

Index

Any references to forms can be found in the second volume of the Ontario Annual Practice. References are to the following:

Class Proceedings Act, 1992 - CP with section number
Contingency Fee Agreements [repealed], O. Reg. 195/04 with section number
Courts of Justice Act - CJA with section number
Family Law Rules - FLR with rule number
Judicial Review Procedure Act - JRPA with section number
Limitations Act, 2002 - LIMA with section number
Procedural Guide - PG with section number
Rules of Civil Procedure - RCP
Small Claims Court Rules - SCCR with rule number

ABANDONMENT

See APPEALS; APPLICATIONS;
MOTIONS

ABRIDGMENT OF TIME

Appeals, **RCP 3.02(3)**
Consent in writing, **RCP 3.02(4)**
Generally, **RCP 3.02, § RCP3.02:1 to § RCP3.02:3**
Two proceedings in same court, placing on trial list, **RCP 6.01(2)**

ABSENTEE

Personal service, **RCP 16.02(1)(i)**
Persons under disability, **RCP 1.03, § RCP1.03:1**
Representation in court proceedings, **RCP 7.01, § RCP7.01:1**

ABUSE OF PROCESS

Determination of issue before trial, **RCP 21.01(3)**
Documents, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
Motions, **RCP 37.16, § RCP37.16:1**
Pleadings, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**

ABUSIVE PROCEEDING

Stay or dismissal of, **RCP 2.1, § RCP2.1:1**

ACCEPTANCE OF OFFER

See OFFERS TO SETTLE

ACCESS

See CHILDREN

ACCOUNTANT

Appointment, **CJA 88**
Definition, payment into or out of court, **RCP 72.01**
Discharge of mortgage, **RCP 72.04**
Payment into court
account receipt, **RCP 72.02(8)**
bank receipt, **RCP 72.02(6)**
direction, **RCP 72.02(3)**
documents to be filed, **RCP 72.02(2)**
notice of payment, **RCP 72.02(9)**
payment, **RCP 72.02(5), RCP 72.02(7)**
receipt of payment, **RCP 72.02(10)**
transfer of documents from registrar, **RCP 72.02(4)**
Payment out of court
consent by insurer on behalf of party, **RCP 72.03(6)**
maintenance of a minor, **RCP 72.03(14)**
minor attaining age of majority, **RCP 72.03(7)**
payment directly to solicitor, **RCP 72.03(8)**
payment out on consent, **RCP 72.03(4)**
payment out under order or report, **RCP 72.03(2), RCP 72.03(3)**
payment to personal representative, **RCP 72.03(9)**
stop order, **RCP 72.05, § RCP72.05:1**
References, **RCP 55.05(1), 55.05(3)**
Regulations, **CJA 88**
Securities held by, **CJA 88(1)(d)**

ACCOUNTING

Actions for, **CJA 122**
 Summary judgment, **RCP 20.04(5)**

ACCOUNTS

Change of account
 after day fixed for payment, **RCP 64.06(25)**
 before day fixed for payment, **RCP 64.06(24)**
 final order fixing new day for payment, **RCP 64.06(22)**
 motion by dissatisfied party, **RCP 64.06(23)**
 notice of change, **RCP 64.06(21)**
 Estates, **RCP 74.16 to § RCP74.18:1**
 Interest, administration proceedings, **RCP 65.02(2)**
 Mortgage reference, time for taking new account, **RCP 64.06(18)**
 Notice of change
 defendant noted in default, **RCP 19.02(3)**
 Passing, costs, **RCP 58.08**
 Proceedings for administration, **RCP 65.01(3)**
 Proof, where mortgage assigned, **RCP 64.06(15)**
 References, **RCP 55.04, § RCP55.04:1**
 books of account, **RCP 55.04(4)**
 failure to pass accounts when required, **RCP 55.07(2)**
 powers of referee, **RCP 55.04(1)**
 preparation, **RCP 55.04(2), 55.04(3)**
 production and inspection of vouchers, **RCP 55.04(5)**
 questioning accounts, **RCP 55.04(6)**
 Taking of accounts
 directing reference, **RCP 54.02(2)**
 foreclosure actions, **RCP 64.03(8), 64.03(10), 65.03(11)**
 mortgage reference, duties and powers of referee, **RCP 64.06(3)**
 sale action, notice to defendant, **RCP 64.04(7)**

ACTING UNDER COURT ORDER

Protection from liability, **CJA 142, § CJA142:1**

ACTIONS

See also **PROCEEDINGS; SIMPLIFIED PROCEDURE**

ACTIONS—Cont'd

Addition, deletion, substitution of parties, **RCP 26.02, § RCP26.02:1**
 Amendment of pleadings
 See **PLEADINGS**
 Amount of damages deemed in issue, **RCP 25.07(6)**
 Brought in wrong court, costs, **RCP 57.05, § RCP57.05:1**
 Change to simplified procedure — action, **RCP 76.03(1), 76.03(2)**
 Change to simplified procedure — counterclaim, etc, **RCP 76.03(3), 76.03(4)**
 Counterclaim
 See **COUNTERCLAIMS**
 Crossclaim
 See **CROSSCLAIMS**
 Defendants named in title of proceeding, **RCP 14.06(2)**
 Defended, listing for trial
 dismissal of action for delay, **RCP 48.14(1), 48.14(1.1), 48.14(1.2)**
 placing on trial list, **RCP 48.05**
 service of trial record, **RCP 48.02(1)**
 third party claims, **RCP 48.02(3), 48.02(4)**
 trial at another place, **RCP 48.02(5)**
 trial records, **RCP 48.02(1), 48.03**
 Definition, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Determination of issue before trial
 action frivolous, vexatious, abuse of process, **RCP 21.01(3)**
 admissibility of evidence, **RCP 21.01(2)**
 another proceeding pending, **RCP 21.01(3)**
 court lacking jurisdiction, **RCP 21.01(3)**
 factums, **RCP 21.03**
 failure to make motion promptly, **RCP 21.02, § RCP21.02:1**
 no cause of action or defence, **RCP 21.01(1)**
 party lacking capacity, **RCP 21.01(3)**
 questions of law, **RCP 21.01(1)**
 Discontinuance, **RCP 23.01, § RCP23.01:1**
 costs, **RCP 23.05, § RCP23.05:1**
 effect on counterclaim, **RCP 23.02**

INDEX

ACTIONS—Cont'd

- Discontinuance, **RCP 23.01**,
§ **RCP23.01:1**—Cont'd
 - effect on crossclaim, third party claim,
RCP 23.03
 - effect on subsequent action, **RCP**
23.04(1)
 - stay of subsequent action, **RCP**
23.04(2)
- Dismissal
 - defendant paying claim, **RCP 14.10(1)**,
14.10(2)
 - discovery
 - failure to answer written questions,
RCP 35.04(4)
 - failure to produce document for
inspection, **RCP 30.08(2)**
 - failure to serve affidavit of docu-
ments, **RCP 30.08(2)**
 - frivolous, vexatious or abusive
proceeding, **RCP 2.1.01**,
§ **RCP2.1.01:1**
 - examination, failure to answer, **RCP**
34.15(1), **35.04(4)**
 - failure to comply with order for pay-
ment into court, **RCP 20.05(6)**
 - failure to declare plaintiff's place of
residence, **RCP 56.02**,
§ **RCP56.02:1**
 - failure to provide security for costs,
RCP 20.05(6), **RCP 56.06**,
§ **RCP56.06:1**
 - insufficient evidence at jury trial, **RCP**
52.08(1)
 - jury trials, **RCP 52.08(1)**
- Dismissal for delay
See **DISMISSAL FOR DELAY**
- Environmental
 - generally, Environmental Bill of
Rights, 1993, ss.
84 to 102. See **ENVIRONMENTAL**
ACTIONS
- Evidence at trial generally, **RCP 53**,
§ **RCP53:1** to § **RCP53.10:1**
- Failure to attend at trial, **RCP 52.01(1)**
- Foreclosure
See **FORECLOSURE, SALE AND**
REDEMPTION
- Forms, see Index in Forms Volume
- Fourth and subsequent party claims, **RCP**
29.11, § **RCP29.11:1**, **29.12**
see also **THIRD PARTIES**

ACTIONS—Cont'd

- Frivolous and vexatious, security for
costs, **RCP 56.01**, § **RCP56.01:1** to
§ **RCP56.01:8**
- Jury
See **JURIES**
- Mortgage
See **FORECLOSURE, SALE AND**
REDEMPTION
- Notice of action
 - originating process, **RCP 14.03(2)**
 - service, **RCP 14.03(4)**
 - statement of claim, **RCP 14.03(3)**
 - striking out or amending, **RCP 14.09**
 - time for service, **RCP 14.08(2)**
- Ordinary and simplified procedure, **RCP**
14.03.1
- Originating process, **RCP 14.03(1)**
- Place of trial
See **PLACE OF TRIAL; TRIALS**
- Plaintiffs named in title of proceeding,
RCP 14.06(2)
- Pleadings
See **PLEADINGS**
- Procedural steps, § **PG:1**
- Redemption
See **FORECLOSURE, SALE AND**
REDEMPTION
- Remaining on list at end of sitting, **RCP**
48.10
- Restoring action to trial list, failure to
make motion, **RCP 24.01(1)(e)**
- Sale
See **FORECLOSURE, SALE AND**
REDEMPTION
- Same subject matter, stay of subsequent
action, **RCP 23.04(2)**, **24.05(2)**
- Security for costs, **RCP 56**, § **RCP56:1** to
§ **RCP56.09:1**
- Setting down
See **SETTING DOWN**
- Settlement, informing registrar, **RCP**
48.12
- Simplified procedure, **RCP 76**,
§ **RCP76:1** to **RCP 76.14**
- Speedy trial list, **RCP 20.05(1)**,
37.13(1)(a), **48.09**
- Statement of claim, time for service, **RCP**
14.08
- Status hearings, **RCP 1.02(3)**, **48.14(5)** to
48.14(7)

ACTIONS—Cont'd

- Struck off trial list, **RCP 48.11, § RCP48.11:1**
- Subsequent
 - effect of discontinuance, **RCP 23.04**
 - evidence from examination for discovery, **RCP 31.11(8)**
- Summary judgment
 - See SUMMARY JUDGMENT
- Third party claim
 - See THIRD PARTIES
- Title of proceeding, **RCP 14.06, § RCP14.06:1**
- Transferred to Superior Court of Justice, costs, **RCP 57.05(2)**
- Traversed to next sitting, **RCP 48.10**
- Trial of issue or application, **RCP 38.10(2), 38.10(3)**
- Undefended
 - listing for trial, **RCP 48.02(2), 48.02(4)**
 - placing on trial list, **RCP 48.05**
- View of property or location, **RCP 52.05**
- Withdrawal
 - admission, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**
 - counterclaims, crossclaims, third party claims, **RCP 23.07**
 - deemed default, **RCP 23.06(2)**
 - statement of defence, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**

ADDING PARTIES

- Amendment of pleadings, **RCP 26.02, § RCP26.02:1**
- Estate or trust proceedings, **RCP 9.01(4)**
- Interpleader, **RCP 43.04(2)**
- Intervention by non-party, **RCP 13.01, § RCP13.01:1, § RCP13.01:2**
- Order adding, **RCP 5.04(2)**
- References, **RCP 55.02(5)**

ADDRESSES

- Court office, in documents, **RCP 4.02(2)**
- Creditor's, writ of seizure and sale, **RCP 60.07(12) to 60.07(12.2)**
- For service
 - backsheet, **RCP 4.02(3)**
 - documents, **RCP 4.02(2)**
 - persons claiming property seized, **RCP 60.13**
- Partner's, disclosure, **RCP 8.05**

ADDRESSES—Cont'd

- Reference to in orders affecting minors, **RCP 59.03(5)**

ADDRESSES TO JURY

- Order of presentation, **RCP 52.07, § RCP52.07:1**

ADJOURNMENTS

- Amendment of pleadings, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**
- Applications, **RCP 38.10(1), 38.10(3)**
 - failure to cross-examine diligently, **RCP 39.02(3)**
 - notice ought to have been served, **RCP 38.06(2)**
- Associate judge, to judge interpleader, **RCP 43.04(3)**
 - summary judgment, **RCP 20.04(4)**
- Document not reaching person served, **RCP 16.07, § RCP16.07:1**
- Examinations out of court, **RCP 34.14, § RCP34.14:1**
- Garnishment hearing, **RCP 60.08(11)**
- Motion for summary judgment, **RCP 20.04(4)**
- Motions, **RCP 37.13(1)**
 - failure to cross-examine on affidavit, **RCP 39.02(3)**
 - order for trial of an issue, **RCP 37.13(2), 37.13(3)**
 - where notice ought to have been served, **RCP 37.07(5)**
- Sale of land seized under writ, **RCP 60.07(21)**
- Trials, **RCP 52.02, § RCP52.02:1**
 - adverse party failing to testify, **RCP 53.07(7)**
 - where leave required to admit evidence, **RCP 53.08, § RCP53.08:1**

ADMINISTRATION OF JUSTICE ACT

- Assessment of costs, **RCP 58.06(1)**
- Attendance of witness in custody, **RCP 53.06, § RCP53.06:1**
- Costs, notice of garnishment, **RCP 60.19, § RCP60.19:1**
- Costs, writ of execution, **RCP 60.19, § RCP60.19:1**

ADMINISTRATION PROCEEDINGS

- Forms, see Index in Forms Volume

INDEX

ADMINISTRATION PROCEEDINGS

—Cont'd

- Generally, **RCP 65**, § **RCP65.01:1** to § **RCP65.02:1**
- Interest on accounts, **RCP 65.02(2)**
- Judgment for administration, **RCP 65.01(2)**
- Notice of application, **RCP 65.01(1)**
- Order for proper accounts, **RCP 65.01(3)**
- Payment into court, **RCP 65.02(3)**
- References, **RCP 65.02(1)**

ADMINISTRATIVE TRIBUNALS

- See also JUDICIAL REVIEW, ADMINISTRATION TRIBUNAL [Vol. 2]
- Constitutional question, notice of, **CJA 109**, § **CJA109:1**

ADMINISTRATOR AD LITEM

- See LITIGATION ADMINISTRATORS

ADMINISTRATORS

- See EXECUTORS AND ADMINISTRATORS

ADMISSIBILITY

- See EVIDENCE

ADMISSIONS

- Deemed after noting default, **RCP 19.02(1)(a)**
- Defences, **RCP 25.07(1)**, (2)
 - amount of damages, **RCP 25.07(6)**
- Disclosure or production of document, **RCP 30.05**
- Discovery, disclosure of document, **RCP 30.05**
- Documents
 - denial of authenticity, costs consequences, **RCP 51.04**, § **RCP51.04:1**
 - request to admit authenticity, **RCP 51.02(1)**
 - service of copy, **RCP 51.02(2)**
- Examination, possession or control of documents, **RCP 34.10(4)**
- Facts, request to admit truth, **RCP 51.02(1)**
- Family law rules, **FLR 22**, § **FLR22:1**
- Forms, see Index in Forms Volume
- Garnishee's, **RCP 60.08(9)**
- Generally, **RCP 51**, § **RCP51:1** to § **RCP51.06:1**

ADMISSIONS—Cont'd

- Interpretation, **RCP 51.01**, § **RCP51.01:1**
- Motions for judgment, **RCP 51.06**, § **RCP51.06:1**
- Persons admitting to be partners, **RCP 8.06(2)**
- Pre-trial conference, obtaining admissions, **RCP 50.01**
- Refusal to admit truth of facts, **RCP 51.04**, § **RCP51.04:1**
- Reply, **RCP 25.09(1)**
- Request to admit, **RCP 51.02**, § **RCP51.02:1**
 - deemed admission, **RCP 51.03(2)**, (3)
 - document's authenticity, **RCP 51.02(1)**
 - time period for response, **RCP 51.03(1)**
 - truth of facts, **RCP 51.02(1)**
- Withdrawal, **RCP 51.05**, § **RCP51.05:1**
 - statement of defence, **RCP 23.06(1)(b)**

ADOPTION

- See FAMILY LAW RULES

ADVERSE PARTIES

- Cross-examination, **RCP 53.07(5)**
- Examination for discovery, **RCP 31.03(1)**
- Failure to testify, **RCP 53.07(7)**
- Re-examination, **RCP 53.07(6)**
- Securing attendance at trial, **RCP 53.07(1)**, **53.07(2)**
- Service of summons, **RCP 53.07(3)**
- When permitted to call, **RCP 53.07(4)**

ADVERTISEMENTS

- References
 - conduct of sale, **RCP 55.06(2)**, **55.06(4)**
 - contents, **RCP 55.03(2)**
 - publication, **RCP 55.03(1)**
- Sale of property seized under writ, **RCP 60.07(16)**, **60.07(19)**

AFFIDAVITS

- Alterations, **RCP 4.06(9)**
- Application for judicial review, applicant's application record, **RCP 68.04(2)**
- Application record, **RCP 38.09(1)**
- Applications concerning estates of minors, **RCP 67.02**
 - allowance sought for maintenance, **RCP 67.02(2)**
 - appointment of guardian, **RCP 67.02(3)**

AFFIDAVITS—Cont'd

Assessment of costs, abandoned motion, application, appeal, **RCP 58.08**
 Blind persons, **RCP 4.06(7)**
 Changing debtor's name in writ, **RCP 60.07(10), 60.07(11.1)**
 Contempt motions, **RCP 60.11(3)**
 Content of appeal books, **RCP 61.10(1)**
 Contents, generally, **RCP 4.06(2)**
 Corporations, **RCP 4.06(5)**
 Costs, proof of entitlement where no order, **RCP 60.02(2), 60.02(3)**
 Cross-examination, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3**
 affidavit of documents, **RCP 31.06(1)(c)**
 failure to deliver notice of appearance, **RCP 38.07(2)**
 procedure, **RCP 34, § RCP34:1 to § RCP34.19:1**
 Documents, affidavit of
 contents, **RCP 30.03(2), 30.03(3)**
 correcting errors and omissions, **RCP 30.07, § RCP30.07:1**
 failure to disclose, **RCP 30.08(1)**
 failure to serve, **RCP 30.08(2)**
 forms, see Index in Forms Volume
 improperly claimed privilege, **RCP 30.06, § RCP30.06:1**
 not to be filed, **RCP 30.03(5)**
 omissions, **RCP 30.06, § RCP30.06:1**
 service, **RCP 30.03(1)**
 solicitor's endorsement, **RCP 30.03(4)**
 Evidence on applications
 See APPLICATIONS
 Evidence on motion
 See MOTIONS
 Examination for discovery
 correcting answers, **RCP 31.09(2)**
 written questions, answers, **Form 35B, RCP 35.02**
 Exhibits, **RCP 4.06(3)**
 Format, **RCP 4.06(1)**
 Forms, see Index in Forms Volume
 Garnishment matters, **RCP 60.08(4)**
 Illiterate persons, **RCP 4.06(7)**
 Information and belief
 applications, **RCP 39.01(5)**
 motions, **RCP 39.01(4)**
 summary judgment, **RCP 20.02, § RCP20.02:1**

AFFIDAVITS—Cont'd

Inspection of documents, **RCP 30.04(2)**
 Litigation guardian
 contents, **RCP 7.02(2)**
 settlements, approvals, **RCP 7.08, § RCP7.08:1**
 Motion, particular requirements
 interim preservation of property, **RCP 45.03(2)**
 interim recovery of personal property, **RCP 44.01, § RCP44.01:1**
 record, **RCP 37.10(2)**
 summary judgment, **RCP 20.01(1), 20.01(3)**
 information and belief, **RCP 20.02, § RCP20.02:1**
 On production
 See documents, affidavit of
 Order to continue, minor reaching majority, **RCP 7.06(1)**
 Partnerships, **RCP 4.06(6)**
 Payment out of court
 consent by insurer on behalf of party, **RCP 72.03(6)**
 minor attaining age of majority, **RCP 72.03(7)**
 party under disability, **RCP 72.03(11)**
 payment directly to solicitor, **RCP 72.03(8)**
 payment out on consent, **RCP 72.03(4)**
 payment out under order or report, **RCP 72.03(2), 72.03(3)**
 Persons not understanding language, **RCP 4.06(8)**
 Proceedings concerning estates of minors, **RCP 67.03(1), 67.03(2)**
 Proof of account where mortgage assigned, **RCP 64.06(15)**
 References
 auctioneer reporting on sale, **RCP 55.06(10)**
 consent for payment out of money, **RCP 55.05(3)**
 taking of accounts, **RCP 55.04(2), 55.04(3), 55.04(5)**
 verifying list of claims, **RCP 55.03(3)**
 Service, affidavit of, **RCP 16.09(1)**
 Solicitor's
 proceeding concerning estate of minor, **RCP 67.03(1), 67.03(2)**

INDEX

AFFIDAVITS—Cont'd

Solicitor's—Cont'd
settlement involving party under disability, **RCP 7.08, § RCP7.08:1**
Subsequent encumbrancer in foreclosure, **RCP 64.03(7), 64.03(18), 64.03(19)**
Transfer or transmission of interest or liability, **RCP 11.02, § RCP 11.02:1**
Trial, use at, **RCP 53.02, § RCP53.02:1**
Two or more deponents, **RCP 4.06(4)**
Undefended actions, **RCP 48.03(2)**

AFFIRMATIONS

Examination out of court
interpreter, **RCP 34.09, § RCP34.09:1**
sanctions for refusal to affirm, **RCP 34.15, § RCP34.15:1**
witness, **RCP 34.08(1), 34.08(2)**
Interpreter for affidavit, **RCP 4.06(8)**
Interpreters at trial, **RCP 53.01(5)**

AGENTS

See also PARTIES; SOLICITORS
Bidding on sale of property, **RCP 55.06(5), 55.06(6)**
Corporation acting without solicitor, **RCP 15.01(2)**

AGE OF MAJORITY

See MINORS

AGREEMENTS

Denial, effect of, **RCP 25.07(5)**
Enforcement of, **CJA 148.1 to CJA 148.3**
Evidence on appeals, **RCP 61.05(4)**
contents of appeal book, **RCP 61.10(1)**
order for transcript, **RCP 61.05(6)**
Family law mediation, **CJA 149**
Parties under disability, **RCP 7.08, § RCP7.08:1**
Purchase and sale, sale reference, **RCP 55.06(8)**
Service providers, with, **CJA 149**

ALTERNATIVE DISPUTE RESOLUTION

See ADMINISTRATIVE TRIBUNALS; MEDIATION

AMENDMENTS

Documents, struck out, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
Index of writs, change of name, **RCP 60.07(10), 60.07(11.1)**

AMENDMENTS—Cont'd

Judgment for foreclosure to judgment for sale, **RCP 64.03(19)**
Non-compliance with rules, **RCP 2.01(1)**
Order
Court of Appeal or Divisional Court, **RCP 37.14(6)**
error or slip, **RCP 59.06(1)**
made by registrar, **RCP 37.14(3)**
originating process, **RCP 14.09**
procedure generally, **RCP 59.06(1)**
Superior Court of Justice, **RCP 37.14(4)**
Superior Court of Justice judge, **RCP 37.02(2)(a), (3)(b)**
Pleadings
at trial, **RCP 26.06, § RCP26.06:1**
failure to respond, **RCP 26.05(2)**
generally, **RCP 26, § RCP26:1 to § RCP26.06:1**
how made, **RCP 26.03**
new ground of claim, **RCP 25.06(5)**
pleading struck out, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
powers of court, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**
proof of service, **RCP 26.04(2)**
references, referee granting leave, **RCP 55.02(10)**
service
defendant noted in default, **RCP 19.02(3)**
parties served, **RCP 26.04(1)**
where originating process, **RCP 26.04(3)**
time for responding, **RCP 26.05(1)**
when may be made, **RCP 26.02, § RCP26.02:1**
Statement of defence
adding counterclaim
against person already party, **RCP 27.07(1)**
against person not already party, **RCP 27.07(2)**
response, **RCP 27.07, § RCP27.07:1**
adding crossclaim, **RCP 28.03, § RCP28.03:1**
Title of proceeding
estate matters, **RCP 9.02**
proceedings by or against partnerships, **RCP 8.04**

AMENDMENTS—Cont'd

Writ of seizure and sale, **RCP 60.07(10), 60.07(11.1)**

ANSWERS

Examinations for discovery
correcting answers, **RCP 31.09(1)**
counsel responding, **RCP 31.08,**
§ RCP31.08:1

failure to answer, **RCP 31.07,**
§ RCP31.07:1, RCP 34.15,
§ RCP34.15:1, RCP 35.04,
§ RCP35.04:1

filing written answers, **RCP 35.06**
written questions, **RCP 35.02**

Jury, judgment based on, **RCP 52.08(2)**

Transcripts of evidence, standards, **RCP 4.09(8)**

APPEALS

Abandonment

appeals from interlocutory orders, **RCP 62.01(10)**

assessment of costs, **RCP 58.07**

cross-appeals, **RCP 61.15**

deemed, **RCP 61.14(2)**

effect, **RCP 61.14(3)**

no costs, **RCP 61.14(4)**

notice of abandonment, **RCP 61.14(1)**

Abridgment of time, **RCP 3.02(3)**

Agreement respecting evidence, **RCP 61.05(4)**

Amending notice of appeal, **RCP 61.08,**
§ RCP61.08:1

Appeal book and compendium

agreement respecting evidence, **RCP 61.05(4)**

binding, covers, **RCP 4.07(3)**

contents, **RCP 61.10(1)**

endorsement of order, **RCP 59.02(1)**

failing to perfect appeal, **RCP 61.13(1)**

refusal of Registrar to accept, **RCP 61.10(2)**

relief from compliance with rules, **RCP 61.09(4)**

Appellants

certificate respecting evidence, **RCP 61.05(1), 62.02(8)**

dismissal where default not cured, **RCP 61.13(3)**

dismissal where time prescribed by court, **RCP 61.13(3.1)**

APPEALS—Cont'd

Appellants—Cont'd

factums, **RCP 61.11, § RCP61.11:1**

factums, cross-appeals, **RCP 61.12(4)**

failure to file proof transcript ordered, **RCP 61.13(1)**

failure to file transcript, **RCP 61.13(2), 61.13(3)**

failure to perfect, **RCP 61.13(1) to 61.13(3.1)**

interlocutory appeals, record and factum, **RCP 62.01(7), 62.01(9)**

motion to dismiss cross-appeal for delay, **RCP 61.13(4)**

ordering transcripts, **RCP 61.05(5)**

perfecting appeals, **RCP 61.09(1) to 61.09(4)**

respondent to cross-appeal, **RCP 61.12(4)**

security for order under appeal, **RCP 63.03(6)**

Appellate court judge

review of order/decision of an appellate court, **RCP 61.16(6.1)**

review of registrar's order, **RCP 61.16(5)**

review of single judge's order, **RCP 61.16(6)**

Argument limited to grounds stated, **RCP 61.08(2)**

Assessment of costs, **RCP 58.11,**
§ RCP58.11:1

Certificate respecting evidence

appellant's, **RCP 61.05(1), 62.02(8)**

respondent's, **RCP 61.05(2), 61.05(3)**

Consent order, from, **CJA 133(a)**

Costs only, as to, when leave required, **CJA 133(b)**

Costs sanctions for unnecessary evidence, **RCP 61.05(8)**

Court of Appeal, motion for leave to appeal to, **RCP 61.03.1,**
§ RCP61.03.1:1

application of rules, **RCP 61.03.1(19)**

costs appeal joined with appeal as of right, **RCP 61.03.1(17)**

costs cross-appeal joined, **RCP 61.03.1(18)**

date of hearing, **RCP 61.03.1(14)**

motion in writing, **RCP 61.03.1(1)**

APPEALS—Cont'd

Court of Appeal, motion for leave to appeal to, **RCP 61.03.1**, § **RCP61.03.1:1**—Cont'd
 motion record, factum and transcripts moving party's, **RCP 61.03.1(4) to 61.03.1(6)**
 responding party's, **RCP 61.03.1(7) to 61.03.1(10)**
 notice of appeal, time for delivering, **RCP 61.03.1(16)**
 notice of motion, **RCP 61.03.1(2), 61.03.1(3)**
 oral hearing, **RCP 61.03.1(15)**
 reply factum, moving party's, **RCP 61.03.1(11) to 61.03.1(13)**
 Cross-appeals, **RCP 61.07**, § **RCP61.07:1**
 abandonment, **RCP 61.14(1), 61.14(3), 61.14(4)**
 amendment of notice, **RCP 61.08**, § **RCP61.08:1**
 directions, **RCP 61.15(1)**
 dismissal for delay, **RCP 61.13(4), 61.13(5)**
 dismissal for delay or abandonment, **RCP 61.15**
 factums, **RCP 61.12(4)**
 failure to file notice after service, **RCP 61.14(2)**
 Crossclaims, **RCP 28.06(3)(a)**
 Damages, power of court on appeal, **CJA 119**
 Defaults, dismissal where not cured, **RCP 61.13(3), 61.13(3.1), 61.13(5)**
 Directions for appeal books, transcripts, **RCP 61.09(4)**
 Dismissal for delay
 cross-appeals, **RCP 61.13(4), 61.13(5)**
 motion by respondent, **RCP 61.13(1)**
 motion for leave, of, **RCP 61.13(6) to 61.13(8)**
 notice by Registrar, **RCP 61.13(2), 61.13(2.1)**
 order, **RCP 61.13(3), 61.13(3.1)**
 Divisional Court, from, **CJA 6**, § **CJA6:1**
 Divisional Court, motion for leave to appeal to, **RCP 61.03**, § **RCP61.03:1**
 application of rules, **RCP 61.03(9)**
 costs appeal joined with appeal as of right, **RCP 61.03(7)**

APPEALS—Cont'd

Divisional Court, motion for leave to appeal to, **RCP 61.03**, § **RCP61.03:1**—Cont'd
 costs cross-appeal joined, **RCP 61.03(8)**
 date for hearing, **RCP 61.03(5)**
 motion record, factum and transcripts, **RCP 61.03(2) to 61.03(3.1)**
 notice, **RCP 61.03(1)**
 time for delivering, **RCP 61.03(6)**
 notice and factum to state question on appeal, **RCP 61.03(4)**
 Divisional Court appeal, automatic dismissal by registrar for delay, **RCP 61.13.0.1**
 Exhibit book, **RCP 61.10.1**
 Exhibits at trial held by registrar, **RCP 52.04(3)**
 Extension of time, **RCP 3.02(3)**
 Facts, power to determine, **CJA 134(4)**
 Family law proceedings
 See FAMILY LAW RULES
 Forms, see Index in Forms Volume
 Frivolous or vexatious, security for costs, **RCP 61.06**, § **RCP61.06:1**
 Generally, **RCP 61**, § **RCP61:1** to § **RCP61.16:1**, **RCP 62**, § **RCP62:1** to § **RCP62.02:7**, **RCP 63**, § **RCP63:1** to § **RCP63.03:1**
 Superior Court of Justice, from, **CJA 19(1)(a), 19(1)(b)**
 Interim orders, power of court, **CJA 134(2)**
 Interlocutory orders
 abandonment, **RCP 62.01(10)**
 appeal to judge of Superior Court of Justice, **RCP 62.01(1)**
 appellant's record and factum, **RCP 62.01(7), 62.01(9)**
 generally, **RCP 62**, § **RCP62:1** to § **RCP62.02:7**
 grounds stated in notice, **RCP 62.01(4)**
 hearing date, **RCP 62.01(3)**
 motion for leave
 grounds for granting leave, **RCP 62.02(4)**
 in writing, **RCP 62.02(2)**
 order of Superior Court of Justice judge, **RCP 62.02(1)**
 procedures, **RCP 62.02(5)**

APPEALS—Cont'd

- Interlocutory orders—Cont'd
 - motion for leave—Cont'd
 - time for service, **RCP 62.02(3)**
 - notice of appeal, **RCP 62.01(4), 62.01(5)**
 - place of hearing, **RCP 62.01(6)**
 - procedure, **RCP 62.01, § RCP62.01:1**
 - procedure where leave granted, **RCP 62.02(8)**
 - respondent's material and factum, **RCP 62.01(8), 62.01(9)**
 - time for appeal, **RCP 62.01(2)**
- Judge not to hear appeal from own decision, **CJA 132**
- Leave motion
 - Court of Appeal, **RCP 61.03.1, § RCP61.03.1:1**
 - Divisional Court, **RCP 61.03, § RCP61.03:1**
 - heard by more than one judge, **RCP 61.16(3)**
 - record and factums, **RCP 61.03(2), 61.03(4)**
- Master, case management master or associate judge, from, **CJA 17, § CJA17:1**
- Motions
 - certificate of estimated time for argument, **RCP 61.16(3.2), 61.16(4.1)**
 - dismissal for delay, registrar's order re, **RCP 61.16(7), 61.16(8)**
 - heard by more than one judge, **RCP 61.16(3)**
 - heard by one judge, **RCP 61.16(2.1)**
 - heard by panel, **RCP 61.16(2.2)**
 - hearing in absence of public, **RCP 37.11(1)**
 - motion record and factums, **RCP 61.16(4)**
 - motion to receive evidence, **RCP 61.16(2)**
 - procedure, **RCP 61.16(1), 61.16(1.1)**
 - review of order/decision of panel of an appellate court, **RCP 61.16(6.1)**
 - review of Registrar's order, **RCP 61.16(5)**
 - review of single judge's order, **RCP 61.16(6)**
- New trial, restriction on ordering, **CJA 134(6), CJA 134(7)**

APPEALS—Cont'd

- Notice of appeal
 - amendment, **RCP 61.08, § RCP61.08:1**
 - contents, **RCP 61.04(3)**
 - failure to file after service, **RCP 61.14(2)**
 - filing, **RCP 61.04(4)**
 - time for delivery, **RCP 61.03(6)**
- Notice of listing for hearing, **RCP 61.09(5)**
- Notice of motion for leave, **RCP 61.03(1), 61.03(3)**
- Ontario Court of Justice, from, **CJA 40**
- Order to continue, failure to obtain, **RCP 61.13.1, § RCP61.13.1:1**
- Perfecting
 - certificate of perfection, **RCP 61.09(3), 61.09(5)**
 - failure to perfect, **RCP 61.13(1) to 61.13(3.1)**
 - material to be served and filed, **RCP 61.09(3)**
 - record and original exhibits, **RCP 61.09(2)**
 - relief from compliance with rules, **RCP 61.09(4)**
 - time, **RCP 61.09(1)**
- Powers of court, **CJA 134, § CJA134:1 to § CJA134:12**
- Procedural steps
 - appellate court, **§ PG:7**
 - interlocutory orders
 - Divisional Court, **§ PG:7**
 - to judge, **§ PG:8**
- Quashing, power of court, **CJA 134(3)**
- Records and factums
 - backsheets, **RCP 4.07(1), (5)**
 - Court of Appeal, **RCP 61.03.1(4), 61.03.1(5), 61.03.1(7), 61.03.1(8)**
 - Divisional Court, **RCP 61.03(2), 61.03(4)**
 - front covers, **RCP 4.07(1.1)**
 - interlocutory orders, **RCP 62.01(7)**
- References, **RCP 61.01**
- Registrar
 - definition, **RCP 61.02**
 - dismissal by, **RCP 61.13(3), 61.13.0.1, 61.13(3.1)**
 - review of orders, **RCP 61.16(5)**

INDEX

APPEALS—Cont'd

- Respondents
 - certificate respecting evidence, **RCP 61.05(2), 61.05(3)**
 - contents, **RCP 61.12(3) to 61.12(5.3)**
 - cross-appeals, **RCP 61.07, § RCP61.07:1**
 - factum and compendium, **RCP 61.12**
 - failure to deliver factum in cross-appeal, **RCP 61.13(4), 61.13(5)**
 - failure to file factum, **RCP 61.13(4), 61.13(5)**
 - interlocutory appeal, record and factum, **RCP 62.01(8), 62.01(9)**
 - motion to dismiss for delay, **RCP 61.13(1)**
 - time for delivery of factums, **RCP 61.12(2)**
- Security for costs, **RCP 61.06, § RCP61.06:1**
- Service of notice, **RCP 61.04(1)**
- Special case, procedure, **RCP 22.03(2), 61.01**
- Stated case, procedure, **RCP 61.01**
- Stay pending appeal
 - See STAYS PENDING APPEAL
- Superior Court of Justice, from, **CJA 6, § CJA6:1**
- Third party defending main action, **RCP 29.05(2)(a)**
- Time for appeals, **RCP 61.04(1)**
- Title of proceeding, **Form 61B, RCP 61.04(2)**
- Transcripts
 - complying with certificates or agreement, **RCP 61.05(6)**
 - electronic version, **RCP 61.09(3)**
 - failure to file, **RCP 61.13(2), 61.13(3)**
 - failure to file proof of order, **RCP 61.13(1)**
 - filing proof of order, **RCP 61.05(5)**
 - notice from court reporter when transcribed, **RCP 61.05(7)**
- Writ of execution, setting aside, **RCP 63.03(6)**

APPEARANCES

- See APPLICATIONS, notice of appearance

APPELLANTS

- See also APPEALS

APPELLANTS—Cont'd

- Definition, **RCP 1.03, § RCP1.03:1**

APPELLATE COURT

- See also APPEALS
- Definition, **RCP 1.03, § RCP1.03:1**
- Entry of orders, **RCP 59.05(3)**
- Motions, hearing in absence of public, **RCP 37.11(1)**
- Special case heard at first instance, **RCP 22.03, § RCP22.03:1**

APPLICANTS

- See also APPLICATIONS
- Adding parties as applicants, **RCP 5.04(3)**
- Application record and factum, **RCP 38.09(1), 38.09(3), 38.09(4)**
- Application without notice, full and fair disclosure, **RCP 39.01(6)**
- Certificate of perfection, judicial review, **RCP 68.05**
- Definition, **RCP 1.03, § RCP1.03:1**
- Different capacities, **RCP 5.01(2)**
- Failure to appear at hearing, **RCP 38.08, § RCP38.08:1**
- Family law proceedings
 - rules re
 - See FAMILY LAW RULES
- Joinder of claims, **RCP 5.01, § RCP5.01:1**
- Joinder of parties, **RCP 5.02(1)**
- Judicial review
 - dismissal for delay, **RCP 68.06**
 - record and factums, **RCP 68.04(1) to 68.04(3), 68.04(7)**
- Motion for directions regarding service, **RCP 38.06(1)**
- Named in title of proceedings, **RCP 14.06(3)**
- Naming place and date of hearing, **RCP 38.03, § RCP38.03:1**
- Notice of abandonment, **RCP 38.08(1), 38.08(3)**
- Statement of account, administration proceedings, **RCP 65.01(3)**
- Undertakings concerning damages, stop orders, **RCP 72.05(2)**

APPLICATION

- Passing of estate accounts, **RCP 74.16 to RCP 74.18, § RCP74.18:1**

APPLICATIONS

See also **ORIGINATING PROCESS**

Abandoned

- costs, **RCP 38.08(3), 58.08**
- failure to appear at hearing, **RCP 38.08(2)**
- notice of abandonment, **RCP 38.08(1)**
- party under disability, **RCP 38.08(4)**

Administration of estate or trust, **RCP 14.05(3)(a), RCP 65.01, § RCP65.01:1**

Ancillary relief, **RCP 14.05(3)(g)**

Application record and factum

- applicant's, **RCP 38.09(1)**
- dispensing with record and factums, **RCP 38.09(4)**
- estate matters exceptions, **RCP 38.09(7), 38.09(8)**
- material filed as part of record, **RCP 38.09(5)**
- respondent's, **RCP 38.09(3) to 38.09(3.2)**

Approval of disposition of minor's property

- affidavits in support, **RCP 67.02**
- consent of minor, **RCP 67.03**
- notice of application, **RCP 67.01**
- solicitor's affidavit, **RCP 67.03(1), 67.03(2)**

Approval of sale, arrangement, etc, **RCP 14.05(3)(f)**

Approval of settlement, party under disability, **RCP 7.08, § RCP7.08:1**

Confirmation of application, **RCP 38.09.1**

Counter-application, **RCP 38.03(4)**

Cross-examination on affidavit, **RCP 34.01**

Date of hearing, **RCP 38.03, § RCP38.03:1**

Deed, will, contract or instrument, **RCP 14.05(3)(d)**

Definition, **CJA 1, § CJA:1; RCP 1.03, § RCP1.03:1**

Disposition, **RCP 38.10, § RCP38.10:1**

District Court, **RCP 14.05(2)**

Divisional Court, judicial review, **RCP 38.01(2), RCP 68, § RCP68:1 to RCP 68.07**

Documents, striking out, **RCP 38.12**

Estate or trust, **RCP 14.05(3)**

APPLICATIONS—Cont'd

Estate trustees, appointment, See **ESTATE TRUSTEES**

Evidence

- affidavits
 - application without notice, full and fair disclosure, **RCP 39.01(6)**
 - contents, **RCP 39.01(5)**
 - expert witness evidence, **RCP 39.01(7)**
 - generally, **RCP 39.01(1)**
 - service and filing, **RCP 39.01(2), (3)**
- cross-examination on affidavits
 - generally, **RCP 39.02(1)**
 - reasonable diligence, **RCP 39.02(3)**
 - subsequent delivery of affidavit, **RCP 39.02(2)**
- vexatious proceeding, **RCP 39.03(2.1)**

examination of witnesses

- at hearing, **RCP 39.03(3)**
- before hearing, **RCP 39.03(1), 39.03(2)**
- vexatious proceeding, **RCP 39.02(1.1)**

summons to witness, **RCP 39.03(4)**

transcripts, filing, **RCP 34.18(2)**

Executor, administrator or trustee, **RCP 14.05(3)**

Facts not in dispute, **RCP 14.05(3)(h)**

Factums, **RCP 38.09**

Forms, see **Index in Forms Volume**

Generally, **RCP 14, § RCP14:1 to RCP 14.10, RCP 38, § RCP38:1 to RCP 38.13**

Hearing

- disposition of motion, **RCP 37.13(1)**
- judge hearing motions not to hear, **RCP 37.15(2)**

Injunction ancillary to other relief, **RCP 14.05(3)(g)**

Interpleader, **RCP 43.03(1)**

- affidavits in support, **RCP 43.03(1)**
- disposition of application, **RCP 43.04(1), 43.04(2)**
- dispute over property seized by sheriff, **RCP 60.13(4)**

Interpretation of instruments, etc, **RCP 14.05(3)(d)**

Judicial review

See **JUDICIAL REVIEW**

INDEX

APPLICATIONS—Cont'd

Land, interest or charge, **RCP 14.05(3)(e)**
Lengthy hearing, where, **RCP 38.03(3)**
Mandatory order ancillary to other relief,
RCP 14.05(3)(g)
Naming place of hearing, **RCP 38.03,**
§ RCP38.03:1
No practice direction, hearing date where,
RCP 38.03(2)
Notice of appearance
delivery, **RCP 38.07(1)**
failure to deliver, **RCP 38.07(2),**
38.07(3)
passing accounts exception, **RCP**
38.07(4)
Notice of application
commencement of proceeding, **RCP**
38.01(1)
contents, **RCP 38.03(1), RCP 38.04,**
§ RCP38.04:1
endorsement of order, **RCP 59.02(1)**
issuance, **RCP 38.05**
naming place of hearing, **RCP 38.03(1)**
originating process, **RCP 14.05(1)**
security for costs, **RCP 56, § RCP56:1**
to § RCP56.09:1
service
filing proof, **RCP 38.06(4)**
generally, **RCP 38.06(1)**
minimum notice period, **RCP**
38.06(3)
motion for directions, **RCP 38.06(1)**
where notice ought to have been
served, **RCP 38.06(2)**
service and filing of affidavits, **RCP**
39.01(2)
striking out or amending, **RCP 14.09**
title of proceeding, **RCP 14.06(3)**
Originating process, **RCP 14.05(1)**
Partition or sale of land, **RCP 66.01,**
§ RCP66.01:1
Place of commencement, **RCP 38.03(1)**
Procedural steps, **§ PG:4**
Receiver ancillary to other relief, **RCP**
14.05(3)(g)
Record, **RCP 38.09**
backsheet, **RCP 4.07(1)**
Respondents
application record and factums, **RCP**
38.09(3)
costs where abandoned, **RCP 38.08(3)**

APPLICATIONS—Cont'd

Respondents—Cont'd
named in title of proceeding, **RCP**
14.06(3)
notice of appearance, **RCP 38.07**
Setting aside or varying judgment, **RCP**
38.11, § RCP38.11:1
Stop order, **RCP 72.05, § RCP72.05:1**
Superior Court of Justice, **RCP 14.05(2),**
14.05(3)
date for hearing by judge of Superior
Court of Justice, **RCP 38.03(2),**
38.03(3)
jurisdiction, **RCP 38.02**
Transcript of evidence, **RCP 38.09(6),**
34.18(2)
Trial of issue, **RCP 38.10(3)**
Trial of whole application, **RCP 38.10(2)**
Trust, **RCP 14.05(3)**
Urgent application, **RCP 38.03(3.1)**
Vexatious proceeding, **RCP 38,**
§ RCP38:1 to RCP 38.13
Without notice
full and fair disclosure, **RCP 39.01(6)**
setting aside or varying judgment, **RCP**
38.11, § RCP38.11:1

APPOINTMENTS

Assessment of costs
notice, **RCP 58.03, § RCP58.03:1**
sheriff's, **RCP 58.12**
Estate trustees
See ESTATE TRUSTEES
Litigation guardian
See LITIGATION GUARDIANS
Settling orders
before judge who presided at hearing,
RCP 59.04(10) to 59.04(11)
disputed order, **RCP 59.04(9) to**
59.04(13)
draft order not approved, **RCP 59.04(7)**
objections to form of order, **RCP**
59.04(9)

APPORTIONMENT OF LIABILITY

Consideration in awarding costs, **RCP**
57.01(1)

APPROVAL

Disposition of minor's property
affidavit in support, **RCP 67.02**
consent of minor, **RCP 67.03**

APPROVAL—Cont'd

- Disposition of minor's property—Cont'd
notice of application, **RCP 67.01**
solicitor's affidavit, **RCP 67.03(1),**
67.03(2)
- Offer to settle, party under disability,
RCP 49.08, § RCP49.08:1
- Orders, form
filing, **RCP 59.04(4) to 59.04(6)**
sending draft for approval, **RCP**
59.03(1)
- Purchase, representation order, **RCP**
10.01(1)
- Reference, form of security, **RCP**
55.07(1)
- Representation of person who cannot be
found, **RCP 10.01, § RCP10.01:1**
- Representation order obtained by fraud,
RCP 10.03
- Sale, representation order, **RCP 10.01(1)**
- Settlement
party under disability, **RCP 7.08,**
§ RCP7.08:1
representation order, **RCP 10.01(1)**
represented persons, **RCP 10.01(3), (4)**
- Variation of trust, representation order,
RCP 10.01(1)

ARRANGEMENTS

- Application for approval, **RCP 14.05(3)**
- Variation of trust, representation order,
RCP 10.01(1)

ARREST

- Contempt motions, **RCP 60.11(4)**
- Family law proceedings, **FLR 32(12),**
FLR 32(13)
- Forms, see Index in Forms Volume
- Witness, failure to attend, **RCP 53.04(7)**

ARTICLING STUDENTS

- Assessment of costs, **RCP 58.05(2)**

ASSESSMENT OF COSTS

- See COSTS

ASSESSMENT OFFICERS

- General provisions re, **CJA 90**

ASSIGNMENTS

- Examination for discovery of assignor,
RCP 31.03(6)
- Insurance policies, discharge of mortgage,
RCP 72.04(3)

ASSIGNMENTS—Cont'd

- Joinder of parties, **RCP 5.03(3)**
- Mortgages, proof of account, **RCP**
64.06(15)
- Transfer or transmission of interest or
liability, **RCP 11.01, § RCP11.01:1**

ATTENDANCE

- Attendance money
See ATTENDANCE MONEY
- Contempt motion, arrest, **RCP 60.11(4)**
- Court offices, filing and issuing docu-
ments, **RCP 4.05(1), (4)**
- Examination, witness in custody, **RCP**
53.06, § RCP53.06:1
- Examination out of court, **RCP 34.04,**
§ RCP34.04:1
- Foreclosure reference
failure of encumbrancer to attend, **RCP**
64.03(14), 64.03(15)
redemption by encumbrancer added on
reference, **RCP 64.03(13)**
request for sale, **RCP 64.03(19)**
- Interpleader, failure to attend, **RCP**
43.04(2)
- Medical examination, **RCP 33.05,**
§ RCP33.05:1
- Method, **RCP 1.08, § RCP1.08:1**
- Mortgage reference, referee's report,
RCP 64.06(16)
- Motion or application, summons to wit-
ness, **RCP 39.03(4)**
- References
directions, who is to attend, **RCP**
55.02(3)
persons to be examined, **RCP**
55.02(14)
- Status hearing, **RCP 48.14(5) to 48.14(7)**
- Trial
adverse party as witness, **RCP 53.07,**
§ RCP53.07:1
directors of adverse party, **RCP**
53.07(1), 53.07(2)
failure to attend
striking action off list, **RCP 52.01,**
§ RCP52.01:1
warrant for arrest, **RCP 53.04(7)**
officer of adverse party, **RCP 53.07(1),**
53.07(2)
partners, partnership adverse party,
RCP 53.07(1), 53.07(2)
remuneration of experts, **RCP 52.03(4)**

INDEX

ATTENDANCE—Cont'd

- Trial—Cont'd
 - sole proprietor of adverse party, **RCP 53.07(1), (2)**
 - summons to witness, **RCP 53.04, § RCP53.04:1**
 - witness in custody, **RCP 53.06, § RCP53.06:1**
 - witness outside Ontario, **RCP 53.05**

ATTENDANCE MONEY

- Examination of person out of Ontario, **RCP 34.07(4)**
- Examinations out of court, **RCP 34.04(5)**
- Summons to witness, proof of service, **RCP 53.04(5)**
- Trials
 - adverse party as witness, **RCP 53.07(1), 53.07(2)**
 - officers, directors or sole proprietors of adverse party, **RCP 53.07(1), 53.07(2)**
 - partners, partnership adverse party, **RCP 53.07(1), 53.07(2)**
 - summons to witness, **RCP 53.04(4)**

ATTORNEY GENERAL

- Court administration, responsibility for, **CJA 70**
- Interpreters, providing, **RCP 53.01(6)**
- Personal service, **RCP 16.02(1)(h)**

AUTHENTICITY OF DOCUMENTS

- Defined, **RCP 51.01, § RCP51.01:1**

AUTHORITIES

- See **FACTUMS**

AUTHORITY

- See also **SOLICITORS**
- Acceptance of service, warranty of client's authority, **RCP 16.03(3)**
- Commencement of proceeding
 - client's authority, **RCP 15.02(1), 15.02(4)**
 - power of court, **RCP 15.02(2)**
 - request for notice by solicitor, **RCP 15.02(1)**
 - solicitor's authority, **RCP 15.02(1), 15.02(3)**
 - stay where unauthorized, **RCP 15.02(2), 15.02(5)**
- Personal representative, payment out of court, **RCP 72.03(9)**

AWARDS

- See **COSTS; DAMAGES**

BACKSHEETS

- Form, see **Index to Forms Volume**
- Generally, **RCP 4.02(3)**
- Records, **RCP 4.07(1)**

BANKRUPTCY

- Discovery of bankrupt and trustee, **RCP 31.03(7)**
- Order to continue proceeding, **RCP 11.01, § RCP11.01:1**

BANKS

- Payment into court, **RCP 72.02(3), 72.02(5) to 72.02(7)**
- Service of garnishment, **RCP 60.08(6)**

BENEFICIARIES

- See also **ESTATES; TRUSTS**
- Commencing proceeding for administration, **RCP 65.01(1)**
- Joining as parties, **RCP 9.01(2), 9.01(4)**
- References, advertisement, **RCP 55.03(1)**

BILL OF COSTS

- See also **COSTS**
- Failure to file or serve, **RCP 58.04(1), 58.04(4)**
- Filing, **RCP 58.03(1)**
- Notice to deliver, **Form 58B, RCP 58.04(2), (3)**
- Service, **RCP 58.03(2)**
- Sheriff's, **RCP 58.13**

BINDING EFFECT OF ORDERS

- Representation orders, **RCP 10.01(2)**
 - estates bound, **RCP 10.02, § RCP10.02:1, 10.03**
 - interested persons not parties bound, **RCP 10.01(4)**
 - relief from binding, **RCP 10.03**

BLIND PERSONS

- Deponent of affidavit, **RCP 4.06(7)**

BONDS

- Enforcement, **CJA 143(1), CJA 143(3)**
- Estate proceedings, **RCP 74.11, § RCP74.11:1**
- Family law cases, **FLR 32(2) to FLR 32(11)**
- Form, interim recovery of personal property, **Form 44A**

BONDS—Cont'd

Interim recovery of personal property,
**RCP 44.03, § RCP44.03:1, 44.04,
 44.06**

BOOKS

Accounts, proof on reference, **RCP
 55.04(4)**
 Assessment of costs, production, **RCP
 58.05(4)**
 Disclosure and production
 See DISCOVERY
 Referee's procedure book, **RCP 55.02(11)**

BREACH OF TRUST

Pleading, **RCP 25.06(8)**

BY-LAWS

Application for interpretation, **RCP
 14.05(3)(d)**
 Proceeding for interpretation, representa-
 tion orders, **RCP 10.01(1)**

CAISSE POPULAIRE

Service of garnishment, **RCP 60.08(6)**

**CANADIAN CHARTER OF RIGHTS
 AND FREEDOMS**

Application for remedy, **RCP
 14.05(3)(g.1)**

CAPACITY

Party under disability
 See PARTIES UNDER DISABILITY
 Plaintiff or defendant lacking legal capac-
 ity, **RCP 21.01(3)(b)**
 Suing or being sued, **RCP 5.01(2)**

CARRIAGE OF REFERENCE

See REFERENCES

**CASE CONFERENCE FOR ACTIONS
 AND APPLICATIONS**

Attendance, **RCP 50.13(2) to 50.13(4)**
 Direction for, **RCP 50.13(1)**
 Matters to be dealt with, **RCP 50.13(5)**
 Powers, **RCP 50.13(6)**

CASE MANAGEMENT

Application of rule, **RCP 77.02,
 § RCP77.02:1**
 Assignment for
 generally, **RCP 77.05**
 individual management by judge, **RCP
 77.06**

CASE MANAGEMENT—Cont'd

Case conference, **RCP 77.08**
 Conflict with other rules, **RCP 77.02(4)**
 Definitions, **RCP 77.03**
 Exceptions in application, **RCP 77.02(2),
 (3)**
 Family law cases
 See FAMILY LAW RULES
 General principles, **RCP 77.01(2)**
 Motions, requirements re, **RCP 77.07,
 § RCP77.07:1**
 Powers of judge/associate judge, **RCP
 77.04, § RCP77.04:1**
 Purpose of rule, **RCP 77.01(1)**
 Scope of rule, **RCP 77.02(1)**
 Transition re former rule, **RCP 77.09**

CAUSE OF ACTION

None disclosed in pleading, **RCP
 21.01(1)(b)**

**CERTIFICATE OF PENDING
 LITIGATION**

Claim must be in originating process,
RCP 42.01(2)
 Discharge, **RCP 42.02, § RCP42.02:1**
 Form, see Index in Forms Volume
 General provisions re, **CJA 103,
 § CJA103:1 to § CJA103:10; RCP
 42, § RCP42:1 to § RCP42.02:1**
 Leave to issue required, **RCP 42.01,
 § RCP42.01:1**
 Motion without notice, **RCP 42.01(3)**
 Service of order, **RCP 42.01(4)**

CERTIFICATES

Appeal from interlocutory order, contents
 of appellant's record, **RCP 62.01(7),
 62.01(9)**
 Appellant's, respecting evidence, **RCP
 61.04(1), 61.05(1), 62.02(8)**
 contents of appeal book, **RCP 61.10(1)**
 modifying order for transcript, **RCP
 61.05(6)**
 Appointment of estate trustee
 ancillary appointment, **RCP 74.09**
 certificate, **RCP 74.04, § RCP74.04:1**
 definition, **RCP 74.01**
 deposit equal to tax, **RCP 74.13**
 during litigation, **RCP 74.10,
 § RCP74.10:1**
 motion for return, **RCP 75.05(1)**

