or disprove an alleged fact.		
239.	Admissible Evidence	Evidence that is relevant and is of such a kind that the court will receive it.		
240.	Character Evidence	Evidence that shows the kind of person that someone is.		
241.	Circumstantial Evidence	Evidence which creates an inference that a particular fact exists.		
242.	Corroborating Evidence	Evidence that strengthens and confirms other evidence.		
243.	Demonstrative Evidence	Physical evidence that can be seen and inspected.		
244.	Derivative Evidence	Evidence discovered by using illegally obtained evidence. This evidence may be found to be inadmissible.		
245.	Direct Evidence	Evidence based on personal knowledge or observation that, if true, proves a fact.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
246.	Expert Evidence	Opinion evidence given by a person whom the court finds to be qualified to act as an expert.		
247.	Forensic Evidence	Evidence collected and studied through the use of sciences and other specialized knowledge, such as, biology, chemistry, medicine, physics, computer science, psychiatry and psychology. Forensic experts examine various things, including: a person's mental condition, documents, substances, chemicals, tissue traces, or impressions left at a crime scene.		
248.	Hearsay Evidence	Evidence based on what someone else has told the witness. "Second-hand" evidence. Hearsay evidence is often not admissible in court.		
249.	Viva Voce Evidence	Evidence that is given orally, as opposed to written evidence.		
250.	Ex Parte	Latin term, meaning made in the absence of the opposing party. In certain circumstances, applications or motions brought by a party may be heard without notice to the other party.		
251.	Examination	The questioning of a witness under oath or affirmation.		
252.	Direct Examination	The questioning of a witness in a trial or other proceeding, conducted by the party who called the witness to testify.		
253.	Cross Examination	The examination of a witness by an opposing party to develop or test the truth of evidence given by the witness during direct examination.		
254.	Examination for Discovery	In civil proceedings, a process by which the parties to an action question one another, or another person, under oath or affirmation on the facts and issues. A record is produced of the questions and answers given. The term "questioning" is used in family law cases.		
255.	Excluded Property	In family law cases, the property that is excluded from the calculation of a married spouse's net family property.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
256.	Exclusive Possession of the Matrimonial Home	In family law cases, a court order that gives one party the right to live in or use the family home, to the exclusion of the other.		
257.	Executed Warrant	(see Warrant)		
258.	Execution	A process by which orders of the court are enforced.		
259.	Exhibit	A document or object admitted as evidence in court.		
260.	Expert	A person who has developed skill and knowledge on a subject and is accepted by a court as being able to form opinions on evidence presented to assist the judge.		
261.	Expert Evidence	(see Evidence)		
262.	Expert Witness	(see Witness)		
263.	Extraordinary Expenses	Expenses for children listed in section 7 of the <i>Child Support Guidelines</i> to which both parents will generally contribute in proportion to their respective incomes, beyond the guideline amount. These are also known as special expenses.		
264.	Extraordinary Remedies	(see Prerogative Writs)		
265.	Factum	A document in a court case in which a party sets out a concise argument, stating the facts and laws relied on.		
266.	Family Court	(see Court)		
267.	Family Law	The laws that deal with family-related issues and domestic relations including child protection, divorce, separation, custody and access, division of property, support, and adoption.		
268.	Family Law Act	Ontario statute governing family property, child and spousal support, the matrimonial home, domestic contracts, and restraining orders.		
269.	Family Law Rules	(see Rules of the Court)		
270.	Family Responsibility and Support Arrears Enforcement Act, 1996	Ontario statute that creates the Family Responsibility Office and sets out its powers and responsibilities to enforce child and spousal support orders and		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		agreements.		
271.	Family Responsibility Office (FRO)	The Family Responsibility Office (FRO) receives every child support and spousal support order made by the Ontario courts, collects the amounts owed under the order and pays it to the person to whom it is owed. The FRO has the legal duty to take enforcement action against those who do not pay support as ordered.		
272.	Fee Waiver	A mechanism for waiving court or enforcement fees. People who cannot afford to pay may request that these fees be waived. Fee waiver applies to most fees in civil, family, and small claims court proceedings. A request form must be submitted and determination is based on financial eligibility criteria.		
273.	Fees	<ol style="list-style-type: none"> 1. A charge for services. 2. Court fees payable in various proceedings as set out by regulation. 	3.	4.
274.	Contingency Fee	Fees payable to a lawyer only if a case is successful. They are usually based on a percentage of the client's recovery.		
275.	Fiduciary	A person who has a legal obligation to act in good faith for the benefit of another person, for example a trustee. Describes the nature of the duty that such a person owes to the beneficiary.		
276.	Final Order	(see Order)		
277.	Financial Statement	Forms that set out a person's income, expenses, property, debts and liabilities.		
278.	Fine	(see Sentence)		
279.	Fitness Hearing	(see Hearing)		
280.	Forensic Evidence	(see Evidence)		
281.	FRO	Acronym for the Family Responsibility Office.		
282.	Garnishee	A third party who owes money to a debtor, but must instead pay it to the court (or in family law cases, to the Family Responsibility Office), to the benefit of a creditor.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
283.	Garnishment	A process whereby a person who has a court order for payment can demand money owed to a debtor by someone else. Most often, people garnish wages or bank accounts.		
284.	General Damages	(see Damages)		
285.	Guardian/Guardian Ad Litem	A person given legal authority by law or court order to have custody of another person or their property or both, because they are not able to manage their own affairs.		
286.	Guilty	<ol style="list-style-type: none"> 1. A verdict convicting an accused person of the crime he or she is charged with. 2. An accused person's plea when he or she does not contest the offence he or she is charged with. 	3.	4.
