

# Table of Contents

## Volume 1

### PROCEDURAL GUIDE

- § PG:1 Introduction
- § PG:2 Major Steps in an Action
- § PG:3 Major Steps in an Action Under Rule 76 — Simplified Procedure
- § PG:4 Major Steps in an Application
- § PG:5 Applications for Judicial Review to the Divisional Court: Rule 68
- § PG:6 Motions (Except Motions Without Notice and Motions in an Appellate Court)
- § PG:7 Appeals to an Appellate Court (Court of Appeal or Divisional Court) — Rule 61
- § PG:8 Appeals from Interlocutory Orders and Other Appeals to A Judge — Rule 62

### COURTS OF JUSTICE ACT

- § CJA:1 Introduction
- 1 Definitions
- 1.1 References to former names of courts

### PART I COURT OF APPEAL FOR ONTARIO

- 2 Court of Appeal
  - § CJA2:1 Case Law
- 3 Composition of court
- 4 Assignment of judges from Superior Court of Justice
- 5 Powers and duties of Chief Justice
- 6 Court of Appeal jurisdiction
  - § CJA6:1 Case Law
- 7 Composition of court for hearings
  - § CJA7:1 Case Law
- 8 References to Court of Appeal
- 9 Meeting of judges

### PART II COURT OF ONTARIO

- 10 Court of Ontario
  - § CJA10:1 Case Law
- 11 Superior Court of Justice
  - § CJA11:1 Case Law
- 12 Composition of Superior Court of Justice
- 13 Assignment of judges from Court of Appeal
  - § CJA13:1 Case Law
- 14 Powers and duties of Chief Justice of Superior Court of Justice

- § CJA14:1 Case Law
- 15 Judges assigned to regions
- 16 Composition of court for hearings
- 17 Appeals to Superior Court of Justice
  - § CJA17:1 Case Law

**DIVISIONAL COURT**

- 18 Divisional Court
  - § CJA18:1 Case Law
- 19 Divisional Court jurisdiction
  - § CJA19:1 Case Law
- 20 Appeals heard in regions
  - § CJA20:1 Case Law
- 21 Composition of court for hearings
  - § CJA21:1 Case Law

**FAMILY COURT**

- 21.1 Family Court
- 21.2 Composition of Family Court
- 21.3 Transitional measure
- 21.1 to 21.6 [*Repealed.* 1998, c. 20, Sch. A, s. 5.]
- 21.7 Composition of court for hearings
- 21.8 Proceedings in Family Court
  - § CJA21.8:1 Case Law
- 21.9 Other jurisdiction
- 21.9.1 [*Repealed.* 2020, c. 25, Sched. 2, s. 3.]
  - § CJA21.9.1:1 Case Law
- 21.10 Orders of predecessor court
- 21.11 Place where proceeding commenced
  - § CJA21.11:1 Case Law
- 21.12 Enforcement of orders
- 21.13 Community liaison committee
- 21.14 Community resources committee
- 21.15 Dispute resolution service

**SMALL CLAIMS COURT**

- 22 Small Claims Court
  - § CJA22:1 Case Law
- 23 Jurisdiction
  - § CJA23:1 Case Law
- 24 Composition of court for hearings
  - § CJA24:1 Case Law
- 25 Summary hearings
  - § CJA25:1 Case Law
- 26 Representation
  - § CJA26:1 Case Law
- 27 Evidence
  - § CJA27:1 Case Law

## TABLE OF CONTENTS

28	Instalment orders
29	Limit on costs
	§ CJA29:1 Case Law
30	Contempt hearing for failure to attend examination
31	Appeals
	§ CJA31:1 Case Law
32	Deputy judges
	§ CJA32:1 Case Law
33	Deputy Judges Council
33.1	Complaint

### **ONTARIO COURT OF JUSTICE**

34	Ontario Court of Justice
35	Composition of Ontario Court of Justice
36	Powers and duties of Chief Justice of the Ontario Court of Justice
37	Judges assigned to regions
38	Criminal jurisdiction
39	Judge to preside
40	Appeals
41	Penalty for disturbance outside courtroom

### **PROVINCIAL JUDGES**

42	Appointment of Provincial judges
43	Judicial Appointments Advisory Committee

### **JUDICIAL APPOINTMENTS ADVISORY COMMITTEE**

43.1	Functions
44	Full and part-time service
45	Application for order that needs be accommodated
46	Outside activities
47	Retirement
48	Resignation of judge

### **ONTARIO JUDICIAL COUNCIL**

49	Judicial Council
50	Complaint against Chief Justice of the Ontario Court of Justice
51	Provision of information to public
51.1	Rules
51.2	Use of official languages of courts
51.3	Complaints
51.4	Review by subcommittee
51.5	Mediation
51.6	Adjudication by Council
	§ CJA51.6:1 Case Law
51.7	Compensation
51.8	Removal for cause
51.9	Standards of conduct
51.10	Continuing education

- 51.10.1 Establishment of courses
- 51.11 Performance evaluation
- 51.12 Consultation

#### **PROVINCIAL JUDGES' REMUNERATION**

- 51.13 Provincial Judges Remuneration Commission
  - § CJA51.13:1 Case Law

#### **MISCELLANEOUS**

- 52 Meeting of Superior Court of Justice judges
- 53 Regulations
  - § CJA53:1 Case Law

### **PART III**

#### **PART IV RULES OF COURT**

- 65 Civil Rules Committee
- 66 Civil Rules
  - § CJA66:1 Case Law
- 67 Family Rules Committee
- 68 Family Rules
- 69 Criminal Rules Committee
- 70 Criminal Rules
- 70.1 Provincial offences rules

#### **PART V ADMINISTRATION OF THE COURTS**

- 71 Goals
- 72 Role of Attorney General
- 73 Court officers and staff — Appointment
- 74 Destruction of documents
- 75 Powers of Chief or regional senior judge
- 76 Direction of court staff
- 77 Memoranda of understanding between Attorney General and Chief Justices — Court of Appeal
- 78 Ontario Courts Advisory Council
- 79 Ontario Courts Management Advisory Committee
- 79.1 Regions
  - § CJA79.1:1 Case Law
- 79.2 Regional Courts Management Advisory Committee
- 79.3 Annual report on administration of courts

#### **PART VI JUDGES AND OFFICERS**

- 80 Oath of office
- 81 *Persona designata* abolished
- 82 Liability of judges and other officers
- 83 Attendance at meetings, conferences and seminars
- 84 Extra-judicial services
- 85 Judges' gowns
- 86 How certain judges to be addressed

## TABLE OF CONTENTS

- 86.1 Associate judges
  - § CJA86.1:1 Case Law
- 86.2 Complaint re associate judge
  - § CJA86.2:1 Case Law
- 87 [*Repealed*. 2020, c. 11, Sched. 5, s. 8.]
- 87.1 [*Repealed*. 2023, c. 2, Sched. 2, s. 3.]
- 87.2 Small Claims Court Administrative Judge
- 87.3 Complaint
- 88 Regulations
- 89 Children’s Lawyer
  - § CJA89:1 Case Law
- 90 Assessment officers
- 91 Officers of court
- 92 Administration of oaths
- 93 Money held by officer of court
- 94 Disposition of court fees

## **PART VII COURT PROCEEDINGS**

- 95 Application of Part

### **COMMON LAW AND EQUITY**

- 96 Rules of law and equity
  - § CJA96:1 Case Law
- 97 Declaratory orders
  - § CJA97:1 Case Law
- 98 Relief against penalties
  - § CJA98:1 Case Law—Generally
  - § CJA98:2 —Insurance
- 99 Damages in substitution for injunction or specific performance
- 100 Vesting orders
  - § CJA100:1 Case Law

### **INTERLOCUTORY ORDERS**

- 101 Injunctions and receivers
  - § CJA101:1 Case Law—Injunctions — Principles—For general purposes
  - § CJA101:2 — —The test is different in patent and trademark cases
  - § CJA101:3 — —In libel actions
  - § CJA101:4 — —In interlocutory mandatory injunction cases
  - § CJA101:5 — —As to undertaking
  - § CJA101:6 — —Anti-suit injunctions
  - § CJA101:7 — —Use of funds
  - § CJA101:8 —Particular Applications of Principle—Family law
  - § CJA101:9 — —Banks
  - § CJA101:10 — —Mortgages
  - § CJA101:11 — —Companies
  - § CJA101:12 — —Injunctions granted
  - § CJA101:13 — —Injunctions refused
  - § CJA101:14 — —Injunctions — employment

- § CJA101:15 — —Mareva injunctions
- § CJA101:16 — —Anton Piller orders
- § CJA101:17 — —Receiver
- § CJA101:18 — —Costs
- 102 “Labour dispute” defined
  - § CJA102:1 Case Law
- 103 Certificate of pending litigation
  - § CJA103:1 Case Law—Generally
  - § CJA103:2 —Damages as Alternative
  - § CJA103:3 —Liability for Registration
  - § CJA103:4 —Interest in Land
  - § CJA103:5 —Delay
  - § CJA103:6 —Discretion
  - § CJA103:7 —Certificate Vacated
  - § CJA103:8 —Security
  - § CJA103:9 —Practice
  - § CJA103:10 —Miscellaneous
- 104 Interim order for recovery of personal property
  - § CJA104:1 Case Law
- 105 “Health practitioner” defined
  - § CJA105:1 Case Law—Generally
  - § CJA105:2 —Further Examinations
- 106 Stay of proceedings
  - § CJA106:1 Case Law—Generally
  - § CJA106:2 —Convenient Forum
  - § CJA106:3 —Foreign Judgment
  - § CJA106:4 —Arbitration
  - § CJA106:5 —Criminal — Civil
  - § CJA106:6 —Matrimonial
  - § CJA106:7 —Administrative Tribunal
  - § CJA106:8 —Federal Court
  - § CJA106:9 —Forum Selection Clause
- 107 Consolidation of proceedings in different courts
  - § CJA107:1 Case Law

**PROCEDURAL MATTERS**

- 108 Jury trials
  - § CJA108:1 Case Law—Generally
  - § CJA108:2 —Municipalities
  - § CJA108:3 —Libel
  - § CJA108:4 —Trial Judge’s Power to Vary Verdict
  - § CJA108:5 —Equitable Relief
  - § CJA108:6 —Declaratory Relief
- 109 Notice of constitutional question
  - § CJA109:1 Case Law
- 110 Proceeding in wrong forum
  - § CJA110:1 Case Law
- 111 Set off

## TABLE OF CONTENTS

§ CJA111:1	Case Law
112	Report of Children’s Lawyer
§ CJA112:1	Case Law
113	Agreement preventing third party claim or crossclaim
114	Agreement as to place of hearing
115	Security
116	Periodic payment and review of damages
§ CJA116:1	Case Law
116.1	Periodic payment, medical malpractice actions
117	Assessment of damages
118	Guidance and submissions
§ CJA118:1	Case Law
119	Power of court on appeal
§ CJA119:1	Case Law
120	Advance payments
§ CJA120:1	Case Law
121	Foreign money obligations
§ CJA121:1	Case Law
122	Actions for accounting
123	[Giving decisions] — Definitions
§ CJA123:1	Case Law
124	[ <i>Repealed.</i> 2009, c. 33, Sch. 2, s. 20(17).]

## LANGUAGE

125	Official languages of the courts
§ CJA125:1	Case Law
126	Use of French
§ CJA126:1	Case Law

## INTEREST AND COSTS

127	Prejudgment and Postjudgment interest rates — Definitions
128	Prejudgment interest
§ CJA128:1	Case Law—Generally
§ CJA128:2	—Matrimonial
§ CJA128:3	—Payable by Other Right
129	Postjudgment interest
§ CJA129:1	Case Law
130	Discretion of court
§ CJA130:1	Case Law—Prejudgment
§ CJA130:2	—Postjudgment
§ CJA130:3	—Matrimonial
131	Costs
§ CJA131:1	Case Law—Generally
§ CJA131:2	—Substantial Indemnity
§ CJA131:3	—Substantial Indemnity Denied
§ CJA131:4	—Against Successful Party
§ CJA131:5	—No Costs
§ CJA131:6	—Offers to Settle

- § CJA131:7 —Quantum
- § CJA131:8 —Allowable Costs
- § CJA131:9 —Award Against Non-Party
- § CJA131:10 —Bullock/Sanderson
- § CJA131:11 —Matrimonial
- § CJA131:12 —Unrepresented Parties
- § CJA131:13 —Unwarranted Allegations
- § CJA131:14 —Advance Cost Award
- § CJA131:15 —Crown Costs

#### **APPEALS**

- 132 Judge not to hear appeal from own decision
- 133 Leave to appeal required
  - § CJA133:1 Case Law
- 134 Powers on appeal
  - § CJA134:1 Case Law—Generally
  - § CJA134:2 —New Trial
  - § CJA134:3 —New Evidence
  - § CJA134:4 —Findings of Fact
  - § CJA134:5 —Damages
  - § CJA134:6 —Standard of Review
  - § CJA134:7 —Moot Appeals
  - § CJA134:8 —New Issues
  - § CJA134:9 —Adequacy of Reasons
  - § CJA134:10 —Jury Trials
  - § CJA134:11 —Judicial Conduct
  - § CJA134:12 —Interim Orders

#### **PUBLIC ACCESS**

- 135 Public hearings
  - § CJA135:1 Case Law
- 136 Prohibition against photography, etc., at court hearing
  - § CJA136:1 Case Law
- 137 Documents public
  - § CJA137:1 Case Law

#### **PREVENTION OF PROCEEDINGS THAT LIMIT FREEDOM OF EXPRESSION ON MATTERS OF PUBLIC INTEREST (GAG PROCEEDINGS)**

- 137.1 Dismissal of proceeding that limits debate
  - § CJA137.1:1 Case Law
- 137.2 Procedural matters — Commencement
  - § CJA137.2:1 Case Law
- 137.3 Appeal to be heard as soon as practicable
- 137.4 Stay of related tribunal proceeding
- 137.5 Application



## TABLE OF CONTENTS

### MISCELLANEOUS

- 138 Multiplicity of proceedings
  - § CJA138:1 Case Law
- 139 Joint liability not affected by judgment or release
  - § CJA139:1 Case Law
- 140 Vexatious proceedings
  - § CJA140:1 Case Law
- 141 Civil orders directed to sheriffs
- 142 Protection for acting under court order
  - § CJA142:1 Case Law
- 143 Enforcement — bonds and recognizances
  - § CJA143:1 Case Law
- 143.1 [*Repealed*. S.O. 1999, c. 12, Sch. B, s. 4(4).]
- 144 Orders enforceable by police
  - § CJA144:1 Case Law
- 145 *Consul* as official representative
- 146 Where procedures not provided
  - § CJA146:1 Case Law
- 147 Seal of court
- 148 Jurisdiction of Federal Court

### PART VII.1 ENFORCEMENT OF CERTAIN TRADE AGREEMENTS

- 148.1 Application
- 148.2 Enforcement of order to pay tariff costs
- 148.3 Regulations

### PART VIII MISCELLANEOUS

- 149 Family law mediation and information services
- 150 Renewal of writs of execution issued before January 1, 1985
- 151 References to counties for judicial purposes
  - 151.1 Meaning unchanged

### JUDICIAL REVIEW PROCEDURE ACT

- § JRPA:1 Synopsis
- 1 Definitions
  - § JRPA1:1 Case Law—Generally
  - § JRPA1:2 —Statutory Power of Decision
- 2 Applications for Judicial Review
  - § JRPA2:1 Case Law—Generally
  - § JRPA2:2 —Standard of Review
  - § JRPA2:3 —Rights of Appeal, Prematurity
  - § JRPA2:4 —Affidavit Evidence
  - § JRPA2:5 —Examination of Witnesses
- 3 Defects in form, technical irregularities
  - § JRPA3:1 Case Law
- 4 Interim order
  - § JRPA4:1 Case Law

- 5 Time for bringing application
  - § JRPA5:1 Case Law
- 6 Application to Divisional Court
  - § JRPA6:1 Case Law
- 7 Summary disposition of mandamus, etc.
- 8 Summary disposition of actions
  - § JRPA8:1 Case Law
- 9 Sufficiency of application
  - § JRPA9:1 Case Law
- 10 Record to be filed in Superior Court of Justice
  - § JRPA10:1 Case Law
- 11 References in other acts, etc.

**CLASS PROCEEDINGS ACT, 1992**

- § CP:1 Synopsis
- 1 Definitions
  - 1.1 Determining same or similar subject matter
- 2 Plaintiff's class proceeding
  - § CP2:1 Case Law
- 3 Defendant's class proceeding
- 4 Classing defendants
  - § CP4:1 Case Law
- 4.1 Early resolution of issues
  - § CP4.1:1 Case Law
- 5 Certification
  - § CP5:1 Case Law—Generally
  - § CP5:2 —Procedure
  - § CP5:3 —Common Issue
  - § CP5:4 —Preferable Procedure
  - § CP5:5 —Allowed
  - § CP5:6 —Not Allowed
  - § CP5:7 —Adjournment
- 5.1 Motion to certify, multi-jurisdictional class proceeding
- 6 Certain matters not bar to certification
  - § CP6:1 Case Law
- 7 Refusal to certify
  - § CP7:1 Case Law
- 8 Contents of certification order
  - § CP8:1 Case Law
- 9 Opting out
  - § CP9:1 Case Law
- 10 Where it appears conditions for certification not satisfied
  - § CP10:1 Case Law
- 11 Stages of class proceedings
- 12 Court may determine conduct of proceeding
  - § CP12:1 Case Law—Generally
- 13 Court may stay any other proceeding
  - § CP13:1 Case Law

TABLE OF CONTENTS

13.1	Carriage motions
§	CP13.1:1 Case Law
14	Participation of class members
§	CP14:1 Case Law
15	Discovery of parties
§	CP15:1 Case Law
16	Examination of class members before a motion or application
§	CP16:1 Case Law
17	Notice of certification
§	CP17:1 Case Law
18	Notice where individual participation is required
19	Notice to protect interests of affected persons
§	CP19:1 Case Law
20	Notices, general requirements
§	CP20:1 Case Law
21	Delivery of notice
22	Costs of notice
23	Statistical evidence
§	CP23:1 Case Law
24	Aggregate assessment of monetary relief
§	CP24:1 Case Law
25	Individual issues
§	CP25:1 Case Law
26	Judgment distribution
§	CP26:1 Case Law
27	Judgment on common issues
§	CP27:1 Case Law
27.1	Settlement
§	CP27.1:1 Case Law
27.2	Distribution on <i>cy-près</i> basis
§	CP27.2:1 Case Law
27.3	Subrogated claims
28	Limitations
§	CP28:1 Case Law
29	Discontinuance, abandonment and dismissal for delay
§	CP29:1 Case Law
29.1	Mandatory dismissal for delay
§	CP29.1:1 Case Law
30	Appeals
§	CP30:1 Case Law
31	Costs
§	CP31:1 Case Law
32	Fees and disbursements
§	CP32:1 Case Law
33	Agreements for payment only in the event of success
§	CP33:1 Case Law
33.1	Third-party funding agreements
§	CP33.1:1 Case Law

- 34 Motions
  - § CP34:1 Case Law
- 35 Rules of court
- 36 Crown bound
- 37 Application of Act
  - § CP37:1 Case Law
- 38 Regulations
- 39 Short title
- 39 Transition

**LIMITATIONS ACT, 2002**

- § LIMA:1 An Ontario Limitations Act, 2002 Questionnaire

**DEFINITIONS AND APPLICATION**

- 1 Definitions
  - § LIMA1:1 Case Law
- 2 Application
  - § LIMA2:1 Case Law
- 3 Crown

**BASIC LIMITATION PERIOD**

- 4 Basic limitation period
  - § LIMA4:1 Case Law
- 5 Discovery
  - § LIMA5:1 Case Law—Generally
  - § LIMA5:2 —Discoverability
- 6 Minors
  - § LIMA6:1 Case Law
- 7 Incapable persons
  - § LIMA7:1 Case Law
- 8 Litigation guardians
- 9 Definitions
  - § LIMA9:1 Case Law
- 10 [*Repealed*. 2016, c. 2, Sch. 2, s. 2.]
- 11 Attempted resolution
  - § LIMA11:1 Case Law
- 12 Successors
  - § LIMA12:1 Case Law
- 13 Acknowledgments
  - § LIMA13:1 Case Law
- 14 Notice of possible claim

**ULTIMATE LIMITATION PERIODS**

- 15 Ultimate limitation periods
  - § LIMA15:1 Case Law

TABLE OF CONTENTS

**NO LIMITATION PERIOD**

- 16 No limitation period
  - § LIMA16:1 Case Law
- 17 Undiscovered environmental claims