INDEX

CERTIFICATES—Cont'd

- Appointment of estate trustee—Cont'd
 - objection, **RCP 74.01, RCP 75.03, § RCP75.03:1**
 - originating process, **RCP 1.03, § RCP1.03:1, RCP 14.05, § RCP14.05:1, 14.01(2.1)**
 - release of certificate, **RCP 75.05(6)**
 - revocation, **RCP 75.04, § RCP75.04:1**
 - succeeding trustee, **RCP 74.06, § RCP74.06:1, 74.07**
 - without will, **RCP 74.05, § RCP74.05:1**
 - foreign estate trustee's nominee, **RCP 74.05.1**
 - with will, **RCP 74.04, § RCP74.04:1**
- Assessment of costs, **Form 58C, RCP 58.09**
 - appeals, **RCP 58.11, § RCP58.11:1, 62.01(1)**
 - enforcement of costs where no order awarding, **RCP 60.02, § RCP60.02:1**
 - withholding, objections, **RCP 58.10(1)**
- Completeness of appeal book, **Form 61H, RCP 61.10(1)**
- Forms, see Index in Forms Volume
- Pending litigation
 - See CERTIFICATE OF PENDING LITIGATION
- Perfection
 - appeal, **RCP 61.09(3), 61.09(5)**
 - judicial review proceeding, **RCP 68.05, 68.06**
- Respondent's, respecting evidence, **RCP 61.05(2), 61.05(3)**
 - contents of appeal book, **RCP 61.10(1)**
 - modifying order for transcript, **RCP 61.05(6)**
- Solicitor's
 - affidavit of documents, **RCP 30.03(4)**
 - setting down action, **RCP 48.03(1)**
- Stay pending appeal, **RCP 63.03(4)**
- Support or custody orders, **RCP 63.02(3)**
- Supreme Court of Canada, entry, **RCP 59.05(4)**

CERTIFIED COPIES

- Court documents, **RCP 4.03**
- Discovery, **RCP 30.10(4)**

CHAMBERS

- See MOTIONS

CHANGE OF ACCOUNT

- Mortgage action, notice to defendant, **RCP 19.02(3), 64.06(21)**

CHANGE OF NAME

- Generally, **FLR 35**

CHANGE OF VENUE

- See PLACE OF TRIAL; TRIALS

CHATELS

- Interim recovery, **RCP 44, § RCP44:1 to RCP 44.08**
- Recovery, signing default judgment, **Form 19C, RCP 19.04(1)**

CHIEF JUDGE OR JUSTICE

- Directions, motions in complicated proceeding, **RCP 37.15(1)**
- Intervention in appellate court, **RCP 13.03, § RCP13.03:1**

CHILD PROTECTION

- See FAMILY LAW RULES

CHILDREN

- See also MINORS
- Custody or access, claim for, service outside Ontario, **RCP 17.02(k)**

CHILDREN'S LAWYER

- Abandonment of application, notice to, **RCP 38.08(4)**
- Appointment as litigation guardian, **RCP 7.03, § RCP7.03:1, RCP 7.04, § RCP7.04:1**
- Examination for discovery, **RCP 31.03(5)**
- Filing report before trial, **RCP 48.03(2)**
- General provisions re, **CJA 89, § CJA89:1**
- Notice of applications concerning estates of minors, **RCP 67.01**
- Notice of discontinuance of action, **RCP 23.01(2)**
- Notice of motion to dismiss for delay, **RCP 24.02**
- Partition or sale proceedings, **RCP 66.01(2)**
- Payment out of court
 - party under disability, **RCP 72.03(10) to 72.03(14)**
 - under order or report, **RCP 72.03(3)**

CHILDREN'S LAWYER—Cont'd

- Report in divorce actions, **CJA 112, § CJA112:1, FLR 21, § FLR21:1**
- Representing minors, proceedings against minors, **RCP 7.03(2)**
- Service
 - motion for removal of minor's solicitor, **RCP 15.04(3)**
 - on a minor, **RCP 16.02(1)**
 - order affecting minor, **RCP 59.03(5)**
 - order removing minor's solicitor of record, **RCP 15.04(3)**

CHOOSE IN ACTION

- Assignment, joinder of assignor, **RCP 5.03(3)**

CITATION OF RULES

- Generally, **RCP 1.01**

CIVIL RULES COMMITTEE

- Continuation and composition of, **CJA 65**
- Power to make rules, **CJA 66, § CJA66:1**

CLAIMS

- Adverse regarding property
 - See INTERPLEADER
- Arising from same transaction or occurrence, joinder, **RCP 5.02**
- Contested, references, **RCP 55.03(4)**
- Counterclaims
 - See COUNTERCLAIMS
- Crossclaims
 - See CROSSCLAIMS
- Fourth and subsequent parties, **RCP 29.11, § RCP29.11:1, 29.12**
 - See also THIRD PARTIES
- Joinder, **RCP 5.01, § RCP5.01:1**
 - foreclosure actions, **RCP 64.03(5)**
 - persons jointly entitled to relief, **RCP 5.03(2)**
 - redemption actions, **RCP 64.05(3)**
 - relief against, **RCP 5.05, § RCP5.05:1**
 - sale actions, **RCP 64.04(4)**
- Joint and several liability, offers to contribute, **Form 49D, RCP 49.12, § RCP49.12:1**
- Jury trials, answers sufficient for judgment, **RCP 52.08(2)**
- Mortgage actions, proof by encumbrancer, **RCP 64.03(8), 64.03(12) to 64.03(14), 64.03(18), 64.03(19), 64.05(9)**

CLAIMS—Cont'd

- Offers to settle
 - See OFFERS TO SETTLE
- Pleadings
 - affirmative defence, **RCP 25.07(4)**
 - condition precedent, **RCP 25.06(3)**
 - damages and other relief, **RCP 25.06(9)**
 - different version of facts, **RCP 25.08(1)**
 - material facts, **RCP 25.06(1)**
 - raising new ground, **RCP 25.06(5)**
- Property seized by sheriff in execution, **RCP 60.13**
 - contested, references, **RCP 55.03(4)**
 - examination of claims, **RCP 55.03(3)**
 - filing, **RCP 55.03(2)**
- Third party
 - See THIRD PARTIES

CLASS ACTIONS

- Generally, **RCP 12, § RCP12:1 to § RCP12.08:1**
- See CLASS PROCEEDINGS

CLASSES

- References, representation by same solicitor, **RCP 55.02(8)**
- Representation orders, **RCP 10.01(1)**

CLASS PROCEEDINGS

- Appeals
 - certification orders, **CP 30(1), CP 30(2)**
 - class members, **CP 30(4) to CP 30(6)**
 - individual claims, **CP 30(6) to CP 30(11)**
 - judgment on common issues or liability, **CP 30(3)**
 - leave to appeal, **CP 30(9) to CP 30(11), RCP 12.06**
- Application of rule re, **RCP 12.04, § RCP12.04:1**
- Certification
 - contents of order, **CP 8, § CP8:1**
 - motion by any party, **CP 4, § CP4:1**
 - motion by defendant, **CP 3**
 - motion by plaintiff, **CP 2(2)**
 - timing, **CP 2(3)**
 - multi-jurisdictional proceeding, **CP 5.1**
 - notice
 - contents, **CP 8, § CP8:1, CP 17**
 - costs, **CP 22**

CLASS PROCEEDINGS—Cont'd

- Certification—Cont'd
 - notice—Cont'd
 - court approval, **CP 20(3)**
 - delivery, **CP 21**
 - individual participation required, where, **CP 18**
 - opting out, **CP 9, § CP9:1**
 - powers of court to amend, decertify, **CP 10, § CP10:1**
 - protecting interests of affected persons, **CP 19, § CP19:1**
 - refusal to certify, **CP 7, § CP7:1**
 - requirements, **CP 5, § CP5:1 to § CP5:7, CP 6, § CP6:1, CP 20, § CP20:1**
- Class proceeding
 - defendant's, **CP 3**
 - plaintiff's, **CP 2, § CP2:1**
- Conduct of proceeding
 - award amounts, cy-pr0201s distribution, **CP 27.2, § CP27.2:1**
 - carriage motions, **CP 13.1, § CP13:1**
 - determination of liability, **CP 24, § CP24:1**
 - individual issues, **CP 25, § CP25:1**
 - motions heard by same judge, **CP 34, § CP34:1**
 - participation of class members, **CP 14, § CP14:1**
 - powers of court, **CP 12, § CP12:1**
 - procedures for determining individual claims, **CP 24, § CP24:1**
 - statistical evidence, **CP 23, § CP23:1**
 - stay of other proceedings, **CP 13, § CP13:1**
 - time limits for making claims, **CP 24(7) to CP 24(9)**
- Costs, **CP 31, § CP31:1, RCP 12.04, § RCP12.04:1**
- Determining same or similar subject matter, **CP 1.1**
- Discontinuance or abandonment, **CP 29, § CP29:1**
- Discovery of parties, **CP 15, § CP15:1, RCP 12.03, § RCP12.03:1**
- Dismissal for delay, **CP 29, CP 29.1, § CP29:1, § CP29.1:1**
- Early resolution of issues, **CP 4.1, § CP4.1:1**
- Fees, **CP 32, § CP32:1, CP 33, § CP33:1**

CLASS PROCEEDINGS—Cont'd

- Judgment
 - binding effect, **CP 27, § CP27:1**
 - contents, **CP 27, § CP27:1, RCP 12.05**
 - distribution, **CP 26, § CP26:1**
- Limitations, **CP 28, § CP28:1**
- Non-application of Act, **CP 37, § CP37:1**
- Representative defendant, proceeding against, **RCP 12.07, § RCP12.07:1**
- Rules of court apply, **CP 36**
- Settlement
 - court approval, **CP 27.1, § CP27.1:1, CP 29, § CP29:1**
- Subrogated claims, **CP 27.3**
- Third-party funding agreements, **CP 33.1, § CP33.1:1**
- Title of proceeding, **RCP 12.02**
- Unincorporated association or trade union, proceeding by, **RCP 12.08, § RCP12.08:1**

COMMENCEMENT OF PROCEEDINGS

- See also **ORIGINATING PROCESS**
- Administration proceeding, **RCP 65.01(1)**
- Appeals
 - persons to be served, **RCP 61.04(1)**
 - time for appeal, **RCP 61.04(1)**
- Applications for judicial review, **RCP 68.01**
- Demand for declaration of authority, **RCP 15.02(1)**
- Family law proceedings, **FLR 5, § FLR5:1, RCP 8, § RCP8:1 to RCP 8.07**
- Generally, **RCP 14, § RCP14:1 to RCP 14.10**
- Minors' estates, proceedings concerning, **RCP 67.01**
- Motions before, **RCP 37.17, § RCP37.17:1**
- Partition or sale of land, **RCP 66.01, § RCP66.01:1**
- Place of commencement, **RCP 13.1, § RCP13.1:1**
 - choice of place, **RCP 13.1.01(2)**
 - mortgage claims, **RCP 13.1.01(3)**
 - statute or rule governing, **RCP 13.1.01(1)**
- transfer
 - effect of order re, **RCP 13.1.02(8)**

COMMENCEMENT OF

PROCEEDINGS—Cont'd

- Place of commencement, **RCP 13.1**,
§ **RCP13.1:1**—Cont'd
- transfer—Cont'd
 - initiative of regional senior judge,
on, **RCP 13.1.02(4) to**
13.1.02(7)
 - motion to transfer to another county,
RCP 13.1.02(1) to 13.1.02(3)
- Stay of proceeding commenced without
authority, **RCP 15.02(2), 15.02(5)**
- Without client's authority, **RCP 15.02(4)**
- Without solicitor's authority, **RCP**
15.02(3)

COMMISSION EVIDENCE

- Examinations out of Ontario, **RCP 36.03**
- Taking evidence before trial, persons out
of Ontario, **RCP 34.07**,
§ **RCP34.07:1**

COMMITTAL

- Contempt motions, imprisonment, **RCP**
60.11(7)

COMMON LAW

- Administered concurrently with equity,
CJA 96(1)
- Conflict with equity, effect, **CJA 96(2)**

COMMUNICATIONS OUT OF COURT

- Generally, **RCP 1.09**, § **RCP1.09:1**

**COMPELLING ATTENDANCE OF
WITNESSES**

- Examination out of court, **RCP 34.04**,
§ **RCP34.04:1**
- References, **RCP 55.02(14)**
- Trial, **RCP 53.04**, § **RCP53.04:1 to RCP**
53.07, § **RCP53.07:1**

COMPROMISE

- See **OFFERS TO SETTLE; SETTLE-**
MENTS

COMPUTATION OF TIME

- Generally, **RCP 3**, § **RCP3:1 to**
§ **RCP3.04:1**

CONCLUSION OF LAW

- Pleading, **RCP 25.06(2)**

CONDITION OF MIND

- Pleading, **RCP 25.06(8)**

CONDITIONS OF SALE

- References, **RCP 55.06(2), (3)**

CONDITIONS PRECEDENT

- Pleading, **RCP 25.06(3)**

CONDUCT MONEY

- See **ATTENDANCE MONEY; WIT-**
NESSES

CONFERENCES

- Family law proceedings
See **FAMILY LAW RULES**
- Pre-trial
See **PRE-TRIAL CONFERENCE**

CONFIRMATION

- Appellant's certificate respecting evi-
dence, **RCP 61.05(3)**
- Motions and applications, need to confirm
hearing date Toronto, Advisory
Notice, **RCP 37**, § **RCP37:1 to**
§ **RCP37.17:1**
- Reports on references, **RCP 54.07 to**
RCP 54.09, § **RCP54.09:1**

CONFLICTING DECISIONS

- See **SPECIAL CASE**

CONSENT

- Adding party as plaintiff or applicant,
RCP 5.04(3)
- Adoption proceedings, **FLR 34(10) to**
FLR 34(14)
- Amendment of pleadings, **RCP 26.02**,
§ **RCP26.02:1**
- Applications, delivery of affidavit after
cross-examining, **RCP 39.02(2)**
- Defendant noted in default, **RCP 19.02(2)**
- Determination of question before trial,
admission of evidence, **RCP**
21.01(2)(a)
- consent of plaintiff to step by
defendant, **RCP 19.02(1)(b),**
19.03(2)
- Directing reference, **RCP 54.02**,
§ **RCP54.02:1**
- Discontinuance, **RCP 23.01(1)(c)**
effect on subsequent action, **RCP**
23.04(1)
- Examinations out of court, **RCP 34.06**
taking evidence before trial, **RCP**
36.01, § **RCP36.01:1**
- Extending or abridging time, **RCP 3.02(4)**

INDEX

CONSENT—Cont’d

- Family law proceedings
 - child support variation motions, **FLR 15(9) to FLR 15(11)**
 - financial statements, re, **FLR 13(8)**
 - orders, **FLR 25(1)**
 - questioning witness and disclosure, **FLR 20(4), FLR 20(5)**
- Joinder of necessary parties, **RCP 5.03(5)**
- Judgment in main action
 - notice to third party, **RCP 29.06(b)**
 - parties under disability, **RCP 7.08(2), 7.08(2.1)**
- Litigation guardian agreeing to act, **RCP 7.02(2)**
- Medical examinations, **RCP 33.08, § RCP33.08:1**
- Minor over sixteen, approval of settlement, **RCP 7.08(4), 7.08(4.1)**
- Minors’ estate, consent of minor, **RCP 67.03**
- Motions
 - absence of the public, **RCP 37.11(1)**
 - delivering affidavit after cross-examining, **RCP 39.02(2)**
 - reference, consent of referee for motion to judge or associate judge, **RCP 54.05(1)**
- Payment out of court, **RCP 72.03(1), 72.03(4)**
 - insurer on behalf of party, **RCP 72.03(6)**
 - payment directly to solicitor, **RCP 72.03(8)**
- Pleading subsequent to reply, **RCP 25.01(5)**
- References, payment out of court, **RCP 55.05(3), 55.06(14)**
- Trials
 - appointment of experts, **RCP 52.03(1)** during December 24-January 6, **RCP 3.03(1)**
 - return of exhibits, **RCP 52.04(2)**
- Withdrawal of admissions, **RCP 51.05, § RCP51.05:1**
- Withdrawal of statement of defence, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**

CONSOLIDATION OF PROCEEDINGS

- Generally, **RCP 6, § RCP6:1 to § RCP6.1.01:1**
- In different courts, **CJA 107, § CJA107:1**

CONSOLIDATION OF PROCEEDINGS

—Cont’d

- In same court, **RCP 6, § RCP6:1 to § RCP6.1.01:1**
- Separate hearing re particular issue, **RCP 6.1, § RCP6.1:1 to § RCP6.1.01:1**

CONSTITUTIONAL QUESTIONS

- General provisions re, **CJA 109, § CJA109:1**
- Notice to be given, **RCP 4.11**

CONSUL

- Representative of foreign residents, **CJA 145**

CONTEMPT ORDERS

- Affidavit in support of order, **RCP 60.11(3)**
- Contents of order, **RCP 60.11(5)**
- Corporations in contempt, **RCP 60.11(6)**
- Debtor defeating or defrauding creditors, **RCP 60.18(5)**
- Directions, **RCP 60.11(8)**
- Discharge, **RCP 60.11(8)**
- Examination out of court, failure to comply with order, **RCP 34.15(2)**
- Fine, **RCP 60.11(5)**
 - enforcement, **CJA 143(2), CJA 143(3)**
- Generally, **RCP 60.09**
- How obtained, **RCP 60.11(1)**
- Imprisonment, **RCP 60.11(5)**
- Injunction or mandatory order, enforcement, **RCP 60.05, 60.11**
- Ordering act to be done by another, **RCP 60.11(9), 60.11(10)**
- Service of notice of motion, **RCP 60.11(2)**
- Setting aside, **RCP 60.11(8)**
- Small claims court order, **CJA 30**
- Variation, **RCP 60.11(8)**
- Warrant for arrest, **Form 60K, RCP 60.11(4)**
- Warrant of committal, **Form 60L, RCP 60.11(7)**
- Where available, **RCP 60.11(1)**
- Writ of sequestration, **Form 60B, RCP 60.11(5)**

CONTINGENCY FEE AGREEMENTS

[REPEALED]

- Contents of
 - general, **O. Reg. 195/04, 2**



CONTINGENCY FEE AGREEMENTS

[REPEALED]—Cont'd

- Contents of—Cont'd
 - litigious matters, **O. Reg. 195/04, 3**
- Costs and disbursements, exclusion of, **O. Reg. 195/04, 6**
- Damages, not to exceed, **O. Reg. 195/04, 7**
- Disbursements and taxes, **O. Reg. 195/04, 9**
- Matters not to be included in, **O. Reg. 195/04, 4**
- Person under disability, **O. Reg. 195/04, 5**
- Settlement/judgment money held in trust, **O. Reg. 195/04, 8**
- Signing and dating, **O. Reg. 195/04, 1**
- Timing of assessment of, **O. Reg. 195/04, 10**

CONTRACTS

- Claims concerning, service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**
- Interpretation
 - application to determine rights, **RCP 14.05(3)(d)**
 - representation order, **RCP 10.01(1)**

CONTRIBUTION

- Crossclaim against co-defendant, **RCP 28.01(2)**
- Offer to contribute to settlement, **RCP 49.12, § RCP49.12:1**

CONVERSATIONS

- Pleading purport, **RCP 25.06(7)**

CONVERSION OF MORTGAGE ACTIONS

- See FORECLOSURE, SALE AND REDEMPTION

COPIES

- Certified, discovery of documents, **RCP 30.10(4)**
- Certified copies of court documents, **RCP 4.03**
- Documents produced for inspection, **RCP 30.04(7)**
- Minutes of settlement, filing with assessment officer, **RCP 57.04**
- Notice of garnishment, sending to sheriff, **RCP 60.08(3)**

COPIES—Cont'd

- Orders
 - entry, **RCP 59.05(2)**
 - filing, **RCP 59.05(1)**
 - filing for writ of seizure and sale, **RCP 60.07(1), 60.07(1.1)**
 - filing in garnishment matters, **RCP 60.08(4)**
- Reasons for decision, filing, **RCP 59.02(2)**
- Report on reference, filing, **RCP 54.09(1)**

CORPORATIONS

- Affidavits, **RCP 4.06(5)**
- Contempt, **RCP 60.11(6)**
- Controlled by party, discovery of documents, **RCP 30.02(4)**
- Discovery of documents, subsidiary or affiliate, **RCP 30.01(2), 30.02(4)**
- Examination for discovery, **RCP 31.03(2), 31.03(3)**
- Examination in aid of execution, **RCP 60.18(3)**
- Personal service, **RCP 16.02(1)(c)**
- Representation, solicitor required, **RCP 15.01(2)**
- Security for costs, **RCP 56.01, § RCP56.01:1 to § RCP56.01:8**
- Service by mail, **RCP 16.03(6)**

CORRECTIONS

- See ERRORS AND OMISSIONS

COSTS

- Abandoned appeals, **RCP 61.14(3), 61.14(4)**
- Abandoned applications, **RCP 38.08(3)**
- Abandoned motions, **RCP 37.09(3)**
- Abuse of process, motions, **RCP 37.16, § RCP37.16:1**
- Action brought in wrong court, **RCP 57.05, § RCP57.05:1**
- Admissions
 - denial of authenticity, **RCP 51.04, § RCP51.04:1**
 - refusal to admit, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9, 51.04**
- Amendment of pleadings, compensation for prejudice, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**
- Appeals
 - abandonment, **RCP 61.14(3), 61.14(4)**

INDEX

COSTS—Cont'd

- Appeals—Cont'd
 - dismissal for delay, **RCP 61.12(3)**
 - failure to proceed with cross-appeal, **RCP 61.15(2)**
 - sanctions for unnecessary evidence, **RCP 61.05(8)**
- Assessment
 - abandoned appeal, application or motion, **RCP 58.07**
 - absence of opposite party, **RCP 3.03(2)**
 - allowable costs, **RCP 58.05(1)**
 - appeal from assessment, **RCP 58.11, § RCP58.11:1**
 - application of rules, transitional provisions, **RCP 1.02(4)**
 - assessment officer to assess, **RCP 58.02(1)**
 - bill of costs
 - failure to respond to notice to deliver, **RCP 58.04(4)**
 - failure to serve, consequences, **RCP 58.04(1)**
 - filing, **RCP 58.03(1)**
 - filing and serving in response to notice to deliver, **RCP 58.04(3)**
 - service, **RCP 57.01(5), 58.03(2)**
 - certificate of assessment, **Form 58C, RCP 58.09**
 - costs not fixed to be assessed, **RCP 57.01(3)**
 - costs of assessment itself, **RCP 58.05(6)**
 - default judgment, **RCP 19.04(6)**
 - default judgment within monetary jurisdiction of Ontario Court of Justice, **RCP 57.05(3)**
 - directions concerning conduct, **RCP 58.05(4)**
 - directions to assessment officer, **RCP 57.02(1), 57.02(2), 58.06(2)**
 - disbursements to be allowed, **RCP 58.05(3)**
 - exceptional cases, **RCP 57.01(3.1), 57.03(1)**
 - factors to be considered, **RCP 58.06(1), 58.06(2)**
 - fixing costs required, **RCP 57.01(3)**
 - general rule, **RCP 58.01, § RCP58.01:1**
 - law clerk's costs, **RCP 58.05(2)**

COSTS—Cont'd

- Assessment—Cont'd
 - location, **RCP 58.02(1), 58.02(2)**
 - notice of appointment, **RCP 58.03(1), 58.03(2)**
 - notice to deliver bill of costs, **RCP 58.04**
 - objections to decision, **RCP 58.10(1)**
 - reasons for decision in writing, **RCP 58.10(4)**
 - reconsideration and review, **RCP 58.10(3)**
 - reply, **RCP 58.10(2)**
 - passing of accounts, **RCP 58.08(1), 58.08(2)**
 - payment in accordance with tariff, **RCP 58.05(1)**
 - payment out of fund or estate, **RCP 58.08(2)**
 - production of books and documents, **RCP 58.05(4)**
 - reconsideration and review, **RCP 58.10(3)**
 - set off of costs, **RCP 58.05(5)**
 - sheriff's, **RCP 58.12**
 - stay pending appeal, effect, **RCP 63.03(2)**
 - student-at-law's costs, **RCP 58.05(2)**
 - Toronto, location for assessments, **RCP 58.02(2)**
 - trustees, **RCP 58.08(1), 58.08(2)**
 - withholding certificate, **RCP 58.10(1)**
- Award of, **CJA 131, § CJA131:1 to § CJA131:15, RCP 57.01(4)**
- Certificate of assessment
 - appeals from, procedure, **RCP 62.01(1)**
 - enforcement of payment of costs, **RCP 60.02(2), 60.02(3)**
 - estate proceedings, **RCP 75.07.1(b)**
 - withholding, objections, **RCP 58.10, § RCP58.10:1**
- Compensation by costs
 - amendment of pleadings, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**
 - joinder, **RCP 5.05, § RCP5.05:1**
- Costs outline, **RCP 57.01(6)**
- Counterclaims, **RCP 27.09(3)**
 - effect of dismissal of action for delay, **RCP 24.03**
- Crossclaims, effect of dismissal of action for delay, **RCP 24.04**

COSTS—Cont'd

Cross-examination on affidavit, motion, **RCP 39.02(4)**
 Crown costs, **CJA 131(2)**
 Default judgments, **RCP 19.04(6)**, **57.05(3)**
 Defendant paying claim, **RCP 14.10(1)** where amount claimed excessive, **RCP 14.10(2)**
 Directions to assessment officer, **RCP 57.02(1)**, **57.02(2)**, **58.06(2)**
 Discontinuance, **RCP 23.05**, **§ RCP23.05:1**
 stay of subsequent action pending payment, **RCP 23.04(2)**
 Discretion of court
 factors, **RCP 57.01(1)**
 general provision, **CJA 131(1)**
 Dismissal of action for delay, **RCP 24.04**
 stay of subsequent action pending payment, **RCP 24.05(2)**
 Enforcement of orders
 costs allowed, **RCP 60.19(1)**
 costs recoverable under notice of garnishment or writ of execution, **RCP 60.19(2)**
 Enforcement of payment of costs, **RCP 60.02(2)**, **60.02(3)**
 Estate proceedings, **RCP 75.07.1(b)**
 Examination for discovery of non-party, **RCP 31.10(4)**
 Examinations out of court, improper conduct or adjournment, **RCP 34.14(2)**
 Factors in exercise of court's discretion, **RCP 57.01(1)**
 Family law proceedings
 See FAMILY LAW RULES
 Fee waiver
 schedule of fees, **O. Reg. 2/05**
 Fixed by registrar, **RCP 58.13**
 Fixing without assessment, **RCP 57.01(3)**
 Foreclosure actions
 adding subsequent encumbrancers as defendants, **RCP 64.03(3)**
 redemption by named defendant, **RCP 64.03(12)**
 Forms, see Index in Forms Volume
 Fund or estate, assessment, **RCP 58.08(2)**
 Generally, **RCP 56**, **§ RCP56:1 to RCP 58.13**

COSTS—Cont'd

Interim recovery of personal property, condition of security, **RCP 44.04**
 Interpleader, paid out of property or proceeds, **RCP 43.04(1)(c)**
 Judicial review proceedings, dismissal for delay, **RCP 68.06(3)**
 Litigation guardian
 liability for costs, **RCP 7.02(2)(h)**
 recovery by, **RCP 57.06**, **§ RCP57.06:1**
 Mortgage references, assessed by referee, **RCP 64.06(3)**
 Motions
 abandoned motions, **RCP 37.09(3)**
 contested motions, **RCP 57.03(1)**
 cross-examination on affidavit, **RCP 39.02(4)**
 determining issues before trial, **RCP 21.02**, **§ RCP21.02:1**
 examinations out of court, improper conduct or adjournment, **RCP 34.14(2)**
 order that person do an act, **RCP 60.11(9)**
 proposal for settling motion, **RCP 49.02(2)**
 without notice, **RCP 57.03(3)**
 Offer to contribute, multiple defendants, **RCP 49.12(2)**
 Offer to settle, **RCP 49.07(5)**
 burden of proof, **RCP 49.10(3)**
 defendant's, **RCP 49.10(2)**
 general discretion of court, **RCP 49.13**, **§ RCP49.13:1**
 multiple defendants, **RCP 49.12(1)**
 plaintiff's, **RCP 49.10**, **§ RCP49.10:1 to § RCP49.10:8**
 Partial indemnity, solicitors' fees and disbursements, **TARIFF A**
 Parts of proceeding or particular issues, **RCP 57.01(4)**
 Party acting in person, **RCP 57.01(4)(e)**
 Passing of accounts, **RCP 58.08(1)**, **58.08(2)**
 Passing of estate accounts, **RCP 74.18(10)**
 Payment out of court, **RCP 72.03(8)**
 party under disability, **RCP 72.03(13)**
 Payment out of fund or estate, **RCP 58.08(2)**

INDEX

COSTS—Cont'd

Payment to person entitled, **RCP 59.03(6)**
Payment to solicitor directly, **RCP 72.03(8)**
Pre-trial conferences, **RCP 50.12**
Process for fixing, **RCP 57.01(7)**
Recovery without order awarding costs, **RCP 60.02(2), 60.02(3)**
Redemption action
liability of defendant, **RCP 64.05(10)**
order for dismissal, **RCP 64.05(6)**
References
parties represented by separate solicitors, **RCP 55.02(9)**
Registrar fixing costs, **RCP 58.13**
Requisition for default judgment, **RCP 19.04(2)(e)**
Sale action
application of purchase money, **RCP 64.04(13)**
redemption by named defendant, **RCP 64.04(9)**
Security for costs
amount and form, **RCP 56.04**
appeals, **RCP 61.06, § RCP61.06:1**
declaration of plaintiff's place of residence, **RCP 56.02, § RCP56.02:1**
default by plaintiff in giving security, **RCP 56.06, § RCP56.06:1**
effect of order, **RCP 56.05, § RCP56.05:1**
form of order, **RCP 56.05, § RCP56.05:1**
general discretion of court, **RCP 56.09, § RCP56.09:1**
generally, **RCP 56, § RCP56:1 to § RCP56.09:1**
grounds for making order, **RCP 56.01, RCP 56.09, § RCP56.09:1**
motion for security, **RCP 56.03, § RCP56.03:1, § RCP56.03:2**
notice of compliance with order, **RCP 56.08**
payment out of court, **RCP 72.03(4)**
request for sale by encumbrancer, **RCP 64.03(18) to 64.03(21)**
time for furnishing security, **RCP 56.04**
variation of amount, **RCP 56.07, § RCP56.07:1, § RCP56.07:2**
Set off, **RCP 58.05(5)**
Settlements, **RCP 57.04**

COSTS—Cont'd

Sheriffs fees
schedule of fees, **O. Reg. 294/92**
Solicitor's liability for costs, **RCP 57.07, § RCP57.07:1**
declaration of authority to commence proceeding, **RCP 15.02(1)**
grounds for making order, **RCP 57.07(1)**
notice to client, **RCP 57.07(3)**
procedure, **RCP 57.07(2), 57.07(3)**
proceeding commenced without client's authority, **RCP 15.02(4)**
representations by solicitor on issue, **RCP 57.07(2)**
Substantial indemnity, entitlement on offer to settle, **RCP 49.10(1)**
Successful party ordered to pay, **RCP 57.01(2)**
Summary judgment
party acting in bad faith, **RCP 20.06(b)**
Third parties, effect of dismissal of action for delay, **RCP 24.04**
Trustees, **RCP 58.08(1)**
Witness who fails to attend, **RCP 53.04(8)**

COUNSEL

See also **SOLICITORS**
Answering on examinations for discovery, **RCP 31.08, § RCP31.08:1**
Factums, signature in appeal, **RCP 61.10, § RCP61.10:1, 61.12(3)**
Factums, signature in judicial review, **RCP 68.04(3), 68.04(6)**
Jury trials, right to address jury, **RCP 52.07(4)**

COUNTER-APPLICATION

Generally, **RCP 38.03(4)**

COUNTERCLAIMS

See also **PLEADINGS**
Against non-party to main action
defined as originating process, **RCP 1.03, § RCPI.03:1**
issuing, **RCP 27.03, § RCP27.03:1**
title of proceeding, **RCP 27.03(b)**
Amending defence to add
against person not already party, **RCP 27.07(2)**
against persons already parties only, **RCP 27.07(1)**

COUNTERCLAIMS—Cont'd

Amending defence to add—Cont'd
 response, **RCP 27.07, § RCP27.07:1**

Amendment of pleadings, service, **RCP 26.04(1), 26.04(2)**

By defendant to counterclaim, **RCP 27.10, § RCP27.10:1**

By defendant to crossclaim, **RCP 27.10, § RCP27.10:1**

By third party, **RCP 27.10, § RCP27.10:1**

Commencement
 against non-party, **RCP 27.03, § RCP27.03:1**
 against persons already parties, **RCP 14.01(2)**

Costs on disposition, **RCP 27.09(3)**

Crossclaims between defendants, **RCP 28.11**

Default proceedings, **RCP 19.09**

Defendant not party to main action, **RCP 27.03, § RCP27.03:1**

Discontinuance of main action, **RCP 23.02**

Dismissal
 failure to attend, **RCP 52.01(2)**
 for delay, **RCP 24.06**

Disposition
 claim in main action not disputed, **RCP 27.09(1)**
 counterclaim not disputed, **RCP 27.09(2)**
 successful claim and counterclaim, **RCP 27.09(3)**

Forms, see Index in Forms Volume

Generally, **RCP 27, § RCP27:1 to § RCP27.10:1**

Joining defendants to counterclaim, **RCP 27.01(2)**

Litigation guardian, **RCP 7.03(3)**

Order to assert claim by way of counterclaim, **RCP 6.01(1)**

Pleadings, **RCP 25.01(2)**
 documents referred to in pleadings, **RCP 25.03(4)**
 service, **RCP 25.03(1)**
 service on added parties, **RCP 25.03(2)**
 time for delivery, **RCP 25.04(3), 25.04(4)**

Procedural steps, **§ PG:2**

Reply and defence to counterclaim, **RCP 27.05(2)**

COUNTERCLAIMS—Cont'd

Service, **RCP 27.04(2)**
 defendant noted in default, **RCP 19.02(3)(b)**
 outside Ontario, **RCP 17.02(q)**
 personal service, **RCP 27.04(3)**
 third party claims, **RCP 29.02(2)**

Setting down for trial, **RCP 48.01, § RCP48.01:1**

Statement of defence and counterclaim, **RCP 27.02, § RCP27.02:1**

Summary judgments, **RCP 20.09, § RCP20.09:1**
 stay of execution, **RCP 20.08, § RCP20.08:1**

Third party claim by defendant, **RCP 29.13**

Time for delivery
 all parties to main action, **RCP 27.04(1)**
 new party brought in, **RCP 27.04(2)**

Time for delivery of defence
 defendant not party to main action, **RCP 27.05(3)**
 party to main action, **RCP 27.05(1)**

Time for delivery of reply to defence, **RCP 27.06**

Time for delivery of statement of defence, **RCP 18.02(3)(a)**

Title, **RCP 27.02, § RCP27.02:1, 27.03(b)**

Trial
 at trial of main action, **RCP 27.08(1)**
 separate trial or as separate action, **RCP 27.08(2)**

Where available
 against plaintiff, **RCP 27.01(1)**
 against plaintiff and others, **RCP 27.01(2)**

Withdrawal by defendant, **RCP 23.07**

COUNTERPETITIONS

See PLEADINGS

COUNTY

Definition, **RCP 1.03, § RCP1.03:1**
 Place of hearing motions, **RCP 37.03, § RCP37.03:1**

COURT FEES

Disposition after payment, **CJA 94**

INDEX

COURT FILES

- Motions, file not to be before judge or associate judge, **RCP 37.10(1)**
- Number on documents, **RCP 4.02(1), 4.02(3)**
- Orders, filing copy, **RCP 59.05(1)**
- Place of filing documents, **RCP 4.05(2)**
- Reasons to be filed, **RCP 59.02(3)**

COURT OF APPEAL

- See also APPEALS
- Additional judges, **CJA 3(2), CJA 3(3)**
- Chief justice
 - absence of, **CJA 5(2)**
 - associate chief justice, absence of, **CJA 5(3)**
 - powers and duties of, **CJA 5(1)**
- Composition of
 - for hearings, **CJA 7(1)**
 - for motions, **CJA 7(2) to CJA 7(5)**
- Constitution, **CJA 2**
- Intervention of person in proceeding, **RCP 13.03(2)**
- Jurisdiction, **CJA 6, § CJA6:1**
 - appealable orders, **CJA 6(1)**
 - combining appeals, **CJA 6(2)**
 - transfer of appeal, **CJA 6(3)**
- Leave not required for second appeal, **CJA 6(1.0.1)**
- Leave required for second appeal, **CJA 6(1.1), CJA 6(1.2)**
- Meeting of judges of, **CJA 9**
- Motion to set aside, vary or amend order, **RCP 37.14(6)**
- References by Lieutenant Governor, **CJA 8**
- Sittings, **CJA 5**
- Special case, **RCP 22.03(1), RCP 22.05, § RCP22.05:1, 22.03(2)**
- Superior Court of Justice judges, **CJA 4**
- Supernumerary judges, **CJA 3(4)**

COURT OF ONTARIO

- Continuation of, **CJA 10(1)**
- Divisional Court
 - See Divisional Court
- Divisions of, **CJA 10(2)**
- Ontario Court of Justice
 - See Ontario Court of Justice
- President of, **CJA 10(3)**

COURT OF ONTARIO—Cont'd

- Superior Court of Justice
 - See Superior Court of Justice

COURT REPORTERS

- Fees, assessment of costs, **RCP 58.05(1)**
- Notice when evidence on appeal transcribed, **RCP 61.05(7)**

COURTS

- Administration goals, **CJA 71**
- Advisory Council, Ontario Courts, **CJA 78**
- Annual reports, **CJA 79.3**
- Attorney General to superintend, **CJA 72**
- Court rooms, assignment, **CJA 76**
- Definition, **RCP 1.03, § RCP1.03:1**
- Divisional Court
 - See DIVISIONAL COURT
- Documents
 - access of public to, **CJA 137, § CJA137:1**
 - destruction of, **CJA 74**
- Family court
 - See FAMILY COURT
- Fees, disposition after payment, **CJA 94**
- Jurisdiction
 - associate judge, **RCP 37.02(2)**
 - judges, motions, **RCP 37.02(1)**
 - references, **RCP 54.03, § RCP54.03:1**
 - registrar, **RCP 37.02(3)**
- Management Advisory Committee, Ontario Courts, **CJA 79**
- Management Advisory Committee, Regional Courts, **CJA 79.1, § CJA79.1:1, CJA 79.2**
- Memoranda of understanding, **CJA 77**
- Names, refs. to former, **CJA 1.1**
- Offices
 - transaction of business in office, **RCP 4.05(1), 4.05(4)**
- Payment into and out of court
 - See PAYMENT INTO COURT; PAYMENT OUT OF COURT
- Powers of Chief or regional senior judge, **CJA 75**
- Regions, **CJA 74**
- Seals, **CJA 147**
- Special case, hearing of, **RCP 22.05, § RCP22.05:1**
- Staff, appointment and direction, **CJA 73, CJA 76**

COURTS—Cont'd

Trial lists, preparation, **CJA 76**

CREDITORS

Adding as parties to estate or trust proceeding, **RCP 9.01(4)**
 Advertising, directions on references, **RCP 55.03(1)**
 Commencing proceedings for administration, **RCP 65.01(1)**
 Definition, enforcement of orders, **RCP 60.01, § RCP60.01:1**
 Definition, examination in aid of execution, **RCP 60.18(1)**
 Name and address on writ of seizure and sale, **RCP 60.07(12) to 60.07(12.3)**
 Notice admitting or disputing claims, property seized by sheriff, **RCP 60.13**
 References, order for payment out of money, **RCP 55.05(5)**
 Sale of property seized under writ, **RCP 60.07(23), 60.07(24)**

CREDIT UNION

Service of garnishment, **RCP 60.08(6)**

CRIMINAL PROCEEDINGS

Generally, **CJA 95(2)**

CRIMINAL RULES COMMITTEE

Continuation and composition of, **CJA 69**
 Criminal rules, power to make, **CJA 70**

CROSSCLAIMS

Amending defence to add, **RCP 28.03, § RCP28.03:1**
 parties to be served, **RCP 26.04(1)**
 Amendment of pleadings, proof of service, **RCP 26.04(2)**
 Between defendants to counterclaim, **RCP 28.11**
 Between third parties, **RCP 28.11**
 Commencement, **RCP 14.01(2)**
 Contribution from co-defendant, **RCP 28.01(2)**
 Costs, discontinuance of main action, **RCP 23.05, § RCP23.05:1**
 Counterclaim by defendant, **RCP 27.10, § RCP27.10:1**
 Default of defence, **RCP 28.07**
 Default proceedings, **RCP 19.09**

CROSSCLAIMS—Cont'd

Defence, **Form 28B, RCP 28.05, 28.06(1)**
 effect of default, **RCP 28.07**
 plaintiff's claim against co-defendant, **RCP 28.06(1)(b), 28.06(3)**
 time for delivery, **RCP 28.05**
 Discontinuance of main action, **RCP 23.03**
 costs, **RCP 23.05, § RCP23.05:1**
 Dismissal for delay, **RCP 24.04, 24.06**
 Failure to defend against plaintiff, **RCP 28.06(5)**
 Forms, see Index in Forms Volume
 Generally, **RCP 28, § RCP28:1 to RCP 28.11**
 Pleadings, **RCP 25.01(3)**
 service, **RCP 25.03(1)**
 service on added parties, **RCP 25.03(2)**
 time for delivery, **RCP 25.04(5)**
 Prejudice or delay to plaintiff, **RCP 28.10**
 Procedural steps, **§ PG:2**
 Reply to defence to crossclaim, **RCP 28.08**
 Reply to defence to plaintiff's claim, **RCP 28.06(4)**
 Service
 defendant noted in default, **RCP 19.02(3)(c)**
 third party claims, **RCP 29.02(2)**
 Service outside Ontario, **RCP 17.01, § RCP17.01:1, 17.02(q)**
 Setting down for trial, **RCP 48.01, § RCP48.01:1**
 Statement of defence and crossclaim, **RCP 28.02, § RCP28.02:1**
 personal service, **RCP 28.04(2)**
 time for delivery, **RCP 28.04(1)**
 Summary judgment, **RCP 20.09, § RCP20.09:1**
 stay of execution pending, **RCP 20.08, § RCP20.08:1**
 Third party claim by defendant, **RCP 29.13**
 Third party defence, **RCP 29.06, § RCP29.06:1**
 Title, **RCP 28.02, § RCP28.02:1**
 Trial, **RCP 28.09, § RCP28.09:1**
 Where available, **RCP 28.01, § RCP28.01:1**
 Withdrawal by defendant, **RCP 23.07**

INDEX

CROSSCLAIMS—Cont'd

Withdrawal of statement of defence, **RCP 23.06(1)**

CROSS-EXAMINATIONS

Affidavits

applications and motions, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3**

failure to deliver notice of appearance, **RCP 38.07(2)**

motions, **RCP 39.02(1)**

procedure, **RCP 34, § RCP34:1 to § RCP34.19:1, RCP 39.02, § RCP39.02:1 to § RCP39.02:3**

taking of accounts, references, **RCP 55.04(5)**

Discovery, affidavit of documents, **RCP 30.06, § RCP30.06:1**

Trials

adverse party as witness, **RCP 53.07(3)**
experts, **RCP 52.03(10)**

officers, directors or sole proprietors of
adverse party, **RCP 53.07(3)**

partners of partnership, adverse party,
RCP 53.07(3)

witnesses, **RCP 53.01(1)**

Witness, taking evidence before trial,
RCP 36.02

Witness on pending application or
motion, **RCP 39.03(2)**

CROWN

Claims for debts, service outside Ontario,
RCP 17.02(r)

Costs awarded to, **CJA 131(2)**

Federal, personal service, **RCP 16.02(1)(f)**

Provincial, personal service, **RCP 16.02(1)(g)**

CUSTODY

See CHILDREN

DAMAGES

Advance payments, **CJA 120, § CJA120:1**

Amount deemed in issue, **RCP 25.07(6)**

Assessed by jury, jury notice, **RCP 47.01, § RCP47.01:1**

Assessment, special cases, **CJA 117**

Claims for, service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**

DAMAGES—Cont'd

Crossclaims, **RCP 28.01(1)**

Future pecuniary, discount rate and gross
up, **RCP 53.09, § RCP53.09:1**

In lieu of or additional to specific perfor-
mance or injunction, **CJA 99**

Interim recovery of personal property,
condition of security, **RCP 44.04**

Interlocutory injunctions, undertaking
concerning damages, **RCP 40.03, § RCP40.03:1**

Juries, guidance and submissions, **CJA 118, § CJA118:1**

Mandatory orders, undertaking concern-
ing damages, **RCP 40.03, § RCP40.03:1**

Medical malpractice actions, **CJA 116.1**

Periodic payments, **CJA 116, § CJA116:1**

Pleadings, **RCP 25.06(9), 25.07(6)**

Power of court on appeal, **CJA 119, § CJA119:1**

Pre-trial, estimating, **RCP 50.01**

Third party claims, **RCP 29.01, § RCP29.01:1, § RCP29.01:2**

Undertaking, interlocutory injunction,
RCP 40.03, § RCP40.03:1

Undertaking, stop orders, **RCP 72.05(2)**

Unliquidated, defendant noted in default,
RCP 19.05, § RCP19.05:1

DEAF PERSONS

Interpreters

examinations out of court, **RCP 34.09(1)**

trials, **RCP 53.01(5)**

DEATH

Order to continue where party dies, **RCP 11.01, § RCP11.01:1 to RCP 11.03, § RCP11.03:1**

Proceeding by or against estate, **RCP 9.01, § RCP9.01:1, 9.02**

Proceeding improperly constituted, reme-
dial provisions, **RCP 9.03, § RCP9.03:1**

DE BENE ESSE

See EVIDENCE, taking evidence before
trial

DEBTORS

Amendment of writ, change of name,
RCP 60.07(10) to 60.07(11.1)

DEBTORS—Cont'd

- Costs, motion to reduce sheriff's fees, **RCP 58.12(4), 58.12(5)**
- Defeating or defrauding creditors, **RCP 60.18(5)**
- Definition, enforcement of orders, **RCP 60.01, § RCP60.01:1**
- Definition, examinations in aid of execution, **RCP 60.18(1)**
- Examinations in aid of execution, **RCP 60.18, § RCP60.18:1**

DEBTS

- Default judgment, **RCP 19.04(1)**
- Definition, garnishment matters, **RCP 60.08(8)**
- Form, see Index in Forms Volume
- Garnishee paying debt attached by notice, **RCP 60.08(13), 60.08(14)**
- Interest, administration proceedings, **RCP 65.02(2)**
- Joinder of assignor, **RCP 5.03(3)**
- Mortgages
 - joinder of claim in foreclosure action, **RCP 64.03(5)**
 - joinder of claim in sale action, **RCP 64.04(4)**
- Recovery by garnishment, **RCP 60.08, § RCP60.08:1**

DECEASED PERSONS

- See ESTATES

DECLARATIONS

- Ancillary to relief claimed, **RCP 14.05(3)(g)**
- Authority to commence proceeding, **RCP 15.02, § RCP15.02:1**
- Claim of invalid marriage, defendant noted in default, **RCP 19.05, § RCP19.05:1**
- Interest in or charge on land, **RCP 14.05(3)(e)**
- Interpleader, **RCP 43.04(1)**
- Plaintiff's place of residence, **RCP 56.02, § RCP56.02:1**
- Who may make, **CJA 97, § CJA97:1**

DEEDS, WILLS, INSTRUMENTS

- Application to determine rights, **RCP 14.05(3)(d)**
- Claims concerning, service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**

DEEDS, WILLS, INSTRUMENTS

—Cont'd

- Commencing proceeding for administration, **RCP 65.01(1)**
- Contesting will, joining beneficiaries, **RCP 9.01(2)**
- Date of execution of will, **RCP 74.12(4)**
- Delivery up where property redeemed, **RCP 64.06(19)**
- Deposit of will or codicils, **RCP 74.02(1), 74.12(2), 74.12(3)**
- Failure to execute or deliver, references, **RCP 55.02(17)**
- Interest, administration proceedings, **RCP 65.02(2)**
- Interpretation, application to determine rights, **RCP 14.05(3)**
- Representation orders, **RCP 10.01(1)**
- Validity of will, **RCP 75.05(1)**
- Will, lost or destroyed, **RCP 75.02**
- Will, proof of, **RCP 75.01, § RCP75.01:1, 75.02**
- Will defined, **RCP 74.01**

DEEMED UNDERTAKING

- Generally, **RCP 30.1, § RCP30.1:1**

DEFAULT PROCEEDINGS

- Claim partially satisfied, **RCP 19.04(4)**
- Costs, **RCP 19.04(6)**
- Counterclaims, crossclaims, third party claims, **RCP 19.09**
- Default judgment, effect, **RCP 19.07**
- Failure to note defendant in default, **RCP 24.01(1)(b)**
- Forms, see Index in Forms Volume
- Generally, **RCP 19, § RCP19:1 to RCP 19.09**
- Hearing, **FLR 30, § FLR30:1**
- Judgments
 - conversion from foreclosure to sale, **RCP 64.03(17), 64.03(18)**
 - costs consequences, within jurisdiction of Small Claims Court, **RCP 57.05(3)**
 - foreclosure actions, **RCP 64.03(9) to 64.03(11)**
 - redemption actions, **RCP 64.05(4), 64.05(5)**
 - sale actions, **RCP 64.04(8)**
 - third party defence, effect, **RCP 29.06(b)**

INDEX

DEFAULT PROCEEDINGS—Cont'd

Judgment with reference, mortgage actions, **RCP 64.02**

Motion for judgment, **RCP 19.05**, § **RCP19.05:1**

deemed admissions, **RCP 19.06**, § **RCP19.06:1**

Noting default

by co-defendant, **RCP 19.01(3)**

close of pleadings, **RCP 25.05**, § **RCP25.05:1**

consequences, **RCP 19.01(1)**, **RCP 19.06**, § **RCP19.06:1**, **19.02(2)**

defence struck out, **RCP 19.01(2)**

defendant to crossclaim, **RCP 28.07**

delivery of statement of defence and crossclaim, **RCP 28.04**

dismissal of action for delay, **RCP 24.01(1)(b)**

examination for discovery, initiating, **RCP 31.04(2)**

fourth and subsequent party claims, **RCP 29.11(2)**

issuance of counterclaim, **RCP 27.03(a)**

issuance of third party claim, **RCP 29.02(1)**

late delivery of defence, **RCP 19.01(5)**

no defence delivered, **RCP 19.01(1)**

party under disability, **RCP 7.07**, § **RCP7.07:1**, **19.01(4)**

request for sale, **RCP 64.03(17)**, **(18)**

request to redeem, foreclosure action, **RCP 64.03(6)**

request to redeem, sale action, **RCP 64.04(5)**

service of amended pleading on party, **RCP 26.04(3)(b)**

service of subsequent documents, **RCP 19.02(3)**

service or delivery of counterclaim, **RCP 27.04**

statement of defence struck out, **RCP 20.05(6)**, **20.05(7)**

third party, **RCP 29.07**

Postjudgment interest, **RCP 19.04(5)**

Registrar declining to sign, **RCP 19.04(3)**, **(3.1)**

Requisition for default judgment, **Form 19D**, **RCP 19.04(2)**

DEFAULT PROCEEDINGS—Cont'd

Setting aside, document not reaching person served, **RCP 16.07**, § **RCP16.07:1**

Setting aside judgment, **RCP 19.08(1)**

notice of default, **RCP 19.08(3)**

obtained at trial, **RCP 19.08(2)**

obtained on motion, **RCP 19.08(2)**

Setting aside noting of default, **RCP 19.03**, § **RCP19.03:1**, **19.08(3)**

Signing judgment, **RCP 19.04(1)**

Varying judgment, **RCP 19.08(1)**

Where trial required, **RCP 19.05**, § **RCP19.05:1**

Withdrawal of defence, **RCP 23.06(2)**

DEFENCES

Affirmative, pleading, **RCP 25.07(4)**

Counterclaims, **RCP 25.01(2)**

delivery with reply in main action, **RCP 27.05(2)**

reply, **RCP 25.01(2)**

time for delivery, **RCP 25.04(3)**, **27.05(1)**

time for delivery of reply, **RCP 27.06**

Crossclaims, **RCP 25.03(1)**, **28.06(1)**

default, **RCP 28.07**

failure to defend against plaintiff, **RCP 28.06(5)**

plaintiff's claim against co-defendant, **RCP 28.06(1)**

reply, **RCP 25.01(3)**, **28.08**

time for delivery, **RCP 25.04(5)**, **28.05**

Forms, see Index in Forms Volume

None disclosed, **RCP 21.01(1)**

Notice of intent to defend, failure to deliver, **RCP 27.04(3)**, **28.04(2)**, **29.11(2)**

Partnerships, in firm name, **RCP 8.02**

Pleadings

admissions, **RCP 25.07(1)**, **25.07(2)**

amount of damages, **RCP 25.07(6)**

conditions precedent, **RCP 25.06(3)**

denials, **RCP 25.07(2)**

different version of facts, **RCP 27.05(3)**

material facts, **RCP 25.06(1)**

reply, **RCP 25.08**, § **RCP25.08:1**, **25.09**

DEFENCES—Cont'd

- Striking out, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
- examinations, default or misconduct, **RCP 34.15(1)**
- failure to comply with interlocutory orders, **RCP 60.12, § RCP60.12:1**
- failure to pay costs of motion, **RCP 57.03(2)**
- failure to provide names and addresses of partners, **RCP 8.05(2)**
- Third party defences, **RCP 29.03**
- defence of main action by third party, **RCP 29.05, § RCP29.05:1**
- effect, **RCP 29.06, § RCP29.06:1**
- reply, **RCP 29.04**
- time for delivery, **RCP 25.04(6)**

DEFENDANTS

- See also **PARTIES**
- Adding on references, **RCP 55.02(5)**
- Claim for contribution from co-defendant, **RCP 28.01(2)**
- Close of pleadings, **RCP 25.05, § RCP25.05:1**
- Counterclaims
 - amending defence to add, **RCP 27.07, § RCP27.07:1**
 - application to counterclaims, crossclaims, third party claims, **RCP 27.10, § RCP27.10:1**
 - crossclaims between defendants, **RCP 28.11**
 - defendant not party to main action, **RCP 27.03, § RCP27.03:1**
 - disposition, **RCP 27.09, § RCP27.09:1**
 - joinder of defendants to counterclaim, **RCP 27.01(2)**
 - reply and defence to counterclaim, **RCP 27.05(3)**
 - service, **RCP 27.04(2), (3)**
 - third party claim, **RCP 29.13**
 - time for delivery of defence, **RCP 27.05(1), 27.05(3)**
 - time for delivery or service, **RCP 27.04**
 - where available, **RCP 27.01(1)**
- Crossclaims
 - amending defence to add, **RCP 28.03, § RCP28.03:1**
 - application to counterclaims, third party claims, **RCP 28.11**

DEFENDANTS—Cont'd

- Crossclaims—Cont'd
 - counterclaims, **RCP 27.10, § RCP27.10:1**
 - default of defence, **RCP 28.07**
 - defence, **RCP 28.06**
 - time for delivery, **RCP 28.05**
 - failure to defend against plaintiff, **RCP 28.06(5)**
 - prejudice or delay to plaintiff, **RCP 28.10**
 - reply to defence, **RCP 28.08**
 - statement of defence and crossclaim, **RCP 28.02, § RCP28.02:1, 28.04**
 - third party claim, **RCP 29.13**
 - third party defence, effect, **RCP 29.06(c)**
 - trial, **RCP 28.09, § RCP28.09:1**
 - where available, **RCP 28.01, § RCP28.01:1**
- Deemed noted in default, **RCP 20.05(7)**
- Definition, **RCP 1.03, § RCP1.03:1**
- Different capacities in same proceeding, **RCP 5.01(2), 5.01(3)**
- Discontinuance
 - counterclaim, effect, **RCP 23.02**
 - crossclaim or third party claim, effect, **RCP 23.03**
 - entitlement to costs, **RCP 23.05, § RCP23.05:1**
 - notice, **RCP 23.01, § RCP23.01:1**
- Dismissal of action for delay
 - counterclaims, crossclaims, third party claims, **RCP 24.06**
 - counterclaims, effect, **RCP 24.03**
 - crossclaims or third party claims, effect, **RCP 24.04**
 - subsequent action, effect, **RCP 24.05, § RCP24.05:1**
 - where available, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Examinations for discovery, **RCP 31.04(2)**
- Failure to attend at trial, **RCP 52.01, § RCP52.01:1**
- Failure to note defendant in default, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Foreclosure actions, **RCP 64.03(1) to 64.03(3)**
- default judgment, **RCP 64.03(9) to 64.03(11)**