287.	Habeas Corpus	(see Prerogative Writs)		
288.	Hearing	Generic label to describe a proceeding.		
289.	Default Hearing	<ol style="list-style-type: none"> 1. In family law cases, a hearing in which a payor is required to come to court to explain why payment has not been made as required by a support order. 2. In criminal law cases, when an accused has broken terms of their bail, the Court sets out the process for the court to order the default estreatment of bail, including recognizance. 	3.	4.
290.	Fitness Hearing	The Criminal Code procedure to see if an accused is mentally fit to stand trial.		
291.	Temporary Care and Custody Hearing	In child protection cases, a hearing that may be held to determine who will have care and custody of a child who has been apprehended by the children's aid society until a final order is made in the case.		
292.	Hearsay Evidence	(see Evidence)		
293.	Holograph Will	(see Will)		
294.	Homicide	Category of criminal charges for killing someone, including 1st and 2nd degree murder, manslaughter, and infanticide.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
295.	Hybrid Offence	(see Offence)		
296.	Identification of Criminals Act	Federal statute that sets out the right of police to fingerprint, take photographs, and collect information on persons accused of criminal offences.		
297.	Illegal	Prohibited by law.		
298.	Imprisonment	(see Sentence)		
299.	Imputed income	In family law, when a judge finds that the amount of income a parent discloses is not accurate, the judge may attribute additional income to that person for purposes of calculating child support.		
300.	In Camera	Private/closed; said of hearings that are not open to the public or the media.		
301.	Incarceration	Imprisonment.		
302.	Indictable Offence	(see Offence)		
303.	Indictment	A formal document containing the indictable offences upon which an accused will be tried. Indictments are used in the Superior Court of Justice.		
304.	Information	A formal document containing the offences that the accused is charged with. Informations are used in the Ontario Court of Justice.		
305.	Injunction	A court order requiring someone to do something or to refrain from doing something.		
306.	Inquest	An inquiry held by a coroner or medical examiner regarding the death of a person who died in circumstances set out in the <i>Coroner's Act</i> .		
307.	Insolvency	The inability to pay debts as they come due.		
308.	Insolvent	A person who owes at least \$1000. to creditors and is unable to pay his or her obligations as they come due.		
309.	Interest Rate	The percentage that a person owing money must pay to a creditor or recipient for the period that the money owed is outstanding.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
310.	Criminal Rate of Interest	Interest above the maximum rate allowed under the <i>Criminal Code of Canada</i> .		
311.	Prejudgment Interest Rate	The rate at which interest will accrue from the date the cause of action arose to the date of the order.		
312.	Postjudgment Interest Rate	The rate at which interest will accrue for money owing under a court order, including costs, calculated from the date of the order to the date of payment.		
313.	Interim or Interlocutory Order	(see Order)		
314.	Interjurisdictional Support Orders Act	Ontario statute that sets out the process for the enforcement of a support order, where one party lives in Ontario and the other party lives elsewhere in a reciprocating jurisdiction.		
315.	Intermittent Sentence	(see Sentence)		
316.	Interpleader	A court proceeding to resolve a dispute over the ownership of property that was seized, or may be seized, in an execution.		
317.	Intestate	Dying without having made a valid will.		
318.	Joint Custody	(see Custody)		
319.	Joint Liability	(see Liability)		
320.	Judge	The person authorized to determine legal matters in court.		
321.	Deputy Judge	A person appointed to determine small claims court matters.		
322.	Puisne Judge	A judge or justice other than the chief judge or chief justice of a court.		
323.	Supernumerary Judge	A judge who has the option to retire, but who instead chooses to sit half of the time of a full-time judge.		
324.	Judgment	A judicial decision; the determination of a court; a court's sentence or decision on the major question in a proceeding.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
325.	Default Judgment	A judgment obtained where the defendant fails to defend against the plaintiff or applicant's claim.		
326.	Summary Judgment	In civil or family law matters, a motion for a final order without a trial on the basis that there is no genuine issue for trial because the evidence favouring one of the parties is overwhelming.		
327.	Judgment Creditor	In civil cases, a person who is owed money under a court judgment or order. The term "recipient" is used in support enforcement cases.		
328.	Judgment Debtor	In civil cases, a person who owes money under a court judgment or order. The term "payor" is used in support enforcement cases.		
329.	Judicial Interim Release	<ol style="list-style-type: none"> 1. Bail. 2. Release of the accused between committal for trial and the trial's completion. The release can be with or without conditions and with or without someone guaranteeing the release (a surety). 	3.	4.
330.	Jurisdiction	The legal authority of a court to hear a particular matter.		
331.	Jury	A group of people sworn to deliver a verdict after considering evidence delivered to them concerning the issue.		
332.	Justice	<ol style="list-style-type: none"> 1. The principle of giving every person his or her due. 2. A judge. 	3.	4.
333.	Justice of the Peace	A judicial officer who has authority to do a variety of things in criminal matters, including, issuing warrants and hearing bail applications and provincial offence trials.		
334.	Keep the Peace	To prevent or avoid breaches of the peace, such as acts of violence or other acts prohibited by law.		
335.	Law	Statutes, acts, regulations, rules, standards and principles that govern people. Law can also be based on court decisions.		
336.	Law Society of Upper	The provincial body charged, by the legislature, with		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
	Canada	governing the legal profession and regulating the conduct of lawyers and paralegals in Ontario.		
337.	Lawyer	A person licensed through the Law Society to practice law.		
338.	Leave	Permission of the court.		
339.	Legal Aid	Legal advice and services mainly funded by government to assist those who are financially unable to retain a lawyer privately. Legal Aid Ontario administers Ontario's legal aid program, which includes legal aid clinics, duty counsel, and certificates for private lawyers.		
