

## INDEX

References: R = *Criminal Proceedings Rules for the Superior Court of Justice (Ontario)*

RP = *Ontario Review of Parole Ineligibility Rules (Rule 50)*

A = *Criminal Appeal Rules*

P = *Provincial Offences Act*

PR = Regulations under the *Courts of Justice Act* relating to the *Provincial Offences Act*

CJ = *Criminal Rules of the Ontario Court of Justice*

N.B.: All numbers following the above references are to section or rule numbers of the legislation.

### ABANDONMENT, OF APPLICATION, R6.10

Court of Appeal, in. *See* CRIMINAL APPEAL RULES

dismissal —

abandoned, as, R6.10(2)

failure to appear, for, R6.10(3)

notice of, R6.10(1)

summary conviction appeal, R40.15

dismissal for, R40.15(2)

notice, service of, R40.15(1)

### ADJOURNMENT, APPLICATION FOR, R26, CJ2.4(2)(a), 3.2

application of rule, R26.01

consent in writing to order, R26.05, CJ2.7, 3.2

judge, to be made to, R26.02

notice of —

service of, R26.03, CJ2.1(1), 3.1-3.3

filing with proof of, R26.03(2), CJ3.1

recipients of/timing of, R26.03(1), CJ2.1(1), 2.4(2)(a), 3.1-3.2

material required, R26.04, CJ2.1, 2.2(2), 2.3

additional to notice of application, R26.04(1), CJ2.3

affidavit of applicant, R26.04(2)

factum/application record not required, R26.04(3), CJ2.3

time for hearing, CJ2.4(1), 2.4(2)(a)

### AFFIDAVIT(S)

adjournment application, on, R26.04(2), CJ2.3

alterations to, R4.06(6) application(s), on, R6.07(1), CJ2.3

cross-examination on, R6.07(4)

## INDEX

---

### AFFIDAVIT(S) — *Continued*

#### application(s), on — *Continued*

filing of, R6.07(2), (3), CJ2.3

service of, R6.07(2), (3), CJ2.3(2)

contents of, R4.06(2)

corporation, of, R4.06(5)

Court of Appeal. *See* CRIMINAL APPEAL RULES

cross-examination on, R6.11(4), R41.04(3), R42.05(4)

custody, release from (pending appeal), R42.05(2), (3)

deponents, two or more, R4.06(4)

evidence, as, R6.07(1)

application of rule, R6.11(1)

cross-examination on, R6.07(4)

filing of, R6.07(2), (3)

service of, R6.07(2), (3)

exhibits, R4.06(3)

extraordinary remedies, re, R43.05(2)

format, R4.06(1)

judicial interim release, re, R20.05(2), (3)

parole ineligibility review application, RP50.02(2)

prisoners, application to procure attendance of —

s. 527(1) application, on, R23.04(2)

s. 527(7) application, on, R23.04(3)

release of exhibits for scientific testing, R21.04(1)-(3), CJ2.3

solicitor of record, applications for removal, R25.04(2), CJ2.3

stay pending appeal, application for, R41.04(2)

venue of trial, application to change, R22.05(2), (3), CJ2.3

### AGREED STATEMENT OF FACTS

application, on an, R6.09, CJ2.3(2)(d)

Court of Appeal. *See* CRIMINAL APPEAL RULES

custody application, on release from, R42.05(5)

extraordinary remedies, on application for, R43.05(4)

stay pending appeal, on application re order for, R41.04(4)

summary conviction appeals, on, R40.06(9)

### APPEAL(S)

Court of Appeal, to. *See* CRIMINAL APPEAL RULES; PROVINCIAL OFFENCES APPEALS

notice of. *See* NOTICE OF APPEAL stay pending. *See* STAY PENDING APPEAL, APPLICATION RE ORDER FOR

provincial offences. *See* PROVINCIAL OFFENCES APPEALS

APPEAL(S) — *Continued*

summary conviction. *See* SUMMARY CONVICTION APPEALS  
written. *See* CRIMINAL APPEAL RULES

## APPEAL BOOK(S)

binding of, R4.07(3)

Court of Appeal. *See* CRIMINAL APPEAL RULES; PROVINCIAL  
OFFENCES APPEALS

summary conviction appeals, for, R40.08

compliance with rules, relief from, R40.08(4)

contents of, R40.08(2)

filing of, R40.08(1)

non-compliance with rules, R40.08(3)

serving of, R40.08(1)

APPEALS IN WRITING. *See* CRIMINAL APPEAL RULES

## APPLICATION OF RULES, R1, CJ1.2

Code provisions, of, R1.05

forms, use of, R1.06, CJ5.2(2)-(3)

Ontario Court of Justice, to, CJ1.2

Superior Court of Justice, to, R1.02(1)

transitional provisions —

in force date, R1.02(3), CJ7

repeals, R1.02(4), CJ6

## APPLICATION(S)

abandonment of, R6.10

notice of, R6.10(1)

dismissal —

abandoned, as, R6.10(2)

failure to appear, for, R6.10(3)

adjournment, for. *See* ADJOURNMENT, APPLICATIONS FOR

application of Rules to, R6.01(2)

application record —

additional documents, R6.05(5), CJ2.3

applicant's —

additional material, CJ2.3

contents, R6.05(2), CJ2.1(2)

filing of, R6.05(1), CJ2.1(1), 3.1-3.3

service of, R6.05(1), CJ2.1(1), 3.1-3.3

respondent's —

additional material, CJ2.3

## INDEX

---

### APPLICATION(S) — *Continued*

#### application record — *Continued*

##### respondent's — *Continued*

contents, R6.05(4), CJ2.1(2)

filing of, R6.05(3), CJ2.2(1), 3.1-3.3

service of, R6.05(3), CJ2.2(1), 3.1-3.3

transcript of evidence, R6.05(6), CJ2.1(3)

##### books of authorities —

authorities included, R32.01(3)

cover colour, R32.01(7)

duplication of authorities, R32.01(6)

legibility of authorities, R32.01(5)

marking of authorities, R32.01(4)

service and filing of by applicant, R32.01(1)

service and filing of by respondent, R32.01(2)

commencement of, R6.01(1), CJ2.1(2)

consent application, CJ2.7

constitutional issue. *See* CONSTITUTIONAL ISSUE

custody, release from. *See* CUSTODY, release from (pending appeal)

dismissal (on reference or application), R16.11

application by respondent, R6.11(2)

non-compliance with rules, R34.03

notice by registrar, R6.11(1)

##### evidence on —

affidavit, by, R6.07(1), CJ2.3(2)(b)

cross-examination on, R6.07(4)

filing of, R6.07(2), (3), CJ2.3

service of, R6.07(2), (3), CJ2.3

agreed statement of facts, R6.09, CJ2.3(2)(d)

examination of witness, by, R6.08

extension of time, timing of, R3.02(2)

extraordinary remedies, re. *See* EXTRAORDINARY REMEDIES

##### factum(s) —

##### applicant's —

contents, R33.01(3)

filing of, R33.01(12)

service of, R33.01(12)

##### intervenor's —

contents, R33.01(5)

filing of, R33.01(14)

service of, R33.01(14), CJ6.09(1)

form of, R33.01(7)-(11)

APPLICATION(S) — *Continued*factum(s) — *Continued*intervenor's — *Continued*

length of, R33.01(6)

requirement to deliver, R6.05(8), (9)

## respondent's —

contents, R33.01(4)

filing of, R33.01(13)

service of, R33.01(13)

signing and dating of, R33.01(2)

time limit, R6.05(9)

## hearing(s) —

date of, R6.06(2)

other applications, CJ2.6

pre-trial applications, CJ2.4

trial applications, CJ2.5

non-compliance with rules, dismissal of application for, R34.03

oral argument, limitations on, R34.04

order and manner of, R34.01

place of, R6.06(1)

preliminary assessment of application, R34.02

written argument, R34.05

judge, to be made to, R6.02

notice of application. *See* NOTICE OF APPLICATIONparole ineligibility review. *See* PAROLE INELIGIBILITY REVIEW

statement of legal argument, CJ2.3(2)(a)

trial *de novo*, for, R40.12(1)APPLICATION RECORDS, BINDING OF, R4.07(1). *See also* RECORD AND FACTUMATTORNEY GENERAL. *See* CRIMINAL APPEAL RULESBAIL. *See also* CUSTODYCourt of Appeal. *See* CRIMINAL APPEAL RULESGeneral Division. *See* JUDICIAL INTERIM RELEASE

BINDING, R4.07

appeal books, R4.07(3)

application records, R4.07(1)

transcripts of evidence —

appeal, R4.07(4)

application, R4.07(2)

## INDEX

---

### BOOKS OF AUTHORITIES

- authorities included, R32.01(3)
- cover colour, R32.01(7)
- duplication of authorities, R32.01(6)
- legibility of authorities, R32.01(5)
- marking of authorities, R32.01(4)
- service and filing of by applicant, R32.01(1)
- service and filing of by respondent, R32.01(2)

CANADIAN CHARTER OF RIGHTS AND FREEDOMS, R27.01, CJ1.3, CJ2.4(2)(e), CJ2.4(3), CJ2.5(2), CJ4.2(3)(b)

### CASE MANAGEMENT, R29A, RP50.06, 50.07, CJ4

- appointment of case management judge —
  - application by party, on, R29A.02
  - direction of trial judge, by, R29A.04
- focus hearing —
  - absence of agreement re witnesses, CJ4.3(4)
  - materials, CJ4.3(3)
  - parties, CJ4.3(2)
  - requirement, CJ4.3(1)
- judicial pre-trial conference —
  - authority of parties, required, CJ4.2(3)
  - communications technology, CJ4.2(6)
  - judicial directions, CJ4.2(7)
  - materials, CJ4.2(4)-(5)
  - meeting of parties before, CJ4.2(2)
  - "pre-trial", CJ4.2(1)
  - record of admissions and agreements, CJ4.2(8)
- parole ineligibility review applications. *See* PAROLE INELIGIBILITY REVIEW
- powers of court to —
  - excuse non-compliance, CJ5.3
  - issue directions, CJ4.2(7)
  - manage hearing and trial, CJ4.1
- preliminary inquiry —
  - discovery process, evidence by, CJ4.4
    - official record, part of, CJ4.4(2)
    - vulnerable witness exception, CJ4.4(3)
  - focus hearing, CJ4.3
- pre-trial conference. *See* judicial pre-trial conference.
- trial management, CJ4