DEFENDANTS—Cont'd

- Foreclosure actions, **RCP 64.03(1) to 64.03(3)—Cont'd**
 - final order of foreclosure, **RCP 64.03(15), 64.03(16)**
 - redemption by named defendant, **RCP 64.03(12)**
 - request to redeem, **RCP 64.03(6) to 64.03(8)**
 - subsequent encumbrancers, **RCP 64.03(2), 64.03(3)**
 - transfer of carriage of sale, **RCP 64.03(25)**
- Joinder, **RCP 5.02(2)**
- Mortgage references
 - adding parties other than encumbrancers, **RCP 64.06(11)**
 - adding subsequent encumbrancers, **RCP 64.06(4), 64.06(6)**
 - duties and powers of referee to add, **RCP 64.06(3)**
 - notice of reference to original defendants, **RCP 64.06(8) to 64.06(10)**
 - notice to subsequent encumbrancer named as original party, **RCP 64.06(7)**
 - redemption payments by more than one defendant, **RCP 64.06(13), 64.06(14)**
- Motions to stay or dismiss before trial, **RCP 21.01(3)**
- Multiple
 - offer to contribute, **RCP 49.12, § RCP49.12:1**
 - offer to settle, **RCP 49.11, § RCP49.11:1**
- Noting default, consequences, **RCP 19.02, § RCP19.02:1**
- Offers to settle
 - cost consequences, **RCP 49.10, § RCP49.10:1 to § RCP49.10:8**
 - where right of contribution or indemnity may exist, **RCP 49.11, § RCP49.11:1**
- Redemption actions
 - final order of foreclosure, **RCP 64.05(6)**
 - judgment, **RCP 64.05(4), 64.05(5)**
 - liability for costs, **RCP 64.05(10)**
 - persons to be joined, **RCP 64.05(1), 64.05(2)**

DEFENDANTS—Cont'd

- Request for sale, conversion from foreclosure to sale, **RCP 64.03(17)**
- Sale actions, **RCP 64.04(1)**
 - default judgment, **RCP 64.04(8)**
 - order for payment of deficiency on sale, **RCP 64.04(14)**
 - redemption by named defendant, **RCP 64.04(9)**
 - request to redeem, **RCP 64.04(5) to 64.04(7)**
- Third party claims
 - application to counterclaims, crossclaims, **RCP 29.13**
 - counterclaims, **RCP 27.10, § RCP27.10:1**
 - crossclaims, **RCP 28.11**
 - default of third party, effect, **RCP 29.07**
 - defence, **RCP 29.03, RCP 29.06, § RCP29.06:1**
 - defence of main action by third party, **RCP 29.05, § RCP29.05:1**
 - directions, **RCP 29.10**
 - fourth or subsequent party claims, **RCP 29.11, § RCP29.11:1, 29.12**
 - prejudice or delay to plaintiff, **RCP 29.09, § RCP29.09:1**
 - where available, **RCP 29.01, § RCP29.01:1, § RCP29.01:2**
- Withdrawal
 - deemed default, **RCP 23.06(2)**
 - statement of defence, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**

DEFINITIONS

- Accountant, **RCP 72.01**
- Action, **CJA 1(1); RCP 1.03, § RCP1.03:1**
- Affiliated corporation, **RCP 30.01(2)**
- Appellant, **RCP 1.03, § RCP1.03:1**
- Appellate court, **RCP 1.03, § RCP1.03:1**
- Applicant, **RCP 1.03, § RCP1.03:1**
- Application, **CJA 1(1); RCP 1.03, § RCP1.03:1**
- Authenticity, **RCP 51.01, § RCP51.01:1**
- County, **RCP 1.03, § RCP1.03:1**
- Court, **RCP 1.03, § RCP1.03:1**
- Creditor, **RCP 60.01, § RCP60.01:1, 60.18(1)**
- Debtor, **RCP 60.01, § RCP60.01:1, 60.18(1)**

DEFINITIONS—Cont'd

Defendant, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Defendant, extended, **RCP 49.01**
 Deliver, **RCP 1.03, § RCP1.03:1**
 Disability, **RCP 1.03, § RCP1.03:1**
 Discovery, **RCP 1.03, § RCP1.03:1**
 Document, **RCP 1.03, § RCP1.03:1, 30.01(1), 31.01, 33.04(1), 34.10(1)**
 Electronic, **RCP 1.03, § RCP1.03:1**
 Family law rules, under, **FLR 2(1)**
 Generally, **RCP 1.03, § RCP1.03:1**
 Hearings, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Holiday, **RCP 1.03, § RCP1.03:1**
 Judge, **RCP 1.03, § RCP1.03:1**
 Judgment, **RCP 1.03, § RCP1.03:1**
 Legal aid services, re, **LASA 2**
 Limited scope retainer, **RCP 1.03, § RCP1.03:1**
 Motion, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Moving party, **RCP 1.03, § RCP1.03:1**
 Order, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Originating process, **RCP 1.03, § RCP1.03:1**
 Originating process, extended, **RCP 17.01, § RCP17.01:1**
 Partial indemnity costs, **RCP 1.03, § RCP1.03:1**
 Party, extended, **RCP 36.04(1)**
 Plaintiff, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 Plaintiff, extended, **RCP 49.01**
 Power, over document, **RCP 30.01(1), 33.04(1), 34.10(1)**
 Proceeding, **RCP 1.03, § RCP1.03:1**
 Receiver, **RCP 41.01**
 Referee, **RCP 1.03, § RCP1.03:1**
 Registrar, **RCP 1.03, § RCP1.03:1, 61.02**
 Respondent, **RCP 1.03, § RCP1.03:1**
 Responding party, **RCP 1.03, § RCP1.03:1**
 Solicitor's office, **RCP 1.03, § RCP1.03:1**
 Statute, **RCP 1.03, § RCP1.03:1**
 Subsequent encumbrancer, **RCP 64.01**
 Subsidiary corporation, **RCP 30.01(2)**
 Substantial indemnity costs, **RCP 1.03, § RCP1.03:1**

DEFINITIONS—Cont'd

Timetable, **RCP 1.03, § RCP1.03:1**

DELAY

See **DISMISSAL FOR DELAY**

DELIVERY

Definition, **RCP 1.03, § RCP1.03:1**
 Documents, extending or abridging time, **RCP 3.02(1), 3.02(4)**
 Enforcement of orders for delivery personal property, **RCP 60.04**
 possession of land, **RCP 60.03, § RCP60.03:1, RCP 60.10, § RCP60.10:1, § RCP60.10:2**

DEMAND FOR PARTICULARS

See **PARTICULARS**

DEPONENTS

Blind persons, **RCP 4.06(7)**
 Contents of affidavits, **RCP 4.06(2)**
 applications, **RCP 39.01(5)**
 motions, **RCP 39.01(4)**
 Cross-examination on affidavit, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3**
 Illiterate persons, **RCP 4.06(7)**
 Members or employees of partnerships, **RCP 4.06(6)**
 Officers, directors, employees of corporations, **RCP 4.06(5)**
 Persons not understanding language, **RCP 4.06(8)**
 Service of notice of examination, examinations out of court, **RCP 34.04(3)**
 Two or more, **RCP 4.06(4)**
 Unavailability at trial, **RCP 31.11(6)**
 Using evidence from discovery to impeach, **RCP 31.11(2)**

DETERMINATION OF AN ISSUE BEFORE TRIAL

Admissibility of evidence, **RCP 21.01(2)**
 Facts, **RCP 21.03**
 Failure to make motion promptly, **RCP 21.02, § RCP21.02:1**
 Generally, **RCP 21, § RCP21:1 to RCP 21.03**
 Where available, **RCP 21.01(3)**

INDEX

DIRECTIONS

- Applications
 - assessment of costs, **RCP 57.02, § RCP57.02:1, § RCP57.02:2**
 - conduct of assessment, **RCP 58.05(4)**
 - officer to give effect to directions, **RCP 58.06(2)**
 - proceeding to trial, **RCP 38.10, § RCP38.10:1**
- Assessment officer, **RCP 57.02(1), 57.02(2)**
- Contempt orders, **RCP 60.11(8)**
- Enforcement of writ of seizure and sale, **RCP 60.07(13) to 60.07(13.6)**
- Examinations out of court, **RCP 34.14(1)**
- Family law proceedings, **FLR 1(11), FLR 1(12)**
- Final order of foreclosure, redemption action, **RCP 64.05(7)**
- Intervention by Attorney General
 - powers of referee, **RCP 64.06(3)**
 - redemption payments by more than one defendant, **RCP 64.06(14)**
 - request by District Court registrar, **RCP 64.06(20)**
- Motions
 - complicated issues or series of proceedings, **RCP 37.15, § RCP37.15:1**
 - enforcement of orders by sheriff, **RCP 60.17, § RCP60.17:1**
 - request by sheriff, interim recovery of personal property, **RCP 44.07(3)**
- Payment into court, **RCP 72.02(3) to 72.02(5), 72.02(7)**
- Payment of money, references, **RCP 55.05**
- Power of court to give directions, **RCP 1.05, § RCP1.05:1**
- Receivers, **RCP 41.05**
- References
 - administration proceedings, **RCP 65.02(1)**
 - conduct of sales, **RCP 55.06(4)**
 - failure to execute or deliver instrument, **RCP 55.02(17)**
 - formal form of order not required, **RCP 55.02(11)**
 - inspection of documents, **RCP 55.02(15)**
 - motion where referee unable to continue, **RCP 54.10**

DIRECTIONS—Cont'd

- References—Cont'd
 - notice of hearing for directions, **RCP 19.02(3)(e), 55.02(2)**
 - order directing, **RCP 54.04(1)**
 - procedure on conduct of reference, **RCP 55.01(1), 55.02(3)**
 - referee to note in procedure book, **RCP 55.02(11)**
 - variation or supplementation permitted, **RCP 55.02(4)**
- Removal of special case into Court of Appeal, **RCP 22.03(2)**
- Rules governing appeal books and transcripts, **RCP 61.09(4)**
- Third party claims, **RCP 29.10**
- Two or more proceedings pending in same court, **RCP 6.01(2)**

DIRECTORS

- Adverse parties, securing attendance at trial, **RCP 53.07(1), 53.07(2)**
- Corporations
 - affidavits, **RCP 4.06(5)**
 - examinations in aid of execution, **RCP 60.18(3)**
- Director of the Family Support Plan, **RCP 63.02, § RCP63.02:1, § RCP63.02:2**
- Examinations for discovery, **RCP 31.03(2)**

DISABILITY

- Definition, **RCP 1.03, § RCP1.03:1**
- Parties under disability
 - See PARTIES UNDER DISABILITY
- Representation of persons under disability, **RCP 7.01, § RCP7.01:1**

DISCHARGE

- Certificate of pending litigation, **RCP 42.02, § RCP42.02:1**
- Contempt orders, **RCP 60.11(8)**
- Debts, garnishee paying debt attached by notice, **RCP 60.08(13), 60.08(14)**
- Mortgages held by the accountant, **RCP 72.04**
- Receivers, **RCP 41.06, § RCP41.06:1**
- Writ of sequestration, **RCP 60.09(4)**

DISCLOSURE

- Documents
 - See DISCOVERY, documents

DISCLOSURE—Cont'd

- Family law proceedings
 - See FAMILY LAW RULES, question-
ing witness and disclosure
- Identity of persons having knowledge, on
discovery, **RCP 31.06(2)**
- Motions or applications without notice,
RCP 39.01(6)
- Names and addresses of partners, **RCP**
8.05
- Offers to settle, in pleadings, **RCP**
49.06(1)

DISCONTINUANCE

- After close of pleadings, **RCP 23.01(1)(b)**
- Before close of pleadings, **RCP**
23.01(1)(a)
- Costs, **RCP 23.05, § RCP23.05:1**
- Counterclaims, main action dismissed for
delay, **RCP 24.03**
- Effect on counterclaim, **RCP 23.02**
- Effect on crossclaim, third party claim,
RCP 23.03
- Effect on subsequent action, **RCP**
23.04(1)
 - stay pending payment of costs, **RCP**
23.04(2)
- Forms, see Index in Forms Volume
- Generally, **RCP 23, § RCP23:1 to RCP**
23.07
- Where party under disability, **RCP**
23.01(2)
- With consent of all parties, **RCP**
23.01(1)(c)

DISCOVERY

- Crossclaims
 - defending plaintiff's claim against co-
defendant, **RCP 28.06(3)**
 - third party defence, effect, **RCP 29.06,**
§ RCP29.06:1
- Deemed undertakings, **RCP 30.1,**
§ RCP30.1:1
- Defence of main action by third party,
RCP 29.05(2)
- Definition, **RCP 1.03, § RCP1.03:1**
- Discovery plan
 - contents, **RCP 29.1.03(3)**
 - “document,” meaning of, **RCP 29.1.02**
 - duty to update, **RCP 29.1.04**
 - electronic discovery, **RCP 29.1.03(4)**

DISCOVERY—Cont'd

- Discovery plan—Cont'd
 - failure to agree to, **RCP 29.1.05,**
§ RCP29.1.05:1
 - non-application of rule, **RCP 29.1.01**
 - requirement for, **RCP 29.1.03(1)**
 - timing, **RCP 29.1.03(2)**
- Documents
 - affidavit of documents, **RCP 30.03,**
§ RCP30.03:1
 - contents, **RCP 30.03(2), (3)**
 - correcting errors and omissions,
RCP 30.07, § RCP30.07:1
 - failure to disclose, **RCP 30.08(1)**
 - failure to serve, **RCP 30.08(2)**
 - omissions, **RCP 30.06,**
§ RCP30.06:1
 - privilege improperly claimed, **RCP**
30.06, § RCP30.06:1
 - service, **RCP 30.03(1)**
 - solicitor's certificate, **RCP 30.03(4)**
 - supplementary, **RCP 30.07,**
§ RCP30.07:1
 - copying, **RCP 30.04(7)**
 - definitions, **RCP 30.01, § RCP30.01:1**
 - affiliated corporation, **RCP 30.01(2)**
 - document, **RCP 30.01(1)**
 - subsidiary corporation, **RCP**
30.01(2)
 - deposit for safe keeping, **RCP 30.11,**
§ RCP30.11:1
 - disclosure, **RCP 30.02(1)**
 - additional documents, **RCP 30.07,**
§ RCP30.07:1
 - affidavit of documents, **RCP 30.03,**
§ RCP30.03:1
 - documents held by corporation, **RCP**
30.02(4)
 - failure to disclose, **RCP 30.08(1)**
 - insurance policies, **RCP 30.02(3)**
 - leave to withhold, **RCP 30.04(8)**
 - not admission of admissibility or
relevance, **RCP 30.05**
 - failure to answer, **RCP 31.07,**
§ RCP31.07:1
 - failure to comply with order, **RCP**
30.08(2)
 - forms, see Index in Forms Volume
 - generally, **RCP 30, § RCP30:1 to**
§ RCP30.11:1
 - order for production, **RCP 30.04(5)**

DISCOVERY—Cont'd

Documents—Cont'd

- privilege, determining claim, **RCP 30.04(6)**
- privileged documents, use at trial, **RCP 30.09, § RCP30.09:1**
- produced at examination, **RCP 30.04(4)**
- production for inspection, **RCP 30.02(2)**
 - copying, **RCP 30.04(7)**
 - examination for discovery, **RCP 30.04(4)**
 - examinations out of court, **RCP 34.10(2), 34.10(3)**
 - examinations out of court, sanctions, **RCP 34.15, § RCP34.15:1**
 - failure to produce, **RCP 30.08(1), (2)**
 - from non-parties, **RCP 30.10, § RCP30.10:1 to § RCP30.10:2**
 - insurance policies, **RCP 30.02(3)**
 - leave to withhold, **RCP 30.04(8)**
 - not admission of admissibility or relevance, **RCP 30.05**
 - order, **RCP 30.04(5)**
 - production from non-parties, **RCP 30.10, § RCP30.10:1 to § RCP30.10:2**
 - costs of producing, **RCP 30.10(5)**
 - request to inspect documents, **RCP 30.04(1)**
 - date, time and place, **RCP 30.04(3)**
 - in affidavits, **RCP 30.04(2)**
 - in originating process, **RCP 30.04(2)**
 - in pleadings, **RCP 30.04(2)**
 - right to inspect non-privileged documents, **RCP 30.04(1)**
 - scope of discovery, **RCP 30.02, § RCP30.02:1 to § RCP30.02:11**
 - supplementary affidavit of documents, **RCP 30.07, § RCP30.07:1**
 - failure to disclose, **RCP 30.08(1)**

Examination

See EXAMINATIONS FOR DISCOVERY

Inspection of property

- conducting tests or experiments, **RCP 32.01(2)(c)**
- contents order for inspection, **RCP 32.01(3)**

DISCOVERY—Cont'd

Inspection of property—Cont'd

- entry authorized, **RCP 32.01(2)(a)**
- extent of order for inspection, **RCP 32.01(2)**
- generally, **RCP 32, § RCP32:1 to § RCP32.01:1**
- making observations, **RCP 32.01(2)(c)**
- measuring, **RCP 32.01(2)(b)**
- notice of inspection, **RCP 32.01(4)**
- photographing, **RCP 32.01(2)**
- surveying, **RCP 32.01(2)**
- taking samples, **RCP 32.01(2)**
- taking temporary possession, **RCP 32.01(2)**

Medical examination

- failure to comply with order, **RCP 33.07**
- generally, **RCP 33, § RCP33:1 to § RCP33.08:1**
- motion for examination, **RCP 33.01, § RCP33.01:1**
- on consent, **RCP 33.08, § RCP33.08:1**
- order, **RCP 33.02, § RCP33.02:1**
- penalty for non-compliance with order, **RCP 33.07**
- preparation of report, **RCP 33.06, § RCP33.06:1**
- providing information, **RCP 33.04, § RCP33.04:1**
- scope, **RCP 33.03, § RCP33.03:1**
- service of report, **RCP 33.06(2)**
- who may attend, **RCP 33.05, § RCP33.05:1**

Proportionality in discovery, **RCP 29.2, § RCP29.2:1**

- application, **RCP 29.2.02**
- considerations, **RCP 29.2.03, § RCP29.2.03:1**
- “document,” meaning of, **RCP 29.2.01**

Summary judgment, order to proceed to trial, **RCP 20.05(2)**

Third party defence, effect, **RCP 29.06, § RCP29.06:1**

Withholding disclosure or production, **RCP 30.04(8)**

DISMISSAL

- Abusive proceedings, **RCP 2.1, § RCP2.1:1**

DISMISSAL—Cont'd

- Actions
 - See ACTIONS, dismissal; DISMISSAL FOR DELAY
- Appeals, for delay
 - election to proceed with cross-appeal, **RCP 61.15**
 - motion by respondent, **RCP 61.13(1)**
 - notice by registrar, **RCP 61.13(2)**
 - order by registrar, **RCP 61.13(3), 61.13(3.1)**
- Applications, **RCP 38.10(1)**
 - notice not served, **RCP 38.06(2)**
- Claims, failure to provide names and addresses of partners, **RCP 8.05(2)**
- Costs, dismissal for want of jurisdiction, **RCP 57.05(4)**
- Costs of motion, failure to pay, **RCP 57.03(2)**
- Counterclaim, failure to attend at trial, **RCP 52.01(2)**
- Cross-appeal, for delay, **RCP 61.12(4), 61.12(5)**
- Delay
 - See DISMISSAL FOR DELAY
- Determination of issue before trial, **RCP 21.01(3)**
- Discovery, failure to provide medical information, **RCP 33.07**
- Dismissal for delay
 - See DISMISSAL FOR DELAY
- Estate, proceeding not properly constituted, **RCP 9.03(6)**
- Examinations out of court, default or misconduct, **RCP 34.15, § RCP34.15:1**
- Forms, see Index in Forms Volume
- Frivolous proceedings, **RCP 2.1, § RCP2.1:1**
- Interlocutory order not complied with, **RCP 60.12, § RCP60.12:1**
- Motion for summary judgment, **RCP 20.01(3)**
- Motions, **RCP 37.13(1)**
 - notice not served, **RCP 37.07(5)**
- Proceeding commenced without client's authority, **RCP 15.02(4)**
- Proceeding commenced without solicitor's authority, **RCP 15.02(3)**
- Redemption actions, **RCP 64.05(6)**

DISMISSAL—Cont'd

- Successful claim and counterclaim, **RCP 27.09(3)**
- Vexatious proceedings, **RCP 2.1, § RCP2.1:1**
- Want of prosecution
 - See DISMISSAL FOR DELAY
- DISMISSAL FOR DELAY**
 - Availability, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
 - Counterclaim, effect on, **RCP 24.03**
 - Counterclaims, crossclaims, third party claims, **RCP 24.06**
 - Crossclaim or third party claim, effect on, **RCP 24.04**
 - Generally, **RCP 24, § RCP24:1 to RCP 24.06**
 - Order to continue not obtained, **RCP 11.03, § RCP11.03:1**
 - Plaintiff under disability, **RCP 24.02**
 - Registrar's order, **RCP 48.14(1) to 48.14(3)**
 - Status hearing, disposition, **RCP 48.14(5) to 48.14(7)**
 - Subsequent action, effect on, **RCP 24.05, § RCP24.05:1**
- DISPOSITION WITHOUT TRIAL**
 - Default proceedings
 - See DEFAULT PROCEEDINGS
 - Determination of issue before trial
 - admissibility of evidence, **RCP 21.01(2)**
 - availability, **RCP 21.01, § RCP21.01:1 to § RCP21.01:12**
 - factums, **RCP 21.03**
 - failure to make motion properly, **RCP 21.02, § RCP21.02:1**
 - generally, **RCP 21, § RCP21:1 to RCP 21.03**
 - Discontinuance
 - after close of pleadings, **RCP 23.01(1)**
 - before close of pleadings, **RCP 23.01(1)**
 - consent of all parties, **RCP 23.01(1)**
 - costs, **RCP 23.05, § RCP23.05:1**
 - counterclaim, effect on, **RCP 23.02**
 - crossclaim or third party claim, effect on, **RCP 23.03**
 - generally, **RCP 23, § RCP23:1 to RCP 23.07**

DISPOSITION WITHOUT TRIAL**—Cont'd**

- Discontinuance—Cont'd
party under disability, **RCP 23.01(2)**
subsequent action, effect on, **RCP 23.04**
- Dismissal for delay
See **DISMISSAL FOR DELAY**
- Dismissal of action where claim paid,
RCP 14.10
- Forms, see Index in Forms Volume
- Generally, **RCP 19, § RCP19:1 to RCP 24.06**
- Special case
determination by judge, **RCP 22.01(2)**
factums, **RCP 22.02**
form, **RCP 22.04, § RCP22.04:1**
generally, **RCP 22, § RCP22:1 to § RCP22.05:1**
hearing
determination of question of law,
RCP 22.05(2)
inferences, **RCP 22.05(1)**
question of law for opinion of court,
RCP 22.01(1)
removal into Court of Appeal, **RCP 22.03, § RCP22.03:1**
- Summary judgments
affidavits, **RCP 20.02, § RCP20.02:1**
availability, **RCP 20.01, § RCP20.01:1, § RCP20.01:2**
costs sanctions for improper use, **RCP 20.06, § RCP20.06:1**
counterclaims, crossclaims, third party claims, **RCP 20.09, § RCP20.09:1**
disposition of motion, **RCP 20.04, § RCP20.04:1 to § RCP20.04:13**
effect, **RCP 20.07**
factums, **RCP 20.03, § RCP20.03:1**
generally, **RCP 20, § RCP20:1 to § RCP20.09:1**
order to proceed to trial, **RCP 20.05, § RCP20.05:1**
stay of execution, **RCP 20.08, § RCP20.08:1**
- Withdrawal of defence
counterclaims, crossclaims, third party claims, **RCP 23.07**
deemed default, **RCP 23.06(2)**
generally, **RCP 23.06, 23.07**

DISPOSITION WITHOUT TRIAL**—Cont'd**

- Withdrawal of defence—Cont'd
statement of defence, **RCP 23.06(1)**
admissions, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**
where crossclaim or third party claim, **RCP 23.06(1)**

DISTRICT

See **COUNTY**

DIVISIONAL COURT

See also **APPEALS**

Appeal jurisdiction

- combining appeals, **CJA 19(2)**
from master, case management master or associate judge, **CJA 19(1)(c)**
from Ontario Court of Justice, **CJA 40**
from Superior Court of Justice, **CJA 19, § CJA19:1**

Appeal procedure, **RCP 61, § RCP61:1 to § RCP61.16:1**

Appeals from, **CJA 6(1)(a)**

Constitution, **CJA 18, § CJA18:1**

Continuation of, **CJA 18(1)**

Filing of documents, **RCP 4.05(3)**

Filing of Electronic Versions of Documents in Civil Appeals and Judicial Review Applications, **CJA 21, § CJA21:1**

Form, notice of application for judicial review, see Index in Forms Volume

Hearings

composition of court for, **CJA 21, § CJA21:1**

place for, **CJA 20, § CJA20:1**

Intervention of persons in proceedings, **RCP 13.03(1)**

Judicial review, see also **JUDICIAL REVIEW**

applicable procedure, **RCP 68.02(1)**

application commenced outside Toronto, **RCP 68.01(2)**

dismissal for delay, **RCP 68.06**

hearing date, **RCP 68.03**

notice of application, **RCP 68.01(1)**

procedural steps, **§ PG:5**

Jurisdiction

of court, **CJA 19, § CJA19:1**

of judges, **CJA 18(3)**

DIVISIONAL COURT—Cont'd

- Leave to appeal interlocutory order, **RCP 62.02(1)**
- Motion for leave to appeal to, **RCP 61.03, § RCP61.03:1**
- Motion to set aside, vary or amend order, **RCP 37.14(6)**
- Registrar signing orders, **RCP 59.04, § RCP59.04:1**
- Setting aside judgment made on application, **RCP 38.11, § RCP38.11:1**

DOCUMENT EXCHANGE

- Electronic, **RCP 16.09(4.1)**
- Proof of service, **RCP 16.09(4)**
- Service on lawyer of record, effective date, **RCP 16.05(2)**
 - solicitor acting under limited scope retainer, **RCP 15.03(1)**
- Service on solicitor of record, **RCP 16.05**
 - solicitor acting under limited scope retainer, **RCP 15.03(1)**

DOCUMENTS

- See also EVIDENCE
- Abuse of process, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
- Access of public to, **CJA 137, § CJA137:1**
- Admissions
 - request to admit authenticity, **RCP 51.02, § RCP51.02:1**
 - subsequently proved, costs consequences, **RCP 51.04, § RCP51.04:1**
- Agreement respecting evidence, appeals, **RCP 61.05(4)**
- Bilingual documents, **RCP 4.02.1(1)**
- Binding of documents, **RCP 4.07**
- CaseLines
 - application, **RCP 4.05.3(2)**
 - compendium and factums, **RCP 4.05.3(7)**
 - deadline, **RCP 4.05.3(4)**
 - defined, **RCP 4.05.3(1)**
 - document in court file
 - document must be identical to, **RCP 4.05.3(8)**
 - document prevails, **RCP 4.05.3(10)**
 - requirement to keep original, **RCP 4.05.3(9)**
 - document requirements, **RCP 4.05.3(6)**

DOCUMENTS—Cont'd

- CaseLines—Cont'd
 - filing or service, submission does not amount to, **RCP 4.05.3(11)**
 - requirement to use, **RCP 4.05.3(3)**
 - transcripts, **RCP 4.05.3(5)**
- Civil Claims Online Portal
 - agreement to terms of use, **RCP 4.05.1(3)**
 - defined, **RCP 4.05.1(1)**
 - documents that may be filed through, **RCP 4.05.1(2)**
 - documents that may be issued through, **RCP 4.05.1(7)**
 - inconsistencies, **RCP 4.05.1(5)**
- Civil Submissions Online Portal
 - defined, **RCP 4.05.2(1)**
 - filing
 - clarification, **RCP 4.05.2(11)**
 - confirmation, **RCP 4.05.2(4)**
 - date, **RCP 4.05.2(5)**
 - documents that may be filed, **RCP 4.05.2(2)**
 - no filing or issuance without acceptance, **RCP 4.05.2(12)**
 - other documents, **RCP 4.05.2(10)**
 - registrar's acceptance required, **RCP 4.05.2(3)**
 - issuance of documents
 - clarification, **RCP 4.05.2(11)**
 - confirmation, **RCP 4.05.2(8), 4.05.2(12)**
 - date, **RCP 4.05.2(9)**
 - documents that may be filed, **RCP 4.05.2(6)**
 - no filing or issuance without acceptance, **RCP 4.05.2(12)**
 - other documents, **RCP 4.05.2(10)**
 - registrar's acceptance required, **RCP 4.05.2(7)**
 - non-application of certain subrules, **RCP 4.05.2(14)**
 - terms of use, **RCP 4.05.2(13)**
- Communications by court or registrar, **RCP 4.12(2)**
- Contents
 - backsheets, **RCP 4.02(3)**
 - body of document, **RCP 4.02(2)**
 - certified copies, **RCP 4.03**
 - general heading, **RCP 4.02(1)**
- Date of electronic filing, **RCP 4.05(7)**

DOCUMENTS—Cont'd

Date of electronic issuance, **RCP 4.05(7)**
 Date of filing where filed by mail, **RCP 4.05(5)**
 Deemed undertaking, **RCP 30.1, § RCP30.1:1**
 Disclosure
 See DISCOVERY, documents
 Discovery
 See DISCOVERY, documents
 Double spacing text, **RCP 4.01**
 Electronic documents, **RCP 4.01, 4.05.1**
 Toronto Region Commercial List e-Delivery Pilot Project, **RCP 37, § RCP37:1 to § RCP37.17:1**
 Electronic filing, **RCP 4.05(4.1)**
 Electronic filing, limit on, **RCP 60.20**
 Electronic issuance, limit on, **RCP 60.20**
 Electronic issuing, **RCP 4.05(1.1) to 4.05(1.3)**
 Electronic signatures, **RCP 4.01.1**
 E-mailing of, **RCP 4.12(1)**
 Examination directing a reference, **RCP 54.02, § RCP54.02:1**
 Extending or abridging time for delivery, **RCP 3.02(1), 3.02(4)**
 Failure to prove at trial, **RCP 52.10, § RCP52.10:1**
 Family law proceedings
 See FAMILY LAW RULES
 Filing
 electronic filing, **RCP 4.05(4.1)**
 extending or abridging time, **RCP 3.02(1), 3.02(4)**
 leaving documents at court office, **RCP 4.05(4)**
 mailing documents to court office, **RCP 4.05(4) to 4.05(6)**
 place of filing, **RCP 4.05(2)**
 Forms, see Index in Forms Volume
 Generally, **RCP 4, § RCP4:1 to RCP 4.12**
 Inconsistencies, **RCP 4.05(11)**
 Inspection, references, **RCP 55.02(15)**
 Issuance, filing outside of business hours, **RCP 4.05(8)**
 Issuing originating process, **RCP 4.05(1)**
 Non-compliance with rules, **RCP 2.01, § RCP2.01:1**
 Notice of constitutional question, **RCP 4.11**

DOCUMENTS—Cont'd

Notice to be given in writing or electronically, **RCP 4.04**
 Pleading effect, **RCP 25.06(7)**
 Prejudicial, **RCP 25.11(a)**
 Pre-trial conferences, **RCP 50.11**
 Production
 examination by registrar before signing orders, **RCP 59.04(3)**
 examination for discovery (written questions), sanctions, **RCP 35.04(4)**
 examination out of court, **RCP 34.10, § RCP34.10:1, 34.15**
 from non-parties, **RCP 30.10, § RCP30.10:1, § RCP30.10:2**
 references, **RCP 55.02(15)**
 Production at trial, summons to witness, **RCP 53.04(1), 53.04(3)**
 Production for inspection
 See DISCOVERY
 Production on assessment of costs, **RCP 58.05(4)**
 Proof at trial, affidavit evidence, **RCP 53.02(1)**
 Records for proceedings, binding, **RCP 4.07(1)**
 References
 directions concerning proof of documents, **RCP 55.02(3)**
 filing with referee, **RCP 55.02(16)**
 return on completion of reference, **RCP 55.02(16)**
 Requisitions, **RCP 4.08**
 Result in delay, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
 Return to court office where proceeding commenced, **RCP 4.10(2)**
 Scandalous, frivolous, or vexatious, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
 Service, see also SERVICE
 added subsequent encumbrancers, mortgage references, **RCP 64.06(5)**
 extending or abridging time, **RCP 3.02(1), 3.02(4)**
 third party defence, effect, **RCP 29.06(a)**
 Service outside Ontario
 manner, **RCP 17.05(1)**

DOCUMENTS—Cont'd

- Service outside Ontario—Cont'd
proof of service, **RCP 17.05(2)**
- Signed paper copy, requirement to keep,
RCP 4.05(10)
- Special case
form and contents, **RCP 22.04,**
§ RCP22.04:1
inferences on hearing, **RCP 22.05(1)**
- Standards, **RCP 4.01**
- Striking out, **RCP 25.11, § RCP25.11:1,**
38.12
- Transmission, **RCP 4.10(1)**

EMPLOYEES

- Affidavits for corporations, **RCP 4.06(5)**
- Affidavits for partnerships, **RCP 4.06(6)**
- Examinations for discovery, **RCP**
31.03(2)
- Mortgage references
duties and powers of referee, **RCP**
64.06(3)
notice of reference to original
defendants, **RCP 64.06(8) to**
64.06(10)
plaintiff to file material concerning,
RCP 64.06(2)
- Subsequent encumbrancers
See FORECLOSURE, SALE AND
REDEMPTION

ENFORCEMENT OF ORDERS

- See also ORDERS; STAYS; WRITS OF
EXECUTION
- Against alleged partners not served, **RCP**
8.06(3)
- Against garnishees, **RCP 60.08(12)**
- Against partnership property, **RCP**
8.06(1)
- Against persons served with notice to
alleged partner, **RCP 8.06(2)**
- Certificate of stay, effect, **RCP 63.03(4)**
- Costs, **RCP 60.19, § RCP60.19:1**
- Directing reference, **RCP 54.02(2)**
- Dispute of ownership of property seized
by sheriff, **RCP 60.13**
- Examination in aid of execution, **RCP**
34.01, RCP 60.18, § RCP60.18:1
- Family law proceedings
See FAMILY LAW RULES
- Generally, **RCP 60, § RCP60:1 to RCP**
60.20

ENFORCEMENT OF ORDERS—Cont'd

- Sheriff's report on execution of writ,
RCP 60.14
- Stay pending appeal, effect, **RCP 63.03,**
§ RCP63.03:1
- Summary judgments, stay of execution,
RCP 20.08, § RCP20.08:1

ENGLISH LANGUAGE

- Proceedings generally to be in, **CJA**
125(2)

EQUITABLE REMEDIES

- Generally, **CJA 97, § CJA97:1 to**
§ CJA100:1

EQUITY

- Administered concurrently with common
law, **CJA 96(1)**
- Equitable relief, who may grant, **CJA**
96(3)
- Remedies, **CJA 97, § CJA97:1 to**
§ CJA100:1
- Rules prevail over common law, **CJA**
96(2)

EQUITY OF REDEMPTION

- See FORECLOSURE, SALE AND
REDEMPTION

ERRORS AND OMISSIONS

- Affidavit of documents, correction, **RCP**
30.07, § RCP30.07:1
- Evidence on discovery, correction, **RCP**
31.09, § RCP31.09:1
- Name of party incorrect, **RCP 5.04(2)**
- Order containing error, **RCP 59.06(1)**

ESTATES

- See also ESTATE TRUSTEES
- Administrators, see also ESTATE
TRUSTEES
application for directions, **RCP**
14.05(3)
application for removal or replacement,
RCP 14.05(3)
application to fix compensation, **RCP**
14.05(3)
- Advertisement on references for benefi-
ciaries, **RCP 55.03(1)**
- Applications to Superior Court of Justice,
RCP 14.05(3)
- Assessment of costs paid out of estate,
RCP 58.08(2)

INDEX

ESTATES—Cont'd

- Bonds, **RCP 74.11, § RCP74.11:1**
- Claims against estate
 - notice of contestation, **RCP 75.08(1)**
 - service, **RCP 75.08(3)**
 - solicitor of record, **RCP 75.09**
 - trial, **RCP 75.07(4)**
- Commencement of proceedings, request for notice, **RCP 74.03**
- Court-ordered estates mediation, **RCP 75.2, § RCP75.2:1**
 - attendance at mediation session, **RCP 75.2.06**
 - confidentiality, **RCP 75.2.08**
 - consent order for additional session, **RCP 75.2.10**
 - directions for conduct of mediation, **RCP 75.2.03**
 - mediator, **RCP 75.2.04**
 - outcome of mediation, **RCP 75.2.09**
 - procedure before mediation session, **RCP 75.2.05**
 - remedy for non-compliance, **RCP 75.2.07**
- Deposit of wills and codicils for safekeeping, **RCP 74.02**
- Estate interested in proceeding, appointment of representative, **RCP 10.02, § RCP10.02:1**
- Estate trustees, see also ESTATE TRUSTEES
- Executors, see also ESTATE TRUSTEES
 - application for removal or replacement, **RCP 14.05(3)**
 - applications for directions, **RCP 14.05(3)**
 - application to fix compensation, **RCP 14.05(3)**
- Forms
 - see Index in Forms Volume
- Interest on accounts, **RCP 65.02(2)**
- Judgment for administration, **RCP 65.01(2)**
- Mandatory mediation
 - additional session on consent, **RCP 75.1.13**
 - application of rule, **RCP 75.1.02**
 - assignment of mediator, **RCP 75.1.07(3) to 75.1.07(5)**
 - attendance at session, **RCP 75.1.09**
 - authority to settle, **RCP 75.1.09(2)**

ESTATES—Cont'd

- Mandatory mediation—Cont'd
 - choice of mediator, **RCP 75.1.06**
 - confidentiality, **RCP 75.1.11**
 - definitions, **RCP 75.1.03**
 - directions for, **RCP 75.1.02**
 - exemption by order, **RCP 75.1.04**
 - failure to attend, **RCP 75.1.09(3), 75.1.10**
 - mediator's report, **RCP 75.1.12**
 - non-compliance, **RCP 75.1.10, 75.1.12(6)**
 - selection of mediator, **RCP 75.1.07**
 - statements of issues, **RCP 75.1.08**
- Minors
 - affidavits in support of applications, **RCP 67.02**
 - commencement of proceedings, **RCP 67.01**
 - consent of minor over age of sixteen, **RCP 67.03**
 - motions for orders of assistance, **RCP 74.15, § RCP74.15:1**
 - solicitor's affidavit, **RCP 67.03(1), 67.03(2)**
- Notice of application to Superior Court of Justice, **RCP 65.01(1)**
- Notice of commencement of proceedings, **RCP 74.03**
- Order for rendering of proper statement of accounts, **RCP 65.01(3)**
- Orders for assistance
 - examination, **RCP 74.15(4)**
 - form, **RCP 74.15(5)**
 - kinds, **RCP 74.15(1)**
 - notice requirement, **RCP 74.15(2)**
 - service, **RCP 74.15(3)**
- Passing of accounts
 - application, **RCP 74.18, § RCP74.18:1**
 - costs, **RCP 74.18(8.6), 74.18(10), 74.18(11) to 74.18(11.4)**
 - form of accounts, **RCP 74.17**
 - generally, **RCP 74.16**
 - hearing, **RCP 74.18(8.5), 74.18(11.2) to 74.18(13.2)**
 - increased costs, request for, **RCP 74.18(11), 74.18(11.1)**
 - judgment, **RCP 74.18(9), 74.18(10), 74.18(14)**
 - material to be filed, **RCP 74.18(1)**
 - no response, **RCP 74.18(8.2)**

ESTATES—Cont'd

- Passing of accounts—Cont'd
 - notice of objection, **RCP 74.18(7), 74.18(8.4), 74.18(12)**
 - person under disability, **RCP 74.18(3.2), 74.18(6)**
 - request for further notice, **RCP 74.18(8), 74.18(8.1)**
 - response to application, **RCP 74.18(8.3)**
 - service, **RCP 74.18(3) to 74.18(5)**
 - without hearing, **RCP 74.18(9), 74.18(10)**
- Payment into court, **RCP 65.02(3)**
- Pleadings, **RCP 75.07**
- Proceedings
 - adding persons as parties, **RCP 9.01(4)**
 - appointment of litigation administrator, **RCP 9.02(1), 9.02(2)**
 - commenced before probate or administration, **RCP 9.03(1)**
 - commenced by or estate of deceased persons, **RCP 9.03(2)**
 - commenced in name of deceased persons, **RCP 9.03(3)**
 - estates having no executor or administrator, **RCP 9.02**
 - executors or administrators refusing to be joined, **RCP 9.01(3)**
 - generally, **RCP 9, § RCP9:1 to § RCP9.03:1**
 - imposition of terms, **RCP 9.03(7)**
 - joinder of beneficiaries, **RCP 9.01(1), 9.01(2), 9.01(4)**
 - litigation administrator appointed improperly, **RCP 9.03(4)**
 - not properly constituted, power of court, **RCP 9.03(5)**
 - not properly constituted within reasonable time, **RCP 9.03(6)**
- Proof of death
 - definition, **RCP 74.01**
- References, **RCP 65.02(1)**
 - form of report, **Form 55C, RCP 55.02(22)**
- Registrar's notes, **RCP 74.12(5)**
- Representation orders, **RCP 10.01(1), RCP 10.02, § RCP10.02:1**
- Service outside Ontario of claim, **RCP 17.02(b)**

ESTATES—Cont'd

- Small estates, non-contentious proceedings
 - application of R. 75, **RCP 75.01.1**
 - application of R. 75.1, **RCP 75.1.02(1)(b)(i), 75.1.02(1)(b)(ii)**
 - application of R. 75.2, **RCP 75.2.01**
 - application of R. 77, exception, **RCP 77.02(2)(b)**
 - application of rule, **RCP 74.1.02**
 - certificate
 - amendment, **RCP 74.1.05**
 - application for, **RCP 74.1.03**
 - issuance, **RCP 74.1.04**
 - definition, **RCP 74.1.01**
 - estate ceases to be small estate, **RCP 74.1.06**
 - Solicitor of record, **RCP 75.09**
 - solicitor acting under limited scope retainer, **RCP 15.01(3)**
 - Statement of claim served, **RCP 75.07(1)**
 - Submission of rights to court, **RCP 75.07.1, RCP 75.07(1), § RCP75.07.1:1, 75.07(4)**
 - Wills
 - See DEEDS, WILLS, INSTRUMENTS
- ESTATE TRUSTEES**
- See also ESTATES
 - Ancillary appointment, **RCP 74.09**
 - Appointment
 - ancillary appointment, **RCP 74.09**
 - certificate defined, **RCP 74.01**
 - confirmation by resealing, **RCP 74.08**
 - deposit equal to tax, **RCP 74.13**
 - foreign estate trustee's nominee, **RCP 74.05.1**
 - order to accept or refuse, **RCP 74.15(1)**
 - order to consent or object, **RCP 74.15(1)**
 - originating process, **RCP 1.03, § RCP1.03:1, RCP 14.05, § RCP14.05:1, 14.01(2.1)**
 - procedure, **RCP 74.12**
 - return of certificate, **RCP 75.05**
 - succeeding trustee without will, **RCP 74.07**
 - succeeding trustee with will, **RCP 74.06, § RCP74.06:1**
 - trustee, **RCP 74.04, § RCP74.04:1**

INDEX

ESTATE TRUSTEES—Cont'd

- Appointment—Cont'd
 - trustee during litigation, **RCP 74.10, § RCP74.10:1**
- Certificate of appointment
 - application, **RCP 74.04, § RCP74.04:1**
 - authentication of certificate, **RCP 74.14.1**
 - definition, **RCP 74.01**
 - issuing, **RCP 74.14, § RCP74.14:1**
 - objection, **RCP 74.01, RCP 75.03, § RCP75.03:1**
 - revocation, **RCP 75.04, § RCP75.04:1**
- Confirmation of estate trustees, **RCP 74.14.2**
- Definitions, **RCP 74.01**
- Delivery of will or codicil, **RCP 74.02(7) to 74.02(7.5)**
- Motion for directions, **RCP 75.05(4), 75.05(5)**
- Passing of accounts
 - See ESTATES
- Succeeding trustees, appointment, **RCP 74.06, § RCP74.06:1, 74.07**
- Trustees during litigation, **RCP 74.01, RCP 74.10, § RCP74.10:1**

EVIDENCE

- See also AFFIDAVITS; EVIDENCE [Vol. 2]; HEARINGS; TRIALS; WITNESSES
- Admissibility, determination of issue before trial, **RCP 21.01(2)**
- Appeals
 - agreements, **RCP 61.05(4)**
 - appellant's certificate, **RCP 61.05(1), 62.02(8)**
 - complying with certificates of agreement, **RCP 61.05(6)**
 - contents of appeal book, **RCP 61.10(1)**
 - costs sanctions for unnecessary evidence, **RCP 61.05(8)**
 - motion to receive evidence, **RCP 61.16(2)**
 - notice from court reporter when evidence transcribed, **RCP 61.05(7)**
 - ordering transcripts, **RCP 61.05(5)**
 - respondent's certificate, **RCP 61.05(2), 61.05(3)**
 - respondent's factum, **RCP 61.12(3)**
- Application records, **RCP 38.09(1)**

EVIDENCE—Cont'd

- Applications
 - See AFFIDAVITS; APPLICATIONS; HEARINGS
- Commission for taking evidence, **RCP 34.07(2), 34.07(5), 36.03**
- Discovery
 - See DISCOVERY; EXAMINATIONS FOR DISCOVERY
- Documents
 - bank records
 - See bank records
 - judicial
 - See judicial documents
- Examination at trial
 - See Witness
- Examination before trial, discretion of court, **RCP 36.01(2)**
- Examinations out of court, transcript for use in court, **RCP 34.18(2)**
- Exclusion of witnesses, **RCP 52.06, § RCP52.06:1**
- Family law proceedings
 - See FAMILY LAW RULES
- Forms, see Index in Forms Volume
- Insufficient to support judgment, **RCP 52.08(1)**
- Judicial documents
 - wills
 - See wills
- Jury trials, order of presentation, **RCP 52.07, § RCP52.07:1**
- Leave required to admit at trial
 - conditions for granting leave, **RCP 53.08, § RCP53.08:1**
 - failure to abandon claim of privilege, **RCP 30.09, § RCP30.09:1, 53.08**
 - failure to correct answers on discovery, **RCP 31.09(3), RCP 53.08, § RCP53.08:1**
 - failure to disclose document, **RCP 30.08(1), RCP 53.08, § RCP53.08:1**
 - failure to disclose information on discovery, **RCP 31.07, § RCP31.07:1, RCP 53.08, § RCP53.08:1**
 - failure to disclose witness, **RCP 53.08, § RCP53.08:1**
 - failure to serve expert's report, **RCP 53.03(3), RCP 53.08, § RCP53.08:1**

EVIDENCE—Cont'd

- Letters of request, **RCP 34.07(2)**
- Letters rogatory
 - See letters of request
- Mortgage references, concerning subsequent encumbrancer, **RCP 64.06(2)**
- Motion for summary judgment
 - by defendant, **RCP 20.01(3)**
 - by plaintiff, **RCP 20.01(1)**
 - personal knowledge, **RCP 20.02, § RCP20.02:1**
- Motions
 - See AFFIDAVITS; HEARINGS; MOTIONS
- Pleadings, **RCP 25.06(1)**
- References
 - books of account, **RCP 55.04(4)**
 - directions concerning evidence, **RCP 55.02(3)**
 - payment out of money to minor, **RCP 55.05(4)**
 - ruling on admissibility, reasons set out in report, **RCP 55.02(18)**
- Striking out, examinations out of court, **RCP 34.15(1), 35.04(4)**
- Summons to witness, **RCP 34.04(4), RCP 53.04, § RCP53.04:1, 53.05**
- Taking evidence before trial
 - admissibility, **RCP 36.01(1)**
 - calling witness at trial, **RCP 36.04(3)**
 - expert witnesses, **RCP 36.01(3)**
 - filing transcripts, videotapes, recordings, **RCP 36.04(7)**
 - generally, **RCP 34.01, RCP 36, § RCP36:1 to § RCP36.04:1**
 - party, definition, **RCP 36.04(1)**
 - persons outside Ontario, **RCP 36.03**
 - procedure, **RCP 36.02**
 - use at trial, **RCP 36.04, § RCP36.04:1**
- Transcripts
 - applications, **RCP 38.09(6)**
 - judicial review, applicant's record, **RCP 68.04(2)**
 - motions, **RCP 37.10(5)**
 - standards, **RCP 4.07(2), 4.09**
- Trial, see also TRIALS
 - calling adverse party, **RCP 53.07, § RCP53.07:1**

EVIDENCE—Cont'd

- Trial, see also TRIALS—Cont'd
 - examination for discovery, **RCP 31.11, § RCP31.11:1**
 - deponent unavailable, leave granted to introduce, **RCP 31.11(7)**
 - deponent unavailable, leave required to introduce, **RCP 31.11(6)**
 - direction to read in additional evidence, **RCP 31.11(3)**
 - impeaching testimony of deponent as witness, **RCP 31.11(2)**
 - introduction at trial, **RCP 31.11(1)**
 - non-parties, **RCP 31.10(5)**
 - party under disability, leave required, **RCP 31.11(5)**
 - rebuttal, **RCP 31.11(4)**
 - use in subsequent action, **RCP 31.11(8)**
 - expert's report, **RCP 52.03(8)**
 - interprovincial subpoena, **RCP 53.05**
 - witness, compelling attendance, **RCP 53.04, § RCP53.04:1 to RCP 53.06**
- EXAMINATIONS FOR DISCOVERY**
 - See also EXAMINATIONS OUT OF COURT
 - Assignees, **RCP 31.03(6)**
 - Assignors, **RCP 31.03(6)**
 - Bankrupt persons, **RCP 31.03(7)**
 - Children's Lawyer, **RCP 31.03(5)**
 - Corporations, **RCP 31.03(2), 31.03(3)**
 - Correcting answers, **RCP 31.09, § RCP31.09:1**
 - Counsel answering questions, **RCP 31.08, § RCP31.08:1**
 - Deemed undertaking, **RCP 30.1, § RCP30.1:1**
 - Defendant, **RCP 31.04(2)**
 - notice of examination, **RCP 31.04(2), RCP 34.04, § RCP34.04:1**
 - written questions, **RCP 31.04(2), 35.01**
 - Disclosure of expert opinions, **RCP 31.06(3)**
 - Disclosure of identity of persons having knowledge, **RCP 31.06(2)**
 - Document, definition, **RCP 31.01**
 - Documents to be taken to examination, **RCP 30.04(4)**

EXAMINATIONS FOR DISCOVERY**—Cont'd**

Evidence at trial
 impeaching testimony of deponent as witness, **RCP 31.11(2)**
 non-parties, **RCP 31.10(5)**
 party under disability, **RCP 31.11(5)**
 qualifying answers, **RCP 31.11(3)**
 reading in examination of party, **RCP 31.11(1)**
 rebuttal, **RCP 31.11(4)**
 unavailability of deponent, **RCP 31.11(6), 31.11(7)**
 use in subsequent actions, **RCP 31.11(8)**

Examination by more than one party, **RCP 31.05, § RCP31.05:1**

Failure to answer proper question, **RCP 31.07(1), RCP 34.15, § RCP34.15:1**

Failure to correct answers, sanctions, **RCP 31.09(3)**

Form of, **RCP 31.02, § RCP31.02:1**

Generally, **RCP 31, § RCP31:1 to § RCP31.11:1**

Information subsequently obtained, **RCP 31.09(1)**

Insurance policies, **RCP 31.06(4), 30.02(3)**

Interested persons, **RCP 31.03(8)**

Leave requirements, **RCP 31.03(4)**

Limiting multiple examinations, **RCP 31.03(9)**

Non-parties, **RCP 31.10, § RCP31.10:1**

Notice of examination, **RCP 31.04, § RCP31.04:1, 34.04**

Partnerships, **RCP 31.03(3)**

Party to be examined only once, **RCP 31.03(1)**

Persons under disability, **RCP 31.03(5)**

Plaintiff
 notice of examination, **RCP 31.04(1), RCP 34.04, § RCP34.04:1**
 written questions, **RCP 31.04(1), 35.01**

Public Guardian and Trustee, **RCP 31.03(5)**

Refusal to answer question, **RCP 31.07(1)**

Scope, **RCP 31.06(1)**

Sole proprietorships, **RCP 31.03(3)**

Time limit, **RCP 31.05.1, § RCP31.05.1:1**

Trustee in bankruptcy, **RCP 31.03(7)**

EXAMINATIONS FOR DISCOVERY**—Cont'd**

Use on motions, **RCP 39.04, § RCP39.04:1**

When examination may be initiated, **RCP 31.04, § RCP31.04:1**

Who may examine first, **RCP 31.04(3)**

Withholding information, **RCP 31.06(5)**

Written questions
 answers, **RCP 35.02(1)**
 court order upon refusal, **RCP 35.04(2)**
 filing, **RCP 35.06**
 service, **RCP 35.02(2)**
 forms, see Index in Forms Volume
 improper conduct, **RCP 35.05**
 objection to question, **RCP 35.03**

orders
 further answers, **RCP 35.04(2)**
 oral examination, **RCP 35.04(3)**

questions
 further list of questions, **RCP 35.04(1)**
 service, **RCP 35.01**

sanctions
 failure to answer proper question, **RCP 35.04(2), 35.04(4)**
 failure to produce document, **RCP 35.04(4)**
 order for further answers, **RCP 35.04(2)**
 order for oral examination, **RCP 35.04(3)**

EXAMINATIONS OUT OF COURT

See also EXAMINATIONS FOR DISCOVERY

Absence of opposite party, **RCP 3.03(2)**

Adjournments, **RCP 34.14, § RCP34.14:1**
 limiting scope of examination, **RCP 34.14(1)**
 sanctions for improper adjournment, **RCP 34.14(2)**
 seeking directions, **RCP 34.14(1)**
 seeking order terminating examination, **RCP 34.14(1)**

Application of Rule 34, **RCP 34.01**

Attendance, **RCP 34.04, § RCP34.04:1**
 deponents of affidavits, **RCP 34.04(3)**

EXAMINATIONS OUT OF COURT

—Cont'd

- Attendance, **RCP 34.04, § RCP34.04:1**
 - Cont'd
 - non-party, **RCP 34.04(4)**
 - attendance money, **RCP 34.04(5)**
 - summons to witness, **RCP 34.04(4)**
- notice of examination, **RCP 34.04, § RCP34.04:1**
- party, **RCP 34.04(1)**
- person examined on behalf or in place of party, **RCP 34.04(2)**
- person in custody, **RCP 34.04(8), 53.06**
- person outside Ontario, **RCP 34.04(7)**
- summons to witness, attendance money, **RCP 34.04(4) to 34.04(6)**
- Before whom to be held, **RCP 34.02, § RCP34.02:1**
- Consent, **RCP 34.06**
- Cross-examination for application or motion, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3, RCP 39.03, § RCP39.03:1 to § RCP39.03:4**
- Discovery
 - See EXAMINATIONS FOR DISCOVERY
- Execution, in aid of
 - corporate debtors, **RCP 60.18(3)**
 - costs, **RCP 60.19, § RCP60.19:1**
 - creditor and debtor, defined, **RCP 60.18(1)**
 - debtor defeating or defrauding creditors, **RCP 60.18(5)**
 - limit on frequency or number, **RCP 60.18(4)**
 - partners and partnerships, **RCP 60.18(3)**
 - person on behalf or in place of party, **RCP 34.04(2)**
 - person other than debtor, **RCP 60.18(6)**
 - re-examination, **RCP 34.11(2), 34.11(3)**
 - scope, **RCP 60.18(2)**
 - service on debtor, **RCP 60.18(7)**
 - sole proprietors and sole proprietorships, **RCP 60.18(3)**
- Failure to attend, **RCP 34.15, § RCP34.15:1**
- Forms, see Index in Forms Volume
- Generally, **RCP 34, § RCP34:1 to § RCP34.19:1**

