

TABLE OF CONTENTS

<i>Preface</i>	vii
<i>User's Guide</i>	ix
<i>Table of Cases</i>	xxiii

PROCEDURAL CHARTS	1
Court Structure	1
Solicitor's Appeal	2

CRIMINAL APPEAL RULES

<i>Contents</i>	7
<i>Index</i>	8
<i>Concordance</i>	19
<i>Practice Directions and Guidelines</i>	43
<i>Practice Direction Concerning Criminal Appeals at the Court of Appeal for Ontario</i>	43
<i>Practice Direction Regarding Accessing Court Documents and Exhibits from Lower Courts for Purposes or Preparing Appeal Books in Criminal Appeals</i>	81
<i>Guidelines for Filing Electronic Documents at the Court of Appeal for Ontario</i>	83
<i>Reference Guide for Citation Practices at the Court of Appeal for Ontario</i>	89
<i>Practice Directions and Notices Regarding COVID-19</i>	93
<i>Criminal Appeal Rules</i>	144
Rule 1 – Application and Interpretation	
Rule 2 – Definitions	
Rule 3 – Forms	
Rule 4 – Practice Directions	
Rule 5 – Computation of Time	
Rule 6 – Court Documents	
Rule 7 – Manner of Serving and Filing	
Rule 8 – Time for Serving and Filing Notice of Appeal	
Rule 9 – Extension or Abridgement of Time	
Rule 10 – Manner of Hearing	
Rule 11 – Certificate Respecting In Camera Proceedings, Sealing Orders and Publication Bans	
Rule 12 – Original Papers and Exhibits	
Rule 13 – Representation of Parties	

TABLE OF CONTENTS

- Rule 14 – Change in Representation
- Rule 15 – Appeal Management
- Rule 16 – Status Court and Purge Court
- Rule 17 – Summary Determination of Appeals
- Rule 18 – Abandonment and Reinstatement of Appeals
- Rule 19 – Reasons for Judgment and Final Orders
- Rule 20 – Post-Sentence Report
- Rule 21 – Motions — General
- Rule 22 – Applications for Release Pending Appeal
- Rule 23 – Applications to Seek a Review Under Section 680 of the Code
- Rule 24 – Applications to Review a Decision Respecting Judicial Interim Release Under Section 18(2) of the Extradition Act
- Rule 25 – Applications for Leave to Appeal a Decision of the Summary Conviction Appeal Court
- Rule 26 – Application to Stay a Driving Prohibition Made in Summary Conviction Proceedings Pending Appeal
- Rule 27 – Motions for Leave to Introduce Fresh Evidence
- Rule 28 – Motions for Directions
- Rule 29 – Motions to Expedite Production of Transcripts
- Rule 30 – Motions for Leave to Intervene in an Appeal
- Rule 31 – Motions to Appoint Amicus Curiae
- Rule 32 – Motions to Remove Lawyer of Record
- Rule 33 – Application of this Part
- Rule 34 – Notice of Appeal in Solicitor Appeals
- Rule 35 – Amendment of Notice of Appeal
- Rule 36 – Transcripts — Ordering
- Rule 37 – Transcripts — Production
- Rule 38 – Transcripts — Prescribed Contents
- Rule 39 – Appeal Books
- Rule 40 – Factums
- Rule 41 – Sentence Appeals
- Rule 42 – Books of Authorities
- Rule 43 – Compendiums
- Rule 44 – Perfecting the Appeal
- Rule 45 – Failure to Perfect the Appeal
- Rule 46 – Listing Appeals
- Rule 47 – Appeals in Writing
- Rule 48 – Application of this Part
- Rule 49 – Application of the Rules Governing Solicitor Appeals
- Rule 50 – Orders Modifying or Relieving Compliance with Certain Requirements and Rules