**CASE SUPERVISION, R29**

- administrative matters, assistance with, R29.03
- authority for rule, R29.01
- conferences, R29.04
  - attendance at, R29.05(1)
    - accused represented by counsel, R29.05(2)
    - presence of accused required, R29.05(3)
  - authority of judge, R29.06(3)
  - place of, R29.06(1)
  - role of trial judge, R29.06(4)
  - self-represented accused, R29.06(2)
- designation of judge, R29.02
  - criteria for, R29.03

**CERTIFIED COPIES OF DOCUMENTS, R4.03**

**CERTIORARI, APPLICATION RE.** *See* EXTRAORDINARY REMEDIES

**CHARTER.** *See* CANADIAN CHARTER OF RIGHTS AND FREEDOMS;  
EXCLUSION OF EVIDENCE UNDER CHARTER

**CITATION OF RULES, R1**

- alternative references, R1.01(3)
- short title, R1.01(1)
- subdivision of rules, R1.01(2)

**CODE**

- application to constitutional issues, R27.01
- application to *Criminal Appeal Rules*, A2(2)
- interpretation sections of, application to Rules of, R1.05

**COMMISSION EVIDENCE, APPLICATIONS TO TAKE, R24, CJ2.4(2)(b)**

- affirmation by witness. *See* Witnesses
- application of rule, R24.01
- commissioner, ruling by, R24.13
- consent in writing to order, R24.06, CJ2.7
- documents, production of, R24.10
  - documents and things, R24.10(2)
    - obligation to produce, general, R24.10(1)
    - other documents, obligation to produce, R24.10(3)
- evidence —
  - audio-visual recording of, R24.17(1)
  - recording of, R24.14
  - use at trial, R24.16, R24.17(2)

## INDEX

---

### COMMISSION EVIDENCE, APPLICATIONS TO TAKE — *Continued*

- examination, course of, R24.111
  - cross-examination, R24.11(2)
  - examination-in-chief, R24.11(1)
  - re-examination, R24.11(3)
- interpreter, R24.09
  - oath or affirmation of, R24.09(1)
  - supply of, R24.09(2)
- judge, to be made to, R24.02
- notice of —
  - contents of, R24.03, CJ2.1(2)
  - service of —
    - recipients of/timing of, R24.04(1), CJ2.1(1), 3.1, 3.3
- material required, R24.05, CJ2.1, 2.2(2), 2.3
  - additional to notice of application, R24.05(1), CJ2.3
  - affidavit of applicant, R24.05(2)
  - factum requirement, R24.05(3)
- oath or affirmation. *See* witnesses
- objections, R24.12(1)
- order for examination, R24.07
  - clerk, issuance of commission/letter of request by, R24.07(3)
  - commission, R24.07(2)(a)
  - commissioner, duties of, R24.07(4), (5)
  - contents of, R24.07(1)
  - letter of request, R24.07(2)(b)
  - transcript of examination, service of, R24.07(6)
- rulings, R24.12, CJ23.12
  - answers under objection, on, R24.12(2)
  - answers not given, on, R24.12(3)
  - commissioner, by, R24.13
- transcript, R24.15
  - certification of, R24.15(2)
  - delivery to other parties/court, R24.15(3)
  - preparation of, R24.15(1)
- time for hearing, CJ2.4(1), CJ2.4(2)(b)
- trial, use of evidence at, R24.16
  - videotaped evidence, R24.17(2)
- videotaping evidence, R24.17
- witnesses —
  - oath or affirmation of —
    - Ontario —
      - in, R24.08(1)



COMMISSION EVIDENCE, APPLICATIONS TO TAKE — *Continued*  
 witnesses — *Continued*  
   — *Continued*  
     Ontario — *Continued*  
       outside, R24.08(2)

CONSENT, WRITTEN  
 extension of time, to, R3.02(3), CJ3.1(3)(c)  
 form, CJ5.2(1)  
 generally, CJ 2.7, 3.2  
 order, re, to —  
   adjournment, CJ3.2  
   extraordinary remedies, R43.06  
   release from custody pending appeal, R42.06(3)  
   release of exhibits for scientific testing, R21.05  
   solicitor of record, removal of, R25.05, CJ3.2  
   venue of trial, change of, R22.06

CONSTITUTIONAL ISSUE  
 abandonment of application, R27.08  
 application of rule, R27.01  
 dismissal of application, R27.09  
 evidence on application, R27.07  
 exclusion of evidence, CJ2.5(2)  
 hearing of application, place of, R27.06  
 judge, to be made to, R27.02  
 material required, R27.05, CJ2.1(2), 2.2(2), 2.3  
   additional documents, R27.05(5), CJ2.3  
   application record —  
     applicant's, R27.05(1), CJ26.05(4)  
     further (ordered by judge), CJ2.1, 2.3  
     intervenor's, R27.05(3), (4)  
     respondent's, R27.05(2)  
   books of authorities, R27.05(7)  
   factums, R27.05(8), (9)  
   transcript of evidence, R27.05(6)  
 notice of —  
   contents, R27.03, CJ2.1(2)-(3)  
   requirement for, R4.06  
   service of, R27.04, CJ2.1(1), 3.1  
     filing of with proof of service, R27.04(4), CJ2.1(1), 3.1  
     manner of, R27.04(2), (3), CJ3.3

## INDEX

---

### CONSTITUTIONAL ISSUE — *Continued*

notice of — *Continued*

service of — *Continued*

timing of, R27.04(1), CJ3.1

### CORPORATION

affidavit of, R4.06(5)

### COUNSEL OF RECORD. *See* SOLICITOR OF RECORD, APPLICATION FOR REMOVAL

### COURT DOCUMENTS, R4

affidavit, R4.06, CJ2.3(2)

alterations, R4.06(6)

contents, R4.06(2)

corporation, for a, R4.06(5)

deponents, two or more, R4.06(4)

exhibits, R4.06(3)

format, R4.06(1)

application records, binding of, R4.07(1)

appeal books, binding of, R4.07(3)

binding, R4.07

appeal books, R4.07(3)

application records, R4.07(1)

transcripts of evidence

appeal, R4.07(4)

application, R4.07(2)

constitutional issue, notice of, R4.10

contents, R4.02, CJ2.1(2), 2.2(2)

backsheet, R4.02(3)

court name/file number, R4.02(3)(b)

court office proceeding commenced, R4.02(3)(d)

deponent's name (affidavit), R4.02(3)(c)

party filing, identity of, R4.02(3)(f)

title, short, R4.02(3)(a)

title, document, R4.02(3)(e)

body, R4.02(2)

court office proceeding commenced, R4.02(2)(d)

date, R4.02(2)(b)

party filing, identity of, R4.02(2)(c)

title, document, R4.02(2)(a)

general heading, R4.02(1)

court name, R4.02(1)(a)

COURT DOCUMENTS — *Continued*contents — *Continued*general heading — *Continued*

file number, R4.02(1)(a)

proceeding title, R4.02(1)(b)

copies, certified, R4.03

evidence, transcripts of. *See* transcripts of evidence

filing of, R4.05, CJ2.1(1), 2.2(1), 3.1-3.3

court office, in, R4.05(3)

electronic filing, CJ3.3(2)

mail, by, R4.05(3)

deemed date, R4.05(4)

when not received, R4.05(5)

place, R4.05(1), (2)

## format —

affidavit, of, R4.01

application, CJ5.2(1)

consent, CJ5.2(1)

response, CJ5.2(1)

transcripts of evidence, of, R4.08(3)-(10)

notice to be in writing, R4.04

records. *See* application recordsservice of. *See* SERVICE OF DOCUMENTS

transcripts of evidence, R4.08, CJ2.1(3)

## binding of —

appeal, R4.07(4)

application, R4.07(2)

format standards, R4.08(3)-(10)

heading, R4.08(2)

paper size, R4.08(1)

transmission of, R4.09

form 22, R4.09(1)

location other than where proceeding commenced, from, R4.09(2)

## CRIMINAL APPEAL RULES

## abandonment —

dismissal by judge, A18(6)

failure to comply with transcript rules, for, A36(11)

notice of abandonment, service of, A18(1)

reporter to be notified of, A18(5)

## affidavits —

release from custody application, on —

CRIMINAL APPEAL RULES — *Continued*

affidavits — *Continued*

release from custody application, on — *Continued*

appellant's, A22(7)

attorney general's, A22(8)

cross-examination on, A22(10)

judge may dispense with, A22(11)

agreed statement of facts —

affidavits, substituted for, A22(11)

appeal book —

attorney general's, A39(6)

contents of, A39(1)

form of, A39(5), (6)

inmate appeal, A58

mental disorder appeal, A68

registrar's discretion to refuse, A39(7)

service of, A44(2)

appeals in writing. *See* written appeals

application of interpretation sections of *Criminal Code*, A1(1)-(3)

attorney general —

affidavit by, A22(8)

appeal book —

generally, A39(6)

inmate appeal, A58

notice of appeal by, A8(5)

bail —

application, notice for, A22(4)

pending appeal, A22(17)

variation of, A22(19)

books of authorities, A42(1)-(11)

commencement of rules, A1(7)

conditional release from custody, A22(16)

consent order, A21(28), (29)

*Criminal Code*, application of interpretation sections of, A1(1), (2)

cross-examination on affidavits, A22(10)

custody, release from pending appeal against sentence —

agreed statement of facts, A22(11)

appellant's affidavit, A22(7)

attorney general's affidavit re detention requirement, A22(8)

bail, A22(15), (16)

conditional orders, A22(16)

cross-examination on affidavits, A22(10)

