

Ontario bail process changes as new federal reforms and surety restrictions take effect

New federal law expands reverse-onus rules, restricts surety eligibility and raises the bar for release in serious criminal cases across Ontario.

TORONTO, ONTARIO, CANADA, September 1, 2026 /EINPresswire.com/

-- Securing bail in Ontario has become significantly harder for some accused persons following the recent implementation of Bill C-14, the Bail and Sentencing Reform Act. The

legislation, which officially came into force on July 15, 2026, introduces strict new reverse onus provisions, surety restrictions and other requirements that significantly alter how certain bail applications are decided.



These [sweeping bail and sentencing reforms](#) represent a significant overhaul of Canada's bail and sentencing laws. Aimed squarely at curbing rising community anxieties around organized crime, auto theft and unprovoked violence, the new laws significantly restrict access to the ordinary bail framework for accused persons falling within the new reverse-onus provisions.

For people facing specific criminal charges, and their families trying to bring them home, the legal landscape has abruptly changed.

The reality of the "reverse onus"

Historically, the Crown prosecutor generally carried the burden of proving why an accused person should be kept in jail while awaiting trial. The new reforms flip that standard entirely for additional categories of offences and accused persons.

Under the new rules, individuals accused of motor vehicle theft involving violence, specified motor vehicle theft connected to a criminal organization, breaking and entering a dwelling-house, violent extortion, human trafficking, human smuggling, an alleged violent offence that would constitute the accused's third or subsequent indictable offence involving violence, or

assault and sexual assault offences involving allegations of choking, suffocating or strangling face a "reverse onus."

Rather than the Crown bearing the ordinary burden of justifying detention, the accused bears the burden of showing why detention is not justified and must clearly demonstrate that the proposed release plan addresses the risks posed by the accused as they relate to the statutory grounds for detention. This places an enormous burden on the defence right out of the gate.

The legislation also expands an existing reverse-onus provision for serious violent offences involving weapons by increasing the relevant period for a prior similar conviction from five years to 10 years.

Tighter rules for sureties and release conditions

The reforms also remove the requirement to apply the traditional "ladder principle" in reverse onus situations. Ordinarily, courts are legally required to consider the least restrictive release conditions first, stepping up only when necessary. That requirement has been removed for accused persons subject to a reverse onus. This means judges are no longer required to work their way up the ladder in those cases; they may consider more restrictive forms of release without first proceeding through each less restrictive form.

Furthermore, the new laws introduce strict guardrails for sureties. Key changes to the bail process include:

- A prohibition preventing a person who was convicted of an indictable offence within the previous 10 years from acting as a surety, unless the court is satisfied that no other suitable surety is available and naming that person is in the interests of justice;
- In reverse-onus cases, a requirement that the accused clearly demonstrate that the proposed bail plan addresses the risks posed by the accused as they relate to the statutory grounds for detention; and
- A new requirement that courts consider whether the alleged offence involved random and unprovoked violence.

If a proposed surety has an indictable conviction within the previous 10 years, the court will generally be prohibited from naming them as a surety unless the statutory exception is satisfied. Families may therefore have to find another suitable surety who meets the new statutory requirements.

"These new provisions significantly shift the burden in a growing number of bail cases. The government has drastically raised the bar for release for accused persons who fall within these new reverse-onus provisions, and without experienced, strategic legal representation to navigate these new reverse-onus rules and strict surety requirements, accused individuals may face greater difficulty securing their release while awaiting trial," says Mike Kruse, founding partner of

Kruse Law.

Navigating the new legal landscape

For anyone facing criminal charges in Ontario, understanding [what a bail hearing is](#) has never been more critical. The stakes are simply too high to walk into a courtroom unprepared. A failed bail hearing can leave an accused in custody while the case proceeds, subject to available bail-review procedures. Serious criminal cases can take many months, and sometimes a year or more, to reach trial.

Because the rules have become far more rigid for certain accused persons, knowing exactly [what to expect at a bail hearing in Ontario](#) is essential for both the accused and their potential sureties. For accused persons caught by the new reverse-onus provisions, securing release for certain violent or organized property offences has become considerably more demanding.

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