**GENERAL RULES**

- 18 Contribution and indemnity
  - § LIMA18:1 Case Law
- 19 Other Acts, etc.
  - § LIMA19:1 Case Law
- 20 Statutory variation of time limits
  - § LIMA20:1 Case Law
- 21 Adding party
  - § LIMA21:1 Case Law
- 22 Limitation periods apply despite agreements
  - § LIMA22:1 Case Law
- 23 Conflict of laws

**TRANSITION**

- 24 Definitions
  - § LIMA24:1 Case Law

**AMENDMENTS AND REPEALS**

- 25 to 50 [Ed. Note: Sections 25 to 50 omitted. Amends or repeals other acts.]
- 51 Commencement
- 52 Short title

**[SCHEDULE]**

Schedule

**RULES OF CIVIL PROCEDURE**

- § RCP:1 Advocacy Notes — An Introduction

**GENERAL MATTERS**

**RULE 1 CITATION, APPLICATION AND INTERPRETATION**

- § RCP1:1 Synopsis
- 1.01 CITATION
- 1.02 APPLICATION OF RULES
- 1.03 DEFINITIONS
  - § RCP1.03:1 Case Law
- 1.04 INTERPRETATION
  - § RCP1.04:1 Case Law
- 1.05 ORDERS ON TERMS
  - § RCP1.05:1 Case Law
- 1.06 FORMS
- 1.07 PRACTICE DIRECTIONS

- 1.08 METHOD OF ATTENDANCE AT HEARINGS, ETC.
  - § RCP1.08:1 Case Law
- 1.08.1 [*Revoked*. O. Reg. 689/20, s. 1.]
- 1.09 COMMUNICATIONS OUT OF COURT
  - § RCP1.09:1 Case Law

## **RULE 2 NON-COMPLIANCE WITH THE RULES**

- § RCP2:1 Synopsis and Comment
- 2.01 EFFECT OF NON-COMPLIANCE
  - § RCP2.01:1 Case Law
- 2.02 ATTACKING IRREGULARITY
  - § RCP2.02:1 Case Law
- 2.03 COURT MAY DISPENSE WITH COMPLIANCE
  - § RCP2.03:1 Case Law

## **RULE 2.1 GENERAL POWERS TO STAY OR DISMISS IF VEXATIOUS, ETC.**

- § RCP2.1:1 Synopsis
- 2.1.01 STAY, DISMISSAL OF FRIVOLOUS, VEXATIOUS, ABUSIVE PROCEEDING
  - § RCP2.1.01:1 Case Law
- 2.1.02 STAY, DISMISSAL OF FRIVOLOUS, VEXATIOUS, ABUSIVE MOTION
- 2.1.03 STAY, DISMISSAL OF PROCEEDING IF NO LEAVE UNDER COURTS OF JUSTICE ACT

## **RULE 3 TIME**

- § RCP3:1 Synopsis and Advocacy Notes
- 3.01 COMPUTATION
  - § RCP3.01:1 Case Law
- 3.02 EXTENSION OR ABRIDGMENT
  - § RCP3.02:1 Case Law—Generally
  - § RCP3.02:2 —General Powers of Court
  - § RCP3.02:3 —Appeals
- 3.03 WHEN PROCEEDINGS MAY BE HEARD
- 3.04 TIMETABLES
  - § RCP3.04:1 Case Law

## **RULE 4 COURT DOCUMENTS**

- § RCP4:1 Synopsis and Advocacy Notes
- 4.01 DOCUMENT STANDARDS
  - 4.01.1 ELECTRONIC SIGNATURES
- 4.02 CONTENTS
  - 4.02.1 BILINGUAL DOCUMENTS
- 4.03 CERTIFIED COPIES OF COURT DOCUMENTS
- 4.04 NOTICE TO BE IN WRITING OR ELECTRONICALLY
- 4.05 ISSUING AND FILING OF DOCUMENTS

TABLE OF CONTENTS

- 4.05.1 CIVIL CLAIMS ONLINE PORTAL
- 4.05.2 CIVIL SUBMISSIONS ONLINE PORTAL
- 4.05.3 CASELINES
- 4.06 AFFIDAVITS
- 4.07 BINDING OF DOCUMENTS
- 4.08 REQUISITION
- 4.09 TRANSCRIPTS
- 4.10 TRANSMISSION OF DOCUMENTS
- 4.11 NOTICE OF CONSTITUTIONAL QUESTION
- 4.12 E-MAILING OF DOCUMENTS, COMMUNICATIONS BY REGISTRAR

**RULE 4.1 DUTY OF EXPERT**

- § RCP4.1:1 Synopsis
- 4.1.01 DUTY OF EXPERT
  - § RCP4.1.01:1 Case Law

**PARTIES AND JOINDER**

**RULE 5 JOINDER OF CLAIMS AND PARTIES**

- § RCP5:1 Synopsis and Comment
- 5.01 JOINDER OF CLAIMS
  - § RCP5.01:1 Case Law
- 5.02 JOINDER OF PARTIES
  - § RCP5.02:1 Case Law
- 5.03 JOINDER OF NECESSARY PARTIES
  - § RCP5.03:1 Case Law
- 5.04 MISJOINDER, NON-JOINDER AND PARTIES INCORRECTLY NAMED
  - § RCP5.04:1 Case Law—Generally
  - § RCP5.04:2 —Limitation Period
  - § RCP5.04:3 —Limitation Period Expired
  - § RCP5.04:4 —Insurers
- 5.05 RELIEF AGAINST JOINDER
  - § RCP5.05:1 Case Law

**RULE 6 CONSOLIDATION OR HEARING TOGETHER**

- § RCP6:1 Synopsis and Comment
- 6.01 WHERE ORDER MAY BE MADE
  - § RCP6.01:1 Case Law
- 6.02 DISCRETION OF PRESIDING JUDGE

**RULE 6.1 SEPARATE HEARINGS**

- § RCP6.1:1 Synopsis
- 6.1.01 SEPARATE HEARINGS
  - § RCP6.1.01:1 Case Law

**RULE 7 PARTIES UNDER DISABILITY**

- § RCP7:1 Synopsis
- 7.01 REPRESENTATION BY LITIGATION GUARDIAN
  - § RCP7.01:1 Case Law
- 7.02 LITIGATION GUARDIAN FOR PLAINTIFF OR APPLICANT
  - § RCP7.02:1 Case Law
- 7.03 LITIGATION GUARDIAN FOR DEFENDANT OR RESPONDENT
  - § RCP7.03:1 Case Law
- 7.04 REPRESENTATION OF PERSONS UNDER DISABILITY
  - § RCP7.04:1 Case Law
- 7.05 POWERS AND DUTIES OF LITIGATION GUARDIAN
  - § RCP7.05:1 Case Law
- 7.06 REMOVAL OR SUBSTITUTION OF LITIGATION GUARDIAN
  - § RCP7.06:1 Case Law
- 7.07 NOTING PARTY UNDER DISABILITY IN DEFAULT
  - § RCP7.07:1 Case Law
- 7.07.1 DISCONTINUANCE BY OR AGAINST PARTY UNDER DISABILITY
- 7.08 Approval of Settlement
  - § RCP7.08:1 Case Law
- 7.09 MONEY TO BE PAID INTO COURT
  - § RCP7.09:1 Case Law

## **RULE 8 PARTNERSHIPS AND SOLE PROPRIETORSHIPS**

- § RCP8:1 Synopsis
- 8.01 PARTNERSHIPS
  - § RCP8.01:1 Case Law
- 8.02 DEFENCE
- 8.03 NOTICE TO ALLEGED PARTNER WHERE ENFORCEMENT SOUGHT AGAINST PARTNER
  - § RCP8.03:1 Case Law
- 8.04 PERSON DEFENDING SEPARATELY
- 8.05 DISCLOSURE OF PARTNERS
- 8.06 ENFORCEMENT OF ORDER
- 8.07 SOLE PROPRIETORSHIPS

## **RULE 9 ESTATES AND TRUSTS**

- § RCP9:1 Synopsis
- 9.01 PROCEEDINGS BY OR AGAINST EXECUTOR, ADMINISTRATOR OR TRUSTEE
  - § RCP9.01:1 Case Law
- 9.02 PROCEEDING AGAINST ESTATE THAT HAS NO EXECUTOR OR ADMINISTRATOR
- 9.03 REMEDIAL PROVISIONS
  - § RCP9.03:1 Case Law

## **RULE 10 REPRESENTATION ORDER**

- § RCP10:1 Synopsis
- 10.01 REPRESENTATION OF AN INTERESTED PERSON WHO CANNOT BE ASCERTAINED



TABLE OF CONTENTS

- § RCP10.01:1 Case Law
- 10.02 REPRESENTATION OF A DECEASED PERSON
  - § RCP10.02:1 Case Law
- 10.03 RELIEF FROM BINDING EFFECT OF ORDER

**RULE 11 TRANSFER OR TRANSMISSION OF INTEREST**

- § RCP11:1 Synopsis
- 11.01 EFFECT OF TRANSFER OR TRANSMISSION
  - § RCP11.01:1 Case Law
- 11.02 ORDER TO CONTINUE
  - § RCP11.02:1 Case Law
- 11.03 FAILURE TO OBTAIN ORDER TO CONTINUE ACTION
  - § RCP11.03:1 Case Law

**RULE 12 CLASS PROCEEDINGS AND OTHER REPRESENTATIVE PROCEEDINGS**

- § RCP12:1 Synopsis
- 12.01 DEFINITION
- 12.02 TITLE OF PROCEEDING
- 12.03 DISCOVERY OF CLASS MEMBERS
  - § RCP12.03:1 Case Law
- 12.04 COSTS
  - § RCP12.04:1 Case Law
- 12.05 CONTENTS OF JUDGMENTS AND ORDERS
- 12.06 LEAVE TO APPEAL
- 12.07 PROCEEDING AGAINST REPRESENTATIVE DEFENDANT
  - § RCP12.07:1 Case Law
- 12.08 PROCEEDING BY UNINCORPORATED ASSOCIATION OR TRADE UNION
  - § RCP12.08:1 Case Law

**RULE 13 INTERVENTION**

- § RCP13:1 Synopsis and Comment
- 13.01 LEAVE TO INTERVENE AS ADDED PARTY
  - § RCP13.01:1 Case Law—Generally
  - § RCP13.01:2 —Charter
- 13.02 LEAVE TO INTERVENE AS FRIEND OF THE COURT
  - § RCP13.02:1 Case Law
- 13.03 LEAVE TO INTERVENE IN DIVISIONAL COURT OR COURT OF APPEAL
  - § RCP13.03:1 Case Law

**COMMENCEMENT OF PROCEEDINGS**

**RULE 13.1 PLACE OF COMMENCEMENT AND HEARING OR TRIAL**

- § RCP13.1:1 Synopsis

13.1.01 PLACE OF COMMENCEMENT

§ RCP13.1.01:1 Case Law

13.1.02 TRANSFER

§ RCP13.1.02:1 Case Law

**RULE 14 ORIGINATING PROCESS**

§ RCP14:1 Synopsis, Comment and Advocacy Notes

14.01 HOW PROCEEDINGS COMMENCED

14.01.1 NOTICE OF COMMENCEMENT OF PROCEEDING [*Revoked. O. Reg. 457/01, s. 2.*]

14.02 PROCEEDINGS BY ACTION AS GENERAL RULE

14.03 ACTIONS — BY STATEMENT OF CLAIM OR NOTICE OF ACTION

§ RCP14.03:1 Case Law

14.03.1 ORDINARY AND SIMPLIFIED PROCEDURE

14.04 ELECTRONIC FILING OF ORIGINATING PROCESS FOR ACTION  
[*Revoked. O. Reg. 584/17, s. 6.*]

14.05 APPLICATIONS — BY NOTICE OF APPLICATION OR  
APPLICATION FOR CERTIFICATE

§ RCP14.05:1 Case Law—Application under Statute

§ RCP14.05:2 —Application under Rules—Generally

§ RCP14.05:3 —3(a), (b) and (c) — Estates

§ RCP14.05:4 —3(d) — Interpretation of an instrument or statute

§ RCP14.05:5 —3(e), (f) — Interest in land, trusts

§ RCP14.05:6 —3(g) — Injunction or receiver

§ RCP14.05:7 —3(g.1) — Charter

§ RCP14.05:8 —3(h) — No material facts in dispute

14.06 TITLE OF PROCEEDING

§ RCP14.06:1 Case Law

14.07 HOW ORIGINATING PROCESS ISSUED

14.08 TIME FOR SERVICE IN ACTIONS

14.09 STRIKING OUT OR AMENDING

14.10 DISMISSAL OF ACTION WHERE DEFENDANT PAYS CLAIM

**RULE 15 REPRESENTATION BY LAWYER**

§ RCP15:1 Synopsis, Limited Scope Retainers, Comment and Advocacy  
Notes

15.01 WHERE LAWYER IS REQUIRED

§ RCP15.01:1 Case Law

15.01.1 INTERPRETATION

15.02 NOTICE OF AUTHORITY TO COMMENCE PROCEEDING

§ RCP15.02:1 Case Law

15.03 CHANGE IN REPRESENTATION BY PARTY

§ RCP15.03:1 Case Law

15.04 MOTION BY LAWYER FOR REMOVAL AS LAWYER OF RECORD

§ RCP15.04:1 Case Law

15.05 DUTY OF LAWYER OF RECORD

§ RCP15.05:1 Case Law—Generally

§ RCP15.05:2 —Conflict

## TABLE OF CONTENTS

- § RCP15.05:3 —Witness at Trial
- § RCP15.05:4 —Confidential Information
- § RCP15.05:5 —Appearance of Impropriety
- § RCP15.05:6 —Screening Mechanism
- 15.06 WHERE A LAWYER OF RECORD HAS CEASED TO PRACTISE
- 15.07 LAWYER FROM ANOTHER PROVINCE

## SERVICE

### **RULE 16 SERVICE OF DOCUMENTS**

- § RCP16:1 Synopsis
- 16.01 GENERAL RULES FOR MANNER OF SERVICE
  - § RCP16.01:1 Case Law
- 16.02 PERSONAL SERVICE
  - § RCP16.02:1 Case Law
- 16.03 ALTERNATIVES TO PERSONAL SERVICE
  - § RCP16.03:1 Case Law
- 16.04 SUBSTITUTED SERVICE OR DISPENSING WITH SERVICE
  - § RCP16.04:1 Case Law
- 16.05 SERVICE ON LAWYER OF RECORD
- 16.06 SERVICE BY MAIL
  - 16.06.1 SERVICE BY E-MAIL
  - 16.06.2 SERVICE BY COURIER
- 16.07 WHERE DOCUMENT DOES NOT REACH PERSON SERVED
  - § RCP16.07:1 Case Law
- 16.08 VALIDATING SERVICE
  - § RCP16.08:1 Case Law
- 16.09 PROOF OF SERVICE

### **RULE 17 SERVICE OUTSIDE ONTARIO**

- § RCP17:1 Synopsis and Comment
- 17.01 DEFINITION
  - § RCP17.01:1 Case Law
- 17.02 SERVICE OUTSIDE ONTARIO WITHOUT LEAVE
  - § RCP17.02:1 Case Law—Generally
  - § RCP17.02:2 —Contracts
  - § RCP17.02:3 —Damage Sustained in Ontario
  - § RCP17.02:4 —Ordinarily Resident
  - § RCP17.02:5 —Tort Committed in Ontario
  - § RCP17.02:6 —Business in Ontario
  - § RCP17.02:7 —Counterclaim
  - § RCP17.02:8 —Injunctions
  - § RCP17.02:9 —Property in Ontario
- 17.03 SERVICE OUTSIDE ONTARIO WITH LEAVE
  - § RCP17.03:1 Case Law
- 17.04 ADDITIONAL REQUIREMENTS FOR SERVICE OUTSIDE ONTARIO
  - § RCP17.04:1 Case Law
- 17.05 MANNER OF SERVICE OUTSIDE ONTARIO

- § RCP17.05:1 Case Law
- 17.06 MOTION TO SET ASIDE SERVICE OUTSIDE ONTARIO
  - § RCP17.06:1 Case Law—Generally
  - § RCP17.06:2 —Tort
  - § RCP17.06:3 —Contracts
  - § RCP17.06:4 —Forum Non Conveniens

## **RULE 18 TIME FOR DELIVERY OF STATEMENT OF DEFENCE**

- § RCP18:1 Synopsis and Comment
- 18.01 TIME FOR DELIVERY OF STATEMENT OF DEFENCE
- 18.02 NOTICE OF INTENT TO DEFEND
  - § RCP18.02:1 Case Law
- 18.03 NOTICE OF DEFENCE [*Revoked*. O. Reg. 457/01, s. 4.]

## **DISPOSITION WITHOUT TRIAL**

## **RULE 19 DEFAULT PROCEEDINGS**

- § RCP19:1 Synopsis and Advocacy Notes
- 19.01 NOTING DEFAULT
  - § RCP19.01:1 Case Law
- 19.02 CONSEQUENCES OF NOTING DEFAULT
  - § RCP19.02:1 Case Law
- 19.03 SETTING ASIDE THE NOTING OF DEFAULT
  - § RCP19.03:1 Case Law
- 19.04 BY SIGNING DEFAULT JUDGMENT
  - § RCP19.04:1 Case Law—Liquidated
  - § RCP19.04:2 —Recovery of Land
- 19.05 BY MOTION FOR JUDGMENT
  - § RCP19.05:1 Case Law
- 19.06 FACTS MUST ENTITLE PLAINTIFF TO JUDGMENT
  - § RCP19.06:1 Case Law
- 19.07 EFFECT OF DEFAULT JUDGMENT
- 19.08 SETTING ASIDE DEFAULT JUDGMENT
  - § RCP19.08:1 Case Law—Generally
  - § RCP19.08:2 —Defence on the Merits
  - § RCP19.08:3 —Delay
- 19.09 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS

## **RULE 20 SUMMARY JUDGMENT**

- § RCP20:1 Synopsis and Advocacy Notes
- 20.01 WHERE AVAILABLE
  - § RCP20.01:1 Case Law—Generally
  - § RCP20.01:2 —Partial Judgment
- 20.02 EVIDENCE ON MOTION
  - § RCP20.02:1 Case Law
- 20.03 FACTUMS REQUIRED

## TABLE OF CONTENTS

§ RCP20.03:1	Case Law
20.04	DISPOSITION OF MOTION
§ RCP20.04:1	Case Law—Generally
§ RCP20.04:2	—Partial Judgment
§ RCP20.04:3	—Content of Affidavit
§ RCP20.04:4	—Evidence
§ RCP20.04:5	—Admissions
§ RCP20.04:6	—Foreign Judgment
§ RCP20.04:7	—Separate Claims
§ RCP20.04:8	—By Defendant
§ RCP20.04:9	—Limitation Period
§ RCP20.04:10	—Guarantees, Letters of Credit, Promissory Notes
§ RCP20.04:11	—Genuine Issue Requiring Trial
§ RCP20.04:12	—No Genuine Issue
§ RCP20.04:13	—Question of Law
20.05	WHERE TRIAL IS NECESSARY
§ RCP20.05:1	Case Law
20.06	COSTS SANCTIONS FOR IMPROPER USE OF RULE
§ RCP20.06:1	Case Law
20.07	EFFECT OF SUMMARY JUDGMENT
20.08	STAY OF EXECUTION
§ RCP20.08:1	Case Law
20.09	APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS
§ RCP20.09:1	Case Law

## **RULE 21 DETERMINATION OF AN ISSUE BEFORE TRIAL**

§ RCP21:1	Synopsis and Comment
21.01	WHERE AVAILABLE
§ RCP21.01:1	Case Law—Generally
§ RCP21.01:2	—No Cause of Action
§ RCP21.01:3	—Question of Law
§ RCP21.01:4	—Jurisdiction
§ RCP21.01:5	—No Jurisdiction
§ RCP21.01:6	—Capacity
§ RCP21.01:7	—Facts as Pleaded
§ RCP21.01:8	—Limitation Period
§ RCP21.01:9	—Privilege
§ RCP21.01:10	—Abuse of Process
§ RCP21.01:11	—Another Proceeding Pending
§ RCP21.01:12	—Stay
21.02	MOTION TO BE MADE PROMPTLY
§ RCP21.02:1	Case Law
21.03	FACTUMS REQUIRED

## **RULE 22 SPECIAL CASE**

§ RCP22:1	Synopsis and Comment
22.01	WHERE AVAILABLE

- § RCP22.01:1 Case Law
- 22.02 FACTUMS REQUIRED
- 22.03 REMOVAL INTO COURT OF APPEAL
  - § RCP22.03:1 Case Law
- 22.04 FORM OF SPECIAL CASE
  - § RCP22.04:1 Case Law
- 22.05 HEARING OF SPECIAL CASE
  - § RCP22.05:1 Case Law