340.	Legislation	(see Act)		
341.	Liability	1. Legal responsibility. 2. A financial obligation.	3.	4.
342.	Absolute Liability	A person is held liable simply because they engaged in the behaviour. No proof of intent or negligence is required. No defence is available.		
343.	Joint Liability	Liability shared amongst parties.		
344.	Limited Liability	Liability limited to contractual obligations or restricted by law.		
345.	Several Liability	Liability that is separate from that of other parties.		
346.	Strict Liability	A person is held liable because the act occurred. Some proof of intent or negligence is required, and there are some defences available.		
347.	Vicarious Liability	A person is held liable for the harm caused by another person. For example, an employer can be held vicariously liable for actions of employees.		
348.	Limitation Period	The statutory time limit for commencing a legal proceeding. Most limitation periods in Ontario are included in the <i>Limitations Act, 2002</i> .		
349.	Limited Liability	(see Liability)		
350.	Litigation	Legal proceedings before a court or tribunal.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
351.				
352.	Litigation Guardian	In civil cases, a person who commences, continues, or defends a proceeding on behalf of a party under disability and who has the right to make decisions for the party under disability in the proceeding.		
353.	Long-term Offender	A person who is convicted of certain criminal offences and, after an assessment, the court finds that the risk of the person re-offending is high but can eventually be controlled in the community. Long-term offenders must serve their sentence of imprisonment (a minimum of two years) and are then supervised in the community for a period not exceeding ten years. (see Dangerous Offender)		
354.	Mandamus	(see Prerogative Writs)		
355.	Marriage Contract	(see Domestic Contract)		
356.	Master	A provincially appointed judicial officer who is authorized to decide certain non-criminal matters.		
357.	Case Management Master	Assists judges to manage civil caseloads by presiding at motions and case and settlement conferences.		
358.	Material Witness	(see Witness)		
359.	Matrimonial Home	In family law cases, a property that was ordinarily occupied by a family as their home, or one of their homes, at the time of separation.		
360.	Mediation	(see Alternative Dispute Resolution)		
361.	Mediator	A neutral third party who assists parties to resolve issues in dispute. Mediators do not take sides or make decisions for the parties, nor do they provide legal advice. (see Alternative Dispute Resolution)		
362.	Mens Rea	Latin term for "guilty mind." The intent to commit the offence.		
363.	Mentally Incapable	When someone cannot understand relevant information or cannot appreciate what may happen as the result of decisions they make or do not make. Different levels of		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		capacity are required for different types of decisions and actions.		
364.	Minor	A person who is under the age of 18. (see Child)		
365.	Minutes of Settlement	Document signed by the parties that sets out the terms of a settlement arrangement and may be filed with the court in order to obtain a consent order or, when required, an order approving of the settlement.		
366.	Misrepresentation	A false or misleading assertion about something.		
367.	Mitigate	Action taken (usually by a plaintiff) to make something (usually damages) less severe.		
368.	Motion	A process used to make a request to a judge for an order, either before, during, or after a trial or other proceeding.		
369.	Neglect	In child protection cases, the failure by a parent or other caregiver to provide for a child's basic physical, emotional or developmental needs or to protect a child from harm or potential harm.		
370.	Negligence	The failure to take reasonable care to prevent foreseeable harm to others.		
371.	Net Family Property	In family law cases, the value of all property that a married spouse owns on a specified date, known as the valuation date, less (a) the spouse's debts on the valuation date, (b) the value of property other than a matrimonial home owned by the spouse at the date of marriage, less any debts owing at that time, and (c) any excluded property.		
372.	No Contact Order	An order forbidding a person from contacting named person(s).		
373.	Nominal Damages	(see Damages)		
374.	Non-Pecuniary Damages	(see Damages)		
375.	Notary / Notary Public	A person with legal authority to prepare and verify specific legal documents. A notary need not be a lawyer,		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		and not all lawyers are notaries.		
376.	Notice	Legal notification of something (e.g., a Notice of Appeal).		
377.	Notice of Garnishment	A court order requiring garnishment of a debt owing by a third party to a judgment creditor or recipient.		
378.	Neglect	In child protection cases, the failure by a parent or other caregiver to provide for a child's basic physical, emotional or developmental needs or to protect a child from harm or potential harm.		
379.	Negligence	The failure to take reasonable care to prevent foreseeable harm to others.		
380.	Net Family Property	In family law cases, the value of all property that a married spouse owns on a specified date, known as the valuation date, less (a) the spouse's debts on the valuation date, (b) the value of property other than a matrimonial home owned by the spouse at the date of marriage, less any debts owing at that time, and (c) any excluded property.		
381.	No Contact Order	An order forbidding a person from contacting named person(s).		
382.	Nominal Damages	(see Damages)		
383.	Non-Pecuniary Damages	(see Damages)		
384.	Notary / Notary Public	A person with legal authority to prepare and verify specific legal documents. A notary need not be a lawyer, and not all lawyers are notaries.		
385.	Notice	Legal notification of something (e.g., a Notice of Appeal).		
386.	Notice of Garnishment	A court order requiring garnishment of a debt owing by a third party to a judgment creditor or recipient.		
387.	Oath	A solemn declaration, followed by a swearing to God or an honoured deity, whereby the person promises to tell the truth.		
388.	Offence	A violation of the law.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
389.	Hybrid Offence	Term applied to a criminal offence which may be tried by summary conviction procedure or by indictment at the option of the prosecutor. A hybrid offence is an indictable offence until the Crown elects to proceed by way of summary conviction. The difference is in the process followed.		
390.	Indictable Offence	More serious criminal offences that carry longer maximum sentences and higher fines; these offences are also subject to more complex court procedures, including the right to a preliminary hearing before a trial in the Superior Court of Justice.		