CRIMINAL APPEAL RULES — *Continued*

definitions, A2

dismissal of appeal —

failure to comply with transcript rules, A36(11)

extension of time —

application for (inmate appeal), A55(1)

inmate appeal, A55(2)-(7)

judge's power re, A55(2)

notice of motion re, A55(3)

factum —

appellant's —

contents of, A16(3), A40(3)

timing of filing, A18(3), (4), A44(2), (3)

delivery of, A16(1), A40(1)

form of, A16(6)-(9), A40(6), (7)

intervener's, A23(2), A30(3)

length of, A16(5), A40(5)

mental disorder appeal, A42, A69

number of, A18(1), A44(2)

refusal of by registrar, A16(10), A40(7)

respondent's —

contents of, A16(4), A40(4)

timing of filing, A21(3), A46(6)

sentence appeal for, A17(1), (2), A41(1), (2)

service of, R18(1), A44(2)

signature and date required, A16(2), A40(2)

filing factum —

appellant's, A18(3), (4), A44(3), (4)

respondent's, A21(3), A46(6)

format of documents, A1(7), A6

hearing date —

perfected appeal requirement, A21(2), A46(1)

registrar to set, A21(1), (4)

Criminal Appeal Coordinator to set, A46(2), (3)

inmate appeals —

appeal book, preparation of by attorney general, A25(3)-(5), A58(1)-(3)

appeals in person —

change to written appeal, A27(2), A61(1)

presence of appellant, A27(1), A60(4)

appeals in writing, A28(1)-(9), A61

delivery of documents, A53(4)

extension of time, A7(3)-(8), A26, A55

CRIMINAL APPEAL RULES — *Continued*

inmate appeals — *Continued*

forms of notice of appeal supplied to inmate, A25(1), A53(3)

notice of appeal —

application for extension of time to file, A26, A55(1)

form of, A3(1), A53(1)

service of, method of, A5(a), A53(2)

reasons for judgment to be sent to inmate, A29, A19(2)

transcript rule, non-application of, A8(1)

transcript rule, application of, A57

intervention, A23, A30

matters not provided for, A1(5), A1(4)

mental disorder appeal —

appeal books, A41, A68

combined appeal, A47, A71

definitions and application, A38, A63, A64

factums, A42, A69

interim orders, A45, A71(3)

notice of appeal, A39, A66

perfecting appeal, A43, A70

transcripts, A40, A67

transitional rule provisions, A48, A1(8)-(10)

unrepresented appellant, A46, A70(10)-(12)

motion for directions, A19, A28

notice of appeal —

mental disorder appeal, A39, A66

service of —

inmate appeal, A5(a), A53(2)

other, A5(b), A7

time of —

acquittal, from, A4(1), A8(5)

conviction, from, A4(2), A8(3)

order, from, A4(3), A8(6)-(8)

forwarding by registrar, A10(1), A7(4)

original papers, requisition of, A11(1), (2), (3), A12(3)

perfection —

appellant's duty re, A21(5), 44(1)

certificate of, A18(2), A44(2)

failure to perfect within designated time limits, A45

mental disorder appeal, A43, A70

post sentence report, A36, A20

processing appeal —

CRIMINAL APPEAL RULES — *Continued*processing appeal — *Continued*

- registrar to forward notice of appeal, A10(1), A12(2)

- transmission of lower court materials, A10(2), A12(5)

- reasons for judgment, A25(3), A29, A19, A39(1), A58(2)

- release from custody application. *See* custody, release from pending appeal against sentence

- repeal of preceding rules, A49, A1(7)

- rules of civil procedure. *See* civil rules

- sentence appeals, A17, A41

- short title, A1(6)

- summary conviction appeals, A1(4), A25, A51

- transcripts of evidence —

- agreed statement of facts, A8(12), (13), A38(6), A39(1)

- agreement re requirement of, A8(18), A38(9)

- appeal from Superior Court of Justice non-trial judge, A8(7), A38(1)

- appeal under provisional legal aid certificate, A8(5), A36(7), (8)

- certificate of court reporter, A8(2), (3), (5) and (6), A36(2)-(5)

- completion requirement, A8(15), A37(6)

- contents of, A8(8), (9), A38(3)

- delivery to court by reporter, A8(16), A37(7), (8)

- failure to comply with rules re, A9, A36(11)

- inmate appeals exemption, A8(1), A57(1)

- mental disorder appeal, A40, A67(1)

- notification of completion, A8(16), A37(7), (8)

- sentence-only appeals, A8(11), A38(5), (6)

- service of, A18(1), A44(2)

- special inclusions, A8(1), A38(7), (8)

- transitional rules, A48, A1(8)-(10)

- transmission, A54

- written appeals —

- criminal panel requiring

- argument from Crown, A24(5)-(7), A61(6)-(9)

- oral submissions, A24(8), A61(11)-(14)

- dismissal by single judge, A24(3), (4), A61(3), (4)

- filings, A24(1), A61(1)

- inmate, by. *See* inmate appeals

- single judge consideration, A24(2), A61(2)

- Young Offenders Act*, application of rules to, A1(3)

- Youth Criminal Justice Act*, application of rules to, A1(1)

CRIMINAL CODE. *See* CODE

## INDEX

---

### CROSS-EXAMINATION

affidavits, of —  
evidence, as, R6.07(4)  
on, R41.04(3), R42.05(4), A22(10)

### CUSTODY

release from (pending appeal), R42  
application of rule, re, R42.01  
application for an order —  
judge, to be made to, R42.02  
materials required, R42.03  
additional to notice of application, R42.03(1)  
affidavit of applicant, R42.03(2)  
affidavit on behalf of prosecutor, R42.03(3)  
application record —  
applicant's, R42.03(5)  
respondent's, R42.03(6)  
cross-examination on affidavits, R42.03(4)  
factum not required unless ordered, R42.03(5), (6)  
material filed as part of record, R42.03(7)  
notice of application —  
abridgment/extension of time, R42.04(3)  
consent to, R42.05(3)  
contents of, R42.03(1)  
service of, R42.04  
filing of with proof of, R42.04(2)  
Court of Appeal, in. *See* CRIMINAL APPEAL RULES  
order directing release, R42.05  
consent in writing to, R42.05(3)  
form of, R42.05(1)  
sufficiency of, R42.05(2)  
transfer from. *See* PRISONERS, APPLICATIONS TO PROCURE  
ATTENDANCE OF

### DANGEROUS AND LONG-TERM OFFENDER APPLICATIONS, R35

pre-hearing conference report, R35.02

### DEFINITIONS, R1.03, RP50.01, CJ1.3

Court of Appeal Rules, A1(1), A35, A2, A52, A64  
summary conviction appeals, R40.01

### DISCLOSURE

judicial directions re, CJ4.2(7)



DISCLOSURE — *Continued*

manner of, PRACTICE ISSUES, DIS:2  
parole ineligibility review applications, RP50.08(1)  
powers of judge on pre-trial, CJ4.2(3)  
remedy for failure to disclose, PRACTICE ISSUES, DIS:3  
scope of, PRACTICE ISSUES, DIS: 1  
third party records, CJ2.5(1)(c)  
time for hearing application, CJ2.4

## DISMISSAL OF APPEAL

Court of Appeal, in, A9, A18  
failure to file transcripts, for, A21(4), A45(1), (2)  
failure to order transcripts of evidence, for, A21(2), A45(1), (2)  
non-compliance, for. *See* SUMMARY CONVICTION APPEALS

DOCUMENTS. *See* COURT DOCUMENTS

filing of. *See* COURT DOCUMENTS  
service of. *See* SERVICE OF DOCUMENTS

## EVIDENCE

application(s), on —  
agreed statement of facts, R6.09  
affidavit, by, R6.07  
examination of witness, by, R6.08  
applications to admit, R30  
application of rule, R30.01  
application record —  
applicant's, R30.05(1)  
respondent's, R30.05(2)  
books of authorities, R30.05(3)  
factums, R30.05(4), (5)  
judge to be made to, R30.02(1)  
exception, R30.02(2)  
notice of, R30.03  
contents, R30.03(2)  
filing and service of, R30.04(1)  
manner of service, R30.04(2)  
proof of service, R30.04(3)  
form of, R30.03(1)  
applications to exclude, R31  
application of rule, R31.01  
application record —  
applicant's, R31.05(1)

EVIDENCE — *Continued*

applications to exclude — *Continued*

application record — *Continued*

respondent's, R31.05(2)

books of authorities, R31.05(3)

factums, R31.05(4), (5)

judge to be made to, R31.02(1)

exception, R31.02(2)

notice of, R31.03

contents, R31.03(2)

filing and service of, R31.04(1)

manner of service, R31.04(2)

proof of service, R31.04(3)

form of, R31.03(1)

commission, application to take. *See* COMMISSION EVIDENCE,  
APPLICATIONS TO TAKE

exclusion under Charter, *See* EXCLUSION OF EVIDENCE UNDER  
CHARTER

transcripts of. *See* COURT DOCUMENTS, TRANSCRIPTS OF EVIDENCE

EXCLUSION OF EVIDENCE UNDER CHARTER, CJ2.5(2)(a)(ii)

application for (Ont. C.J.). *See* APPLICATION(S)

EXHIBITS, RELEASE OF FOR SCIENTIFIC TESTING. *See* RELEASE OF  
EXHIBITS FOR SCIENTIFIC TESTING, APPLICATION FOR

EXTENSION OF TIME, R3.02, CJ3.1(3), 4.1

application for, timing of, R3.02(2), CJ2.4

consent in writing, by, R3.02(3), CJ2.7

Court of Appeal, in. *See* CRIMINAL APPEAL RULES

court jurisdiction in respect of, R3.02(1), CJ4.1, 5.3

extraordinary remedies, re —

application for, R43.04(3)

consent to, R43.04(4)

summary conviction appeals, R40.18

judge's power, R40.18(1)

notice of application, re, service of, R40.18(2)