## **RULE 23 DISCONTINUANCE AND WITHDRAWAL**

- § RCP23:1 Synopsis and Comment
- 23.01 DISCONTINUANCE BY PLAINTIFF
  - § RCP23.01:1 Case Law
- 23.02 EFFECT OF DISCONTINUANCE ON COUNTERCLAIM
- 23.03 EFFECT OF DISCONTINUANCE ON CROSSCLAIM OR THIRD PARTY CLAIM
- 23.04 EFFECT OF DISCONTINUANCE ON SUBSEQUENT ACTION
- 23.05 COSTS OF DISCONTINUANCE, DEEMED DISMISSAL
  - § RCP23.05:1 Case Law
- 23.06 WITHDRAWAL BY DEFENDANT
- 23.07 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS

## **RULE 24 DISMISSAL OF ACTION FOR DELAY**

- § RCP24:1 Synopsis and Advocacy Notes
- 24.01 WHERE AVAILABLE
  - § RCP24.01:1 Case Law—Generally
  - § RCP24.01:2 —Evidence
- 24.02 WHERE PLAINTIFF UNDER DISABILITY
- 24.02.1 NOTICE OF ORDER
- 24.03 EFFECT OF DISMISSAL ON COUNTERCLAIM
- 24.04 EFFECT OF DISMISSAL ON CROSSCLAIM OR THIRD PARTY CLAIM
- 24.05 EFFECT ON SUBSEQUENT ACTION
  - § RCP24.05:1 Case Law
- 24.05.1 COSTS OF DISMISSAL, DEEMED DISMISSAL
- 24.06 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS

## **RULE 24.1 MANDATORY MEDIATION**

- § RCP24.1:1 Synopsis
- 24.1.01 PURPOSE
- 24.1.02 NATURE OF MEDIATION
- 24.1.03 DEFINITIONS
- 24.1.04 APPLICATION
- 24.1.05 EXEMPTION FROM MEDIATION
  - § RCP24.1.05:1 Case Law
- 24.1.06 MEDIATION CO-ORDINATOR

## TABLE OF CONTENTS

24.1.07	LOCAL MEDIATION COMMITTEES
24.1.08	MEDIATORS
24.1.09	MEDIATION SESSION
§ RCP24.1.09:1	Case Law
24.1.09.1	[ <i>Revoked</i> . O. Reg. 438/08, s. 21.]
24.1.10	PROCEDURE BEFORE MEDIATION SESSION
24.1.11	ATTENDANCE AT MEDIATION SESSION
§ RCP24.1.11:1	Case Law
24.1.12	FAILURE TO ATTEND
24.1.13	NON-COMPLIANCE
§ RCP24.1.13:1	Case Law
24.1.14	CONFIDENTIALITY
§ RCP24.1.14:1	Case Law
24.1.15	OUTCOME OF MEDIATION
§ RCP24.1.15:1	Case Law
24.1.16	CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION
§ RCP24.1.16:1	Case Law

## PLEADINGS

### **RULE 25 PLEADINGS IN AN ACTION**

§ RCP25:1	Synopsis and Advocacy Notes
25.01	PLEADINGS REQUIRED OR PERMITTED
§ RCP25.01:1	Case Law
25.02	FORM OF PLEADINGS
25.03	SERVICE OF PLEADINGS
25.04	TIME FOR DELIVERY OF PLEADINGS
§ RCP25.04:1	Case Law
25.05	CLOSE OF PLEADINGS
§ RCP25.05:1	Case Law
25.06	RULES OF PLEADING—APPLICABLE TO ALL PLEADINGS
§ RCP25.06:1	Case Law—Generally
§ RCP25.06:2	—Material Facts
§ RCP25.06:3	—Pleading Law
§ RCP25.06:4	—Subsequent Pleading
§ RCP25.06:5	—Condition Precedent
§ RCP25.06:6	—Claim for Relief
§ RCP25.06:7	—Full Particulars
25.07	RULES OF PLEADING—APPLICABLE TO DEFENCES
§ RCP25.07:1	Case Law
25.08	WHERE A REPLY IS NECESSARY
§ RCP25.08:1	Case Law
25.09	RULES OF PLEADING—APPLICABLE TO REPLIES
25.10	PARTICULARS
§ RCP25.10:1	Case Law—Generally
§ RCP25.10:2	—Purpose of Particulars
§ RCP25.10:3	—Practice
§ RCP25.10:4	—Libel and Slander Cases

- § RCP25.10:5 —Pleading Law
- § RCP25.10:6 —Material Facts
- § RCP25.10:7 —Miscellaneous
- 25.11 STRIKING OUT A PLEADING OR OTHER DOCUMENT
  - § RCP25.11:1 Case Law—Generally
  - § RCP25.11:2 —Relevance
  - § RCP25.11:3 —Abuse of Process
  - § RCP25.11:4 —Libel and Slander
  - § RCP25.11:5 —Miscellaneous

## **RULE 26 AMENDMENT OF PLEADINGS**

- § RCP26:1 Synopsis and Advocacy Notes
- 26.01 GENERAL POWER OF COURT
  - § RCP26.01:1 Case Law—Generally
  - § RCP26.01:2 —Principles
  - § RCP26.01:3 —Procedure
  - § RCP26.01:4 —Miscellaneous
  - § RCP26.01:5 —Expiry of Limitation Period—Generally
  - § RCP26.01:6 — —Infants and Disabled
  - § RCP26.01:7 — —Family Law Act
  - § RCP26.01:8 —Increased Damages
  - § RCP26.01:9 —Abuse of Process
- 26.02 WHEN AMENDMENTS MAY BE MADE
  - § RCP26.02:1 Case Law
- 26.03 HOW AMENDMENTS MADE
- 26.04 SERVICE OF AMENDED PLEADING
- 26.05 RESPONDING TO AN AMENDED PLEADING
  - § RCP26.05:1 Case Law—By Defendant
- 26.06 AMENDMENT AT TRIAL
  - § RCP26.06:1 Case Law

## **RULE 27 COUNTERCLAIM**

- § RCP27:1 Synopsis
- 27.01 WHERE AVAILABLE
  - § RCP27.01:1 Case Law
- 27.02 STATEMENT OF DEFENCE AND COUNTERCLAIM
  - § RCP27.02:1 Case Law
- 27.03 COUNTERCLAIM TO BE ISSUED WHERE DEFENDANT TO COUNTERCLAIM NOT ALREADY PARTY TO MAIN ACTION
  - § RCP27.03:1 Case Law
- 27.04 TIME FOR DELIVERY OR SERVICE OF DEFENCE AND COUNTERCLAIM
- 27.05 TIME FOR DELIVERY OF DEFENCE TO COUNTERCLAIM
- 27.06 TIME FOR DELIVERY OF REPLY TO DEFENCE TO COUNTERCLAIM
- 27.07 AMENDING DEFENCE TO ADD COUNTERCLAIM
  - § RCP27.07:1 Case Law
- 27.08 TRIAL OF COUNTERCLAIM



TABLE OF CONTENTS

- § RCP27.08:1 Case Law
- 27.09 DISPOSITION OF COUNTERCLAIM
  - § RCP27.09:1 Case Law
- 27.10 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS
  - § RCP27.10:1 Case Law

**RULE 28 CROSSCLAIM**

- § RCP28:1 Synopsis
- 28.01 WHERE AVAILABLE
  - § RCP28.01:1 Case Law
- 28.02 STATEMENT OF DEFENCE AND CROSSCLAIM
  - § RCP28.02:1 Case Law
- 28.03 AMENDING DEFENCE TO ADD CROSSCLAIM
  - § RCP28.03:1 Case Law
- 28.04 TIME FOR DELIVERY OF STATEMENT OF DEFENCE AND CROSSCLAIM
- 28.05 TIME FOR DELIVERY OF DEFENCE TO CROSSCLAIM
- 28.06 CONTENTS OF DEFENCE TO CROSSCLAIM
- 28.07 EFFECT OF DEFAULT OF DEFENCE TO CROSSCLAIM
- 28.08 TIME FOR DELIVERY OF REPLY TO DEFENCE TO CROSSCLAIM
- 28.09 TRIAL OF CROSSCLAIM
- 28.10 PREJUDICE OR DELAY TO PLAINTIFF
- 28.11 APPLICATION TO COUNTERCLAIMS AND THIRD PARTY CLAIMS

**RULE 29 THIRD PARTY CLAIM**

- § RCP29:1 Synopsis
- 29.01 WHERE AVAILABLE
  - § RCP29.01:1 Case Law—Generally
  - § RCP29.01:2 —Insurer
- 29.02 TIME FOR THIRD PARTY CLAIM
  - § RCP29.02:1 Case Law
- 29.03 THIRD PARTY DEFENCE
- 29.04 REPLY TO THIRD PARTY DEFENCE
- 29.05 DEFENCE OF MAIN ACTION BY THIRD PARTY
  - § RCP29.05:1 Case Law
- 29.06 EFFECT OF THIRD PARTY DEFENCE
  - § RCP29.06:1 Case Law
- 29.07 EFFECT OF DEFAULT OF THIRD PARTY
- 29.08 TRIAL OF THIRD PARTY CLAIM
  - § RCP29.08:1 Case Law
- 29.09 PREJUDICE OR DELAY TO PLAINTIFF
  - § RCP29.09:1 Case Law
- 29.10 THIRD PARTY DIRECTIONS
- 29.11 FOURTH AND SUBSEQUENT PARTY CLAIMS
  - § RCP29.11:1 Case Law
- 29.12 APPLICATION TO FOURTH AND SUBSEQUENT PARTY CLAIMS
- 29.13 APPLICATION TO COUNTERCLAIMS AND CROSSCLAIMS

29.14 FILE NUMBER

**DISCOVERY**

§ RCP:2 Summary of Discovery

**RULE 29.1 DISCOVERY PLAN**

§ RCP29.1:1 Synopsis

29.1.01 NON-APPLICATION OF RULE

29.1.02 DEFINITION

29.1.03 DISCOVERY PLAN

§ RCP29.1.03:1 Case Law

29.1.04 DUTY TO UPDATE PLAN

29.1.05 FAILURE TO AGREE TO PLAN

§ RCP29.1.05:1 Case Law

**RULE 29.2 PROPORTIONALITY IN DISCOVERY**

§ RCP29.2:1 Synopsis

29.2.01 DEFINITION

29.2.02 APPLICATION

29.2.03 CONSIDERATIONS

§ RCP29.2.03:1 Case Law

**RULE 30 DISCOVERY OF DOCUMENTS**

§ RCP30:1 Synopsis and Advocacy Notes

30.01 INTERPRETATION

§ RCP30.01:1 Case Law

30.02 SCOPE OF DOCUMENTARY DISCOVERY

§ RCP30.02:1 Case Law—Generally

§ RCP30.02:2 —Confidentiality

§ RCP30.02:3 —Medical Records and Reports

§ RCP30.02:4 —Privilege—Generally

§ RCP30.02:5 — —Litigation

§ RCP30.02:6 — —Settlement

§ RCP30.02:7 — —Solicitor and client

§ RCP30.02:8 — —Insurers

§ RCP30.02:9 — —Crown

§ RCP30.02:10 —Insurance Policy

§ RCP30.02:11 —E-Discovery

30.03 AFFIDAVIT OF DOCUMENTS

§ RCP30.03:1 Case Law

30.04 INSPECTION OF DOCUMENTS

§ RCP30.04:1 Case Law—Generally

§ RCP30.04:2 —Divided Production

30.05 DISCLOSURE OR PRODUCTION NOT ADMISSION OF  
RELEVANCE

30.06 WHERE AFFIDAVIT INCOMPLETE OR PRIVILEGE IMPROPERLY  
CLAIMED

TABLE OF CONTENTS

- § RCP30.06:1 Case Law
- 30.07 DOCUMENTS OR ERRORS SUBSEQUENTLY DISCOVERED
  - § RCP30.07:1 Case Law
- 30.08 EFFECT OF FAILURE TO DISCLOSE OR PRODUCE FOR INSPECTION
  - § RCP30.08:1 Case Law
- 30.09 **PRIVILEGED DOCUMENT NOT TO BE USED WITHOUT LEAVE**
  - § RCP30.09:1 Case Law
- 30.10 PRODUCTION FROM NON-PARTIES WITH LEAVE
  - § RCP30.10:1 Case Law—Generally
  - § RCP30.10:2 —Medical Reports
- 30.11 DOCUMENT DEPOSITED FOR SAFE KEEPING
  - § RCP30.11:1 Case Law

**RULE 30.1 DEEMED UNDERTAKING**

- § RCP30.1:1 Synopsis and Comment
- 30.1.01 APPLICATION
  - § RCP30.1.01:1 Case Law—Generally
  - § RCP30.1.01:2 —Where Applicable
  - § RCP30.1.01:3 —Exception

**RULE 31 EXAMINATION FOR DISCOVERY**

- § RCP31:1 Synopsis, Comment and Advocacy Notes
- 31.01 DEFINITION
- 31.02 FORM OF EXAMINATION
  - § RCP31.02:1 Case Law
- 31.03 WHO MAY EXAMINE AND BE EXAMINED
  - § RCP31.03:1 Case Law—Generally
  - § RCP31.03:2 —Parties Adverse in Interest
  - § RCP31.03:3 —On Behalf of Corporation
  - § RCP31.03:4 —In Place of Person Under Disability
  - § RCP31.03:5 —Nominal Party
- 31.04 WHEN EXAMINATION MAY BE INITIATED
  - § RCP31.04:1 Case Law
- 31.05 ORAL EXAMINATION BY MORE THAN ONE PARTY
  - § RCP31.05:1 Case Law
  - 31.05.1 TIME LIMIT
    - § RCP31.05.1:1 Case Law
- 31.06 SCOPE OF EXAMINATION
  - § RCP31.06:1 Case Law—Generally
  - § RCP31.06:2 —Witnesses
  - § RCP31.06:3 —Expert Opinions
  - § RCP31.06:4 —Surveillance Information
  - § RCP31.06:5 —Privilege—Generally
  - § RCP31.06:6 —Solicitor and client
  - § RCP31.06:7 —Insurance Policies
  - § RCP31.06:8 —Examinee Informing Himself

- § RCP31.06:9 —Divided Discovery
- 31.07 FAILURE TO ANSWER ON DISCOVERY
  - § RCP31.07:1 Case Law
- 31.08 EFFECT OF COUNSEL ANSWERING
  - § RCP31.08:1 Case Law
- 31.09 INFORMATION SUBSEQUENTLY OBTAINED
  - § RCP31.09:1 Case Law
- 31.10 DISCOVERY OF NON-PARTIES WITH LEAVE
  - § RCP31.10:1 Case Law
- 31.11 USE OF EXAMINATION FOR DISCOVERY AT TRIAL
  - § RCP31.11:1 Case Law

### **RULE 32 INSPECTION OF PROPERTY**

- § RCP32:1 Synopsis
- 32.01 ORDER FOR INSPECTION
  - § RCP32.01:1 Case Law

### **RULE 33 MEDICAL EXAMINATION OF PARTIES**

- § RCP33:1 Synopsis and Comment
- 33.01 MOTION FOR MEDICAL EXAMINATION
  - § RCP33.01:1 Case Law
- 33.02 ORDER FOR EXAMINATION
  - § RCP33.02:1 Case Law
- 33.03 DISPUTE AS TO SCOPE OF EXAMINATION
  - § RCP33.03:1 Case Law
- 33.04 PROVISION OF INFORMATION TO PARTY OBTAINING ORDER
  - § RCP33.04:1 Case Law
- 33.05 WHO MAY ATTEND ON EXAMINATION
  - § RCP33.05:1 Case Law
- 33.06 MEDICAL REPORTS
  - § RCP33.06:1 Case Law
- 33.07 PENALTY FOR FAILURE TO COMPLY
- 33.08 EXAMINATION BY CONSENT
  - § RCP33.08:1 Case Law

### **EXAMINATIONS OUT OF COURT**

### **RULE 34 PROCEDURE ON ORAL EXAMINATIONS**

- § RCP34:1 Synopsis
- 34.01 APPLICATION OF THE RULE
- 34.02 BEFORE WHOM TO BE HELD
  - § RCP34.02:1 Case Law
- 34.03 PLACE OF EXAMINATION
  - § RCP34.03:1 Case Law
- 34.04 HOW ATTENDANCE REQUIRED
  - § RCP34.04:1 Case Law
- 34.04.1 AGREEMENT TO EXAMINATION BEFORE PERSON OTHER THAN OFFICIAL EXAMINER [*Revoked*. O. Reg. 171/98, s. 9.]

TABLE OF CONTENTS

- 34.05 NOTICE OF TIME AND PLACE
  - § RCP34.05:1 Case Law
- 34.06 EXAMINATIONS ON CONSENT
- 34.07 WHERE PERSON TO BE EXAMINED RESIDES OUTSIDE ONTARIO
  - § RCP34.07:1 Case Law
- 34.08 PERSON TO BE EXAMINED TO BE SWORN
  - § RCP34.08:1 Case Law
- 34.09 INTERPRETER
  - § RCP34.09:1 Case Law
- 34.10 PRODUCTION OF DOCUMENTS ON EXAMINATION
  - § RCP34.10:1 Case Law
- 34.11 RE-EXAMINATION
  - § RCP34.11:1 Case Law
- 34.12 OBJECTIONS AND RULINGS
  - § RCP34.12:1 Case Law
- 34.13 RULINGS BY OFFICIAL EXAMINER [*Revoked*. O. Reg. 171/98, s. 10.]
- 34.14 IMPROPER CONDUCT OF EXAMINATION
  - § RCP34.14:1 Case Law
- 34.15 SANCTIONS FOR DEFAULT OR MISCONDUCT BY PERSON TO BE EXAMINED
  - § RCP34.15:1 Case Law
- 34.16 EXAMINATION TO BE RECORDED
- 34.17 TYPED TRANSCRIPT
- 34.18 FILING OF TRANSCRIPT
- 34.19 VIDEOTAPING OR OTHER RECORDING OF EXAMINATION
  - § RCP34.19:1 Case Law

**RULE 35 PROCEDURE ON EXAMINATION FOR DISCOVERY BY WRITTEN QUESTIONS**

- § RCP35:1 Synopsis and Comment
- 35.01 QUESTIONS
- 35.02 ANSWERS
- 35.03 OBJECTIONS
- 35.04 FAILURE TO ANSWER
  - § RCP35.04:1 Case Law
- 35.05 IMPROPER CONDUCT OF EXAMINATION
- 35.06 FILING QUESTIONS AND ANSWERS

**RULE 36 TAKING EVIDENCE BEFORE TRIAL**

- § RCP36:1 Synopsis and Comment
- 36.01 WHERE AVAILABLE
  - § RCP36.01:1 Case Law
- 36.02 PROCEDURE
- 36.03 EXAMINATIONS OUTSIDE ONTARIO
- 36.04 USE AT TRIAL
  - § RCP36.04:1 Case Law

**MOTIONS AND APPLICATIONS**

**RULE 37 MOTIONS — JURISDICTION AND PROCEDURE**

- § RCP37:1 Synopsis and Advocacy Notes
- § RCP37:2 Case Law
- 37.01 NOTICE OF MOTION
- 37.02 JURISDICTION TO HEAR A MOTION
  - § RCP37.02:1 Case Law—Jurisdiction of an Associate Judge
- 37.03 WHERE MOTIONS TO BE BROUGHT
  - § RCP37.03:1 Case Law
- 37.04 MOTIONS—TO WHOM TO BE MADE
  - § RCP37.04:1 Case Law
- 37.05 HEARING DATE FOR MOTIONS
- 37.06 CONTENT OF NOTICE
  - § RCP37.06:1 Case Law
  - § RCP37.06:2 —Notice of Motion - Grounds
- 37.07 SERVICE OF NOTICE
  - § RCP37.07:1 Case Law
- 37.08 FILING OF NOTICE OF MOTION
- 37.09 ABANDONED MOTIONS
  - § RCP37.09:1 Case Law
- 37.10 MATERIAL FOR USE ON MOTIONS
  - § RCP37.10:1 Case Law
- 37.10.1 CONFIRMATION OF MOTION
  - § RCP37.10.1:1 Case Law
- 37.11 HEARING IN ABSENCE OF PUBLIC
  - § RCP37.11:1 Case Law
- 37.12 HEARING BY CONFERENCE TELEPHONE [*Revoked. O. Reg. 288/99, s. 15.*]
  - 37.12.1 HEARING WITHOUT ORAL ARGUMENT
    - § RCP37.12.1:1 Case Law
- 37.13 DISPOSITION OF MOTION
  - § RCP37.13:1 Case Law
- 37.14 SETTING ASIDE, VARYING OR AMENDING ORDERS
  - § RCP37.14:1 Case Law
- 37.15 Motions in a Complicated Proceeding or Series of Proceedings
  - § RCP37.15:1 Case Law
- 37.16 PROHIBITING MOTIONS WITHOUT LEAVE
  - § RCP37.16:1 Case Law
- 37.17 MOTION BEFORE COMMENCEMENT OF PROCEEDING
  - § RCP37.17:1 Case Law