391.	Quasi-Criminal Offence	A non-criminal offence that carries a penalty similar to that of a criminal offence, but that is subject to less complex court procedures than are criminal offences. For example traffic and workplace safety offences.		
392.	Regulatory Offence	A non-criminal offence that regulates conduct in the public interest, such as securities regulations. Regulatory offences are often dealt with at administrative tribunals and not in a court setting.		
393.	Summary Conviction Offence	These criminal offences carry lower maximum penalties and are subject to less complex court procedures. These matters are heard in the Ontario Court of Justice.		
394.	Offer to Settle	A written document that is sent by one party to the other setting out the terms for which that party is willing to settle all or part of the case.		
395.	Omission	The failure to do something which it is one's duty to do, or which a reasonable person would do.		
396.	Ontario Court of Justice	(see Court)		
397.	Order	A court's direction requiring a party to do something or refrain from doing something.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
398.	Assessment Order	<ol style="list-style-type: none"> 1. In criminal proceedings, a court's order to have an accused person's mental condition assessed where the court believes it necessary (a "fitness hearing"). 2. In civil law, an order that a person attend for a physical or mental examination where the physical or mental condition of a party to the proceedings is in question. 3. In family law cases, a court's order to have a qualified professional investigate and report on the needs of the child(ren) and the ability of the parties to meet those needs. 	4.	5.
399.	<i>Community Treatment Order</i>	An order to provide a person who suffers from a serious mental disorder with a comprehensive plan of community-based treatment or care and supervision that is less restrictive than being detained in a psychiatric facility.		
400.	Consent Order	An order made by the court based upon the agreement of the parties.		
401.	Divorce Order	Final order made by a court in a divorce case. On taking effect, a divorce order legally ends a marriage.		
402.	Final Order	An order that decides a case or claim on a final basis.		
403.	Interim or Interlocutory Order	An order that is valid for a specified period of time or until there is a final order. It does not finally dispose of the case or claim before the court or tribunal.		
404.	Openness Order	In child protection cases, an order made by the court allowing a Crown ward to continue to have contact, communicate or have a relationship with a person after adoption.		
405.	Probation Order	(see Sentence)		
406.	Production Order	In criminal law, an order to have evidence produced by someone other than the accused. In civil law, an order that a party, or a third party with relevant documents, produce those documents for the purposes of the		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		litigation.		
407.	Prohibition Order	(1) An order to prevent a person from doing something. (2) A prerogative writ.		
408.	Refraining order	In family law cases, a court order preventing the Family Responsibility Of fice from suspending a payor's driver's licence.		
409.	Restraining Order	1. In family law cases, an order restraining harassment that prohibits a person from molesting, annoying, harassing or communicating with their spouse, their children, or a person having custody. 2. In family law cases, an order stopping one spouse from selling or depleting his or her property.	3.	4.
410.	Restitution Order	(see Sentence)		
411.	Society Wardship Order	In child protection cases, an order placing a child in the care and custody of a children's aid society for a period of up to 12 months.		
412.	Supervision Order	In child protection cases, an order that the child is either placed with or returned to a parent or another person for between three and twelve months, and the children's aid society supervises the family.		
413.	Support Order	In family law cases, an order that a person provide support for his or her dependants, which sets out the amount to be paid and the time during which the support must be paid.		
414.	Support Deduction Order	In family law cases, an order that allows the Family Responsibility Office (FRO) to collect support payments.		
415.	Temporary Order	In family law cases, an order that is effective only for a limited time, including an interim order.		
416.	Treatment Order	In criminal law, an order to have the accused treated for mental health problems.		
417.	Pardon	A process that allows people who were convicted of a criminal offence, but have completed their sentence and		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		demonstrated they are law-abiding citizens, to have their criminal record kept separate and apart from other criminal records. All information pertaining to convictions will be taken out of the Canadian Police Information Centre (CPIC) and may not be disclosed.		
418.	Parental Responsibility Act	Provincial statute that makes parents financially responsible for damages caused by their children.		
419.	Parenting Plan	A plan developed by parents which sets out their arrangements for the care of their children after separation. The plan can be informal or can be contained in a separation agreement or court order.		
420.	Parole	The early release of a prisoner from imprisonment, whereby the person is supervised and required to obey conditions.		
421.	Partial Indemnity Costs	(see Costs)		
422.	Particulars	The details of a claim. A court may order a party to provide additional "particulars" to: define any issues; prevent surprise; enable the parties to get ready for trial; and facilitate a hearing.		
423.	Party	A person by or against whom a legal action is brought. The people who make promises to each other in a contract.		
424.	Party Under Disability	For civil matters, a party is under disability and thus not permitted to manage his or her own legal actions if he or she is a minor, mentally incapable, or an absentee. (see Special Party)		
425.	Paternity Agreement	(see Domestic Contract)		
426.	Payment Into Court	A process by which, when money is or may be owed to a party, he or she can request an order from the court requiring the other party to pay money to the clerk of the court, in trust, as security for future payments. Where parties are entitled to money, and not capable of managing their money because of their age or other		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		disability, the money can be paid into court in order to protect the incapable person's interest.		
427.	Payor	A person who is required to pay money to another person under a court order or agreement.		
428.	Peace Bond	(see Bond)		
429.	Peace Officer	A police officer or other official who has sworn to uphold the law.		
430.	Pecuniary Damages	(see Damages)		
431.	Perjury	An intentional lie given under oath or affirmation, either in person or in writing. It is a criminal offence.		
432.	Personal Property	(see Property)		
433.	Plaintiff	A person who commences an action.		
434.	Plan of Care	In child protection cases, a plan developed by a children's aid society, a parent or other person who wishes to be involved in the child's life that sets out where the child would live, caregiving and school arrangements, and support services for the child and family.		