EXAMINATIONS OUT OF COURT

—Cont'd

- Improper conduct of examination, **RCP 34.14, § RCP34.14:1**
 - motions terminating or limiting scope, **RCP 34.14(1)**
 - sanctions, **RCP 34.14(2)**
- Interpreters, **RCP 34.09, § RCP34.09:1**
 - oath or affirmation, **RCP 34.09(1)**
 - who must provide, **RCP 34.09(2)**
- Motions, use of evidence on, **RCP 39.04, § RCP39.04:1**
- Notice of time and place, **RCP 34.05, § RCP34.05:1**
- Oath or affirmation, **RCP 34.08(1)**
- Objections to questions, **RCP 34.12, § RCP34.12:1**
 - procedure, **RCP 34.12(1)**
 - ruling on propriety of question, **RCP 34.12(3)**
- Person out of Ontario
 - attendance money, **RCP 34.07(4)**
 - commission for taking evidence, **RCP 34.07, § RCP34.07:1**
 - duties of commissioner, **RCP 34.07(5), 34.07(6)**
 - form of examination, **RCP 34.07(5)**
 - preparation and issuance by registrar, **RCP 34.07(3)**
 - transcript of evidence, **RCP 34.07(6)**
 - court determining aspects of examination, **RCP 34.07(1)**
 - letter of request, **RCP 34.07(2), 34.07(3)**
 - oaths, affirmations, **RCP 34.08(2)**
 - order for commission, letter of request, **RCP 34.07(2)**
 - service of transcript, **RCP 34.07(7)**
 - summons to witness, **RCP 34.04(7)**
- Physical or mental
 - appointment of expert, **RCP 52.03(3)**
 - power to order, **CJA 105, § CJA105:1, § CJA105:2**
- Place of examination, **RCP 34.03, § RCP34.03:1**
- Production of documents, **RCP 34.04(4), RCP 34.10, § RCP34.10:1**
 - admitted to be in possession, power control, **RCP 34.10(4)**
 - at examination, **RCP 34.10(2)**

EXAMINATIONS OUT OF COURT**—Cont'd**

- Production of documents, **RCP 34.04(4), RCP 34.10, § RCP34.10:1—Cont'd**
- definition of document, **RCP 30.01(1), 34.10(1)**
- notice of examination, **RCP 34.10(3)**
- summons to witness, **RCP 34.10(3)**
- Recording, videotape or other means, **RCP 34.19, § RCP34.19:1**
- filing for use in court, **RCP 34.19(1)**
- making copy available, **RCP 34.19(2)**
- Recording examination, **RCP 34.16**
- Re-examination
 - on cross-examination, **RCP 34.11(2)**
 - on examination for discovery, **RCP 34.11(1)**
 - witness, taking evidence before trial, **RCP 36.02(2)**
 - witness on pending application or motion, **RCP 34.11(4), 39.03(2), 39.03(4)**
- Re-examination of persons, **RCP 34.11, § RCP34.11:1**
- before applications, **RCP 34.11(4), 39.03(2)**
- before motions, **RCP 34.11(4), 39.03(2)**
- in aid of execution, **RCP 34.11(2)**
- on applications, **RCP 34.11(4), 39.03(2)**
- on cross-examination on affidavit, **RCP 34.11(2), 34.11(3)**
- on discovery, **RCP 34.11(1), 34.11(3)**
- on motion, **RCP 34.11(4), 39.03(2)**
- References, compelling attendance, **RCP 55.02(14)**
- References, oral evidence, **RCP 55.02(13)**
- Refusal to take oath or affirm, **RCP 34.15, § RCP34.15:1**
- Rulings
 - propriety of questions, **RCP 34.12(3)**
- Sanctions
 - failure to attend, **RCP 34.15(1)**
 - failure to comply with order, **RCP 34.15(2)**
 - failure to produce document, **RCP 34.15(1)**
 - improper conduct or adjournment, **RCP 34.14(2)**

EXAMINATIONS OUT OF COURT**—Cont'd**

- Sanctions—Cont'd
 - refusal to answer proper question, **RCP 34.15(1)**
 - refusal to take oath or make affirmation, **RCP 34.15(1)**
- Taking evidence before trial
 - admissibility, **RCP 36.01(2)**
 - calling witness at trial, **RCP 36.04(3)**
 - considerations before permitted, **RCP 36.01(2)**
 - discretion of court, **RCP 36.01(3)**
 - expert witnesses, **RCP 36.01(4)**
 - filing transcript and recording or videotape, **RCP 36.04(7)**
 - interim costs, **RCP 36.01(5)**
 - party, defined, **RCP 36.01, § RCP36.01:1, 36.04(1)**
 - persons outside Ontario, **RCP 36.03**
 - procedure, **RCP 36.02**
 - use at trial, **RCP 36.04, § RCP36.04:1**
- Transcripts
 - certification, **RCP 34.17(2)**
 - copy filed for use at trial, **RCP 34.18(4)**
 - copy filed for use on motion or application, **RCP 34.18(2)**
 - form and content, **RCP 4.09, 34.17(1), 34.17(2)**
 - making copy available, **RCP 34.18(1)**
 - to whom transcript is sent, **RCP 34.17(3)**
- Typed, **RCP 34.17**
- Videotaping, **RCP 34.19(1), 34.19(2)**
- Witnesses
 - applications
 - at the hearing, **RCP 39.03(4)**
 - before the hearing, **RCP 39.03(1), 39.03(2)**
 - summons, **RCP 39.03(5)**
 - failure to deliver notice of appearance, **RCP 38.07(2)**
 - motions, **RCP 39.03, § RCP39.03:1 to § RCP39.03:4**

EXECUTIONS

- See **ENFORCEMENT OF ORDERS; WRITS OF EXECUTION**

EXECUTORS AND ADMINISTRATORS

- See also **ESTATE TRUSTEES**

**EXECUTORS AND ADMINISTRATORS
—Cont'd**

- Commencing proceedings for administration, **RCP 65.01(1)**
- Examination of claims, references, **RCP 55.03(3)**
- Order to render proper accounts, **RCP 65.01(3)**
- Proceedings commenced before administration, **RCP 9.03(1)**
- Proceedings commenced before grant of probate, **RCP 9.03(1)**
- References, examination of claims, **RCP 55.03(3)**
- Refusing to be joined in proceeding, **RCP 9.01(3)**

EXHIBITS

- Affidavits, **RCP 4.06(3)**
- Appeals
 - contents of appeal book, **RCP 61.10(1)**
 - costs sanctions for unnecessary evidence, **RCP 61.05(8)**
 - perfecting appeals, **RCP 61.09(2), 61.09(3)**
- Application record
 - applicant, **RCP 38.10(1)**
 - respondent, **RCP 38.10(3)**
- Application record, judicial review
 - applicant's, **RCP 68.04(2)**
 - respondent's, **RCP 68.04(5)**
- Interlocutory appeals, record, **RCP 62.01(7), 62.01(9)**
- Motion record, **RCP 37.10(2)**
- References, accounts, **RCP 55.04(3)**
- Referred to in affidavits, **RCP 4.06(3)**
- Responding party's, **RCP 37.10(3)**
- Return to court office where proceeding commenced, **RCP 4.10(2)**
- Service, documents, **RCP 4.06(3)**
- Transmission, **RCP 4.10(1)**
- Trials, **RCP 52.04, § RCP52.04:1**
 - marking and numbering, **RCP 52.04(1)**
 - registrar to hold, **RCP 52.04(3)**
 - requisition for return, **RCP 52.04(2)**
 - return by registrar, **RCP 52.04(2), 52.04(4)**

EXPERT WITNESSES

- Duty of, **RCP 4.1, § RCP4.1:1**
- Examinations for discovery, obtaining reports and identity, **RCP 31.06(3)**

EXPERT WITNESSES—Cont'd

- Experts' reports
 - extension/abridgment of time for service, **RCP 53.03(4)**
 - information content, **RCP 53.03(2.1)**
 - sanction for failure to address issue in, **RCP 53.03(3)**
 - schedule for service, **RCP 53.03(2.2)**
 - service of, **RCP 53.03(1), 53.03(2)**
- Pre-trial conference
 - expert's report, **RCP 50.11**
- Reference, on, **RCP 55.02(14.1), 55.02(14.2)**
- Taking evidence before trial, **RCP 36.01(3)**
- Trials
 - appointment, **RCP 52.03(1)**
 - contents of order of appointment, **RCP 52.03(3)**
 - named by judge, **RCP 52.03(2)**
 - remuneration, **RCP 52.03(4) to 52.03(6), 52.03(11)**
 - reports, **RCP 52.03(7) to 52.03(9)**

EXTENSION OF TIME

- See also TIME
- Appeals, **RCP 3.02(3)**
- Consent in writing, **RCP 3.02(4)**
- Motions, **RCP 3.02(2)**

FACTS

- Admissions
 - See ADMISSIONS
- Affidavits
 - See AFFIDAVITS
- Application or motion without notice, disclosure, **RCP 39.01(6)**
- Determination by appeal court, **CJA 134(4)**
- Failure to prove at trial, **RCP 52.10, § RCP52.10:1**
- Inferences, hearing of special case, **RCP 22.05(1)**
- Material facts
 - See PLEADINGS
- Pleading
 - See PLEADINGS
- Proof at trial, affidavit evidence, **RCP 53.02(1)**
- Questions in common
 - consolidation orders, **RCP 6.01, § RCP6.01:1**

INDEX

FACTS—Cont'd

- Questions in common—Cont'd
 - intervention of persons in proceedings, **RCP 13.01, § RCP13.01:1, § RCP13.01:2**
 - joinder of parties, **RCP 5.02, § RCP5.02:1**
- Subsequently discovered
 - duty to correct answers on discovery, **RCP 31.09(1)**
 - grounds to vary or set aside order, **RCP 59.06(2)**

FACTUMS

- Appeals from interlocutory orders
 - appellant's, **RCP 62.01(7), 62.01(9)**
 - respondent's, **RCP 62.01(8), 62.01(9)**
- Appellant's
 - contents, **RCP 61.11, § RCP61.11:1**
 - filing to perfect appeal, **RCP 61.09(3)**
- Applications
 - applicant's, **RCP 38.09(1), 38.09(2)**
 - dispensing with factum, **RCP 38.09(4)**
 - respondent's, **RCP 38.09(3)**
- Certificate of estimated time for argument, **RCP 61.16(4.1)**
- Cross-appeal, **RCP 61.12(4)**
 - failure of respondent to deliver, **RCP 61.13(4), 61.13(5)**
- Determination of issue before trial, **RCP 21.03**
- Family law appeals, **FLR 38(6), FLR 38(8) to FLR 38(10)**
- Injunction/mandatory order application, **RCP 40.04**
- Judicial review proceedings
 - applicant's, **RCP 68.04(1), 68.04(3), 68.04(7)**
 - failure of applicant to file, **RCP 68.06**
 - respondent's, **RCP 68.04(4), 68.04(6), 68.04(7)**
- Motion for leave to appeal, **RCP 61.03(2), 61.03(4)**
- Motion for summary judgment, **RCP 20.03, § RCP20.03:1**
- Motion in appellate court, **RCP 61.16(4)**
- Motions generally, **RCP 37.10(6) to 37.10(9)**
- Respondent's
 - contents, **RCP 61.12(3)**
 - filing and service, **RCP 61.12(1)**
 - time for delivery, **RCP 61.12(2)**

FACTUMS—Cont'd

- Special case, **RCP 22.02**
- Special case, removed to Court of Appeal, **RCP 22.03(2)**

FAMILY COURT

- Clerk, **CJA 77**
- Community liaison committee, **CJA 21.13**
- Community resources committee, **CJA 21.14**
- Composition of court, **CJA 21.7**
- Composition of family court, **CJA 21.2**
- Criminal jurisdiction, **CJA 21.12**
- Dispute resolution service, **CJA 21.15**
- Enforcement of orders, **CJA 21.12**
- Fees, **O. Reg. 417/95**
- Jurisdiction, **CJA 21.1**
- Meetings of judges, **CJA 52**
- Ontario Court of Justice matters, **CJA 21.14**
- Orders of predecessor court, **CJA 21.10**
- Other jurisdiction, **CJA 21.9**
- Place where proceeding commenced, **CJA 21.11, § CJA21.11:1**
- Proceedings in family court, **CJA 21.8, § CJA21.8:1**
- Transitional measure, **CJA 21.3**
- United Family Court, continuation of, **CJA 21.1(2)**

FAMILY LAW RULES

- Admission of facts, **FLR 22, § FLR22:1**
- Adoption
 - answering case exception, **FLR 10(2.1)**
 - certified copy of order from outside Ontario, **FLR 34(3)**
 - CFSA definitions apply, **FLR 34(1)**
 - clerk to review application, **FLR 34(15)**
 - consent
 - dispensing with before placement, **FLR 34(16)**
 - evidence of parentage, **FLR 34(17), FLR 34(18)**
 - requirements, **FLR 34(10) to FLR 34(14)**
 - independent legal advice requirements, **FLR 34(11) to FLR 34(12)**
 - initials, use of in documents, **FLR 34(2.1)**

FAMILY LAW RULES—Cont'd

- Adoption—Cont'd
 - material filed with application
 - child's adjustment report, **FLR 34(5)**
 - Crown ward, re, **FLR 34(6)**
 - access order, **FLR 34(6)**
 - forms for openness applications, **FLR 34(17)**
 - generally, **FLR 34(4)**
 - non-Crown ward, **FLR 34(7)**
 - notice of intention to place a child for adoption, service of, **FLR 34(18)**
 - openness applications, timelines for, **FLR 34(19)**
 - relative or step-parent applicant, **FLR 34(8), FLR 34(9)**
 - step-parent adoption, **FLR 34(9)**
 - Amendments
 - answer, to, **FLR 11(2), FLR 11(3)**
 - application, to, **FLR 11(1), FLR 11(3)**
 - child protection case, **FLR 11(2.1)**
 - decision-making, parenting time or contact claim, **FLR 11(3.1)**
 - how shown, **FLR 11(4)**
 - Answering case
 - adoption placement exception, **FLR 10(2.1)**
 - amending, **FLR 11(2), FLR 11(3)**
 - by added respondent, **FLR 10(4)**
 - custody/access claim, **FLR 10(4.1)**
 - inclusion of claim, **FLR 10(3)**
 - no answer or answer struck out, **FLR 10(5)**
 - reply, **FLR 10(6)**
 - serving and filing answer, **FLR 10(1)**
 - time for, **FLR 10(2)**
 - Appeals
 - appeal record, **FLR 38(17), FLR 38(48)**
 - appellant's factum, **FLR 38(18)**
 - application of Rules to Div. Ct and C of A, **FLR 38(1)**
 - CFSAs appeals, **FLR 38(3), FLR 38(24)**
 - child protection appeals, modifications, **FLR 38(2)**
 - commencing, **FLR 38(5) to FLR 38(7), FLR 38(47)**
 - consultation with respondent, **FLR 38(13)**

FAMILY LAW RULES—Cont'd

- Appeals—Cont'd
 - dismissal, **FLR 38(27)**
 - family arbitration awards, **FLR 38(46)**
 - grounds, **FLR 38(10), FLR 38(11)**
 - hearing, scheduling of, **FLR 37(23), FLR 37(24)**
 - motion for leave to appeal, **FLR 38(49) to FLR 38(55)**
 - motions, **FLR 38(25), FLR 38(28) to FLR 38(30)**
 - name of case, **FLR 38(8)**
 - respondent, by, **FLR 38(9), FLR 38(19), FLR 38(20)**
 - security for costs, **FLR 38(26)**
 - stays, **FLR 38(33) to FLR 38(44)**
 - Superior Court of Justice, to, **FLR 38(4)**
 - temporary orders appealed to Divisional Court, **FLR 38(13)**
 - timelines for service, **FLR 38(21), FLR 38(22)**
 - transcript of evidence, **FLR 38(12) to FLR 38(16)**
 - withdrawal, **FLR 38(31), FLR 38(32)**
 - writ of execution, setting aside, **FLR 38(45)**
- Application
 - See starting case
- Application of
 - case management, to, **FLR 1(3), FLR 1(4)**
 - family law case combined with another, **FLR 1(5)**
 - generally, **FLR 1(2)**
- Arrest
 - bail on, **FLR 32(13)**
 - warrant for, **FLR 32(12)**
- Bonds, form and requirements, **FLR 32(2) to FLR 32(11)**
- Case management
 - Family Court of Superior Court of Justice, in, **FLR 39, § FLR39:1**
 - Ontario Court of Justice, in, **FLR 40**
 - Superior Court of Justice, in, **FLR 1(4.1), FLR 41, § FLR41:1**
- Change of name applications, **FLR 35**
- Child protection cases
 - amendments, **FLR 11(2.1)**

FAMILY LAW RULES—Cont'd

Child protection cases—Cont'd

- case conference option, **FLR 17(1.1), FLR 17(1.2), FLR 17(11.2), FLR 17(13.0.1)**
- case management, **FLR 33(2)**
- continuing record, **FLR 9(4), FLR 9(6.1)**
- expert evidence on motions, **FLR 25.1(9)**
- forms for, **FLR 33(7), (8)**
- plan of care or supervision, **FLR 33(5)**
- status review application, **FLR 33(6.1)**
- temporary care and custody hearing, **FLR 33(6)**
- timetable, **FLR 33(1), FLR 33(3), FLR 33(4)**

Children's lawyer

- report of, **FLR 21, § FLR21:1**

Combining cases, **FLR 12, § FLR12:1**

Conferences

- agreement, **FLR 17(19)**
- attendance confirmation, **FLR 17(14) to FLR 17(14.1.1)**
- case conference
 - purposes of, **FLR 17(4)**
- child protection case, option re, **FLR 17(1.1)**
- combined, **FLR 17(7) to FLR 17(7.2)**
- continuing record and, **FLR 17(20) to FLR 17(22.2)**
- costs, **FLR 17(18), FLR 17(18.1)**
- defended cases, in, **FLR 17(1)**
- documents, requirement to bring, **FLR 17(14.2)**
- documents, service of, **FLR 17(13)**
- management conferences
 - purposes of, **FLR 17(6)**
- motions to change final order or agreement, **FLR 17(3)**
- notice requirement, **FLR 17(4.1)**
- optional, where, **FLR 17(12)**
- optional when, **FLR 17(12)**
- orders at, **FLR 17(8)**
 - requiring one or more parties to attend, **FLR 17(8)(b)**
- parties to, **FLR 17(15)**
- requirement for parties to confer, **FLR 17(3.1) to FLR 17(3.3)**
- service of notice, **FLR 17(4.1)**

FAMILY LAW RULES—Cont'd

Conferences—Cont'd

settlement conferences

- briefs, **FLR 17(22) to FLR 17(23)**
- confidentiality of, **FLR 17(23)**
- judge cannot hear issue, **FLR 17(24), FLR 17(25)**
- purposes of, **FLR 17(5)**
- time for service of briefs, **FLR 17(13.1)**
- trial scheduling endorsement form, **FLR 17(11) to FLR 17(11.2)**
- with judge before case set for trial, **FLR 17(10)**
- undefended cases, in, **FLR 17(2)**
- with non-judge, **FLR 17(9), FLR 17(9.1)**

Contact claims, **FLR 35.1, § FLR35.1:1**Contempt of court, **FLR 31, § FLR31:1**

Continuing record

- appeal, **FLR 9(19)**
- child protection, **FLR 9(4), FLR 9(5)**
- combining, **FLR 9(8) to FLR 9(10)**
- creation of, **FLR 9(1)**
- definition, **FLR 2(1)**
- documents already in record, **FLR 9(13)**
- documents referred to by tab in record, **FLR 9(15)**
- duties of party serving documents, **FLR 9(12)**
- electronic format, conversion to, **FLR 9(18)**
- formal requirements, **FLR 9(6)**
- maintaining and continuing, **FLR 9(11)**
- no removal of documents, **FLR 9(16)**
- order, written reasons for, **FLR 9(17)**
- permanent case name, **FLR 7(6)**
- separation of, **FLR 9(7), FLR 9(10)**
- support enforcement continuing record, **FLR 9(3)**
- support order, **FLR 9(21)**
- transfer of, **FLR 9(20)**
- transitional provision re, **FLR 9(22), FLR 9(23)**

Costs

- absent or unprepared party, **FLR 24(7)**
- bad faith, **FLR 24(8)**
- court's discretion, **FLR 24(3)**
- deciding costs, **FLR 24(10) to FLR 24(12.1)**

FAMILY LAW RULES—Cont'd

- Costs—Cont'd
 - divided success, **FLR 24(6)**
 - expenses, payment of, **FLR 24(18)**
 - factors considered, **FLR 24(12) to FLR 24(12.2)**
 - lawyer's fault, **FLR 24(9)**
 - payment of excess, **FLR 24(12)**
 - presumptions re, **FLR 24(1), FLR 24(2)**
 - security for, **FLR 24(13) to FLR 24(17)**
 - successful party, **FLR 24(1), FLR 24(4), FLR 24(5)**
- Court files, access to, **FLR 1.3**
- Decision-making, parenting time and contact, **FLR 35.1, § FLR35.1:1**
- Default hearing, **FLR 30, § FLR30:1**
- Definitions, **FLR 2(1)**
- Dispute resolution
 - Superior Court of Justice practice direction, **FLR 16, § FLR16:1**
- Divorce
 - adultery, allegation of, **FLR 36(3)**
 - affidavit evidence, **FLR 36(5), FLR 36(5.1)**
 - application for, **FLR 36(1), FLR 36(2)**
 - certificate, **FLR 36(8)**
 - clerk to present papers to judge, **FLR 36(7)**
 - draft divorce order, **FLR 36(6)**
 - filing requirements, **FLR 36(4)**
- Document disclosure, see also questioning witness and disclosure, *infra*
 - additional documents, **FLR 19(9)**
 - documents listed in court papers, **FLR 19(3)**
 - documents of Office of the Children's Lawyer or children's aid society, **FLR 19(6.1)**
 - failure to follow rule, **FLR 19(10)**
 - failure to obey order, **FLR 19(10)**
 - listed documents
 - access to, **FLR 19(2), FLR 19(7)**
 - affidavit re, **FLR 19(1)**
 - omissions, **FLR 19(8)**
 - non-party control of document, **FLR 19(11)**
 - privilege re, **FLR 19(4), FLR 19(5)**
 - striking out, **FLR 1(8.2), FLR 1(8.4)**

FAMILY LAW RULES—Cont'd

- Document disclosure, see also questioning witness and disclosure, *infra*
 - Cont'd
 - subsidiary or affiliated corporation, of, **FLR 19(6)**
- Documents
 - certification, **FLR 1(10.1)**
 - disclosure
 - See document disclosure, *supra*
 - electronic filing and issuance, **FLR 1.1**
 - electronic format, conversion to, **FLR 1.1(11.1) to FLR 1.1(11.2)**
 - format of written, **FLR 1(10)**
 - issuance of, **FLR 1.1(3), FLR 1.1(4), FLR 1.1(6)**
 - service
 - See service of documents
- Enforcement of family arbitration awards
 - filing a request, **FLR 32.1(1)**
 - hearing date, **FLR 32.1(4), FLR 32(6)**
 - opposing a request, **FLR 32.1(7)**
 - oral hearing, **FLR 32.1(9), (10)**
 - proceed by motion, **FLR 32.1(2)**
 - service, **FLR 32.1(5)**
 - written hearing, **FLR 32.1(8)**
- Enforcement of orders
 - administrative costs, **FLR 26(8)**
 - affidavit for filing domestic contract, **FLR 26(9)**
 - costs, entitlement to, **FLR 26(7)**
 - director
 - filing/refiling with, **FLR 26(11)**
 - status of, **FLR 26(10)**
 - transferring enforcement from, **FLR 26(13), FLR 26(14)**
 - transferring enforcement to, **FLR 26(12), FLR 26(14)**
 - how to enforce, **FLR 26(2)**
 - non-payment orders, **FLR 26(4)**
 - payment orders, **FLR 26(3)**
 - reciprocal
 - See reciprocal enforcement of support orders
 - registration of orders, **FLR 26(15) to FLR 26(17)**
 - statement of money owed, **FLR 26(5), FLR 26(6)**
 - transferring
 - See director
 - where to enforce, **FLR 26(1)**

INDEX

FAMILY LAW RULES—Cont'd

Evidence

- affidavit, **FLR 23(20) to FLR 23(22)**
- electronic recording, **FLR 23(21)**
- expert, **FLR 20.2, § FLR20.2:1, FLR 20.3, § FLR20.3:1**
- taking before trial, **FLR 23(18), FLR 23(19)**

Experts

- court appointed, **FLR 20.3, § FLR20.3:1**
- cross-examination, **FLR 20.2(7)**
- definitions, **FLR 20.2(1)**
- duty of, **FLR 20.1, § FLR20.1:1**
- joint litigation expert, **FLR 20.2(3), FLR 20.2(8), FLR 20.2(10) to FLR 20.2(13)**
- late filings, **FLR 20.2(14.1)**
- motions
 - directions, **FLR 20.2(9)**
 - summary judgment, **FLR 20.2(15)**
 - temporary orders, **FLR 20.2(15)**
- participant expert, **FLR 20.2(14)**
- report
 - contents, **FLR 20.2(2)**
 - documents, **FLR 20.2(5)**
 - supplementary report, **FLR 20.2(4)**
 - same issue, restriction, **FLR 20.2(13)**
 - testimony, restrictions on, **FLR 20.2(6)**

Failure to follow, **FLR 1(8.1)**

Failure to obey, **FLR 1(8)**

Family case manager

- Family Court of Superior Court of Justice Ottawa, **FLR 42, § FLR42:1**

Filing

- electronic, **FLR 1.1**

Financial disclosure, see also requiring financial information

- claim for payment order under CFSA, **FLR 13(2)**
- claim relating to decision-making, parenting time or contact, **FLR 13(3)**
- claim under Part 1 of the Family Law Act, **FLR 13(3.3)**
- consent prohibitions, **FLR 13(8)**
- correcting, **FLR 13(15)**
- duty to address omissions, **FLR 13(16)**
- general requirement, **FLR 13, § FLR13:1**

FAMILY LAW RULES—Cont'd

Financial disclosure, see also requiring financial information—Cont'd

- income tax documents requirement, **FLR 13(7) to FLR 13(7.1)**
- insufficient information, **FLR 13(11)**
- minor changes, **FLR 13(12.1)**
- motion to change support, **FLR 13(5.0.1)**
- motion to refrain suspension of licence, **FLR 13(5.1)**
- net family property statement, **FLR 13(14), FLR 13(14.1)**
 - family arbitration claim, **FLR 13(14.1)**
 - joint comparison of net family properties, **FLR 13(14.2)**
- no document filing without, **FLR 13(10)**
- order to serve or file documents, **FLR 13(17)**
- other obligations apply, **FLR 13(18)**
- other property claims, **FLR 13(3.4)**
- questioning on, **FLR 13(13)**
- requirement to certify, **FLR 13(5.0.2)**
- support claims, **FLR 13(1.1) to FLR 13(1.4), FLR 13(3.1) to FLR 13(3.2.1)**
- support variation motion, **FLR 13(4) to FLR 13(5)**
- updating certificate of, **FLR 13(13.1)**
- updating financial statement, **FLR 13(12), FLR 13(12.2), FLR 13(15)**

Forms

- requirements for completing, **FLR 1(9.2)**
- use of, **FLR 1(9), FLR 1(9.1)**

Garnishment

- change in, **FLR 29(14), FLR 29(20), FLR 29(21)**
- dispute re, **FLR 29(16)**
- garnishee financial institution, **FLR 29(6) to FLR 29(6.2)**
- garnishee's payments pays debt, **FLR 29(22)**
- hearing
 - notice of, **FLR 29(17), FLR 29(18)**
 - orders at, **FLR 29(19)**
- indexed support, **FLR 29(14), FLR 29(15)**

FAMILY LAW RULES—Cont'd

- Garnishment—Cont'd
 - joint debts, **FLR 29(7) to FLR 29(9)**
 - new notice of, **FLR 29(29), FLR 29(30)**
 - notice by clerk, **FLR 29(28)**
 - notice of
 - duration of, **FLR 29(5)**
 - effect of, **FLR 29(4)**
 - issue of, **FLR 29(1)**
 - one recipient per, **FLR 29(2)**
 - service on payor and garnishee, **FLR 29(3)**
 - notices by garnishee, **FLR 29(23), FLR 29(24), FLR 29(27)**
 - notices by payor, **FLR 29(25) to FLR 29(27)**
 - notice to stop, **FLR 29(31)**
 - old orders, **FLR 29(32)**
 - payment of arrears, **FLR 29(10)**
 - payment out of money, **FLR 29(12), FLR 29(13)**
 - person to whom garnishee makes payments, **FLR 29(11)**
- Interjurisdictional Support Orders Act, 2002
 - applicant
 - financial statement of, **FLR 37(6)**
 - application of, **FLR 37(2)**
 - definitions, **FLR 37(1)**
 - direction re further information/documents, **FLR 37(10) to FLR 37(14)**
 - forms, **FLR 37(3)**
 - hearing
 - notice of, **FLR 37(3.1)**
 - oral, **FLR 37(8), FLR 37(9)**
 - written, **FLR 37(7)**
 - order
 - preparation of, **FLR 37(15)**
 - provisional, **FLR 37(24), FLR 37(25)**
 - registration of, **FLR 37(18), FLR 37(20) to FLR 37(23.1)**
 - sending copies of, **FLR 37(16), FLR 37(17)**
 - sending or special service, **FLR 37(19)**
 - respondent
 - financial statement of, **FLR 37(5)**

FAMILY LAW RULES—Cont'd

- Interjurisdictional Support Orders Act, 2002—Cont'd
 - respondent—Cont'd
 - information/documents to be provided by, **FLR 37(4)**
- International Child Abduction
 - case management judge, **FLR 37.2(4)**
 - first meeting, **FLR 37.2(5) to FLR 37.2(7)**
 - hearing, **FLR 37.2(8)**
 - interpretation of rules, **FLR 37.2(2)**
 - prompt disposition, **FLR 37.2(3)**
- Mandatory information program, **FLR 8.1, § FLR8:1**
 - application of, **FLR 8.1(1)**
 - exemptions from, **FLR 8.1(2)**
- Matters not covered in, **FLR 1(7)**
- Motions
 - abuse of process through, **FLR 14(21)**
 - affidavits, **FLR 14(18), FLR 14(19)**
 - case conference
 - change of final order motion, **FLR 14(5)**
 - motions not requiring, **FLR 14(6)**
 - requirement of, **FLR 14(4)**
 - urgency/hardship exception, **FLR 14(4.2)**
 - complicated matters, re, **FLR 14(7)**
 - confirmation
 - failure to confirm, **FLR 14(11.1)**
 - update, **FLR 14(11.2)**
 - documents required, **FLR 14(9)**
 - evidence on, **FLR 14(17) to FLR 14(20)**
 - notice re
 - with, **FLR 14(11)**
 - without, **FLR 14(12) to FLR 14(15)**
 - parties to, **FLR 14(3)**
 - prior to case conference, **FLR 14(4) to FLR 14(6)**
 - relating to family arbitration, **FLR 14(24)**
 - reply to response, **FLR 14(11.5), FLR 14(11.6)**
 - response to, **FLR 14(11.3), FLR 14(11.4)**
 - simple form, **FLR 14(10)**
 - when to make, **FLR 14(1)**
 - who can make, **FLR 14(2)**
 - withdrawing, **FLR 14(16)**

FAMILY LAW RULES—Cont'd

- Motions to change final order or agreement, **FLR 15, § FLR15:1, § FLR15:2**
- affidavit filing and requirements, **FLR 15(22) to FLR 15(24)**
- application of rule, **FLR 15(2), FLR 15(2.1), FLR 15(3)**
- assignee
 - meaning of, **FLR 15(1)**
 - party, as, **FLR 15(12)**
 - service on, **FLR 15(11), FLR 15(13)**
- child support guidelines, **FLR 15(21) to FLR 15(21.1)**
- consent, **FLR 15(16) to FLR 15(19), FLR 15(29)**
- decision-making, parenting time or contact claim, **FLR 15(5.1)**
- duties of judge at first attendance, **FLR 15(24.1)**
- existing order/agreement, **FLR 15(20)**
- motion, **FLR 15(5)**
- motion for directions, **FLR 15(26.1)**
- no response/consent, **FLR 15(14), FLR 15(15)**
- place of motion, **FLR 15(4)**
- powers of court, **FLR 15(25) to FLR 15(26)**
- response/consent to motion, **FLR 15(9), FLR 15(10)**
- Rule 14, motion under, **FLR 15(27) to FLR 15(28)**
- service requirements, **FLR 15(6) to FLR 15(8.1), FLR 15(11), FLR 15(13)**
- Objective of, **FLR 2(2) to FLR 15(5)**
- Offers to settle
 - acceptance, **FLR 18(9)**
 - confidentiality, **FLR 18(8)**
 - costs consequent on failure to accept, **FLR 18(14) to FLR 15(16)**
 - costs no dealt with in, **FLR 18(11)**
 - court approval, **FLR 18(12)**
 - expiration, **FLR 18(7)**
 - failure to carry out terms of, **FLR 18(13)**
 - making, **FLR 18(3)**
 - “offer,” meaning of, **FLR 18(1)**
 - rejection or counter-offer, effect of, **FLR 18(10)**
 - signatures on, **FLR 18(4)**

FAMILY LAW RULES—Cont'd

- Offers to settle—Cont'd
 - time limited, **FLR 18(6)**
 - withdrawal of, **FLR 18(5)**
- Orders
 - approval requirements, **FLR 25(8) to FLR 25(10)**
 - automatic order, **FLR 8.0.1**
 - changing, **FLR 25(19)**
 - conditions and directions, **FLR 1(6)**
 - consent, **FLR 25(1)**
 - disputed, **FLR 25(5) to FLR 25(7)**
 - draft, **FLR 25(2) to FLR 25(4)**
 - effective date, **FLR 25(18)**
 - enforcement of
 - See enforcement of orders
 - failure to obey, **FLR 1(8)**
 - motion to change, **FLR 7(4.1)**
 - preparation by clerk, **FLR 25(11)**
 - provisional
 - See provisional orders
 - service of, **FLR 25(13) to FLR 25(17)**
 - signature of, **FLR 25(12)**
 - support
 - See reciprocal enforcement of support orders
- Parenting time claims, **FLR 35.1, § FLR35.1:1**
- Parties
 - added by court order, **FLR 7(5)**
 - case, where, **FLR 7(1)**
 - case name and court file number, **FLR 7(6)**
 - children, cases involving, **FLR 7(4), FLR 7(5.1), FLR 7(5.2)**
 - motion, where, **FLR 7(2)**
 - persons who must be named as, **FLR 7(3)**
- Payment into and out of court
 - accountant’s duties, **FLR 25.1(10), FLR 25.1(15)**
 - bank receipt, **FLR 25.1(8)**
 - costs, **FLR 25.1(18)**
 - direction, **FLR 25.1(5)**
 - documents to be filed, **FLR 25.1(4)**
 - notice not required, **FLR 25.1(17)**
 - order for payment out, **FLR 25.1(16)**
 - payment, **FLR 25.1(7), FLR 25(9)**
 - payment into court, **FLR 25.1(4) to FLR 25.1(8)**

FAMILY LAW RULES—Cont'd

Payment into and out of court—Cont'd
 payment out, on consent, **FLR 25.1(14)**
 payment out, under an order, **FLR 25.1(12)**
 payment out of court, **FLR 25.1(11) to FLR 25.1(14)**
 transfer of documents to accountant, **FLR 25.1(6)**
 Practice directions, **FLR 1(11), FLR 1(12)**
 Provisional orders
 application of rule, **FLR 37.1(1)**
 definitions, **FLR 37.1(2)**
 documents to be sent to confirming court, **FLR 37.1(3)**
 hearing
 continuation of, **FLR 37.1(12)**
 notice of confirmation hearing, **FLR 37.1(5)**
 oral, **FLR 37.1(8), FLR 37.1(9)**
 request for further evidence, **FLR 37.1(10), FLR 37.1(11), FLR 37.1(13)**
 written, **FLR 37.1(7)**
 Questioning witness and disclosure
 affidavit or net family property statement, re, **FLR 20(7)**
 application of other rules, **FLR 20(17)**
 child party, **FLR 20(6)**
 child protection case, **FLR 20(3)**
 confidentiality, **FLR 20(24), FLR 20(26)**
 consent or order re, **FLR 20(4), FLR 20(5)**
 court's permission, **FLR 20(20)**
 cross-examination, **FLR 20(2)**
 duty to correct or update answers, **FLR 20(21)**
 lawyer answering, **FLR 20(22)**
 non-party, notice and summons to, **FLR 20(9), FLR 20(10)**
 notice, **FLR 20(13)**
 order to bring documents or things, **FLR 20(16)**
 outside Ontario, **FLR 20(14), FLR 20(15)**
 permitted uses of information, **FLR 20(25)**
 place of, **FLR 20(11), FLR 20(12)**
 preconditions, **FLR 20(8)**

FAMILY LAW RULES—Cont'd

Questioning witness and disclosure
 —Cont'd
 procedure, **FLR 20(1)**
 recording method, **FLR 20(23)**
 refusal to answer, **FLR 20(19)**
 scope of questions, **FLR 20(18)**
 special party, **FLR 20(6)**
 Reciprocal enforcement of support orders
 See Interjurisdictional Support Orders Act, 2002
 Record
 See continuing record
 Redactions and omissions, **FLR 1.2, § FLR1.2:1**
 Representation
 change in, **FLR 4(10) to FLR 4(15)**
 child, of, **FLR 4(2) to FLR 4(3.1), FLR 4(7) to FLR 4(8)**
 choice of, **FLR 4(9)**
 for party, **FLR 4(1)**
 limited scope retainer, **FLR 4(0.1), FLR 4(1.2), FLR 4(1.3)**
 party who dies, of, **FLR 4(5) to FLR 4(6)**
 removal of lawyer from case, **FLR 4(12) to FLR 4(15)**
 self-represent, **FLR 4(1.1)**
 special party, of, **FLR 4(2) to FLR 4(4)**
 Requiring financial information
 financial examination
 application of other rules to, **FLR 27(14)**
 appointment for, **FLR 27(11)**
 frequency of, **FLR 27(22)**
 imprisonment for failure to obey, **FLR 27(20), FLR 27(21)**
 notice of time and place, **FLR 27(15)**
 order for another, **FLR 27(19)**
 person other than payor, of, **FLR 27(12)**
 place held, **FLR 27(13)**
 recording, **FLR 27(16)**
 resistance to, **FLR 27(18)**
 scope of, **FLR 27(17)**
 financial statements
 order for, **FLR 27(5), FLR 27(6)**
 requests for, **FLR 27(1) to FLR 27(4)**

INDEX

FAMILY LAW RULES—Cont'd

Requiring financial information—Cont'd
statement of income

order for, **FLR 27(9), FLR 27(10)**
requests for, **FLR 27(7), FLR 27(8)**

Seizure and sale

electronic filing and issuance, interpretation, **FLR 28(0.1), FLR 28(12)**

notifying sheriff of payment received, **FLR 28(6)**

change of address, **FLR 28(6.2)**

confirmation of electronically filed writ, **FLR 28(6.4)**

corrections by sheriff, **FLR 28(6.7)**
may be filed electronically, **FLR 28(6.1), FLR 28(6.3)**

notice, **FLR 28(6.8)**

withdrawal by sheriff, **FLR 28(6.5), FLR 28(6.6)**

statutory declarations, **FLR 28**

electronic filing, **FLR 28(3.1)**

if order changed, **FLR 28(3)**

to change amount owed, **FLR 28(2)**

temporary seizure, **FLR 28(10)**

writ of

duration of, **FLR 28(4)**

electronic filing

interpretation, **FLR 28(0.1), FLR 28(12)**

limit on who may file, **FLR 28(11)**

of changes, **FLR 28(9.1)**

of request, **FLR 28(1.2)**

of writ, **FLR 28(1.1)**

signatures, **FLR 28(14)**

swearing, **FLR 28(14)**

error in writ issued electronically, **FLR 28(1.4)**

forms, see Index in Forms Volume

issuance of electronic writ, **FLR 28(1.2)**

issue of, **FLR 28(1), FLR 28(5)**

order changing, etc, **FLR 28(8), FLR 28(9)**

withdrawing, **FLR 28(7), FLR 28(7.1)**

Service of documents

age restriction, **FLR 6(1.1)**

approving irregular, **FLR 6(18)**

by email, **FLR 6(14.1)**

by fax, **FLR 6(11), FLR 6(12) to FLR 6(14)**

FAMILY LAW RULES—Cont'd

Service of documents—Cont'd
methods, **FLR 6(1)**

notice of address change, **FLR 6(6)**

not required, where, **FLR 6(16)**

proof of, **FLR 6(19)**

record of service, **FLR 6(11.4)**

regular, **FLR 6(2), FLR 6(5)**

special, **FLR 6(3) to FLR 6(4.2)**

substituted, **FLR 6(15), FLR 6(15.1)**

when effective

by courier, **FLR 6(8)**

by document exchange, **FLR 6(9)**

by electronic document exchange, **FLR 6(10)**

by mail, **FLR 6(7)**

by special service, leaving a copy, **FLR 6(11.1)**

by special service, leaving a copy and mailing, **FLR 6(11.2)**

document not seen on effective date, **FLR 6(20)**

if effective date is a holiday, **FLR 6(11.3)**

Settlement

See offers to settle

Short title, **FLR 1(1)**

Splitting case, **FLR 12, § FLR12:1**

Starting case, method of

application

claims in, **FLR 8(3)**

court date set where filed, **FLR 8(4)**

filing, **FLR 8(1)**

international child abduction, **FLR 8(12)**

openness, **FLR 8(8.1)**

service of, **FLR 8(5) to FLR 8(6), FLR 8(11)**

serving on child's lawyer, **FLR 8(9)**

change to final order or agreement by motion, **FLR 8(2), FLR 8(2.1)**

custody/access claim, **FLR 8(3.1)**

family arbitration, enforcement of award, **FLR 8(1.1)**

family arbitration claims, **FLR 8(3.2)**

protection application, serving, **FLR 8(7), FLR 8(10)**

secure treatment application, serving, **FLR 8(8)**

FAMILY LAW RULES—Cont'd

- Starting case, place for
 - child protection case, change re, **FLR 5(9)**
 - clerk to refuse documents, **FLR 5(3)**
 - danger to child or party, where, **FLR 5(2)**
 - enforcement, place for
 - alternative place for, **FLR 5(7)**
 - electronic writ, **FLR 5(7.1)**
 - filing writ with sheriff, **FLR 5(6.1)**
 - other orders, **FLR 5(6)**
 - payment orders, **FLR 5(5)**
 - general rules, **FLR 5(1)**
 - steps, place to take, **FLR 5(4)**
 - transfer, **FLR 5(8)**
- Summary judgment
 - divorce claims, **FLR 16(3)**
 - entitlement amount only issue, **FLR 16(7)**
 - evidence required, **FLR 16(4) to FLR 16(5)**
 - legal issue, on, **FLR 16(12), FLR 16(13)**
 - no issue for trial, **FLR 16(6)**
 - oral evidence (mini-trial), **FLR 16(6.2)**
 - powers, **FLR 16(6.1)**
 - order giving directions, **FLR 16(9)**
 - question of law only issue, **FLR 16(8)**
 - Superior Court of Justice practice direction, **FLR 16, § FLR16:1**
 - when available, **FLR 16(1), FLR 16(2)**
- Support orders
 - See Interjurisdictional Support Orders Act, 2002
- Time
 - counting days, **FLR 3(1) to FLR 3(4)**
 - order to shorten or lengthen, **FLR 3(5) to FLR 3(6)**
 - refusal of late documents, **FLR 3(7)**
- Transition provisions, **FLR 1(13), FLR 9(22), FLR 9(23)**
- Trial, see also evidence
 - answers
 - of witness not available for trial, **FLR 23(17)**
 - reading into evidence, **FLR 23(13), FLR 23(14)**
 - rebutting, **FLR 23(16)**

FAMILY LAW RULES—Cont'd

- Trial, see also evidence—Cont'd
 - answers—Cont'd
 - special circumstances for using, **FLR 23(15)**
 - trial record, **FLR 23(1), FLR 23(2)**
 - witness
 - expert, **FLR 20.2, § FLR20.2:1, FLR 20.3**
 - fee, **FLR 23(4), FLR 23(4.1)**
 - opposing party
 - as, **FLR 23(11), FLR 23(12)**
 - attendance of, **FLR 23(11.1)**
 - prisoner as, **FLR 23(10)**
 - summons to, **FLR 23(3) to FLR 23(9), FLR 23(12)**
 - Warrant for arrest, **FLR 32(12)**
 - Warrant of committal
 - affidavit for, **FLR 32(14)**
 - form of, **FLR 32(15)**
 - Warrant to bring person to court, **FLR 32(1)**
 - Withdrawing case, **FLR 12, § FLR12:1**
 - Witness
 - See questioning witness and disclosure; trial
- FAMILY RULES COMMITTEE**
- Continuation and composition of, **CJA 67**
 - Family rules, power to make, **CJA 68**
- FEDERAL COURT**
- Jurisdiction, **CJA 148**
- FEES**
- See COSTS
- FILING**
- See DOCUMENTS
- FINANCIAL STATEMENTS**
- See FAMILY LAW RULES
- FINES**
- Contempt, **RCP 60.11(5)**
 - enforcement, **CJA 143(3)**
- FIRMS**
- See PARTNERSHIPS; SOLE PROPRIETORSHIPS
- FIXING COSTS**
- See COSTS

FORECLOSURE, SALE AND REDEMPTION

Conversion from foreclosure to sale
 additional security for costs on reference, **RCP 64.03(20), 64.03(21)**
 notice of hearing for directions on reference, **RCP 64.03(24)**
 notice of reference, defendant noted in default, **RCP 19.02(3)**
 power of referee, **RCP 64.03(21)**
 power to convert, **RCP 64.03(22)**
 procedure on reference, **RCP 64.03(26)**
 request for sale
 defendant not subsequent encumbrancer, **RCP 64.03(17)**
 failure to file, **RCP 64.06(10)**
 service of referee's report, **RCP 64.06(17)**
 subsequent encumbrancer added on reference, **RCP 64.03(19)**
 subsequent encumbrancer named as defendant, **RCP 64.03(18)**
 subsequent encumbrancer not entitled to redeem, **RCP 64.04(6)**
 transfer of carriage of sale, **RCP 64.03(25)**

Foreclosure
 claims that may be joined, **RCP 64.03(5)**
 default judgment, **RCP 19.04(1), 64.03(9) to 64.03(11)**
 failure to file request to redeem or request for sale, **RCP 64.06(10)**
 final order, redemption action, **RCP 64.05(6) to 64.05(9)**
 final order of foreclosure, **RCP 64.03(15), 64.03(16)**
 foreclosure of subsequent encumbrancers, **RCP 64.03(14)**
 notice of taking account, defendant noted in default, **RCP 19.02(3)**
 persons to be joined, **RCP 64.03(1) to 64.03(3)**
 power to reconvert to foreclosure, **RCP 64.03(23)**
 redemption, **RCP 64.03(12), 64.03(13)**
 redemption actions, adding subsequent encumbrancers, **RCP 64.05(2)**
 request to redeem, **RCP 64.03(6) to 64.03(8)**

FORECLOSURE, SALE AND REDEMPTION—Cont'd

Foreclosure—Cont'd
 statement of claim, **RCP 64.03(4)**
 subsequent encumbrancers as defendants, **RCP 64.03(2), 64.03(3)**

Forms, see Index in Forms Volume
 Generally, **RCP 64, § RCP64:1 to § RCP64.06:3**

Redemption
 after taking account in foreclosure action, **RCP 64.03(8)**
 after taking account in sale action, **RCP 64.04(7)**
 change of account before day fixed for payment, **RCP 64.06(24)**
 claim for possession may be joined, **RCP 64.05(3)**
 conversion from foreclosure to sale, **RCP 64.04(6)**
 default judgment, **RCP 19.04(1)**
 dismissal of action, **RCP 64.05(6)**
 final order of foreclosure continuation of reference, **RCP 64.05(7), 64.05(8)**
 plaintiff failing to redeem, **RCP 64.05(6)**
 redemption by subsequent encumbrancer, **RCP 64.05(9)**
 foreclosure actions, **RCP 64.03(12), 64.03(13)**
 judgment, **RCP 64.05(4), 64.03(5)**
 liability of defendants for costs, balance due, **RCP 64.05(10)**
 more than one party entitled to redeem, **RCP 64.06(13), 64.06(14)**
 mortgagee to transfer property where redeemed, **RCP 64.06(19)**
 named defendant in sale action, **RCP 64.04(9)**
 order altering time where change of account, **RCP 64.06(27)**
 persons to be joined, **RCP 64.05(1), 64.05(2)**
 service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**

References
 adding parties other than encumbrancers, **RCP 64.06(11)**
 adding subsequent encumbrancers, **RCP 64.05(2), 64.06(4)**

FORECLOSURE, SALE AND REDEMPTION—Cont'd

References—Cont'd

- assigned mortgage, proof of account, **RCP 64.06(15)**
 - change of account, **RCP 64.06(21) to 64.06(27)**
 - default judgment, who conducts, **RCP 64.02**
 - determining priorities, **RCP 64.06(13), 64.06(14)**
 - directions, **RCP 64.06(14), 64.06(20)**
 - duties and powers of referee, **RCP 64.06(3)**
 - general procedure, **RCP 55, § RCP55:1 to RCP55.07, RCP 64.06, § RCP64.06:1 to § RCP64.06:3**
 - motion to set aside judgment or order adding party, **RCP 64.06(6), 64.06(12)**
 - notice to encumbrancer named as original party, **RCP 64.06(7)**
 - notice to original defendants, **RCP 64.06(8) to 64.06(10)**
 - plaintiff to file material concerning encumbrancers, **RCP 64.06(2)**
 - referee's report, **RCP 64.06(16) to 64.06(18)**
 - service of documents
 - construction lien claimant, **RCP 64.06(5)(b)**
 - execution creditor, **RCP 64.06(5)(a)**
 - generally, **RCP 64.06(5)(c)**
 - original defendant, not encumbrancer, **RCP 64.06(9)**
 - transfer of property on payment, **RCP 64.06(19)**
 - who conducts, default judgment, **RCP 64.02**
- Request to redeem
- default judgment in foreclosure action, **RCP 64.03(10), 64.03(11)**
 - default judgment in sale action, **RCP 64.04(8)**
 - foreclosure actions, **RCP 64.03(6), 64.03(7)**
 - effect, **RCP 64.03(8)**
 - failure to file, **RCP 64.06(10)**
 - redemption by named defendant, **RCP 64.03(12)**
 - sale actions, **RCP 64.04(5) to 64.04(7)**

FORECLOSURE, SALE AND REDEMPTION—Cont'd

Request to redeem—Cont'd

- service of referee's report, **RCP 64.06(17)**

Sale

- claims that may be joined, **RCP 64.04(4)**
- default judgment, **RCP 19.04(1), 64.04(7)**
- default judgment, action converted from foreclosure, **RCP 64.03(17), 64.03(18)**
- final order for sale, **RCP 64.04(10), 64.04(11)**
- judgment obtained in foreclosure action, **RCP 64.03(24) to 64.03(26)**
- notice of taking account, defendant noted in default, **RCP 19.02(3)**
- order amending judgment for foreclosure, **RCP 64.03(19)**
- order for payment of deficiency on sale, **RCP 64.04(14)**
- payment of purchase money into court, **RCP 64.04(12)**
- persons to be joined, **RCP 64.04(1), 64.04(2)**
- power to convert from foreclosure, **RCP 64.03(22)**
- power to reconvert to foreclosure, **RCP 64.03(23)**
- redemption by named defendant, **RCP 64.04(9)**
- request to redeem, **RCP 64.04(5) to 64.04(7)**
- statement of claim, **RCP 64.04(3)**
- Service outside Ontario, **RCP 17.02(e)**

FOREIGN CURRENCY OBLIGATIONS

- Generally, **CJA 121, § CJA121:1**

FOREIGN RESIDENTS

- Consul as representative, **CJA 145**

FORFEITURES

- Relief against, **CJA 98, § CJA98:1, § CJA98:2**

FORM OF DOCUMENTS

- See also **FORMS**
- Affidavits, **RCP 4.06(1)**
- Binding of records, appeal books, transcripts, **RCP 4.07**

INDEX

FORM OF DOCUMENTS—Cont'd

- Generally
 - general heading, body, backsheet, **RCP 4.02**
 - legibility, size, spacing, **RCP 4.01**
 - use and variation of prescribed forms, **RCP 1.06**
- Orders
 - See **ORDERS**
- Pleadings, **RCP 25.02**
- Special case, **RCP 22.04, § RCP22.04:1**
- Transcript standards, **RCP 4.09**

FORMS

- See Index in Forms Volume

FOURTH AND SUBSEQUENT PARTY CLAIMS

- See also **THIRD PARTIES**
- Claims by fourth or subsequent parties, **RCP 29.11(3)**
- Generally, **RCP 29.11, § RCP29.11:1, 29.12**
- Service, **RCP 29.11(2), 29.11(2.1)**
- Where available, **RCP 29.11(1), 29.12**

FRAUD

- Beneficiaries to be joined in proceedings, **RCP 9.01(2)**
- Grounds to vary or set aside orders, **RCP 59.06(2)**
- Pleading, **RCP 25.06(8)**

FRENCH LANGUAGE

- Interpreters at trial, **RCP 53.01(6)**
- Use in designated courts, **CJA 126, § CJA126:1**

FRESH STEPS

- Effect on motions attacking irregularities, **RCP 2.02, § RCP2.02:1**

FRIEND OF THE COURT

- Intervention in proceedings, **RCP 13.02, RCP13.02:1**

FRIVOLOUS OR VEXATIOUS

- See also **VEXATIOUS**
- Actions, security for costs, **RCP 56.01, § RCP56.01:1 to § RCP56.01:8**
- Appeals, security for costs, **RCP 61.06, § RCP61.06:1**
- Determination of issue before trial, **RCP 21.01(3)(d)**

FRIVOLOUS OR VEXATIOUS—Cont'd

- Documents, **RCP 25.11(b)**
- Motions, **RCP 37.16, § RCP37.16:1**
- Pleadings, **RCP 25.11(b)**
- Vexatious proceedings, general provisions re, **CJA 140, § CJA140:1, RCP 2.1, § RCP2.1:1 to RCP 2.1.03, RCP 38, § RCP38:1 to RCP38.13**

FUNDS

- Payment into court, interim preservation of property, **RCP 45.02, § RCP45.02:1**

FUTURE INTERESTS

- Representation orders, **RCP 10.01(1)**

GARNISHMENT

- Affidavit, contents, **RCP 60.08(4)**
- Availability, **RCP 60.08(1)**
- Discharge of garnishee, **RCP 60.08(14)**
- Dispute of garnishment by garnishee, **Form 60I, RCP 60.08(15)**
- Family proceedings
 - See **FAMILY LAW RULES**
- Forms, see Index in Forms Volume
- Garnishee
 - enforcement against, **RCP 60.08(17)**
 - liability from time of service, **RCP 60.08(11) to 60.08(13)**
 - payment to person other than sheriff, **RCP 60.08(18)**
 - payment to sheriff, **RCP 60.08(14), 60.08(19)**
 - service of statement by, **RCP 60.08(15) to 60.08(15.2)**
- Generally, **RCP 60.08, § RCP60.08:1**
- Hearing, **RCP 60.08(16) to 60.08(16.2)**
- Leave requirement, **RCP 60.08(2), 60.08(3)**
- Notice of garnishment
 - duration of, **RCP 60.08(6.2)**
 - obtaining, **RCP 60.08(4) to 60.08(6)**
 - renewal of, **RCP 60.08(3.1), 60.08(6.2) to 60.08(6.5)**
 - servicing, **RCP 60.08(7) to 60.08(10.1)**
- Notice of termination of garnishment, **Form 60J, RCP 60.08(20)**
- Payment by garnishee to sheriff, **RCP 60.08(14)**
- Registrar issuing notice of garnishment, **Form 60H, RCP 60.08(6)**

