

## MEMORANDUM

DATE: November 2017

RE: **Applying to have a criminal record expunged**

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### Introduction

How a criminal record will be removed depends on a variety of factors, such as:

- the outcome of the charges
- the number of charges, and
- the policies of the charging police service.

Generally speaking however<sup>1</sup>

- if the outcome resulted in a **not-guilty** verdict, a destruction of the person's fingerprints and photographs and the destruction or sealing of the outcome record is required;
- an offence that was **discharged** requires a purge and a destruction;
- a **conviction** requires a record suspension (formerly called a pardon).

The Parole Board of Canada (PBC) is the **official and only federal agency** responsible for making record suspension decisions under the Criminal Records Act (CRA). Under the CRA, the PBC can order, refuse to order and revoke a record suspension.<sup>2</sup>

### What is the cost?

The processing fee for the Parole Board application is **\$631.00 CDN**<sup>3</sup>.

Generally, other associated costs include<sup>4</sup>:

- Record check: \$50 to \$75
- Fingerprinting: \$30 to \$125
- Court processing: \$40 to \$100
- US waiver processing: \$585

### Who can apply?

You can apply for a Record Suspension if you:<sup>5</sup>

- were convicted as an adult of an offence in Canada under a federal act or regulation of Canada;
- were convicted of a crime in another country and were transferred to Canada under the Transfer of Offenders Act or International Transfer of Offenders Act.
- have completed all the requirements of your sentence and probation
- have completed the 5 or 10 year waiting period, depending on the nature of the offence

You are **not** eligible for a record suspension if you have been convicted of:<sup>6</sup>

- a Schedule 1 Offence (offence involving a child) under the Criminal Records Act
- **more** than three (3) offences prosecuted by indictment, each with a prison sentence of two (2) years or more.

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<sup>1</sup> <https://www.legalline.ca/legal-answers/how-to-remove-a-canadian-criminal-record/>

<sup>2</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/what-is-a-record-suspension.html>

<sup>3</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/10-steps-to-apply-for-a-record-suspension.html>

<sup>4</sup> <https://www.pardonpros.com/about/faq/#faq1>

<sup>5</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/applying-for-a-record-suspension.html>

<sup>6</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/applying-for-a-record-suspension.html>

## **How to apply?**

You do not need a lawyer or a representative to apply for a record suspension. The application guide includes step-by-step instructions and all the forms that you need. You can also call a toll-free number for assistance<sup>7</sup>. Here are the 10 steps to apply for a record suspension, with instructions for each one.<sup>8</sup>

### **Step 1**

Get your Convictions, Conditional and Absolute Discharges form (**Criminal Record**) from the RCMP in Ottawa and, if required, your **Proof of Conviction** documents.

### **Step 2**

Get your **Court Information** using the Court Information Form.

### **Step 3**

Get your **Military Conduct Sheet**  
(current and former members of the Canadian Forces only).

### **Step 4**

Get your **Local Police Records Check(s)**.

### **Step 5**

Get your **Proof of Citizenship or Immigration Documents**  
(if born outside of Canada).

### **Step 6**

Get a **Photocopy of your Document to Support your Identification**.

### **Step 7**

Fill in the **Schedule 1 Exception Form**  
(if applicable, complete all sections).

### **Step 8**

Fill in the **Record Suspension Application Form**.

### **Step 9**

Fill in the **Measurable Benefit/Sustained Rehabilitation Form** (complete all sections).

### **Step 10**

Complete the **Checklist** and mail your **application and documents** with the **\$631.00 (CON) processing fee**.

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<sup>7</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/applying-for-a-record-suspension.html>

<sup>8</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/10-steps-to-apply-for-a-record-suspension.html>

## Processing Times

Record suspension applications are processed according to the following service standards by the Parole Board of Canada<sup>9</sup>:

- Applications seeking a record suspension for an offence or offences tried summarily will be processed **within 6 months** of application acceptance.
- Applications seeking a record suspension for an offence or offences tried by indictment will be processed **within 12 months** of application acceptance.
- Applications in which the Board is proposing to refuse to order a record suspension will require **up to 24 months** after application acceptance to complete.

## Ontario Works Employment Supports<sup>10</sup>

Employment-related expenses are a **discretionary** employment benefit offered by Ontario Works if the Administrator is satisfied that eligibility criteria have been met. Employment-related expenses are provided to support participants as they progress toward sustainable employment. Employment-related expenses are also available for ODSP recipients who are participating in Ontario Works employment assistance activities. Where a participant is eligible for the mandatory Other Employment and Employment Assistance Activities Benefit, that benefit is accessed first.

Payments may cover out-of-pocket expenses associated with participation in employment assistance activities, **including costs associated with obtaining a Pardon (for the removal of a criminal record) where the criminal record may be a barrier to employment.**

The maximum average that is provided for each eligible participant is \$250 per month, with a maximum advance of \$500.

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<sup>9</sup> <https://www.canada.ca/en/parole-board/services/record-suspensions/official-pbc-application-guide-and-forms.html>

<sup>10</sup> Ontario Works Directive 7.4: Employment and Participation Benefits.  
[http://www.mcass.gov.on.ca/en/mcass/programs/social/directives/ow/7\\_4\\_OW\\_Directives.aspx](http://www.mcass.gov.on.ca/en/mcass/programs/social/directives/ow/7_4_OW_Directives.aspx)