Rule 51 – Application
 Rule 52 – Definitions
 Rule 53 – Notice of Appeal
 Rule 54 – Original Papers and Exhibits
 Rule 55 – Extension of Time
 Rule 56 – Applications for Leave to Appeal in Summary Conviction Appeals
 Rule 57 – Transcripts
 Rule 58 – Appeal Books
 Rule 59 – Preparing an Appeal to be Heard
 Rule 60 – Presence of Appellant
 Rule 61 – Appeals in Writing
 Rule 62 – Appeal Conversion
 Rule 63 – Application
 Rule 64 – Definitions
 Rule 65 – Hearing to be Expedited
 Rule 66 – Notice of Appeal
 Rule 67 – Transcript
 Rule 68 – Appeal Books
 Rule 69 – Factums
 Rule 70 – Preparing and Appeal to be Heard
 Rule 71 – Applications Respecting Disposition and Placement Decisions Under Appeal

FORMS – 359
 Form 1 – General Heading
 Form 2 – Backsheet
 Form 3 – Affidavit
 Form 4 – Acknowledgment of Receipt Card
 Form 5 – Affidavit of Service
 Form 6 – Notice of Objection to Proposed Manner of Hearing
 Form 7 – Certificate Respecting in Camera Proceedings, Sealing Orders and Publication Bans
 Form 8 – Requisition
 Form 9 – Notice of Change in Representation
 Form 10 – Notice of Abandonment
 Form 11 – Notice of Motion
 Form 12 – Notice of Appeal or Combined Notice of Application for Leave to Appeal and Notice of Appeal
 Form 13 – Supplementary Notice of Appeal or Supplementary Combined Notice of Application for Leave to Appeal and Notice of Appeal

TABLE OF CONTENTS

Form 14 – Certificate of Transcript Order
Form 15 – Undertaking Regarding Transcripts
Form 16A – Certificate of Transcript Completion
Form 16B – Notice of Failure to Submit Certificate of Transcript Completion
Form 17 – Certificate of Completeness of Appeal Book
Form 18 – Appellant’s Factum–Appeal from Sentence Only
Form 19 – Certificate of Perfection
Form 20 – Notice of Appeal for Inmate Appeal or Combined Notice of Application for Leave to Appeal and Notice of Appeal for Inmate Appeal
Form 21 – Notice of Appeal for Appeal from Order Made under Part XX.1–Mental Disorder

CRIMINAL PROCEEDINGS RULES OF THE SUPERIOR COURT OF JUSTICE (ONTARIO)

Index 410
PART 1 — GENERAL MATTERS 422
Rule 1 – Citation, Application and Interpretation
Rule 2 – Non-Compliance with the Rules
Rule 3 – Time
Rule 4 – Court Documents
Rule 5 – Service of Documents
Rule 6 – Applications
Rule 7 – Practice Directions
Rules 8 to 19 [As yet there are no Rules 8 to 19.]

PART II — PRE-TRIAL PROCEEDINGS 478
Rule 20 – Judicial Interim Release and Review Applications
Rule 21 – Release of Exhibits for Scientific Testing
Rule 22 – Applications to Change the Venue of Trial
Rule 23 – Applications to Procure Attendance of Prisoners
Rule 24 – Applications to Take Evidence on Commission
Rule 25 – Applications for Removal as Solicitor of Record
Rule 26 – Applications for Adjournment
Rule 27 – Constitutional Issues
Rule 28 – Pre-Hearing Conferences
Notice to the Profession (Criminal Judicial Pre-Trial Conference)
Rule 29 – Case Supervision Judges and Conferences
Rule 29A – The Appointment of a Case Management Judge
Rule 29B – The Appointment of a Judge to Determine Issues that are to be Adjudicated in Related Trials

PART III — TRIAL PROCEEDINGS AND EVIDENCE 585

Rule 30 – Applications to Admit Evidence

Rule 31 – Applications to Exclude Evidence

Rule 32 – Books of Authorities

Rule 33 – Factums

Rule 34 – Hearing of Pre-Trial and Other Applications

Rule 35 – Dangerous and Long-Term Offender Applications

[Rules 36 to 39 have been reserved in the event that at some future time the Court deems it advisable to pass additional rules in this part]