GARNISHMENT—Cont'd

- Satisfaction of order, creditor to give notice re, **RCP 60.08(20)**
- Security for costs, **RCP 56.01(2)**
- Service of notice of garnishment, **RCP 60.08(7) to 60.08(10.1)**
- Social assistance benefits, **CJA 143.1**

GUARDIAN AD LITEM

- See **LITIGATION GUARDIANS**

GUARDIANS

- Ad litem
 - See **LITIGATION GUARDIANS**
- Appointment
 - directing reference, **RCP 54.02(2)**
 - proceedings concerning estates of minors, **RCP 67.02(3)**
- Reference relating to conduct, **RCP 54.02(2)**
- Setting and approving security, references, **RCP 55.07(1)**

HEADINGS

- Documents, **RCP 4.02(1)**
 - general heading of document — applications, **Form 4B**
 - general heading of documents — actions, **Form 4A**
- Transcripts, **RCP 4.09(2), 4.09(4)**

HEARINGS

- Access of public to, **CJA 135, § CJA135:1; 37.11(2)**
- Appeals
 - argument limited to grounds stated, **RCP 61.08(2)**
 - notice of listing for hearing, **Form 61G, RCP 61.09(5)**
- Appeals from interlocutory orders
 - dispensing with record and factum, **RCP 62.01(9)**
 - hearing date, **RCP 62.01(3)**
 - hearing date of motion for leave, **RCP 62.02(3)**
 - motion in writing, **RCP 62.02(2)**
 - notice of appeal, **RCP 62.01(4)**
 - place, **RCP 62.01(6)**
- Applications
 - date
 - hearing by judge, **RCP 38.03(2), 38.08(3)**

HEARINGS—Cont'd

- Applications—Cont'd
 - date—Cont'd
 - notice of transfer delivered, **RCP 38.03(1.1)**
 - delivery of affidavit after cross-examination, **RCP 39.02(2)**
 - dispensing with record and factum, **RCP 38.09(4)**
 - disposition, **RCP 38.10, § RCP38.10:1**
 - examination of witness at hearing, **RCP 39.03(4)**
 - failure of applicant to appear, **RCP 38.08(2)**
 - failure to appear, setting aside judgment, **RCP 38.11, § RCP38.11:1**
 - failure to deliver notice of appearance, **RCP 38.07(2)**
 - filing notice with proof of service, **RCP 38.06(4)**
 - judge hearing motions not to hear, **RCP 37.15(2)**
 - minimum notice period, **RCP 38.06(3)**
 - motion to set aside or vary judgment, **RCP 38.11, § RCP38.11:1**
 - notice not served, **RCP 38.06(2)**
 - place
 - named in notice of application, **RCP 38.03(1)**
 - service and filing of affidavits, **RCP 39.01(2), 39.01(3)**
 - summons to witness, **RCP 39.03(5)**
 - transcript of evidence, **RCP 38.09(6)**
- Contempt, **SCCR 20.11**
- Definition, **CJA 1(1); RCP 1.03, § RCP1.03:1**
- Forms, see **Index in Forms Volume**
- Garnishment matters, **RCP 60.08(11)**
- Judicial review applications
 - hearing date in Divisional Court, **RCP 68.03**
 - listing for hearing, **RCP 68.05(2)**
- Listing for hearing
 - appeals, **RCP 61.09(5)**
 - judicial review, **RCP 68.05(2)**
- Long motions, **RCP 37.05(2)**
- Motions
 - absence of public, **RCP 37.11, § RCP37.11:1**
 - complicated issues or proceedings, **RCP 37.15, § RCP37.15:1**

INDEX

HEARINGS—Cont'd

Motions—Cont'd

- conversion to motion for judgment, **RCP 37.13(2)**
- delivery of affidavit after cross-examination, **RCP 39.02(2)**
- delivery of affidavit after cross-examinations, **RCP 39.02(2)**
- disposition, **RCP 37.13, § RCP37.13:1**
- examination for discovery, use, **RCP 39.04, § RCP39.04:1**
- examination of witness, **RCP 39.03, § RCP39.03:1 to § RCP39.03:4**
- failure to appear, **RCP 37.09(2)**
- filing notice of motion, **RCP 37.08**
- jurisdiction of judge, associate judge, **RCP 37.02, § RCP37.02:1**
- leave to appeal from interlocutory order, **RCP 62.02, § RCP62.02:1 to § RCP62.02:7**
- minimum notice period, **RCP 37.07(6)**
- motion record required, **RCP 37.10(1)**
- no practice direction, where, **RCP 37.05(1)**
- open to public, **RCP 37.11(2)**
- place
 - complicated issues or proceedings, **RCP 37.15(1)**
 - motions heard where proceedings commenced, **RCP 37.03, § RCP37.03:1**
 - setting aside, varying, amending orders, **RCP 37.14(3), 37.14(4), 37.14(5)**
- pre-trial conferences, no disclosure to count, **RCP 50.09, § RCP50.09:1**
- service and filing of affidavits, **RCP 39.01(2), 39.01(3)**
- setting aside or varying judgment on application, **RCP 38.11, § RCP38.11:1**
- setting aside or varying orders, **RCP 37.14(1)**
- summons to witness, **RCP 39.03(5)**
- Superior Court of Justice motions courts
 - obtaining hearing date, **RCP 37.05**
 - transcript of evidence, **RCP 37.10(5)**
 - trial of an issue, **RCP 37.13(2), 37.13(3)**

HEARINGS—Cont'd

- Motions for leave to appeal
 - motion record and factum, **RCP 61.03(2)**
 - notice of motion, **RCP 61.03(1)**
 - Motions in appellate court
 - certificate of estimated time for argument, **RCP 61.16(4.1)**
 - motions to be heard by more than one judge, **RCP 61.16(3)**
 - motions to receive evidence, **RCP 61.16(2)**
 - record and factum, **RCP 61.16(4)**
 - review of single judge's order, **RCP 61.16(6)**
 - Notice, directions on reference, defendant noted in default, **RCP 19.02(3)**
 - review of registrar's order, **RCP 61.16(5)**
 - Offers to settle not to be communicated, **RCP 49.06(2)**
 - Open to public, **CJA 135, § CJA135:1; 37.11(2)**
 - Photography, recordings, etc, at, **CJA 136, § CJA136:1**
 - Place
 - appeals from interlocutory orders, **RCP 62.01(6)**
 - applications, **RCP 38.03(1)**
 - motions, **RCP 37.03, § RCP37.03:1**
 - References
 - directions, **RCP 55.02, § RCP55.02:1**
 - directions, conduct of sales, **RCP 55.06(4)**
 - Relief from joinder, **RCP 5.05, § RCP5.05:1**
 - Removal of special case into Court of Appeal, **RCP 22.03(2)**
 - Special case, **RCP 22.05, § RCP22.05:1**
 - Status hearings, **RCP 48.14(5) to 48.14(7)**
- ### HOLIDAY
- Definition, **RCP 1.03, § RCP1.03:1**
- ### INFANTS
- See **MINORS; PARTIES UNDER DISABILITY**
- ### INFORMATION AND BELIEF
- Affidavits
 - applications, **RCP 39.01(5)**
 - generally confined to personal knowledge, **RCP 4.06(2)**

INFORMATION AND BELIEF—Cont'd

- Affidavits—Cont'd motions, **RCP 39.01(4)**
- Examination for discovery, **RCP 31.06, § RCP31.06:1 to § RCP31.06:9**

INJUNCTIONS

- Application for, ancillary relief, **RCP 14.05(3)(g)**
- Claim for, service outside Ontario, **RCP 17.02(i)**
- Damages in lieu or addition, **CJA 99**
- Extension, **RCP 40.02(2)**
- Factum requirement, **RCP 40.04**
- Generally, **RCP 40, § RCP40:1 to RCP 40.04**
- How obtained, **RCP 40.01, § RCP40.01:1**
- Interlocutory, power to grant, **CJA 101, § CJA101:1 to § CJA101:18**
- Labour disputes, in, **CJA 102, § CJA102:1; 42.02(4)**
- Maximum duration without notice, **RCP 40.02(1)**
- Period of extension, **RCP 40.02(3)**

INSPECTION OF DOCUMENTS

- See DISCOVERY, documents

INSPECTION OF PROPERTY

- Content of order for inspection, **RCP 32.01(3)**
- Deemed undertaking, **RCP 30.1, § RCP30.1:1**
- Experts, trials, **RCP 52.03(3)**
- Extent of order for inspection, **RCP 32.01(2)**
- Generally, **RCP 32, § RCP32:1 to § RCP32.01:1**
- Inspection by court, **RCP 52.05**
- Notice of inspection, **RCP 32.01(4)**

INSURANCE POLICIES

- Assignment, discharge of a mortgage, **RCP 72.04(3)**
- Disclosure, discovery, **RCP 30.02(3), 31.06(4)**
- Production for inspection, **RCP 30.02(3)**

INTEREST

- Accounts, administration proceedings, **RCP 65.02(2)**
- Definitions, calculation and publication, **CJA 127**

INTEREST—Cont'd

- Discount rate for future pecuniary damages, **RCP 53.09, § RCP53.09:1**
- Payment out of court, **RCP 72.03(5)**
- Postjudgment
 - default judgment, **RCP 19.04(5)**
 - discretion of court re, **CJA 130, § CJA130:1 to § CJA130:3**
 - general provisions re, **CJA 129, § CJA129:1**
 - order to set out interest rate where applicable, **RCP 59.03(7)**
 - rate, **CJA 127**
 - requisition for default judgment, **RCP 19.04(2), 19.04(3), 19.04(3.1)**
- Prejudgment
 - discretion of court re, **CJA 130, § CJA130:1 to § CJA130:3**
 - general provisions re, **CJA 128, § CJA128:1 to § CJA128:3**
 - rate, **CJA 127**
 - requisition for default judgment, **RCP 19.04(2), 19.04(3)**
- References, charging for failure to comply, **RCP 55.07(2)**
- Sale actions, application of purchase money, **RCP 64.04(13)**

INTERIM PRESERVATION OF PROPERTY

- Generally, **RCP 45, § RCP45.01:1 to RCP 45.03**
- Motion for order
 - affidavit in support, **RCP 45.03(2)**
 - service, **RCP 45.03(2)**
- Orders
 - custody or preservation, **RCP 45.01(1)**
 - entry on or into property, **RCP 45.01(1)**
 - sale, **RCP 45.01(2)**
 - specific fund be paid into court, **RCP 45.02, § RCP45.02:1**
 - specific fund be secured, **RCP 45.02, § RCP45.02:1**
 - title of personal property not in dispute, **RCP 45.03**

INTERIM RECOVERY OF PERSONAL PROPERTY

- Forms, see Index in Forms Volume
- Generally, **RCP 44, § RCP44:1 to RCP 44.08**

INDEX

INTERIM RECOVERY OF PERSONAL PROPERTY—Cont'd

- Interim order
 - contents, **RCP 44.02**
 - enforcement by sheriff, **RCP 44.07**
 - motion, **RCP 44.01(1)**
 - power to make, **CJA 104, § CJA104:1**
 - security, **RCP 44.04**
 - condition and form, **RCP 44.04**
 - release, **RCP 44.06**
 - where by bond, **RCP 44.04(2), (3)**
 - setting aside, stay or variation, **RCP 44.05**
 - where defendant has prevented recovery, **RCP 44.08**
- Motion, **RCP 44.01(1)**
 - affidavit in support, **RCP 44.01(1)**
 - disposition, **RCP 44.03, § RCP44.03:1**

INTERIM REPORTS

See REFERENCES

INTERLOCUTORY INJUNCTIONS

See INJUNCTIONS

INTERPLEADER

- Claimants, **RCP 43.01(2)**
- Facts or law raised before associate judge, **RCP 43.04(3)**
- Forms, see Index in Forms Volume
- Generally, **RCP 43, § RCP43:1 to § RCP43.04:1**
- How obtained, **RCP 43.03, § RCP43.03:1**
 - applications, **RCP 43.03(1)**
 - motions, **RCP 43.03(2)**
- Judge to hear genuine issue of fact or law, **RCP 43.04(3)**
- Powers of court, **RCP 43.04(1), 43.04(2)**
- Property, definition, **RCP 43.01**
- Security for costs, **RCP 36.01(2)**
 - dispute of ownership of property seized in execution, **RCP 60.13(4), 60.13(5)**
- Where available, **RCP 43.02, § RCP43.02:1**

INTERPRETATION

- Deeds, wills, instruments
 - commencement of proceeding, **RCP 14.05(3)**
 - representation order, **RCP 10.01(1)**

INTERPRETATION—Cont'd

- Rules
 - generally, **RCP 1.04(1)**
 - matters not provided for, **RCP 1.04(2)**
 - “party and party” costs, **RCP 1.04(4)**
 - proportionality, **RCP 1.04(1.1)**
 - “solicitor and client” costs, **RCP 1.04(5)**

INTERPRETERS

- Examinations out of court, **RCP 34.09, § RCP34.09:1**
- Oath or affirmation, interpretation of affidavits, **RCP 4.06(8)**
- Trials
 - duty to interpret accurately, **RCP 53.01(5)**
 - provision, **RCP 53.01(6)**

INTERVENTION

- Leave to intervene as added party considerations for the court, **RCP 13.01(2)**
 - where available, **RCP 13.01(1)**
- Leave to intervene as friend of the court, **RCP 13.02, § RCP13.02:1**
- Leave to intervene in Court of Appeal, **RCP 13.03(2)**
- Leave to intervene in Divisional Court, **RCP 13.03(1)**

IRREGULARITIES

- Motions attacking, **RCP 2.02, § RCP2.02:1**
- Non-compliance with rules, **RCP 2.01, § RCP2.01:1**

ISSUES

- Determination before trial
 - See DISPOSITION WITHOUT TRIAL
- Directing reference, **RCP 54.02, § RCP54.02:1**
- Pleadings
 - See PLEADINGS
- Trial
 - See TRIALS

JOINDER

- Claims, **RCP 5.01, § RCP5.01:1**
 - counterclaims, **RCP 27.01(1)**
 - crossclaims, **RCP 28.01(1)**
 - foreclosure actions, **RCP 64.03(5)**

JOINDER—Cont'd

- Claims, **RCP 5.01, § RCP5.01:1—Cont'd**
 - fourth and subsequent party, **RCP 29.11(1)**
 - redemption actions, **RCP 64.05(3)**
 - relief against joinder, **RCP 5.05, § RCP5.05:1**
 - sale actions, **RCP 64.04(4)**
- Generally, **RCP 5, § RCP5:1 to § RCP5.05:1**
- Necessary parties, **RCP 5.03, § RCP5.03:1**
- Parties, **RCP 5.02, § RCP5.02:1**
 - adding plaintiffs or applicants, **RCP 5.04(3)**
 - assignee of chose in action, **RCP 5.03(3)**
 - counterclaims, **RCP 27.01(2)**
 - crossclaims, **RCP 28.01, § RCP28.01:1**
 - estate proceedings, **RCP 9.01, § RCP9.01:1**
 - foreclosure actions, **RCP 64.03(1) to 64.04(3)**
 - fourth and subsequent parties, **RCP 29.11, § RCP29.11:1**
 - misjoinder, **RCP 5.04(1)**
 - multiple defendants or respondents, **RCP 5.02(2)**
 - multiple plaintiffs or applicants, **RCP 5.02(1)**
 - necessary parties, **RCP 5.03, § RCP5.03:1**
 - non-joinder, **RCP 5.04(1)**
 - persons incorrectly named, **RCP 5.04(2)**
 - power of court to add, delete or substitute, **RCP 5.04(2)**
 - power of court to add necessary parties, **RCP 5.03(4)**
 - redemption actions, **RCP 64.05(1), 64.05(2)**
 - relief against joinder, **RCP 5.05, § RCP5.05:1, 5.03(6)**
 - sale actions, **RCP 64.04(1), 64.04(2)**
 - trust proceedings, **RCP 9.01, § RCP9.01:1**

JOINT AND SEVERAL LIABILITY

- Effect of judgment against or release of one party, **CJA 139(1)**
- Offer to contribute, **RCP 49.12(1)**

JOINT AND SEVERAL LIABILITY

—Cont'd

- Offer to settle, **RCP 49.11, § RCP49.11:1**

JUDGES AND OFFICERS

- See also MASTER; REGISTRAR
- Attendance at meetings, conferences, seminars, **CJA 83**
- Ceasing to hold office or incapacitated, issuing order, **RCP 59.04(14)**
- Complaint against, **CJA 87.3**
- Decisions, provisions re, in special circumstances, **CJA 123, § CJA123:1**
- Disqualified
 - not to preside after hearing motions, **RCP 37.15(2)**
 - not to preside after holding pre-trial, **RCP 50.10, § RCP50.10:1**
- Extra-judicial activities, **CJA 84**
- Immunity from liability, **CJA 82**
- Judge, definition, **RCP 1.03, § RCP1.03:1**
- Jurisdiction
 - judge, **RCP 37.02(1)**
- Master
 - See MASTER
- Money held by officers, **CJA 93**
- Oath of office, **CJA 80**
- Ontario Court of Justice
 - judges
 - See ONTARIO COURT OF JUSTICE
 - officers
 - See under particular court
- Persona designata, abolishment of, **CJA 81**
- Referee
 - See REFERENCES
- Registrar
 - See REGISTRAR
- View, of property or location, **RCP 52.05**

JUDGMENTS

- Administration proceeding, **RCP 65.01, § RCP65.01:1**
- Admissions entitling party, **RCP 51.06, § RCP51.06:1**
- Applications, direction for service of judgment, **RCP 38.06(2)**
- Applications without notice, setting aside or varying, **RCP 38.11, § RCP38.11:1**

JUDGMENTS—Cont'd

- Before trial
 - action frivolous, vexatious or abuse of process, **RCP 21.01(3)(d)**
 - admissibility of evidence, **RCP 21.01(2)**
 - availability, **RCP 21.01(1), 21.01(3)**
 - factums, **RCP 21.03**
 - failure to make motion promptly, **RCP 21.02, § RCP21.02:1**
 - striking out pleading, **RCP 21.01(2)(b)**
- Consent
 - effect of third party defence, **RCP 29.06, § RCP29.06:1**
 - party under disability, **RCP 7.08(2), 7.08(2.1)**
 - party under disability, associate judge not to hear motion, **RCP 37.02(2)**
- Conversion of motion to motion for judgment, **RCP 37.13(2)**
- Counterclaims
 - claim in main action not disputed, **RCP 27.09(1)**
 - counterclaim not disputed, **RCP 27.09(2)**
 - successful claim and counterclaim, **RCP 27.09(3)**
- Crossclaims, defendant noted in default, **RCP 28.07**
- Damages, advance payments, **CJA 120, § CJA120:1**
- Default
 - See **DEFAULT PROCEEDINGS**
- Definition, **RCP 1.03, § RCP1.03:1**
- Estate proceedings
 - passing of estate accounts, **RCP 74.18(9), 74.18(10), 74.18(14)**
 - submission of rights to court, **RCP 75.07.1(c)**
- Fact or document yet to be proved, **RCP 52.10, § RCP52.10:1**
- Failure to testify, adverse party called as witness, **RCP 53.07(7)**
- Foreclosure actions
 - See **FORECLOSURE, SALE AND REDEMPTION**
- Form and contents, **RCP 59.03(3), 59.03(4)**
- Forms, see Index in Forms Volume
- Incorporating terms of offer to settle, **RCP 49.07(6)**

JUDGMENTS—Cont'd

- Offer to settle, accepted, **RCP 49.09, § RCP49.09:1 to § RCP49.09:3**
- Partition or sale of land, **RCP 66.02**
- Periodic payments, **CJA 116, § CJA116:1**
- Redemption actions, **RCP 64.05(4), 64.05(5)**
- References
 - See **REFERENCES**
- Sale actions
 - See **FORECLOSURE, SALE AND REDEMPTION**
- Set aside, party failing to attend, **RCP 52.01(3)**
- Special case, **RCP 22.05(2)**
- Summary
 - See **SUMMARY JUDGMENT**
- Third party defence, effect, **RCP 29.06, § RCP29.06:1**
- Third party in default, **RCP 29.07**
- Variation, party failing to attend, **RCP 52.01(3)**
- Without prejudice to persons not parties, **RCP 5.04(1)**

JUDICIAL REVIEW

- See also **ADMINISTRATIVE TRIBUNALS**
- Addresses, order of presentation, **RCP 52.07, § RCP52.07:1**
- Appeal to Court of Appeal, **JRPA 6(4)**
- Applicable procedure
 - Divisional Court, **§ PG:5, RCP 68.02(1)**
 - Ontario Court of Justice, **RCP 68.02(2)**
- Application
 - extension of time, **JRPA 5(2)**
 - notice to Attorney General, **JRPA 9(4)**
 - parties, **JRPA 9(2), JRPA 9(3)**
 - sufficiency of, **JRPA 9, § JRPA9:1**
 - time for bringing, **JRPA 5(1)**
- Application records
 - applicant's, **RCP 68.04(1), 68.04(2)**
 - copies for use of the court, **RCP 68.04(7)**
 - failure of applicant to deliver, **RCP 68.06**
 - respondent's, **RCP 68.04(4), 68.04(5)**
- Applications to Divisional Court, **JRPA 6(1), RCP 38.01(2)**
- Application to judge, **JRPA 6(2)**

JUDICIAL REVIEW—Cont'd

Certificate of perfection, **RCP 68.05(1)**
 Commencement of proceedings
 notice of application, **JRPA 2(1), RCP 68.01(1)**
 transfer to region where hearing to be held, **RCP 68.01(2)**
 Dismissal for delay, **RCP 68.06, 68.07**
 Extraordinary remedies, application for, **JRPA 7**
 Factums
 applicant's, **RCP 68.04(1), 68.04(3)**
 copies for use of the court, **RCP 68.04(7)**
 failure of applicant to deliver, **RCP 68.06**
 respondent's, **RCP 68.04(4), 68.04(6)**
 Failure to file, **RCP 68.06**
 Forms, see Index in Forms Volume
 Generally, **RCP 68, § RCP68:1 to RCP 68.07**
 Grounds
 defects in form, technical irregularities, **JRPA 3, § JRPA3:1**
 error in law, **JRPA 2(2)**
 lack of evidence, **JRPA 2(3)**
 Habeas Corpus Act proceedings, **JRPA 11(2)**
 Hearing date in Divisional Court, **RCP 68.03**
 Interim order, **JRPA 4, § JRPA4:1**
 Listing for hearing, **RCP 68.05(2)**
 Power of court
 refuse relief, **JRPA 2(5)**
 set aside decision, **JRPA 2(4)**
 Procedural steps, **§ PG:5**
 Record, filing of, **JRPA 10, § JRPA10:1**
 Restriction, Environmental Bill of Rights, 1993, **CJA 118, § CJA118:1**
 Summary disposition, **JRPA 8, § JRPA8:1**
 Transfer to Divisional Court, **JRPA 6(3)**
 Urgent application, **JRPA 6(2)**

JURIES

Actions to be tried without, **CJA 108(2), CJA 108(3)**
 Answering only some questions, **RCP 52.08(1)**
 Composition, **CJA 108(4)**
 Conflicting answers, **RCP 52.08(1)**

JURIES—Cont'd

Continuation with five jurors, **CJA 108(8)**
 Damages, advance payments, **CJA 120, § CJA120:1**
 Damages, guidance and submissions, **CJA 118, § CJA118:1**
 Damages, power of court on appeal, **CJA 119, § CJA119:1**
 Disagreement, **RCP 52.08(1)**
 Discharge of juror, **CJA 108(7)**
 General verdict or specific questions, **CJA 108(5), CJA 108(6)**
 Inspection of property or location, **RCP 52.05**
 Judgment only on some claims, **RCP 52.08(2)**
 Jury notice
 availability, **RCP 47.01, § RCP47.01:1**
 form, see Index in Forms Volume
 striking out, **RCP 47.02, § RCP47.02:1 to § RCP47.02:3**
 time for delivery, **RCP 47.01, § RCP47.01:1**
 trial record to contain, **RCP 48.03(1)**
 Malicious prosecution actions, **CJA 108(10)**
 Motor vehicle negligence, onus of proof, specifying negligent acts, **CJA 108(9)**
 No finding, **RCP 52.08(1)**
 Recording verdicts, **RCP 52.09, § RCP52.09:1**
 Trial lists, **RCP 48.08(1)**
 Trials without, **CJA 108(2), CJA 108(3)**
 Trial with, when party may require, **CJA 108(1)**

JURISDICTION

Federal Court, **CJA 148**
 Motions
 associate judge, **RCP 37.02(2)**
 judge, **RCP 37.02(1)**
 Referee
 See REFERENCES
 Registrar
 See REGISTRAR
 Subject matter, stay or dismissal where lacking, **RCP 21.01(3)(a)**

KNOWLEDGE

Personal knowledge
 See AFFIDAVITS

INDEX

LAND

- Certificate of pending litigation, **RCP 42, § RCP42:1 to § RCP42.02:1**
- Enforcement of orders for recovery or delivery of possession, **RCP 60.03, § RCP60.03:1, RCP 60.10, § RCP60.10:1, § RCP60.10:2**
- Foreclosure
 - See FORECLOSURE, SALE AND REDEMPTION
- Mortgage action
 - See FORECLOSURE, SALE AND REDEMPTION
- Recovery, signing default judgment, **RCP 19.04(1)**
- Redemption actions
 - See FORECLOSURE, SALE AND REDEMPTION
- Sale actions
 - See FORECLOSURE, SALE AND REDEMPTION
- Sales
 - See SALES

LEAVE

- Admitting evidence, motion for determination of issue before trial, **RCP 21.01(2)**
- Amending document, document struck out, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
- Amending pleadings, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9, RCP 26.02, § RCP26.02:1**
 - where pleading struck out, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
- Appeals
 - arguing grounds other than those stated, **RCP 61.08(2)**
 - cross-appeals, **RCP 61.07(3)**
 - motion in writing for leave to appeal, **RCP 61.03.1, § RCP61.03.1:1**
 - motion record and factum, **RCP 61.03(2), 61.03(4)**
 - notice of motion, **RCP 61.03(1), 61.03(4)**
 - order for stay pending appeal, **RCP 63.02, § RCP63.02:1, § RCP63.02:2**
 - setting aside writ of execution, **RCP 63.03(6)**

LEAVE—Cont'd

- Appeals—Cont'd
 - time for delivering notice of appeal, **RCP 61.03(6)**
- Appeals from interlocutory orders
 - grounds on which leave may be granted, **RCP 62.02(4)**
 - hearing date, **RCP 62.02(3)**
 - motion in writing, **RCP 62.02(2)**
 - order of judge, **RCP 62.02(1)**
 - procedures, **RCP 62.02(5)**
 - reliance on grounds not stated in notice, **RCP 62.01(4)**
 - subsequent procedure where leave granted, **RCP 62.02(8)**
 - time for service, **RCP 62.02(3)**
- Attacking irregularity after expiry of time or further step, **RCP 2.02, § RCP2.02:1**
- Commencement of proceeding, **RCP 14.01(3)**
- Delivery of amended pleadings, subsequent facts, **RCP 14.01**
- Delivery of statement of defence, **RCP 19.01(2)**
- Discontinuing actions, **RCP 23.01(1)**
 - effect on subsequent action, **RCP 23.04(1)**
 - party under disability, **RCP 23.01(2)**
- Discovery, action set down for trial, **RCP 48.04(1)**
- Enforcement of orders against alleged partners not served, **RCP 8.06(3)**
- Evidence at trial
 - affidavit evidence, **RCP 53.02(1)**
 - expert witness testifying, report not served, **RCP 53.03(3)**
 - witness whose evidence was previously taken, **RCP 36.04(3)**
- Examinations for discovery
 - examination by both oral and written questions, **RCP 31.02(1)**
 - examination of party more than once, **RCP 31.03(1)**
 - non-parties, **RCP 31.10(1)**
 - use of evidence at trial, party under disability, **RCP 31.11(5)**
 - use of information refused at discovery, **RCP 31.07(1)**
 - withholding information, **RCP 31.06(5)**

LEAVE—Cont'd

- Inspecting documents deposited with registrar, **RCP 30.11, § RCP30.11:1**
- Intervening
 - added party, **RCP 13.01, § RCP13.01:1, § RCP13.01:2**
 - Divisional Court, Court of Appeal, **RCP 13.03, § RCP13.03:1**
 - friend of the court, **RCP 13.02, § RCP13.02:1**
- Issuing certificate of pending litigation, **RCP 42.02, § RCP42.02:1**
- Issuing third party claim, **RCP 29.02(1)**
- Issuing writs
 - error in, **RCP 60.07(5.3)**
 - possession, **RCP 60.10(1), 60.10(2)**
 - seizure and sale, **RCP 60.07(1.1) to 60.07(3)**
 - sequestration, **RCP 60.09(1), 60.09(2), 60.11(5), 60.11(6)**
- Leave motion
 - Court of Appeal, **RCP 61.03.1, § RCP61.03.1:1**
 - Divisional Court, **RCP 61.03, § RCP61.03:1**
- Listing for trial, action struck off trial list, **RCP 48.11, § RCP48.11:1**
 - failure to move for leave, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Motions
 - hearing in absence of public, **RCP 37.11(2)**
 - where action set down for trial, **RCP 48.04(1)**
- Motions and applications
 - delivery of affidavit subsequent to cross-examination on affidavit, **RCP 39.02(2)**
 - examining witnesses at hearing, **RCP 39.03(4)**
- Noting parties under disability in default, **RCP 7.07, § RCP7.07:1, 19.01(4)**
- Partners defending proceeding separately, **RCP 8.02**
- Pleading subsequent to reply, **RCP 25.01(5)**
- Records and factums
 - Court of Appeal, **RCP 61.03.1(4), 61.03.1(5), 61.03.1(7), 61.03.1(8)**
 - Divisional Court, **RCP 61.03(2), 61.03(4)**

LEAVE—Cont'd

- Service outside Ontario, **RCP 17.03, § RCP17.03:1**
 - Special case determined by Court of Appeal, **RCP 22.03(1)**
 - Statement of defence and counterclaim amending, **RCP 27.07(2)**
 - extending time for service or delivery, **RCP 27.04(2)**
 - issuing after time prescribed, **RCP 27.03(a)**
 - Statement of defence and crossclaim, **RCP 28.04(1)**
 - Summary judgment, special urgency, **RCP 20.01(2)**
 - Taking evidence before trial, **RCP 36.01, § RCP36.01:1**
 - Use of privileged documents at trial, **RCP 30.09, § RCP30.09:1**
 - Vexatious proceeding, **CJA 140, § CJA140:1, 2.1.03**
 - Withdrawing defence, **RCP 23.06(1)**
 - admissions, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**
 - Withholding disclosure or production on discovery, **RCP 30.04(8)**
- LETTERS OF REQUEST**
- Examinations out of court, persons out of Ontario, **RCP 34.07(2), 36.03**
 - For service abroad, see Index in Forms Volume
- LETTERS ROGATORY**
- See LETTERS OF REQUEST
- LIBERTY OF THE SUBJECT**
- Associate judge not to hear motions, **RCP 37.02(2)**
- LIMITATIONS ACT, 2002**
- Acknowledgements, **LIMA 13, § LIMA13:1**
 - Application, **LIMA 2, § LIMA2:1**
 - Attempted resolution, **LIMA 11, § LIMA11:1**
 - Basic limitation period, **LIMA 4, § LIMA4:1**
 - Binding on Crown, **LIMA 3**
 - Definitions, **LIMA 1, § LIMA1:1**
 - Discovery, **LIMA 5, § LIMA5:1, § LIMA5:2**

INDEX

LIMITATIONS ACT, 2002—Cont'd

- Environmental claims, undiscovered, **LIMA 17**
- General rules, **LIMA 18, § LIMA18:1 to LIMA 23**
- Incapable persons, **LIMA 7, § LIMA7:1**
- Litigation guardians, **LIMA 8**
 - appointment, **LIMA 9, § LIMA9:1**
- Minors, **LIMA 6, § LIMA6:1**
- No limitation period, **LIMA 16, § LIMA16:1**
- Notice of possible claim, **LIMA 14**
- Successors, **LIMA 12, § LIMA12:1**
- Ultimate limitation periods, **LIMA 15, § LIMA15:1**

LIQUIDATED DEMANDS

- Default judgment, **RCP 19.04(1)**
- Form, default judgment, see Index in Forms Volume

LIS PENDENS

- See CERTIFICATE OF PENDING LITIGATION

LISTING FOR HEARING

- See HEARINGS

LISTING FOR TRIAL

- See SETTING DOWN

LITIGATION ADMINISTRATORS

- Appointment, **RCP 9.02(1), 9.02(2)**
- Where executor or administrator exists, **RCP 9.03(4)**

LITIGATION GUARDIANS

- See also PARTIES UNDER DISABILITY; PUBLIC GUARDIAN AND TRUSTEE
- Abandoned application, notice to, **RCP 38.08(4)**
- Affidavit required for approval of settlement, **RCP 7.08(4), 7.08(4.1)**
- Appointment, **RCP 7.03(6)**
- Costs, **RCP 57.06, § RCP57.06:1**
 - recovery from person under disability, **RCP 57.06(2)**
- Court appointment unnecessary, **RCP 7.02(1)**
- Defendants, respondents, **RCP 7.03(1)**
- Duties, **RCP 7.05, § RCP7.05:1**
- Examination for discovery, **RCP 31.03(5)**

LITIGATION GUARDIANS—Cont'd

- Generally, **RCP 7, § RCP7:1 to § RCP7.09:1**
- Notice of discontinuance by plaintiff, **RCP 23.01(2)**
- Notice of motion to dismiss for delay, **RCP 24.02**
- Plaintiffs, applicants, **RCP 7.02**
- Powers, **RCP 7.05(1)**
- Removal or substitution, **RCP 7.06, § RCP7.06:1**
- Representation of persons under disability, **RCP 7.01, § RCP7.01:1**
- Service
 - motion for removal of solicitor, **RCP 15.04(3)**
 - order removing solicitor of record, **RCP 15.04(3)**
 - Solicitor to represent, **RCP 7.05(3)**

LOCAL REGISTRARS

- See REGISTRAR

MAIL

- Filing documents, **RCP 4.05(4) to 4.05(6)**
- Form, acknowledgement of receipt card, see Index in Forms Volume
- Service
 - Children's Lawyer, **RCP 16.03(8)**
 - corporation, **RCP 16.03(6)**
 - Crown in right of Ontario, **RCP 16.03(7)**
 - deemed, e-mail, **RCP 16.03(10)**
 - effective date, **RCP 16.06(2)**
 - last known address, **RCP 16.03(4)**
 - lawyer of record, **RCP 16.05(1)**
 - manner of service, **RCP 16.06(1)**
 - place of residence, **RCP 16.03(5)(b)**
 - Public Guardian and Trustee, **RCP 16.03(9)**
 - registered or certified, **RCP 16.06(1)**
 - solicitor acting under limited scope retainer, **RCP 15.01(3)**

MAINTENANCE

- Minors
 - allowance sought on disposition of property, **RCP 67.02(2)**
 - payment out of court, **RCP 72.03(14)**

MANAGERS

- See RECEIVER

MANDATORY MEDIATION

- Application of rule, **RCP 24.1.04**
- Exemption by order, **RCP 24.1.05**,
§ **RCP24.1.05:1**
- Local mediation committees, **RCP 24.1.07**
- Mediation coordinator, **RCP 24.1.06**
- Mediation session
 - additional session on consent, **RCP 24.1.16**, § **RCP24.1.16:1**
 - assignment of mediator, **RCP 24.1.09**,
§ **RCP24.1.09:1**
 - attendance by party, **RCP 24.1.11**,
§ **RCP24.1.11:1**
 - authority to settle, **RCP 24.1.11**,
§ **RCP24.1.11:1**
 - confidentiality, **RCP 24.1.14**,
§ **RCP24.1.14:1**
 - failure to attend, **RCP 24.1.13**,
§ **RCP24.1.13:1**
 - mediator's report, **RCP 24.1.15**,
§ **RCP24.1.15:1**
 - non-compliance, **RCP 24.1.12**, **RCP 24.1.13**, § **RCP24.1.13:1**
 - selection of mediator, **RCP 24.1.08**
 - time limits, **RCP 24.1.09**,
§ **RCP24.1.09:1**
 - time limits for Rule 78 actions, **RCP 24.1.09.1**
- Mediators, **RCP 24.1.08**
- Nature, **RCP 24.1.02**
- Purpose, **RCP 24.1.01**

MANDATORY ORDERS

- Application for, ancillary relief, **RCP 14.05(3)(g)**
- Extension, **RCP 40.02(2)**
- Generally, **RCP 40**, § **RCP40:1 to RCP 40.04**
- How obtained, **RCP 40.01**,
§ **RCP40.01:1**
- Interlocutory, power to grant, **CJA 101**,
§ **CJA101:1 to § CJA101:18**
- Maximum duration without notice, **RCP 40.02(1)**
- Period of extension, **RCP 40.02(3)**

MARRIAGE

- Claim for declaration of invalidity
defendant noted in default, **RCP 19.05**,
§ **RCP19.05:1**
- service outside Ontario, **RCP 17.02(1)**

MASTER

- Adjournment of motion for summary
judgment, **RCP 20.04(4)**
- Appeals
 - from final orders, **CJA 19(1)(c)**
 - from interlocutory orders, **CJA 17**,
§ **CJA17:1; 62.01(1)**
- Immunity from liability, **CJA 82**
- Motions
 - disposition, **RCP 37.13**, § **RCP37.13:1**
 - interpleader, **RCP 43.04(3)**
 - order prohibiting motions without
notice, **RCP 37.16**, § **RCP37.16:1**
 - setting aside, varying, amending orders,
RCP 37.14(3), (4)
 - Superior Court of Justice, jurisdiction,
RCP 37.04, § **RCP37.04:1**

MATERIAL FACTS

- See **FACTS**

MEDIATION

- See **MANDATORY MEDIATION**

MEDICAL EXAMINATIONS

- See also **EXAMINATIONS FOR DISCOVERY**
- Attendance, **RCP 33.05**, § **RCP33.05:1**
- Availability on pre-trial conference, **RCP 50.11**
- Consent, **RCP 33.08**, § **RCP33.08:1**
- Deemed undertaking, **RCP 30.1**,
§ **RCP30.1:1**
- Failure to comply with order, **RCP 33.07**
- Generally, § **CJA105:1**, § **CJA105:2**,
RCP 33, § **RCP33:1 to**
§ **RCP33.08:1**; **CJA 105**
- Motion for examination, **RCP 33.01**,
§ **RCP33.01:1**
- Order for examination, **RCP 33.02**,
§ **RCP33.02:1**
- Provision of information, **RCP 33.04**,
§ **RCP33.04:1**
- Reports
 - preparation, **RCP 33.06(1)**
 - providing copies, **RCP 33.04**,
§ **RCP33.04:1**
 - service, **RCP 33.06(2)**

MENTAL INCOMPETENCY PROCEEDINGS

- Appointment of litigation guardian not
required, **RCP 7.01(2)**

INDEX

MENTALLY INCOMPETENT PARTIES

See **PARTIES UNDER DISABILITY**

MINORS

See also **CHILDREN**

Approval of settlements, **RCP 7.08(5)**

Attaining age of majority, payment out of court, **RCP 72.03(7)**

Direction for payment out, references, **RCP 55.05(4)**

Forms, see **Index in Forms Volume**
Maintenance, payment out of court, **RCP 72.03(14)**

Motion by solicitor for removal as solicitor of record, **RCP 15.04(3)**

Order directing payment for minor, **RCP 59.03(5)**

Order to continue, reaching age of majority, **RCP 7.06(1)**

Personal service, **RCP 16.02(1)(j)**

Persons under disability, **RCP 1.03**,
§ **RCP1.03:1**

Proceedings concerning estates
affidavit in support, **RCP 67.02**
commencement of proceedings, **RCP 67.01**

consent of minor over age of sixteen,
RCP 67.03(1)

dispensing with consent, **RCP 67.03(2)**

examining minor with respect to
consent, **RCP 67.03(3)**

generally, **RCP 67**, § **RCP67:1 to RCP 67.03**

inquiry concerning consent of minor
outside Ontario, **RCP 67.03(4)**

solicitor's affidavit, **RCP 67.03(1)**

Proceedings for petition or sale, **RCP 66.01(2)**

Representation by litigation guardian,
RCP 7.01, § **RCP7.01:1**, **7.03(2)**

MISTAKE

See **ERRORS AND OMISSIONS**

MORTGAGE ACTIONS

See **FORECLOSURE, SALE AND REDEMPTION**

MORTGAGE REFERENCES

See **REFERENCES**

MORTGAGES

See also **FORECLOSURE, SALE AND REDEMPTION**

MORTGAGES—Cont'd

Application for approval, **RCP 14.05(3)**

Discharge of mortgage held by accountant, **RCP 72.04**

Proof of account where assigned, **RCP 64.06(15)**

Property of minor

affidavit in support of application for approval, **RCP 67.02**

consent of minor over age of sixteen,
RCP 67.03

notice of application for approval, **RCP 67.01**

solicitor's affidavit, **RCP 67.03**

MOTIONS

Abandonment

assessment of costs, **RCP 58.07**

costs, **RCP 37.09(3)**

deemed, **RCP 37.09(2)**

notice of abandonment, **RCP 37.09(1)**

Absence of opposite party, **RCP 3.03(2)**

Abuse of process, **RCP 37.16**,
§ **RCP37.16:1**

dismiss for, **RCP 2.1.02**

hearing by more than one judge, **RCP 61.16(3)**

motion to receive evidence, **RCP 61.16(2)**

procedure, **RCP 61.16(1)**, **61.16(1.1)**

record and factum, **RCP 61.16(4)**

review of Registrar's order, **RCP 61.16(5)**

review of single judge's order, **RCP 61.16(6)**

stay for, **RCP 2.1.02**

Appellate court, in, **RCP 61.16**,
§ **RCP61.16:1**

Attacking irregularity, **RCP 2.02**,
§ **RCP2.02:1**

Before commencement of proceeding,
RCP 37.17, § **RCP37.17:1**

Compelling answers or undertakings,
RCP 37.10(10)

Confirmation of, **RCP 37.10.1**,
§ **RCP37.10.1:1**

Costs

contested, **RCP 57.03(1)**, **57.03(2)**

motion without notice, **RCP 57.03(3)**

seeking costs from solicitor, **RCP 57.07(2)**

MOTIONS—Cont'd

Cross-examination on affidavit, procedure, **RCP 34.01, RCP 39.02, § RCP39.02:1 to § RCP39.02:3**
 Definition, **RCP 1.03, § RCP1.03:1**
 Dispositions, **RCP 37.13, § RCP37.13:1**
 Estates
 directions, for, **RCP 75.06(1), 75.06(2)**
 orders of assistance, **RCP 74.15, § RCP74.15:1**
 return of certificate of appointment, **RCP 75.05**
 Evidence
 affidavits, **RCP 39.01, § RCP39.01:1 to § RCP39.01:5**
 appointment of litigation guardian, **RCP 7.03(10)**
 cross-examination on affidavit, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3**
 examination for discovery, **RCP 39.04, § RCP39.04:1**
 examination of witness, **RCP 39.03, § RCP39.03:1 to § RCP39.03:4**
 full and fair disclosure, **RCP 39.01(6)**
 summons to witness, **RCP 39.03(5)**
 Extension of time, **RCP 3.02(2)**
 Facts, **RCP 37.10(6) to 37.10(9)**
 Family law proceedings
 See FAMILY LAW RULES
 Form, notice of motion, see Index in Forms Volume
 Frivolous or vexatious, **RCP 37.16, § RCP37.16:1**
 Generally, **RCP 37, § RCP37:1 to § RCP37.17:1, RCP 39, § RCP39:1 to § RCP39.04:1**
 Hearing
 complicated issues or series of proceedings, **RCP 37.15(1)**
 conversion to motion for judgment, **RCP 37.13(2)**
 failure to appear, **RCP 37.09(2)**
 in absence of public, **RCP 37.11(1), 37.11(2)**
 open to public, **RCP 37.11(2)**
 order for trial of an issue, **RCP 37.13(2), 37.13(3)**
 where same judge not to preside at trial or hearing of application, **RCP 37.15(2)**

MOTIONS—Cont'd

Hearing date, **RCP 37.05**
 Jurisdiction to hear
 associate judge, **RCP 37.02(2)**
 judge, **RCP 37.02(1)**
 Moving party, definition, **RCP 1.03, § RCP1.03:1**
 Multiplicity, **RCP 37.16, § RCP37.16:1**
 No disclosure of statements made at pre-trial conferences, **RCP 50.09, § RCP50.09:1**
 Notice of motion, **RCP 37.01**
 contents, **RCP 37.06, § RCP37.06:1, § RCP37.06:2**
 endorsement of order, **RCP 59.02(1)**
 failure to file, **RCP 37.09(2)**
 filing, **RCP 37.08**
 leave to appeal, **RCP 61.03(1)**
 minimum notice period, **RCP 37.07(6)**
 motion record, **RCP 37.10(2)**
 service, **RCP 37.07, § RCP37.07:1**
 service and filing of affidavits, **RCP 39.01(2)**
 setting aside or varying order, **RCP 37.14(1)**
 where notice ought to have been served, **RCP 37.07(5)**
 Order prohibiting motion without leave, **RCP 37.16, § RCP37.16:1**
 Place of hearing, **RCP 37.03, § RCP37.03:1**
 exclusive jurisdiction of judge, **RCP 37.04, § RCP37.04:1**
 Procedural steps, § **PG:6**
 appeal, § **PG:7**
 leave to appeal, § **PG:7**
 Record
 binding, **RCP 4.07(1)**
 contents, **RCP 37.10(2)**
 filing material as part of record, **RCP 37.10(4)**
 front covers, **RCP 4.07(1.1)**
 responding party's, **RCP 37.10(3)**
 where required, **RCP 37.10(1)**
 References, **RCP 54.05**
 Responding party, definition, **RCP 1.03, § RCP1.03:1**
 Setting aside, varying, amending orders made by registrar, **RCP 37.14(3)**
 made in Court of Appeal or Divisional Court, **RCP 37.14(6)**

INDEX

MOTIONS—Cont'd

- Setting aside, varying, amending orders—Cont'd
 - made in proceeding in Superior Court of Justice, **RCP 37.14(4)**
 - motion to set aside or vary, **RCP 37.14(1), 37.14(2)**
- Stay or dismissal for, **RCP 2.1.02**
- Superior Court of Justice
 - obtaining hearing date, **RCP 37.05**
 - to whom to be made, **RCP 37.04, § RCP37.04:1**
- Transcript of evidence, **RCP 37.10(5)**
- Without notice
 - adding subsequent encumbrancers as defendants, foreclosure actions, **RCP 64.03(3)**
 - amending statement of defence and counterclaim, **RCP 27.07(2)**
 - appointment of litigation guardian, **RCP 7.03(8)**
 - certificate of pending litigation, **RCP 42.02(2) to 42.02(5)**
 - change or variation of debtor's name, writ of seizure and sale, **RCP 60.07(10) to 60.07(11.1)**
 - costs, **RCP 57.03(3)**
 - delivery of statement of defence and crossclaim, **RCP 28.04(1)**
 - discontinuance, **RCP 23.01(1)**
 - final order for sale, **RCP 64.04(10), 64.04(11)**
 - final order of foreclosure, **RCP 64.03(15), 64.03(16)**
 - final order of foreclosure, redemption action, **RCP 64.05(6)**
 - foreclosure of subsequent encumbrancers, **RCP 64.03(14)**
 - full and fair disclosure, **RCP 39.01(6)**
 - generally, **RCP 37.07(2), 37.07(3)**
 - interim recovery of personal property, **RCP 44.01(2), 44.03(2)**
 - interlocutory injunction, **RCP 40.02, § RCP40.02:1**
 - leave to commence proceeding, **RCP 14.01(3)**
 - mandatory order, **RCP 40.02, § RCP40.02:1**
 - noting defendant under disability in default, **RCP 19.01(4)**
 - order for payment of deficiency on sale, **RCP 64.04(14)**

MOTIONS—Cont'd

- Without notice—Cont'd
 - order to continue, persons ceasing to be under disability, **RCP 7.06(1)**
 - payment out of court, party under disability, **RCP 72.03(10), 72.03(12)**
 - service of notice of application, **RCP 38.06(2)**
 - service of order, **RCP 37.07(4)**
 - service outside Ontario, **RCP 17.03, § RCP17.03:1**
 - setting aside or varying order, **RCP 37.14(1), 37.14(2)**
 - statement of defence and counterclaim, service or delivery, **RCP 27.03, § RCP27.03:1, 27.04(2)**
 - stop order, payment out of court, **RCP 72.05, § RCP72.05:1**
 - summary judgment, **RCP 20.01(2)**
 - where notice ought to have been served, **RCP 37.07(5)**
 - without oral argument, **RCP 37.12.1, § RCP37.12.1:1**
 - writs of possession, **RCP 60.10(1)**
 - Without oral argument
 - consent/unopposed motions, **RCP 37.12.1(1) to 37.12.1(3)**
 - opposed motions in writing, **RCP 37.12.1(4) to 37.12.1(6)**
- ### MULTIPLICITY OF PROCEEDINGS
- Avoidance of, **CJA 138, § CJA138:1**
 - Two or more proceedings for same damage, effect re costs, **CJA 139(2)**
- ### MUNICIPALITIES
- By-laws and resolutions
 - application for interpretation, **RCP 14.05(3)**
 - proceeding for interpretation, representation order, **RCP 10.01(1)**
 - Claims for debts, service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**
 - Personal service, **RCP 16.02(1)**
- ### MUTE PERSONS
- Examinations out of court, interpreters, **RCP 34.09(1)**
 - Interpreters at trial, **RCP 53.01(5)**
- ### NECESSARY AND PROPER PARTIES
- See JOINDER; PARTIES

NEXT FRIEND

See LITIGATION GUARDIANS

NOTICE

Abandonment of appeal or cross-appeal, **RCP 61.14, § RCP61.14:1**
 Abandonment of motion, **RCP 37.09(1)**
 Added party having interest in equity (mortgage references, **RCP 64.06(11)**)
 Alleged partners, **RCP 8.03, § RCP8.03:1**
 Appeal, **RCP 61.04, § RCP61.04:1, RCP 61.08, § RCP61.08:1**
 automatic stay, **RCP 63.01, § RCP63.01:1**
 Appeal to judge, **RCP 62.01(4)**
 Appearance, **RCP 38.07**
 Application, see also APPLICATIONS
 contents, **RCP 38.03(1), RCP 38.04, § RCP38.04:1**
 Appointment for assessment of costs, **RCP 58.03, § RCP58.03:1, 58.04**
 Appointment or change of solicitor, **RCP 15.03, § RCP15.03:1**
 Appointment to settle order, form of draft order not approved, **RCP 59.04(7) to 59.04(13)**
 Compliance with order for security for costs, **RCP 56.08**
 Constitutional question, **RCP 4.11**
 Contested claims, references, **RCP 55.03(4)**
 Creditors, references, **RCP 55.05(5)**
 Cross-appeals, **RCP 61.07, § RCP61.07:1, RCP 61.08, § RCP61.08:1**
 election to proceed, **RCP 61.15**
 Delivery of bill of costs for assessment, **RCP 58.04**
 Directions, references, **RCP 55.02, § RCP55.02:1**
 Discontinuance of action, **RCP 23.01, § RCP23.01:1**
 Dismissal of appeal for delay, **RCP 61.13(2)**
 Election to proceed with counterclaim, **RCP 23.02, 24.03**
 Election to transfer carriage of sale, **RCP 64.03(25)**
 Estate proceedings, commencement of, **RCP 74.03(2)**

NOTICE—Cont'd

Examination, cross-examination on affidavit, **RCP 34.01, RCP 34.04, § RCP34.04:1**
 Examination, taking evidence before trial, **RCP 34.01, RCP 34.04, § RCP34.04:1**
 Examination for discovery, **RCP 34.01, RCP 34.04, § RCP34.04:1**
 Examination in aid of execution, **RCP 34.01, RCP 34.04, § RCP34.04:1**
 Examination out of court, **RCP 34.01, RCP 34.04, § RCP34.04:1**
 Forms, see Index in Forms Volume
 Garnishment, **FLR 29, § FLR29:1, RCP 60.08(4) to 60.08(13)**
 motion for directions, **RCP 60.17, § RCP60.17:1**
 termination, **RCP 60.08(15)**
 Intention to call adverse party as witness at trial, **RCP 53.07(1), 53.07(2)**
 Intention to call officer, director etc. of adverse party, **RCP 53.07(1), 53.07(2)**
 Intention to call partner of partnership that is adverse party, **RCP 53.07(1), 53.07(2)**
 Intent to defend, **RCP 18.02, § RCP18.02:1**
 In writing or electronically, generally, **RCP 4.04**
 Listing for hearing, appeals, **RCP 61.09(5)**
 Listing for hearing, judicial review, **RCP 68.05(2)**
 Listing for trial, **RCP 48.06, § RCP48.06:1**
 two or more proceedings pending in same court, **RCP 6.01(2)**
 Motion, see also MOTIONS
 contents, **RCP 37.06, § RCP37.06:1, § RCP37.06:2**
 family law, **FLR 14(10) to FLR 14(15)**
 filing, **RCP 37.08, 37.10(4)**
 generally, **RCP 37.01**
 service, **RCP 37.07, § RCP37.07:1**
 Notice of action, **RCP 14.03(2)**
 Original defendants, mortgage references, **RCP 64.06(8)**
 Party added on reference, **RCP 55.02(5)**
 Payment into court, **RCP 72.02(9)**
 Property seized by sheriff, **RCP 60.13**

INDEX

NOTICE—Cont'd

- Readiness for trial, **RCP 48.02**
- Sale of personal property seized under writ, **RCP 60.07(16)**
- Subsequent encumbrancer added on reference, **RCP 64.06(4) to 64.06(7), 64.06(11)**
- Supplementary notice of appeal or cross-appeal, **RCP 61.08, § RCP61.08:1**
- Where required, notice to be in writing, **RCP 4.04**
- Withdrawal of defence, **RCP 23.06(1)**
- Withdrawal of offer to settle, **RCP 49.04, § RCP49.04:1**
- Writ of possession, to person in possession, **RCP 60.10(2)**
- Writ of seizure and sale, notice of payment, **RCP 60.16(1), 60.16(1.1)**

NOTING IN DEFAULT

- See **DEFAULT PROCEEDINGS**

OATHS

- Administration, **CJA 92**
- Interpreters, affidavits, **RCP 4.06(8)**
- Interpreters at trial, **RCP 53.01(5)**
- Interpreters on examinations, **RCP 34.09, § RCP34.09:1**
- Judges and officers, **CJA 80**
- Witnesses out of court, **RCP 34.08, RCP 34.15, § RCP34.15:1**

OFFERS TO SETTLE

- Acceptance, **RCP 49.07, § RCP49.07:1, § RCP49.07:2, RCP 49.09, § RCP49.09:1 to § RCP49.09:3**
- Burden of proof, **RCP 49.10(3)**
- Costs, **RCP 49.07(5)**
- Costs consequences, **RCP 49.10, § RCP49.10:1 to § RCP49.10:8, RCP 49.13, § RCP49.13:1**
- Counterclaims, **RCP 49.14, § RCP49.14:1**
- Crossclaims, **RCP 49.14, § RCP49.14:1**
- Deemed without prejudice, **RCP 49.05**
- Defendant, definition, **RCP 49.01**
- Expiry, **RCP 49.04(3), 49.04(4)**
- Family law proceedings
 - See **FAMILY LAW RULES**
- Forms, see **Index in Forms Volume**
- Generally, **RCP 49, § RCP49:1**
- Motions excepted, **RCP 49.02(2)**