EXTRAORDINARY REMEDIES, R43

application of rule, R43.01

applications —

extension of time, R43.04(3)

consent to, R43.04(4)

EXTRAORDINARY REMEDIES — *Continued*applications — *Continued*

- judge, to be made to, R43.02
- materials required, R43.05
- additional to notice of application, R43.05(1)
- affidavit of applicant, R43.05(2)
- agreed statement of facts, R43.05(4)
- application record/factum —
  - applicant's, R43.05(5)
  - respondent's, R43.05(6)
- cross-examination on affidavits, R43.05(3)
- notice of application —
  - application to quash, R43.03(2)
  - certified documents, R43.03(3)
    - effect in law of return of, R43.03(4)
  - further or amended return, direction of, R43.03(7)
  - order directing proceedings continue, R43.03(6)
  - suspension of proceedings, R43.03(5)
- filing of, R43.04(2)(d)
- general requirements of, R43.03(1)
- service of, R43.04(2)
- timing of, R43.04(1)
- order, consent in writing to, R43.06
- provincial offences appeals, P140-142

FACSIMILE TRANSMISSION. *See* SOLICITOR OF RECORD,  
SERVICE ON

## FACTUM(S)

- applications, on —
  - intervenor's —
    - contents, R33.01(5)
    - filing of, R33.01(14)
    - service of, R33.01(14)
  - form of, R33.01(7)-(11)
  - length of, R33.01(6)
  - requirement to deliver, R6.05(8), (9), R33.01(1)
  - respondent's —
    - contents, R33.01(4)
    - filing of, R33.01(13)
    - service of, R33.01(13)
  - signing and dating of, R33.01(2)

## INDEX

---

### FACTUM(S) — *Continued*

applications, on — *Continued*  
time limit, R6.05(9)

Court of Appeal, in. *See* CRIMINAL APPEAL RULES

summary conviction appeals, on, R40.13

appellant's, R40.13(4)

contents of, R40.13(5)

application of rule, re, R40.13(1)

non-compliance with rules, re, R40.13(8)

relief from compliance with rules, re, R40.13(9)

requirement to deliver, R40.13(2)

respondent's, R40.13(6)

contents of, R40.13(7)

signature on, R40.13(3)

### FILING

application to procure attendance of prison, notice of, R23.03

Court of Appeal, in. *See* CRIMINAL APPEAL RULES

documents, of. *See* COURT DOCUMENTS

notice of appeal of summary conviction, R40.04(1)

### FORMS

Acknowledgement of Receipt Card (Form 6), R5

Affidavit (Form 4), R4

Affidavit in Support of Application for Review of Parole Ineligibility (Form 21), RP Sched.

Affidavit of Service (Form 7), R5

Appellant's Factum Appeal From Sentence Only (Form D), A16; (Form 19), A41; (Form 18) R40

Application (Form 1), CJ5.2(1)

Application for Review of Parole Ineligibility (Form 20), RP Sched.

Backsheet (Form 3), R4.02(3)

Certificate of Service by Sheriff (Form 8), R5.09

Commission (Form 14), R24

Conditions of Release (Form 10A), R20, R42

Consent (Form 3), CJ5.2(1)

Consent of Bail Variation under s. 515.1 of the *Criminal Code* (Form 10B), R27

Court Reporter's Certificate Respecting Evidence (Form 2C), R40.06

Designation of Counsel (Form 18), R28.05

Letter of Request (Form 15), R24

Notice of Abandonment (Form 9), R6.14(1)

Notice of Appeal (Form 2), R40

FORMS — *Continued*

- Notice of Appeal for Inmate Appeal (Form A) Form 20, A3
  - Notice of Appeal — Mental Disorder Appeal (Form E), A39(1), (Form 21), A66(1)
  - Notice of Appeal or Application for Leave to Appeal (Form B), A3, (Form 12), A53(1)
  - Notice of Application (Form 1), R6.01, CJ5.2(1)
  - Notice of Application and Constitutional Issue (Form 5), R27.03
  - Notice of Intention to Present Appeal in Writing (Form 2B), R40.11
  - Order for Attendance of Prisoner at a Court Proceeding (Form 12), R23
  - Order for Attendance of Prisoner at Judicial Interim Release or Review Application Hearing (Form 13A), R20
  - Order for Commission and Letter of Request (Form 16), R24
  - Order for Transfer of Prisoner to Custody of Peace Officer (Form 13), R23
  - Pre-Trial Conference Report (Form 17), R28
  - Provincial offences appeals —
    - Court of appeal, to —
      - appellant's factum (sentence appeal), PR721/94:Form 6
      - notice of appeal —
        - inmate, PR721/94:Form 3
        - non-inmate, PR721/94:Form 4
      - notice of motion —
        - inmate, PR721/94:Form 2
        - non-inmate, PR721/94:Form 1
      - undertaking, PR721/94:Form 5
    - Parts I and II appeals —
      - notice of abandonment, PR722/94:Form 5
      - notice of appeal, PR722/94:Form 1
      - notice of time/place of hearing, PR722/94:Form 2
      - order for recognizance, PR722/94:Forms 3, 4
    - Part III appeals —
      - certificate of official examiner, PR723/94:Form 6
      - certificate re transcript of evidence, PR723/94:Form 2
      - notice of abandonment, PR723/94:Form 5
      - notice of appeal, PR723/94:Form 1
      - recognizance, PR723/94:Forms 3, 4
  - Release Order (Form 10), R20, R42
  - Report to Trial Coordinator (Form 18-B), R28
  - Report to Trial Judge (Form 18-A), R28
  - Response (Form 2), CJ5.2(1)
  - Requisition (Form 22), R4.09
  - Supplementary Notice of Appeal (Form 2A), R40.07

## INDEX

---

### FORMS — *Continued*

Trial Readiness Report (Form 18-C-1), (Form 18-C-2), R28  
Undertaking (Form C), A8, (Form 15), A39(1)  
use of, R1.06, CJ5.2(2)-(3)

### HABEAS CORPUS, APPLICATIONS, RE. *See* EXTRAORDINARY REMEDIES

### HEARING(S)

Court of Appeal, in. *See* CRIMINAL APPEAL RULES  
date of, R6.06(2), CJ2.4-2.6  
non-compliance with rules, dismissal of application for, R34.03  
oral argument, limitations on, R34.04  
order and manner of, R34.01  
parole ineligibility review applications, RP50.08  
place of, R6.06(1)  
pre-hearing conference. *See* PRE-HEARING CONFERENCE  
preliminary assessment of application, R34.02  
written argument, R34.05

IN FORCE DATE, R1.02(3), CJ1.02(2)

INCOMPETENCE, ALLEGATIONS OF, R Sched. 1

INMATE APPEALS. *See* CRIMINAL APPEAL RULES

### INTERPRETATION

*Code* provisions, application of, R1.05  
general principle, R1.04(1), CJ1.1(4)  
matters not provided for, R1.04(2), CJ4.1  
party acting in person, R1.04(3)

INTERPRETER, RE COMMISSION EVIDENCE, R24.09

oath or affirmation of, R24.09(1)  
supply of, R24.09(2)

### INTERVENTION

Court of Appeal, in, A23, A30  
Superior Court of Justice, in, R27.10

### JOINT TRIALS

efficiency, CJ1JUDICIAL INTERIM RELEASE, APPLICATION FOR, R20  
application of rule, re, R20.01  
judge, to be made to, R20.02  
material required, R20.05

JUDICIAL INTERIM RELEASE, APPLICATION FOR — *Continued*material required — *Continued*

additional to notice of application, R20.05(1)

affidavit of applicant, R20.05(2)

factum not required, R20.05(4)

prosecutor's affidavit, R20.05(3)

notice of —

contents of, R20.03 -

accused to be present at hearing, statement that, R20.03(1)

affidavit required, where, R20.03(2)

service of, R20.04

filing with proof of, R20.04(3)

manner of, R20.04(2)

recipients of/timing of, R20.04(1)

order directing release, R20.06

consent in writing, R20.06(3)

form of, R20.06(1)

sufficiency of, R20.06(2)

JUDGMENT. *See* REASONS FOR JUDGMENTJURISDICTION. *See* SUPERIOR COURT OF JUSTICE

LEGAL AID, A12(1)-(4), A36, A53, A66

LIMITATION PERIOD

notice of appeal, filing of, R40.03(1)

LONG-TERM OFFENDER APPLICATIONS. *See* DANGEROUS AND  
LONG-TERM OFFENDER APPLICATIONSMANDAMUS, APPLICATIONS, RE. *See* EXTRAORDINARY REMEDIES

NON-COMPLIANCE WITH RULES, R2, CJ5.3

dismissal for, R34.03

dispensation with compliance by court, R2.01, CJ5.3

NOTICE OF ABANDONMENT, R6.14(1). *See also*  
ABANDONMENT, APPLICATION OF

NOTICE OF APPEAL

Court of Appeal, in. *See* CRIMINAL APPEAL RULESprovincial offences. *See* PROVINCIAL OFFENCES APPEALS

service of (general), R5.01(3)

summary conviction appeal —

## INDEX

---

### NOTICE OF APPEAL — *Continued*

#### summary conviction appeal — *Continued*

- amendment of, R40.07
  - argument limited to grounds stated, R40.07(2)
  - relief limited, R40.07(3)
  - supplementary notice, R40.07(1)
- filing of, R40.04(1)
- form of, R40.03(2)
- service —
  - method of, R40.04(2)
  - proof of, R40.04(5), (6)
  - solicitor of record, on, R40.04(3)
  - telephone transmission, by, R40.04(4)
- time for, R40.03(1)
- transmission of, R40.05(1)