435.	Plea	The declaration made by a person accused of a crime as to whether he or she is guilty or not guilty of the charge.		
436.	Plea Bargain (Resolution Discussions)	Negotiated agreement between a prosecutor and an accused, including his or her lawyer, to settle a criminal case that is presented to a judge for their consideration and decision.		
437.	Pleading	A statement in writing of material facts and law on which a party to a dispute relies in support of a claim or defence.		
438.	Postjudgment Interest Rate	(see Interest Rate)		
439.	Power of Attorney	Document that authorizes a person to make, on the grantor's behalf, decisions concerning the grantor's property and personal care issues. Restrictions on the Attorney's powers, if any, should be contained in the		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		written document itself.		
440.	Precedent	A judicial decision or judgment that is cited as the authority for deciding a similar situation in the same manner.		
441.	Pre-Enquete Hearing	An "in camera" proceeding before a justice of the peace to determine whether an Information should be laid against a person at the private complaint of another person.		
442.	Prejudgment Interest Rate	(see Interest Rate)		
443.	Preliminary Inquiry	The procedure conducted by a provincial court to determine whether the Crown has sufficient evidence for a trial of the accused. At the conclusion of the inquiry, the accused will either be discharged or ordered to stand trial (also referred to as committed for trial).		
444.	Prerogative Writs	The remedies of certiorari, habeas corpus, mandamus, prohibition and quo warranto. They are also known as extraordinary remedies.		
445.	Certiorari	A remedy used by a superior court to quash an order or decision of a lower court or administrative body made without jurisdiction.		
446.	Habeas corpus	A remedy available to any person detained or imprisoned, not to hear and determine the case upon the evidence, but to immediately and in a summary way test the validity of the person's detention or imprisonment.		
447.	Mandamus	A remedy to compel the performance of a public duty.		
448.	Prohibition	A remedy used by a superior court to prohibit a lower court or tribunal from exercising or continuing to exercise an authority it does not have.		
449.	Quo Warranto	A remedy used to challenge a person's entitlement to a public office that he or she purports to occupy and exercise.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
450.	Pre-Sentence Report	A report prepared before sentencing an offender. It contains information about the offender's history that is used in assisting the court in passing sentence.		
451.	Pre-Trial Conference	(see Conference)		
452.	Prima Facie	Latin term for "at first glance"; on the surface. It describes evidence or an argument that is sufficient to establish a fact or raise a presumption unless disproved or rebutted.		
453.	Private Prosecution	(see Prosecution)		
454.	Pro Bono Services	Latin term for "for the public good". Legal services provided by a lawyer, free of charge, to individuals or to groups.		
455.	Probate	(see Certificate of Appointment of Estate Trustee With a Will)		
456.	Probation (Order)	(see Sentence)		
457.	Proceeding	1. A legal process used to seek redress. 2. A matter before the court.	3.	4.
458.	Production Order	(see Order)		
459.	Prohibition	1. See Prohibition Order. 2. See Prerogative Writs	3.	4.
460.	Prohibition Order	(see Order)		
461.	Property	Anything over which the rights of possession, use, and enjoyment are exercised.		
462.	Real Property	Used to describe land and anything attached to the land.		
463.	Personal Property	Used to describe anything not classified as real property (also known as chattels). Choses in Action Used to define property that is neither real nor personal, but which a person has certain rights to, like the right to an action, or the right to copyright or patents.		
464.	Prosecute	To commence and carry out a legal action in a criminal or provincial offence proceeding.		
465.	Prosecution	A proceeding in which an accused person is tried.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
466.	Crown Prosecution	A prosecution commenced by a peace officer or representative of the Crown.		
467.	Private Prosecution	A prosecution commenced by a member of the public, as opposed to a peace officer.		
468.	Prosecutor	<ol style="list-style-type: none"> 1. A legal officer who represents the federal, provincial, or municipal government in proceedings. In Canada, federal prosecutors handle immigration and drug related charges; provincial prosecutors handle criminal cases and some provincial offences; and municipal prosecutors handle certain prosecutions of <i>Provincial Offences Act</i> matters. 2. A private individual who carries on a private prosecution. 	3.	4.
469.	Provincial Offences Act (POA)	Provincial statute that sets out procedures for the prosecution of offences under other provincial statutes and regulations and municipal by-laws. Under a Memorandum of Understanding, municipalities are responsible for the administration of courts hearing <i>Provincial Offences Act (POA)</i> matters and the prosecution of certain <i>POA</i> cases.		
470.	Psychiatric Assessment	(see Assessment)		
471.	Public Guardian and Trustee (Office of the)	A part of the Ministry of Attorney General that delivers services that safeguard the legal, personal and financial interests of mentally incapable adults. The office may be appointed to administer estates where there is no will, heirs or executor. The office also plays a role in protecting the public interest in charitable property.		
472.	Publication Ban	A court order or law that prohibits the publication of information that might identify a complainant, offender, child, or witness, or prohibits the publication of a report of the hearing or trial or a specified part of the hearing or trial.		
473.	Puisne Judge	(see Judge)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
474.	Punitive Damages	(see Damages)		
475.	Quash	To terminate or void something.		
476.	Quasi-Criminal Offence	(see Offence)		
477.	Questioning	(see Examination for Discovery)		
478.	Quo Warranto	(see Prerogative Writs)		
479.	R. v. (name)/The King v. (name)	The title of proceeding of a criminal case. The 'R.' stands for Rex or Regina, which are the Latin words for King or Queen. The 'v.' stands for versus, but it is often read aloud by using the term "and" instead.		