OFFERS TO SETTLE—Cont'd

- Multiple defendants, **RCP 49.11, § RCP49.11:1, RCP 49.12, § RCP49.12:1**
- No indication to court at hearing, **RCP 49.06(2)**
- Offer to contribute, **RCP 49.12, § RCP49.12:1**
- Parties under disability, **RCP 7.08, § RCP7.08:1, RCP 49.08, § RCP49.08:1**
- Payment into court as a term, **RCP 49.07(3)**
- Payment to trustee as a term, **RCP 49.07(3)**
- Plaintiff, definition, **RCP 49.01**
- Pleadings not to disclose, **RCP 49.06(1)**
- Third party claims, **RCP 49.14, § RCP49.14:1**
- Time for making offer, **RCP 49.03, § RCP49.03:1**
- Where available, **RCP 49.02(1)**
- Withdrawal, **RCP 49.04, § RCP49.04:1**

OFFICERS

- See **CORPORATIONS; JUDGES AND OFFICERS**

OFFICIAL EXAMINERS

- Administering oath or affirmation, **RCP 34.08, § RCP34.08:1**
- Fees, assessment of costs, **RCP 58.05(1)**
- General provisions re, **CJA 91**
- Holding examination out of court, **RCP 34.02, § RCP34.02:1**
- Preparation of transcript, **RCP 34.17**

OFFICIAL LANGUAGES

- Generally, **CJA 125(1)**

OMISSIONS

- See **ERRORS AND OMISSIONS**

ONTARIO COURT ADVISORY COUNCIL

- Generally, **CJA 72**

ONTARIO COURT MANAGEMENT ADVISORY COMMITTEE

- Generally, **CJA 72**

ONTARIO COURT OF JUSTICE

- Appeals, **CJA 40**
- Clerks and bailiffs, **CJA 77**
- Composition, **CJA 35**

ONTARIO COURT OF JUSTICE

—Cont'd

- Continuation of, **CJA 34**
- Criminal jurisdiction, **CJA 38**
- Disturbance outside courtroom, penalty re, **CJA 41**
- Enforcement of orders, **CJA 38**
- Judges
 - See **ONTARIO COURT OF JUSTICE JUDGES**
- Justice of the peace, **CJA 39(2)**
- Regulations, **CJA 53**, § **CJA53:1**
- Rules Committee, **CJA 69**
- Who to preside, **CJA 39**

ONTARIO COURT OF JUSTICE JUDGES

- Appointment, **CJA 42**
 - information maintained in confidence, **CJA 42(11)**, **CJA 42(12)**
 - qualifications, **CJA 42(2)**
- Assignment to region, **CJA 37**
- Associate chief justices, **CJA 42**, **CJA 47**
- Chief Justice
 - absence of, **CJA 36(4)**
 - powers and duties, **CJA 36(1)**
 - retirement, **CJA 47**
 - terms of office, **CJA 42**
- Criminal jurisdiction, **CJA 38**
- Full and part-time services, **CJA 44**
- Judicial Appointment Advisory Committee, **CJA 43.1**
- Meetings, **CJA 36(7)**
- Senior Advisory Family Judge, **CJA 36(5)**, **CJA 42(6.2)**, **CJA 42(7.2)**, **CJA 42(9.1) to CJA 42(10)**
 - absence of, **CJA 36(6)**

ONTARIO JUDICIAL COUNCIL

- Associate judges
 - appointment, **CJA 86.1**, **CJA 86.2**
 - compensation for costs, **CJA 51.7**
 - complaints
 - complaint against Chief Justice, **CJA 50**
 - complaint re provincial judge, **CJA 51.3**
 - mediation, **CJA 51.5**
 - review and investigation by subcommittee, **CJA 51.4**
 - composition, **CJA 49**
 - consultation, **CJA 51.12**

ONTARIO JUDICIAL COUNCIL

—Cont'd

- Associate judges—Cont'd
 - continuing education, **CJA 51.10**
 - establishment of courses, **CJA 51.10.1**
 - hearings by Council, **CJA 51.6**, § **CJA51.6:1**
 - communication re subject-matter, **CJA 51.6(4)**
 - disability of justice, **CJA 51.6(13) to CJA 51.6(16)**
 - private hearings in exceptional circumstances, **CJA 51.6(7)**
 - publication of identities, **CJA 51.6(8) to CJA 51.6(10)**, **CJA 51.6(18) to CJA 51.6(20)**
 - report to Attorney General, **CJA 51.6(18)**
 - sanctions, **CJA 51.6(11)**, **CJA 51.6(12)**
 - performance evaluation, **CJA 51.11**
 - provision of information to public, **CJA 51**
 - removal for cause, **CJA 51.8**
 - rules of procedure, **CJA 51.1**
 - standards of conduct, **CJA 51.9**
 - use of official languages, **CJA 51.2**
- Outside activities, **CJA 46**
- Provincial judges
 - appointment of, **CJA 42**
 - disabled, accommodation re, **CJA 45**
 - full and part-time service, **CJA 44**
 - outside activities of, **CJA 46**
 - retirement, **CJA 47**
- Regional senior judges
 - absence of, **CJA 36(5)**
 - appointment and terms of appointment, **CJA 42**
 - delegation by, **CJA 36(3)**
 - meetings of, **CJA 36(6)**
 - powers and duties of, **CJA 36(2)**
 - retirement, **CJA 47**
- Resignation, **CJA 48**
- Retirement, **CJA 47**

ORDERS

- Acknowledging satisfaction, **RCP 59.07**, § **RCP59.07:1**
- Amending, **RCP 37.14**, § **RCP37.14:1**, **59.06(1)**

INDEX

ORDERS—Cont'd

- Appointment to settle
 - disputed order, **RCP 59.04(9) to 59.04(13)**
 - form of draft order not approved, **RCP 59.04(7)**
 - objections to proposed form of order, **RCP 59.04(9)**
 - registrar not satisfied, **RCP 59.04(5) to 59.04(6)**
- Approval of form, **RCP 59.03(2)**
- Authority of representative, **RCP 59.08**
- Costs, directing payment to party, **RCP 59.03(6)**
- Definition, **CJA 1(1); RCP 1.03, § RCP1.03:1**
- Draft of formal order, **RCP 59.03(1)**
- Effective date, **RCP 59.01, § RCP59.01:1**
- Effect on defendant to crossclaim, **RCP 28.06(3), (5)**
- Effect on third parties, **RCP 29.05(2), 29.05(5)**
- Endorsement by judge or officer, **RCP 59.02(1)**
- Enforcement
 - See ENFORCEMENT OF ORDERS
- Entry
 - acknowledgement of satisfaction, **RCP 59.07, § RCP59.07:1**
 - order directing reference, **RCP 55.02(1)**
 - place of entry and filing, **RCP 59.05**
 - procedure, **RCP 59.05(2)**
 - stay pending appeal does not prevent, **RCP 63.03(2)**
- Estate proceedings
 - general, **RCP 74.15, § RCP74.15:1, 75.05(3)**
 - motion for directions, **RCP 75.06, § RCP75.06:1**
 - motion for return of certificate, **RCP 75.05(3)**
- Extending or abridging time, **RCP 3.02, § RCP3.02:1 to § RCP3.02:3**
- Failure to comply, interlocutory orders, **RCP 60.12, § RCP60.12:1**
- Failure to comply, interpleader, **RCP 43.04(2)**
- Family law proceedings
 - See FAMILY LAW RULES

ORDERS—Cont'd

- Form and content
 - directing payment for minor, **RCP 59.03(5)**
 - general form, **RCP 59.03(3), 59.03(4)**
 - order for costs, **RCP 59.03(6)**
 - postjudgment interest, **RCP 59.03(7)**
- Forms, see Index in Forms Volume
- Issuing
 - appointment to settle
 - disputed order, **RCP 59.04(9) to 59.04(13)**
 - form of draft order not approved, **RCP 59.04(7)**
 - urgent cases, **RCP 59.04(8)**
 - ceasing to hold office or incapacitated, **RCP 59.04(14) to 59.04(15)**
 - electronic, **RCP 59.04(2)**
 - generally, **RCP 59.04(1)**
 - procedure where registrar not satisfied, **RCP 59.04(5) to 59.04(6)**
 - provision of issued order, **RCP 59.04(4)**
 - registrar's signature, **RCP 59.04(3)**
- Mandatory, **RCP 40, § RCP40:1 to RCP 40.04**
- Motion to set aside, vary, or amend, **RCP 37.14, § RCP37.14:1**
- Order to continue
 - minor reaching age of majority, **RCP 7.06(1)**
 - transfer or transmission of interest, **RCP 11, § RCP11:1 to § RCP11.03:1**
- Payment of costs, **RCP 59.03(6)**
- Postjudgment interest, **RCP 59.03(7)**
- Power of court to impose terms, **RCP 1.05, § RCP1.05:1**
- Preparation of draft, **RCP 59.03(1)**
- Provision of, **RCP 59.04(4)**
- Review of order/decision of panel of appellate court, **RCP 61.16(6.1)**
- Review of registrar's order, **RCP 61.16(5)**
- Review of single judge's order, **RCP 61.16(6)**
- Setting aside or varying, **RCP 37.14, § RCP37.14:1, 59.06(2)**
- Stay does not prevent, **RCP 63.03(2)**
- Variation, **RCP 37.14, § RCP37.14:1, 59.06(2)**

ORDERS—Cont'd

Written reasons to be filed in court file,
RCP 59.02(3)

ORDERS IN COUNCIL

Application for interpretation, **RCP 14.05(3)**

Proceedings for interpretation, representation orders, **RCP 10.01(1)**

ORIGINATING PROCESS

See also **ACTIONS; APPLICATIONS; COUNTERCLAIMS; COUNTERPETITIONS; STATEMENT OF CLAIM; THIRD PARTIES**

Amendment, **RCP 14.09**

Appointment of estate trustee, **RCP 14.01(2.1), RCP 14.05, § RCP14.05:1**

Claim for certificate of pending litigation to be included, **RCP 42.01(2)**

Commencement of proceeding, **RCP 14.01(1)**

exceptions, **RCP 14.01(2)**

leave required, **RCP 14.01(3)**

Counterclaim against non-party, **RCP 14.03(1), RCP 27.03, § RCP27.03:1**

Definition, **RCP 1.03, § RCP1.03:1**

Filing, **RCP 14.07(2)**

Forms, see Index in Forms Volume

Generally, **RCP 14, § RCP14:1 to RCP 14.10**

Information for court use, **RCP 14.03(4.1)**

Inspection of documents mentioned therein, **RCP 30.04(2)**

Issuance, **RCP 4.05(1), 14.07(1)**

Notice of action, **RCP 14.03(2)**

Notice of application, **RCP 14.05(1)**

Service, **RCP 16.01(1)**

impractical, **RCP 16.04(1)**

where amended pleading, **RCP 26.04(3)**

Service not required, **RCP 16.01(2)**

Service outside Ontario

See **SERVICE OUTSIDE ONTARIO**

Statement of claim, **RCP 14.03(1)**

Striking out or amending, **RCP 14.09**

Third or subsequent party claim, **RCP 29.02(1), RCP 29.11, § RCP29.11:1**

Title of proceeding, **RCP 14.06(1)**

OTTAWA

Hearing appeals from interlocutory orders, **RCP 62.01(6)**

Obtaining hearing date, motions court, **RCP 37.05(1), 38.03(2)**

PARTICULARS

Demand, **RCP 25.10, § RCP25.10:1 to § RCP25.10:7**

trial record, **RCP 48.03(1)**

Notice of change of account, **RCP 64.06(21)**

Pleadings, **RCP 25.06(8)**

claim for special damages, **RCP 25.06(9)**

Request for sale by subsequent encumbrancers, **RCP 64.03(18), 64.03(19)**

Request to redeem by subsequent encumbrancer, foreclosure action, **RCP 64.03(7)**

Requisition for certificate of stay, **RCP 63.03(5)**

Taking of accounts on references, **RCP 55.04(6)**

PARTIES

Acting in bad faith, motion for summary judgment, **RCP 20.06, § RCP20.06:1**

Adding

estate or trust proceedings, **RCP 9.01(4)**

intervention by persons not parties, **RCP 13.01, § RCP13.01:1, § RCP13.01:2**

Addition, deletion, substitution, amendment of pleadings, **RCP 26.02, § RCP26.02:1**

Administration proceedings, **RCP 65.01(1), 65.01(2)**

Adverse

cross-examination on affidavit, **RCP 39.02, § RCP39.02:1 to § RCP39.02:3**

examinations for discovery, **RCP 31, § RCP31:1 to § RCP31.11:1**

Assignee of chose in action, **RCP 5.03(3), RCP 11, § RCP11:1 to § RCP11.03:1**

Bankrupt, **RCP 11, § RCP11:1 to § RCP11.03:1**

PARTIES—Cont'd

- Conduct during proceedings, consideration in awarding costs, **RCP 57.01(1)**
- Consent of insurer, payment out of court, **RCP 72.03(6)**
- Corporations, solicitor required, **RCP 15.01(2)**
- Correcting name in proceeding, **RCP 5.04(2)**
- Costs against successful parties, **RCP 57.01(2)**
- Counterclaim, **RCP 27.01, § RCP27.01:1**
 - against non-party, **RCP 27.03, § RCP27.03:1**
 - against persons already parties, **RCP 14.01(2)**
 - amending defence to add counterclaim, **RCP 27.07, § RCP27.07:1**
- Counterpetition
 - against persons already parties, **RCP 14.01(2)**
- Crossclaims, **RCP 28.01, § RCP28.01:1**
- Deceased, order to continue, **RCP 11, § RCP11:1 to § RCP11.03:1**
- Definition, **RCP 36.04(1)**
- Discovery
 - See EXAMINATIONS FOR DISCOVERY
- Evidence at trial, before other testimony, **RCP 52.06(2)**
- Family law proceedings
 - See FAMILY LAW RULES
- Foreclosure actions, **RCP 64.03(1) to 64.03(3)**
- Fourth and subsequent party claims
 - See THIRD PARTIES
- Intervention as added party, **RCP 13.01, § RCP13.01:1, § RCP13.01:2**
- Joinder, **RCP 5.02, § RCP5.02:1, RCP 5.03, § RCP5.03:1**
 - adding plaintiffs or applicants, **RCP 5.04(3)**
 - assignee of a chose in action, **RCP 5.03(3)**
 - misjoinder, **RCP 5.04(1)**
 - multiple defendants or respondents, **RCP 5.02(2)**
 - multiple plaintiffs or applicants, **RCP 5.02(1)**
 - non-joinder, **RCP 5.04(1)**

PARTIES—Cont'd

- Joinder, **RCP 5.02, § RCP5.02:1, RCP 5.03, § RCP5.03:1—Cont'd**
 - person incorrectly named, **RCP 5.04(2)**
 - persons jointly entitled, **RCP 5.03(2)**
 - persons not consenting to be added, **RCP 5.03(5)**
 - powers of court to add, delete or substitute parties, **RCP 5.03(4), 5.04(2)**
 - relief from joinder, **RCP 5.03(6), RCP 5.05, § RCP5.05:1**
- Medical examination, **RCP 33, § RCP33:1 to § RCP33.08:1**
- Named in title of proceeding, **RCP 14.06(1)**
- Necessary, **RCP 5.03, § RCP5.03:1**
- Partnerships
 - See PARTNERSHIPS
- Pleadings
 - See PLEADINGS
- Pre-trial conference, appearance, **RCP 50.01**
- Redemption actions, **RCP 64.05(1), (2)**
- References
 - adding persons as parties, **RCP 55.02(5)**
 - bidding on sales of property, **RCP 55.06(5), 55.06(6)**
 - choosing referee, **RCP 54.03, § RCP54.03:1**
 - representation by different solicitors, **RCP 55.02(8)**
 - representation by same solicitor, **RCP 55.02(8)**
 - transferring carriage of reference, **RCP 55.02(12)**
- Representation
 - acting in person, **RCP 15.01(3), 15.01.1(1), 15.01.1(1.1)**
 - lawyer from another province, **RCP 15.07**
 - limited scope retainer, **RCP 15.01(4), 15.01.1(2), 15.01.1(3), 59.08**
 - notice of appointment of solicitor, **RCP 15.03(2)**
 - notice of change of solicitor, **RCP 15.03(1)**
 - notice of intention to act in person, **RCP 15.03(3)**
 - solicitor required, **RCP 15.01, § RCP15.01:1**

PARTIES—Cont'd

- Representative parties
 - generally, **RCP 10, § RCP10:1 to RCP 10.03, RCP 12, § RCP12:1 to § RCP12.08:1**
 - solicitor required, **RCP 15.01(1)**
- Sale actions, **RCP 64.04(1), 64.04(2)**
- Security for costs, **RCP 56.09, § RCP56.09:1**
- Service
 - See SERVICE
- Setting down actions, **RCP 48.01, § RCP48.01:1**
- Sole proprietorships
 - See SOLE PROPRIETORSHIPS
- Third parties
 - See THIRD PARTIES
- Transferred or transmitted interests or liabilities, **RCP 11, § RCP11:1 to § RCP11.03:1**
- Trial, failure to attend, **RCP 52.01, § RCP52.01:1**
- Trustee
 - See TRUSTS
- Under disability
 - See PARTIES UNDER DISABILITY

PARTIES UNDER DISABILITY

- See also PARTIES
- Ceasing to be under disability, **RCP 7.06(1)**
- Committee, previously appointed, **RCP 7.01(3), 7.01(4)**
- Costs, **RCP 57.06(1)**
- Discontinuance of action, **RCP 7.07.1, 23.01(2)**
- Examination for discovery, **RCP 31.03(5)**
- Forms, see Index in Forms Volume
- Generally, **RCP 7, § RCP7:1 to § RCP7.09:1**
- Judgment on consent
 - associate judge not to hear motion, **RCP 37.02(2)(d)**
- Litigation guardian
 - defendant's or respondent's affidavit or certificate by guardian or attorney, **RCP 7.03(2.2)**
 - appointment by court, **RCP 7.03(1)**
 - Children's Lawyer, **RCP 7.03(2)**
 - mentally incapable person or absentee, **RCP 7.03(2.1)**

PARTIES UNDER DISABILITY

—Cont'd

- Litigation guardian—Cont'd
 - defendant's or respondent's—Cont'd
 - motion for appointment by plaintiff, applicant, **RCP 7.03(5) to 7.03(10)**
 - motion to be appointed, **RCP 7.03(4)**
 - request for appointment, **RCP 7.03(6), 7.03(7)**
 - duties, **RCP 7.05(2)**
 - plaintiff's or applicant's court appointment unnecessary, **RCP 7.02(1)**
 - filing affidavit, **RCP 7.02(2)**
 - mentally incapable person or absentee, **RCP 7.02(1.1)**
 - who may act, **RCP 7.02(1)**
 - powers, **RCP 7.05(1)**
 - removal or substitution, **RCP 7.06, § RCP7.06:1**
 - solicitor to represent, **RCP 7.05(3)**
- Minor reaching age of majority, **RCP 7.06, § RCP7.06:1**
- Motion to dismiss for delay, **RCP 24.02**
- Noting default, **RCP 7.07, § RCP7.07:1, 19.01(4)**
- Offers to settle, **RCP 49.08, § RCP49.08:1**
- Payment into court, **RCP 7.09, § RCP7.09:1**
- Payment out of court, **RCP 72.03(10) to 72.03(14)**
- Persons under disability, representation of incapable person who is not party, **RCP 7.04(3)**
 - litigation guardian, appointment of, **RCP 7.04(1)**
 - minor who is not party, **RCP 7.04(2)**
- Removing solicitor of record, **RCP 15.04(3)**
- Representation by litigation guardian, **RCP 7.01, § RCP7.01:1**
- Settlement of claims
 - approval of judge, **RCP 7.08, § RCP7.08:1**
 - material on motion or application, **RCP 7.08(4), 7.08(4.1)**
- Solicitor required, **RCP 15.01(1)**
- Substitute Decisions Act applications, **RCP 7.01(2)**

INDEX

PARTITION

- Commencement of action or application, **RCP 66.01, § RCP66.01:1**
- Forms, see Index in Forms Volume
- Generally, **RCP 66, § RCP66:1 to RCP 66.03**
- Judgment, **RCP 66.02**
- Proceeding by or on behalf of minor, **RCP 66.01(2)**
- Proceeds of sale, **RCP 66.03**

PARTNERSHIPS

- Affidavits, **RCP 4.06(6)**
- Enforcement of orders against, **RCP 8.06**
- Examinations for discovery, **RCP 31.03(3)**
- Examinations in aid of execution, **RCP 60.18(3)**
- Form, see Index in Forms Volume
- Generally, **RCP 8, § RCP8:1 to RCP 8.07**
- Personal service, **RCP 16.02(1)(m)**
- Proceeding by or against
 - defence, **RCP 8.02**
 - disclosure of partners, **RCP 8.05**
 - enforcement of orders against partners, **RCP 8.06(2)**
 - enforcement of orders against partnership property, **RCP 8.06(1)**
 - enforcement of orders against persons not served as alleged partners, **RCP 8.06(3)**
 - notice to alleged partner, **Form 8A, RCP 8.03, § RCP8.03:1**
 - person defending separately, **RCP 8.04**
 - persons deemed to be partners unless denied, **RCP 8.03(2)**
 - persons served with notice deemed to be partners, **RCP 8.03(2)**
 - service on partners disclosed, **RCP 8.05(3)**
 - using firm name, **RCP 8.01, § RCP8.01:1**
- Securing attendance at trial, **RCP 53.07(1), 53.07(2)**

PARTY AND PARTY COSTS

- See COSTS

PASSING OF ACCOUNTS

- See ESTATES

PAYMENT

- Change of account
 - before day fixed for payment, **RCP 64.06(24)**
 - fixing new day, **RCP 64.06(22)**
 - motion by dissatisfied party, **RCP 64.06(23)**
 - time allowed where new day fixed, **RCP 64.06(26)**
- Costs
 - See COSTS
- Creditor's notice, payment received under writ of seizure and sale, **RCP 60.16(1), 60.16(1.2)***
- Direction for payment, references
 - enforcement of order, **RCP 60.02(1)**
 - money belonging to minor, **RCP 55.05(4)**
 - money to be paid to creditors, **RCP 55.05(5)**
 - payment into financial institution, **RCP 55.05(1)**
 - payment out, **RCP 55.05(2), (3)**
- Garnishment, **RCP 60.08, § RCP60.08:1**
- Into court
 - See PAYMENT INTO COURT
- Mortgage debt
 - joinder of claim in foreclosure action, **RCP 64.03(5)**
 - joinder of claim in sale action, **RCP 64.04(4)**
- Order for, deficiency on sale, **RCP 64.04(14)**
- Out of court
 - See PAYMENT OUT OF COURT
- Redemption by more than one defendant, **RCP 64.06(13), 64.06(14)**
- Time for taking of new account, mortgage reference, **RCP 64.06(18)**
- Transfer of property where redeemed, **RCP 64.06(19)**
- Trustee
 - offer to settle, **RCP 49.07(3), 49.07(4)**
 - order directing payment for minor's benefit, **RCP 59.03(5)**
- Writs of seizure and sale, order for payment at future time, **RCP 60.07(5)**

PAYMENT INTO COURT

- Accountant, definition, **RCP 72.01**
- Account in chartered bank, **RCP 72.02(3), 72.02(5)**

PAYMENT INTO COURT—Cont'd

- Administration proceedings, **RCP 65.02(3)**
- Direction to receive, **RCP 72.02(3)**
- Family law proceedings
 - See FAMILY LAW RULES
- Filing documents, **RCP 72.02(2)**
- Form, see Index in Forms Volume
- Generally, **RCP 72.01, RCP 72.02, § RCP72.02:1**
- Interpleader, disposition of application or motion, **RCP 43.04(1)**
- Money payable to party under disability, **RCP 7.09, § RCP7.09:1**
- Notice of payment, **RCP 72.02(9)**
- Offer to settle
 - condition of acceptance, **RCP 49.07(4)**
 - term of offer, **RCP 49.07(3)**
- Order directing payment for minor, **RCP 59.03(5)**
- Proceeds of sale, partition proceedings, **RCP 66.03**
- Purchase money where order for sale, **RCP 64.04(12), 64.04(13)**
- Receipt from bank, **RCP 72.02(6)**
- References
 - deposit for purchase of property, **RCP 55.06(9)**
 - failure to comply when required, **RCP 55.07(2)**
 - purchase money from sale, **RCP 55.06(12)**
- Security, motion for interim recovery of personal property, **RCP 44.03, § RCP44.03:1**
- Security for costs, **RCP 56.04; 64.03(18) to 64.03(21), 64.03(25)**
- Small Claims Court
 - See SMALL CLAIMS COURT
- Specific fund, interim preservation of property, **RCP 45.02, § RCP45.02:1**
- Summary judgments, term of order to proceed to trial, **RCP 20.05(2)**
- Transfer of material filed to accountant, **RCP 72.02(4)**
- Writ of seizure and sale, **RCP 60.07(4)**

PAYMENT OUT OF COURT

- Accountant, definition, **RCP 72.01**
- Authority for payment out, **RCP 72.03(1)**
- Consent by insurer on behalf of party, **RCP 72.03(6)**

PAYMENT OUT OF COURT—Cont'd

- Discharge of a mortgage, **RCP 72.04**
- Family law proceedings
 - See FAMILY LAW RULES
- Forms, see Index in Forms Volume
- Generally, **RCP 72.03, § RCP72.03:1, 72.04, 72.05**
- Minor attaining age of majority, **RCP 72.03(7)**
- Motion by person obtaining stop order, **RCP 72.05(3)**
- Party under disability
 - affidavit in support of motion, **RCP 72.03(11)**
 - costs, **RCP 72.03(13)**
 - motion by Children's Lawyer or Public Guardian and Trustee, **RCP 72.03(12)**
 - motion for order for payment out, **RCP 72.03(10)**
 - order for maintenance of a minor, **RCP 72.03(14)**
- Payment directly to solicitor, **RCP 72.03(8)**
- Payment out of interest, **RCP 72.03(5)**
- Payment out on consent, **RCP 72.03(4)**
- Payment out under order or report, **RCP 72.03(2), 72.03(3)**
- Payment to personal representative, **RCP 72.03(9)**
- References, **RCP 55.05(2) to 55.05(5), 55.06(14)**
- Small Claims Court
 - See SMALL CLAIMS COURT
- Stop order, **RCP 72.05, § RCP72.05:1**

PENALTIES

- Relief against, **CJA 98, § CJA98:1, § CJA98:2**

PENDING LITIGATION

- See CERTIFICATE OF PENDING LITIGATION; PRESERVATION OF RIGHTS

PERSONA DESIGNATA

- Abolition, **CJA 81**

PERSONS

- Not parties
 - approval of settlements affecting, **RCP 10.01(3), 10.01(4)**

INDEX

PERSONS—Cont'd

- Not parties—Cont'd
 - enforcement of orders against, **RCP 60.06(2)**
 - enforcement of orders by, **RCP 60.06(1)**
 - interim preservation of property, **RCP 45.01, § RCP45.01:1**
 - intervention as friend of the court, **RCP 13.02, § RCP13.02:1**
- Representation orders, **RCP 10.01(1)**
- Under disability, see also PARTIES UNDER DISABILITY
 - definition, **RCP 1.03, § RCP1.03:1**
 - examination for discovery, **RCP 31.03(5), 31.11(5)**
 - representation, **RCP 7.01, § RCP7.01:1, RCP 7.04, § RCP7.04:1**

PLACE OF HEARING

See also APPLICATIONS; MOTIONS

Agreement as to, effect, **CJA 114**

Applications

- motion to set aside or vary judgment, **RCP 38.11(2)**
- named in notice of application, **RCP 38.03(1)**

Motions

- complicated issues or series of proceedings, **RCP 37.15(1), 37.15(1.1)**
- place of, **RCP 37.03, § RCP37.03:1**
- references, **RCP 54.05**
- setting aside, varying, amending orders, **RCP 37.14(3), 37.14(4)**
- setting aside or varying judgment on application, **RCP 38.11(2)**

PLACE OF TRIAL

- Generally, **RCP 46, § RCP46:1 to § RCP46.03:1**
- Named by plaintiff, **RCP 46.01, § RCP46.01:1**
- Required by statute, **RCP 46.01, § RCP46.01:1**

PLAINTIFFS

- See also ACTIONS
- Adding, consent required, **RCP 5.04(3)**
- Close of pleadings, **RCP 25.05, § RCP25.05:1**
- Consent where defendant noted in default, **RCP 19.03(2)**

PLAINTIFFS—Cont'd

- Counterclaims against
 - See COUNTERCLAIMS
 - Definition, **CJA 1(1); RCP 1.03, § RCP1.03:1**
 - Discontinuance of action, **RCP 23.01, § RCP23.01:1**
 - Dismissal of action for delay
 - counterclaims, crossclaims, third party claims, **RCP 24.06**
 - effect on counterclaim, **RCP 24.03**
 - effect on crossclaim, third party claim, **RCP 24.04**
 - effect on subsequent action, **RCP 24.05, § RCP24.05:1**
 - plaintiff under disability, **RCP 24.02**
 - where available, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Estate proceedings, **RCP 75.07**
- Examinations for discovery, **RCP 31.04(1)**
- Failure to attend trial, **RCP 52.01, § RCP52.01:1**
- Failure to move to restore action to trial list, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Failure to note defendant in default, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Failure to serve statement of claim, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Failure to set action down for trial, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Foreclosure actions
 - See FORECLOSURE, SALE AND REDEMPTION
- Joinder of claims, **RCP 5.01, § RCP5.01:1**
- Joinder of parties, **RCP 5.02(1)**
- Offers to settle
 - See OFFERS TO SETTLE
- Prejudice
 - crossclaims, **RCP 28.10**
 - delivery of defence and crossclaim, **RCP 28.04(1)(b)**
 - issuing third party claim, **RCP 29.02(1)**
 - third party claims, **RCP 29.09, § RCP29.09:1**

PLAINTIFFS—Cont'd

Resident outside Ontario, security for costs, **RCP 56.01, § RCP56.01:1 to § RCP56.01:8**

Sale actions

See FORECLOSURE, SALE AND REDEMPTION

Security for costs, **RCP 56.01, § RCP56.01:1 to § RCP56.01:8**

default in giving security, **RCP 56.06, § RCP56.06:1**

notice of compliance, **RCP 56.08**

Suing in different capacities, **RCP 5.01(2)**

Under disability

See PARTIES UNDER DISABILITY

PLEADINGS

Abuse of process, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**

Action commenced by notice of action, **RCP 25.01(1)**

Action commenced by statement of claim, **RCP 25.01(1)**

adding counterclaim, **RCP 27.07, § RCP27.07:1**

adding crossclaim, **RCP 28.03, § RCP28.03:1**

at trial, **RCP 26.06, § RCP26.06:1**

failure to respond, **RCP 26.05(2)**

Amendment

generally, **RCP 26, § RCP26:1 to § RCP26.06:1**

how made, **RCP 26.03**

new ground of claim, **RCP 14.01(4)**

power of court, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**

proof of service, **RCP 26.04(2)**

referee granting leave, **RCP 55.02(10)**

service, **RCP 19.02(3), 26.04(1), 26.04(3)**

subsequent facts, **RCP 14.01(4)**

time for responding, **RCP 26.05(1)**

when permitted, **RCP 26.02, § RCP26.02:1**

Claim for certificate of pending litigation, **RCP 42.02, § RCP42.02:1**

Claim for relief, **RCP 25.06(9)**

Close of, **RCP 25.05, § RCP25.05:1**

failure to set action down for trial, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**

PLEADINGS—Cont'd

Close of, **RCP 25.05, § RCP25.05:1**

—Cont'd

setting down for trial, **RCP 48.01, § RCP48.01:1**

Condition of mind, **RCP 25.06(8)**

Condition precedent, **RCP 25.06(3)**

Contents of appeal book, **RCP 61.10(1)**

Counterclaim

amending defence to add, **RCP 27.07, § RCP27.07:1**

by defendant to counterclaim, **RCP 27.10, § RCP27.10:1**

by defendant to crossclaim, **RCP 27.10, § RCP27.10:1**

by third parties, **RCP 27.10, § RCP27.10:1**

crossclaim between defendants, **RCP 28.11**

defendant not party to main action, **RCP 27.03, § RCP27.03:1**

generally, **RCP 25.01(2), RCP 27, § RCP27:1 to § RCP27.10:1**

joining defendants to counterclaim, **RCP 27.01(2)**

reply and defence to counterclaim, **RCP 27.05(2)**

service, **RCP 27.04(3), 29.02(2)**

statement of defence and counterclaim, **RCP 27.02, § RCP27.02:1**

third party claim by defendant, **RCP 29.13**

time for delivery of defence, **RCP 27.05(1), 27.05(3)**

time for delivery of reply to defence, **RCP 27.06**

time for delivery or service, **RCP 27.04**

title, **RCP 27.02, § RCP27.02:1, RCP 27.03, § RCP27.03:1**

Crossclaim

amending defence to add, **RCP 28.03, § RCP28.03:1**

between defendants to counterclaim, **RCP 28.11**

between third parties, **RCP 28.11**

counterclaim by defendant, **RCP 27.10, § RCP27.10:1**

defence, **RCP 28.05, 28.06**

generally, **RCP 25.01(3), RCP 28, § RCP28:1 to RCP 28.11**

reply by plaintiff, **RCP 28.06(4)**

PLEADINGS—Cont'd

Crossclaim—Cont'd
 reply to defence, **RCP 28.08**
 service, **RCP 28.04, 29.02(2), 29.02(3)**
 statement of defence and crossclaim,
RCP 28.02, § RCP28.02:1, 28.04
 third party claim by defendant, **RCP**
29.13
 title, **RCP 28.02, § RCP28.02:1**
 Damages, **RCP 25.06(9)**
 Defences
 admissions, **RCP 25.07(1), 25.07(2)**
 affirmative defences, **RCP 25.07(4)**
 amount of damages, **RCP 25.07(6)**
 denial, **RCP 25.07(2)**
 denial of agreement, **RCP 25.07(5)**
 different version of facts, **RCP**
25.07(3)
 relying on subsequent fact, **RCP**
14.01(4)
 Delivery commences proceeding, **RCP**
14.01(2)
 Demand for particulars, **RCP 25.10,**
§ RCP25.10:1 to § RCP25.10:7
 Discontinuance of action, **RCP 23.01(1)**
 after close, **RCP 23.01(1)(b)**
 Documents or conversations, **RCP**
25.06(7)
 Estates, **RCP 75.07**
 Form of pleadings, **RCP 25.02**
 Forms, see Index in Forms Volume
 Fraud, misrepresentation, breach of trust,
RCP 25.06(8)
 Frivolous, vexatious or scandalous, **RCP**
25.11, § RCP25.11:1 to
§ RCP25.11:5
 Generally, **RCP 25, § RCP25:1 to RCP**
29.14
 Inconsistent, **RCP 25.06(4), (5)**
 Inspection of documents mentioned
 therein, **RCP 30.04(2)**
 Issuing, when not required, **RCP 14.01(2)**
 Material facts, **RCP 25.06(1)**
 New ground of claim or defence, **RCP**
14.01(4)
 Notice, allegation of, **RCP 25.06(6)**
 Offer to settle not to be disclosed, **RCP**
49.06(1)
 Pleading law, **RCP 25.06(2)**
 Prejudicial, **RCP 25.11(a)**

PLEADINGS—Cont'd

Questions of law, determination before
 trial, **RCP 21.01(1)**
 Reply
 admissions, **RCP 25.09(1)**
 affirmative reply, **RCP 25.08(2)**
 deemed denial if none delivered, **RCP**
25.08(4), 25.09(2)
 defence to counterclaim, **RCP 27.06**
 denial of agreement, **RCP 25.09(2)**
 different version of facts, **RCP**
25.08(1)
 plaintiff's claim against cross-claiming
 defendant, **RCP 28.06(4)**
 where required, **RCP 25.08(3)**
 Resulting in delay, **RCP 25.11,**
§ RCP25.11:1 to § RCP25.11:5
 Service
 added parties, **RCP 25.03(2)**
 amended pleading, **RCP 26.04**
 documents referred to in pleadings,
RCP 25.03(4)
 parties served, **RCP 25.03(1)**
 personal service not required, **RCP**
25.03(3)
 Striking out, **RCP 25.11, § RCP25.11:1,**
21.01(1), 21.01(2)
 Subsequent facts, **RCP 14.01(4)**
 Subsequent to reply, **RCP 25.01(5)**
 Third party claim
 counterclaim by third party, **RCP**
27.10, § RCP27.10:1
 crossclaim between third parties, **RCP**
28.11
 defence, **RCP 29.03**
 defence of main action by third party,
RCP 29.05, § RCP29.05:1
 defendants to counterclaims,
 crossclaims, **RCP 29.13**
 fourth and subsequent party claims,
RCP 29.11(1), 29.11(2); 29.12
 generally, **RCP 29, § RCP29:1 to RCP**
29.14
 issuing, **RCP 29.02(1)**
 prejudice or delay to plaintiff, **RCP**
29.09, § RCP29.09:1
 reply to defence, **RCP 29.04**
 service, **RCP 29.02(2), 29.02(3)**
 Time for service
 counterclaim, **RCP 25.04(3), 25.04(4)**

PLEADINGS—Cont'd

- Time for service—Cont'd
 - notice of intent to defend, **RCP 18.02(1)**
 - reply, **RCP 25.04(3)**
 - statement of claim, **RCP 25.04(1)**
 - statement of defence, **RCP 18.01; 18.02(2), 18.02(3)**
 - third party claim, **RCP 25.04(6)**

POSSESSION OF LAND

- Action for, service outside Ontario, **RCP 17.02(e)**
- Claim, joinder in mortgage action, **RCP 64.03(5), 64.04(4), 64.05(3)**
- Writ of possession, **RCP 60.03, § RCP60.03:1, RCP 60.10, § RCP60.10:1, § RCP60.10:2**

POSTJUDGMENT INTEREST

- See **INTEREST**

PRACTICE DIRECTIONS

- Court of Appeal, **RCP 1.07(2)**
- Defined, **RCP 1.07(1)**
- Effective date, **RCP 1.07(6)**
- Filing and publication, **RCP 1.07(5)**
- Superior Court of Justice, **RCP 1.07(3), 1.07(4)**

PREJUDGMENT INTEREST

- See **INTEREST**

PREJUDICE

- Amendment of pleadings, **RCP 26.01, § RCP26.01:1 to § RCP26.01:9**
- Counterclaim, **RCP 27.08(2)**
- Crossclaim, **RCP 28.10**
 - leave to deliver defence and crossclaim, **RCP 28.04(1)(b)**
- Discovery
 - leave to withhold disclosure or production, **RCP 30.04(8)**
 - leave to withhold information, **RCP 31.06(5)**
- Documents, **RCP 25.11(a)**
- Failure to deliver bill of costs, **RCP 58.04(4)**
- Issuing third party claim, **RCP 29.02(1)**
- Offer to settle, **RCP 49.05**
- Pleadings, **RCP 25.11, § RCP25.11:1 to § RCP25.11:5**
- Third party claim, **RCP 29.09, § RCP29.09:1**

PREROGATIVE REMEDIES

- Jurisdiction in Superior Court of Justice applications, **RCP 38.02**

PRESERVATION OF PROPERTY

- See **INTERIM PRESERVATION OF PROPERTY**

PRESERVATION OF RIGHTS

- Certificate of pending litigation
 - See **CERTIFICATE OF PENDING LITIGATION**
- Interim preservation of property
 - See **INTERIM PRESERVATION OF PROPERTY**
- Interim recovery of personal property
 - See **INTERIM RECOVERY OF PERSONAL PROPERTY**
- Interlocutory injunctions
 - See **INJUNCTIONS**
- Interpleader
 - See **INTERPLEADER**
- Mandatory orders
 - extension, **RCP 40.02(2)**
 - factum requirement, **RCP 40.04**
 - generally, **RCP 40, § RCP40:1 to RCP 40.04**
 - how obtained, **RCP 40.01, § RCP40.01:1**
 - maximum duration without notice, **RCP 40.02(1)**
 - period of extension, **RCP 40.02(3)**
 - undertakings concerning damages, **RCP 40.03, § RCP40.03:1**
- Receivers
 - appointment, **RCP 41.02, 41.03**
 - definition, **RCP 41.01**
 - discharge, **RCP 41.06, § RCP41.06:1**
 - generally, **RCP 41, § RCP41:1 to § RCP41.06:1**
 - motion for directions, **RCP 41.05**
 - referring conduct of receivership, **RCP 41.04**

PRE-TRIAL CONFERENCE

- Actions, for, **RCP 50.02**
- Applications, for, **RCP 50.03**
- Attendance, **RCP 50.05(1)**
- Authority to settle, **RCP 50.05(2)**
- Certificate of readiness, **RCP 50.03.1**
- Costs, **RCP 50.12**

INDEX

PRE-TRIAL CONFERENCE—Cont'd

- Disclosure to judge/officer, prohibition on, **RCP 50.09, § RCP50.09:1**
- Documents to be provided, **RCP 50.11**
- Duty of lawyer, **RCP 50.05(3)**
- Material to be filed, **RCP 50.04**
- Matters to be considered, **RCP 50.06**
- Motions to be heard in absence of public, **RCP 37.11(1)**
- Powers of judge/master, **RCP 50.07, § RCP50.07:1**
- Pre-trial judge not to preside at hearing, **RCP 50.10, § RCP50.10:1**
- Purpose of rule, **RCP 50.01**
- Report, **RCP 50.08**

PRIORITIES

- Application of purchase money, **RCP 64.04(13)**
- Determining entitlement to redeem, **RCP 64.03(10), 64.03(11)**
- More than one party entitled to redeem, **RCP 64.06(13), 64.06(14)**
- Report on mortgage reference, **RCP 64.06(16)**

PRISONERS

- Obtaining attendance as witness, **RCP 53.06, § RCP53.06:1**

PRIVILEGE

- Affidavit of documents, **RCP 30.06, § RCP30.06:1**
- Documents
 - determination of claim of privilege, **RCP 30.04(6)**
 - disclosure, **RCP 30.02, § RCP30.02:1 to § RCP30.02:11**
 - family law proceedings, **FLR 19(4), FLR 19(5)**
- Exemptions from, **FLR 19(1.1)**
 - use at trial, **RCP 30.09, § RCP30.09:1, 31.07(1)**

PROCEDURAL STEPS

- Actions, **§ PG:2**
- Appeals
 - appellate court, **§ PG:7**
 - interlocutory orders
 - Divisional Court, **§ PG:8**
 - to judge, **§ PG:8**
- Applications, **§ PG:5**
- Counterclaims, **§ PG:2**

PROCEDURAL STEPS—Cont'd

- Crossclaims, **§ PG:2**
- Judicial review, application for, **§ PG:5**
- Motions, **§ PG:7**
 - appeal, **§ PG:7**
 - leave to appeal, **§ PG:8**
- Simplified procedure, **§ PG:3**
- Third party claims, **§ PG:2**

PROCEEDINGS

- See also **ACTIONS; APPLICATIONS**
- Action, **RCP 14.03, § RCP14.03:1**
- Action is general rule, **RCP 14.02**
- Administration
 - See **ADMINISTRATION PROCEEDINGS**
- Against minors, representation by Children's Lawyer, **RCP 7.03(2)**
- Another proceeding pending, **RCP 21.01(3)**
- Appeals
 - See **APPEALS**
- Application, **RCP 14.05, § RCP14.05:1**
- Appointment of receiver, **RCP 41, § RCP41:1 to § RCP41.06:1**
- Assessment of costs
 - See **COSTS**
- Brought in wrong forum, **CJA 110, § CJA110:1**
- Commencement
 - delivery of pleading, **RCP 14.01(2)**
 - leave required, **RCP 14.01(3)**
 - motions before, **RCP 37.17, § RCP37.17:1**
 - originating process, **RCP 14.01(1)**
 - pleading subsequent facts, **RCP 25.06(5)**
- Consolidation, **RCP 6.01, § RCP6.01:1**
- Continuation, non-compliance with accepted offer, **RCP 49.09, § RCP49.09:1 to § RCP49.09:3**
- Costs
 - See **COSTS**
- Counterclaim
 - See **COUNTERCLAIMS**
- Crossclaim
 - See **CROSSCLAIMS**
- Default
 - See **DEFAULT PROCEEDINGS**
- Definition, **RCP 1.03, § RCP1.03:1**

PROCEEDINGS—Cont'd

Determination of issue before trial
 See DETERMINATION OF AN ISSUE BEFORE TRIAL

Directing reference, **RCP 54.02, § RCP54.02:1**

Discontinuance
 See DISCONTINUANCE

Dismissal, see also DISMISSAL
 default or misconduct, examination out of court, **RCP 34.15(1)**
 estate proceeding not properly constituted, **RCP 9.03(6)**
 failure to pay costs of motion, **RCP 57.03(2)**
 failure to provide medical examination, **RCP 33.07**
 frivolous, vexatious or abusive proceeding, **RCP 2.1.01, § RCP2.1.01:1**

Dismissal of action for delay
 See DISMISSAL FOR DELAY

Foreclosure actions
 See FORECLOSURE, SALE AND REDEMPTION

Fourth and subsequent party claims
 See THIRD PARTIES

Gag proceedings, see “proceedings that limit freedom of expression” under “Proceedings”

Generally, **RCP 14, § RCP14:1 to RCP 14.10**

Hearings throughout year, **RCP 3.03(1)**

Interpleader
 See INTERPLEADER

Joinder of claims, **RCP 5.01, § RCP5.01:1**

Joinder of parties, **RCP 5.02, § RCP5.02:1**

Judicial review
 See JUDICIAL REVIEW

Mental incompetency
 appointment of litigation guardian not required, **RCP 7.01(2)**

Minors’ estates
 See MINORS

Misjoinder or non-joinder of parties, **RCP 5.04(1)**

Mortgage actions
 See FORECLOSURE, SALE AND REDEMPTION

PROCEEDINGS—Cont'd

Motions
 See MOTIONS

Non-compliance with rules an irregularity, **RCP 2.01, § RCP2.01:1**

Offers to settle
 See OFFERS TO SETTLE

Partition or sale of land
 judgment, **RCP 66.02**
 notice of application, **RCP 66.01, § RCP66.01:1**
 proceeding by or on behalf of minor, **RCP 66.01(2)**
 proceeds of sale, **RCP 66.03**

Partnerships
 See PARTNERSHIPS

Payment into and out of court
 See PAYMENT INTO COURT; PAYMENT OUT OF COURT

Pleadings
 See PLEADINGS

Pre-trial conference, **RCP 50.01**

Proceedings that limit freedom of expression, **CJA 137.1, § CJA137.1:1, CJA 137.2, § CJA137.2:1**
 amendment to pleadings, **CJA 137.1(6)**
 costs, **CJA 137.1(7), CJA 137.1(8)**
 damages, **CJA 137.1(9)**
 dismissal, **CJA 137.1(3), CJA 137.1(4)**
 further steps in proceedings, **CJA 137.1(5)**
 procedural matters, **CJA 137.2, § CJA137.2:1 to CJA 137.4**
 appeal, **CJA 137.3**
 commencement, **CJA 137.2, § CJA137.2:1**
 stay, **CJA 137.4**
 purpose, **CJA 137.1(1)**

Redemption actions
 See FORECLOSURE, SALE AND REDEMPTION

References
 See REFERENCES

Relief from joinder, **RCP 5.05, § RCP5.05:1**

Representation of persons under disability, **RCP 7.01, § RCP7.01:1**

Representative, **RCP 12.01**

Sale actions
 See FORECLOSURE, SALE AND REDEMPTION

PROCEEDINGS—Cont'd

- Series of proceedings, motions, **RCP 37.15, § RCP37.15:1**
- Sole proprietorships, **RCP 8.07**
- Solicitor required, **RCP 15.01, § 15.01**
- Special case for opinion of court
 - See SPECIAL CASE
- Stay
 - See STAYS
- Summary judgment
 - See SUMMARY JUDGMENT
- Third party claims
 - See THIRD PARTIES
- Title of proceeding, **RCP 14.06(1)**
- Wrong forum, effect, **CJA 110, § CJA110:1**

PRODUCTION OF DOCUMENTS

- See DISCOVERY; DOCUMENTS

PROOF OF SERVICE

- Claims respecting, service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**
- Disposition of property of minor affidavit in support of application, **RCP 67.02**
 - consent of minor over age of sixteen, **RCP 67.03**
 - notice of application for approval, **RCP 67.01**
 - solicitor's affidavit, **RCP 67.03(1), 67.03(2)**
- Foreclosure, sale, redemption
 - See FORECLOSURE, SALE AND REDEMPTION
- Holding income under writ of sequestration, **RCP 60.09(1)**
- Inspection, **RCP 32.01, § RCP32.01:1**
- Inspection by court, **RCP 52.05**
- Interpleader
 - See INTERPLEADER
- Perishable, order for sale, **RCP 45.01(2)**
- Personal
 - interim recovery
 - See INTERIM RECOVERY OF PERSONAL PROPERTY
 - interpleader
 - See INTERPLEADER
 - order for delivery, **RCP 60.04**
 - order for inspection, **RCP 32.01, § RCP32.01:1**

PROOF OF SERVICE—Cont'd

- Personal—Cont'd
 - seizure and sale under writ of seizure and sale, **RCP 60.07(15), 60.07(16), 60.07(23), 60.07(24)**
 - writ of sequestration, **RCP 60.04(2), 60.09**
- Preservation
 - See INTERIM PRESERVATION OF PROPERTY
- Procedure on mortgage references
 - See REFERENCES
- Reference for conduct of sale, **RCP 55.06, § RCP55.06:1**
- Reference in administration proceeding, **RCP 65.02(1)**
- Sale
 - See FORECLOSURE, SALE AND REDEMPTION; SALES
 - interpleader, **RCP 43.04(1)**
 - Seized by sheriff, dispute of ownership, **RCP 60.13**
 - Writ of seizure and sale, **RCP 60.07, § RCP60.07:1 to § RCP60.07:3**
 - Writ of sequestration, **RCP 60.04(2), 60.09**

PROVINCIAL JUDGES

REMUNERATION COMMISSION

- Composition, **CJA 51.13, § CJA51.13:1**
- framework agreement, **CJA 51.13, § CJA51.13:1**

PROVINCIAL OFFENCES

PROCEEDINGS

- Generally, **CJA 95(3)**

PUBLIC

- Access to court hearings, **CJA 135, § CJA135:1**

PUBLIC GUARDIAN AND TRUSTEE

- Abandonment of application, notice to, **RCP 38.08(4)**
- Appointment as litigation guardian, **RCP 7.03, § RCP7.03:1, RCP 7.04, § RCP7.04:1**
- Leave to examine for discovery, **RCP 31.03(5)**
- Notice of discontinuance of action, **RCP 23.01(2)**
- Notice of motion to dismiss for delay, **RCP 24.02**

PUBLIC GUARDIAN AND TRUSTEE

—Cont'd

- Payment out of court party under disability, **RCP 72.03(10) to 72.03(14)**
- payment out under order or report, **RCP 72.03(3)**
- Representation of persons under disability, **RCP 7.01, § RCP7.01:1**
- Service
 - motion for removal of incompetent's solicitor, **RCP 15.04(3)**
 - order removing incompetent's solicitor, **RCP 15.04(3)**
- Service on, for absentee, **RCP 16.02(1)**
- Service on, for mental incompetent not so declared, **RCP 16.02(1)**

QUESTIONS

- Appeals, notice of motion and factum to state, **RCP 61.03(4)**
- Examination by written questions
 - See EXAMINATIONS FOR DISCOVERY
- Examination out of court
 - answering questions, objected to, **RCP 34.12(2)**
 - law, determination before trial, **RCP 21.01(1), 21.01(2)**
 - rulings on propriety of questions, **RCP 34.12(3)**
- Motion for summary judgment, **RCP 20.04(4)**
- Scope on examination for discovery, **RCP 31.06, § RCP31.06:1 to § RCP31.06:9**
- Special case for opinion of court, **RCP 22.01(1), 22.01(2)**
- Transcripts of evidence, standards, **RCP 4.09(5)**

READINESS FOR TRIAL

- Notice, **RCP 48.02**

RECEIVER

- Application for ancillary relief, **RCP 14.05(3)(g)**
- Appointment
 - enforcement of orders, **RCP 60.02(1)**
 - enforcement of writ of seizure and sale, **RCP 60.07(14)**
 - form of order, **RCP 41.03**
 - how obtained, **RCP 41.02**

RECEIVER—Cont'd

- Appointment—Cont'd
 - interlocutory order, by, **CJA 101, § CJA101:1 to § CJA101:18**
- Directing reference, **RCP 54.02(2)**
- Discharge, **RCP 41.06, § RCP41.06:1**
- Generally, **RCP 41, § RCP41:1 to § RCP41.06:1**
- Motion for directions, **RCP 41.05**
- References, referee to settle and approve security, **RCP 55.07(1)**
- Referring conduct of receivership, **RCP 41.04**

RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS

- See FAMILY LAW RULES

RECIPROCAL ENFORCEMENT OF UNITED KINGDOM JUDGMENTS

- Application for registration of judgment, **RCP 73.02, § RCP73.02:1**
- Definitions, **RCP 73.01, § RCP73.01:1**
- Enforcement of judgment, **RCP 73.03**

RECOGNIZANCE

- Enforcement, **CJA 143(1), CJA 143(3)**

RECORDS

- Appeal
 - appeals from interlocutory orders, **RCP 62.01(7) to 62.01(9)**
- Application, **RCP 38.10(1), 38.10(4)**
- Backsheet, **RCP 4.07(1)**
- Continuing record
 - See FAMILY LAW RULES
- Endorsement of order, **RCP 59.02(1)**
- Front covers, **RCP 4.07(1.1)**
- Hospital, providing copies of records on discovery, **RCP 33.04, § RCP33.04:1**
- Judicial review, **RCP 68.04, § RCP68.04:1**
 - failure of applicant to file, **RCP 68.06**
 - generally, **RCP 37.10, § RCP37.10:1**
- Motion
 - leave to appeal, **RCP 61.03(1)**
 - motions in appellate court, **RCP 61.16(4)**
- Perfecting appeals, **RCP 61.09(2), 61.09(3)**

INDEX

RECORDS—Cont'd

Trial, **RCP 48.03**
recording jury verdict, **RCP 52.09**,
§ **RCP52.09:1**

RECOVERY OF COSTS

See **COSTS**

**RECOVERY OF PERSONAL
PROPERTY**

See **INTERIM RECOVERY OF
PERSONAL PROPERTY**

**RECOVERY OF POSSESSION OF
LAND**

See **ENFORCEMENT OF ORDERS**

RE-EXAMINATION

On cross-examination, **RCP 34.11(2)**

On examination for discovery, **RCP
34.11(1)**

Witness, on pending application or
motion, **RCP 34.11(4)**, **39.03(2)**,
39.03(4)

Witness, taking evidence before trial,
RCP 36.02(2)

REFEREES

See **REFERENCES**

REFERENCES

Absence of opposite party, **RCP 3.03(2)**

Adding parties, **RCP 55.02(5)**, **55.02(6)**
Administration proceedings, **RCP 65.02**,
§ **RCP65.02:1**