### NOTICE OF APPLICATION. *See also* APPLICATION(S)

- adjournment, for —
  - service of, R26.03, CJ2.1(1), 3.1-3.3
    - filing with proof of, R26.03(2), CJ3.1
    - recipients of/timing of, R26.03(1), CJ2.1(1), 2.4(2)(a), 3.1-3.3
- commission evidence, re —
  - contents of, R24.03, CJ2.1(2)
  - service of —
    - recipients of/timing of, R24.04(1), CJ2.1(1), 3.1, 3.3
- content of, R6.03(1), CJ2.1(2)
- custody, release from. *See* CUSTODY, RELEASE FROM (PENDING APPEAL)
- extension of time, re, R40.18(2)
- extraordinary remedies, re. *See* EXTRAORDINARY REMEDIES
- judicial interim release, re. *See* JUDICIAL INTERIM RELEASE, APPLICATION FOR
- prisoners, to procure attendance of. *See* PRISONERS, APPLICATIONS TO PROCURE ATTENDANCE OF
- release of exhibits for scientific testing, re. *See* RELEASE OF EXHIBITS FOR SCIENTIFIC TESTING, APPLICATION FOR
- service of, R5.01, R6.04, CJ3.1, 3.2, 3.3
  - application for prohibition, including, R5.01(1)
  - application to quash, including, R5.01(2)
  - parties to be served, R6.04(1), CJ2.1(1)
  - proof of service, R6.04(2), CJ2.1(1), 3.1(1)
- solicitor of record, removal of, re. *See* SOLICITOR OF RECORD,



## APPLICATION FOR REMOVAL

stay pending appeal, re. *See* STAY PENDING APPEAL, APPLICATION RE ORDER FOR

venue of trial, application to change, re. *See* VENUE OF TRIAL, APPLICATION TO CHANGE

## ONTARIO COURT OF JUSTICE

application of Rules to, CJ1.2

jurisdiction of re —

dispensation of non-compliance, CJ5.3

extension of time, CJ3.1(3), 3.2

## ORDERS

commission evidence, order for examination, R24.07

custody, release from, R42.06

consent in writing to, R42.06(3)

form of, R42.06(1)

sufficiency of, R42.06(2)

extraordinary remedies, re, consent in writing to, R43.06

judicial interim release, directing, R20.06

consent in writing, R20.06(3), CJ2.7

form of, R20.06(1)

sufficiency of, R20.06(2)

release of exhibits for scientific testing —

consent in writing re order, R21.05, CJ2.7

directing release of exhibits, R21.06

form of, R21.06(1)

solicitor of record, application for removal

consent in writing to order, R25.05, CJ2.7, 3.2

stay pending appeal —

consent in writing to order, R41.05

venue of trial, application to change

consent in writing to order, R22.06, CJ2.7

## PAROLE INELIGIBILITY REVIEW

application —

address to jury, RP50.08(12)

affidavit, RP50.02(2)

application of *Code* s. 527, RP58.08(9)

contents of application, RP50.02(1)

disclosure, RP50.08(1)

empaneling jury, RP50.08(2)-(4)

evidence of AG, RP50.08(11)

PAROLE INELIGIBILITY REVIEW — *Continued*

- application — *Continued*
  - evidence of applicant, RP50.08(10)
  - forms, RP Sched.
  - hearing of, RP50.08
  - in camera* hearings, RP50.08(6)
  - instructions of presiding judge, RP50.08(13)
  - other written evidence, RP50.02(3)
  - powers of court, general, RP50.08(8)
  - record or proceedings, RP50.08(5)
  - voir dire*, RP50.08(7)
- case management hearings —
  - adjournment, RP50.07(1)
  - applicant's obligation to attend, RP50.06(3), 50.06(4)
  - deponents' attendance at, RP50.06(7)
  - duty to hold, RP50.06(1)
  - information to be provided, RP50.06(5)
  - notice of date and time, RP50.06(1)
  - parole eligibility report, RP50.07
  - place of hearing, RP50.06(2)
  - powers of presiding judge, RP50.06(6), 50.08(7)
  - voir dire*, RP50.08(7)
- forms, RP Sched.
- hearing of applications, RP50.08. *See also* application
- interpretation, RP50.01
- judicial screening under *Code* s. 745.61 —
  - Correctional Service report, RP50.04(6)
  - designation of judge, RP50.04(1)
  - designation of presiding judge for hearing, RP50.05
  - dismissal of application, RP50.02(10)
  - eligibility, RP50.04(2)
  - granting application, RP50.04(9)
  - notification of decision, RP50.04(11), 50.04(12)
  - order for parole eligibility report, RP50.04(13)
  - place of hearing, RP50.05(4)
  - service of evidence, RP50.04(5)
  - submission of AG, RP50.04(3), 50.04(4)
  - written material unless otherwise ordered, RP50.04(8)
- jury selection, RP50.08(2)-(4)
- parole eligibility report, RP50.04(13), 50.07
  - adjournment of hearing, RP50.07(1)
  - author and contents, RP50.07(2)

PAROLE INELIGIBILITY REVIEW — *Continued*parole eligibility report — *Continued*

- delivery and filing, RP50.07(3)
- determination of admissibility, RP50.07(6)
- dispute of, RP50.07(5)
- resumption of hearing, RP50.07(4)
- service —
  - Chief Justice, to, RP50.03(1)
  - manner of, RP50.03(3)
  - other persons, to, RP50.03(2)
  - proof of, RP50.03(4)

## PARTICULARS, CJ2.4(2)(c)

- application for. *See* APPLICATION(S)

PERFECTION OF APPEAL. *See* CRIMINAL APPEAL RULES; SUMMARY CONVICTION APPEALS

## PERSONAL INFORMATION RECORDS, PRODUCTION OF, CJ2.5(2)(c)

- application for (Ont. C.J.). *See* APPLICATION(S)

## PRACTICE DIRECTIONS, R7, CJ5.1

- power to issue, R7.01, CJ5.1(1)-(2)

## PRE-HEARING CONFERENCE(S), R28

## PRE-TRIAL PROCEEDINGS

- adjournment, application for, R26, CJ2.4(2)(a)
- application of rule, R26.01
- consent in writing to order, R26.05, CJ2.7, 3.2
- judge, to be made to, R26.02
- notice of —
  - service of, R26.03, CJ2.1(1), 3.1-3.3
    - filing with proof of, R26.03(2), CJ3.1
    - recipients of/timing of, R26.03(1), CJ2.1(1), 2.4(2)(a), 3.1-3.2
- material required, R26.04, CJ2.1, 2.2(2), 2.3
  - additional to notice of application, R26.04(1), CJ2.3
  - affidavit of applicant, R26.04(2)
  - factum/application record not required, R26.04(3), CJ2.3
- case management. *See* CASE MANAGEMENT
- case supervision, R29
  - administrative matters, assistance with, R29.03
  - authority for rule, R29.01
  - conferences, R29.04

PRE-TRIAL PROCEEDINGS — *Continued*

case supervision — *Continued*

conferences — *Continued*

attendance at, R29.05(1)

accused represented by counsel, R29.05(2)

presence of accused required, R29.05(3)

authority of judge, R29.06(3)

place of, R29.06(1)

role of trial judge, R29.06(4)

self-represented accused, R29.06(2)

designation of judge, R29.02

criteria for, R29.03

commission evidence, application to take, R24, CJ2.4(2)(b)

affirmation by witness. *See* witnesses

application of rule, R24.01

commissioner, ruling by, R24.13

documents, production of, R24.10

documents and things, R24.10(2)

obligation to produce, general, R24.10(1)

other documents, obligation to produce, R24.10(3)

evidence —

audio-visual recording of, R24.17(1)

recording of, R24.14

use at trial, R24.16, R24.17(2)

examination, course of, R24.11

cross-examination, R24.11(2)

examination-in-chief, R24.11(1)

re-examination, R24.11(3), CJ23.11(3)

interpreter, R24.09

oath or affirmation of, R24.09(1)

supply of, R24.09(2)

judge, to be made to, R24.02

material required, R24.05, CJ2.1, 2.2(2), 2.3

additional to notice of application, R24.05(1), CJ2.3

affidavit of applicant, R24.05(2)

consent in writing to order, R24.06, CJ2.7

factum requirement, R24.05(3)

notice of —

contents of, R24.03, CJ2.1(2), 2.3

service of —

recipients of/timing of, R24.04(1), CJ2.1, 3.1, 3.3

oath or affirmation. *See* witnesses

PRE-TRIAL PROCEEDINGS — *Continued*commission evidence, application to take — *Continued*

objections, R24.12(1)

order for examination, R24.07

clerk, issuance of commission/letter of request by, R24.07(3)

commission, R24.07(2)(a)

commissioner, duties of, R24.07(4), (5)

contents of, R24.07(1)

letter of request, R24.07(2)(b)

transcript of examination, service of, R24.07(6)

rulings, R24.12

answers not given, on, R24.12(3)

answers under objection, on, R24.12(2)

commissioner, by, R24.13

transcript, R24.15

certification of, R24.15(2)

delivery to other parties/court, R24.15(3)

preparation of, R24.15(1)

trial, use of evidence at, R24.16

videotaped evidence, R24.17(2)

videotaping evidence, R24.17

witnesses —

oath or affirmation of —

Ontario —

in, R24.08(1)

outside, R24.08(2)

constitutional issues, R27, CJ2.4(2)(e), 2.4(3), 2.5

abandonment of application, R27.08

application of rule, R27.01

dismissal of application, R27.09

evidence on application, R27.07

exclusion of evidence, CJ2.5(2)(a)(iii)

hearing of application, place of, R27.06

judge, to be made to, R27.02, CJ2.4(3)

legislative challenge, CJ2.5(2)(a)(i)

material required, R27.05, CJ2.1, 2.2(2), 2.3

additional documents, R27.05(5), CJ2.3

application record —

applicant's, R27.05(1), CJ2.1, 2.3

intervenor's, R27.05(3), (4)

respondent's, R27.05(2), CJ2.2, 2.3

books of authorities, R27.05(7)

## INDEX

---

### PRE-TRIAL PROCEEDINGS — *Continued*

#### constitutional issues — *Continued*

##### material required — *Continued*

factums, R27.05(8), (9)

transcript of evidence, R27.05(6), CJ2.1(3)

