



NUNAVUT COURT OF JUSTICE

OPERATIONAL DIRECTIVE #2

COURT FACILITIES

In order to deliver justice services to the communities outside Iqaluit, the Court requires access to facilities that are reasonably appropriate for the conduct of judicial proceedings. While the Court does not expect perfection, it does require a court facility to meet the following minimum standards:

1. The facility must be heated to a minimum of 16 degrees Celsius.
2. The facility must have running water and operable toilets that are maintained in a reasonably sanitary condition as required by the General Sanitation regulation.
3. The facility must have a phone jack in operable condition within the courtroom.
4. The facility must have operable electrical outlets within the courtroom and extension cords in sufficient numbers to be used by Judge, court reporter, clerk and interpreters.
5. The facility's courtroom must have an emergency exit. All emergency exits must be in an operable condition. The facility maintainer must ensure that all emergency exits are clear of any obstructions and that any lock or chain is removed when the facility is in use as required by s.18 of the *Fire Prevention Act*, R.S.N.W.T 1988, c. F-6.
6. The facility must meet all pertinent fire and safety code standards and must provide proof of compliance with these standards upon the request of Court Services.
7. The facility must have an operable fire alarm system.
8. The facility must have overhead lighting in operable condition that projects sufficient light to enable court staff and court participants to read documents without eyestrain.

9. If the Facility used for court is part of a larger facility (school, community center etc.), the courtroom shall be separated from other public areas by a functioning door that limits the noise coming from traffic in other parts of the facility.

Effective January 1, 2014, the Court expects Court Services to require the owner of any facility intended to be used for court purposes to enter into a written contractual agreement with the Government of Nunavut stipulating that the facility will meet the minimum standards required by the court for court operations.

A facility that fails to meet the standards set out in this Directive is not suitable for the Court's purposes.

On or before April 1st of every government fiscal year, commencing April 1st 2014, Court Services will perform an annual inspection of all facilities used by the Court in the communities. A report in writing will be made to the Senior Judge outlining the results of this audit. Where the proposed facility is not compliant with this Directive, the Court expects Court Services to make alternate arrangements for use of a facility that is compliant. If a suitable facility cannot be found or the existing facility remediated to bring it into compliance with this Directive, the Court may discontinue services to the community.

The judiciary, court staff, lawyers and members of the public should not be subjected to unsafe or unsanitary conditions that present a risk to the occupational health, safety and wellbeing of persons attending the premises used by the Court. Absent extraordinary circumstances, the Court will not tolerate substandard operating conditions that are in apparent violation of existing public health, fire, or safety regulations.

The judiciary may cancel a scheduled circuit where it becomes apparent that a facility is in substantial non-compliance with this directive.

Any person having a complaint about the condition of a court facility in Nunavut is invited to direct a complaint in writing to the attention of the Senior Judge.

This operational directive comes into force immediately.

Issued this 27th day of May, 2013, at the direction of the Senior Judge of the Nunavut Court of Justice.



Mr. Justice R. Kilpatrick
Senior Judge
Nunavut Court of Justice