Concordance (Rule 40) 607

PART IV — SUMMARY CONVICTION APPEALS AND
EXTRAORDINARY REMEDIES 608

Rule 40 – Summary Conviction Appeals

Rule 41 – Stays Pending Appeal

Rule 42 – Release from Custody Pending Appeal

Rule 43 – Extraordinary Remedies

Rules 44 to 49 [As yet there are no Rules 44 to 49.]

Rule 50 – ONTARIO REVIEW OF PAROLE INELIGIBILITY
RULES (SOR/2013-249) 683

**Schedule 1 – Superior Court of Justice Protocol — Allegations of
Incompetence. 699**

FORMS – TABLE OF CONTENTS 701

Form 1 – Notice of Application

Form 2 – Notice of Appeal

Form 2A – Supplementary Notice of Appeal

Form 2B – Notice of Intention to Present Appeal in Writing

Form 2C – Court Reporter’s Certificate Respecting Evidence

Form 2D – Court Reporter’s Completion Certificate

Form 3 – Back sheet

Form 4 – Affidavit

Form 5 – Notice of Application and Constitutional Issue

Form 6 – Acknowledgement of Receipt Card

Form 7 – Affidavit of Service

Form 8 – Certificate of Service by Sheriff

Form 9 – Notice of Abandonment

TABLE OF CONTENTS

Form 10 – Release Order
Form 10A – Conditions of Release
Form 10B – Consent Bail Variation under s. 515.1 of the *Criminal Code*
Form 11 – Order Releasing Exhibit(s) for Scientific Testing
Form 12 – Order for Attendance of Prisoner at a Court Proceeding
Form 13 – Order for Transfer of Prisoner to Custody of Peace Officer
Form 13A – Order for Attendance of Prisoner at Judicial Interim
Release or Review Application Hearing
Form 14 – Commission
Form 15 – Letter of Request
Form 16 – Order for Commission and Letter of Request
Form 17 – Pre-Trial Conference Report
Form 18 – Designation of Counsel
Form 18-A1 – Report to Trial Judge
Form 18-A2 – Report to Trial Judge for Multiple Accused Cases
Form 18B – Report to Trial Coordinator
Form 18-C1 – Trial Readiness Report — Where Trial Readiness Court Held
Form 18-C2 – Trial Readiness Report — Where Trial Readiness Court not Held
Form 19 – Appellant’s Factum — Appeal From Sentence Only
Form 20 – Application for Review of Parole Ineligibility
(SOR/2013-249, Sched.)
Form 21 – Affidavit in Support of Application for Review of Parole Ineligibility
(SOR/2013-249, Sched.)
Form 22 – Requisition
Form 23 – Pre-Hearing Conference Report for Crown Applications
(Dangerous and Long-Term Offender Applications)

CRIMINAL RULES OF THE ONTARIO COURT OF JUSTICE

Index 855

RULE 1 – GENERAL 859

Cross-References
Rule 1.1(1) – Fundamental Objective
Rule 1.1(2) –
Rule 1.1(3) – Duty of counsel, paralegals, agents and litigants
Rule 1.1(4) – Duty of Court
Rule 1.2 – Scope of rules
Rule 1.3 – Definitions

RULE 2 – APPLICATIONS 863

Synopsis
 Rule 2.1(1) – Application
 Rule 2.1(2) – Contents of document
 Rule 2.1(3) – Transcripts
 Rule 2.2(1) – Response
 Rule 2.2(2) – Contents of document
 Rule 2.3(1) – Additional material
 Rule 2.3(2) –
 Rule 2.4(1) – Time for pre-trial applications
 Rule 2.4(2) –
 Rule 2.4(3) –
 Rule 2.5(1) – Time for trial applications
 Rule 2.5(2) –
 Rule 2.6 – Time for other applications
 Rule 2.7(1) – Applications on consent
 Rule 2.7(2) –
 Rule 2.7(3) –