Amendment of pleadings, **RCP 55.02(10)**

Appellate court, **RCP 61.01**

Application of Rules 54-55, **RCP 54.01**

Carriage of reference

order designating who has carriage,
RCP 54.04(1)

transferring to other party, **RCP
55.02(12)**

Charging interest, **RCP 55.07(2)**

Claims of interested persons

adjudication, **RCP 55.03(4)**

compelling attendance at reference,
RCP 55.02(14)

examination, **RCP 55.03(3)**

filing, **RCP 55.03(2)**

notice of contested claim, **RCP
55.03(4)**

publication of advertisement, **RCP
55.03(1)**

REFERENCES—Cont'd

Conduct of sale

advertisements, **RCP 55.06(2)**

conditions of sale, **RCP 55.06(3)**

deposit, **RCP 55.06(9)**

hearing for directions, **RCP 55.06(4)**

interim report, **RCP 55.06(10)**

method of sale, **RCP 55.06(1)**

objections to sale, **RCP 55.06(11)**

payment of purchase money, **RCP
55.06(12)**

purchaser to sign agreement, **RCP
55.06(8)**

referee must be satisfied money paid
into court, **RCP 55.06(15)**

who may bid at sale, **RCP 55.06(5)**,
55.06(6)

who shall conduct sale, **RCP 55.06(7)**

writ of possession, **RCP 55.06(13)**

Confirmation of report, **RCP 54.07 to
RCP 54.09**, § **RCP54.09:1**

Delivery of instruments, **RCP 55.02(17)**

Direction for payment of money

money belonging to minor, **RCP
55.05(4)**

money to be paid to creditors, **RCP
55.05(5)**

payment into financial institution, **RCP
55.05(1)**

payment out, **RCP 55.05(2)**, **55.05(3)**

Directions

hearing, **RCP 55.02(1)**, **55.02(2)**

to whom reference may be directed,
RCP 54.03, § **RCP54.03:1**

variation or supplementation, **RCP
55.02(4)**

what directions may be given, **RCP
55.02(3)**

Disallowing compensation, **RCP 55.07(2)**

Dispensing with unnecessary
procedures, **RCP 55.01(1)**

Documents, **RCP 55.02(15)**, **55.02(16)**

Evidence of witnesses, **RCP 55.02(13)**,
55.02(14)

Execution of instrument, **RCP 55.02(17)**

Expert witnesses, **RCP 55.02(14.1)**,
(14.2)

Failure to appear, **RCP 55.02(7)**

Foreclosure actions

adding subsequent encumbrancer as
defendant, **RCP 64.03(2)**,
64.03(3)

REFERENCES—Cont'd

Foreclosure actions—Cont'd

- amending judgment to judgment for sale, **RCP 64.03(19)**
- conversion from foreclosure to sale, **RCP 64.03(22)**
- default judgment, **RCP 64.03(9) to 64.03(11)**
- defendant noted in default, notice of reference, **RCP 19.02(3)**
- failure to subsequent encumbrancer to prove claim, **RCP 64.03(14), 64.03(15)**
- final order of foreclosure, **RCP 64.03(15), 64.03(16)**
- judgment for sale, **RCP 64.03(24)**
- power to convert to sale, **RCP 64.03(22)**
- power to reconvert to foreclosure, **RCP 64.03(23)**
- procedure, **RCP 64.03(26)**
- redemption by subsequent encumbrancer, **RCP 64.03(8)**
- report, **RCP 64.03(6)**
 - fixing time for redemption, **RCP 64.03(12), 64.03(13)**
- request for sale, **RCP 64.03(19)**
- security for costs, **RCP 64.03(20), 64.03(21)**
- time for request to redeem, **RCP 64.03(19)**

Forms, see Index in Forms Volume

Mortgage actions

- adding party other than encumbrancer, **RCP 64.06(11), 64.06(12)**
- adding subsequent encumbrancers, **RCP 64.06(4) to 64.06(7)**
- application of Rule 55, **RCP 64.06(1)**
- change of account, **RCP 64.06(21) to 64.06(27)**
- default judgment, **RCP 64.02**
- duties and powers of referee, **RCP 64.06(3)**
- more than one party entitled to redeem, **RCP 64.06(13), 64.06(14)**
- mortgagee to transfer property where redeemed, **RCP 64.06(19)**
- notice of reference to original defendants, **RCP 64.06(8) to 64.06(10)**

REFERENCES—Cont'd

Mortgage actions—Cont'd

- notice to subsequent encumbrancer named as original party, **RCP 64.06(7)**
- plaintiff to file material concerning subsequent encumbrancers, **RCP 64.06(2)**
- proof of account where mortgage assigned, **RCP 64.06(15)**
- referee's report, **RCP 64.06(16) to 64.06(18)**

Motions

- directions where referee unable to continue, **RCP 54.10**
- immediate confirmation of report, **RCP 54.09(4)**
- opposing confirmation of report, **RCP 54.09(4), 54.09(5)**
- place of hearing of motions before referee, **RCP 54.05(2)**
- set aside or variation of order made on motion, **RCP 54.05(3)**
- summary judgment, **RCP 20.04(3), 20.04(5)**
- transferring carriage of reference, **RCP 55.02(12)**
- who shall hear motions, **RCP 54.05(1)**

Notice of reference

- service outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9, 17.03(1)**

Order directing reference

- associate judge or registrar making order, consequences, **RCP 54.04(2)**
- contents, **RCP 54.04(1)**
- powers of referee, **RCP 54.04(3)**

Person agreed on to direct reference, **RCP 54.03(2), 54.03(3)**

Pre-trial conferences, **RCP 50.01**

Procedure book, **RCP 55.02(11)**

Receivers, conduct of receivership, **RCP 41.04**

Redemption actions, **RCP 64.05**

- continuation after final order of foreclosure, **RCP 64.05(7), 64.05(8)**
- nothing due, or balance due to plaintiff, **RCP 64.05(10)**
- redemption by subsequent encumbrancers, **RCP 64.05(9)**
- reports, **RCP 64.05(6), 64.05(10)**

REFERENCES—Cont'd

Referees

- definition, **RCP 1.03, § RCP1.03:1**
- interim report on sale, **RCP 55.06(10)**
- powers, administration proceedings, **RCP 65.02(1)**
- powers, generally, **RCP 54.04(3)**
- powers on the taking of accounts, **RCP 55.04(1)**
- referee unable to continue, **RCP 54.10**
- reporting, generally, **RCP 55.01, § RCP55.01:1**
- reporting finding and conclusions, **RCP 54.06**
- requesting appointment to consider directions, **RCP 55.02(1)**
- rulings, **RCP 55.02(18)**
- settlement and approval of security of guardian, receiver, **RCP 55.07(1)**

Registrar

- money paid to joint credit, **RCP 55.05(1)**
- payment out of money, **RCP 55.05(3)**

Reports

- administration proceedings, form of report, **RCP 55.02(22)**
- administration proceedings, interim report, **RCP 65.02, § RCP65.02:1**
- associate judge or registrar directing reference, **RCP 54.04(2)**
- confirmation, **RCP 54.07, RCP 54.09, § RCP54.09:1, 54.08**
- filing copy with proof of service, **RCP 55.02(21)**
- findings and conclusions, **RCP 54.06**
- fixing date to settle report, **RCP 55.02(19)**
- interim report, administration proceedings, **RCP 65.02(1)**
- interim report, sale of property, **RCP 55.06(10)**
- interim report of associate judge or registrar, **RCP 54.04(2)**
- mortgage references, contents, service and filing, **RCP 64.06(16), 64.06(17)**
- referee shall settle and sign, **RCP 55.02(21)**
- rulings, reasons set out in report, **RCP 55.02(18)**
- service, **RCP 55.02(21)**

REFERENCES—Cont'd

Reports—Cont'd

- special circumstances, **RCP 55.01(2)**
- who shall prepare draft, **RCP 55.02(20)**
- Representation of parties with similar interests, **RCP 55.02(8), 55.02(9)**
- Rules to be followed, **RCP 55.01(3)**
- Ruling of referee, **RCP 55.02(18)**
- Sale actions
 - adding subsequent encumbrancer as party, **RCP 64.04(2)**
 - default judgment, **RCP 64.04(8)**
 - power to reconvert to foreclosure, **RCP 64.03(23)**
 - procedure where converted from foreclosure action, **RCP 64.03(26)**
 - purchase money, **RCP 64.04(12), 64.04(13)**
 - report, **RCP 64.04(9) to 64.04(11)**
 - sale under order for sale, **RCP 64.04(12)**
- Setting aside or variation of orders on references, **RCP 54.05(3)**
- Simple procedure to be adopted, **RCP 55.01(1)**
- Special circumstances to be reported, **RCP 55.01(2)**
- Superior Court of Justice proceedings, **RCP 54.03(1)**
- Taking of accounts
 - books of account, **RCP 55.04(4)**
 - fixing date to take accounts, **RCP 55.04(5)**
 - powers of referee, **RCP 55.04(1)**
 - preparation, **RCP 55.04(2), (3)**
 - production and inspection vouchers, **RCP 55.04(5)**
 - questioning accounts, **RCP 55.04(6)**
- Where reference may be directed, **RCP 54.02(1), 54.02(2)**

REGISTERED OR CERTIFIED MAIL

See MAIL

REGISTRAR

- Amended statement of defence and counterclaim, issuance, **RCP 27.07(2)**
- Appeals
 - dismissal for delay, **RCP 61.13(1) to 61.13(3.1)**

REGISTRAR—Cont'd

- Appeals—Cont'd
 - fixing costs of dismissal, **RCP 61.13(3), 61.13(3.1)**
 - fixing date for review of single judge's order, **RCP 61.16(6)**
 - refusal to accept appeal book, **RCP 61.10(2)**
- Appointment, **CJA 22(1)**
- Blank summons to witness, examinations out of court, **RCP 34.04(6)**
- Certificate of pending litigation, issuance, **RCP 42.01, § RCP42.01:1**
- Certificate of stay pending appeal, issuance, **RCP 63.03(4), 63.03(5)**
- Certified copies of court documents, issuance, **RCP 4.03**
- Commission and letter of request, issuance, **RCP 34.07(3)**
- Definition, **RCP 1.03, § RCP1.03:1**
 - for appeals, **RCP 61.02**
- Depositing documents with registrar, **RCP 30.11, § RCP30.11:1**
- Dismissal of actions for delay, **RCP 48.14, § RCP48.14:1**
- Dismissal of appeals for delay, **RCP 61.13(1) to 61.13(3.1)**
- Dismissal of cross-appeal for delay, **RCP 61.13(4), 61.13(5)**
- Dismissal of judicial review applications for delay, **RCP 68.06**
- Exhibits for trial
 - listing, **RCP 52.04(1)**
- Fixing costs, **RCP 58.13, 60.19(3)**
- Fixing hearing date, motions in appellate court, **RCP 61.16(3)**
- Informing of settlement, **RCP 48.12**
- Issuing orders, **RCP 59.04, § RCP59.04:1**
- Judicial review applications
 - dismissal for delay, **RCP 68.06**
 - fixing hearing date in Divisional Court, **RCP 68.03**
 - listing for hearing, **RCP 68.05(2)**
 - transfer of Divisional Court applications, **RCP 68.01(2)**
- Jurisdiction of, **RCP 37.02(3)**
- Listing for trial, **RCP 48.05**
- Local
 - appointment, **CJA 77**

REGISTRAR—Cont'd

- Local—Cont'd
 - money paid to joint credit, **RCP 55.05(1)**
 - payment into and out of court
 - See **PAYMENT INTO COURT; PAYMENT OUT OF COURT**
 - referees for conducting references, **RCP 54.03(1) to 54.03(3)**
 - references, payment out of money, **RCP 55.05(3)**
 - registrar as accountant, **RCP 72.01**
 - Notice of garnishment, issuance, **RCP 60.08(3)**
 - Noting amendment of pleadings, **RCP 26.03(2)**
 - Noting default, **RCP 19.01(1) to 19.01(3)**
 - Orders
 - motion to vary or set aside, **RCP 37.14(1), 37.14(2)**
 - review of Registrar's order, **RCP 61.16(5)**
 - Originating process, issuance, **RCP 14.07(1)**
 - References
 - default judgment in mortgage action, **RCP 64.02**
 - money paid to joint credit, **RCP 55.05(1)**
 - payment out of money, **RCP 55.05(3)**
 - Return of exhibits, **RCP 52.04(2) to 52.04(4)**
 - Signing and returning orders, **RCP 59.04(3)**
 - Signing default judgment, **RCP 19.04(1)**
 - costs, **RCP 19.04(6)**
 - filing requisition for default judgment, **RCP 19.04(2)**
 - where registrar may refuse, **RCP 19.04(3), 19.04(3.1)**
 - Signing default judgment for foreclosure
 - no request to redeem, **RCP 64.03(9)**
 - request to redeem filed, **RCP 64.03(10), 64.03(11)**
 - Signing default judgment for sale, foreclosure actions, **RCP 64.03(17), 64.03(18)**
 - Signing default judgment in sale actions, **RCP 64.04(8)**
 - Signing judgment for redemption, **RCP 64.05(4), 64.05(5)**

INDEX

REGISTRAR—Cont'd

- Signing orders, **RCP 59.04**,
§ **RCP59.04:1**
- Speedy trial list, **RCP 48.09**
- Summons to witness, issuance in blank
form, **RCP 53.04(2)**
- Transmission of documents or exhibits,
RCP 4.10(1)
- Trials, sending copies of expert's report to
parties, **RCP 52.03(7)**
- Writs of seizure and sale not filed with
sheriff, renewal, **RCP 60.07(9)**

REGULATIONS

- See also LEGISLATION ACT, 2006
- Applications for interpretation, **RCP**
14.05(3)
- Bilingual proceedings, **CJA 126**,
§ **CJA126:1**
- Proceedings for interpretation, representa-
tion orders, **RCP 10.01(1)**

REPLEVIN

- See INTERIM RECOVERY OF
PERSONAL PROPERTY

REPLY

- See also PLEADINGS
- Admissions, **RCP 25.09(1)**
- Close of pleadings, **RCP 25.05**,
§ **RCP25.05:1**
- Deemed denial where none delivered,
RCP 25.08(4)
effect, **RCP 25.09(2)**
- Defence of main action by third party,
RCP 29.05(4)
- Defence to counterclaim, **RCP 27.06**
- Defence to crossclaim, **RCP 28.08**
- Defence to plaintiff's claim against co-
defendant, **RCP 28.06(4)**
- Effect of denial of agreement, **RCP**
25.09(2)
- Estate proceedings, **RCP 75.07(3)**
- Family law proceedings, **FLR 10(6)**
- Forms, see Index in Forms Volume
- Objections to assessment of costs, **RCP**
58.11, § **RCP58.11:1**
- Only where required, **RCP 25.08(3)**
- Striking out, **RCP 25.11**, § **RCP25.11:1**
to § **RCP25.11:5**
- Subsequent pleading, **RCP 25.01(5)**
- Time for delivery, **RCP 25.04(3)**, **27.06**,
28.08, **29.04**

REPLY—Cont'd

- To defence to counterclaim, **RCP**
25.01(2)
- To defence to crossclaim, **RCP 25.01(3)**
- To statement of defence, **RCP 25.01(1)**
- To third party defence, **RCP 25.01(4)**
- Where necessary, **RCP 25.08(1)**, **25.08(2)**
- With defence to counterclaim, **RCP**
27.05(2)

REPRESENTATION BY SOLICITORS

- See SOLICITORS

REPRESENTATION ORDERS

- Deceased persons, **RCP 10.02**,
§ **RCP10.02:1**
- Estate having interest in matter in ques-
tion, **RCP 10.02**, § **RCP10.02:1**
- No executor or administrator of estate,
RCP 10.02, § **RCP10.02:1**
- Order in proceeding binds person or class,
RCP 10.01(2)
- Person to represent estate, **RCP 10.02**,
§ **RCP10.02:1**
- Proceedings where order may be made,
RCP 10.01(1)
- Relief from binding effect of order, **RCP**
10.03
- Settlement affecting person represented
but not a party, **RCP 10.01(3)**

REPRESENTATIVE PROCEEDINGS

- See CLASS PROCEEDINGS

REQUESTS TO ADMIT

- See ADMISSIONS

REQUISITIONS

- Default judgment, **RCP 19.04(2)**
- Forms, see Index in Forms Volume
- Garnishment, **RCP 60.08(2)**
- Generally, **RCP 4.08**
- Payment into court, **RCP 72.02**,
§ **RCP72.02:1**
- Payment out of court, **RCP 72.03**,
§ **RCP72.03:1**
- Writ of delivery, **RCP 60.04(1)**
- Writs of seizure and sale, **RCP 60.07(1)**
to **60.07(1.3)**

RESOLUTIONS OF MUNICIPALITIES

- Application for interpretation, **RCP**
14.05(3)

RESOLUTIONS OF MUNICIPALITIES

—Cont'd

Proceedings for interpretation, representation orders, **RCP 10.01(1)**

RESPONDENTS

Appeals

See APPEALS

Applications

notice of appearance, **RCP 38.07**

Definition, **RCP 1.03, § RCP1.03:1**

Joinder, **RCP 5.02(2)**

Judicial review proceedings

application record, **RCP 68.04(5), 68.04(7), 68.04(8)**

factum, **RCP 68.04(6), 68.04(7), 68.04(9)**

References, adding, **RCP 55.02(5)**

Sued in different capacities, **RCP 5.01(2), 5.01(3)**

RESPONDING PARTY

Definition, **RCP 1.03, § RCP1.03:1**

REVIVOR

See TRANSFER OR TRANSMISSION OF INTEREST OR LIABILITY

RIGHTS

Preservation

See PRESERVATION OF RIGHTS

RULES

Application of rules, generally, **RCP 1.02(1)**

Family Court proceedings, **RCP 1.02(1.1)**

Citation of rules, **RCP 1.01**

Civil rules

See CIVIL RULES COMMITTEE

Criminal rules

See CRIMINAL RULES COMMITTEE

Family law

See FAMILY LAW RULES

Family rules

See FAMILY RULES COMMITTEE

Forms, **RCP 1.06**

Generally, **RCP 1, § RCP1:1 to § RCP1.09:1**

Interpretation

generally, **RCP 1.04(1)**

matters not provided for, **RCP 1.04(2)**

RULES—Cont'd

Interpretation—Cont'd

parties acting in person, **RCP 1.04(3)**

Non-compliance with rules

attacking irregularity, **RCP 2.02, § RCP2.02:1**

consequences, **RCP 2.01(1)**

dispensing with compliance, **RCP 2.03, § RCP2.03:1**

Orders on terms or directions, **RCP 1.05, § RCP1.05:1**

Parties acting in person, **RCP 1.04(3)**

Small Claims Court

See SMALL CLAIMS COURT RULES

RULES COMMITTEES

See under particular court

RULINGS

Examination out of court, **RCP 34.12, § RCP34.12:1, 34.13**

References, **RCP 55.02(18)**

SALES

Application for approval, **RCP 14.05(3)**

Approval, representation orders, **RCP 10.01(1)**

Conduct, directing reference, **RCP 54.02(2)**

Forms, see Index in Forms Volume

Land, see also FORECLOSURE, SALE AND REDEMPTION

partition proceedings, **RCP 66, § RCP66:1 to RCP 66.03**

seized under writ of seizure and sale, **RCP 60.07(17) to 60.07(24)**

Perishable property, interim preservation of property, **RCP 45.01(2)**

Personal property seized under writ of seizure and sale, **RCP 60.07(16), 60.07(23), 60.07(24)**

Property of minor

affidavit in support of application, **RCP 67.02**

consent of minor over age of sixteen, **RCP 67.03**

notice of application for approval, **RCP 67.01**

solicitor's affidavit, **RCP 67.03**

Reference for conduct

advertisement, **RCP 55.06(2)**

conditions of sale, **RCP 55.06(3)**

INDEX

SALES—Cont'd

- Reference for conduct—Cont'd
 - deposit, **RCP 55.06(9)**
 - hearing for directions, **RCP 55.06(4)**
 - interim report, **RCP 55.06(10)**
 - method of sale, **RCP 55.06(1)**
 - objections to sale, **RCP 55.06(11)**
 - payment of purchase money, **RCP 55.06(12)**
 - payment out of purchase money, **RCP 55.06(14)**
 - purchaser to sign agreement, **RCP 55.06(8)**
 - referee to be satisfied money paid into court, **RCP 55.06(15)**
 - who may bid, **RCP 55.06(5), 55.06(6)**
 - who shall conduct, **RCP 55.06(7)**
 - writ of possession, **RCP 55.06(13)**
- Sale actions
 - See FORECLOSURE, SALE AND REDEMPTION
- Service of claim outside Ontario, **RCP 17.02, § RCP17.02:1 to § RCP17.02:9**

SATISFACTION OF ORDER

- Acknowledging, **RCP 59.07, RCP59.07:1**
- Withdrawal of writ of execution, **RCP 60.16(2)**

SECURITY

- Bond as, **CJA 115**
- Interim recovery of personal property condition and form, **RCP 44.04**
 - order to pay into court, **RCP 44.03, § RCP44.03:1**
 - release of security, **RCP 44.06**
- Receiver, appointment, **RCP 41.03**
- Recovery of personal property held as security, **RCP 45.03(1)**
- Reference to appoint guardian or receiver, **RCP 55.07(1)**
- Remuneration of experts at trials, **RCP 52.03(6)**
- Setting aside writ of execution, **RCP 63.03(6)**

SECURITY FOR COSTS

- Amount and form, **RCP 56.04**
- Appeals, **RCP 61.06, § RCP61.06:1**
- Declaration of plaintiff's place of residence, **RCP 56.02, § RCP56.02:1**

SECURITY FOR COSTS—Cont'd

- Default of plaintiff, **RCP 56.06, § RCP56.06:1**
- Discretion of court, **RCP 56.09, § RCP56.09:1**
- Effect of order, **RCP 56.05, § RCP56.05:1**
- Family law proceedings, **FLR 24(13) to FLR 24(17)**
- Form of order, **RCP 56.05, § RCP56.05:1**
- Generally, **RCP 56, § RCP56:1 to § RCP56.09:1**
- Motion for security, **RCP 56.03, § RCP56.03:1, § RCP56.03:2**
- Notice of compliance, **RCP 56.08**
- Payment out of court
 - payment directly to solicitor, **RCP 72.03(8)**
 - payment out on consent, **RCP 72.03(4)**
- Request for sale by subsequent encumbrancer, **RCP 64.03(18) to 64.03(21)**
- Summary judgment, order to proceed to trial, **RCP 20.05(2)**
- Time for furnishing, **RCP 56.04**
- Variation of amount, **RCP 56.07, § RCP56.07:1 to § RCP56.07:2**
- Where order may be made, **RCP 56.01, § RCP56.01:1 to § RCP56.01:8, RCP 56.09, § RCP56.09:1, RCP 61.06, § RCP61.06:1**

SEIZURE AND SALE

- See WRITS OF EXECUTION

SERVICE

- See also SERVICE OUTSIDE ONTARIO
- Alternatives to personal service
 - acceptance of service by solicitor, **RCP 16.03(2), 16.03(3)**
 - availability, **RCP 16.03(1)**
 - service at place of residence, **RCP 16.03(5)**
 - service by mail to last known address, **RCP 16.03(4)**
 - service on corporation by mail, **RCP 16.03(6)**
- Attempts to evade service, **RCP 16.08, § RCP16.08:1**
- Courier service, **RCP 16.05(1)(e), 16.06.2**
- Dispensing with service
 - grounds for order, **RCP 16.04(1)**

SERVICE—Cont'd

Dispensing with service—Cont'd
 when deemed served, **RCP 16.04(3)**
 Document exchange service, **RCP 16.05(1)(c), 16.05(2)**
 Document not reaching person, **RCP 16.07, § RCP16.07:1**
 Documents, exhibits, **RCP 4.06(3)**
 Documents, extending or abridging time, **RCP 3.02(1), 3.02(4)**
 Documents not requiring personal service, **RCP 16.01(3)**
 E-mail, by, **RCP 16.06.1**
 Estate proceedings
 claims, **RCP 75.08(3)**
 motions for directions, **RCP 75.06(2)**
 orders, **RCP 74.15(3)**
 passing of accounts, **RCP 74.18(3) to 74.18(5)**
 proof of service, **RCP 75.07(1)**
 Family law proceedings
 See FAMILY LAW RULES
 Forms, see Index in Forms Volume
 Generally, **RCP 16, § RCP16:1 to RCP 16.09**
 Lawyer of record, **RCP 16.01(4), 16.05**
 Mail service
 effective date, **RCP 16.06(2)**
 manner of service, **RCP 16.06(1)**
 Non-party, **RCP 16.01(4)**
 Notice of action, **RCP 14.03(4)**
 Notice of application, **RCP 38.06, § RCP38.06:1**
 Notice of motion, **RCP 37.07, § RCP37.07:1**
 Order dispensing with service, multiple proceedings in same court, **RCP 6.01(2)**
 Orders affecting minors, Official Guardian, **RCP 59.03(5)**
 Orders made without notice, **RCP 37.07(4)**
 Originating process, **RCP 16.01(1)**
 Originating process, where need not be served, **RCP 16.01(2)**
 Party acting in person, **RCP 16.01(4)**
 Personal service
 absentee, **RCP 16.02(1)(i)**
 Attorney General of Ontario, **RCP 16.02(1)(h)**
 board or commission, **RCP 16.02(1)(d)**

SERVICE—Cont'd

Personal service—Cont'd
 corporation, **RCP 16.02(1)(c)**
 Crown in right of Canada, **RCP 16.02(1)(f)**
 Crown in right of Ontario, **RCP 16.02(1)(g)**
 individual, **RCP 16.02(1)(a)**
 mental incompetent so declared, **RCP 16.02(1)(k)**
 minor, **RCP 16.02(1)(j)**
 municipality, **RCP 16.02(1)(b)**
 original not required while serving, **RCP 16.02(2)**
 partnership, **RCP 16.02(1)(m)**
 person outside Ontario carrying on business in Ontario, **RCP 16.02(1)(e)**
 sole proprietorship, **RCP 16.02(1)(n)**
 Proof of service
 affidavit of service, **RCP 16.09(1)**
 document exchange, **RCP 16.09(4)**
 electronic document exchange, **RCP 16.09(4.1)**
 lawyer's certificate, **RCP 16.09(1.1)**
 on document, **RCP 16.09(5)**
 service outside Ontario, **RCP 17.05(2)**
 sheriff's certificate, **RCP 16.09(2)**
 solicitor's admission or acceptance, **RCP 16.09(3)**
 Solicitor ceasing to practise law, **RCP 15.06**
 Statement of claim, **RCP 14.08**
 failure to serve within prescribed time, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
 Substituted service
 availability, **RCP 16.04(1)**
 effective date, **RCP 16.04(2)**
 Summons to witness, **RCP 53.04(4), (5)**
 Validating service, **RCP 16.08, § RCP16.08:1**

SERVICE OUTSIDE ONTARIO
 Contracting state, in, **RCP 17.05(3)**
 Generally, **RCP 17, § RCP17:1 to § RCP17.06:4**
 Manner, **RCP 17.05, § RCP17.05:1**
 Motion for leave, **RCP 17.03(2)**
 Originating process defined, **RCP 17.01, § RCP17.01:1**

SERVICE OUTSIDE ONTARIO**—Cont'd**

- Originating process to give justification for service outside Ontario, **RCP 17.04(1)**
- Proof of service, **RCP 17.05(4)**
- Request for service, see Index in Forms Volume
- Setting aside service
 - grounds for order, **RCP 17.06(2)**
 - motion to set aside, **RCP 17.06**
- Validating service, **RCP 17.06(3)**
- With leave, **RCP 17.03(1), 17.04(2)**
- Without leave
 - administration of estates, **RCP 17.02(b)**
 - authorized by statute, **RCP 17.02(n)**
 - contracts, **RCP 17.02(f)**
 - counterclaim, crossclaim or third party claim, **RCP 17.02(q)**
 - custody or access, **RCP 17.02(k)**
 - damage sustained in Ontario, **RCP 17.02(h)**
 - injunctions, **RCP 17.02(i)**
 - interpretation of instrument, **RCP 17.02(c)**
 - invalidity of marriage, **RCP 17.02(l)**
 - judgment of court outside Ontario, **RCP 17.02(m)**
 - mortgage on property in Ontario, **RCP 17.02(e)**
 - necessary or proper party, **RCP 17.02(o)**
 - person resident or carrying on business in Ontario, **RCP 17.02(p)**
 - property in Ontario, **RCP 17.02(a)**
 - support, **RCP 17.02(j)**
 - taxes, **RCP 17.02(r)**
 - tort committed in Ontario, **RCP 17.02(g)**
 - trustee where trust property in Ontario, **RCP 17.02(d)**

SET-OFF

- Defence, as, **CJA 111, § CJA111:1**

SETTING ASIDE

- Application without notice, **RCP 38.11, § RCP38.11:1**
- By defendant noted in default, **RCP 19.02(1)**
- Contempt order, **RCP 60.11(8)**
- Cross-appeal, **RCP 61.07, § RCP61.07:1**

SETTING ASIDE—Cont'd

- Default judgment, **RCP 19.08, § RCP19.08:1 to § RCP19.08:3**
- Dismissal of judicial review application for delay, **RCP 68.06(4)**
- Interim order for recovery of personal property, **RCP 44.05**
- Judgment against party who failed to attend trial, **RCP 52.01(3)**
- Judgment in mortgage action
 - party other than encumbrancer added on reference, **RCP 64.06(12)**
 - subsequent encumbrancer added on reference, **RCP 64.06(6)**
- Jurisdiction to hear motion, **RCP 37.02, § RCP37.02:1**
- Mortgage reference
 - order adding party other than encumbrancer, **RCP 64.06(12)**
 - order adding subsequent encumbrancer, **RCP 64.06(6)**
- Motion to referee to set aside sale, **RCP 55.06(11)**
- Non-compliance with rules, **RCP 2.01(1), 2.01(2)**
- Order
 - adding party on reference, **RCP 55.02(6)**
 - allowing affidavit evidence at trial, **RCP 53.02(2)**
 - directing reference, **RCP 55.02(6)**
 - generally, **RCP 59.06, § RCP59.06:1 to § RCP59.06:3**
 - motion or application, failure to make full and fair disclosure, **RCP 39.01(6)**
 - order obtained on motion, **RCP 37.14, § RCP37.14:1**
 - order of judge of an appellate court, **RCP 61.16(6)**
 - stay pending appeal, **RCP 63.02(2)**
- Order of panel of appellate court, **RCP 61.16(6.1)**
- Registrar's order in appeal proceeding, **RCP 61.16(5)**
- Service of document not reaching person, **RCP 16.07, § RCP16.07:1**
- Service of notice of application outside Ontario, **RCP 38.07(3)**
- Service outside Ontario, **RCP 17.06(1)**
- Writ of execution, **RCP 63.03(6)**

SETTING DOWN

- Actions remaining at conclusion of sitting, **RCP 48.10**
- Consequences of action being placed on trial list, **RCP 48.07**
- Consequences of setting down or consent, **RCP 48.04, § RCP48.04:1**
- Defended actions
 - generally, **RCP 48.05**
 - notice of readiness for trial, **RCP 48.02(1)**
 - service of notice, trial record, **RCP 48.02(1)**
 - trial record, **RCP 48.02(1)**
- Dismissal for delay, **RCP 48.14, § RCP48.14:1**
- Failure to make motion to restore action to list, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Failure to set action down for trial, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Forms, see Index in Forms Volume
- Generally, **RCP 48, § RCP48:1 to RCP 48.15**
- Informing registrar of settlement, **RCP 48.12**
- Materials to be filed, **RCP 48.03(2)**
- Motion for summary judgment, **RCP 20.05(1)**
- Notice
 - defendant noted in default, **RCP 19.02(3)**
 - order dispensing with notice or abridging time, **RCP 6.01(2)**
- Placing action on trial list, **RCP 48.05**
- Placing actions previously struck off trial list, **RCP 48.11, § RCP48.11:1**
- Separate jury and non-jury trial lists, **RCP 48.08**
- Speedy trial list, **RCP 48.09**
- Speedy trial list, disposition of motion, **RCP 37.13(1)**
- Status hearing, **RCP 48.14(5) to 48.14(7)**
- Trial lists, jury and non-jury, **RCP 48.08**
- Trial of issue, **RCP 48.13**
- Trial record, **RCP 48.03**
- Undefended actions, **RCP 48.02(2), 48.02(3)**
- When action may be set down, **RCP 48.01, § RCP48.01:1**

SETTING DOWN—Cont'd

- Who may set action down, **RCP 48.01, § RCP48.01:1**

SETTLEMENTS

- Approval
 - persons under disability, **RCP 7.08, § RCP7.08:1**
 - representation orders, **RCP 10.01(1)**
- Costs, **RCP 57.04**
- Duty to inform registrar, **RCP 48.12**
- Offers to settle
 - See OFFERS TO SETTLE
- Pre-trial conference, **RCP 50.01**
- Representative proceedings, payment into court, **RCP 12.02**

SETTLING AND SIGNING ORDERS

- See ORDERS

SHERIFF

- Amending writ of seizure and sale, **RCP 60.07(11), 60.07(11.1)**
- Assessment of costs, **RCP 58.12**
- Certificate of service, **RCP 16.09(2)**
- Certificate of stay pending appeal, **RCP 63.03(4)**
- Endorsement of renewal on writ of seizure and sale, **RCP 60.07(8), 60.07(8.1)**
- Enforcement of interim order for recovery of personal property, **RCP 44.07, 44.08**
- Fixing costs of examinations in aid of execution, **RCP 60.19(3)**
- Forms, see Index in Forms Volume
- Interpleader
 - dispute of ownership of property seized by sheriff, **RCP 60.13(4)**
- Motion for directions concerning enforcement of order, **RCP 60.17, § RCP60.17:1**
- Notice to creditors of abortive sale, **RCP 60.07(23), 60.07(24)**
- Releasing property where claim admitted, **RCP 60.13(3)**
- Removal of expired, executed or withdrawn writs, **RCP 60.15**
- Report on execution of writs, **RCP 60.14**
- Seizure of personal property, delivery of inventory, **RCP 60.07(15)**

INDEX

SIGNING ORDERS

See **ORDERS**.

SIMPLIFIED PROCEDURE

Affidavit of documents
copies of documents, **RCP 76.03(1)**
effect of failure to disclose, **RCP 76.03(3)**
list of potential witnesses, **RCP 76.03(2)**
solicitor's certificate, **RCP 76.03(4)**
Application of other rules, **RCP 76.01(2)**
Application of rule, **RCP 76.01(1)**
Availability of simplified procedure
abandonment of claims by plaintiff, **RCP 76.02(5), 76.02(6)**
counterclaim, **RCP 76.02(5), 76.02(7), 76.02(9)**
crossclaim, **RCP 76.02(5), 76.02(7), 76.02(9)**
effect of abandonment of claim, **RCP 76.02(9)**
multiple plaintiffs, **RCP 76.02(2)**
notice to continue, **RCP 76.02(8)**
ordinary procedure if pleadings amended or party does not abandon, **RCP 76.02(6)**
third party claim, **RCP 76.02(5), 76.02(7), 76.02(9)**
when mandatory, **RCP 76.02(1)**
when optional, **RCP 76.02(3)**
where defendant may object to simplified procedure, **RCP 76.02(5)**
Change from simplified procedure, **RCP 76.02(6)**
Change to simplified procedure — action, **RCP 76.02(7)**
costs and disbursements, limits on, **RCP 76.12.1**
counterclaim, etc, **RCP 76.02(7)**
liability for costs, **RCP 76.13(1)**
Costs, where judgment does not exceed \$50,000
counterclaims, crossclaims, third party claims, **RCP 76.13(9)**
defendant objecting to simplified procedure, **RCP 76.13(7)**
fair market value, burden of proof, **RCP 76.13(8)**
opting in by amendments to pleadings, **RCP 76.13(1)**

SIMPLIFIED PROCEDURE—Cont'd

Costs, where judgment does not exceed \$50,000—Cont'd
plaintiff
denied costs, **RCP 76.13(2) to 76.13(4)**
ordered to pay defendant's costs, **RCP 76.13(6)**
Cross-examination on affidavits not permitted, **RCP 76.04, § RCP76.04:1**
Discovery, **RCP 76.04, § RCP76.04:1**
Dismissal by registrar, **RCP 76.05(4)**
Examinations of witnesses on a motion not permitted, **RCP 76.04, § RCP76.04:1**
Expert affidavit, **RCP 76.09, § RCP76.09:1**
Jury trial not available, **RCP 76.02.1, § RCP76.02.1:1**
Mediation
assignment by regional senior judges, **RCP 24.1.04(2)**
time limits and notice, **RCP 24.1.09(1), 24.1.09(6)**
Motions
form, **RCP 76.05(1)**
materials, **RCP 76.05(3)**
orders, **RCP 76.05(6), 76.05(7)**
place of in-person hearing, **RCP 76.05(2)**
registrar to decide, **RCP 76.05(4), 76.05(5)**
Pre-trial conference, **RCP 76.09(1)**
certificate of settlement discussion, **RCP 76.09(3)**
notice of, **RCP 76.10(1)**
notice of readiness, **RCP 76.09(1)**
pre-trial conference — documents to be available, **RCP 76.10(4)**
settlement discussion, **RCP 76.08**
trial management plan, **RCP 76.10(2)**
trial planning, **RCP 76.10(5)**
Procedural guide, **§ PG:3**
Setting down for trial —
defended action, **RCP 76.09(1)**
notice of readiness for pre-trial conference, **RCP 76.09(1)**
trial list, **RCP 76.11(1)**
trial record, **RCP 76.11(2), 76.11(4)**

SIMPLIFIED PROCEDURE—Cont'd

- Statement of claim
 - indication action brought under rule, **RCP 76.02(4)**
- Summary trial
 - cross-examination at summary trial, notice, **RCP 76.12(3)**
 - judgment after conclusion, **RCP 76.12(4)**
 - procedure, **RCP 76.12(1), 76.12(2)**

SITTINGS

- Adverse party, securing attendance at trial, **RCP 53.07(1), 53.07(2)**
- Conclusion, actions removing on trial list, **RCP 48.10**
- Judge, hearing of applications, **RCP 38.03(2), 38.03(3)**
- Superior Court of Justice motions court, obtaining hearing date, **RCP 37.05**

SMALL CLAIMS COURT

- Administrative judge, **CJA 87.2, CJA 87.3**
- Appeals from, **CJA 31, § CJA31:1**
- Clerks and bailiffs, **CJA 33**
- Composition, **CJA 22, § CJA22:1, CJA 24, § CJA24:1**
- Continuation of, **CJA 22, § CJA22:1**
- Costs, **CJA 29, § CJA29:1**
- Deputy judges, **CJA 24, § CJA24:1, CJA 32, § CJA32:1**
 - complaint re, **CJA 33.1**
- Deputy Judges council, **CJA 33**
- Evidence at hearings, **CJA 27, § CJA27:1**
- Instalment orders, **CJA 28**
- Judges, **CJA 22, § CJA22:1, CJA 87.1**
- Jurisdiction, **CJA 23(1)**
- Representation, **CJA 26, § CJA26:1**
- Rules
 - See **SMALL CLAIMS COURT RULES**
- Summary hearing, **CJA 25, § CJA25:1**
- Transfer from Superior Court of Justice, **CJA 23(2)**
- Transfer to Superior Court of Justice, **CJA 107(2), CJA 107(3)**

SMALL CLAIMS COURT RULES

- Action, see also commencement of proceedings
 - bringing within territorial jurisdiction, **SCCR 6.01, § SCCR6.01:1**

SMALL CLAIMS COURT RULES

—Cont'd

- Action, see also commencement of proceedings—Cont'd
 - no division to bring within jurisdiction, **SCCR 6.02, § SCCR6.02:1**
- Amendment
 - claim or defence, **SCCR 12.02, § SCCR12.02:1**
 - right re, **SCCR 12.01**
- Citation, **SCCR 1.01**
- Claim
 - See commencement of proceedings
- Commencement of proceedings, see also action
 - plaintiff's claim
 - contents, **Form 7A, SCCR 7.01**
 - electronic issuing and filing of documents, **SCCR 1.05.1**
 - electronic issuing of claim, **SCCR 7.02(2)**
 - issuing, **SCCR 7.02**
 - proof of issuing, **SCCR 11.01**
- Communications by court, electronic, **SCCR 1.05.2**
- Compliance
 - dispensing with, **SCCR 2.02, § SCCR2.02:1**
 - effect of non-compliance, **SCCR 2.01**
- Contempt, **SCCR 20.11**
- Costs
 - compensation for inconvenience and expense, **SCCR 19.05**
 - disbursements, **SCCR 19.01**
 - limit to, **SCCR 19.02, § SCCR19.02:1**
 - penalty, **SCCR 19.06, § SCCR19.06:1**
 - preparation and filing, **SCCR 19.03**
 - representation fee, **SCCR 19.04, § SCCR19.04:1**
- Default judgment, **SCCR 9.03(6), SCCR 11.02, SCCR 11.03**
 - service, **SCCR 8.01(4)**
- Default proceedings
 - consequences of, **SCCR 11.05**
 - defendant's claim, **SCCR 11.04**
 - noting defendant in default, **SCCR 11.01(1)**
 - plaintiff's claim, **SCCR 11.02**
 - setting aside, **§ SCCR11:1, SCCR 11.06**

SMALL CLAIMS COURT RULES

—Cont'd

- Default proceedings—Cont'd
 - trial when defendant noted in default, **SCCR 11.04**
- Defence
 - admission of liability, § **SCCR9:1, SCCR 9.03**
 - contents of, **SCCR 9.02**
 - default judgment, **SCCR 9.03(6)**
 - dispute, where, **SCCR 9.03(3), SCCR 9.03(4), SCCR 9.03(4.2)**
 - electronic filing and issuing of documents, **SCCR 1.05.1**
 - failure to make payments, **SCCR 9.03(7)**
 - no dispute, where, **SCCR 9.03(2)**
 - order of payment, **SCCR 9.03(5)**
 - proof of electronic issuing, **SCCR 11.01(1.1)**
- Defendant's claim
 - application of rules to, **SCCR 10.05**
 - contents and copies of, **SCCR 10.01**
 - default judgment, **SCCR 11.04**
 - defence to, **SCCR 10.03**
 - service of, **SCCR 10.02**
 - trial with main action, **SCCR 10.04**
- Definitions, **SCCR 1.02**
- Disability, parties under
 - defendant's litigation guardian, **SCCR 4.02**
 - litigation guardian
 - consent to act as, **SCCR 4.01(3)**
 - court's power to remove, **SCCR 4.05**
 - duties of, **SCCR 4.04(1)**
 - entitlement to be, **SCCR 4.03, SCCR 4.04(2)**
 - money paid into court, **SCCR 4.08**
 - plaintiff's litigation guardian, **SCCR 4.01**
 - setting aside judgment, etc, **SCCR 4.06**
 - settlement, court's approval, **SCCR 4.07**
- Discontinuance, **SCCR 11.3.01**
- Dismissal
 - action, **SCCR 12.02(3) to SCCR 12.02(6)**
 - effect on defendant's claim, **SCCR 11.1.02**

SMALL CLAIMS COURT RULES

—Cont'd

- Dismissal—Cont'd
 - motion, **SCCR 12.02(7), SCCR 12.02(8)**
 - no leave under Courts of Justice Act, **SCCR 12.03, § SCCR12.03:1**
 - notification by clerk, **SCCR 12.02(9)**
- Dismissal by clerk for delay, **SCCR 11.1.01**
- Documents
 - electronic court documents, communications, signatures, **SCCR 1.05.2**
 - electronic filing and issuing of documents, **SCCR 1.05.1**
 - proof of, **SCCR 11.01**
 - forms, see Index in Forms Volume, **CITESCCR 1.06**
 - service of
 - See service
 - Small Claims Court E-Filing Service Portal, **SCCR 1.05.3**
 - Small Claims Court Submissions Online Portal, **SCCR 1.05.4**
 - standards, **SCCR 1.05**
- Enforcement of orders
 - certificate of judgment, **SCCR 20.04**
 - consolidation order, **SCCR 20.09**
 - contempt hearing, **SCCR 20.11**
 - definitions, **SCCR 20.01**
 - examination of debtor/other person, **SCCR 20.10**
 - garnishment, **SCCR 20.08, § SCCR20.08:1**
 - land, writ of seizure and sale, **SCCR 20.03, SCCR 20.07**
 - personal property
 - delivery/seizure of, **SCCR 20.05, § SCCR20.05:1**
 - writ of seizure and sale, **SCCR 20.03, SCCR 20.06**
 - power of court, **SCCR 20.02**
 - warrant of committal, **SCCR 20.10(12) to SCCR 20.10(14)**
 - writs and garnishment, availability of, **SCCR 20.03**
- Evidence
 - affidavit, **SCCR 18.01**
 - witnesses, **SCCR 18.02, § SCCR18.02:1, SCCR 18.03**
 - abuse of power to summon, **SCCR 18.03(8)**

SMALL CLAIMS COURT RULES

—Cont'd

- Evidence—Cont'd
 - witnesses, **SCCR 18.02**,
§ **SCCR18.02:1**, **SCCR 18.03**
 - Cont'd
 - failure to attend, **SCCR 18.03(6)**,
SCCR 18.03(7)
 - interpretation, **SCCR 18.03(5.1)**,
SCCR 18.03(5.2)
 - summons, **Form 18A**, **SCCR**
18.03(1) to SCCR 18.03(5)
 - written statements and documents,
SCCR 18.02, § **SCCR18.02:1**
- Forms, see Index in Forms Volume,
CITESCCR 1.06
- Forum
 - See action
- Garnishment, **SCCR 20.08**,
§ **SCCR20.08:1**
- Interpretation of, principle re, **SCCR**
1.03(1)
- Jurisdiction
 - See action
- Litigation guardian
 - See disability, parties under
- Matters not provided for, **SCCR 1.03(2)**
- Motions
 - adjournments, **SCCR 15.05**
 - amend or strike out a document, **SCCR**
12.02, § **SCCR12.02:1**
 - costs, § **SCCR15:1**, **SCCR 15.02**,
SCCR 15.07
 - methods of hearing, **SCCR 15.02**
 - notice of, **SCCR 15.01**
 - withdrawal, **SCCR 15.06**
 - without notice, **SCCR 15.03**
- Orders
 - consent, **SCCR 11.2.01**
 - enforcement of
 - See enforcement of orders
 - terms of, **SCCR 1.04**
- Partnerships
 - commencement of proceeding by or
against, **SCCR 5.01**
 - defence of proceeding, **SCCR 5.02**
 - disclosure of partners, **SCCR 5.04**
 - notice to alleged partner, **SCCR 5.03**
 - order against, enforcement of, **SCCR**
5.05

SMALL CLAIMS COURT RULES

—Cont'd

- Payment into and out of court
 - accountant's duties, **SCCR 22.03(8)**,
SCCR 22.04(5)
 - bank receipt, **SCCR 22.03(6)**
 - direction, **SCCR 22.03(3)**
 - documents to be filed, **SCCR 22.03(2)**,
SCCR 22.04(2)
 - payment, **SCCR 22.03(5)**, **SCCR**
22.03(7)
 - payment into court, **SCCR 22.03**
 - payment out of court, **SCCR 22.04**
 - transfer of material to accountant,
SCCR 22.03(4)
- Pre-trial conferences
 - judge not to preside at trial, **SCCR**
13.04
 - judge's orders, etc, **SCCR 13.03**
 - preparation for, **SCCR 13.01**,
§ **SCCR13.01:1**
 - purposes of, **SCCR 13.02**
- Referee, role of, **SCCR 21.01**
- Representation, **SCCR 1.08**
 - ceasing to be representative, **SCCR**
1.09
- Service
 - acceptance of, **SCCR 8.03(5)**, **SCCR**
8.03(6)
 - assessment order, **SCCR 8.01(5)**
 - courier, by, **SCCR 8.07.1**
 - default judgment, **SCCR 8.01(4)**
 - e-mail, by, **SCCR 8.08**
 - failure to receive document, **SCCR**
8.10
 - mail, by, **SCCR 8.07**
 - notice of change of address, **SCCR**
8.09
 - notice of examination, **SCCR 8.01(10)**
 - notice of garnishment, **SCCR 8.01(8)**,
SCCR 8.01(9)
 - notice of judgment debtor examination,
SCCR 8.01(10), **SCCR 8.01(11)**
 - outside Ontario, **SCCR 8.05**
 - personal service
 - alternatives to, **SCCR 8.03**
 - types of recipients, **SCCR 8.02**
 - plaintiff's/defendant's claim, **SCCR**
8.01(1)
 - settlement conference order, **SCCR**
8.01(6)

INDEX

SMALL CLAIMS COURT RULES

—Cont'd

- Service—Cont'd
 - substituted service, **SCCR 8.04**
 - summons to witness, **SCCR 8.01(7)**
- Settlement conferences
 - attendance, **SCCR 13.02**
 - failure to attend, **SCCR 13.02(5)**
 - memorandum of, **SCCR 13.06**
 - notice of trial, **SCCR 13.07**
 - orders, **SCCR 13.05**
 - purposes, **SCCR 13.03**
 - recommendations, **SCCR 13.04**
 - requirement, **SCCR 13.01, § SCCR13.01:1**
- Settlement offers
 - acceptance of, **SCCR 14.05**
 - costs consequences of failure to accept, **§ SCCR14:1, SCCR 14.07**
 - entitlement to make, **SCCR 14.01**
 - no disclosure to trial judge, **SCCR 14.04**
 - time for making, **SCCR 14.02**
 - withdrawal of, **SCCR 14.03**
- Signatures, electronic, **SCCR 1.05.2(4), SCCR 1.05.2(5)**
- Small Claims Court E-Filing Service Portal, **SCCR 1.05.3**
- Small Claims Court Submissions Online Portal, **SCCR 1.05.4**
- Sole proprietorships, proceedings by or against, **SCCR 5.06**
- Stay
 - action, **SCCR 12.02(3) to SCCR 12.02(6)**
 - motion, **SCCR 12.02(7) to SCCR 12.02(8)**
 - no leave under Courts of Justice Act, **SCCR 12.03, § SCCR12.03:1**
 - notification by clerk, **SCCR 12.02(9)**
- Telephone and video conferences, **SCCR 1.07**
- Time
 - computation, **SCCR 3.01**
 - lengthening, shortening of, **SCCR 3.02**
 - powers of court, **SCCR 3.02**
- Trial
 - adjournment, **SCCR 17.02**
 - evidence at
 - See evidence

SMALL CLAIMS COURT RULES

—Cont'd

- Trial—Cont'd
 - failure to attend, **SCCR 17.01(1) to SCCR 17.01(3)**
 - inspection of property by judge, **SCCR 17.03, § SCCR17.03:1**
 - new trial, motion/order for, **SCCR 17.04**
 - notice of, **SCCR 13.07, SCCR 16.01**
 - place of trial, **SCCR 6.01(2)**
 - setting aside/variation of judgment, **SCCR 17.01(4)**
 - Witnesses
 - See evidence
- SOLE PROPRIETORSHIPS**
- Examination for discovery, **RCP 31.03(3)**
 - Examination in aid of execution, **RCP 60.18(3)**
 - Personal service, **RCP 16.02(1)**
 - Proceedings by or against, **RCP 8.07**
- SOLICITORS**
- Affidavit
 - proceeding concerning estate of minor, **RCP 67.03(1), 67.03(2)**
 - settlement involving party under disability, **RCP 7.08(4), (4.1)**
 - Appearance for pre-trial conference, **RCP 50.01**
 - Ceasing to practise law, **RCP 15.06**
 - Certificate, trial record, **RCP 48.03(1)**
 - Certificate concerning affidavit of documents, **RCP 30.03(4)**
 - Certificate of completeness of appeal book, **RCP 61.10(1)**
 - Certificate of perfection
 - appeal, **RCP 61.09(3)**
 - judicial review application, **RCP 68.05(1)**
 - Change in representation
 - notice of appointment of solicitor, **RCP 15.03(2)**
 - notice of change of solicitor, **RCP 15.03(1)**
 - notice of intention to act in person, **RCP 15.03(3)**
 - Commencement of proceeding
 - demand for declaration of authority, **RCP 15.02(1)**

SOLICITORS—Cont'd

Commencement of proceeding—Cont'd
 without client's authority, **RCP 15.02(4)**
 without solicitor's authority, **RCP 15.02(3)**

Corporation
 solicitor to act, **RCP 15.01(2)**
 removal of solicitor, **RCP 15.04(6), 15.04(7)**

Declaration of plaintiff's place of residence, **RCP 56.02, § RCP56.02:1**

Duty counsel
 See LEGAL AID SERVICES

Duty of solicitor of record, **RCP 15.05, § RCP15.05:1 to § RCP15.05:6**

Estate proceedings, **RCP 75.09**

Family law representation
 See FAMILY LAW RULES

Fees, assessment of costs, **RCP 58.05(1)**

Fees and disbursements, **TARIFF A**
 Generally, **RCP 15, § RCP15:1 to RCP 15.07**

Lawyer from another province, **RCP 15.07**

Liability for costs, **RCP 57.07, § RCP57.07:1**

Lien, claim for, **RCP 15.03(4), 15.03(5)**

Limited scope retainer, **RCP 1.03, § RCP1.03:1**
 authority under, **RCP 15.01(3), 59.08**

Location of practice of law, place of hearing of motion, **RCP 37.03, § RCP37.03:1**

Mentally incompetent party, **RCP 15.01(1)**

Minor party, **RCP 15.01(1)**

Motion for removal by solicitor
 client to be served, **RCP 15.04(1) to 15.04(1.3)**
 corporations, **RCP 15.04(6), 15.04(7)**
 method of service on client, **RCP 15.04(2)**
 non-corporation clients, **RCP 15.04(8), 15.04(9)**
 order, contents of, **RCP 15.04(4)**
 service on party under disability, **RCP 15.04(3)**

Name, address, telephone number
 in backsheets, **RCP 4.02(3)**
 in documents, **RCP 4.02(2)**

SOLICITORS—Cont'd

Order for removal
 contains client's address, **RCP 15.04(4)**
 proof of service to be served on every other party and filed, **RCP 15.04(5)**
 service, **RCP 15.04(2)**
 service on party under disability, **RCP 15.04(3)**

Party acting in person, **RCP 15.01(3)**

Party acting in representative capacity, **RCP 15.01(1)**

Party under disability, **RCP 15.01(1)**

Payment out of court
 consent, **RCP 72.03(4)**
 payment directly to solicitor, **RCP 72.03(8), 72.03(13)**

Representation by, **RCP 15.01, § RCP15.01:1**

Representation of litigation guardian, **RCP 7.05(3)**
 representing parties with same interests on reference, **RCP 55.02(8)**

Service on lawyer of record
 acceptance of service, **RCP 16.03(2), 16.03(3)**
 availability, **RCP 16.01(4)**
 courier, **RCP 16.05(1)(e)**
 delivery to lawyer's office, **RCP 16.05(1)(b)**
 deposit at document exchange, **RCP 16.05(1)(c), 16.05(1)(c.1)**
 e-mail, **RCP 16.05(1)(f)**
 mail, **RCP 16.05(1)(a)**
 proof of service, **RCP 16.09(3), 16.09(4)**
 solicitor acting under limited scope retainer, **RCP 15.01(3), 59.08**

Signature, form of special care, **RCP 22.04, § RCP22.04:1**

Solicitor acting under limited scope retainer, **RCP 15.01(3), 59.08**

Solicitor required, **RCP 15.01, § RCP15.01:1**

Stay of proceeding commenced without authority, **RCP 15.02(2), 15.02(5)**

SPECIAL CASE
 Appeals, **RCP 61.01**
 Determination by judge, **RCP 22.01(2)**
 Factums, **RCP 22.02**

INDEX

SPECIAL CASE—Cont'd

- Form, special case, see Index in Forms Volume
- Form of, **RCP 22.04, § RCP22.04:1**
- Hearing
 - determination of question of law, **RCP 22.05(2)**
 - inferences, **RCP 22.05(1)**
- Question of law for opinion of court, **RCP 22.01(1), RCP 22.03, § RCP22.03:1**

SPECIAL EXAMINERS

- See OFFICIAL EXAMINERS

SPECIFIC PERFORMANCE

- Damages in lieu or addition, **CJA 99**

SPEEDY TRIAL LIST

- Motion for summary judgment, **RCP 20.05(1)**
- Separate list, **RCP 48.09**

STATED CASE

- See also SPECIAL CASE
- Appeals by way of, **RCP 61.01**

STATEMENT OF CLAIM

- See also PLEADINGS
- Deemed admitted, defendant noted in default, **RCP 19.02(1)**
- Defined as originating process, **RCP 1.03, § RCP1.03:1**
- Estate proceedings, **RCP 75.07**
- Failure to serve within prescribed time, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Foreclosure action, **RCP 64.03(4)**
 - naming defendants, **RCP 64.03(1) to 64.03(3)**
- Forms, see Index in Forms Volume
- Insufficient time to prepare, **RCP 14.03(2)**
- May alter or extend claim, **RCP 14.03(5)**
- Motion for summary judgment, **RCP 20.01(1), 20.01(3)**
- Naming place of trial, **RCP 46.01, § RCP46.01:1**
- Notice of action, **RCP 14.03(3), 14.03(4)**
- Originating process, **RCP 1.03, § RCP1.03:1, 14.03(1)**
- Pleadings, **RCP 25.01(1)**
 - time for service, **RCP 25.04(1)**