480.	Real Property	(see Property)		
481.	Recipient	In family law cases, a person who is entitled to receive support under an order or agreement.		
482.	Reciprocating Jurisdiction	In family law cases, another province, territory or country that has entered into an agreement with Ontario for the enforcement of support orders and the making or changing of support orders. Reciprocating jurisdictions are listed in a regulation under the <i>Interjurisdictional Support Orders Act, 2002</i> .		
483.	Recognizance	<ol style="list-style-type: none"> 1. A legislated form used by the court that sets out the terms under which a person will be released on bail or on a peace bond and when he or she is expected to return to appear before the court. 2. In family law cases, an acknowledgment entered into before a judge, justice of the peace or clerk when a bond is posted that money is owed if certain conditions are not met. (see Bond) 	3.	4.
484.	Record of the Proceeding	In regard to a particular case, the listing or recording by the court of all of the appearances and proceedings and their outcomes before the court.		
485.	Refraining Order	(see Order)		
486.	Registrar	With respect to a court, the administrative officer who has been assigned some or all of the responsibilities of		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		registrar, such as filing and issuing particular documents, maintaining the court's record and performing other duties under the <i>Rules of Civil Procedure</i> , the <i>Courts of Justice Act</i> , and other legislation.		
487.	Regulation	Delegated legislation made by the government, not the legislature. Regulations are a form of law.		
488.	Regulatory Offence	(see Offence)		
489.	Relief	The remedy a party asks for in a proceeding.		
490.	Corollary Relief	In a case under the <i>Divorce Act</i> , claims and orders for custody and access, child support and spousal support.		
491.	Remand	To adjourn a hearing to a future date, most often used in criminal cases when the accused is in custody.		
492.	Remedy	The award a party seeks in a proceeding to enforce a right or redress a wrong.		
493.	Reply	A response to a claim.		
494.	Rescind	To cancel.		
495.	Reserved Judgment	When the judge postpones making a decision to research, study the law, or review the evidence presented during the proceeding.		
496.	Respondent	<ol style="list-style-type: none"> 1. A person against whom a claim is made in an application, answer or appeal. 2. A person against whom one issues a summons. 	3.	4.
497.	Restitution (Order)	(see Sentence)		
498.	Restraining Order	(see Order)		
499.	Resulting Trust	(see Trust)		
500.	Review Board	Established by the Criminal Code, each province has a Review Board to oversee the cases of persons found unfit to stand trial or not criminally responsible because of a mental disorder.		
501.	Rule of Law	Fundamental legal principle that everyone – including the government – is subject to the same law that regulates		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		behaviour and preserves order.		
502.	Rules of (the) Court	The procedures which govern the proceedings in the court and which are to be followed by the parties. In civil cases, the <i>Rules of Civil Procedure</i> are the rules of court. In family law cases, the <i>Family Law Rules</i> are the rules of court. In criminal law, <i>Criminal Appeal Rules</i> and <i>Criminal Proceeding Rules</i> are the rules of court.		
503.	Rules of Civil Procedure	(see Rules of the Court)		
504.	Seal	An imprint affixed to a document to prove authenticity and attest to its accuracy.		
505.	Sealed	Closed to the public. If the court seals a court file or a court document filed, public access is only permitted by order of the court.		
506.	Search	An examination of a person's body or private property to find evidence, conducted by a public authority who is acting pursuant to a court order or other legal authority.		
507.	Search Warrant	(see Warrant)		
508.	Secure Treatment	An approved program for the treatment of children with mental disorders in which continuous restrictions are imposed on the liberty of the children.		
509.	Security	Money or other valuables that may be required to be paid into court or to another party.		
510.	Security for Costs	A court order that a party pay money into court to ensure that money will be available to pay for costs ordered by the court, if the party is not successful in pursuing his or her claims.		
511.	Seizure	The taking of property from a person, without his or her consent, by a public authority who is acting pursuant to a court order or other legal authority.		
512.	Sentence	The penalty imposed on the finding of guilt.		
513.	Concurrent Sentence	Two or more terms of imprisonment served simultaneously.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
514.	Conditional Sentence	Where a sentence of imprisonment of less than two years is given, the judge may order that the sentence be served in the community subject to conditions.		
515.	Consecutive Sentence	Two or more terms of imprisonment served one after the other.		
516.	Custody and Community Supervision/Custody and Conditional Supervision	The <i>Youth Criminal Justice Act</i> makes provisions for a custody and community or conditional supervision order, where two thirds of the sentence is served in custody and one third is served in the community under supervision.		
517.	Discharge	(see Discharge)		
518.	Fine	A monetary penalty.		
519.	Imprisonment	The act of confining someone in a jail or prison.		
520.	Intermittent Sentence	A sentence consisting of periods of imprisonment interrupted by periods of probation. Intermittent sentences may be given for sentences of imprisonment for 90 days or less, usually to avoid loss of employment or interruption of education or childcare.		
521.	Probation	An order authorizing a person to be in the community subject to conditions listed in the order.		
522.	Restitution	An order requiring a convicted person to restore property to its rightful owner, compensate for a loss, or repair damage caused.		
523.	Suspended Sentence	The release of the convicted person on certain conditions contained in a probation order.		
524.	Separation (breakdown of the relationship)	In family law cases, where spouses are living separate and apart and one or both of them has the intention of ending the relationship.		
525.	Separation Agreement	(see Domestic Contract)		
526.	Service	The formal delivery of a legal document to the required person in accordance with the rules of court.		
527.	Settlement Conference	(see Conference)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
528.	Several Liability	(see Liability)		
529.	Shared Custody	(see Custody)		
530.	Sheriff	The name formerly used for an officer of the court who is responsible for enforcing court orders. May also include a Small Claims Court bailiff. Now called Enforcement Officers.		