RULE 3 – SERVICE 902
 Synopsis
 Rule 3.1(1) – Times for service
 Rule 3.1(2) –
 Rule 3.1(3) – Exceptions
 Rule 3.2 – Application for adjournment or to be removed from record
 Rule 3.3(1) – Methods of service
 Rule 3.3(2) – Electronic filing technology
 Rule 3.4(1) – Signatures on Electronic Documents
 Rule 3.4(2) – Practice directions authorizing other means of signing electronic documents

RULE 4 – CASE MANAGEMENT 907
 Synopsis
 Cross-References
 Rule 4.1 – Hearing and trial management
 Rule 4.2(1) – Judicial pre-trial conference
 Rule 4.2(2) –
 Rule 4.2(3) –
 Rule 4.2(4) – Materials
 Rule 4.2(5) –
 Rule 4.2(6) – Communications technology
 Rule 4.2(7) – Judicial directions

TABLE OF CONTENTS

Rule 4.2(8) – Record of pre-trial agreements and admissions
Rule 4.3(1) – Focus hearing, preliminary inquiry
Rule 4.3(2) –
Rule 4.3(3) – Materials
Rule 4.3(4) – Absence of agreement
Rule 4.4(1) – Discovery, preliminary inquiry
Rule 4.4(2) – Official record
Rule 4.4(3) – Exception, vulnerable witness
Rule 4.5(1) – Adjournments without the accused personally appearing
Rule 4.5(2) –

**RULE 5 — PRACTICE DIRECTIONS, FORMS AND
NON-COMPLIANCE 914**
Synopsis
Rule 5.1(1) – Power to issue practice directions
Rule 5.1(2) –
Rule 5.1(3) –
Rule 5.2(1) – Forms
Rule 5.2(2) –
Rule 5.2(3) –
Rule 5.3 – Power of Court to excuse non-compliance

FORMS – TABLE OF CONTENTS 919
Form 1—Application
Form 2—Response
Form 3—Consent

PROVINCIAL OFFENCES ACT
Contents 932
Introduction 934
Sections 1 and 2
PART VII – APPEALS AND REVIEW 940
Sections 109 to 115
Sections 116 to 134 – Appeals under Part III
Sections 135 to 142 – Appeals under Parts I and II
O. Reg. 721/94 – Rules of the Court of Appeal in Appeals under the
Provincial Offences Act 976
Rules 1 to 34
Forms 1 to 6 – Table of Contents
Forms 1 to 6

TABLE OF CONTENTS

O. Reg. 722/94 – Rules of the Ontario Court of Justice in Appeals under Section 135 of the <i>Provincial Offences Act</i>	1024
Rules 1 to 17	
Forms 1 to 5 – Table of Contents	
Forms 1 to 5	
O. Reg. 723/94 – Rules of the Superior Court of Justice and the Ontario Court of Justice in Appeals Under Section 116 of the <i>Provincial Offences Act</i>	1044
Rules 1 to 24	
Forms 1 to 6 – Table of Contents	
Forms 1 to 6	
ONTARIO REVIEW BOARD:	
ONTARIO REVIEW BOARD RULES OF PROCEDURE	1071
PRACTICE ISSUES	
Disclosure.	1083
Principles Governing Crown Counsel’s Conduct	1127
The Attorney General’s Advisory Committee on Charge Screening, Disclosure, and Resolution Discussions (The "Martin Report")	
Recommendations and Opinions	1128
Rights of Appearance.	1145
Rights of Appearance for Law Students	1145
COURTS, AGENCIES AND MINISTRIES	1147
TARIFF AND BILLING HANDBOOK.	1187
Chapter 2: Hourly Tariff and Block Fee Billing.	1187
INDEX.	1261