##### notice of —

contents, R27.03, CJ2.1(2)-(3), 2.3

requirement for, R4.06

service of, R27.04, CJ2.1(1), 3.1

filing of with proof of service, R27.04(4), CJ2.1(1), 3.1

manner of, R27.04(2), (3), CJ3.3

timing of, R27.04(1), CJ3.1

pre-trial decisions re, CJ4.2(3)(b)

stay of proceedings, CJ2.5(2)(a)(ii)

unreasonable delay, CJ2.4(2)(e), CJ 2.4(3), CJ2.5(2)(a)(ii)

disclosure. *See* DISCLOSURE

focus hearing (Ont. C.J.). *See* CASE MANAGEMENT

judicial interim release, application for, R20

application of rule, re, R20.01

judge, to be made to, R20.02

##### notice of —

contents of, R20.03

accused to be present at hearing, statement that, R20.03(1)

affidavit required, where, R20.03(2)

service of, R20.04

filing with proof of, R20.04(3)

manner of, R20.04(2)

recipients of/timing of, R20.04(1)

material required, R20.05

additional to notice of application, R20.05(1)

affidavit of applicant, R20.05(2)

factum not required, R20.05(4)

prosecutor's affidavit, R20.05(3)

order directing release, R20.06

consent in writing, R20.06(3)

form of, R20.06(1)

sufficiency of, R20.06(2)

particulars, CJ2.4(2)(c)

application for (Ont. C.J.). *See* APPLICATION(S)

pre-hearing conference(s), R28

application of rule, R28.01

availability of, R28.02

PRE-TRIAL PROCEEDINGS — *Continued*pre-hearing conference(s) — *Continued*

confirmation of trial readiness, R28.04(18), (19)

further conferences, R28.03(2), (3)

hearing, R28.05

attendance at, R28.05(6)-(8)

nature of, R28.05(1)-(5)

inquiries to be made by judge, R28.05(9), (10)

recommendations of judge, R28.05(13)

resolution issues, R28.05(11), (12)

report, R28.04

change of counsel, notice of, R28.04(13)

change of position, notice of, R28.04(11), (12)

completion of, R28.04(2)

content of, R28.04(5), (6)

custody of, R28.04(14)

disclosure of, R28.04(15)

filing of, R28.04(8)-(10)

form of, R28.04(1)

guilty plea, R28.04(4)

self-represented accused, R28.04(3)

service of, R28.04(7), (8)

report to trial coordinator, R28.04(17)

report to trial judge, R28.04(16)

time for holding, R28.03(1)

preliminary inquiry. *See* CASE MANAGEMENTpre-trial conference (Ont. S.C.J.). *See* CASE MANAGEMENT

prisoners, application to procure attendance of, R23, CJ2

application of rule, R23.01

judge, to be made to, R23.02

court proceedings, attendance at, R23.02(1)

custody, transfer from, R23.02(2)

materials required, R23.04, CJ2.1, 2.2(2), 2.3

additional to notice of application, R23.04(1), CJ2.3

affidavit of applicant —

s. 527(1) application, R23.04(2)

s. 527(7) application, R23.04(3), CJ2.3

application record or factum not required, R23.04(4)

attendance not required, R23.04(5)

notice of, filing, R23.03, CJ2.1(1), 3.1(1), 3.3

release of exhibits for scientific testing, application for, R21, CJ2.4(2)(b)

application of rule, R21.01

PRE-TRIAL PROCEEDINGS — *Continued*

release of exhibits for scientific testing, application for — *Continued*

consent in writing re order, R21.05, CJ2.7

judge, to be made to, R21.02

material required, R21.04, CJ2.1, 2.2(2), 2.3

affidavits required, R21.04(1)

affidavit of applicant, R21.04(2)

affidavit of examiner, R21.04(3)

factum requirement, R21.04(4)

notice of, service, R21.03, CJ3.1, 3.3

filing with proof of, R21.03(2), CJ3.1, 3.3

recipients of/timing of, R21.03(1), CJ3.1

order directing release of exhibits, R21.06, CJ2.1(1), 3.1

form of, R21.06(1)

sufficiency of, R21.06(2)

review applications. *See* judicial interim release

severance, CJ2.4(2)(c)

applications for (Ont. CJ.). *See* APPLICATION(S)

solicitor of record, applications for removal, R25, CJ2.4(2)(d), 3.2

application of rule, R25.01

consent in writing to order, R25.05, CJ2.7, 3.2

judge, to be made to, R25.02

material required, R25.04, CJ2.1, 2.2(2), 3.3

additional to notice of application, R25.04(1), CJ2.3

affidavit of applicant, R25.04(2)

factum may be required, R25.04(3)

notice of —

service of, R25.03, CJ3.1-3.3

filing with proof of, R25.03(3), CJ3.1

manner of, R25.03(2), CJ3.3

recipients of/timing of, R25.03(1), CJ2.1(1), 2.2(2), 3.3

venue of trial, application to change, R22

application of rule, R22.01, CJ21.01

consent in writing to order, R22.06

judge, to be made to, R22.02

material required, R22.05, C2.1, 2.2(2), 2.3

additional to notice of application, R22.05(1), CJ2.3

affidavit of applicant, R22.05(2)

factum required, R22.05(4) affidavit of competent authority, R22.05(3)

notice of —

contents of, R22.03, CJ2.1(2), 2.3

service of, R22.04, CJ2.1(1), 3.1, 3.3



PRE-TRIAL PROCEEDINGS — *Continued*venue of trial, application to change — *Continued*notice of — *Continued*service of — *Continued*

filing with proof of, R22.04(2), CJ2.1(1), 3.1

recipients of/timing of, R22.04(1), CJ2.1(1), 3.1

## PRISONERS, APPLICATIONS TO PROCURE ATTENDANCE OF

application of rule, R23.01

judge, to be made to, R23.02

court proceedings, attendance at, R23.02(1)

custody, transfer from, R23.02(2)

materials required, R23.04

additional to notice of application, R23.04(1)

affidavit of applicant —

s. 527(1) application, R23.04(2)

s. 527(7) application, R23.04(3)

application record or factum not required, R23.04(4), CJ2.3

attendance not required, R23.04(5)

notice of, filing, R23.03, CJ2.1(1), 3.1

PROCEDENDO, APPLICATIONS, RE. *See* EXTRAORDINARY  
REMEDIESPROHIBITION, APPLICATIONS, RE. *See* EXTRAORDINARY  
REMEDIES

## PROVINCIAL OFFENCES APPEALS

appeals —

Court of Appeal, to —

as to leave, P131(3)

custody pending, P132

forms, see FORMS

grounds, P131(1)

leave, grounds for, P131(2)

Part III provisions, application of, P134

procedural rules —

abandonment, PR721/94:28

appeal books, PR721/94:12, PR721/94:13

appeals in writing (non-inmate), PR721/94:22

application of civil rules, PR721/94:2

books of authorities, PR721/94:20

commencement, PR721/94:34

PROVINCIAL OFFENCES APPEALS — *Continued*

appeals — *Continued*

Court of Appeal, to — *Continued*

procedural rules — *Continued*

conditions of release from custody, PR721/94:30

definitions, PR721/94:1

dismissal/compliance with transcript requirements, PR721/94:9

factums, PR721/94:14

failure to perfect appeal, PR721/94:18

inmate appeal —

appeal books, PR721/94:23

appeals in writing, PR721/94:26

notice of appeal, PR721/94:23

presence of appellant, PR721/94:25

time, extension of, PR721/94:24

unrepresented on leave to appeal, PR721/94:4

intervention, PR721/94:21

listing appeals, PR721/94:19

motion for directions, PR721/94:17

notice of appeal, PR721/94:5

order without attendance of counsel, PR721/94:6

original papers and exhibits, PR721/94:11

perfecting appeal, PR721/94:16

processing appeals, PR721/94:10

reasons for judgment, PR721/94:27

release from custody pending appeal, PR721/94:29

sentence appeals, PR721/94:15

special leave to appeal, PR721/94:3

time, extension of, PR721/94:7

transcripts, PR721/94:8

transition, PR721/94:33

variation of bail, PR721/94:31

generally —

custody pending, P110

definitions, P109

fixing of date for, P113

payment of fine before, P111

payment of fine not waiver, P114

stay of conviction, P112

transmittal of material, P115

Parts I and II appeals —

application for, P135(2), (2.1)

PROVINCIAL OFFENCES APPEALS — *Continued*

appeals — *Continued*

Parts I and II appeals — *Continued*

- conduct of, P136
- Court of Appeal, appeal to, P139
- dismissal on abandonment, P137(1), (2)
- entitlement, P135(1)
- forms, see FORMS-
- notice of hearing, P135(3)
- powers of court, P138
- procedural rules —
  - abandonment, PR722/94:14
  - appeal where fine imposed, PR722/94:5
  - application of rules, PR722/94:1
  - commencement, PR722/94:17
  - definitions, PR722/94:1
  - directions, PR722/94:12
  - dismissal of appeal, PR722/94:13
  - motions, PR722/94:11
  - notice by mail, PR722/94:3
  - notice of appeal, filing of, PR722/94:6
  - notice of decision, PR722/94:15
  - recognizances, PR722/94:10
  - substituted service, PR722/94:4
  - time —
    - calculation of, PR722/94:2
    - extension of, PR722/94:8
  - transcripts, PR722/94:9
  - transition, PR722/94:16
- restoration of dismissed appeal, P137(3)

Part III appeals —

- acquittal, against, P121
- attendance while in custody, P118(2)
- conviction, appeal against, P120
- costs, P129
- court —
  - constitution of, P116(2)
  - orders by, P125, P130
  - powers of, P117
- defect in information or process, P124
- dismissal or abandonment, P128
- forms, see FORMS-