**RULE 38 APPLICATIONS — JURISDICTION AND PROCEDURE**

- § RCP38:1 Synopsis
- 38.01 APPLICATION OF THE RULE
- 38.02 APPLICATIONS—TO WHOM TO BE MADE
- 38.03 PLACE AND DATE OF HEARING
  - § RCP38.03:1 Case Law

## TABLE OF CONTENTS

- 38.04 CONTENT OF NOTICE
  - § RCP38.04:1 Case Law
- 38.05 ISSUING OF NOTICE
- 38.06 SERVICE OF NOTICE
  - § RCP38.06:1 Case Law
- 38.07 NOTICE OF APPEARANCE
- 38.07.1 NOTICE OF DEFENCE
- 38.08 ABANDONED APPLICATIONS
  - § RCP38.08:1 Case Law
- 38.09 MATERIAL FOR USE ON APPLICATION
- 38.09.1 CONFIRMATION OF APPLICATION
- 38.10 DISPOSITION OF APPLICATION
  - § RCP38.10:1 Case Law
- 38.11 Setting Aside Judgment on Application Made Without Notice
  - § RCP38.11:1 Case Law
- 38.12 STRIKING OUT A DOCUMENT
- 38.13 APPLICATIONS UNDER S. 140(3), COURTS OF JUSTICE ACT

## **RULE 39 EVIDENCE ON MOTIONS AND APPLICATIONS**

- § RCP39:1 Synopsis and Comment
- 39.01 EVIDENCE BY AFFIDAVIT
  - § RCP39.01:1 Case Law—Generally
  - § RCP39.01:2 —Information and Belief
  - § RCP39.01:3 —Full and Fair Disclosure
  - § RCP39.01:4 —Counsel on Motion
  - § RCP39.01:5 —Privilege—Generally
- 39.02 EVIDENCE BY CROSS-EXAMINATION ON AFFIDAVIT
  - § RCP39.02:1 Case Law—Generally
  - § RCP39.02:2 —Subsequent Affidavit
  - § RCP39.02:3 —Costs
- 39.03 EVIDENCE BY EXAMINATION OF A WITNESS
  - § RCP39.03:1 Case Law—Generally
  - § RCP39.03:2 —Before the Hearing
  - § RCP39.03:3 —At the Hearing
  - § RCP39.03:4 —Summons to Witness
- 39.04 EVIDENCE BY EXAMINATION FOR DISCOVERY
  - § RCP39.04:1 Case Law

## **PRESERVATION OF RIGHTS IN PENDING LITIGATION**

- § RCP:3 Comment on Preservation of Rights

## **RULE 40 INTERLOCUTORY INJUNCTION OR MANDATORY ORDER**

- § RCP40:1 Synopsis
- § RCP40:2 Case Law
- 40.01 HOW OBTAINED
  - § RCP40.01:1 Case Law

40.02 WHERE MOTION MADE WITHOUT NOTICE

§ RCP40.02:1 Case Law

40.03 UNDERTAKING

§ RCP40.03:1 Case Law

40.04 FACTUMS REQUIRED

**RULE 41 APPOINTMENT OF RECEIVER**

§ RCP41:1 Synopsis

41.01 DEFINITION

41.02 HOW OBTAINED

41.03 FORM OF ORDER

41.04 REFERENCE OF CONDUCT OF RECEIVERSHIP

41.05 DIRECTIONS

41.06 DISCHARGE

§ RCP41.06:1 Case Law

**RULE 42 CERTIFICATE OF PENDING LITIGATION**

§ RCP42:1 Synopsis

42.01 ISSUING OF CERTIFICATE

§ RCP42.01:1 Case Law

42.02 DISCHARGE OF CERTIFICATE

§ RCP42.02:1 Case Law

**RULE 43 INTERPLEADER**

§ RCP43:1 Synopsis

43.01 GENERAL

43.02 WHERE AVAILABLE

§ RCP43.02:1 Case Law

43.03 HOW OBTAINED

§ RCP43.03:1 Case Law

43.04 DISPOSITION

§ RCP43.04:1 Case Law

**RULE 44 INTERIM RECOVERY OF PERSONAL PROPERTY**

§ RCP44:1 Synopsis

44.01 MOTION FOR INTERIM ORDER

§ RCP44.01:1 Case Law

44.02 ORDER TO CONTAIN DESCRIPTION AND VALUE OF PROPERTY

44.03 DISPOSITION OF MOTION

§ RCP44.03:1 Case Law

44.04 CONDITION AND FORM OF SECURITY

44.05 SETTING ASIDE ORDER

44.06 RELEASE OF SECURITY

44.07 DUTY OF SHERIFF

44.08 WHERE DEFENDANT PREVENTS RECOVERY

**RULE 45 INTERIM PRESERVATION OF PROPERTY**



TABLE OF CONTENTS

- § RCP45:1 Synopsis
- 45.01 INTERIM ORDER FOR PRESERVATION OR SALE
  - § RCP45.01:1 Case Law
- 45.02 SPECIFIC FUND
  - § RCP45.02:1 Case Law
- 45.03 RECOVERY OF PERSONAL PROPERTY HELD AS SECURITY

**PRE-TRIAL PROCEDURES**

**RULE 46 PLACE OF TRIAL**

- § RCP46:1 Synopsis
- 46.01 COUNTY WHERE PROCEEDING COMMENCED OR TRANSFERRED
  - § RCP46.01:1 Case Law
- 46.02 WHERE TRIAL TO BE HELD [*Revoked. O. Reg. 14/04, s. 25.*]
- 46.03 ORDER CHANGING PLACE OF TRIAL [*Revoked. O. Reg. 14/04, s. 25.*]
  - § RCP46.03:1 Case Law

**RULE 47 JURY NOTICE**

- § RCP47:1 Synopsis
- 47.01 ACTIONS TO BE TRIED WITH A JURY
  - § RCP47.01:1 Case Law
- 47.02 STRIKING OUT JURY NOTICE
  - § RCP47.02:1 Case Law—Where Jury Notice Not in Accordance with Statute or Rules
  - § RCP47.02:2 —Where Jury Trial Inappropriate
  - § RCP47.02:3 —Where Jury Trial Appropriate

**RULE 48 LISTING FOR TRIAL**

- § RCP48:1 Synopsis
- 48.01 WHEN AND BY WHOM ACTION MAY BE SET DOWN FOR TRIAL
  - § RCP48.01:1 Case Law
- 48.02 HOW ACTION IS SET DOWN FOR TRIAL
- 48.03 TRIAL RECORD
- 48.04 CONSEQUENCES OF SETTING DOWN
  - § RCP48.04:1 Case Law
- 48.05 PLACING ACTION ON TRIAL LIST
- 48.06 [*Revoked. O. Reg. 343/21, s. 2.*]
  - § RCP48.06:1 Case Law
- 48.07 CONSEQUENCES OF ACTION BEING PLACED ON TRIAL LIST
- 48.08 SEPARATE TRIAL LISTS
- 48.09 SEPARATE SPEEDY TRIAL LIST
- 48.10 ACTIONS TRAVERSED OR REMAINING ON LIST AT CONCLUSION OF SITTING
- 48.11 ACTIONS STRUCK OFF TRIAL LIST
  - § RCP48.11:1 Case Law
- 48.12 DUTY TO INFORM REGISTRAR OF SETTLEMENT

- 48.13 APPLICATION OF THE RULE
- 48.14 DISMISSAL OF ACTION FOR DELAY
  - § RCP48.14:1 Case Law
- 48.15 [Revoked. O. Reg. 170/14, s. 10.]

## **RULE 49 OFFER TO SETTLE**

- § RCP49:1 Synopsis, Comment and Advocacy Notes
- 49.01 DEFINITIONS
- 49.02 WHERE AVAILABLE
  - § RCP49.02:1 Case Law
- 49.03 TIME FOR MAKING OFFER
  - § RCP49.03:1 Case Law
- 49.04 WITHDRAWAL OR EXPIRY OF OFFER
  - § RCP49.04:1 Case Law
- 49.05 EFFECT OF OFFER
- 49.06 DISCLOSURE OF OFFER TO COURT
  - § RCP49.06:1 Case Law
- 49.07 ACCEPTANCE OF OFFER
  - § RCP49.07:1 Case Law—Generally
  - § RCP49.07:2 —Successive Offers
- 49.08 PARTIES UNDER DISABILITY
  - § RCP49.08:1 Case Law
- 49.09 FAILURE TO COMPLY WITH ACCEPTED OFFER
  - § RCP49.09:1 Case Law—Generally
  - § RCP49.09:2 —Judgment Granted
  - § RCP49.09:3 —Judgment Refused
- 49.10 COSTS CONSEQUENCES OF FAILURE TO ACCEPT
  - § RCP49.10:1 Case Law—Generally
  - § RCP49.10:2 —Timing
  - § RCP49.10:3 —Interest
  - § RCP49.10:4 —Costs
  - § RCP49.10:5 —Order Otherwise
  - § RCP49.10:6 —Judgment More Favourable
  - § RCP49.10:7 —Multiple Offers
  - § RCP49.10:8 —Appeals
- 49.11 MULTIPLE DEFENDANTS
  - § RCP49.11:1 Case Law
- 49.12 OFFER TO CONTRIBUTE
  - § RCP49.12:1 Case Law
- 49.13 DISCRETION OF COURT
  - § RCP49.13:1 Case Law
- 49.14 APPLICATION TO COUNTERCLAIMS, CROSSCLAIMS AND THIRD PARTY CLAIMS
  - § RCP49.14:1 Case Law

## **RULE 50 CONFERENCES**

- § RCP50:1 Synopsis, Comment and Advocacy Notes
- 50.01 PURPOSE

## TABLE OF CONTENTS

50.02	PRE-TRIAL CONFERENCES FOR ACTIONS
50.03	PRE-TRIAL CONFERENCES FOR APPLICATIONS
50.03.1	CERTIFICATE OF READINESS TO BE FILED (ACTIONS)
50.04	MATERIALS TO BE FILED
50.05	ATTENDANCE
50.06	MATTERS TO BE CONSIDERED
50.07	POWERS
§ RCP50.07:1	Case Law
50.08	PRE-TRIAL CONFERENCE REPORT
50.09	NO DISCLOSURE
§ RCP50.09:1	Case Law
50.10	PRE-TRIAL JUDGE NOT TO PRESIDE AT HEARING
§ RCP50.10:1	Case Law
50.11	DOCUMENTS TO BE MADE AVAILABLE
50.12	COSTS OF PRE-TRIAL CONFERENCE
50.13	CASE CONFERENCES FOR ACTIONS AND APPLICATIONS
§ RCP50.13:1	Case Law

## **RULE 51 ADMISSIONS**

§ RCP51:1	Synopsis and Comment
51.01	INTERPRETATION
§ RCP51.01:1	Case Law
51.02	REQUEST TO ADMIT FACT OR DOCUMENT
§ RCP51.02:1	Case Law
51.03	EFFECT OF REQUEST TO ADMIT
§ RCP51.03:1	Case Law
51.04	COSTS ON REFUSAL TO ADMIT
§ RCP51.04:1	Case Law
51.05	WITHDRAWAL OF ADMISSION
§ RCP51.05:1	Case Law
51.06	ORDER BASED ON ADMISSION OF FACT OR DOCUMENT
§ RCP51.06:1	Case Law

## **TRIALS**

### **RULE 52 TRIAL PROCEDURE**

§ RCP52:1	Synopsis, Comment and Advocacy Notes
52.01	FAILURE TO ATTEND AT TRIAL
§ RCP52.01:1	Case Law
52.02	ADJOURNMENT OF TRIAL
§ RCP52.02:1	Case Law
52.03	COURT APPOINTED EXPERTS
§ RCP52.03:1	Case Law
52.04	EXHIBITS
§ RCP52.04:1	Case Law
52.05	VIEW BY JUDGE OR JURY
52.06	EXCLUSION OF WITNESSES
§ RCP52.06:1	Case Law

- 52.07 ORDER OF PRESENTATION IN JURY TRIALS
  - § RCP52.07:1 Case Law
- 52.08 DISAGREEMENT OF THE JURY
  - § RCP52.08:1 Case Law
- 52.09 RECORDING JURY VERDICT
  - § RCP52.09:1 Case Law
- 52.10 FAILURE TO PROVE A FACT OR DOCUMENT
  - § RCP52.10:1 Case Law

### **RULE 53 EVIDENCE AT TRIAL**

- § RCP53:1 Synopsis and Comment
- 53.01 EVIDENCE BY WITNESSES
  - § RCP53.01:1 Case Law
- 53.02 EVIDENCE BY AFFIDAVIT
  - § RCP53.02:1 Case Law
- 53.03 EXPERT WITNESSES
  - § RCP53.03:1 Case Law
- 53.04 COMPELLING ATTENDANCE AT TRIAL
  - § RCP53.04:1 Case Law
- 53.05 INTERPROVINCIAL SUBPOENA
- 53.06 COMPELLING ATTENDANCE OF WITNESS IN CUSTODY
- 53.07 CALLING ADVERSE PARTY AS WITNESS
  - § RCP53.07:1 Case Law
- 53.08 EVIDENCE ADMISSIBLE ONLY WITH LEAVE
  - § RCP53.08:1 Case Law
- 53.09 CALCULATION OF AWARDS FOR FUTURE PECUNIARY DAMAGES
  - § RCP53.09:1 Case Law
- 53.10 PREJUDGMENT INTEREST RATE FOR NON-PECUNIARY DAMAGES
  - § RCP53.10:1 Case Law

### **REFERENCES**

### **RULE 54 DIRECTING A REFERENCE**

- § RCP54:1 Synopsis and Comment
- 54.01 APPLICATION OF RULES 54 AND 55
- 54.02 WHERE REFERENCE MAY BE DIRECTED
  - § RCP54.02:1 Case Law
- 54.03 TO WHOM REFERENCE MAY BE DIRECTED
  - § RCP54.03:1 Case Law
- 54.04 ORDER DIRECTING A REFERENCE
  - § RCP54.04:1 Case Law
- 54.05 MOTIONS ON A REFERENCE
- 54.06 REPORT ON REFERENCE
- 54.07 REPORT MUST BE CONFIRMED
- 54.08 CONFIRMATION ON MOTION WHERE REPORT BACK REQUIRED
- 54.09 CONFIRMATION BY PASSAGE OF TIME WHERE REPORT BACK NOT REQUIRED

TABLE OF CONTENTS

- § RCP54.09:1 Case Law
- 54.10 REFEREE UNABLE TO CONTINUE OR COMPLETE REFERENCE

**RULE 55 PROCEDURE ON A REFERENCE**

- § RCP55:1 Synopsis
- 55.01 GENERAL PROVISIONS FOR CONDUCT OF REFERENCE
  - § RCP55.01:1 Case Law
- 55.02 PROCEDURE ON A REFERENCE GENERALLY
  - § RCP55.02:1 Case Law
- 55.03 PROCEDURE TO ASCERTAIN INTERESTED PERSONS AND VERIFY CLAIMS
- 55.04 PROCEDURE ON TAKING OF ACCOUNTS
  - § RCP55.04:1 Case Law
- 55.05 DIRECTION FOR PAYMENT OF MONEY
- 55.06 REFERENCE FOR CONDUCT OF SALE
  - § RCP55.06:1 Case Law
- 55.07 REFERENCE TO APPOINT GUARDIAN OR RECEIVER

**COSTS**

**RULE 56 SECURITY FOR COSTS**

- § RCP56:1 Synopsis and Comment
- 56.01 WHERE AVAILABLE
  - § RCP56.01:1 Case Law—Generally
  - § RCP56.01:2 —Counterclaim
  - § RCP56.01:3 —Resident Out of Ontario (clause (a))
  - § RCP56.01:4 —Other Proceedings (clause (b))
  - § RCP56.01:5 —Unpaid Costs (clause (c))
  - § RCP56.01:6 —Corporation or Nominal Plaintiff (clause (d))
  - § RCP56.01:7 —Impecuniosity
  - § RCP56.01:8 —Other Statutes (Clause (f))
- 56.02 DECLARATION OF PLAINTIFF'S OR APPLICANT'S PLACE OF RESIDENCE
  - § RCP56.02:1 Case Law
- 56.03 MOTION FOR SECURITY
  - § RCP56.03:1 Case Law
  - § RCP56.03:2 —Delay
- 56.04 AMOUNT AND FORM OF SECURITY AND TIME FOR FURNISHING
- 56.05 FORM AND EFFECT OF ORDER
  - § RCP56.05:1 Case Law
- 56.06 DEFAULT OF PLAINTIFF OR APPLICANT
  - § RCP56.06:1 Case Law
- 56.07 AMOUNT MAY BE VARIED
  - § RCP56.07:1 Case Law—Generally
  - § RCP56.07:2 —Time for Motion
- 56.08 NOTICE OF COMPLIANCE
- 56.09 SECURITY FOR COSTS AS TERM OF RELIEF

§ RCP56.09:1 Case Law

## **RULE 57 COSTS OF PROCEEDINGS**

§ RCP57:1 Synopsis and Comment

### **57.01 GENERAL PRINCIPLES**

§ RCP57.01:1 Case Law—Generally

§ RCP57.01:2 —Assessment Ordered

### **57.02 DIRECTIONS TO ASSESSMENT OFFICER**

§ RCP57.02:1 Case Law

### **57.03 COSTS OF A MOTION**

§ RCP57.03:1 Case Law

### **57.04 COSTS ON SETTLEMENT**

### **57.05 COSTS WHERE ACTION BROUGHT IN WRONG COURT**

§ RCP57.05:1 Case Law

### **57.06 COSTS OF LITIGATION GUARDIAN**

§ RCP57.06:1 Case Law

### **57.07 LIABILITY OF LAWYER FOR COSTS**

§ RCP57.07:1 Case Law

## **RULE 58 ASSESSMENT OF COSTS**

§ RCP58:1 Synopsis and Comment

### **58.01 GENERAL**

§ RCP58.01:1 Case Law

### **58.02 WHO MAY ASSESS COSTS**

§ RCP58.02:1 Case Law

### **58.03 ASSESSMENT AT INSTANCE OF PARTY ENTITLED**

§ RCP58.03:1 Case Law

### **58.04 ASSESSMENT AT INSTANCE OF PARTY LIABLE**

### **58.05 ASSESSMENT IN ACCORDANCE WITH TARIFFS**

§ RCP58.05:1 Case Law—Disbursement Items

§ RCP58.05:2 —Set-off

§ RCP58.05:3 —Expropriations

§ RCP58.05:4 —Miscellaneous

§ RCP58.05:5 —Costs of Assessment

### **58.06 FACTORS TO BE CONSIDERED ON ASSESSMENT**

§ RCP58.06:1 Case Law—Generally

§ RCP58.06:2 —Quantum of Counsel Fees

§ RCP58.06:3 —Court Directions (subrule (2))

§ RCP58.06:4 —Solicitor and Client

### **58.07 COSTS OF ABANDONED PROCEEDING**

### **58.08 COSTS OF PARTICULAR PROCEEDINGS**

### **58.09 CERTIFICATE OF ASSESSMENT**

### **58.10 OBJECTIONS TO ASSESSMENT**

§ RCP58.10:1 Case Law

### **58.11 APPEAL FROM ASSESSMENT**

§ RCP58.11:1 Case Law

### **58.12 COSTS OF A SHERIFF**

### **58.13 COSTS FIXED BY REGISTRAR**

TABLE OF CONTENTS

**ORDERS**

**RULE 59 ORDERS**

- § RCP59:1 Synopsis
- 59.01 EFFECTIVE DATE
  - § RCP59.01:1 Case Law
- 59.02 ENDORSEMENT OF ORDERS
  - § RCP59.02:1 Case Law
- 59.03 PREPARATION AND FORM OF ORDER
  - § RCP59.03:1 Case Law
- 59.04 ISSUING ORDERS
  - § RCP59.04:1 Case Law
- 59.05 ENTERING ORDERS
- 59.06 AMENDING, SETTING ASIDE OR VARYING ORDER
  - § RCP59.06:1 Case Law—Generally
  - § RCP59.06:2 —Amending
  - § RCP59.06:3 —Setting Aside or Varying
- 59.07 SATISFACTION OF ORDER
  - § RCP59.07:1 Case Law
- 59.08 LIMITED SCOPE RETAINER