531.	Show Cause Hearing	A hearing where the prosecutor must "show cause" that the accused should be held in custody until the trial. (see Bail Hearing)		
532.	Sine Die	Latin term, meaning "without a day". Used to describe an indefinite adjournment of a proceeding.		
533.	Small Claims Court	(see Court)		
534.	Society Wardship Order	(see Order)		
535.	Sole Custody	(see Custody)		
536.	Solicitor	In Canada (except Quebec), all lawyers are both barristers and solicitors. In England and other countries, historically, barristers attended court, while solicitors did not.		
537.	Solicitor-Client Privilege	The confidentiality of communications between a lawyer and client where they relate to seeking, forming, or giving legal advice.		
538.	Special Damages	(see Damages)		
539.	Special Expenses	(see Extraordinary Expenses)		
540.	Special Party	In family cases, a party who is under the age of 18 or who is or appears to be mentally incapable. It does not include a child who is the subject of the case.		
541.	Specific Performance	A court order that requires the performance of a legal or contractual obligation where monetary damages for non-performance would be inadequate.		
542.	Split Custody	(see Custody)		
543.	Spousal Support	(see Support)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
544.	Spouse	A person who lives with another person in a conjugal relationship, either inside or outside marriage. The length of time required to qualify as a spouse in situations outside of marriage is different under different statutes.		
545.	Standard of Proof	(see Burden of Proof)		
546.	Standing	A party's right to make a legal claim or seek judicial redress.		
547.	Stare Decisis	Latin term for the principle by which a precedent or decision of one court binds lower courts.		
548.	Statement	A written or oral communication.		
549.	Statement of Agreed Facts	A document given to a judge that lists facts that are agreed upon by parties so that they do not need to be proven by a party.		
550.	Statement of Claim	A statement by a plaintiff in a civil action which shows the facts relied on to support any claim against a defendant and the remedy or relief sought.		
551.	Statement of Defence	A statement made by a defendant in a civil proceeding to respond to a plaintiff's claim.		
552.	Status Review	In child protection cases, an application for the review of a child's status by the court before the end of the current protection order.		
553.	Statute	(see Act)		
554.	Stay of Proceedings	An order suspending a legal proceeding.		
555.	Strict Liability	(see Liability)		
556.	Submission	Statements and arguments urging the decision maker to make particular findings of fact and apply the law in the manner proposed by the person making the submission.		
557.	Subpoena	A document that compels a person to attend proceedings as a witness in order to give testimony.		
558.	Substantial Indemnity Costs	(see Costs)		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
559.	Substitute Decisions Act	Ontario statute that governs what may happen when someone is not mentally capable of making certain decisions about their own property or personal care. It describes how a substitute decision-maker may be appointed for a mentally incapable person, and the powers and duties of the substitute decision-maker.		
560.	Summary Conviction Offence	(see Offence)		
561.	Summary Judgment	(see Judgment)		
562.	Summons (to Witness)	A document issued by a court, agency, board or commission, or another person, requiring a person to attend and to produce documents or other things.		
563.	Superior Court of Justice	(see Court)		
564.	Supernumerary Judge	(see Judge)		
565.	Supervised Access	In family law cases, access visits or the exchange of the child that take place in the presence of a third party, to ensure safety.		
566.	Supervision Order	(see Order)		
567.	Support	Monetary assistance that a person provides for his or her dependant(s).		
568.	Child Support	The amount a parent pays, usually to the other parent, for the financial support of a child under a court order or agreement.		
569.	Spousal Support	Money paid by one spouse to another after separation to contribute to the other spouse's living expenses.		
570.	Support Deduction Order	(see Order)		
571.	Support Order	(see Order)		
572.	Supreme Court of Canada	(see Court)		
573.	Surcharge	An additional or extra charge. A charge upon a charge.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
574.	Victim Surcharge	An offender who is convicted or discharged of an offence under the <i>Criminal Code</i> , <i>Controlled Drugs and Substances Act</i> , or <i>Provincial Offences Act</i> , must pay a victim surcharge in addition to any other punishment imposed on the offender, unless the court exempts the offender from paying.		
575.	Surety	A person who gives or promises security for another person. The security acts as a promise that conditions imposed in a proceeding or obligations will be fulfilled, or else the surety risks losing the security provided.		
576.	Surety Bond	(see Bond)		
577.	Suspended Sentence	(see Sentence)		
578.	Tariff	A schedule of fees to be charged for various legal services.		
579.	Temporary Care and Custody Hearing	(see Hearing)		
580.	Temporary Order	(see Order)		
581.	Testament	A legal document to take effect on the death of the person making it. (see Will)		
582.	Testate	Dying having made a will.		
583.	Testator	Person making a will or who has died having made a will.		
584.	Testimony	The evidence which a witness gives.		
585.	Third Party Claim	(see Claim)		
586.	Title of Proceeding	Sets out the names of all the parties to a proceeding and whether they are involved personally or as a representative of a business or other entity.		
587.	Tort	A civil wrong, other than breach of contract, for which a remedy may be obtained, usually in the form of damages.		
588.	Transcript	A record of oral testimony in a legal proceeding that was taken by a court reporter.		
589.	Trial	The hearing of a legal issue by a court. Trials tend to		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		involve testimony from witnesses.		
590.	Trial Management Conference	(see Conference)		
591.	Trial Record	A document that is served and filed by an applicant before the start of a trial, which contains all of the documents and reports needed at the trial.		
592.	Trier of Fact	The person(s) who hear testimony and review evidence to rule on a factual issue. For example, in a jury trial, the jurors are the triers of fact, whereas in a trial before a judge-alone, it is the judge.		
593.	Trust	Legal rights that apply where one person holds and deals with property on behalf of or for the benefit of another person.		