STATEMENT OF CLAIM—Cont'd

- Redemption actions, persons to be joined, **RCP 64.05(1), 64.05(2)**
- Relying on subsequent fact, **RCP 14.01(4)**
- Sale actions, **RCP 64.04(1), 64.04(3)**
- Striking out, **RCP 21.01(1), RCP 25.11, § RCP25.11:1**
- Time for service
 - together with notice of action, **RCP 14.08(2)**
 - where commences action, **RCP 14.08(1)**

STATEMENT OF DEFENCE

- See also DEFENCES; PLEADINGS
- Amending to add counterclaim, **RCP 27.07, § RCP27.07:1**
- Amending to add crossclaim, **RCP 28.03, § RCP28.03:1**
- Consent of plaintiff to delivery, **RCP 19.03(2)**
- Defence of main action by third party, **RCP 29.05, § RCP29.05:1**
- Effect of failure to comply with order concerning medical examinations, **RCP 33.07**
- Effect of failure to comply with order to proceed to trial, **RCP 20.05(6), 20.05(7)**
- Estate proceedings, **RCP 75.07**
- Failure to deliver, see also DEFAULT PROCEEDINGS
 - effect on service of crossclaim, **RCP 28.04(2)**
 - failure to note defendant in default, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
 - fourth and subsequent party, **RCP 29.11(2)**
 - service of counterclaim, **RCP 27.04(3)**
- Forms, see Index in Forms Volume
- Generally, **RCP 18, § RCP18:1 to RCP 18.03**
- Late delivery, **RCP 19.01(5)**
 - notice of intent to defend, **RCP 18.02, § RCP18.02:1**
- Pleadings, **RCP 25.01(1)**
 - time for delivery, **RCP 25.04(2)**
- Relying on subsequent fact, **RCP 14.01(4)**
- Reply, **RCP 25.01(1)**

STATEMENT OF DEFENCE—Cont'd

- Statement of defence and counterclaim, **RCP 27.02, § RCP27.02:1**
 - amended, **RCP 27.07, § RCP27.07:1**
 - delivery or service, **RCP 27.04**
 - where defendant not party to main action, **RCP 27.03, § RCP27.03:1**
- Statement of defence and crossclaim, **RCP 28.02, § RCP28.02:1, 28.04, 28.05**
- Striking out, **RCP 21.01, § RCP21.01:1 to § RCP21.01:12, RCP 25.11, § RCP25.11:1**
- Third party defence, **RCP 29.03**
 - effect, **RCP 29.06, § RCP29.06:1**
 - reply, **RCP 29.04**
- Time for delivery, **RCP 18.01**
 - counterclaim, **RCP 18.02(3)**
 - third party, **RCP 18.02(3)**
 - where notice of intent to defend, **RCP 18.02(2)**
- Withdrawal, **RCP 23.06**

STATEMENTS OF FACTS AND LAW

See **FACTUMS**

STATUS HEARING

See **SETTING DOWN**

STATUTES

- See also **LEGISLATION ACT, 2006**
- Application for interpretation, **RCP 14.05(3)**
- Conferring power to grant relief, motions and applications, **RCP 37.02(2)**
- Definition, **RCP 1.03, § RCP1.03:1**
- Proceedings for interpretation, representation orders, **RCP 10.01(1)**

STAYS

- See also **STAYS PENDING APPEAL**
- Abusive proceeding, **RCP 2.1, § RCP2.1:1**
- Administration proceeding, **RCP 65.01(3)**
- Counterclaim, **RCP 27.09, § RCP27.09:1**
 - claim in main action not disputed, **RCP 27.09(1)**
- Declaration of authority to commence not served after demand, **RCP 15.02(1)**
- Determination of issue before trial
 - factums, **RCP 21.03**
 - failure to make motion promptly, **RCP 21.02, § RCP21.02:1**

STAYS—Cont'd

- Determination of issue before trial
 - Cont'd
 - motion by defendant, **RCP 21.01(3)**
- Discontinuance of earlier action, **RCP 23.04(2)**
- Dismissal of earlier action for delay, **RCP 24.05(2)**
- Enforcement of summary judgment, **RCP 20.08, § RCP20.08:1**
- Failure to comply with interlocutory order, **RCP 60.12, § RCP60.12:1**
- Failure to declare plaintiff's place of residence, **RCP 56.02, § RCP56.02:1**
- Failure to pay costs of motion, **RCP 57.03(2)**
- Failure to provide names and addresses of partners, **RCP 8.05(2)**
- Frivolous proceeding, **RCP 2.1, § RCP2.1:1**
- Interpleader, **RCP 43.04(2)**
- Multiple proceedings in same court, **RCP 6.01(1)**
- Power to order, **CJA 106, § CJA106:1 to § CJA106:9**
- Proceeding commenced without client's authority, **RCP 15.02(4)**
- Proceeding commenced without solicitor's authority, **RCP 15.02(3)**
- Relief against joinder, **RCP 5.05, § RCP5.05:1**
- Subsequent action, **RCP 23.04(2)**
- Transmission of interest or liability, **RCP 11.01, § RCP11.01:1**
- Vexatious proceeding, **RCP 2.1, § RCP2.1:1**
- Where service outside Ontario, **RCP 17.06, § RCP17.06:1 to § RCP17.06:4**

STAYS PENDING APPEAL

- Automatic, on delivery of notice of appeal, **RCP 63.01, § RCP63.01:1, § RCP63.01:2**
- Certificate of stay, **RCP 63.03(4), 63.03(5)**
- Effect, **RCP 63.03, § RCP63.03:1**
- Expiry, **RCP 63.02(2)**
- Forms, see **Index in Forms Volume**
- Setting aside or varying, **RCP 63.02(3)**
- Setting aside writ of execution, **RCP 63.03(6)**

INDEX

STAYS PENDING APPEAL—Cont'd

Stay by order, **RCP 63.02**, § **RCP63.02:1**,
§ **RCP63.02:2**

Support or custody order, **RCP 63.02(4)**

STOP ORDERS

Forms, see Index in Forms Volume

Order for payment out, **RCP 72.05(3)**

Payment out of court, **RCP 72.05**,
§ **RCP72.05:1**

STRIKING OUT

Affidavits

default or misconduct, examination out
of court, **RCP 34.15**,
§ **RCP34.15:1**

failure to provide medical information
on discovery, **RCP 33.07**

Applications

documents, **RCP 38.12**

Defence

default or misconduct, examination out
of court, **RCP 34.15**,
§ **RCP34.15:1**

failure to answer written question,
examinations for discovery, **RCP**
35.04(4)

failure to comply with interlocutory
order, **RCP 60.12**, § **RCP60.12:1**

failure to pay costs of motion, **RCP**
57.03(2)

failure to provide names and addresses
of partners, **RCP 8.05(2)**

Evidence

default or misconduct, examination out
of court, **RCP 34.15**,
§ **RCP34.15:1**

failure to answer written question on
examination for discovery, **RCP**
35.04(4)

Jury notice, **RCP 47.02**, § **RCP47.02:1** to
§ **RCP47.02:3**

Originating process, **RCP 14.09**

Pleadings, **RCP 25.11**, § **RCP25.11:1** to
§ **RCP25.11:5**

no cause of action or defence, **RCP**
21.01(1), § **RCP21.02:1**,
21.01(2); **RCP 21.02**

Statement of defence

failure to comply with order, **RCP**
20.05(6), **20.05(7)**

failure to provide medical information
on discovery, **RCP 33.07**

STYLE OF CAUSE

See TITLE OF PROCEEDING

SUBPOENA

See SUMMONS TO WITNESS

SUBSEQUENT ACTIONS

See ACTIONS

SUBSEQUENT ENCUMBRANCERS

See FORECLOSURE, SALE AND
REDEMPTION

SUMMARY JUDGMENT

See also SIMPLIFIED PROCEDURE

Affidavit, **RCP 20.02**, § **RCP20.02:1**

Availability, **RCP 20.01**, § **RCP20.01:1**,
§ **RCP20.01:2**

Costs sanctions for improper use, **RCP**
20.06, § **RCP20.06:1**

Counterclaims, crossclaims, third party
claims, **RCP 20.09**, § **RCP20.09:1**

Disposition of motion

judge's powers, **RCP 20.04(2.1)**

no genuine issue requiring trial, **RCP**
20.04(2)

oral evidence, **RCP 20.04(2.2)**

where only claim is for an accounting,
RCP 20.04(5)

where only genuine issue is amount,
RCP 20.04(3)

where only genuine issue is question of
law, **RCP 20.04(4)**

Effect, **RCP 20.07**

Facts, **RCP 20.03**, § **RCP20.03:1**

Family law proceedings

See FAMILY LAW RULES

Generally, **RCP 20**, § **RCP20:1** to
§ **RCP20.09:1**

Order to proceed to trial, **RCP 20.05(1)**
affidavit evidence, order re, **RCP**
20.05(4)

directions and terms, **RCP 20.05(2)**

experts and costs, order re, **RCP**
20.05(5)

failure to comply with order, **RCP**
20.05(6), **20.05(7)**

specified facts, **RCP 20.05(3)**

Stay of execution, **RCP 20.08**,
§ **RCP20.08:1**

SUMMARY TRIAL

Cross-examination at summary trial, notice, **RCP 76.12(3)**
 judgment after, **RCP 76.12(4)**
 procedure, **RCP 76.12(1), 76.12(2)**
 trial list, placing action on, **RCP 76.11(1)**

SUMMONS TO WITNESS

Attendance money, **RCP 53.04(4)**
 Content, **RCP 53.04(1)**
 Detention of witness, **RCP 53.04(8)**
 Documents that may be proved by copy, **RCP 53.04(3)**
 Duration, **RCP 53.04(6)**
 Examinations out of court
 failure to obey, **RCP 53.04(7)**
 issued in blank, **RCP 34.04(6)**
 persons not parties, **RCP 34.04(4)**
 production for inspection, **RCP 34.10(3)**
 sanction for failure to obey, **RCP 34.15(1)**
 Family law proceedings, **FLR 20(9), FLR 20(10), FLR 23(3) to (9), FLR 23(12)**
 Forms, see Index in Forms Volume
 Issued in blank, **RCP 53.04(2)**
 Motion or application, **RCP 39.03(5)**
 Outside Ontario, **RCP 53.05**
 Personal service, **RCP 53.04(4)**
 Persons in Ontario, **RCP 53.04, § RCP53.04:1**
 Proof of service, **RCP 53.04(5)**
 Securing attendance of adverse parties at trial, **RCP 53.07(1), 53.07(2)**
 Warrant for arrest, defaulting witness, **RCP 53.04(7)**

SUPERIOR COURT OF JUSTICE

Accountant
 See ACCOUNTANT
 Acting as conciliator, arbitrator or referee, **CJA 84**
 Additional judges, **CJA 6(2)**
 Advisory Council, **CJA 72**
 Appeal jurisdiction, **CJA 17, § CJA17:1**
 from costs assessment, **CJA 17(b), CJA 90(4)(b)**
 from interlocutory orders of a master, case management master or associate judge, **CJA 17(a)**

SUPERIOR COURT OF JUSTICE

—Cont'd

Appeals from
 final orders of a master, case management master or associate judge, **CJA 19(1)(c)**
 final orders of a Superior Court of Justice judge, **CJA 19(1)(a)**
 interlocutory orders of a Superior Court of Justice judge, **CJA 19(1)(b)**
 Applications
 date for hearing by judge, **RCP 38.03(2), 38.03(3)**
 jurisdiction, **RCP 38.02**
 proceedings for administration, **RCP 65.01(1)**
 to judge, **RCP 38.02**
 under rule, **RCP 14.05(3)**
 under statute, **RCP 14.05(2)**
 Assignment of judges, **CJA 13(1), CJA 14(1), CJA 15**
 Associate Chief Justice of Superior Court of Justice, **CJA 12(1)(b), CJA 14(4)**
 Associate judge, jurisdiction to hear motions, **RCP 37.02(2)**
 Chief Justice of Superior Court of Justice, **CJA 12(1)(a)**
 absence of, **CJA 14(4)**
 assignment of judges by, **CJA 15(1)**
 directions on motions, **RCP 37.15(1)**
 intervention in Divisional Court, **RCP 13.03(1)**
 powers and duties, **CJA 14(1), CJA 76(1)**
 Composition for hearings, **CJA 16**
 Constitution, **CJA 12**
 Continuation of, **CJA 11(1)**
 Costs may be assessed in Toronto, **RCP 58.02(2)**
 Court of Appeal
 See COURT OF APPEAL
 Divisional Court
 See DIVISIONAL COURT
 Family Court
 See FAMILY COURT
 Final order, appeal from, **CJA 6(1)(b), CJA 19(1)(a)**
 Form of address, **CJA 86**
 Interlocutory appeals, generally, **RCP 62, § RCP62:1 to § RCP62.02:7**

SUPERIOR COURT OF JUSTICE**—Cont'd**

- Interlocutory order, appeal from, **CJA 19(1)(b)**
- Judge
 - motion to set aside, vary, or amend order, **RCP 37.14(4)**
- Judge, jurisdiction, **RCP 37.02(1)**
 - See also JUDICIAL REVIEW applicable procedure, **RCP 68.02(2)**
 - notice of application, **RCP 68.01(1)**
- Judges of
 - additional, **CJA 12(2)**
 - assignment of Court of Appeal judges, **CJA 13(1)**
 - Court of Appeal judges, **CJA 13(2)**
 - generally, **CJA 12(1)**
 - meetings of, **CJA 52**
 - supernumerary, **CJA 12(3)**
- Jurisdiction
 - general, **CJA 11, § CJA11:1**
 - motions, **RCP 37.02, § RCP37.02:1**
- Leave to appeal from interlocutory order, **RCP 62.02(1)**
- Motions
 - hearing date in motions court at Toronto, **RCP 37.05**
 - jurisdiction, **RCP 37.02, § RCP37.02:1**
 - motion record, **RCP 37.10(1)**
 - motions in a complicated proceeding(s), **RCP 37.15(1), 37.15(1.1)**
 - place of hearing, **RCP 37.03, § RCP37.03:1**
 - prohibiting, **RCP 37.16, § RCP37.16:1**
 - setting aside, varying, amending orders, **RCP 37.14(4), 37.14(5)**
 - to whom to be made, **RCP 37.04, § RCP37.04:1**
- Officers, **CJA 77, CJA 78**
- Payment into court, **RCP 72.02, § RCP72.02:1**
 - regulations governing, **CJA 88**
- Policy on the release of digital recordings, **CJA 136, § CJA136:1**
- Proceedings concerning estates of minors, **RCP 67.01**
- Protocol on the use of electronic devices in the courtroom, **CJA 136, § CJA136:1**
- Rank and precedence of justices, **CJA 12**

SUPERIOR COURT OF JUSTICE**—Cont'd**

- Regional senior justices, **CJA 12(1)(c), CJA 14(2), CJA 14(3), CJA 14(6), CJA 14(7), CJA 52(2.2)**
 - Regions, **CJA 74**
 - Regulations, power to make re, **CJA 53, § CJA53:1**
 - Rules Committee
 - Civil, **CJA 65, CJA 66, § CJA66:1**
 - Criminal, **CJA 69**
 - Family, **CJA 67, CJA 68**
 - Senior Judge of Family Court, **CJA 12(1)(d), CJA 14(5) to CJA 14(7)**
 - Sittings outside Toronto, trial list, **RCP 48.08**
 - Small Claims Court
 - See SMALL CLAIMS COURT
 - Special case where conflicting decisions, **RCP 22.03(1)(a)**
 - Stop orders, **RCP 72.05, § RCP72.05:1**
 - Supernumerary justices, **CJA 12(3)**
- TAKING ACCOUNTS**
- See ACCOUNTS; FORECLOSURE, SALE AND REDEMPTION; REFERENCES
- TAKING EVIDENCE BEFORE TRIAL**
- See EVIDENCE
- TARIFFS**
- See COSTS
- TAXATION**
- See ASSESSMENT OF COSTS —
- TELEPHONE AND VIDEO CONFERENCES**
- Exceptions
 - case conferences, **RCP 1.08(3)**
 - Court of Appeal, **RCP 1.08(2)**
 - Mandatory mediation, **RCP 1.08(8)**
 - Method of attendance, **RCP 1.08(1)**
 - Method to be determined by order, **RCP 1.08(6)**
 - No objection, **RCP 1.08(7)**
 - Objection, **RCP 1.08(4), 1.08(5)**
 - Oral examinations for discovery, **RCP 1.08(8)**
- TERMS**
- Adding parties on mortgage references, **RCP 64.06(11)**

TERMS—Cont'd

- Adjournment of trial, **RCP 52.02, § RCP52.02:1**
- Disposition of application, **RCP 38.10(1)**
- Disposition of motion, **RCP 37.13(1)**
- Estate proceedings, **RCP 9.03(7)**
- Leave to deliver affidavit after cross-examination, **RCP 39.02(2)**
- Order altering time for redemption, change of account, **RCP 64.06(27)**
- Order for stay pending appeal, **RCP 63.02(1)**
 - setting aside or varying, **RCP 63.02(2)**
- Order varying automatic stay pending appeal, **RCP 63.01(1)**
- Postponement of trial, **RCP 52.02, § RCP52.02:1**
- Power of court to impose when making orders, **RCP 1.05, § RCP1.05:1**
- Security for costs, as term of relief, **RCP 56.09, § RCP56.09:1**
- Setting aside or varying judgment on application, **RCP 38.11(3)**
- Setting aside or varying orders, **RCP 37.14(2)**
- Writ of seizure and sale, leave required, **RCP 60.07(2)**

TESTIMONY

See EVIDENCE

THIRD PARTIES

- Amendment of pleadings, service, **RCP 26.04(1)**
- Availability of third party claim, **RCP 29.01, § RCP29.01:1, § RCP29.01:2**
- Claims against insurers before judgment despite agreement, **CJA 113**
- Costs of discontinuance of main action, **RCP 23.05, § RCP23.05:1**
- Counterclaims, **RCP 27.10, § RCP27.10:1**
- Crossclaims, **RCP 28.11**
- Default of third party, **RCP 29.07**
- Default proceedings, **RCP 19.09**
- Defence, **RCP 29.01, § RCP29.01:1, § RCP29.01:2, RCP 29.03**
- Defence of main action by third party, **RCP 29.05(1)**
 - consequences, **RCP 29.05(2)**

THIRD PARTIES—Cont'd

- Defence of main action by third party, **RCP 29.05(1)—Cont'd**
 - consequences of not defending, **RCP 29.05(5)**
 - rights and obligations, **RCP 29.05(2)(a)**
 - time for reply, **RCP 29.05(4)**
 - time for statement of defence, **RCP 29.05(3)**
- Defendants to counterclaims, crossclaims, **RCP 29.13**
- Directions, **RCP 29.10**
- Discontinuance of main action, **RCP 23.03, RCP 23.05, § RCP23.05:1**
- Dismissal for delay, **RCP 24.06**
- Dismissal of main action for delay, **RCP 24.04**
- File number, **RCP 29.14**
- Forms, see Index in Forms Volume
- Fourth and subsequent party claims, **RCP 29.11(3)**
 - claims by fourth or subsequent parties, **RCP 29.11(3)**
 - service, **RCP 29.11(2), 29.11(2.1)**
- Generally, **RCP 29, § RCP29:1 to RCP 29.14**
- Issuing third party claim, **RCP 29.02(1) to 29.02(1.2)**
- Listing for trial, **RCP 29.08(1), 48.05**
- Notice of intent to defend, **RCP 18.02(3)**
 - service, **RCP 25.03(1)**
 - service on added parties, **RCP 25.03(2)**
 - time for delivery, **RCP 25.04(6)**
- Prejudice or delay to plaintiff, **RCP 29.09, § RCP29.09:1**
- Procedural steps, **§ PG:2**
- Reply to defence, **RCP 29.04**
- Service, **RCP 29.02(2), 29.02(3)**
- Service outside Ontario, **RCP 17.02(q)**
- Summary judgment, **RCP 20.09, § RCP20.09:1**
 - stay of execution pending, **RCP 20.08, § RCP20.08:1**
- Time for delivery of statement of defence, **RCP 18.02(3)**
- Trial, **RCP 29.08(2)**
- Withdrawal by defendant, **RCP 23.07**
- Withdrawal of statement of defence, **RCP 23.06(1)**

INDEX

TIME

- Abridgment, **RCP 3.02, § RCP3.02:1 to § RCP3.02:3**
 - placing action on trial list, consolidation, **RCP 6.01(2)**
 - where associate judge not to hear motion, **RCP 37.02(2)**
- Affidavit of documents, service, **RCP 30.03(1)**
- Amendment of pleadings, **RCP 26.02, § RCP26.02:1**
- Appeals
 - agreement respecting evidence, **RCP 61.05(4)**
 - amendment of notice of appeal or cross- appeal, **RCP 61.08(1)**
 - certificate of estimated time for argument, **RCP 61.16(4.1)**
 - commencement, **RCP 61.04(1)**
 - deemed abandonment, **RCP 61.14(2)**
 - delivery of notice of appeal, **RCP 61.03(6)**
 - delivery of respondents, **RCP 61.12(2)**
 - dismissal for delay, **RCP 61.13(1) to 61.13(4)**
 - dismissal of cross-appeal for delay, **RCP 61.13(4), (5)**
 - election to proceed with cross-appeal, **RCP 61.15**
 - factum of respondent to cross-appeal, **RCP 61.12(4)**
 - filing notice of appeal, **RCP 61.04(4)**
 - filing record and factum in appellate court motions, **RCP 61.16(4)**
 - motion record and factum, **RCP 61.03(2)**
 - notice of cross-appeal, **RCP 61.07(1), 61.07(2)**
 - notice of motion for leave, **RCP 61.03(1)**
 - ordering transcripts, **RCP 61.05(5)**
 - perfecting, **RCP 61.09(1)**
 - respondent's certificate respecting evidence, **RCP 61.05(2)**
 - review of Registrar's order, **RCP 61.16(5)**
 - review of single judge's order, **RCP 61.16(6)**
- Appeals from interlocutory orders, **RCP 62.01(2)**
 - appellant's certificate respecting evidence, **RCP 62.02(8)**

TIME—Cont'd

- Appeals from interlocutory orders, **RCP 62.01(2)—Cont'd**
 - appellant's record and factum, **RCP 62.01(7), 62.01(9)**
 - filing notice of appeal, **RCP 62.01(5)**
 - hearing date, **RCP 62.01(3)**
 - notice of appeal, **RCP 62.02(8)**
 - respondent's material and factum, **RCP 62.01(8), 62.01(9)**
 - service of motion, **RCP 62.02(3)**
- Applications
 - application record and factum, **RCP 38.10(1), 38.10(3)**
 - date for hearing by judge, **RCP 38.03(2)**
 - filing affidavits, **RCP 39.01(2), 39.01(3)**
 - filing proof of service, **RCP 38.06(4)**
 - issuing of notice, **RCP 38.05**
 - motion to set aside or vary judgment, **RCP 38.11(1)**
 - service of notice, **RCP 38.06(3)**
- Appointment of litigation guardian, motion, **RCP 7.03(6)**
- Assessment of costs
 - appeals, **RCP 58.11, § RCP58.11:1**
 - compliance with notice to deliver bill of costs, **RCP 58.04(3)**
 - reply to objections to decision, **RCP 58.10(2)**
 - withholding certificate of assessment, **RCP 58.10(1)**
- Bill of costs, service, **RCP 58.03(2)**
- Close of pleadings, **RCP 25.05, § RCP25.05:1**
- Computation, **RCP 3.01, § RCP3.01:1**
- Crossclaims
 - defence, **RCP 28.05**
 - reply to defence, **RCP 28.08**
 - reply to defence to plaintiff's claim, **RCP 28.06(4)**
 - statement of defence and crossclaim, **RCP 28.04(1)**
- Defence to counterclaim, **RCP 27.05**
- Determination of issue before trial, factum, **RCP 21.03**
- Discontinuance, **RCP 23.01(1)**
- Dismissal for delay
 - failure to make motion to restore action to trial list, **RCP 24.01,**

TIME—Cont'd

- Dismissal for delay—Cont'd
 - § **RCP24.01:1**, § **RCP24.01:2**
 - failure to note defendant in default, **RCP 24.01**, § **RCP24.01:1**, § **RCP24.01:2**
 - failure to serve statement of claim, **RCP 24.01**, § **RCP24.01:1**, § **RCP24.01:2**
 - failure to set action down for trial, **RCP 24.01**, § **RCP24.01:1**, § **RCP24.01:2**
- Dismissal of action where claim paid, **RCP 14.10(1)**
- Dismissal of crossclaim, third party claim, **RCP 23.03**
- Disputing garnishment, **RCP 60.08(10)**
- Examinations out of court
 - notice of examination, **RCP 34.05(1)**, **34.05(2)**
 - preparation of transcripts, **RCP 34.17**
- Expert's report, service, **RCP 53.03**, § **RCP53.03:1**
- Extension, **RCP 3.02**, § **RCP3.02:1** to § **RCP3.02:3**
 - service, document not reaching person, **RCP 16.07**, § **RCP16.07:1**
 - where associate judge not to hear motion, **RCP 37.02(2)**
- Family law proceedings
 - counting days, **FLR 3(1)** to **FLR 3(4)**
 - order to shorten or lengthen, **FLR 3(5)**, **FLR 3(6)**
 - refusal of late documents, **FLR 3(7)**
- Garnishee becoming liable for payment, **RCP 60.08(7)**
- Hearings of proceedings, **RCP 3.03**
- Interest on accounts, administration proceedings, **RCP 65.02(2)**
- Interlocutory injunction, duration, **RCP 40.02(1)**
- Judicial review applications
 - applicant's record and factum, **RCP 68.04(1)**
 - dismissal for delay, **RCP 68.06**
 - respondent's record and factum, **RCP 68.04(4)**
- Listing for trial
 - action, **RCP 48.05**
 - failure to list, **RCP 48.14**, § **RCP48.14:1**

TIME—Cont'd

- List of further questions, examination for discovery, **RCP 35.04(1)**
- Mandatory order, duration, **RCP 40.02(1)**
- Mortgage actions
 - change of account, **RCP 64.06(24)**, **64.06(26)**, **64.06(27)**
 - notice of change of account, **RCP 64.06(21)** to **64.06(26)**
 - taking of new account, **RCP 64.06(18)**
- Motions
 - factum, **RCP 37.10(6)** to **37.10(9)**
 - filing affidavits, **RCP 39.01(2)**, **39.01(3)**
 - filing notice of motion, **RCP 37.08**
 - motion record, **RCP 37.10(1)**, **37.10(2)**, **37.10(4)**
 - notice, **RCP 37.07(6)**
 - setting aside or varying orders, **RCP 37.14(1)**
- Notice admitting or disputing claim, property seized by sheriff, **RCP 60.13**
- Notice of assessment of costs, service, **RCP 58.03(2)**
- Notice of election to proceed with counterclaim, **RCP 23.02**, **24.03**
- Notice of intention to call adverse party as witness, service, **RCP 53.07(1)**, **53.07(2)**
- Notice of intent to defend, **RCP 18.02(1)**
- Notice to alleged partner, service, **RCP 8.05(3)**
- Notice to deliver bill of costs, service, **RCP 58.04(2)**
- Offers to settle, **RCP 49.03**, § **RCP49.03:1**, **49.04(3)**
- Particulars, **RCP 25.10**, § **RCP25.10:1** to § **RCP25.10:7**
 - counterclaims, **RCP 25.04(3)**, **25.04(4)**
 - crossclaims, **RCP 25.04(5)**
- Pleadings
 - further particulars of special damages, **RCP 25.06(9)**
 - particulars, **RCP 25.10**, § **RCP25.10:1** to § **RCP25.10:7**
 - reply, **RCP 25.04(3)**
 - response to amended pleading, **RCP 26.05(1)**
 - statement of defence, **RCP 25.04(2)**
 - subsequent to reply, **RCP 25.01(5)**
 - third party claims, **RCP 25.04(6)**

INDEX

TIME—Cont'd

- Production of documents, admitted on examination out of court, **RCP 34.10(4)**
- Providing copies of medical and hospital reports, **RCP 33.04(1), 33.04(2)**
- Redemption
 - after taking of accounts in foreclosure action, **RCP 64.03(8)**
 - defendant in sale action, **RCP 64.04(9)**
 - foreclosure actions, **RCP 64.03(12), 64.03(13)**
 - motion for immediate confirmation of report, **RCP 54.09(4)**
 - motion set aside or vary order made on motion, **RCP 54.05(3)**
 - opposing confirmation of report, **RCP 54.09(1), 54.09(3)**
 - payment by all parties entitled, **RCP 64.06(13)**
 - redemption action, plaintiff declared foreclosed, **RCP 64.05(9)**
 - service of notice of hearing for directions, **RCP 55.02(2)**
 - service of notice of motion, **RCP 55.02(6)**
 - signing and entering order directing reference, **RCP 55.02(1)**
- Reply to defence to counterclaim, **RCP 27.06**
- Reply to request to inspect documents, **RCP 30.04(3)**
- Reply to statement of defence of third party, **RCP 29.05(4)**
- Reply to third party defence, **RCP 29.04**
- Request for sale
 - defendant, not a subsequent encumbrancer, **RCP 64.03(17)**
 - subsequent encumbrancer added on reference, **RCP 64.03(19)**
 - subsequent encumbrancer named as defendant, **RCP 64.03(18)**
- Request to admit, response, **RCP 51.03(1)**
- Request to redeem
 - foreclosure actions, **RCP 64.03(6)**
 - responding to amended pleadings, **RCP 26.05(1)**
 - sale actions, **RCP 64.04(5)**
- Respondent's application record and factum, judicial review, **RCP 68.04(4)**

TIME—Cont'd

- Responding to requests to admit, **RCP 51.03(1)**
- Return of exhibits, **RCP 52.04(3)**
- Sale of land, writ of seizure and sale, **RCP 60.07(17), 60.07(18)**
- Security, for costs
 - motion, **RCP 56.03, § RCP56.03:1, § RCP56.03:2**
 - payment into court, **RCP 56.04**
- Seizure of personal property
 - delivery of inventory by sheriff, **RCP 60.07(15)**
 - notice of sale, **RCP 60.07(16)**
- Service, extension where document not reaching person, **RCP 16.07, § RCP16.07:1**
- Service by mail, **RCP 16.06(1)**
 - to last known address, **RCP 16.03(4)**
 - to place of residence, **RCP 16.03(5)**
- Service through document exchange, **RCP 16.05(2)**
- Setting aside or varying judgment in mortgage action
 - added party other than encumbrancer, **RCP 64.06(12)**
 - added subsequent encumbrancer, **RCP 64.06(6)**
- Setting aside or varying judgment on application, **RCP 38.11(1)**
- Setting aside or varying order adding party on reference
 - added party other than encumbrancer, **RCP 64.06(12)**
 - added subsequent encumbrancer, **RCP 64.06(6)**
- Settling and signing order, objection taken to form, **RCP 59.04(9)**
- Special case
 - filing factums and proof of service, **RCP 22.02**
 - removal into Court of Appeal, **RCP 22.03(2)**
- Statement of claim, service, **RCP 25.04(1)**
- Statement of defence, **RCP 18.01**
 - counterclaim, **RCP 18.02(3)(a)**
 - third party, **RCP 18.02(3)(b)**
 - where notice of intent to defend, **RCP 18.02(2)**

TIME—Cont'd

- Statement of defence, defence of main action by third party, **RCP 29.05(3)**
- Statement of defence and counterclaim all parties to main action, **RCP 27.04(1)**
 - issuance where defendant not party to main action, **RCP 27.03, § RCP27.03:1**
 - new party brought in, **RCP 27.04(2)**
- Stay pending appeal, expiration of order, **RCP 63.02(1)**
- Summary judgment, factum on motion, **RCP 20.03, § RCP20.03:1**
- Third party claims
 - issuing, **RCP 29.02(1)**
 - service, **RCP 29.02(2), 29.02(3)**
 - trial, **RCP 29.08(2)**
- Third party defence, **RCP 29.03**
- Timetables, amendment and compliance, **RCP 3.04, § RCP3.04:1**
- Withdrawal, **RCP 23.06**
- Writ of possession, duration, **RCP 60.10(3)**
- Writ of seizure and sale
 - duration of leave to issue, **RCP 60.07(3)**
 - expiry, **RCP 60.07(6)**
 - where leave required, **RCP 60.07(2)**

TITLE OF PROCEEDING

- Appeals, **RCP 61.04(2)**
- Backsheets, **RCP 4.02(3)**
- Estate proceedings, amending, **RCP 9.03(2) to 9.03(4)**
- General heading of documents, **RCP 4.02(1)**
 - generally, **RCP 14.06, § RCP14.06:1**
- Proceedings by or against partnerships, amending, **RCP 8.04**
- Statement of defence and counterclaim, **RCP 27.03, § RCP27.03:1**
- Statement of defence and crossclaim, **RCP 28.02, § RCP28.02:1**

TORONTO

- Assessment of costs in Toronto, **RCP 58.02(2)**
- Hearing appeals from interlocutory orders, **RCP 62.01(6)**
- Payment into Supreme Court outside Toronto, **RCP 72.02(11)**

TORONTO—Cont'd

- Superior Court of Justice motions court obtaining hearing date, **RCP 37.05**
- Transfer of applications for judicial review, **RCP 68.01(2)**

TRANSCRIPTS

- Agreement respecting evidence, **RCP 61.05(4)**
- Appellant's certificate respecting evidence, **RCP 61.05(1)**
- Application record, **RCP 38.10(1)**
- Binding, **RCP 4.07(2), 4.07(4)**
- Costs sanctions for unnecessary evidence, **RCP 61.05(8)**
- Cross-examination purchase and service, **RCP 39.02(4)**
- Evidence
 - motions, **RCP 37.10(5)**
 - persons out of Ontario, **RCP 34.07(6), 34.07(7)**
- Evidence for appeal, binding, **RCP 4.07(3)**
- Evidence taken before trial, **RCP 36.04(1), 36.04(4)**
- Evidence taken out of court, additional contents, **RCP 4.09(11)**
- Examination for discovery of non-parties, **RCP 31.10(3)**
- Examination of witnesses on motion or application, **RCP 39.03(1), 39.03(2)**
- Examinations out of court
 - copy filed for use in court, **RCP 34.18(1)**
 - filing, use on motions, applications, trials, **RCP 34.18**
- Form and content, **RCP 4.09**
- Headings, **RCP 4.09(2)**
- Judicial review, applicant's application record, **RCP 68.04(2)**
- Motion record, **RCP 37.10(2)**
- Ordering, appeals, **RCP 61.05(5)**
 - complying with certificates or agreement, **RCP 61.05(6)**
 - failure to file proof, **RCP 61.13(1)**
 - notice from court reporter when transcribed, **RCP 61.05(7)**
- Paper size, **RCP 4.09(1)**
- Perfecting appeals
 - relief from compliance with rules, **RCP 61.09(4)**
 - service and filing, **RCP 61.09(3)**

INDEX

TRANSCRIPTS—Cont'd

- Perfecting appeals—Cont'd
time, **RCP 61.09(1)**
- Text, standards, **RCP 4.09(3) to 4.09(11)**
- Typed, **RCP 34.17**
- Volumes, **RCP 4.07(4)**

TRANSFER

- Action, within monetary jurisdiction of lower court, **RCP 57.05(1)**
- Carriage of sale where sale requested, **RCP 64.03(25)**
- Commenced proceedings, **RCP 13.1.02, § RCP13.1.02:1**
- Family law proceeding from Ontario Court of Justice, **FLR 9(13) to FLR 9(14)**
- Forms, see Index in Forms Volume
- Mortgaged property where redeemed, **RCP 64.06(19)**
- Payment out of court to personal representative, **RCP 72.03(9)**

TRANSFER OR TRANSMISSION OF INTEREST OR LIABILITY

- Effect, **RCP 11.01, § RCP11.01:1**
- Form, see Index in Forms Volume
- Order to continue, **RCP 11.02(1)**
 - failure to obtain order, **RCP 11.03, § RCP11.03:1**
 - service, **RCP 11.02(2)**

TRIAL LISTS

- Actions remaining on list, **RCP 48.10**
- Actions struck off, re-listing for trial, **RCP 48.11, § RCP48.11:1**
- Actions traversed to next sitting, **RCP 48.10**
- Consequences of listing, **RCP 48.07**
- Failure to attend trial, **RCP 52.01, § RCP52.01:1**
- Generally, **RCP 48.05**
- Jury cases, **RCP 48.08(1)**
- Non-jury cases, **RCP 48.08(1)**
- Restoring action to list, failure to make motion, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
- Speedy, **RCP 48.09**

TRIAL OF ISSUE

- Application, treated as action, **RCP 38.11, § RCP38.11:1**
- Interpleader, **RCP 43.04(2)**

TRIAL OF ISSUE—Cont'd

- Listing for trial, **RCP 48.13**
- Motion, **RCP 37.13(2), 37.13(3)**

TRIAL RECORDS

- Backsheets, **RCP 4.07(1)**
- Endorsement of jury verdict on record, **RCP 52.09, § RCP52.09:1**
- Listing for trial, **RCP 48.03**
 - contents, **RCP 48.03(1)**
 - material to accompany, **RCP 48.03(2)**
- Pre-trial conference, **RCP 48.03(2)(c.1)**

TRIALS

- Amendment of pleadings, **RCP 26.06, § RCP26.06:1**
- Application, **RCP 38.10, § RCP38.10:1**
- Compelling attendance of witness in custody, **RCP 53.06, § RCP53.06:1**
- Counterclaim
 - at trial of main action, **RCP 27.08(1)**
 - separate trial or as separate action, **RCP 27.08(2)**
- Crossclaim, **RCP 28.09, § RCP28.09:1**
 - defendant noted in default, **RCP 27.07, § RCP27.07:1**
 - defending plaintiff's claim against co-defendant, **RCP 28.06(3)(a)**
- Defendant noted in default, **RCP 19.05, § RCP19.05:1**
- Determination of issue before trial, **RCP 21.03**
 - admissibility of evidence, **RCP 21.01(2)**
 - availability, **RCP 21.01, § RCP21.01:1 to § RCP21.01:12**
 - failure to make motion promptly, **RCP 21.02, § RCP21.02:1**
 - striking out pleading, **RCP 21.01(2)(b)**
- Discount rate and gross up for future pecuniary damages, **RCP 53.09, § RCP53.09:1**
- Documents required to be taken to trial, **RCP 30.04(4)**
- Estate proceedings, **RCP 75.08(4), 75.08(5)**
- Evidence
 - admission with leave, **RCP 53.08, § RCP53.08:1**
 - affidavits, **RCP 53.02, § RCP53.02:1**

TRIALS—Cont'd

Evidence—Cont'd
 compelling attendance of witness in custody, **RCP 53.06, § RCP53.06:1**
 disallowing vexatious or irrelevant questions, **RCP 53.01(2)**
 generally, **RCP 53, § RCP53:1 to § RCP53.10:1**
 interprovincial subpoenas, **RCP 53.05**
 judge to exercise control, **RCP 53.01(2)**
 leading questions, where permitted, **RCP 53.01(4)**
 oral examination as general rule, **RCP 53.01(1)**
 protecting witness from harassment, **RCP 53.01(2)**
 recall of witness, **RCP 53.01(3)**
 use of evidence from discovery, **RCP 31.11, § RCP31.11:1**
 witnesses, **RCP 53.01, § RCP53.01:1**
 Exclusion of persons interfering in conduct, **RCP 52.06(4)**
 Failure to make motion to restore action to trial list, **RCP 24.01, § RCP24.01:1, § RCP24.01:2**
 Family law proceedings
 See FAMILY LAW RULES
 Filing transcript of examination, **RCP 34.18**
 Forms, see Index in Forms Volume
 Generally, **RCP 52, § RCP52:1 to RCP 55.07**
 Hearings throughout year, **RCP 3.03(1)**
 Interpreters
 duty to interpret accurately, **RCP 53.01(5)**
 who shall provide, **RCP 53.01(6)**
 Interprovincial subpoenas, **RCP 53.05**
 Jury action, see also JURIES
 discretion to try case without jury, **RCP 47.02(3)**
 Listing for trial
 speedy trial list, disposition of motion, **RCP 37.13(1)**
 third party claims, **RCP 29.08(1)**
 Notice of listing
 order dispensing with notice, two proceedings in same court, **RCP 6.01(2)**

TRIALS—Cont'd

Notice of listing—Cont'd
 service on defendant noted in default, **RCP 19.02(3)**
 Place of trial
 named by plaintiff, **RCP 46.01, § RCP46.01:1**
 required by statute, **RCP 46.01, § RCP46.01:1**
 Prejudice or delay
 resulting from documents, **RCP 25.11(a)**
 resulting from pleadings, **RCP 25.11(a)**
 Procedure
 adjournments, **RCP 52.02, § RCP52.02:1**
 exclusion of witnesses, **RCP 52.06, § RCP52.06:1**
 exhibits, **RCP 52.04, § RCP52.04:1**
 experts
 appointment, **RCP 52.03(1)**
 contents of order of appointment, **RCP 52.03(3)**
 cross-examination, **RCP 52.03(10)**
 named by judge, **RCP 52.03(2)**
 remuneration, **RCP 52.03(4) to 52.03(6), 52.03(11)**
 reports, **RCP 52.03(7) to 52.03(9)**
 failure to attend, **RCP 52.01, § RCP52.01:1**
 failure to prove fact or document, **RCP 52.10, § RCP52.10:1**
 generally, **RCP 52, § RCP52:1 to § RCP52.10:1**
 jury verdicts, **RCP 52.08, § RCP52.08:1**
 judgment only on some claims, **RCP 52.08(2)**
 recording, **RCP 52.09, § RCP52.09:1**
 where judge may direct action be retired, **RCP 52.08(1)**
 order of presentation in jury trial, **RCP 52.07, § RCP52.07:1**
 postponements, **RCP 52.02, § RCP52.02:1**
 recording jury verdict, **RCP 52.09, § RCP52.09:1**
 setting aside or varying judgment against party who failed to attend, **RCP 52.01(3)**

TRIALS—Cont'd

Procedure—Cont'd
view, **RCP 52.05**

References

application of Rules 54-55, **RCP 54.01**
confirmation of report, **RCP 54.07**

motion for immediate confirmation,
RCP 54.09(4), 54.09(5)

motion to oppose confirmation, **RCP**
54.09(2), 54.09(3)

motion where report back was
required, **RCP 54.08(1),**
54.08(2)

passage of time where report back
not required, **RCP 54.09(1)**

generally, **RCP 54, § RCP54:1 to RCP**
55.07

order directing reference, **RCP 54.04,**
§ RCP54.04:1

report must be confirmed, **RCP 54.07**
report of findings and conclusions,
RCP 54.06

Summary judgment, order to proceed to
trial, **RCP 20.05, § RCP20.05:1**

Summons to witness

attendance money, **RCP 53.04(4)**

contents, **RCP 53.04(1)**

detention of witness, **RCP 53.04(8)**

documents that may be proved by copy,
RCP 53.04(3)

duration summons in force, **RCP**
53.04(6)

failure to obey summons, **RCP**
53.04(7)

issued in blank, **RCP 53.04(2)**

personal service, **RCP 53.04(4)**

persons in Ontario, **RCP 53.04,**
§ RCP53.04:1

proof of service, **RCP 53.04(5)**

warrant for arrest (defaulting witness),
RCP 53.04(7)

Third party claims, **RCP 29.08(2)**

defence of main action by third party,
RCP 29.05(2)

listing for trial, **RCP 29.08(1)**

third party in default, **RCP 29.07**

Where judge hearing motions not to
preside, **RCP 37.15(2)**

Witnesses, **RCP 53.04, § RCP53.04:1**

calling adverse party as witness, **RCP**
53.07, § RCP53.07:1

TRIALS—Cont'd

Witnesses, **RCP 53.04, § RCP53.04:1**

—Cont'd

expert witnesses, **RCP 53.03**

prisoner, **RCP 53.06, § RCP53.06:1**

TRUSTEES

Application for directions, **RCP 14.05(3)**

Application for removal, **RCP 14.05(3)**

Application to fix compensation, **RCP**
14.05(3)

Assessment of costs of passing of
accounts, **RCP 58.08**

Bankruptcy, examination for discovery,
RCP 31.03(7)

Claim against, service outside Ontario,
RCP 17.02, § RCP17.02:1 to
§ RCP17.02:9

Commencing proceedings for administra-
tion, **RCP 65.01(1)**

Offers to settle, payment to trustee, **RCP**
49.07(3), 49.07(4)

Order for rendering of proper statement of
accounts, **RCP 65.01(3)**

Payment to trustee on behalf of minors,
RCP 59.03(5)

References

bidding on sale of property, **RCP**
55.06(5), 55.06(6)

examination of claims, **RCP 55.03(3)**

Refusing to join in trust proceedings,
RCP 9.01(3)

Trust proceedings, **RCP 9.01,**
§ RCP9.01:1

TRUSTS

Advertisement for beneficiaries on refer-
ence, **RCP 55.03(1)**

Execution

application to Superior Court of Justice,
RCP 14.05(3)(a)

interest on accounts, **RCP 65.02(2)**

judgment for administration, **RCP**
65.01(2)

notice of application to Superior Court
of Justice, **RCP 65.01(1)**

order for rendering of proper statement
of accounts, **RCP 65.01(3)**

payment into court, **RCP 65.02(3)**

references, **RCP 65.02(1)**

Form, see Index in Forms Volume

Pleading breach, **RCP 25.06(8)**

TRUSTS—Cont'd

- Proceedings
 - adding persons as parties, **RCP 9.01(4)**
 - beneficiaries, joinder, **RCP 9.01, § RCP9.01:1**
 - trustees refusing to be joined, **RCP 9.01(3)**
- Proceedings to determine questions, representation orders, **RCP 10.01(1)**
- Variation, application for approval, **RCP 14.05(3)**

UNBORN PERSONS

- Representation orders, **RCP 10.01(1)**

UNDEFENDED ACTIONS

- Listing for trial, **RCP 48.02(2), 48.02(3)**

UNDERTAKINGS

- Damages
 - interlocutory injunctions, **RCP 40.03, § RCP40.03:1**
 - mandatory orders, **RCP 40.03, § RCP40.03:1**
- Deemed undertakings, **RCP 30.1, § RCP30.1:1, 51.06(3)**
- Failure to answer question in accordance with, **RCP 31.07(2)**
- Stop orders, **RCP 72.05(2)**
- Where motion before proceeding commenced, **RCP 37.17, § RCP37.17:1**

URGENCY

- Date for hearing of applications by judge, **RCP 38.03(3.1)**
- Judicial review, **JRPA 6(2)**
- Leave to hear motion at another place, **RCP 37.03, § RCP37.03:1**
- Motions
 - absence of public, **RCP 37.11(1)**
 - before commencement of proceedings, **RCP 37.17, § RCP37.17:1**
 - hearing date, **RCP 37.05(3)**
- Settling and signing orders, **RCP 59.04(8)**

VARIATION

- Applications without notice, **RCP 38.11, § RCP38.11:1**
- Contempt orders, **RCP 60.11(8)**
- Cross-appeals, **RCP 61.07, § RCP61.07:1**
- Directions for conduct of reference, **RCP 55.02(4)**
- Dismissal of judicial review application for delay, **RCP 68.06(4)**

VARIATION—Cont'd

- Forms, see Index in Forms Volume, **RCP 106**
- Interim orders for recovery of personal property, **RCP 44.05**
- Judgment against person who failed to attend at trial, **RCP 52.01(3)**
- Judgment in mortgage actions, **RCP 64.06(6), 64.06(12)**
- Order, grounds and procedure, **RCP 59.06(2)**
- Order, mortgage reference
 - adding party other than encumbrancer, **RCP 64.06(12)**
 - adding subsequent encumbrancer, **RCP 64.06(6)**
- Order, reference, **RCP 55.02(6)**
- Order allowing affidavit evidence at trial, **RCP 53.02(2)**
- Order for stay pending appeal, **RCP 63.02(2)**
- Order obtained on motion
 - associate judge not to hear motion, **RCP 37.02(2)**
 - made by registrar, **RCP 37.14(3)**
 - made in Court of Appeal or Divisional Court, **RCP 37.14(6)**
 - made in Superior Court of Justice proceeding, **RCP 37.14(4)**
 - motion to set aside or vary, **RCP 37.14(1), 37.14(2)**
- Order of a panel of appellate court, **RCP 60.16(6.1)**
- Order of judge of an appellate court, **RCP 61.16(6)**
- References
 - directions, **RCP 55.02(4)**
 - order directing reference, by added party, **RCP 55.02(6)**
 - orders adding parties, **RCP 55.02(6)**
- Registrar's order in appeal proceedings, **RCP 61.16(5)**
- Security for costs, **RCP 56.07, § RCP56.07:1, § RCP56.07:2**
- Writ of sequestration, **RCP 60.09(4)**

VENUE

- See PLACE OF TRIAL

VERDICTS

- Fact or document yet to be proved, **RCP 52.10, § RCP52.10:1**

INDEX

VERDICTS—Cont'd

- Jury
 - disagreement of jury, **RCP 52.08(1)**
 - recording, **RCP 52.09, § RCP52.09:1**

VESTING ORDERS

- By court, **CJA 100, § CJA100:1**

VEXATIOUS

- See also FRIVOLOUS OR VEXATIOUS Proceedings, general provisions re, **CJA 140, § CJA140:1, RCP 2.1, § RCP2.1:1, RCP 38, § RCP38:1 to RCP 38.13**
- Questions to witness, **RCP 53.01(2)**
- Steps in proceedings
 - consideration in assessment of costs, **RCP 58.06(1)**
 - consideration in awarding costs, **RCP 57.01(1)**

VIDEO CONFERENCE

- See TELEPHONE AND VIDEO CONFERENCES

WARRANTS

- Arrest
 - contempt motion, **RCP 60.11(4)**
 - failure to attend or remain at trial, **RCP 53.04(7), 53.04(8)**
- Committal, **FLR 32(14), FLR 32(15), RCP 60.11(7)**
- Forms, see Index in Forms Volume

WILLS

- See DEEDS, WILLS, INSTRUMENTS

WITHDRAWAL

- Admissions, **RCP 23.06(1), RCP 51.05, § RCP51.05:1**
- Counterclaims, crossclaims, third party claims, **RCP 23.07**
- Forms, see Index in Forms Volume
- Offer to settle, **RCP 49.04, § RCP49.04:1**
- Statement of defence, **RCP 23.06(1)**
 - where crossclaim or third party claim, **RCP 23.06(1)**
- Writs, **RCP 60.15; 60.16(2), 60.16(3)**

WITNESSES

- Evidence on reference, **RCP 55.02(13)**
- Examination of person out of Ontario, attendance money, **RCP 34.07(4)**

WITNESSES—Cont'd

- Examination on motion or application, **RCP 39.03(4), 39.03(5)**
 - consequences of failure to deliver notice of appearance, **RCP 38.07(2)**
 - cross-examination, **RCP 39.03(2)**
 - re-examination, **RCP 39.03(2)**
- Examination out of court
 - See EXAMINATIONS OUT OF COURT
- Expert
 - See EXPERT WITNESSES
- Family law proceedings
 - See FAMILY LAW RULES, questioning witnesses and disclosure
- Forms, see Index in Forms Volume
- Impeachment using evidence from discovery, **RCP 31.11(2)**
- Outside Ontario, interprovincial subpoena, **RCP 53.05**
 - taking evidence before trial, **RCP 36.03**
- Re-examination before trial, **RCP 34.11(5)**
- Taking evidence before trial
 - See EXAMINATIONS OUT OF COURT
- Trials
 - adverse party, **RCP 53.07, § RCP53.07:1**
 - affidavit evidence, **RCP 53.02, § RCP53.02:1**
 - compelling attendance of witness in custody, **RCP 53.06, § RCP53.06:1**
 - exclusion, **RCP 52.06, § RCP52.06:1**
 - harassment or embarrassment, **RCP 53.01(2)**
 - interpreter, **RCP 53.01(5), 53.01(6)**
 - interprovincial subpoena, **RCP 53.05**
 - oral, as general rule, **RCP 53.01(1)**
 - recall for further examination, **RCP 53.01(3)**
 - summons, **RCP 53.04, § RCP53.04:1**
 - unwilling or unable to give answers, **RCP 53.01(4)**
 - vexatious or irrelevant questions, **RCP 53.01(2)**

WRITS

- See APPLICATIONS; STATEMENT OF CLAIM; ORIGINATING PRO-

WRITS—Cont'd

CESS; WRITS OF EXECUTION

WRITS OF EXECUTION

Costs, **RCP 60.19, § RCP60.19:1**

Effect of stay pending appeal, **RCP 63.03(3)**

Forms, see Index in Forms Volume
Minister of Finance, warrant issued by, **RCP 60.07.1**

Motions for directions, **RCP 60.17, § RCP60.17:1**

Setting aside, **RCP 63.03(6)**

Sheriff's report on execution, **RCP 60.14(1), 60.14(2)**

Withdrawal, **RCP 60.15, 60.16(1), 60.16(2)**

Writ of delivery, enforcement, **RCP 60.04**

Writ of fieri facias

See writ of seizure and sale

Writ of possession

duration, **RCP 60.10(3)**

how obtained, **RCP 60.10(1)**

notice to persons in possession, **RCP 60.10(2)**

references, sale of property, **RCP 55.06(13)**

renewal, **RCP 60.10(3)**

Writ of seizure and sale

amendment, change or variation of debtor's name, **RCP 60.07(10) to 60.07(11.1)**

assignment of, **RCP 60.07(12.2) to 60.07(12.5)**

creditor's name and address, **RCP 60.07(12) to 60.07(12.5), 60.16(1), 60.16(1.2)**

creditor to notify sheriff of payments received, **RCP 60.16(1)**

deemed entered, **RCP 60.07(1.3), 60.07(1.4)**

direction to sheriff to enforce, **RCP 60.07(13) to 60.07(13.6)**

documents issued, filed electronically, **RCP 60.07(25)**

electronic issuing, **RCP 60.07(1.1) to 60.07(1.3)**

WRITS OF EXECUTION—Cont'd

Writ of seizure and sale—Cont'd

enforcement of order, **RCP 60.02(1), RCP 60.07, § RCP60.07:1 to § RCP60.07:3**

enforcement of order for payment at future time, **RCP 60.07(5)**

enforcement of order for payment into court, **RCP 60.07(4)**

family law proceedings

See FAMILY LAW RULES

filing with Sheriff, **RCP 60.07(5), 60.07(5.1)**

leave required, where, **RCP 60.07(2), 60.07(3)**

leave to issue in effect for one year, **RCP 60.07(3)**

obtaining without leave, **RCP 60.07(1)**

personal property, **RCP 60.07(15), 60.07(16), 60.07(23), 60.07(24)**

property in hands of receiver, **RCP 60.07(14)**

renewal, **RCP 60.07(8), (8.1), (9)**

sale of land, **RCP 60.07(17) to (24)**

warrant issued by Minister of Finance, **RCP 60.07.1**

where leave is required, **RCP 60.07(2)**

withdrawal by debtor, **RCP 60.15(5), 60.07(6)**

withdrawal by sheriff, **RCP 60.07(13.3) to 60.07(13.6)**

Writ of sequestration

availability, **RCP 60.09**

contempt motion, **RCP 60.11(5)**

enforcement of order, **RCP 60.02(1), 60.09**

issuance for contempt, **RCP 60.11(5), 60.11(6)**

leave required, **RCP 60.09(2)**

property affected, **RCP 60.09(3)**

variation or discharge, **RCP 60.09(4)**

WRITTEN QUESTIONS

See EXAMINATIONS FOR DISCOVERY

WRONG FORUM

Proceedings brought in, **CJA 110, § CJA110:1**