**RULE 60 ENFORCEMENT OF ORDERS**

- § RCP60:1 Synopsis
- 60.01 DEFINITIONS
  - § RCP60.01:1 Case Law
- 60.02 ENFORCEMENT OF ORDER FOR PAYMENT OR RECOVERY OF MONEY
  - § RCP60.02:1 Case Law
- 60.03 ENFORCEMENT OF ORDER FOR POSSESSION OF LAND
  - § RCP60.03:1 Case Law
- 60.04 ENFORCEMENT OF ORDER FOR RECOVERY OF PERSONAL PROPERTY
- 60.05 ENFORCEMENT OF ORDER TO DO OR ABSTAIN FROM DOING ANY ACT
- 60.06 ENFORCEMENT BY OR AGAINST A PERSON NOT A PARTY
  - § RCP60.06:1 Case Law
- 60.07 WRIT OF SEIZURE AND SALE
  - § RCP60.07:1 Case Law—Issuance and Renewal
  - § RCP60.07:2 —Direction to Enforce
  - § RCP60.07:3 —Sale of Land
- 60.07.1 DOCUMENTS DIRECTED TO SHERIFF UNDER AN ACT
- 60.08 GARNISHMENT
  - § RCP60.08:1 Case Law
- 60.09 WRIT OF SEQUESTRATION
- 60.10 WRIT OF POSSESSION
  - § RCP60.10:1 Case Law—Generally
  - § RCP60.10:2 —Duration
- 60.11 CONTEMPT ORDER

- § RCP60.11:1 Case Law
- 60.12 FAILURE TO COMPLY WITH INTERLOCUTORY ORDER
  - § RCP60.12:1 Case Law
- 60.13 DISPUTE OF OWNERSHIP OF PROPERTY SEIZED BY SHERIFF
- 60.14 SHERIFF'S REPORT ON EXECUTION OF WRIT
- 60.15 REMOVAL OR WITHDRAWAL OF WRIT FROM SHERIFF'S FILE
- 60.16 DUTY OF PERSON FILING WRIT WITH SHERIFF
- 60.17 MOTION FOR DIRECTIONS
  - § RCP60.17:1 Case Law
- 60.18 EXAMINATION IN AID OF EXECUTION
  - § RCP60.18:1 Case Law
- 60.19 COSTS OF ENFORCEMENT
  - § RCP60.19:1 Case Law
- 60.20 LIMIT ON ELECTRONIC FILING, ISSUANCE

#### **APPEALS**

- § RCP:4 Summary of Appeals

#### **RULE 61 APPEALS TO AN APPELLATE COURT**

- § RCP61:1 Synopsis and Advocacy Notes
- 61.01 APPLICATION OF THE RULE
- 61.02 DEFINITION
- 61.03 MOTION FOR LEAVE TO APPEAL TO DIVISIONAL COURT
  - § RCP61.03:1 Case Law
  - 61.03.1 MOTION FOR LEAVE TO APPEAL TO COURT OF APPEAL
    - § RCP61.03.1:1 Case Law
- 61.04 COMMENCEMENT OF APPEALS
  - § RCP61.04:1 Case Law
- 61.05 CERTIFICATE OR AGREEMENT RESPECTING EVIDENCE
  - § RCP61.05:1 Case Law
- 61.06 SECURITY FOR COSTS OF APPEAL
  - § RCP61.06:1 Case Law
- 61.07 CROSS-APPEALS
  - § RCP61.07:1 Case Law
- 61.08 AMENDMENT OF NOTICE OF APPEAL OR CROSS-APPEAL
  - § RCP61.08:1 Case Law
- 61.09 PERFECTING APPEALS
  - § RCP61.09:1 Case Law
- 61.10 APPEAL BOOK AND COMPENDIUM
  - § RCP61.10:1 Case Law
  - 61.10.1 EXHIBIT BOOK
- 61.11 APPELLANT'S FACTUM
  - § RCP61.11:1 Case Law
- 61.12 RESPONDENT'S FACTUM AND COMPENDIUM
- 61.13 DISMISSAL FOR DELAY
  - § RCP61.13:1 Case Law
  - 61.13.0.1 AUTOMATIC DISMISSAL BY REGISTRAR FOR DELAY, DIVISIONAL COURT APPEAL



TABLE OF CONTENTS

- 61.13.1 FAILURE TO OBTAIN ORDER TO CONTINUE APPEAL
  - § RCP61.13.1:1 Case Law
- 61.14 ABANDONED APPEALS
  - § RCP61.14:1 Case Law
- 61.15 CROSS-APPEAL WHERE APPEAL DISMISSED FOR DELAY OR ABANDONED
- 61.16 MOTIONS IN APPELLATE COURT
  - § RCP61.16:1 Case Law

**RULE 62 APPEALS FROM INTERLOCUTORY ORDERS, AND OTHER APPEALS**

- § RCP62:1 Synopsis
- 62.01 PROCEDURE ON APPEAL
  - § RCP62.01:1 Case Law
- 62.02 MOTION FOR LEAVE TO APPEAL
  - § RCP62.02:1 Case Law—Orders—Final or interlocutory—(a) Final determination
  - § RCP62.02:2 — — —(b) Interlocutory
  - § RCP62.02:3 — — —(c) Non-party
  - § RCP62.02:4 — — —(d) Costs
  - § RCP62.02:5 — — —(e) Mortgage proceedings
  - § RCP62.02:6 —Grounds for Leave
  - § RCP62.02:7 —Miscellaneous

**RULE 63 STAY PENDING APPEAL**

- § RCP63:1 Synopsis and Comment
- 63.01 AUTOMATIC STAY ON DELIVERY OF NOTICE OF APPEAL
  - § RCP63.01:1 Case Law—Generally
  - § RCP63.01:2 —Lifting Stay
- 63.02 STAY BY ORDER
  - § RCP63.02:1 Case Law—Generally
  - § RCP63.02:2 —Matrimonial
- 63.03 EFFECT OF STAY
  - § RCP63.03:1 Case Law

**PARTICULAR PROCEEDINGS**

**RULE 64 MORTGAGE ACTIONS**

- § RCP64:1 Synopsis
- 64.01 DEFINITION
- 64.02 DEFAULT JUDGMENT WITH REFERENCE
- 64.03 FORECLOSURE ACTIONS
  - § RCP64.03:1 Case Law—Persons to Be Joined
  - § RCP64.03:2 —Redemption
  - § RCP64.03:3 —Default
  - § RCP64.03:4 —Foreclosure or Sale
  - § RCP64.03:5 —Other

64.04 SALE ACTIONS

§ RCP64.04:1 Case Law

64.05 REDEMPTION ACTIONS

64.06 PROCEDURE ON MORTGAGE REFERENCES GENERALLY

§ RCP64.06:1 Case Law—Adding Parties

§ RCP64.06:2 —Transfer of Mortgage

§ RCP64.06:3 —Extension of Time

**RULE 65 PROCEEDINGS FOR ADMINISTRATION**

§ RCP65:1 Synopsis

65.01 WHERE AVAILABLE

§ RCP65.01:1 Case Law

65.02 WHERE A REFERENCE IS DIRECTED

§ RCP65.02:1 Case Law

**RULE 66 PARTITION PROCEEDINGS**

§ RCP66:1 Synopsis

66.01 WHERE AVAILABLE

§ RCP66.01:1 Case Law

66.02 FORM OF JUDGMENT

66.03 PROCEEDS OF SALE

**RULE 67 PROCEEDINGS CONCERNING THE ESTATES OF MINORS**

§ RCP67:1 Synopsis

67.01 HOW COMMENCED

67.02 AFFIDAVIT IN SUPPORT

67.03 WHERE CONSENT REQUIRED

**RULE 68 PROCEEDINGS FOR JUDICIAL REVIEW**

§ RCP68:1 Synopsis

68.01 HOW COMMENCED

68.02 APPLICABLE PROCEDURE

68.03 HEARING DATE IN DIVISIONAL COURT

68.04 APPLICATION RECORDS AND FACTUMS

§ RCP68.04:1 Case Law

68.05 CERTIFICATE OF PERFECTION

68.06 DISMISSAL FOR DELAY

68.07 AUTOMATIC DISMISSAL BY REGISTRAR FOR DELAY

**RULE 69 DIVORCE ACTIONS**

*[Revoked. O. Reg. 131/04, s. 17.]*

**RULE 70 FAMILY LAW PROCEEDINGS**

*[Revoked. O. Reg. 131/04, s. 17.]*

TABLE OF CONTENTS

**RULE 71 CHILD AND FAMILY SERVICES ACT APPEALS**

[*Revoked.* O. Reg. 288/99, s. 26.]

**RULE 72 PAYMENT INTO AND OUT OF COURT**

- § RCP72:1 Synopsis
- 72.01 DEFINITIONS
- 72.02 PAYMENT INTO COURT
  - § RCP72.02:1 Case Law
- 72.03 PAYMENT OUT OF COURT
  - § RCP72.03:1 Case Law
- 72.04 DISCHARGE OF A MORTGAGE
- 72.05 STOP ORDER
  - § RCP72.05:1 Case Law

**RULE 73 RECIPROCAL ENFORCEMENT OF UNITED KINGDOM JUDGMENTS**

- § RCP73:1 Synopsis
- 73.01 DEFINITIONS
  - § RCP73.01:1 Case Law
- 73.02 APPLICATION FOR REGISTRATION OF JUDGMENT
  - § RCP73.02:1 Case Law
- 73.03 ENFORCEMENT OF JUDGMENT

**RULE 74 ESTATES — NON-CONTENTIOUS PROCEEDINGS**

- § RCP74:1 Synopsis
- 74.01 DEFINITIONS
- 74.02 DEPOSIT OF WILLS AND CODICILS FOR SAFEKEEPING
- 74.03 REQUEST FOR NOTICE OF COMMENCEMENT OF PROCEEDING
- 74.04 CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE
  - § RCP74.04:1 Case Law
- 74.05 [*Revoked.* O. Reg. 709/21, s. 5.]
  - § RCP74.05:1 Case Law
- 74.05.1 CERTIFICATE OF APPOINTMENT OF FOREIGN ESTATE TRUSTEE'S NOMINEE AS ESTATE TRUSTEE WITHOUT A WILL
- 74.06 CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITH A WILL
  - § RCP74.06:1 Case Law
- 74.07 CERTIFICATE OF APPOINTMENT OF SUCCEEDING ESTATE TRUSTEE WITHOUT A WILL
- 74.08 CONFIRMATION BY RESEALING OF APPOINTMENT OF ESTATE TRUSTEE WITH OR WITHOUT A WILL
- 74.09 CERTIFICATE OF ANCILLARY APPOINTMENT OF ESTATE TRUSTEE WITH A WILL
- 74.10 CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE DURING LITIGATION
  - § RCP74.10:1 Case Law

- 74.11 BONDS
  - § RCP74.11:1 Case Law
- 74.12 PROCEDURE ON APPLICATIONS FOR CERTIFICATES OF APPOINTMENT OF ESTATE TRUSTEES
- 74.13 DEPOSIT EQUAL TO TAX
- 74.14 ISSUANCE OF CERTIFICATE OF APPOINTMENT OF ESTATE TRUSTEE
  - § RCP74.14:1 Case Law
- 74.14.1 AUTHENTICATION OF CERTIFICATE OF APPOINTMENT
- 74.14.2 CONFIRMATION OF ESTATE TRUSTEES
- 74.15 ORDERS FOR ASSISTANCE
  - § RCP74.15:1 Case Law
- 74.16 PASSING OF ESTATE ACCOUNTS
- 74.17 FORM OF ACCOUNTS
- 74.18 APPLICATION TO PASS ACCOUNTS
  - § RCP74.18:1 Case Law

#### **RULE 74.1 SMALL ESTATES — NON-CONTENTIOUS PROCEEDINGS**

- § RCP74.1:1 Synopsis
- 74.1.01 DEFINITION, SMALL ESTATE
- 74.1.02 APPLICATION OF RULE
- 74.1.03 APPLICATION FOR SMALL ESTATE CERTIFICATE
- 74.1.04 ISSUING A SMALL ESTATE CERTIFICATE
- 74.1.05 AMENDING A SMALL ESTATE CERTIFICATE
- 74.1.06 ESTATE CEASES TO BE SMALL ESTATE

#### **RULE 75 ESTATES — CONTENTIOUS PROCEEDINGS**

- § RCP75:1 Synopsis
- 75.01 FORMAL PROOF OF TESTAMENTARY INSTRUMENT
  - § RCP75.01:1 Case Law
- 75.01.1 [*Revoked.* O. Reg. 383/21, s. 10.]
- 75.02 PROOF OF LOST OR DESTROYED WILL
- 75.03 OBJECTION TO ISSUING CERTIFICATE OF APPOINTMENT
  - § RCP75.03:1 Case Law
- 75.04 REVOCATION OF CERTIFICATE OF APPOINTMENT
  - § RCP75.04:1 Case Law
- 75.05 RETURN OF CERTIFICATE
- 75.06 APPLICATION OR MOTION FOR DIRECTIONS
  - § RCP75.06:1 Case Law
- 75.07 PROCEDURE WHERE STATEMENT OF CLAIM SERVED
- 75.07.1 SUBMISSION OF RIGHTS TO COURT
  - § RCP75.07:1 Case Law—Generally
- 75.08 CLAIMS AGAINST AN ESTATE
  - § RCP75.08:1 Case Law
- 75.09 LAWYER OF RECORD

#### **RULE 75.1 MANDATORY MEDIATION — ESTATES, TRUSTS AND SUBSTITUTE DECISIONS**

## TABLE OF CONTENTS

- § RCP75.1:1 Synopsis
- 75.1.01 PURPOSE [*Revoked*. O. Reg. 132/04, s. 13.]
- 75.1.02 SCOPE
- 75.1.03 DEFINITIONS
- 75.1.04 EXEMPTION FROM MEDIATION
- 75.1.05 DIRECTIONS FOR CONDUCT OF MEDIATION
- 75.1.06 MEDIATORS
- 75.1.07 CHOICE OF MEDIATOR
- 75.1.08 PROCEDURE BEFORE MEDIATION SESSION
- 75.1.09 ATTENDANCE AT MEDIATION SESSION
- 75.1.10 REMEDY FOR NON-COMPLIANCE
- 75.1.11 CONFIDENTIALITY
- 75.1.12 OUTCOME OF MEDIATION
- 75.1.13 CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION
- 75.1.14 [*Revoked*. O. Reg. 132/04, s. 17.]

### **RULE 75.2 COURT-ORDERED ESTATES MEDIATION**

- § RCP75.2:1 Synopsis
- 75.2.01 APPLICATION
- 75.2.02 DEFINITION
- 75.2.03 DIRECTIONS FOR CONDUCT OF MEDIATION
- 75.2.04 MEDIATOR
- 75.2.05 PROCEDURE BEFORE MEDIATION SESSION
- 75.2.06 ATTENDANCE AT MEDIATION SESSION
- 75.2.07 REMEDY FOR NON-COMPLIANCE
- 75.2.08 CONFIDENTIALITY
- 75.2.09 OUTCOME OF MEDIATION
- 75.2.10 CONSENT ORDER FOR ADDITIONAL MEDIATION SESSION

### **RULE 76 SIMPLIFIED PROCEDURE**

- § RCP76:1 Synopsis and Comment
- 76.01 APPLICATION OF RULE
- 76.02 AVAILABILITY OF SIMPLIFIED PROCEDURE
  - § RCP76.02:1 Case Law
  - 76.02.1 JURY TRIAL NOT AVAILABLE
    - § RCP76.02.1:1 Case Law
- 76.03 AFFIDAVIT OF DOCUMENTS
- 76.04 NO WRITTEN DISCOVERY, CROSS-EXAMINATION ON AN AFFIDAVIT OR EXAMINATION OF A WITNESS
  - § RCP76.04:1 Case Law
- 76.05 MOTIONS
  - § RCP76.05:1 Case Law
- 76.06 [*Revoked*. O. Reg. 438/08, s. 55.]
- 76.07 [*Revoked*. O. Reg. 438/08, s. 55.]
- 76.08 SETTLEMENT DISCUSSIONS AND DOCUMENTARY DISCLOSURE
- 76.09 HOW DEFENDED ACTION IS SET DOWN FOR TRIAL OR SUMMARY TRIAL

- § RCP76.09:1 Case Law
- 76.09.1 EXPERT AFFIDAVITS
- 76.10 PRE-TRIAL CONFERENCE
  - § RCP76.10:1 Case Law
- 76.11 TRIAL
- 76.12 SUMMARY TRIAL
- 76.12.1 LIMITS ON COSTS AND DISBURSEMENTS AWARDS
- 76.13 COST CONSEQUENCES
  - § RCP76.13:1 Case Law—Generally
  - § RCP76.13:2 —Cost Consequences
- 76.14 TRANSITION — JURY TRIALS

## **RULE 77 CIVIL CASE MANAGEMENT**

- § RCP77:1 Synopsis
- 77.01 PURPOSE AND GENERAL PRINCIPLES
- 77.02 APPLICATION
  - § RCP77.02:1 Case Law
- 77.03 DEFINITIONS
- 77.04 CASE MANAGEMENT POWERS
  - § RCP77.04:1 Case Law
- 77.05 ASSIGNMENT FOR CASE MANAGEMENT
- 77.06 ASSIGNMENT TO INDIVIDUAL MANAGEMENT BY A JUDGE
- 77.07 MOTIONS
  - § RCP77.07:1 Case Law
- 77.08 CASE CONFERENCE
- 77.09 TRANSITION

## **RULE 78 TORONTO CIVIL CASE MANAGEMENT PILOT PROJECT [REVOKED. O. REG. 438/08, S. 65.]**

**TABLE OF FORMS [OMITTED — SEE VOLUME 2]**

**FORMS [OMITTED — SEE VOLUME 2]**

### **TARIFFS**

TARIFF A LAWYERS' FEES AND DISBURSEMENTS ALLOWABLE UNDER RULES 57.01 AND 58.05  
TARIFF B [*Revoked*. O. Reg. 131/04, s. 28.]  
TARIFF C LAWYERS' COSTS ALLOWED ON PASSING OF ACCOUNTS WITHOUT A HEARING

### **SCHEDULES OF FEES**

Under the Administration of Justice Act SUPERIOR COURT OF JUSTICE AND COURT OF APPEAL — FEES  
Under the Administration of Justice Act SUPERIOR COURT OF JUSTICE — FAMILY COURT — FEES  
FEE WAIVER UNDER THE ADMINISTRATION OF JUSTICE ACT  
SHERIFFS — FEES  
CONTINGENCY FEE AGREEMENTS [Repealed]