PROVINCIAL OFFENCES APPEALS — *Continued*

appeals — *Continued*

Part III appeals — *Continued*

new trial —

appeal by way of, P127

order for, P126(1)

notice of, P116(3), (4)

parties entitled to appeal, P116(1)

procedural rules —

abandonment, PR723/94:18

appeal in writing, PR723/94:16

appeal re release from custody, PR723/94:19

appeal where fine imposed, PR723/94:6

commencement, PR723/94:24

definitions, PR723/94:1

directions, PR723/94:14

dismissal of appeal, PR723/94:17

factums, PR723/94:15

intervention of Crown Attorney, PR723/94:12

listing of appeal, PR723/94:13

motions, PR723/94:10

notice by mail, PR723/94:3

notice of appeal, service and filing of, PR723/94:5

notice of decision, PR723/94:22

official examinations, PR723/94:20

recognizances, PR723/94:9

special commissioner, PR723/94:21

substituted service, PR723/94:4

time —

calculation of, PR723/94:2

extension of, PR723/94:7

transcripts, PR723/94:8

transition, PR723/94:23

transmission of material, PR723/94:11

release, order for, P126(2)

right to counsel, P118(1)

sentence —

against, P122(1)

in absence, P118(3)

on more than one count, P123

variance of, P122(2)

transfer of record, P133

PROVINCIAL OFFENCES APPEALS — *Continued*appeals — *Continued*Part III appeals — *Continued*

written argument, P119

application for judicial review, P140

*certiorari* —

application for, P140

notice re, P141

definitions, P1

extraordinary remedies, P140-142

*habeas corpus*, application for, P142

interpretation, P2(2)

judicial review, P140-142

*mandamus*, application for, P140procedural rules. *See* appeals, *supra*

prohibition, application for, P140

provincial offences officer, P1(3)

purpose of Act, P2(1)

QUASH, APPLICATION TO. *See* EXTRAORDINARY REMEDIES

## REASONS FOR JUDGMENT

Court of Appeal, in, A25(3), A29, A19, A58(2)

summary conviction appeals, R40.17

not in writing, notification of appeal result, R40.17(2)

written, recipients of copies, R40.17(1)

## RELATED TRIALS, APPOINTMENT OF JUDGE TO DETERMINE ISSUES TO BE ADJUDICATED IN, R29B

adjudication of common issues to be determined at, R29B

appointment of judge on application by party, R29B.02

appointment of judge at direction of court, R29B.04

RELEASE FROM CUSTODY. *See* CUSTODY, RELEASE FROM (PENDING APPEAL)

## RELEASE OF EXHIBITS FOR SCIENTIFIC TESTING, APPLICATION FOR, R21, CJ2.4(2)(b)

application of rule, R21.01

consent in writing re order, R21.05, CJ2.7

judge, to be made to, R21.02

material required, R21.04, CJ2.1, 2.2(2), 2.3

affidavits required, R21.04(1)

## INDEX

---

### RELEASE OF EXHIBITS FOR SCIENTIFIC TESTING, APPLICATION FOR

— *Continued*

material required — *Continued*

affidavit of applicant, R21.04(2)

affidavit of examiner, R21.04(3)

factum requirement, R21.04(4)

notice of, service, R21.03, CJ3.1, 3.3

filing with proof of, R21.03(2), CJ3.1

recipients of/timing of, R21.03(1), CJ2.1(1), 3.1

order directing release of exhibits, R21.06

form of, R21.06(1)

sufficiency of, R21.06(2)

REMEDIES. *See* EXTRAORDINARY REMEDIES

REPEALS, R1.02(4), A49, A1(7), CJ6

### RULES

application of. *See* APPLICATION OF RULES

citation of —

alternative references to, R1.01(3), CJ1.01(3)

short title of, R1.01(1), CJ1.01(1)

subdivision of, R1.01(2), CJ1.01(2)

duty of agents, counsel and paralegals re, CJ1.1(3)

duty of court re, CJ1.1(4)

duty of litigants re, CJ1.1(3)

objective of, fundamental, CJ1.1(1)-(2)

RULES OF CIVIL PROCEDURE. *See* CRIMINAL APPEAL RULES

### RULINGS

commission evidence, re, R24.12

SCIENTIFIC TESTING, RELEASE OF EXHIBITS FOR. *See* RELEASE OF EXHIBITS FOR SCIENTIFIC TESTING

### SERVICE OF DOCUMENTS, R5, CJ3

appeal, notice of, R5.01(3). *See also* summary conviction notice of appeal

application, notice of, R5.01, R6.04, CJ3.1-3.3

application for prohibition, including, R5.01(1)

application to quash, including, R5.01(2)

minimum notice period, CJ3.1(1)

parties to be served, R6.04(1), CJ2.1(1)

proof of service, R6.04(2), CJ2.1(1), CJ3.1(1)

SERVICE OF DOCUMENTS — *Continued*

dispensing with. *See* substituted

electronic service, R5.09(5), CJ3.3(2)

e-mail, by, R5.01(5)(b)(iii), R5.01(6), CJ3.3(1)

ineffective, R5.07

mail, by, R5.06

effective date, R5.06(2)

manner of, R5.06(1)

party not requiring personal service, to, R5.01(5)(b)

parole ineligibility review applications, RP50.03

personal service, R5.02(1), CJ3.3(1)

alternatives to, R5.03, CJ3.3(1)

corporation, on, R5.03(6)

electronic service, CJ3.3(2)

e-mail, by, CJ3.3(1)

mail (last known address), R5.03(4)

residence, R5.03(5)

solicitor, acceptance by, R5.03(2), (3)

where available, R5.03(1), CJ3.1(1)

Attorney General —

Canada, R5.02(1)(d)

Ontario, R5.02(1)(e)

corporation, R5.02(1)(b)

individual, R5.02(1)(a)

judge or justice, R5.02(1)(c)

not required, where, R5.01(4), CJ3.3(1)

method of service, R5.01(5), CJ3.3

original document, R5.02(2)

proof of, R5.09, CJ2.1(1), 2.2(1), 3.1(1)

admission or acceptance by solicitor of record, R5.09(3)

affidavit of service, R5.09(1)

document exchange stamp, R5.09(4)

electronic service, R5.09(5)

sheriff's certificate, R5.09(2)

solicitor of record, on, R5.05

document exchange, at, R5.05(1)(c)

effective date, R5.05(2)

email, by, R5.05(1)(e), R5.05(4)

facsimile, by. *See* telephone transmission

mail, by, R5.05(1)(a)

solicitor's office, in, R5.05(1)(b)

telephone transmission, by, R5.05(1)(d)

SERVICE OF DOCUMENTS — *Continued*

solicitor of record, on — *Continued*  
    telephone transmission, by — *Continued*  
        cover page requirements, R5.05(3)  
substituted, R5.04  
    order, where may be made, R5.04(1)  
    effective date of, R5.04(2), (3)  
summary conviction notice of appeal —  
    method of, R40.04(2)  
    proof of, R40.04(5), (6)  
    solicitor of record, on, R40.04(3)  
    telephone transmission, by, R40.04(4)  
validation of, R5.08

SEVERANCE, CJ2.4(2)(c)

SEXUAL ACTIVITY OF COMPLAINANT, CJ2.5(2)(b)(ii)

materials required, CJ2.1-2.3  
    affidavit by or on behalf of applicant, CJ2.3  
    respondent's material CJ2.2(2), 2.3  
notice of application —  
    contents, CJ2.1(2)-(3)  
    filing, CJ2.1(1), 3.1, 3.3  
    service, CJ2.1(1), 3.1, 3.3

SOLICITOR OF RECORD, SERVICE ON, R5.05

document exchange, at, R5.05(1)(c)  
    effective date, R5.05(2)  
email, by, R5.05(1)(e), R5.05(4)  
facsimile, by. *See* telephone transmission  
mail, by, R5.05(1)(a)  
solicitor's office, in, R5.05(1)(b)  
telephone transmission, by, R5.05(1)(d)  
    cover page requirements, R5.05(3)

SOLICITOR OF RECORD, APPLICATION FOR REMOVAL, R25,  
CJ2.4(2)(d), 3.2

application of rule, R25.01  
consent in writing to order, R25.05, CJ2.7, 3.2  
judge, to be made to, R25.02  
material required, R25.04, CJ2.1, 2.2(2), 2.3  
    additional to notice of application, R25.04(1), CJ2.3  
    affidavit of applicant, R25.04(2)



SOLICITOR OF RECORD, APPLICATION FOR REMOVAL — *Continued*material required — *Continued*

factum may be required, R25.04(3)

notice of —

service of, R25.03, CJ3.1-3.3

filing with proof of, R25.03(3), CJ2.1(1), 3.1

manner of, R25.03(2), CJ3.3

recipients of/timing of, R25.03(1), CJ2.1(1), 3.1-3.2

## STAYS AND SUPSENTIONS PENDING APPEAL, R41

application of rule, R41.01

application for an order —

judge, to be made to, R41.02

materials required, R41.03

additional to notice of application, R41.03(1)

affidavit of applicant, R41.03(2)

application record —

applicant's, R41.03(3)

respondent's, R41.03(4)

SUBPOENA, APPLICATION TO QUASH. *See* EXTRAORDINARY  
REMEDIES

## SUMMARY CONVICTION APPEAL(S), R40

abandonment of appeal, R40.17

dismissal for, R40.17(2)

notice, service of, R40.17(1)

abridgement of time. *See* extension of timeagreed statement of facts. *See* transcripts and agreements respecting evidence

appeal books, R40.10

compliance with rules, relief from, R40.10(5)

contents of, R40.10(3)

filing of, R40.10(1)

non-compliance with rules, R40.10(4)

serving of, R40.10(1)

appeal from sentence only —

appellant's factum, R40.11(12)

Attorney General as appellant, factum of, R40.11(13)

hearing of, R40.21

transcripts, R40.08(17) appeal in writing, R40.15

consideration of materials by judge, R40.15(3)

no written argument from Attorney General, R40.15(4)

written argument from respondent, R40.15(3)