594.	Constructive Trust	A type of trust that may arise where one person contributes to the worth of another person's property. The court may find that it is a constructive trust if the property owner is unjustly enriched and the contributor receives no benefit. The effect of a constructive trust is that the owner of the property may have to hold the property in trust for the contributor.		
595.	Resulting Trust	An action taken with the intent of creating a trust, where property is given from one person to another to control and act as trustee.		
596.	Trustee	A person who holds and manages assets in trust for someone else.		
597.	Uncontested	A case, or a step in a case, which is not defended by the responding party.		
598.	Undertaking	<ol style="list-style-type: none"> 1. A promise. 2. A form of judicial interim release that depends on a promise made. 	3.	4.
599.	Undue Hardship	In family law cases, a situation where paying the required amount of child support would cause excessive financial		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		difficulty.		
600.	Unexecuted Warrant	(see Warrant)		
601.	Unified Family Court	Term occasionally used to describe the Family Court branch of the Superior Court of Justice.		
602.	Unjust Enrichment	A benefit obtained by one person at the expense of another, without a legal justification for it.		
603.	Unlawful	Illegal.		
604.	Valuation Date	In family law cases, the date at which a married spouse's property is valued, for the purpose of calculating net family property.		
605.	Variation	A change to a court order or other legal document, made on the authority of a court.		
606.	Vary	To change.		
607.	Verdict	A judge or jury's decision in a trial.		
608.	Vexatious Litigant	Someone who persistently, and without reasonable grounds, brings proceedings in any court, or conducts a proceeding in a troubling manner. Once declared a vexatious litigant by a court, that person cannot start or continue any civil legal proceeding without the court's agreement.		
609.	Vicarious Liability	(see Liability)		
610.	Victim Impact Statement	A written statement prepared by victim(s) describing the impact of the offence on their life.		
611.	Victim Surcharge	(see Surcharge)		
612.	Victim/Witness Assistance Program (VWAP)	Program that provides information, assistance and support to victims and witnesses of crime in order to increase their understanding of, and participation in, the criminal court process.		
613.	Viva Voce Evidence	(see Evidence)		
614.	Voir Dire	A trial within a trial. A procedure to determine the admissibility of certain evidence in advance of the		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
		evidence being admitted.		
615.	Waive	To abandon a right or to refrain from insisting on a right or a formality.		
616.	Warrant	A judicial order directing a peace officer to do something such as arrest someone, search or seize something, or enforce a judicial order.		
617.	Arrest Warrant	A document authorizing the police to arrest an individual where the court orders it.		
618.	Bench Warrant	An order issued by a judge to a police officer for the arrest of a person who has failed to appear, or remain in attendance, at a hearing or trial. Bench warrants are a form of arrest warrants.		
619.	Discretionary Bench Warrant	In circumstances where a person does not appear in court, the court may extend a courtesy by issuing a bench warrant "with discretion". The matter is adjourned to a future date and, if the person appears at that time, the warrant is cancelled.		
620.	Executed Warrant	A warrant that has been carried out.		
621.	Search Warrant	An order issued by a justice under statutory powers, authorizing a named person to enter a specified place to search for and seize specified property which will provide evidence of the actual or intended commission of an offence.		
622.	Unexecuted Warrant	A warrant that has not been carried out.		
623.	Warrant of Committal	An order requiring that a party be committed to prison for a specified period of time.		
624.	Warrant for Witness	A document requiring that police arrest a person who has failed to appear as a witness as ordered.		
625.	Will	Directions made in legal form where a person instructs how his or her estate should be administered and distributed after death. It takes effect upon a person's death.		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION (for context, examples, or additional information).
626.	Holograph Will	A will written wholly in the handwriting of the person making it.		
627.	Withdrawal	Discontinuing or abandoning a case or part of a case.		
628.	Without Notice (see Ex Parte)	Occurring at the request of a party without the opposing party having had notice of the proceeding.		
629.	Witness	One who, in the course of judicial processes, provides evidence to assist a party or the court in a trial.		
630.	Compellable Witness	A witness who may be required by law to give evidence.		
631.	Expert Witness	A person who, through education or experience, has developed skill or knowledge on a particular subject, so that he or she may form an opinion that will assist the trier of fact.		
632.	Material Witness	A person who has significant information to affect the outcome of a case.		
633.	Writ of Delivery	An order directing that personal property be taken from one person and delivered to another person.		
634.	Writ of Execution	A general term referring to the process of the court available to enforce court orders and judgments. It is most commonly used to refer specifically to a Writ of Seizure and Sale.		
635.	Writ of Possession	An order for the recovery or delivery of the possession of land.		
636.	Writ of Seizure and Sale	An order for a sheriff to seize and publicly sell a person's property in order to satisfy an order for the payment of money.		
637.	Writ of Sequestration	Where the property has not been delivered up under a writ of delivery, the court may order the issuance of a writ of sequestration to collect and hold any income from all or part of the property.		
638.	Young Offenders Act (YOA)	Federal statute that was replaced by the <i>Youth Criminal Justice Act</i> in 2003.		
639.	Youth / Young Person	Under the <i>Youth Criminal Justice Act</i> , a person between		

MAG GLOSSARY

	TERM	DEFINITION	IN YOUR OTHER LANGUAGE	ANNOTATION <small>(for context, examples, or additional information).</small>
		the ages 12 and 17 inclusive.		
640.	Youth Court (Youth Justice Court)	Specially designated courts that hear <i>Youth Criminal Justice Act</i> cases.		
641.	Youth Criminal Justice Act (YCJA)	Federal statute that sets out the procedures for criminal charges and sentences against persons under 18.		
642.	Youth Custody Facility	Specially designated places under the <i>Youth Criminal Justice Act</i> for young persons to be held in custody.		