TABLE OF CONTENTS

**FAMILY LAW RULES**

**RULE 1 GENERAL**

- 1 Citation
  - § FLR1:1 Case Law

**RULE 1.1 ELECTRONIC FILING AND ISSUANCE OF DOCUMENTS**

- 1.1 Electronic Filing

**RULE 1.2 REDACTIONS AND OMISSIONS**

- 1.2 Requirement to Redact, Omit
  - § FLR1.2:1 Case Law

**RULE 1.3 ACCESS TO COURT FILES**

- 1.3 Definition

**RULE 2 INTERPRETATION**

- 2 Definitions
  - § FLR2:1 Case Law

**RULE 3 TIME**

- 3 Counting days
  - § FLR3:1 Case Law

**RULE 4 REPRESENTATION**

- 4 Definition
  - § FLR4:1 Case Law

**RULE 5 WHERE A CASE STARTS AND IS TO BE HEARD**

- 5 Where case starts
  - § FLR5:1 Case Law

**RULE 6 SERVICE OF DOCUMENTS**

- 6 Methods of service
  - § FLR6:1 Case Law

**RULE 7 PARTIES**

- 7 Who are parties — case
  - § FLR7:1 Case Law

**RULE 8 STARTING A CASE**

- 8 Filing an application
  - § FLR8:1 Case Law

**RULE 8.0.1 AUTOMATIC ORDER**

8.0.1 Application of rule

**RULE 8.1 MANDATORY INFORMATION PROGRAM**

8.1 Application of rule

§ FLR8.1:1 Case Law

**RULE 9 CONTINUING RECORD**

9 Continuing record created

**RULE 10 ANSWERING A CASE**

10 Serving and filing answer

§ FLR10:1 Case Law

**RULE 11 AMENDING AN APPLICATION, ANSWER OR REPLY**

11 Amending application without court's permission

§ FLR11:1 Case Law

**RULE 12 WITHDRAWING, COMBINING OR SPLITTING CASES**

12 Withdrawing application, answer or reply

§ FLR12:1 Case Law

**RULE 13 FINANCIAL DISCLOSURE**

13 Financial statement with application, answer or motion

§ FLR13:1 Case Law

**RULE 14 MOTIONS FOR TEMPORARY ORDERS**

14 When to make motion

§ FLR14:1 Case Law—Generally

§ FLR14:2 —Interim Maintenance and Support—Generally

§ FLR14:3 — —Preservation of property

§ FLR14:4 — —Exclusive possession of matrimonial home

§ FLR14:5 — —Failure to comply

**RULE 15 MOTIONS TO CHANGE A FINAL ORDER OR AGREEMENT**

15 Definition

§ FLR15:1 Case Law—Generally

§ FLR15:2 —Children

**RULE 16 SUMMARY JUDGMENT**

16 When available

§ FLR16:1 Case Law



TABLE OF CONTENTS

**RULE 17 CONFERENCES**

- 17 Conferences in defended cases
  - § FLR17:1 Case Law

**RULE 18 OFFERS TO SETTLE**

- 18 Definition
  - § FLR18:1 Case Law

**RULE 19 DOCUMENT DISCLOSURE**

- 19 Affidavit listing documents
  - § FLR19:1 Case Law

**RULE 20 QUESTIONING A WITNESS AND DISCLOSURE**

- 20 Questioning — procedure
  - § FLR20:1 Case Law

**RULE 20.1 DUTY OF EXPERTS**

- 20.1 Application
  - § FLR20.1:1 Case Law

**RULE 20.2 EXPERT OPINION EVIDENCE**

- 20.2 Definitions
  - § FLR20.2:1 Case Law

**RULE 20.3 COURT-APPOINTED EXPERTS**

- 20.3 Appointment of expert by court

**RULE 21 REPORT OF CHILDREN’S LAWYER**

- 21 Report of children’s lawyer
  - § FLR21:1 Case Law

**RULE 22 ADMISSION OF FACTS**

- 22 Meaning of admission that document genuine
  - § FLR22:1 Case Law

**RULE 23 EVIDENCE AND TRIAL**

- 23 Trial record
  - § FLR23:1 Case Law

**RULE 24 COSTS**

- 24 Successful party presumed entitled to costs
  - § FLR24:1 Case Law

**RULE 25 ORDERS**

- 25 Consent order
  - § FLR25:1 Case Law

**RULE 25.1 PAYMENT INTO AND OUT OF COURT**

- 25.1 Definition

**RULE 26 ENFORCEMENT OF ORDERS**

- 26 Where to enforce an order
  - § FLR26:1 Case Law

**RULE 27 REQUIRING FINANCIAL INFORMATION**

- 27 Request for financial statement

**RULE 28 SEIZURE AND SALE**

- 28 Interpretation, Electronic Filing and Issuance

**RULE 29 GARNISHMENT**

- 29 Issue of notice or notices of garnishment
  - § FLR29:1 Case Law

**RULE 30 DEFAULT HEARING**

- 30 Issuing notice of default hearing
  - § FLR30:1 Case Law

**RULE 31 CONTEMPT OF COURT**

- 31 When contempt motion available
  - § FLR31:1 Case Law

**RULE 32 BONDS, RECOGNIZANCES AND WARRANTS**

- 32 Warrant to bring a person to court

**RULE 32.1 ENFORCEMENT OF FAMILY ARBITRATION AWARDS**

- 32.1 Requesting enforcement

**RULE 33 CHILD PROTECTION**

- 33 Timetable
  - § FLR33:1 Case Law

**RULE 34 ADOPTION**

- 34 CYFSA definitions apply
  - § FLR34:1 Case Law

TABLE OF CONTENTS

**RULE 35 CHANGE OF NAME**

35 Time for application

**RULE 35.1 DECISION-MAKING RESPONSIBILITY, PARENTING TIME AND CONTACT**

35.1 Affidavit  
§ FLR35.1:1 Case Law

**RULE 36 DIVORCE**

36 Application for divorce

**RULE 37 INTERJURISDICTIONAL SUPPORT ORDERS**

37 Definitions  
§ FLR37:1 Case Law

**RULE 37.1 FAMILY LAW ACT PROVISIONAL ORDERS**

37.1 Application

**RULE 37.2 INTERNATIONAL CHILD ABDUCTION**

37.2 Application  
§ FLR37.2:1 Case Law

**RULE 38 APPEALS**

38 Rules that apply in appeals to Divisional Court and Court of Appeal  
§ FLR38:1 Case Law

**RULE 39 CASE MANAGEMENT IN FAMILY COURT OF SUPERIOR COURT OF JUSTICE**

39 Case management in certain areas only  
§ FLR39:1 Case Law

**RULE 40 CASE MANAGEMENT IN ONTARIO COURT OF JUSTICE**

40 Case management in certain areas only

**RULE 41 CASE MANAGEMENT IN THE SUPERIOR COURT OF JUSTICE (OTHER THAN THE FAMILY COURT OF THE SUPERIOR COURT OF JUSTICE)**

41 Case management  
§ FLR41:1 Case Law

**RULE 42 CASE MANAGEMENT BY ASSOCIATE JUDGE (FAMILY COURT OF THE SUPERIOR COURT OF JUSTICE, OTTAWA)**

42 Scope  
§ FLR42:1 Case Law

**RULE 43 OMITTED (PROVIDES FOR THE COMING INTO FORCE OF THIS REGULATION).**

43 Omitted

**RULES OF THE SMALL CLAIMS COURT**

**RULE 1 GENERAL**

- 1.01 Citation
- 1.02 Definitions
- 1.03 General principle
  - § SCCR1.03:1 Case Law
- 1.04 Orders on terms
- 1.05 Standards for Documents
  - 1.05.1 Electronic Filing, Issuance of Documents
  - 1.05.2 Electronic Court Documents, Communications, Signatures
  - 1.05.3 Small Claims Court E-Filing Service Portal
  - 1.05.4 Small Claims Court Submissions Online Portal
- 1.06 Forms
- 1.07 Teleconference and video conferences — Where available
- 1.08 Representation
- 1.09 Ceasing to be a Representative

**RULE 2 NON-COMPLIANCE WITH THE RULES**

- 2.01 Effect of non-compliance
- 2.02 Court may dispense with compliance
  - § SCCR2.02:1 Case Law

**RULE 3 TIME**

- 3.01 Computation
- 3.02 Powers of court

**RULE 4 PARTIES UNDER DISABILITY**

- 4.01 Plaintiff's litigation guardian
- 4.02 Defendant's litigation guardian
- 4.03 Who may be litigation guardian
- 4.04 Duties of litigation guardian
- 4.05 Power of court
- 4.06 Setting aside judgment, etc.
- 4.07 Settlement requires court's approval
- 4.08 Money to be paid into court

**RULE 5 PARTNERSHIPS AND SOLE PROPRIETORSHIPS**

- 5.01 Partnerships
- 5.02 Defence
- 5.03 Notice to alleged partner
- 5.04 Disclosure of partners
- 5.05 Enforcement of Order

TABLE OF CONTENTS

5.06 Sole proprietorships

**RULE 6 FORUM AND JURISDICTION**

6.01 Place of commencement of trial

§ SCCR6.01:1 Case Law

6.02

§ SCCR6.02:1 Case Law

6.03 [*Revoked.* O. Reg. 78/06, s. 8(2).]

**RULE 7 COMMENCEMENT OF PROCEEDINGS**

7.01 Plaintiff's claim

7.02 Issuing Claim

7.03 [*Revoked.* O. Reg. 249/21, s. 3.]

7.04 [*Revoked.* O. Reg. 249/21, s. 3.]

§ SCCR7:1 Case Law

**RULE 8 SERVICE**

8.01 Service of Particular Documents

8.02 Personal service

8.03 Alternatives to personal service

8.04 Substituted service

8.05 Service outside Ontario

8.06 [*Repealed* O. Reg. 521/22, s. 3.]

8.07 Service by mail

8.07.1 Service by courier

8.08 Service by email

8.09 Notice of change of address

8.09.1 Proof of Service

8.10 Failure to receive document

**RULE 9 DEFENCE**

9.01 Defence

9.02 Contents of defence, attachments

9.03 Admission of liability and proposal of terms of payment

§ SCCR9:1 Case Law

**RULE 10 DEFENDANT'S CLAIM**

10.01 Defendant's claim

10.02 Service

10.03 Defence

10.04 Defendant's claim to be tried with main action

10.05 Application of rules to defendant's claim

**RULE 11 DEFAULT PROCEEDINGS**

11.01 Noting defendant in default

11.02 Default judgment, plaintiff's claim, debt or liquidated demand

11.03 Default judgment, plaintiff's claim, unliquidated demand

- 11.04 Default judgment, defendant's claim
- 11.05 Consequences of noting in default
- 11.06 Setting aside noting of default by court on motion
  - § SCCR11:1 Case Law

### **RULE 11.1 DISMISSAL BY CLERK**

- 11.1.01 Dismissal
- 11.1.02 Effect of dismissal on defendant's claim

### **RULE 11.2 REQUEST FOR CLERK'S ORDER ON CONSENT**

- 11.2.01 Consent order

### **RULE 11.3 DISCONTINUANCE**

- 11.3.01 Discontinuance by Plaintiff in Undefined Action
- 11.3.02 Effect of Discontinuance on Subsequent Action

### **RULE 12 AMENDMENT, STRIKING OUT, STAY AND DISMISSAL**

- 12.01 Right to amend
- 12.02 Motion to strike out or amend a document
  - § SCCR12.02:1 Case Law
- 12.03 Stay or Dismissal if No Leave under *Courts of Justice Act*
  - § SCCR12.03:1 Case Law

### **RULE 13 SETTLEMENT CONFERENCES**

- 13.01 Settlement conference required in defended action
  - § SCCR13.01:1 Case Law
- 13.02 Attendance
- 13.03 Purposes of settlement conference
- 13.04 Recommendations to parties
- 13.05 Orders at settlement conference
- 13.06 Memorandum
- 13.07 Notice of trial
- 13.08 Judge not to preside at trial
- 13.09 Withdrawal of claim
- 13.10 Costs

### **RULE 14 OFFER TO SETTLE**

- 14.01
  - 14.01.1 Written documents
- 14.02 Time for making offer
- 14.03 Withdrawal
- 14.04 No disclosure to trial judge
- 14.05 Acceptance of an offer to settle
- 14.06 Failure to comply with accepted offer
- 14.07 Costs consequences of failure to accept
  - § SCCR14:1 Case Law

TABLE OF CONTENTS

**RULE 15 MOTIONS**

- 15.01 Notice of Motion and Supporting Affidavit
- 15.02 Method of hearing
- 15.03 Motion without notice
- 15.04 No further motions without leave
- 15.05 Adjournment of motion
- 15.06 Withdrawal of motion
- 15.07 Costs
  - § SCCR15:1 Case Law

**RULE 16 NOTICE OF TRIAL**

- 16.01 Clerk fixes date and serves notice

**RULE 17 TRIAL**

- 17.01 Failure to attend
- 17.02 Adjournment
- 17.03 Inspection
  - § SCCR17.03:1 Case Law
- 17.04 Motion for new trial

**RULE 18 EVIDENCE AT TRIAL**

- 18.01 Affidavit
- 18.02 Written statements, documents and records
  - § SCCR18.02:1 Case Law
- 18.03 Summons to witness

**RULE 19 COSTS**

- 19.01 Disbursements
- 19.02 Limit
  - § SCCR19.02:1 Case Law
- 19.03 [*Revoked*. O. Reg. 440/10, s. 4.]
- 19.04 Representation fee
  - § SCCR19.04:1 Case Law
- 19.05 Compensation for Inconvenience and Expense
- 19.06 Penalty
  - § SCCR19.06:1 Case Law

**RULE 20 ENFORCEMENT OF ORDERS**

- 20.01 Definitions
- 20.02 Power of court
- 20.03 General
- 20.04 Certificate of judgment
- 20.05 Delivery of personal property
  - § SCCR20.05:1 Case Law
- 20.06 Writ of seizure and sale of personal property
- 20.07 Writ of seizure and sale of land
- 20.08 Garnishment

- § SCCR20.08:1 Case Law
- 20.09 Consolidation order
- 20.10 Examination of debtor or other person
- 20.11 Contempt hearing
- 20.12 Satisfaction of order

**RULE 21 REFEREE**

- 21.01

**RULE 22 PAYMENT INTO AND OUT OF COURT**

- 22.01 Definitions
- 22.02 Non-application of rule
- 22.03 Payment into Court
- 22.04 Payment out of Court
- 22.05 Transition

**REGULATIONS MADE UNDER THE ADMINISTRATION OF JUSTICE ACT**

**Index**

## Volume 2

**FORMS**

**STATUTORY POWERS PROCEDURE ACT**

- Form 1 SUMMONS
- Form 2 WARRANT FOR ARREST (DEFAULTING WITNESS)

**RULES OF CIVIL PROCEDURE**

- Form 1A Notice of Objection to Proposed Method of Attendance (September 1, 2020)
- Form 2.1A Notice that Proceeding (or Motion) may be Stayed or Dismissed (January 23, 2014)
- Form 4A General Heading of Documents — Actions (November 1, 2005)
- Form 4B General Heading of Documents — Applications (April 11, 2012)
- Form 4C Backsheet (September 1, 2020)
- Form 4D Affidavit (February 1, 2021)
- Form 4E Requisition (July 1, 2007)
- Form 4F Notice of Constitutional Question (February 1, 2021)
- Form 7A Request for Appointment of Litigation Guardian (July 1, 2007)
- Form 7B Order to Continue (Minor Reaching Age of Majority) (November 1, 2005)
- Form 8A Notice to Alleged Partner (July 1, 2007)
- Form 11A Order to Continue (Transfer or Transmission of Interest) (November 1, 2005)
- Form 14A Statement of Claim (General) (June 9, 2014)
- Form 14B Statement of Claim (Mortgage Action — Foreclosure) (June 9, 2014)



## TABLE OF CONTENTS

Form 14C	Notice of Action (June 9, 2014)
Form 14D	Statement of Claim (Action Commenced by Notice of Action) (July 1, 2007)
Form 14E	Notice of Application (September 1, 2020)
Form 14E.1	Notice of Application under Subsection 140(3) of the Courts of Justice Act (January 23, 2014)
Form 14F	Information for Court Use (January 2, 2024)
Form 15A	Notice of Change of Lawyer (July 1, 2007)
Form 15B	Notice of Appointment of Lawyer (July 1, 2007)
Form 15C	Notice of Intention to Act in Person (February 1, 2021)
Form 16A	Acknowledgment of Receipt Card (November 1, 2005)
Form 16B	Affidavit of Service (February 1, 2021)
Form 16B.1	Lawyer's Certificate of Service (August 1, 2022)
Form 16C	Sheriff's Certificate of Service (August 1, 2022)
Form 17A	Request for Service Abroad of Judicial or Extrajudicial Documents (November 1, 2005)
Form 17B	Summary of the Document to be Served (November 1, 2005)
Form 17C	Notice and Summary of Document (November 1, 2005)
Form 18A	Statement of Defence (July 1, 2007)
Form 18B	Notice of Intent to Defend (July 1, 2007)
Form 19A	Default Judgment (Debt or Liquidated Demand) (November 1, 2005)
Form 19B	Default Judgment (Recovery of Possession of Land) (November 1, 2005)
Form 19C	Default Judgment (Recovery of Possession of Personal Property) (November 1, 2005)
Form 19D	Requisition for Default Judgment (July 1, 2007)
Form 22A	Special Case (July 1, 2007)
Form 23A	Notice of Discontinuance (July 1, 2007)
Form 23B	Notice of Election to Proceed with Counterclaim (July 1, 2007)
Form 23C	Notice of Withdrawal of Defence (July 1, 2007)
Form 24.1A	Notice of Name of Mediator and Date of Session (February 1, 2021)
Form 24.1B	Notice by Assigned Mediator (May 3, 2021)
Form 24.1C	Statement of Issues (February 1, 2021)
Form 24.1D	Certificate of Non-Compliance (February 1, 2021)
Form 25A	Reply (July 1, 2007)
Form 27A	Counterclaim (Against Parties to Main Action Only) (July 1, 2007)
Form 27B	Counterclaim (Against Plaintiff and Person not Already Party to Main Action) (July 1, 2007)
Form 27C	Defence to Counterclaim (July 1, 2007)
Form 27D	Reply to Defence to Counterclaim (July 1, 2007)
Form 28A	Crossclaim (July 1, 2007)
Form 28B	Defence to Crossclaim (July 1, 2007)
Form 28C	Reply to Defence to Crossclaim (July 1, 2007)
Form 29A	Third Party Claim (July 1, 2007)
Form 29B	Third Party Defence (July 1, 2007)
Form 29C	Reply to Third Party Defence (July 1, 2007)
Form 30A	Affidavit of Documents (Individual) (September 1, 2020)

Form 30B	Affidavit of Documents (Corporation or Partnership) (September 1, 2020)
Form 30C	Request to Inspect Documents (July 1, 2007)
Form 34A	Notice of Examination (May 3, 2021)
Form 34B	Summons to Witness (Examination out of Court) (May 3, 2021)
Form 34C	Commission (November 1, 2005)
Form 34D	Letter of Request (November 1, 2005)
Form 34E	Order for Commission and Letter of Request (January 2, 2024)
Form 35A	Questions on Written Examination for Discovery (July 1, 2007)
Form 35B	Answers on Written Examination for Discovery (February 1, 2021)
Form 37A	Notice of Motion (September 1, 2020)
Form 37B	Confirmation of Motion (January 2, 2024)
Form 37C	Refusals and Undertakings Chart (February 1, 2021)
Form 38A	Notice of Appearance (July 1, 2007)
Form 38B	Confirmation of Application (January 2, 2024)
Form 42A	Certificate of Pending Litigation (November 1, 2005)
Form 43A	Interpleader Order — General (January 2, 2024)
Form 44A	Bond — Interim Recovery of Personal Property (November 1, 2005)
Form 47A	Jury Notice (July 1, 2007)
Form 48D	Order Dismissing Action for Delay (November 1, 2016)
Form 49A	Offer to Settle (July 1, 2007)
Form 49B	Notice of Withdrawal of Offer (July 1, 2007)
Form 49C	Acceptance of Offer (July 1, 2007)
Form 49D	Offer to Contribute (July 1, 2007)
Form 50A	Certificate of Readiness (November 8, 2021)
Form 51A	Request to Admit (July 1, 2007)
Form 51B	Response to Request to Admit (July 1, 2007)
Form 53	Acknowledgement of Expert's Duty (July 22, 2014)
Form 53A	Summons to Witness (at Hearing) (September 1, 2020)
Form 53B	Warrant for Arrest (Defaulting Witness) (November 1, 2005)
Form 53C	Summons to a Witness Outside Ontario (May 3, 2021)
Form 53D	Order for Attendance of Witness in Custody (January 2, 2024)
Form 55A	Notice of Hearing for Directions (January 2, 2024)
Form 55B	Notice to Party Added on Reference (September 1, 2020)
Form 55C	Report on Reference (Administration of Estate) (November 1, 2005)
Form 55D	Notice of Contested Claim (September 1, 2020)
Form 55E	Notice to Creditor (April 11, 2012)
Form 55F	Conditions of Sale (July 1, 2007)
Form 55G	Interim Report on Sale (November 1, 2005)
Form 56A	Order for Security for Costs (January 2, 2024)
Form 57A	Bill of Costs (November 1, 2005)
Form 57B	Costs Outline (July 1, 2007)
Form 58A	Notice of Appointment for Assessment of Costs (September 1, 2020)
Form 58B	Notice to Deliver a Bill of Costs for Assessment (September 1, 2020)
Form 58C	Certificate of Assessment of Costs (November 1, 2005)