SUMMARY CONVICTION APPEAL(S) — *Continued*

appeal in writing — *Continued*

materials to be filed, R40.15(2)

notice of intention, R40.15(1)

application for directions, R40.03(2)

application of rule, R40.02

books of authorities, R40.12

appellant, filing by, R40.12(1)

contents of, R40.12(2)

highlighting or sidebarring, R40.12(3)

respondent, filing by, R40.12(5)

definitions, R40.01

dismissal for non-compliance. *See* supervision of appeals and dismissal for non-compliance

extension or abridgment of time, R40.03

judge's power, R40.03(1)

notice of application, service of, R40.03(3)

party may apply, R40.03(2)

factums, R40.11

appeals from sentence only, R40.11(12)

Attorney General as appellant, R40.11(13)

appellant's, R40.11(4)

contents of, R40.11(5)

application of rule, R40.11(1)

non-compliance with rules, R40.11(3)

respondent's, R40.11(6)

contents of, R40.11(7)

signature on, R40.11(2)

failure to appear for hearing, consequences of, R40.22

appellant, by, R40.22(1)

respondent, by, R40.22(2)

fixing date for hearing, R40.14

ineffective assistance of counsel, appeals alleging, R40.19

attendance for directions from court, R40.19(2)

compliance with protocol, R40.19(3)

notice to court, R40.19(1)

notice of appeal —

Attorney General, appeal by, form of, R40.04(3)

constitutional question, notice of, R40.04(5)

contents, R40.04(4)

extension or abridgement of time, effect of, R40.03(4)

form of, R40.04(2)

SUMMARY CONVICTION APPEAL(S) — *Continued*notice of appeal — *Continued*

inmate appeals, form of, R40.0491

manner of service and filing, R40.06

service on other parties, R40.06

time for, R40.05

orders on consent without attendance of counsel, R40.03(5)

perfection of appeal, R40.13

consequences of, R40.13(2)

requirements of, R40.13(1)

reasons for judgment, R40.23

not in writing, notification of appeal result, R40.23(2)

written, recipients of copies, R40.23(1)

supervision of appeals and dismissal for non-compliance, R40.18

supervision hearings, reasons for, R40.18(1)

attendance of counsel required, R40.18(3)

attendance of counsel not required, R40.18(2)

dismissal for abandonment, R40.18(4)

time estimates for appeal hearing, R40.20

appeals from sentence only, R40.21

transcripts and agreements respecting evidence, R40.08

agreed statements of facts, R40.08(6)-(12)

court reporter's certificate, R40.08(1)

when not available, 40.08(2)

provisional Legal Aid certificate —

granted, R40.08(3)

not granted, R40.08(4), (5)

transcripts —

completion of, R40.08(18)-(22)

contents of, conviction appeals, R40.08(13)

additional portions, order for, R40.08(14), (15)

contents of, sentence appeals, R40.08(17)

transmission —

exhibits and documents, of, R40.07(2)

reproduction by clerk of appeal court, R40.07(5)

special order re, R40.07(3)

notice of appeal, R40.05(1)

trials *de novo*, R40.16

application for, R40.16(1)

date of hearing of application, R40.16(3)

notice of, R40.16(2)

notice of date, R40.16(4)

## INDEX

---

SUMMARY CONVICTION APPEAL(S) — *Continued*  
unnecessary evidence, costs sanctions for, R40.08(23)

### SUPERIOR COURT OF JUSTICE

application of Rules to, R1.02(1)  
jurisdiction of re —  
    dispensation with compliance, R2.01  
    extension of time, R3.02(1)

### TELEPHONE TRANSMISSION, SERVICE BY

solicitor of record, on, R5.05(1)(d)  
    cover page requirements, R5.05(3)  
summary conviction notice of appeal, of, R40.04(4)

### TIME. *See also* EXTENSION OF TIME

abridgment of. *See* extension or abridgment of  
    computation of, R3.01(1)  
Court of Appeal. *See* CRIMINAL APPEAL RULES  
extension or abridgment of, R3.02, CJ3.1(3)  
    consent in writing, by, R3.02(3), CJ2.7, 3.1, 3.2  
    court jurisdiction in respect of, R3.02(1)  
    application for, timing of, R3.02(2), 2.4, 3.1  
local observance of, R3.01(2)

### TRANSCRIPTS

commission evidence, re, R24.15  
evidence, of, R4.08, CJ2.1(3)  
    binding of —  
        appeal, R4.07(4)  
        application, R4.07(2)  
    commission. *See* COMMISSION EVIDENCE, APPLICATION TO TAKE  
    Court of Appeal, in. *See* CRIMINAL APPEAL RULES  
format standards, R4.08(3)-(10)  
heading, R4.08(2)  
paper size, R4.08(1)  
summary conviction appeals —  
    additional portions of, R40.06(6), (7)  
    certificate re evidence, R40.06(1)  
        provisional certificate, R40.06(2)  
        provisional certificate not granted, R40.06(3), (4)  
    completion of, R40.06(11)  
    suspension of, R40.06(12)  
    contents of, R40.06(5)

TRANSCRIPTS — *Continued*summary conviction appeals — *Continued*

- directions from judge, application for, R40.06(8)
- not required, R40.06(9)
- sentence only, appeals against, R40.06(10) -
  - guilty plea, R40.06(10)(a)
  - not guilty plea, R40.06(10)(b)
- unnecessary evidence in, sanction for inclusion of, R40.06(11)

## TRANSITIONAL PROVISIONS

- Criminal Appeal Rules, A48, A1(8)-(10)
- in force date, R1.02(3), CJ7
- repeals, R1.02(4)

TRANSMISSION. *See also* TELEPHONE TRANSMISSION, SERVICE BY Court of Appeal, in. *See* CRIMINAL APPEAL RULES documents, of. *See* COURT DOCUMENTS

- summary conviction appeals —
  - exhibits and documents, of, R40.05(2)
  - special order, re, R40.05(3)
- information, copy of, R40.05(4)
- notice of appeal, of, R40.05(1)

TRIAL DE NOVO. *See* SUMMARY CONVICTION APPEALS

## TRIAL PROCEEDINGS

- admission of evidence
- applications to admit, R. 30
- application of rule, R30.01
- application record —
  - applicant's, R30.05(1)
  - respondent's, R30.05(2)
- books of authorities, R30.05(3)
- factums, R30.05(4), (5)
- judge to be made to, R30.02(1)
  - exception, R30.02(2)
- notice of, R30.03
  - contents, R30.03(2)
  - filing and service of, R30.04(1)
    - manner of service, R30.04(2)
    - proof of service, R30.04(3)
  - form of, R30.03(1)
- books of authorities —

## INDEX

---

### TRIAL PROCEEDINGS — *Continued*

#### books of authorities — *Continued*

- authorities included, R32.01(3)
- cover colour, R32.01(7)
- duplication of authorities, R32.01(6)
- legibility of authorities, R32.01(5)
- marking of authorities, R32.01(4)
- service and filing of by applicant, R32.01(1)
- service and filing of by respondent, R32.01(2)

#### exclusion of evidence —

- applications to exclude, R31
  - application of rule, R31.01
  - application record —
    - applicant's, R31.05(1)
    - respondent's, R31.05(2)
  - books of authorities, R31.05(3)
  - factums, R31.05(4), (5)
  - judge to be made to, R31.02(1)
    - exception, R31.02(2)

#### notice of, R31.03

- contents, R31.03(2)
- filing and service of, R31.04(1)
  - manner of service, R31.04(2)
  - proof of service, R31.04(3)
- form of, R31.03(1)

#### exclusion of evidence under Charter (Ont. C.J.), CJ2.5(2)(a)(ii)

- application for. *See* APPLICATION(S)

#### factum(s) —

- applicant's —
  - contents, R33.01(3)
  - filing of, R33.01(12)
  - service of, R33.01(12)

#### intervenor's —

- contents, R33.01(5)
- filing of, R33.01(14)
- service of, R33.01(14)

#### form of, R33.01(7)-(11)

#### length of, R33.01(6)

#### requirement to deliver, R6.05(8), (9), R33.01(1)

#### respondent's —

- contents, R33.01(4)
- filing of, R33.01(13)

TRIAL PROCEEDINGS — *Continued*factum(s) — *Continued*respondent's — *Continued*

service of, R33.01(13), CJ6.08(1)

signing and dating of, R33.01(2)

time limit, R6.05(9)

hearsay evidence, CJ2.5(2)(b)(iii)

application to admit. *See* APPLICATION(S)

sexual activity of complainant (Ont. C.J.), CJ2.5(2)(b)(ii)

application to admit. *See* APPLICATION(S)

similar fact evidence, CJ2.5(2)(b)(i)

application to admit. *See* APPLICATION(S)

## VENUE OF TRIAL, APPLICATION TO CHANGE, R22, CJ2

application of rule, R22.01

consent in writing to order, R22.06, CJ2.7

judge, to be made to, R22.02

notice of —

contents of, R22.03, CJ2.1(2)-(3)

service of, R22.04, CJ2.1(1), 3.1, 3.3

filing with proof of, R22.04(2), CJ2.1(1), 3.1

recipients of/timing of, R22.04(1), CJ2.1(1), 3.1

material required, R22.05, CJ2.1, 2.2(2), 2.3

additional to notice of application, R22.05(1), CJ2.3

affidavit of applicant, R22.05(2)

factum required, R22.05(4)

affidavit of competent authority, R22.05(3)

VIDEOTAPED EVIDENCE. *See* COMMISSION EVIDENCE,  
APPLICATION TO TAKE

## WITNESS(ES)

examination of on an application, R6.08

oath or affirmation of re commission evidence, R24.08

WRITTEN APPEAL(S). *See* CRIMINAL APPEAL RULES

## YOUTH CRIMINAL JUSTICE ACT

application of Criminal Appeal Rules to, A1(1)

## YOUNG OFFENDERS ACT

application of Criminal Appeal Rules to, A1(3)

