

Request for Restitution Information Sheet



What is restitution?

If you are the victim of a crime and suffer financial loss as a result, you have a right to request restitution. Restitution is money that the Court orders an offender to pay to a victim for eligible financial losses. Restitution can only be ordered to cover actual losses. These amounts must be easy to calculate and confirm. Restitution can only be ordered after there is a finding of guilt.

Your request for restitution must be filed in advance of the sentencing hearing. A Restitution Order can only be made for financial losses or expenses up to the date the offender is sentenced. If a Restitution Order is issued, it will form part of the offender's sentence. The Court may decide not to order restitution. The Court may also order an amount that is less than requested. In either case, the Court must give reasons for its decision.

How do I request restitution?

Step 1 – Document your eligible financial losses

Start to record the details of your financial loss as soon as possible after the crime. Make copies of any:

- bills for cost of repairs
- estimates for replacements
- records and copies of invoices
- pay stubs to help prove lost wages
- receipts
- any other documents that prove financial losses due to the crime

Step 2 – Complete a Request for Restitution Form

- List each financial loss separately in the applicable section of the form (see reverse).
- Once completed, this form produces one (1) original and two (2) copies. Make certain to press down firmly when marking your form. Check to ensure all copies of the form are clear enough to be read by the Court.
- Detach the third (pink) page of the form marked Pink Copy for Victim. This copy is for you to keep.

Step 3 – Return completed form to police

- Attach copies of the documents that support your request, and return the form to the police **immediately**.
- You must return the form as soon as possible to ensure the Court has this information before the offender is sentenced. The police will provide your completed form to the Crown Attorney.

Step 4 – Forward any additional information to Crown Attorney

- If you later want to add any additional information to support your request, forward copies directly to the Crown Attorney's office.
- You will have no further opportunity to request restitution after the offender has been sentenced.

How is the Restitution Order paid?

The Court can order restitution as a stand alone order or part of an offender's Probation Order or Conditional Sentence Order. The Judge or Justice may order the offender to pay restitution immediately, by a specified date, or according to a payment schedule. Where a Restitution Order is made, the offender is expected to pay any amount(s) ordered by the date(s) specified in the order.

If restitution is ordered as a condition of an offender's probation or conditional sentence, and you are not paid, the Probation Officer may request the offender be brought back to Court as a breach of the criminal sentence.

All restitution must be paid through the Court. The Court will send you any payments received on your behalf. Over time, if you are still owed restitution, it is important to let the Court know whenever your address or contact information changes.

Regardless of the type of Restitution Order, if you have not been paid by the due date, you have a right to file your Restitution Order in civil court and attempt to collect the money from the offender through civil enforcement. Restitution can be difficult to collect from an offender who lacks the financial means to pay.