## TABLE OF CONTENTS

Form 59A	Order (January 2, 2024)
Form 59B	Judgment (January 2, 2024)
Form 59C	Order on Appeal (January 2, 2024)
Form 59D	Notice of Appointment to Settle Order (January 2, 2024)
Form 60A	Writ of Seizure and Sale (July 1, 2007)
Form 60B	Writ of Sequestration (November 1, 2005)
Form 60C	Writ of Possession (November 1, 2005)
Form 60D	Writ of Delivery (November 1, 2005)
Form 60E	Request to Renew (July 1, 2007)
Form 60F	Direction to Enforce Writ of Seizure and Sale (November 1, 2005)
Form 60G	Requisition for Garnishment (November 1, 2005)
Form 60G.1	Requisition for Renewal of Garnishment (November 1, 2005)
Form 60H	Notice of Garnishment (May 1, 2019)
Form 60H.1	Notice of Renewal of Garnishment (May 1, 2019)
Form 60I	Garnishee's Statement (November 1, 2005)
Form 60I.1	Notice to Co-owner of the Debt (April 11, 2012)
Form 60J	Notice of Termination of Garnishment (July 1, 2007)
Form 60K	Warrant for Arrest (Contempt) (November 1, 2005)
Form 60L	Warrant of Committal (November 1, 2005)
Form 60M	Notice of Claim (July 1, 2007)
Form 60N	Sheriff's Report (July 1, 2007)
Form 60O	Request to Withdraw a Writ (November 1, 2005)
Form 61A	Notice of Appeal to an Appellate Court (February 1, 2021)
Form 61A.1	Notice of Appeal to the Divisional Court (February 1, 2021)
Form 61B	General Heading in Proceedings in Appellate Courts (November 1, 2005)
Form 61C	Appellant's Certificate Respecting Evidence (February 1, 2021)
Form 61D	Respondent's Certificate Respecting Evidence (February 1, 2021)
Form 61E	Notice of Cross-Appeal (February 1, 2021)
Form 61F	Supplementary Notice of Appeal or Cross-Appeal (July 1, 2007)
Form 61G	Notice of Listing for Hearing (Appeal) (September 1, 2020)
Form 61H	Certificate of Completeness of Appeal Book and Compendium (July 1, 2007)
Form 61I	Order Dismissing Appeal or Cross-Appeal for Delay (November 1, 2016)
Form 61I.1	Order Dismissing Appeal to Divisional Court for Delay (September 1, 2018)
Form 61J	Order Dismissing Motion for Leave to Appeal for Delay (July 30, 2009)
Form 61J.1	Order Dismissing Motion for Delay (July 30, 2009)
Form 61K	Notice of Abandonment of Appeal or Cross-Appeal (July 1, 2007)
Form 61L	Notice of Election to Proceed with Cross-Appeal (July 1, 2007)
Form 62A	Notice of Appeal to a Judge (September 1, 2020)
Form 63A	Certificate of Stay (November 1, 2005)
Form 63B	Certificate of Stay (January 2, 2024)
Form 64A	Request to Redeem (September 1, 2020)
Form 64B	Default Judgment for Foreclosure with a Reference (April 1, 2021)

Form 64C	Default Judgment for Immediate Foreclosure (November 1, 2005)
Form 64D	Default Judgment for Foreclosure without a Reference (July 1, 2007)
Form 64E	Final Order of Foreclosure (January 2, 2024)
Form 64F	Request for Sale (September 1, 2020)
Form 64G	Default Judgment for Sale with a Redemption Period (Action Converted from Foreclosure to Sale) (April 1, 2021)
Form 64H	Default Judgment for Immediate Sale (Action Converted from Foreclosure to Sale) (April 1, 2021)
Form 64I	Default Judgment for Sale Conditional on Proof of Claim (Action Converted from Foreclosure to Sale) (April 1, 2021)
Form 64J	Default Judgment for Immediate Sale (April 1, 2021)
Form 64K	Default Judgment for Sale with a Redemption Period (April 1, 2021)
Form 64L	Final Order for Sale (January 2, 2024)
Form 64M	Default Judgment for Redemption (April 1, 2021)
Form 64N	Notice of Reference to Subsequent Encumbrancer Added on Reference (September 1, 2020)
Form 64O	Notice of Reference to Subsequent Encumbrancer Named as Original Party (September 1, 2020)
Form 64P	Notice of Reference to Original Defendants (September 1, 2020)
Form 64Q	Notice to Added Defendant Having Interest in Equity (September 1, 2020)
Form 65A	Judgment for Administration of Estate (January 2, 2024)
Form 66A	Judgment for Partition or Sale (January 2, 2024)
Form 68A	Notice of Application to Divisional Court for Judicial Review (September 1, 2020)
Form 68B	Notice of Listing for Hearing (Judicial Review) (September 1, 2020)
Form 68C	Order Dismissing Application for Judicial Review (July 30, 2009)
Form 68D	Order Dismissing Application for Judicial Review for Delay (September 1, 2018)
Form 72A	Notice of Payment into Court (July 1, 2007)
Form 72B	Affidavit (Motion for Payment Out of Court) (September 1, 2020)
Form 72C	Stop Order (January 2, 2024)
Form 73A	Notice of Application for Registration of United Kingdom Judgment (January 2, 2024)
Form 74A	Application for a Certificate of Appointment of Estate Trustee (November 1, 2023)
Form 74B	Affidavit of Service of Application for a Certificate of Appointment of Estate Trustee (September 1, 2021)
Form 74B.1	Lawyer's Certificate of Service of Application for a Certificate of Appointment of Estate Trustee (August 1, 2022)
Form 74C	Certificate of Appointment of Estate Trustee (February 1, 2022)
Form 74D	Affidavit of Execution of Will or Codicil (February 1, 2022)
Form 74E	Affidavit of Condition of Will or Codicil (February 1, 2022)
Form 74F	Affidavit Regarding a Holograph Will or Codicil (November 1, 2023)

## TABLE OF CONTENTS

Form 74G	Renunciation and Consent (November 1, 2023)
Form 74I	Order in an Estates Proceeding (January 2, 2024)
Form 74J	Application for Certificate or Confirmation of Appointment (November 1, 2023)
Form 74K	Nomination of Applicant by Foreign Estate Trustee (September 1, 2021)
Form 74L	Bond—Insurance or Guarantee Company (September 1, 2021)
Form 74M	Bond — Personal Sureties (September 1, 2021)
Form 74N	Registrar’s Notice to Estate Trustee Named in a Will or Codicil Deposited with the Court (September 1, 2021)
Form 74O	Registrar’s Notice to Applicant in an Application for a Certificate of Appointment of Estate Trustee (September 1, 2021)
Form 74P	Request for Notice of Commencement of Proceeding (September 1, 2021)
Form 74.1A	Application for a Small Estate Certificate (Estate Valued at \$150,000 or Less) (November 1, 2023)
Form 74.1B	Request to File an Application for a Small Estate Certificate or an Amended Small Estate Certificate (February 1, 2022)
Form 74.1C	Small Estate Certificate (February 1, 2022)
Form 74.1D	Registrar’s Notice to Applicant in an Application for a Small Estate Certificate or Amended Small Estate Certificate (November 1, 2020)
Form 74.1E	Application to Amend Small Estate Certificate (September 1, 2021)
Form 74.1F	Amended Small Estate Certificate (February 1, 2022)
Form 74.43	Affidavit Verifying Estate Accounts (September 1, 2020)
Form 74.44	Notice of Application to Pass Accounts (August 1, 2022)
Form 74.45	Notice of Objection to Accounts (July 1, 2007)
Form 74.45.1	Request for Further Notice in Passing of Accounts (May 1, 2017)
Form 74.46	Notice of No Objection to Accounts (July 1, 2007)
Form 74.46.1	Notice of Non-Participation in Passing of Accounts (July 1, 2007)
Form 74.47	Affidavit in Support of Unopposed Judgment on Passing of Accounts (September 1, 2020)
Form 74.48	Notice of Withdrawal of Objection (July 1, 2007)
Form 74.49	Request for Costs (Person other than Children’s Lawyer or Public Guardian and Trustee) (July 1, 2007)
Form 74.49.1	Request for Costs (Children’s Lawyer or Public Guardian and Trustee) (July 1, 2007)
Form 74.49.2	Request for Increased Costs (Estate Trustee) (August 1, 2022)
Form 74.49.3	Request for Increased Costs (Person other than Estate Trustee) (August 1, 2022)
Form 74.49.4	Reply to Notice of Objection to Accounts (February 1, 2015)
Form 74.50	Judgment on Unopposed Passing of Accounts (January 2, 2024)
Form 74.51	Judgment on Contested Passing of Accounts (January 2, 2024)
Form 75.1	Notice of Objection (September 1, 2021)
Form 75.2	Notice that Objection has been Filed (February 1, 2021)
Form 75.3	Notice to Objector (November 1, 2020)
Form 75.4	Notice of Appearance (November 1, 2020)

Form 75.5	Notice of Application for Directions (September 1, 2020)
Form 75.6	Notice of Motion for Directions (September 1, 2020)
Form 75.7	Statement of Claim Pursuant to Order Giving Directions (January 2, 2024)
Form 75.8	Order Giving Directions Where Pleadings Directed (January 2, 2024)
Form 75.10	Statement of Submission of Rights to the Court (July 1, 2007)
Form 75.11	Notice of Settlement (July 1, 2007)
Form 75.12	Rejection of Settlement (July 1, 2007)
Form 75.13	Notice of Contestation (July 1, 2007)
Form 75.14	Claim Against Estate (February 1, 2021)
Form 75.1A	Request for Assignment of Mediator (February 1, 2021)
Form 75.1B	Notice by Mediator (January 2, 2024)
Form 75.1C	Statement of Issues (February 1, 2021)
Form 75.1D	Certificate of Non-Compliance (February 1, 2021)
Form 76A	Notice Whether Action under Rule 76 (February 1, 2021)
Form 76B	Simplified Procedure Motion Form (January 2, 2024)
Form 76C	Notice of Readiness for Pre-Trial Conference (February 1, 2021)
Form 76D	Trial Management Checklist (May 1, 2019)
	FORM TMPF

#### **FAMILY LAW RULES**

Form 4	Notice of change in representation (October 21, 2013)
Form 6	Acknowledgment of service (September 1, 2005)
Form 6A	Advertisement (March 19, 2015)
Form 6B	Affidavit of service (April 12, 2016)
Form 6C	Lawyer of paralegal's certificate of service (April 1, 2023)
Form 8	Application (General) (February 1, 2022)
Form 8.0.1	Automatic order (September 1, 2021)
Form 8A	Application (Divorce) (December 1, 2020)
Form 8B	Application (Child Protection and Status Review) (February 1, 2022)
Form 8B.1	Application (status review for child in extended society care and child formerly in extended society care) (March 1, 2018)
Form 8B.2	Application (general) ( <i>Child, Youth and Family Services Act</i> , 2017 cases other than child protection and status review) (March 1, 2018)
Form 8C	Application (secure treatment) (March 1, 2018)
Form 8D	Application (adoption) (March 1, 2018)
Form 8D.1	Application (dispense with parent's consent to adoption before placement) (November 1, 2018)
Form 8D.2	Notice of intention to place child(ren) for adoption (March 1, 2018)
Form 8D.3	Notice of intention to place First Nations, Inuk or Métis child for adoption (March 1, 2018)
Form 10	Answer (February 1, 2022)
Form 10A	Reply (September 1, 2005)
Form 12	Notice of withdrawal (September 1, 2005)
Form 13	Financial statement (support claims) (May 1, 2021)
Form 13.1	Financial statement (property and support claims) (May 1, 2021)

## TABLE OF CONTENTS

Form 13A	Certificate of financial disclosure (May 1, 2021)
Form 13B	Net family property statement (May 15, 2009)
Form 13C	Comparison of net family property statements (May 1, 2021)
Form 14	Notice of motion (March 1, 2018)
Form 14A	Affidavit (general) (September 1, 2005)
Form 14B	Motion form (September 1, 2021)
Form 14C	Confirmation of Motion (September 1, 2023)
Form 14D	Order on motion without notice (September 1, 2005)
Form 15	Motion to Change (September 1, 2021)
Form 15B	Response to Motion to Change (December 1, 2020)
Form 15C	Consent Motion to Change (December 1, 2020)
Form 15D	Consent Motion to Change Child Support (December 1, 2020)
Form 17	Conference notice (November 1, 2018)
Form 17A	Case Conference Brief - General (September 1, 2023)
Form 17B	Case conference brief for protection application or status review (March 1, 2018)
Form 17C	Settlement conference brief - General (September 1, 2023)
Form 17D	Settlement conference brief for protection application or status review (September 1, 2023)
Form 17E	Trial management conference brief (September 1, 2023)
Form 17F	Confirmation of Conference (September 1, 2023)
Form 17G	Certificate of dispute resolution (May 1, 2021)
Form 20	Request for information (September 1, 2005)
Form 20A	Authorization to commissioner (September 1, 2005)
Form 20B	Letter of request (September 1, 2005)
Form 20.2	Acknowledgement of expert's duty (June 1, 2019)
Form 22	Request to admit (September 1, 2005)
Form 22A	Response to request to admit (September 1, 2005)
Form 23	Summons to witness (September 1, 2023)
Form 23A	Summons to witness outside Ontario (September 1, 2023)
Form 23B	Order for prisoner's attendance (September 1, 2005)
Form 23C	Affidavit for uncontested trial (December 1, 2020)
Form 25	Order (general) (December 1, 2020)
Form 25A	Divorce order (September 1, 2005)
Form 25B	Secure treatment order (March 1, 2018)
Form 25C	Adoption order (March 1, 2018)
Form 25D	Order (Uncontested Trial) (December 1, 2020)
Form 25E	Notice disputing approval of order (September 1, 2005)
Form 25F	Restraining Order (September 1, 2009)
Form 25G	Restraining order on motion without notice (September 1, 2009)
Form 25H	Order terminating restraining order (September 1, 2009)
Form 26	Statement of money owed (April 12, 2016)
Form 26A	Affidavit of enforcement expenses (April 12, 2016)
Form 26B	Affidavit for filing domestic contract with court (April 12, 2016)
Form 26C	Notice of transfer of enforcement (April 12, 2016)
Form 27	Request for financial statement (April 12, 2016)
Form 27A	Request for statement of income (April 12, 2016)
Form 27B	Statement of income from income source (September 1, 2005)
Form 27C	Appointment for financial examination (April 12, 2016)

Form 28	Writ of seizure and sale (April 12, 2016)
Form 28A	Request for writ of seizure and sale (September 1, 2005)
Form 28B	Statutory declaration to sheriff (June 15, 2007)
Form 28C	Writ of temporary seizure (September 1, 2005)
Form 29	Request for garnishment (April 12, 2016)
Form 29A	Notice of garnishment (lump-sum debt) (April 12, 2016)
Form 29B	Notice of garnishment (periodic debt) (April 12, 2016)
Form 29C	Notice to co-owner of debt (September 1, 2005)
Form 29D	Statutory declaration of indexed support (April 12, 2016)
Form 29E	Dispute (payor) (September 1, 2005)
Form 29F	Dispute (garnishee) (September 1, 2005)
Form 29G	Dispute (co-owner of debt) (September 1, 2005)
Form 29H	Notice of garnishment hearing (September 1, 2005)
Form 29I	Notice to stop garnishment (September 1, 2005)
Form 29J	Statement to garnishee financial institution re support (April 12, 2016)
Form 30	Notice of default hearing (April 12, 2016)
Form 30A	Request for default hearing (September 1, 2005)
Form 30B	Default dispute (September 1, 2005)
Form 31	Notice of contempt motion (September 1, 2005)
Form 32	Bond (recognizance) (September 1, 2005)
Form 32.1	Request to Enforce A Family Arbitration Award (December 1, 2020)
Form 32.1A	Dispute of Request for Enforcement (October 1, 2012)
Form 32A	Notice of forfeiture motion (September 1, 2005)
Form 32B	Warrant for arrest (April 12, 2016)
Form 32C	Affidavit for warrant of committal (September 1, 2005)
Form 32D	Warrant of committal (April 12, 2016)
Form 33	Information for warrant to bring a child to a place of safety (March 1, 2018)
Form 33A	Warrant to bring a child to a place of safety (March 1, 2018)
Form 33B	Plan of care for child(ren) (Children's Aid Society) (March 1, 2018)
Form 33B.1	Answer and plan of care (parties other than Children's Aid Society) (December 1, 2020)
Form 33B.2	Answer ( <i>Child, Youth and Family Services Act, 2017</i> cases other than child protection and status review) (March 1, 2018)
Form 33C	Statement of agreed facts (child protection) (March 1, 2018)
Form 33D	Statement of agreed facts (status review) (March 1, 2018)
Form 33E	Child's consent to secure treatment (September 1, 2005)
Form 33F	Consent to secure treatment (person other than child) (May 1, 2021)
Form 34	Child's consent to adoption (November 1, 2018)
Form 34A	Affidavit of parentage (December 1, 2020)
Form 34B	Non-parent's consent to adoption by spouse (March 1, 2018)
Form 34C	Director's or local director's statement on adoption (March 1, 2018)
Form 34D	Affidavit of adoption applicant(s), sworn/affirmed (March 1, 2018)
Form 34E	Director's consent to adoption (March 1, 2018)



## TABLE OF CONTENTS

Form 34F	Parent's or custodian's consent to adoption (December 1, 2020)
Form 34G	Affidavit of adoption licensee or society employee (December 1, 2020)
Form 34G.1	Affidavit of society employee for adoption of a child in extended society care (March 1, 2018)
Form 34H	Affidavit of adopting relative or stepparent (December 1, 2020)
Form 34I	Parent's consent to adoption by spouse (December 1, 2020)
Form 34J	Affidavit of execution and independent legal advice (Children's Lawyer) (November 1, 2018)
Form 34K	Certificate of clerk (adoption) (December 1, 2020)
Form 34L	Application for openness order (March 1, 2018)
Form 34M	Consent to openness order under s. 194 of the <i>Child, Youth and Family Services Act, 2017</i> (March 1, 2018)
Form 34M.1	Consent to openness order under s. 196 or 197 of the <i>Child, Youth and Family Services Act, 2017</i> (March 1, 2018)
Form 34N	Application to change or terminate openness order (March 1, 2018)
Form 35.1	Affidavit (decision-making responsibility, parenting time, contact) (September 1, 2021)
Form 35.1A	Affidavit (child protection information) (December 1, 2020)
Form 36	Affidavit for divorce (December 1, 2020)
Form 36A	Certificate of Clerk (Divorce) (December 1, 2020)
Form 36B	Certificate of divorce (September 1, 2005)
Form 37	Notice of Hearing (December 1, 2020)
Form 37A	Information Sheet (December 1, 2020)
Form 37B	Direction to Request Further Information (December 1, 2020)
Form 37C	Notice of Continuation of Hearing (October 1, 2022)
Form 37D	Notice of Registration of Order (December 1, 2020)
Form 37E	Notice for taking further evidence (September 1, 2005)
Form 38	Notice of appeal (September 1, 2005)
Form 39	Notice of approaching dismissal (June 15, 2007)

## RULES OF THE SMALL CLAIMS COURT

Form 1A	Additional Parties (January 1, 2021)
Form 1A.1	Additional Debtors (January 23, 2014)
Form 1B	Request for Telephone or Video Conference (January 23, 2014)
Form 4A	Consent to Act as Litigation Guardian (January 1, 2021)
Form 4B	Affidavit (Motion for Payment Out of Court) (January 1, 2021)
Form 5A	Notice to Alleged Partner (January 23, 2014)
Form 7A	Plaintiff's Claim (August 1, 2022)
Form 8A	Affidavit of Service (August 1, 2022)
Form 8B	Lawyer of Paralegal's Certificate of Service (August 1, 2022)
Form 9A	Defence (August 1, 2022)
Form 9B	Request to Clerk (January 23, 2014)
Form 10A	Defendant's Claim (August 1, 2022)
Form 11A	Affidavit for Jurisdiction (January 1, 2021)
Form 11B	Default Judgment (January 1, 2021)
Form 11.2A	Request for Clerk's Order on Consent (January 1, 2021)
Form 11.3A	Notice of Discontinued Claim (January 23, 2014)
Form 13A	List of Proposed Witnesses (January 1, 2021)

Form 13B	Consent (January 23, 2014)
Form 14A	Offer to Settle (January 23, 2014)
Form 14B	Acceptance of Offer to Settle (January 23, 2014)
Form 14C	Notice of Withdrawal of Offer to Settle (January 23, 2014)
Form 14D	Terms of Settlement (January 23, 2014)
Form 15A	Notice of Motion and Supporting Affidavit (August 1, 2022)
Form 15B	Affidavit (January 1, 2021)
Form 18A	Summons to Witness (January 23, 2014)
Form 18B	Warrant for Arrest of Defaulting Witness (January 23, 2014)
Form 20A	Certificate of Judgment (January 23, 2014)
Form 20B	Writ of Delivery (January 1, 2021)
Form 20C	Writ of Seizure and Sale of Personal Property (January 1, 2021)
Form 20D	Writ of Seizure and Sale of Land (January 1, 2021)
Form 20E	Notice of Garnishment (January 1, 2021)
Form 20E.1	Notice of Renewal of Garnishment (January 1, 2021)
Form 20F	Garnishee's Statement (May 1, 2019)
Form 20G	Notice to Co-owner of Debt (January 1, 2021)
Form 20H	Notice of Examination (August 1, 2022)
Form 20I	Financial Information Form (January 23, 2014)
Form 20J	Warrant of Committal (January 1, 2021)
Form 20K	Identification Form (January 23, 2014)
Form 20L	Notice of Default of Payment (January 23, 2014)
Form 20M	Affidavit of Default of Payment (January 1, 2021)
Form 20N	Request to Renew Writ of Seizure and Sale (January 23, 2014)
Form 20O	Direction to Enforce Writ of Seizure and Sale of Personal Property (January 23, 2014)
Form 20P	Affidavit for Enforcement Request (January 1, 2021)
Form 20Q	Notice of Garnishment Hearing (January 1, 2021)
Form 20R	Notice of Termination of Garnishment (May 1, 2019)

