

I have a court date that I can't attend. Do I have to go?

You **MUST** attend all court dates or have somebody appear on your behalf.

If you cannot go to your court date, you must arrange for somebody to appear on your behalf. A friend, duty counsel, lawyer, or native counsel can all appear on your behalf.

A FAILURE TO APPEAR IN COURT MAY RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

TRAFFIC COURT

If you fail to appear in court for traffic violations, it may result in a conviction in your absence, and also being subject to late payment charges. The amount of the late payment charge will be 20\$ or 20% of the voluntary payment amount, whichever is **greater**.

More Questions?
Please call one of our offices.

Main Office

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Missing Your Court Dates

A guide on potential consequences and steps to take



Student Legal Services of Edmonton

Provincial or QB Court: Criminal

If you miss your court date because you do not have somebody appear on your behalf, then a warrant will be issued for your arrest.

One of the only options is to turn yourself in as soon as possible. However, warrants often take up to two weeks to go through the system and be processed for the police. The longer you wait to turn yourself into the police, the worse the consequences.

It might be a good idea to look into arranging for childcare, bills, and other things that may require immediate attention if you are arrested and put in jail after turning yourself in. This is especially important if you already have a criminal record as they will be more likely to send you to jail in that case.

Remember you will now have two charges instead of just one.



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Provincial or QB Court: Civil

In Civil matters, if you miss a court date it depends on if you are the **plaintiff** (making the application) or the **defendant** (against the person who made the claim).

If you missed an application and you are the applicant, the application will be denied. You will have to do another notice of application and start from the beginning.

If you have missed a trial date and you are the plaintiff, it is likely that the claim would be dismissed. If you have missed a trial date and you are the defendant then a dispute note would be struck out and a default judgment would be entered against you.

If this happens, then you must make another notice of application to ask the

court to reinstate the claim if you are the plaintiff, or to set aside the default judgment if you are the defendant. You must also have a **very good** reason for missing your court date.

This will be up to the discretion of the judge as well, and they may decide to adjourn the trial instead of dismissing it in the first place.

If you are the defendant and know in advance that you will be unable to attend the court date that the plaintiff has given you, you can change the court date and then you must serve the plaintiff with notice for the date change. This type of date change must be made with reasonable time and a sufficiently good reason for changing the date.