**STATUTORY POWERS PROCEDURE ACT**

§ SPPA:1	Synopsis
1	Interpretation
§ SPPA1:1	Case Law
2	[Old s. 2 <i>repealed</i> . 1994, c. 27, s. 56(4)]
2	Liberal construction of Act and rules
3	Application of Act
§ SPPA3:1	Case Law
4	Waiver of procedural requirement
§ SPPA4:1	Case Law
4.1	Disposition without hearing
4.2	Panels, certain matters
4.2.1	Panel of one
4.3	Expiry of term
§ SPPA4.3:1	Case Law
4.4	Incapacity of member
§ SPPA4.4:1	Case Law
4.5	Decision not to process commencement of proceeding
4.6	Dismissal of proceeding without hearing

TABLE OF CONTENTS

§ SPPA4.6:1	Case Law
4.7	Classifying proceedings
4.8	Alternative dispute resolution
4.9	Mediators, etc., not compellable
5	Parties
§ SPPA5:1	Case Law
5.1	Written hearings
§ SPPA5.1:1	Case Law
5.2	Electronic hearings
§ SPPA5.2:1	Case Law
5.2.1	Different kinds of hearings in one proceeding
5.3	Pre-hearing conferences
5.4	Disclosure
§ SPPA5.4:1	Case Law
6	Notice of hearing
§ SPPA6:1	Case Law
7	Effect of non-attendance at hearing after due notice
§ SPPA7:1	Case Law
8	Where character, etc., of a party is in issue
§ SPPA8:1	Case Law
9	Hearings to be public, exceptions
§ SPPA9:1	Case Law
9.1	Proceeding involving similar questions
§ SPPA9.1:1	Case Law
10	Right to representation
§ SPPA10:1	Case Law
10.1	Examination of witnesses
§ SPPA10.1:1	Case Law
11	Rights of Witnesses to representation
12	Summonses
§ SPPA12:1	Case Law
13	Contempt proceeding
§ SPPA13:1	Case Law
14	Protection for witnesses
15	What is admissible in evidence at a hearing
§ SPPA15:1	Case Law
15.1	Use of previously admitted evidence
15.2	Witness panels
§ SPPA15.2:1	Case Law
16	Notice of facts and opinions
§ SPPA16:1	Case Law
16.1	Interim decisions and orders
§ SPPA16.1:1	Case Law
16.2	Time frames
17	Decision
§ SPPA17:1	Case Law
17.1	Costs
§ SPPA17.1:1	Case Law
18	Notice of decision

- 19 Enforcement of orders
  - § SPPA19:1 Case Law
- 20 Record of proceeding
  - § SPPA20:1 Case Law
- 21 Adjournments
  - § SPPA21:1 Case Law
- 21.1 Correction of errors
- 21.2 Power to review
  - § SPPA21.2:1 Case Law
- 22 Administration of oaths
- 23 Abuse of processes
  - § SPPA23:1 Case Law
- 24 Notice, etc.
- 25 Appeal operates as stay, exception
  - § SPPA25:1 Case Law
- 25.0.1 Control of process
  - § SPPA25.0.1:1 Case Law
- 25.1 Rules
- 26 Regulations
- 27 [Old s. 27 *repealed*. 1994, c. 27, s. 56(40).]
- 28 [Old s. 28 *repealed*. 1994, c. 27, s. 56(40).]
- 27 Rules, etc., available to public
- 28 Substantial compliance
- 29 Prohibition on photographs, recordings, dissemination
- 30 [*Repealed*. 1994, c. 27, s. 56(40).]
- 31 [*Repealed*. 1994, c. 27, s. 56(40).]
- 32 Conflict
  - § SPPA32:1 Case Law
- 33 [*Repealed*. 1994, c. 27, s. 56(43).]
- 34 [*Repealed*. 1994, c. 27, s. 56(43).]

**EVIDENCE ACT**

- 1 Definitions
- 2 Application of Act

**ADMINISTRATION OF OATHS AND AFFIRMATIONS**

- 3 Authorized persons
- 4 Certification

**RECORDINGS AND TRANSCRIPTS OF EVIDENCE**

- 5 Recording
  - § EA5:1 Case Law
- 6 Witnesses, not incapacitated by crime, etc.
- 7 Admissibility notwithstanding interest or crime
- 8 Evidence of parties
- 9 Witness not excused from answering questions tending to criminate
- 10 Evidence in proceedings in consequence of adultery
  - § EA10:1 Case Law

TABLE OF CONTENTS

11	Communications made during marriage
12	Expert evidence
	§ EA12:1 Case Law
13	Actions by or against heirs, etc.
	§ EA13:1 Case Law
14	Actions by or against incapable persons, etc.
	§ EA14:1 Case Law
15	Use of examination for discovery of officer or employee of corporation at trial
16	Mode of administering oath
17	Affirmation in lieu of oath
18	Presumption of competency
18.1	Evidence of witness under 14
18.2	Corroboration not required, witness under 14
18.3	Videotaped testimony, witness under 18
18.4	Special measures, witness under 18
18.5	Support person, witness under 18
18.6	Personal cross-examination by adverse party
19	Attendance of witnesses
20	Examination of witnesses, proof of contradictory written statements
21	Proof of contradictory oral statements
22	Proof of previous conviction of a witness
22.1	Proof of conviction or discharge
	§ EA22.1:1 Case Law
23	How far a party may discredit his or her own witness
	§ EA23:1 Case Law
24	Letters patent
24.1	[ <i>Repealed</i> without coming into force 2006, c. 21, Sch. F, s. 110.]
24.2	[ <i>Repealed</i> without coming into force 2006, c. 21, Sch. F, s. 110.]
25	Copies of statutes, etc.
	§ EA25:1 Case Law
26	Proclamations, orders, etc.
27	Orders signed by Secretary of State or member of Executive Council
28	Notices in Gazette
29	Public or official documents
30	Privilege in case of official documents
30.1	Sharing of information within public sector not affecting privilege
31	Copies of entries
32	Copies of public books or documents
33	Books and Records of Banks
34	Prints from Photographic Film
34.1	Electronic Records
35	Business Records
	§ EA35:1 Case Law
36	Judicial notice to be taken of signatures of judges, etc.
37	Proof of handwriting, when not required
38	Foreign judgments, etc., how proved
39	Copies of notarial acts in Quebec admissible
40	Protests of bills and notes

- 41 Effect of certain certificates of notaries
- 42 Proving titles under Small Claims Court executions
- 43 Solemn declaration
- 44 Oaths, etc., administered by commissioned officers
- 45 Oaths, etc., administered outside Ontario
- 46 Formal defects, when not to vitiate
- 47 Affidavit sworn by solicitor for a party
- 48 Admissibility of copies of depositions
- 49 Effect of probate, etc., as evidence of will, etc.
- 50 Proof in the case of will of real estate filed in courts outside Ontario
- 51 Military records
- 52 Reports and Evidence and Evidence of Practitioners
  - § EA52:1 Case Law
- 53 Registered Instruments
- 54 Filing copies of official documents
- 55 Proof of certain written instruments
- 56 Where no attestation required
- 57 Comparison of disputed writing with genuine
- 58 Where instruments offered in evidence may be impounded
- 59 Evidence dispensed with under Vendors and Purchasers Act
- 60 Evidence for foreign tribunals
  - § EA60:1 Case Law

**ENVIRONMENTAL BILL OF RIGHTS, 1993**

- § EBR:1 Synopsis

**PART VI RIGHT TO SUE**

**HARM TO A PUBLIC RESOURCE**

- 82 Definitions
- 83 Application of ss. 84 to 102
- 84 Right of action
- 85 Defence
- 86 Role of Attorney General
- 87 Public notice of action
- 88 Notice to protect interest
- 89 Participation in action
- 90 Stay or dismissal in the public interest
- 91 Discontinuance and abandonment
- 92 Interlocutory injunctions: plaintiff's undertaking to pay damages
- 93 Remedies
- 94 When order to negotiate not to be made
- 95 Restoration plans
- 96 Orders ancillary to order to negotiate
- 97 If parties agree on restoration plan
- 98 Court developed restoration plan
- 99 Estoppel
- 100 Costs
- 101 Stay on appeal

TABLE OF CONTENTS

102 Limitations

**PUBLIC NUISANCE CAUSING ENVIRONMENTAL HARM**

103 Public nuisance causing environmental harm

**PART VIII GENERAL**

117 Delegation

118 No judicial review

§ EBR118:1 Case Law

119 Protection from personal liability

120 Crown bound

**THE LAW SOCIETY ACT**

Practice Direction 1 Class Proceedings Committee (January 2023)

Practice Direction 2 Class Proceedings Committee (May 2019)

Practice Direction 3 Class Proceedings Committee (May 2019)

Practice Direction 4 Class Proceedings Committee (January 2023)

Practice Direction 5 Class Proceedings Committee (January 2021)

**THE LAW FOUNDATION OF ONTARIO**

52 Definitions

53 Foundation continued

54 Board of trustees

55 Objects

56 Powers of Foundation

57 Interest on trust funds - Trust funds to bear interest

57.1 Joint trust accounts

57.2 Immunity

58 Report by Society

59 Regulations

59.1 Class Proceedings Fund

59.2 Class Proceedings Committee

59.3 Applications by plaintiffs

§ LSA59.3:1 Case Law

59.4 Applications by defendants

§ LSA59.4:1 Case Law

59.5 Regulations

§ LSA59.5:1 Case Law

**LEGISLATION ACT, 2006**

**PART I GENERAL**

1 Definitions

2 Role of Attorney General

3 Designation by Chief Legislative Counsel

4 Duty, obsolete Acts

**PART II STATUTES**

- 5 Citation of Acts
- 6 Enacting clause
- 7 Power to amend or repeal
- 8 Commencement of Acts
- 9 Time of commencement and repeal - Commencement
- 10 Exercise of delegated power before commencement
- 10.1 Repeal of unproclaimed Acts, provisions
- 11 Endorsements on Acts
- 12 Reserved bills
- 13 Judicial notice
- 14 Copies for publication
- 15 Publication
- 16 Regulations

**PART III REGULATIONS**

- 17 Definitions
- 18 Filing of regulations
- 19 Filing date
- 20 Registrar's discretion not to file
- 21 Registrar's duty not to file
- 22 When regulation effective
  - § LA22:1 Case Law
- 23 Time of commencement and revocation - Commencement
- 23.1 Exercise of delegated power before commencement
- 24 Proof of making, approval, filing and publication - When made
- 25 When published
- 26 Pre-publication corrections
- 27 Post-publication corrections
- 28 No validation
- 29 Judicial notice
- 30 Citation of regulations
- 31 Registrar
- 32 Regulations
- 33 Standing committee

**PART IV PROOF OF LEGISLATION**

- 34 Official law
- 35 Official copy
- 36 Presumption, printed by King's Printer
- 37 Presumption, accessed from e-Laws
- 38 Official copies of source law as evidence
- 39 Official copies of consolidated law as evidence
- 40 e-Laws, provisions not in force
- 41 Regulations



## TABLE OF CONTENTS

### **PART V CHANGE POWERS**

- 42 Editorial and other changes
- 43 Notice of change
- 44 Date of change
- 45 Interpretation

### **PART VI INTERPRETATION**

#### **APPLICATION**

- 46 Application to Acts and regulations
- 47 Contrary intention or context requiring otherwise
- 48 Existing and future legislation
- 49 Other documents
- 50 Interpretation and definition provisions

#### **LEGISLATIVE CHANGES**

- 51 Effect of repeal and revocation
- 52 Effect of amendment and replacement - Application
- 53 Effect of repeal and revocation on amendments
- 54 Regulations - power to make, amend, etc.
- 55 Obsolete regulations
- 56 No implication
- 57 No revival

#### **REFERENCES**

- 58 Reference to Act or regulation includes reference to individual provisions
- 59 References to Ontario legislation
- 60 References to other Canadian legislation
- 61 Static incorporation of foreign legislation
- 62 Incorporation of documents by reference

#### **GENERAL RULES OF CONSTRUCTION**

- 63 Law always speaking
- 64 Rule of liberal interpretation
  - § LA64:1 Case Law
- 65 Bilingual texts
- 66 Bilingual names
- 67 Number
- 68 Gender

#### **PREAMBLES AND REFERENCE AIDS**

- 69 Preambles
- 70 Reference aids

**CROWN**

- 71 Crown not bound, exception
- 72 Succession

**PROCLAMATIONS**

- 73 How proclamations issued
- 74 Judicial notice
- 75 Amendment and revocation - restriction

**APPOINTMENTS, POWERS AND DELEGATION**

- 76 Appointments
- 77 Implied powers
- 78 Incidental powers
- 79 Performance when occasion requires
- 80 Powers and duties remain despite delegation
- 80.1 Delegation of regulation-making power
- 81 Survival of delegation

**REGULATIONS AND FORMS**

- 82 General or particular
- 83 Fee regulations
- 84 Deviations from required form

**DEFINITIONS**

- 85 Different forms of defined terms
- 86 Terms used in regulations
- 87 Definitions

**TIME**

- 88 Holidays
- 89 Computation of time - Holidays
- 90 Age

**MISCELLANEOUS**

- 91 Private Acts
- 92 Corporations, implied provisions
- 93 Majority
- 94 Reference to series
- 95 Oaths, affirmations and declarations
- 96 Requirements for security and sureties - Security
- 97 Immunity provisions

**PART VII UNCONSOLIDATED ACTS AND REGULATIONS**

- 98 to 99 Omitted. Amends and repeals other Acts.
- 100 Resolution of Uncertainty or Transition

TABLE OF CONTENTS

**PART VIII AMENDMENTS AND REPEALS**

101 to 144 Omitted. Amends and repeals other Acts.

**LEGAL AID SERVICES ACT, 2020**

**PURPOSE AND INTERPRETATION**

- 1 Purpose
- 2 Definitions

**LEGAL AID SERVICES**

- 3 Legal aid services
- 4 Areas of law in which legal aid services provided
- 5 Manner of providing legal aid services
- 6 Considerations respecting the provision of legal aid services
- 7 Eligibility for legal aid services
- 8 Legal aid services to be provided without cost
- 9 Contribution
- 10 Requirements respecting information
- 11 Specific assignments
- 12 Costs orders by court unaffected by legal aid services
- 13 Charges for recovery of legal aid costs Charge on sum recovered
- 14 Registration of lien against land
- 15 Legal aid services where legally required

**LEGAL AID ONTARIO**

- 16 Corporation continued
- 17 Objects
- 18 Powers of the Corporation Powers of a natural person
- 19 Personal information
- 20 Application of other laws
- 21 Board of directors
- 22 Chief executive officer
- 23 Board to act responsibly
- 24 Employees
- 25 By-laws
- 26 Delegation by the board

**ACCOUNTABILITY, FINANCES AND ADMINISTRATION**

- 27 Financial statements Fiscal year
- 28 Annual budget
- 29 Government funding
- 30 Other sources of funding
- 31 Corporation's money not part of Consolidated Revenue Fund
- 32 Reports
- 33 Public consultation policy

**GENERAL**

- 34 Non-application of Statutory Powers Procedure Act
- 35 Determinations, decisions final
- 36 Commissioners for taking affidavits
- 37 Personal immunity
- 38 Corporation not liable for service providers
- 39 Compellability of witnesses
- 40 Privileged communications
- 41 Solicitor-client relationship
- 42 Prohibition on information disclosure
- 43 Evidence of Corporation documents
- 44 Other payments prohibited
- 45 Offences

**RULES AND REGULATIONS**

- 46 Rules
- 47 Regulations
- 48 General or particular, classes

**AMENDMENT TO THIS ACT**

- 49 Amendment to this Act

**REPEAL, REVOCATIONS AND AMENDMENTS TO OTHER ACTS**

- 50 Repeal
- 51 Repeal
- 52 *Children's Law Reform Act*
- 53 *Family Law Act*
- 54 *Freedom of Information and Protection of Privacy Act*
- 55 *Health Care Consent Act, 1996*
- 56 *Law Society Act*
- 57 *Members' Integrity Act, 1994*
- 58 *Registry Act*
- 59 *Substitute Decisions Act, 1992*

**COMMENCEMENT AND SHORT TITLE**

- 60 Commencement
- 61 Short title

**APPENDICES**

Appendix A. Frequently Called Numbers

**Appendix B. Practice Directions**

- B1. COVID-19 Practice Directions
- B2. Consolidated Civil Provincial Practice Direction
- B3. Consolidated Provincial Practice Direction for Family Proceedings at the Superior Court of Justice
- B4. Consolidated Provincial Practice Direction for Criminal

TABLE OF CONTENTS

- Proceedings
- B5. Consolidated Practice Direction for Divisional Court Proceedings
- B6. Consolidated Practice Direction Concerning the Commercial List
- B7. The Guide Concerning Commercial List E-Service
- B8. Commercial List and Estates List Filing Direction
- B9. Practice Advisory Concerning the Superior Court of Justice's Binding Judicial Dispute Resolution (JDR) Pilot Project
- B10. Practice Advisory Concerning Electronic Documents in Commercial List Proceedings
- B11. Publication Ban Requests in the Superior Court of Justice
- B12. Self-Represented Accused Persons Before the Pre-Trial Conference
- B13. The Guide Concerning e-Delivery of Documents in the Ontario Superior Court of Justice
- B14. Guidelines To Determine Mode of Proceeding in Civil
- B15. Guidelines to Determine Mode of Proceeding in Family
- B16. Guidelines to Determine Hearing Method in the Small Claims Court
- B17. Practice Direction Concerning Civil Proceedings in Central East Region
- B18. Consolidated Practice Direction Concerning Family Cases in Central East Region
- B19. Notice to the Profession—Protocol for Civil Proceedings Central East Region
- B20. Notice to the Profession and Parties—Protocol for Civil Trials
- B21. Practice Advisory Concerning Long Motions in the Central East Region
- B22. Notice to the Family Law Bar and Family Litigants — Simcoe, Muskoka, Peterborough, Lindsay, Cobourg, Oshawa, and Newmarket
- B23. Consolidated Practice Direction for the Northeast Region
- B24. Consolidated Practice Direction Concerning Family Cases for the Northeast Region
- B25. Notice to the Profession — Sudbury Family Long Motion Protocol
- B26. Notice To The Profession, The Parties, And The Public Regarding Proceedings In The Northeast Region
- B27. Consolidated Practice Direction for the Northwest Region
- B28. Binding JDR—Notice to the Family Law Bar and Family Litigants—Northwest
- B29. Notice to the Profession—Family Law Case Conferences and Settlement Conferences in the Northwest Region

- B30. Notice to the Civil, Family and Criminal Bar
- B31. Consolidated Practice Direction for the East Region
- B32. Practice Direction Regarding Family Cases in the Superior Court of Justice East Region
- B33. Practice Advisory concerning videoconference attendances in the Belleville Family Court
- B34. Notice to the Public and the Profession in East Region
- B35. Notice to the Profession and Parties—Central West Region
- B36. Consolidated Practice Direction for the Central South Region
- B37. Notice to the Profession, Parties and Public for Central South Region
- B38. Notice to the Family Law Bar and Family Litigants—Central South Region
- B39. Practice Advisory Concerning Long Motions in the City of Welland
- B40. Consolidated Practice Direction for the Southwest Region
- B41. Notice to the Profession and Parties — Expansion of CaseLines Proceedings in Southwest Region
- B42. Notice to the Family Law Bar and Family Litigants—London Unified Family Court Branch
- B43. Notice to the Profession—Modes of Proceedings
- B44. Consolidated Practice Direction Concerning Family Cases in the Toronto Region
- B45. Consolidated Practice Direction Concerning the Estates List in the Toronto Region
- B46. Consolidated Practice Direction for Civil Actions, Applications, Motions and Procedural Matters in the Toronto Region
- B47. Notice to Profession and Parties—Toronto Region
- B48. Practice Advisory Concerning Family Long Motions in the Toronto Region
- B49. Virtual Courtroom Etiquette

**Table of Cases**

**Index to Forms**

**Index to Legislation**